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Preface

Indian Polity & Governance

Dear Learner,

Polity is considered to be one of the pillars of UPSC examination, be it Prelims or Mains. As civil servants, aspirants are expected to understand the constitution and constitutional spirit, observe the laws of the land and their rules. They are also expected to review these laws and rules to make them more contemporary and address emerging situations.

In the present volume of our Prelims Compass, we have tried to embrace this spirit of polity. We have tried to cover the most topical issues of constitutional and legal developments, which to us are most important from the perspective of the coming exam. Usually fifteen percent of questions asked in the Prelims are related to the polity section with most questions directly from the Constitution itself. Thus, we have added a quick overview of the constitution for fast revision.

The magazines also comes with 100 practice MCQs which will help students to test their knowledge and understand their level of preparation for upcoming exam.

We would recommend students to use the booklet along the RAUs IAS QUALITY IMPROVEMENT PROGRAM to get best coverage and understanding about these topics. We hope that this book will be a handy tool for learning and revising and ultimately your success.

We hope for your success.

Regards,

Rau's IAS Study Circle.

Themes asked in Prelims Exam in the last Three Years

INDIAN POLITY & GOVERNANCE		
PRELIMS 2020 - TOPICS	PRELIMS 2019 - TOPICS	PRELIMS 2018 - TOPICS
1. Parliamentary system of government	1. Sarkaria commission	1. Leader of opposition
2. DPSP / Part IV (3 questions)	2. Functions of Parliamentary Committees	2. Ninth Schedule
3. Basic Structure, Judicial review	3. Judicial review	3. Rule of law index
4. Bureaucracy	4. Definition of liberty	4. Article 356 - Consequence of imposition
5. Preamble	5. Article 142 - Supreme Court	5. Parliamentary Committees
6. RPA - 1951	6. Legislative assembly of state	6. Right to Privacy
7. Functioning of Parliament	7. Article 21	7. Money bill
8. Rajya Sabha vs Lok Sabha	8. Amendments - 44th, 99th	8. Election of President
9. Fundamental Rights	9. Impeachment of Judges	9. Speaker
10. Definition - Constitutional government	10. Ninth Schedule	10. Laws vs Liberty
11. Universal declaration of Human Rights	11. Office of profit	11. Governor - Immunity
	12. Fifth schedule	12. Features of Rule of Law

SECTION 1

TERMS

TERMS	MEANING
ABSOLUTISM	<p>The political doctrine and practice of unlimited centralized authority and absolute sovereignty, as vested especially in a monarch or dictator. Ruling power is not subject to regularized challenge or check by any other agency, be it judicial, legislative, religious, economic, or electoral.</p> <p>Similar to Divine Rights Theory that a King has absolute right over his subjects.</p>
ANARCHISM	<p>Having no government; Equality and justice are to be sought through the abolition of the state and the substitution of free agreements between individuals; Society is natural but is corrupted by artificial institutions. Also central in anarchism are the belief in individual freedom and the denial of any authority, particularly that of the state, that hinders human development.</p>
ARISTOCRACY	<p>Government by a social elite typically comprising people of noble birth holding hereditary titles and offices. In the West the political concept of aristocracy derives from Plato's formulation in the Republic.</p>
AUTONOMY	<p>Limited self-government or self-rule short of independence of a political state or, more frequently, of a subdivision. Autonomy within empires has frequently been a prelude to independence, as in the case of the evolution of the British Empire into the Commonwealth of Nations, containing both autonomous and completely sovereign states.</p>
BICAMERAL SYSTEM	<p>Governmental system dividing the legislative function between two chambers, an upper chamber, such as the U.S. Senate, British House of Lords, Rajya Sabha for India and a lower chamber - such as the U.S. House of Representatives, British House of Commons, Lok Sabha etc.</p>
CAPITALISM	<p>Also called Free Market Economy in which most means of production are privately owned and production is guided and income distributed based on market operations.</p>
CITIZENSHIP	<p>Relationship between an individual and a state to which the individual owes allegiance and in turn is entitled to its protection. Citizenship implies the status of freedom with accompanying responsibilities.</p>
CIVIL SOCIETY	<p>Civil society is the name given to the broad arena which lies beyond the private domain of the</p>

	family, but outside the domain of both state and market. Civil society is the non-state and non-market part of the public domain in which individuals get together voluntarily to create institutions and organisations.
COLONIALISM	Colonialism is a practice or policy of control by one people or power over other people or areas, often by establishing colonies and generally with the aim of economic dominance.
COMMUNISM	<p>Political and economic doctrine that aims to replace private property and a profit-based economy with public ownership and community control of at least the major means of production (e.g., mines, mills, and factories) and the natural resources of a society. Communist thought also believes that violence is a legitimate means to create a just society.</p> <p>Karl Marx: He believed that there was anti-thetical relationship between owners of capital and owners of labour. This mutual conflict between capital and labour lead to alienation of laboring classes. This fundamental conflict was reflected in all structures of society. Hence, State was a product of this conflict and wanted to extract surplus from labour for the benefit of Capital (Bourgeoisie).</p>
COMMUNITY IDENTITY	Community identity is based on birth and 'belonging' rather than on some form of acquired qualifications or 'accomplishment'.
DEMOCRACY	The term originated in ancient Greece to designate a government where the people share in directing the activities of the state, as distinct from governments controlled by a single class, select group, or autocrat. The word comes from demos '(common) people' and kratos 'strength'
DIRECT DEMOCRACY	<p>Direct democracy or pure democracy is a form of democracy where citizens participate directly in the decision making process through voting – for example referendum on any issue. The decision for BREXIT was taken by the government of UK based on voting by the citizens. Tools of Direct Democracy:</p> <ol style="list-style-type: none"> 1. Recall: Citizens can vote remove an elected official before the end of their term. 2. Referendum: Citizens can vote on important policy decisions. 3. Plebiscite: a vote by which the people of an entire country or district express an opinion for or against a proposal especially on a choice of government or ruler 4. Initiative: Citizens have the ability to propose
INDIRECT or REPRESENTATIVE DEMOCRACY	Representative democracy, also known as indirect democracy is a type of democracy founded on the principle of elected persons representing a group of people, as opposed to direct democracy. Elections to Lok Sabha and State Assemblies are example of Indirect Democracy. Whereas decision taken by Gram Sabha is an example of direct democracy.
DELIBERATIVE DEMOCRACY	Deliberative democracy or discursive democracy is a form of democracy in which deliberation is central to decision-making . It adopts elements of both consensus decision-making and majority rule. Deliberative democracy differs from traditional democratic theory in that authentic deliberation, not mere voting, is the primary source of legitimacy for the law.
DESPOTISM	Government by an absolute ruler unchecked by effective constitutional limits to his power. In Greek usage, a despot was ruler of a household and master of its slaves.
DOMINION	The term Dominion was used from 1907 to 1948 to refer to one of several self-governing colonies of the British Empire.
EMBARGO	Prohibition by a country of the departure of ships or certain types of goods from its ports.
EXILE	Removal of a national from his or her country, or the civilized parts of it, for a long period of time or for life. Exile may be a forceful expulsion by the government or a voluntary removal by the citizen, sometimes in order to escape punishment.

EXPATRIATION	Expatriation is the voluntary departure from one's native country to another country to live there permanently or for an extended period of time. A person who does this can be called an expatriate. An expatriate can also be an individual who has relinquished citizenship in their home country to become a citizen of another.
HECKLER'S VETO	It is a process by which socially powerful groups can shut down critical or inconvenient speech by threatening public disorder or disturbance.
IMPERIALISM	Extension of rule or influence by one government, nation, or society over another through colonization, use of military force, or other means.
PRESSURE GROUPS	Pressure groups are organisations that attempt to influence government policies without actively being part of political party or process. These organisations are formed when people with common occupation, interest, aspirations or opinions come together in order to achieve a common objective
MOVEMENT	Like an interest group, a movement also attempts to influence politics rather than directly take part in electoral competition. But unlike the interest groups, movements have a loose organisation. Their decision making is more informal and flexible. They depend much more on spontaneous mass participation than an interest group.
NATION	Large body of people united by common descent, history, culture, or language, inhabiting a particular country or territory.
REVOLUTION	Fundamental and violent change in the values, political institutions, social structure, leadership, and policies of a society.
SOCIALISM	A political and economic theory of social organization which advocates that the means of production, distribution, and exchange should be owned or regulated by the community as a whole. As per socialism, everything that people produce is in some sense a social product, and everyone who contributes to the production of a good is entitled to a share in it. Society as a whole, therefore, should own or at least control property for the benefit of all its members. Marxism and Communism is a sub-school of socialism. However, classical socialism believes that democratic processes can be invoked to create a just society.
Kautilya's Theory	<p>Saptanga Theory: State is understood with 7 pillars:</p> <ol style="list-style-type: none"> 1) Swami (King) 2) Amatya (Ministers or Bureaucracy) 3) Janapada (Territory) 4) Durga (Fort) 5) Kosha (Finances) 6) Danda (Military Power) 7) Mitra (Allies of State) <p>The king is the most important pillar of the State. Kautilya believed that if the King was effective he could pull the state together. He gave an example of a cart with broken wheels, with the King akin to a Bullock. If the bullock was strong it can pull the cart even if the cart was broken. If the state was not well-functioning it will lead to Matsya-Nyaya where a larger fish eats a smaller fish i.e. rule of the powerful and not rule of law.</p> <p>Mandala Theory: The theory of Mandala is based on the geographical assumption that the immediate neighbor state of a given state is most likely to be an enemy and a state next to the immediate neighbor is likely to be one's friend.</p>
Political Ideas of Mahatma Gandhi	1. Oceanic Circle: It highlights Gandhiji's belief of social organization. Oceanic Circle reflects his emphasis on decentralization and empowerment of Panchayats.

	<p>2. Trusteeship: Owners of capital are trustees of capital and not owners. They manage the affairs of enterprise for the collective benefit of all.</p> <p>3. Anarchism: Gandhiji believed that in an ideal situation state was not required as state's basis was violence.</p> <p>4. Swaraj: Swaraj is not just freedom but liberation in redeeming one's self-respect, self-responsibility, and capacities for self-realisation from institutions of dehumanisation. (Not merely freedom but freedom at internal level and emancipation as well)</p>
Federalism	<p>1. Symmetric Federalism: Powers and position of all constituting units are similar.</p> <p>2. Asymmetric Federalism: Powers and positions of all constituting units are not similar. For ex in India, different states have different position in Lok Sabha and Rajya Sabha. Concept of Union Territories. Concept of Special powers such as in Article 371 (A to K) display asymmetric nature of Indian federalism</p> <p>3. Quasi-federalism: It was a term used by K C Wheare for Indian federalism. This meant that Indian federalism has features of Unitary Government (UK) and Federalism (USA).</p>
Consociationalism	<p>Refers to power sharing in a democracy. A consociational state is one which has major internal divisions along ethnic, religious, or linguistic lines, with none of the divisions large enough to form a majority group, but which remains stable due to consultation among the elites of these groups. Leads to formation of coalitions in democracies.</p>
Social Contract Theory	<p>According to the Social Contract Theory, man lived in a state of nature initially. However, to give structure to life and political arena, people came together and negotiated between them certain rules for orderly functioning of society based on moral arguments.</p> <p>In the Preamble of Indian Constitution, We the people of India reflects that the Indian Constitution was a product of a Social Contract.</p>
Equality	<p>Right of different social groups of people to have a similar social position and receive same treatment. Absence of Privileges.</p>
Liberty or Freedom	<p>Freedom as the absence of external constraints, and freedom as the expansion of opportunities to express one's self.</p> <p>Two concepts of Liberty</p> <p>1) Positive Liberty: It is concerned with looking at the conditions and nature of the relationship between the individual and society and of improving these conditions such that there are fewer constraints to the development of the individual personality. The individual to develop his or her capability must get the benefit of enabling positive conditions in material, political and social domains.</p> <p>2) Negative liberty seeks to define and defend an area in which the individual would be inviolable, in which he or she could 'do, be or become' whatever he or she wished to 'do, be or become'. This is an area in which no external authority can interfere.</p>
Rights	<p>Rights are state recognized claims that every individual regards necessary for his social, economic and political development. Rights are given to individuals to protect them from excesses of state power being abused.</p> <p>Types of rights:</p> <p>1. Natural Rights: Rights are endowed to individuals which are recognized because it is considered natural for individuals to have those.</p> <p>2. Human Rights: Rights an individuals get by virtue of being humans. (Ex. UDHR)</p> <p>3. Fundamental Rights: Rights endowed as fundamental rights by the constitution.</p>
Republic	<p>A republic is a form of government in which "power is held by the people and their elected representatives". In republics, the country is considered a "public matter", not the private</p>

	concern or property of the rulers.
Rule of Law	<p>Rule of law means the absolute supremacy or predominance of the regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness or even of wide discretionary authority on the part of the government.</p> <p>Procedural aspects:</p> <ol style="list-style-type: none"> 1. Independent and impartial courts to settle disputes 2. Right to representation by counsel 3. Supremacy of Law: Nobody can be punished else for breach of law
Indian Secularism	<p>Secularism in the Western World is thought to be as separation between State and religious affairs.</p> <p>However, Indian model of secularism despite maintaining a separation from religious affairs maintains a positive relationship with religious aspects. Thus, Indian Constitution allows State to positively engage with religious aspects which is called theory of principled distance.</p> <p>Principled Distance: A secular state may keep a principled distance from religion to promote peace between communities and it may also intervene to protect rights of specific communities.</p>

SECTION 2

CURRENT AFFAIRS & RELATED CONCEPTS

PREAMBLE

► CELEBRATING CONSTITUTION DAY

- 26th November, 2020 marked the 71st Anniversary of the adoption of our Constitution.
- In 2015, commemorating Babasaheb Ambedkar's 125th birth anniversary, the Government decided to celebrate **November 26 as the Constitution Day**.
- Constitution of India was adopted on 26th November, 1949 (as stated in the Preamble) and came into effect on 26th January, 1950 – the day we celebrate our Republic Day.

► PURPOSE OF PREAMBLE

- Contains the enacting clause which brings the Constitution into force.
- Declares rights and freedoms which people of India intend to secure for all its citizens.
- Declares basic type of government and polity which is to be established in India.
- Throws light on the source of the Constitution -- WE, THE PEOPLE OF INDIA

► IMPORTANT FACTS FOR PRELIMS

- **Constitution 42nd Amendment** added the term – SOCIALIST, SECULAR and INTEGRITY.
- According to the Supreme Court, Preamble provides for social, economic and political justice to establish an egalitarian social order, which is further elaborated in the Directive Principles.
- However, Supreme Court in **Kesavananda Bharati v Union** of India reversed Berubari Judgment and declared that **Preamble is part of the Constitution** and the Constitution should be read and interpreted in the light of the grand and noble vision expressed in the Preamble.
- Supreme Court also held that Preamble is not a source of power nor a source of limitations.
- Preamble to UN Charter also starts with... WE THE PEOPLES OF THE UNITED NATIONS DETERMINED..

UNION, STATES & UNION TERRITORIES

► UT STATUS FOR J& K TEMPORARY

- Government announced its intention to restore full statehood to J&K at an appropriate time. Restoration

of statehood will occur under **Article 3** of the Indian Constitution.

- **Article 3 of the Indian Constitution empowers the Parliament to form new states or Union Territories**, alter areas, boundaries or names of existing states or Union Territories.

ARTICLE 370 REVOKED BY GOVERNMENT

- Government of India through a **Presidential Order of 2019** issued under **Article 370(1)** **ENDED the special status granted to Kashmir**.
- **The 2019 Order also ended the special status to J&K's residents** granted under **Article 35A** of the Indian Constitution.
- Government also enacted **The Jammu and Kashmir (J&K) Reorganisation Act, 2019** which
 - Ended the statehood of J&K and
 - Converted the state into two Union Territories of J&K and Ladakh.
- **The UT of J&K will also have a Legislative Assembly** on the patterns of Delhi and Puducherry.

JAMMU AND KASHMIR REORGANISATION (AMENDMENT) BILL, 2021

- **It seeks to merge the All-India Services J&K cadre** with the Arunachal Pradesh, Goa, Mizoram Union Territory (AGMUT) cadre.
- **It amends Article 239A** which provides for creation of local Legislatures or Council of Ministers or both for certain Union territories to provide for Legislative Assembly for UT of Jammu and Kashmir.

► STEPS TAKEN BY GOI TO INTEGRATE JAMMU & KASHMIR

A. ENDING SPECIAL STATUS PROVIDED THROUGH ARTICLE 35A

- Article 35A was added to the Indian Constitution through **The Constitution (Application to Jammu and Kashmir) Order, 1954** under Article 370(1) of the Indian Constitution.
- **Article 35A applied to permanent residents** of the State of Jammu and Kashmir. Article 35A conferred following special rights to permanent residents in the following areas:
 - employment under the State Government
 - acquisition of immovable property in the State
 - settlement in the State
 - right to scholarships and such other forms of aid as the State Government may provide

B. EXPANSION OF DOMICILE IN J&K

- The term **"Permanent Resident"** as per **Article 35A** has been replaced by **"Domicile of Union territory of Jammu and Kashmir"** as per an order of Ministry of Home Affairs (MHA).
- MHA has expanded the scope of persons domiciled in the UT of J&K including those
 - who has resided for a period of 15 years in the UT of J&K or
 - who has studied for a period of seven years and appeared in Class 10th /12th examination in an educational institution located in the UT of J&K or
 - who is registered as a migrant by the Relief and Rehabilitation Commissioner (Migrants).
 - Children of government servants who have served in J&K for more than 10 years.
 - Children of residents of J&K who reside outside J&K due to professional reasons, but whose parents are entitled to domicile status of J&K.

C. MHA NOTIFICATION ON FUNCTIONS & JURISDICTION OF LG & CM

- MHA has notified **The Transaction of Business of the Government of Union Territory of Jammu and Kashmir Rules, 2019** that specify the functions of the Lieutenant-Governor (L-G) and the Council of Ministers (CoM).
- J&K has been without a Chief Minister since June 2018. According to the requirements of the Jammu and Kashmir Reorganisation Act, 2019, fresh elections will be held after the delimitation exercise is completed.

D. THE FOLLOWING WILL FALL UNDER L-G'S JURISDICTION

- **Police, Public Order, All India Services and Anti-corruption** will fall under the executive functions of the L-G, implying that the Chief Minister or the Council of Ministers will have no say in their functioning.
- **Matters affecting peace and tranquility, the interest of any minority community, the Scheduled Castes, the Scheduled Tribes and the Backward Classes** shall essentially be submitted to the Lieutenant Governor through the Chief Secretary, under intimation to the Chief Minister, before issuing any orders.

E. JURISDICTION OF COUNCIL OF MINISTER

- **Non-All India Services officers** - The Council of Ministers, led by the CM, will decide service matters of

non-All India Services officers, proposal to impose new tax, land revenue, sale grant or lease of government property, reconstituting departments or offices and draft legislation.

F. IN CASES OF DIFFERENCE OF OPINION BETWEEN COM & LG

Decision of LG is final if matter not resolved within 30 Days

- **Step 1** - If matter not resolved, LG can refer such matter to the Council of Ministers.
- **Step 2** - If difference of opinion persists, Council of Minister shall convey its decision not later than 15 days from the date when the matter was referred by the LG.
- **Step 3** - In case no such decision is received within 15 days from the date of such reference by LG, the decision of LG shall be deemed to have been accepted by the Council of Ministers.

G. REFERENCE TO CENTRAL GOVERNMENT IN CASE OF DIFFERENCE OF OPINION

- In case of difference of opinion between LG & COM, the LG shall refer the matter to the Central Government for the decision of the President and shall act according to the decision of the President.
- So now, the President of India will have the final say on any matter over which differences may arise between the LG and J&K's Council of Ministers.
- Further, the LG of J&K has also been empowered to pass directions in such situations that action taken by the Council of Ministers will be suspended for as long as it takes the President of India to decide on the cases referred to her.

H. COMMUNICATION WITH CENTRE ON IMPORTANT MATTERS

- The rules state that any matter which is likely to bring the Government of the Union territory into controversy with the Central Government or with any State Government shall be brought to the notice of the L-G and the CM by the Secretary concerned through the Chief Secretary.
- All communications received from the Centre, including those from the Prime Minister and other Ministers shall as soon as possible after their receipt, be submitted by the Secretary to
 - Chief Secretary,
 - Minister in charge,
 - Chief Minister and
 - L-G for information.

J. OTHER CHANGES BY MHA - (OUTSIDERS CAN BUY LAND IN J&K AND LADAKH)

- **Amending The J&K Land Revenue Act, 1996 by MHA** - Allows anyone to buy land in the two UTs with an exception of agricultural land, which can only be transferred or sold to an agriculturist.
- The government however can authorise an agriculturist to alienate land to a non-agriculturist for sale/gift/exchange.
- Thus, the amended laws
 - **Ended the exclusive rights of "permanent residents" over land in J&K**
 - **Has opened up urban or non-agricultural land for purchase by outsiders including investors,**
 - **provides for setting up of an industrial development corporation,**
- **Declaring Strategic Areas by Army Officer** - After amending J&K Development Act, 1970, government might on the written request of an Army officer not below the rank of Corp commander, can declare an area as "strategic area" within a local area "only for direct operational and training requirement of armed forces".
- **Amendment in Domicile Law Allowing "Spouse of a Domicile" to be Deemed Domicile** - This was earlier applied only to children of Central government officials posted in J&K for a total period of 10 years, who are also eligible as domiciles.
- **The J&K Industrial Development Co-operation** - has been set up under the rules. If the Corporation is unable to acquire land, the government could invoke the provision of the Right to Fair Compensation Act, and acquire the land on behalf of the corporation for public purposes.
- **The Real Estate (Regulation and Development) Act (RERA), 2016** is now applicable in the UT of J&K.

K. DIRECT ELECTIONS FOR DISTRICT DEVELOPMENT COUNCILS

Union Government amended the Jammu and Kashmir Panchayati Raj Act, 1989 to hold direct elections for District Development Councils (DDCs), which will constitute the third-tier of the Panchayati Raj System. These councils replaced the district development boards which functioned mostly as official bodies of the government. The J&K administration has also amended the J&K Panchayati Raj Rules, 1996 to establish elected District Development Councils in Jammu and Kashmir.

- **14 Territorial Constituency** - Elected Representatives of 14 Constituencies will then among themselves elect the Chairman and Vice-chairman of these councils.

- **Jurisdiction of DDC** – Entire District except municipalities or municipal corporations.
- **Term of DDC – 5 Years**
- **Reservation** – allowed for SC/ST and Women.
- **Chief Executive Officer of DDC** - The Additional District Development Commissioner
- **Right to Vote** - All DDC members shall have the right to vote in the meeting of the District Development Council
- **EXCEPTION** - MLAs will have no voting rights in the case of election or removal of the Chairperson or Vice-Chairperson.

NEED FOR JAMMU AND KASHMIR PANCHAYAT RAJ ACT 1989

- Constitution 73rd and 74th Amendment which created Panchayats and Municipalities were not applicable to J&K because of Article 370.
- Hence, the Jammu and Kashmir Panchayat Raj Act 1989 was enacted to create local bodies and also provide for their periodic elections every five years.

► PEOPLES ALLIANCE FOR GUPKAR DECLARATION

Political Parties of Jammu & Kashmir has announced the formation of the 'Peoples Alliance for Gupkar Declaration' to fight for restoring Article 370 and also for restoration of full statehood for Jammu and Kashmir.

ABOUT GUPKAR DECLARATIONS

- The coming together of the rival regional parties is strange and significant as this is not an electoral alliance but a political meeting point on the status of Kashmir.
- It is a result of the perception that politics in J&K is a face-off with the Centre and a reflection of increased Kashmiri alienation from the national mainstream.
- The members of the alliance have said that taking away statehood was against the federal structure of the constitution.
- The Alliance has adopted the flag of the erstwhile state of J&K as its symbol and Farooq Abdullah has been chosen as its Chairman.

► PRESIDENT'S RULE IN PUDUCHERRY

Ministry of Home Affairs notified President's Rule in Puducherry, days government in the union territory lost power during a vote of confidence. The notification was issued after Union Cabinet approved the proposal to

dissolve the Puducherry Assembly just prior to elections in Puducherry.

NOTIFICATION TO DISSOLVE THE ASSEMBLY WAS SIGNED BY THE PRESIDENT

- President of India suspended the Puducherry Assembly and imposed President's Rule in the Union Territory under **Section 51** of the **Government of Union Territories Act, 1963.** (Provisions of State Emergency in the Article 356 are not applicable over a Union Territory)
- President after receiving report and other information was satisfied that a situation had arisen in which the administration of the Union Territory of Puducherry could not carry on in accordance with the provisions of the Government of Union Territories Act, 1963.
- **Power of President to suspend the Legislative Assembly of Puducherry** comes from **Article 239** of the Constitution of India which empowers the President to administer the Union Territory of Puducherry.

ARTICLE 239A - CREATION OF LOCAL LEGISLATURES

- Constitution (Fourteenth Amendment) Act, 1962 added Article 239A to the Indian Constitution which provides that Parliament may by law create Legislature having Council of Ministers for the UT of Puducherry.
- Accordingly Parliament enacted **the Government of Union Territories Act, 1963** to provide for Legislative Assemblies and Councils of Ministers for certain Union territories (apart from UT of National Capital Territory of Delhi).

THE GOVERNMENT OF UNION TERRITORIES ACT, 1963 - IMPORTANT PROVISIONS

- **Section 44 of the 1963 Act – Council of Minister –**

► PUBLIC AFFAIRS INDEX, 2020

Public Affairs Centre has developed Public Affairs Index 2020 as a unique statistical tool to evaluate the performance of governance in the States. Public Affairs Index 2020 developed by PAC is largely based on secondary data and has been extracted from Union Government Ministries and Departments. PAC is a not for profit think tank established in 1994 with a mandate to improve the quality of governance in India. PAC also deploys innovative Social Accountability Tools (SAT) to measure the quality and adequacy of public services.

ABOUT PAC

- The Index uses – **3 PILLARS, 5 THEMES, and 13 SDGs & 50 INDICATORS.**
- 3 Pillars used to construct CI are **1. Equity, 2. Growth and 3. Sustainability.**

CURRENT AFFAIRS & RELATED CONCEPTS

- The three pillars is circumscribed by 5 Governance praxis themes namely **1. Voice and Accountability, 2. Government Effectiveness, 3. Rule of Law, 4. Regulatory Quality and 5. Control of Corruption.**
- At the bottom of the pyramid, 50 component indicators are mapped to 13 Sustainable Development Goals (SDGs) that are relevant to the states and UTs. This forms the foundation of the conceptual framework of PAI 2020.
- States are classified into two categories - Large and Small using population as the criteria.
- The Public Affairs Index is a data-based framework that measures the quality of governance at the sub-national level and ranks the states and Union Territories (UTs) of India on a **Composite Index (CI)**.

► WORLD PRESS FREEDOM INDEX REPORT 2020

India has been ranked 142/180 countries having a score of 45.33 in 2020 and has gone 2 ranks down as compared to 2019 when it was ranked 140. This means press freedom in India is continuously declining.

- World Press Freedom Index is compiled by **Reporters Without Borders (RSF)**.
- The Report for India highlights that despite no death of journalists in 2019 in India, **there have been constant press freedom violations, including police violence against journalists, ambushes by political activists, and reprisals instigated by criminal groups or corrupt local officials.**
- According to the Report, India's score in this year's World Press Freedom Index is heavily affected by the situation in Kashmir where, after rescinding the state's autonomy, central government shut down fixed line and mobile Internet connections completely for several months, making it virtually impossible for journalists to cover ground situation.
- NITI Aayog has raised objections on the methods adopted to rank countries which are based on biased data.

► GOOD GOVERNANCE INDEX, 2019

'Good Governance Index' is released by the Ministry of Personnel, Public Grievances & Pensions and was launched on the occasion of Good Governance Day on 25th December, 2019. Tamil Nadu has been ranked at the top in the 2019 Good Governance Index followed by Maharashtra and Karnataka in the Big States category. Himachal Pradesh has been ranked at the top for NE States.

10 SECTORS

Agriculture and Allied Sector, Commerce and Industries, Human Resource Development, Public Health, Public infrastructure & Utilities, Economic Governance, Social Welfare & Development, Judiciary and Public Security, Environment & Citizen Centric Governance.

OBJECTIVES

- The Good Governance Index is a uniform tool across States to assess the Status of Governance and impact of various interventions taken up by the State Government and UTs.
- The objectives of GGI are to provide quantifiable data to compare the state of governance in all states and UTs, enable states and UTs to formulate and implement suitable strategies for improving governance and shift to result oriented approaches and administration.

- These ten Governance Sectors are measured on **total 50 indicators** - Difference indicators are given different weightage under one Governance Sector to calculate the value.
- The states and UTs are divided into three groups: **1. Big States, 2. North-East & Hill States and 3. UTs.**

► CORRUPTION PERCEPTION INDEX

Corruption Perception Index 2020 which is released by Transparency International has ranked India at 86 (Out of 180 countries) as India has a score of 40/100.

- The index offers an annual snapshot of the relative degree of corruption by ranking countries and territories from all over the globe.

► INDIA DROPS TO 53 IN 2020 DEMOCRACY INDEX

India slipped two places to 53rd position in the 2020 Democracy Index's global ranking, according to The Economist Intelligence Unit, which said the "democratic backsliding" by authorities and "crackdowns" on civil liberties has led to a further decline in India's ranking. India's overall score fell from 6.9 in 2019 to 6.61 in the index. The Democracy Index shows the current state of democracy worldwide for 167 countries.

FIVE INDICATORS OF DEMOCRACY INDEX

- 1. Civil liberties:** include freedom of the press, freedom to protest, unrestricted access to the Internet, an independent judiciary, religious tolerance, equal treatment of all citizens and basic security.
- 2. Political culture:** refers to popular support for democracy, a strong tradition of separation of religion and State, etc.
- 3. Political participation:** voter turnout, share of women parliamentarians, etc.
- 4. Governance:** refers to influence of elected representatives in determining government policy, supremacy of the legislature etc.
- 5. Electoral Pluralism:** refers to free and fair elections, universal adult suffrage, equal campaigning opportunities, etc.

► FREEDOM IN THE WORLD 2021

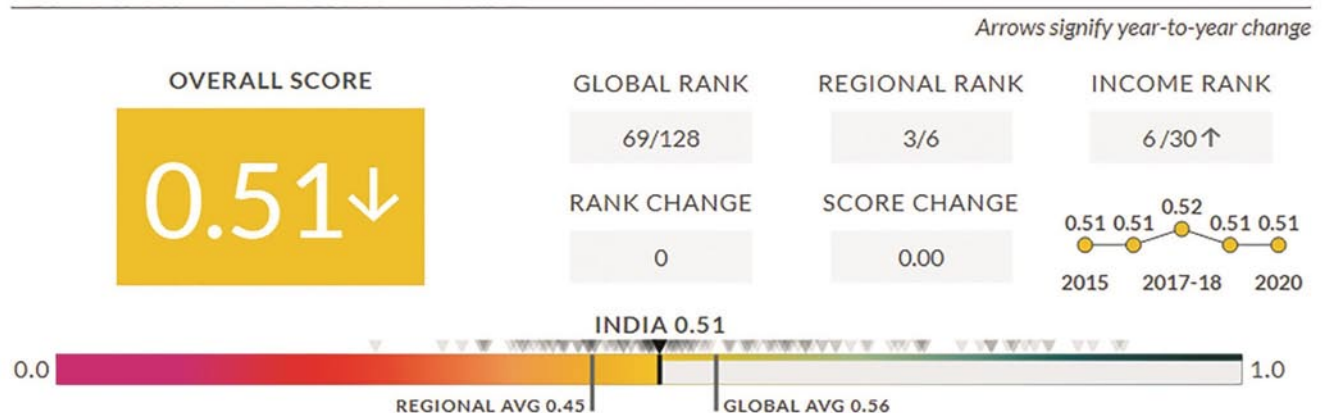
India dropped from Free to **Partly Free Status** in **Freedom in the World 2021** as published by **Freedom House**. The Report highlights that Modi Government and its state-level allies continued to crack down on critics during the year, and their response to COVID-19 included a ham-fisted lockdown that resulted

in the dangerous and unplanned displacement of millions of internal migrant workers.

- Freedom in the World is an annual global report on political rights and civil liberties, composed of numerical ratings and descriptive texts for each country and a select group of territories.
- The 2021 edition covers developments in 195 countries and 15 territories from January 1, 2020, through December 31, 2020.
- The Report categorises countries as - **Free, Partly Free, Not Free Status.**
- **Criteria for the Report** - *Political Rights, Political Pluralism & Participation, Functioning of Government, Freedom of Expression and Belief, Association & Organizational Rights, Rule of Law and Personal Autonomy & Individual Rights.*

► WORLD HAPPINESS REPORT, 2021

India Overall Score, 2020



FOUR UNIVERSAL PRINCIPLES OF RULE OF LAW

The World Justice Project defines the rule of law as a durable system of laws, institutions, norms, and community commitment that delivers:

1	Accountability	The government as well as private actors are accountable under the law.
2	Just Laws	The laws are clear, publicized, and stable; are applied evenly; and protect fundamental rights, including the security of persons and contract, property, and human rights.
3	Open Government	The processes by which the laws are enacted, administered, and enforced

		are accessible, fair, and efficient.
4	Accessible and Impartial Dispute Resolution	Justice is delivered timely by competent, ethical, and independent representatives and neutrals who are accessible, have adequate resources, and reflect the makeup of the communities they serve.

► DATA GOVERNANCE QUALITY INDEX

- Department of Fertilizers under the Ministry of Chemicals and Fertilizers has been ranked 2nd amongst the 16 Economic Ministries / Departments and 3rd out of the 65 Ministries / Departments with a

score 4.11 on a scale of 5 on Data Governance Quality Index (DGQI).

- **A Survey conducted by Development Monitoring and Evaluation Office (DMEO), Niti Aayog** to assess different Ministries /Departments' performance on the implementation of Central Sector Schemes (CS) and Centrally Sponsored Schemes (CSS).
- In this survey, an online questionnaire was prepared under six major themes of DGQI: Data Generation; Data Quality; Use of Technology; Data Analysis, Use and Dissemination; Data Security and HR Capacity and Case Studies.

► NATIONAL PROGRAM AND PROJECT MANAGEMENT POLICY FRAMEWORK

- NITI Aayog and Quality Council of India today launched the 'National Program and Project Management Policy Framework' (NPMPPF), envisaged to bring radical reforms in the way infrastructure projects are executed in India.
- NPMPPF will help in realizing the vision of an Aatmanirbhar Bharat by building a stronger India which will fulfil the need for good quality infrastructure and help in reducing costs and waste material, without compromising on the environment and ecology.
- NPMPPF will prove useful for mega projects like Bharatmala and Sagarmala. It will also help to ensure accountability, transparency and a corruption-free system, along with a fast-track decision-making process.

► CORPORATE SOCIAL RESPONSIBILITY

Section 135 of Companies Act, 2013, provides for the concept of Corporate Social Responsibility (CSR) where a company is required to spend on social welfare programmes for the benefit of Indian society.

RELATION OF CSR WITH SOCIAL PHILANTHROPY

- The idea of CSR emanated from the concept of social philanthropy and it helps in achieving the purpose set out in Part IV of the Indian Constitution especially ideas enshrined in Article 38 and 39.

CURRENT AFFAIRS & RELATED CONCEPTS

- **Article 38** mentions about *promotion of welfare of people by securing and protecting the social order, by minimizing the inequalities in income, status, facilities and opportunities.*
- **As per Article 39**, the state shall ensure for its citizens
 - i. *adequate means of livelihood,*
 - ii. *proper distribution of community resources for the welfare of all specially the weak,*
 - iii. *Distribution of wealth equitably in the society for the common good of all.*
- Thus, the concept of CSR instils in a company the idea of social responsibility integrated with its motive of profit making. CSR activities also help them to integrate ethical, social, and environmental concerns of our society with their day to day work.

WHICH COMPANIES QUALIFY FOR CSR ACTIVITIES?

- A company meeting the following requirements as prescribed under the Companies Act is liable to contribute **2%** of its **average net profit** for social welfare during any financial year
 1. If a company has a **net worth** of **Rs. 500 crores or more**, or
 2. If the **turnover** of a company is **Rs. 1,000 crores or more**, or
 3. If the **net profit** of a company is **Rs. 5 crore or more**
- Such a company shall constitute a '**Corporate Social Responsibility Committee**' of the Board consisting of three or more directors, out of which at least one director shall be an **independent director**.

ROLE OF CORPORATE SOCIAL RESPONSIBILITY COMMITTEE

- The Corporate Social Responsibility Committee shall
 - i. formulate and recommend to the Board, a **CSR Policy** which shall indicate the activities to be undertaken by the company as specified in Schedule VII of the Companies Act, 2013
 - ii. recommend the amount of expenditure to be incurred on such activities and
 - iii. Monitor the CSR Policy of the company from time to time.
- The Board shall approve the CSR Policy for its company and disclose contents of such Policy in its report and also place it on the company's website.

- In pursuing its activities towards CSR, company shall give preference to the local area and adjacent areas around it where it operates.

AREAS PROVIDED FOR CSR ACTIVITIES BY A COMPANY

- **Schedule VII of the Companies Act, 2013 provides an inclusive list of areas such as:**
 - To eradicate extreme hunger and poverty
 - To promote education
 - Promotion of gender equality and women empowerment
 - Reducing child mortality and improving maternal health
 - Combating human immunodeficiency virus, acquired immune deficiency syndrome, malaria and other diseases
 - Ensuring environmental sustainability
 - employment enhancing vocational skills
 - social business projects
 - contribution to the Prime Minister's National Relief Fund or any other fund set up by the Central Government or the State Governments for socio-economic development and relief
 - Contribution for the welfare of the Scheduled Castes, the Scheduled Tribes, other backward classes, minorities and women
- Since, the list provided is an inclusive list and not an exhaustive list, **hence a company can also spend on other activities for the welfare of the society as approved by its Board of Directors which is not prohibited under the Act or Rules framed by the government.**

ACTIVITIES NOT TREATED UNDER CSR

- Such works which the company generally undertake in their normal course of business.
- Any welfare projects, programmes or activities pursued by a company beyond Indian Territory shall not be construed as expenditure incurred towards CSR.
- Such projects, programmes or activities which benefit only the employees of the company and their families shall not be considered as CSR activity.
- Contribution of any amount directly or indirectly to any political party shall not be considered as CSR activity.

► PM-CARES NOT UNDER RTI

Donations made to PM-CARES do not fall under Right to Information Act and also cannot be audited by Comptroller and Auditor General of India. Supreme Court observed that CAG cannot audit a public charitable trust independent of budgetary support or government money. However donations made under PM-CARES is categorised as an activity within Corporate Social Responsibility.

ABOUT PM-CARES FUND

- **PM-CARES Fund** has been created as a **Public Charitable Trust** where individuals and corporates can donate. This fund was created keeping in mind the need for having a dedicated national fund with the primary objective of dealing with any kind of emergencies or distress situation, like posed by the COVID-19 pandemic and to provide relief to those affected by the epidemic.
- **No Budgetary Support to PM-CARES**
- **Foreign Donation Allowed under PM CARES Fund as it is exempted under FCRA** - A separate account for receiving foreign donations has been opened. This is consistent with respect to Prime Minister's National Relief Fund (PMNRF) as it has also received foreign contributions as a public trust since 2011.
- **Members of the Trust** - Prime Minister are the Chairman of the trust and its members include Defence Minister, Home Minister and Finance Minister.
- **Tax Exemption** - Donations to this fund will be 100% exempted from income tax under section 80(G).
- **Mode of Payment** - A new account in the name of "PM CARES" has been opened in State Bank of India, New Delhi Main Branch. It allows the following mode of payments:
 - Debit Cards and Credit Cards
 - Internet Banking
 - UPI (BHIM, PhonePe, Amazon Pay, Google Pay, PayTM, Mobikwik, etc.)
 - RTGS/NEFT

► MAHARASHTRA GOVERNOR AMENDS FOREST RIGHT ACT GRANTING APPEAL AGAINST DLC

Maharashtra Governor has modified The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, allowing rightful claimants of forest rights to appeal against decisions of the District Level Committee

(DLC) by amending Section 6 of the Act. This amendment has been proposed under sub-paragraph (1) of paragraph 5

of the Fifth Schedule to the Constitution of India.

CHANGES MADE IN FOREST RIGHTS ACT BY MAHARASHTRA GOVERNOR STRENGTHENS TRIBAL'S RIGHTS

AMENDMENT BY MAHARASHTRA GOVT. UNDER FRA



- The notification also applies to areas covered under the **Panchayats (Extension to Scheduled Areas) Act (PESA)** in the State of Maharashtra and allows appeal provision against the DLC's decision.
- Divisional Level Committee shall be headed by **Divisional Commissioner**.
- **For Orders passed by DLC prior to amendment (18th May, 2020), appeal shall be made within 6 months** from the date of issue of notification.
- For Orders passed by DLC after commencement of amendment, application of **appeal may be preferred within a period of 90 days** from the date DLC passes its orders.
- **The decision of the Divisional Level Committee, subject to the directions and orders of the State Monitoring Committee shall be final.**
- **Appeal Mechanism strengthens Tribal's Right** to appeal against DLC under FRA, 2006 in Maharashtra.

► MINOR FOREST PRODUCE

Minor Forest Produce (MFP) is an important source of livelihood and provides both subsistence and cash income for tribals and forest dwellers and has significant economic and social value. Most forest dwellers depend on minor forest produces for food, shelter, medicines and cash income. It is important for them for food, shelter medicines and cash income beside providing critical subsistence during the lean seasons, particularly for primitive tribal groups such as hunter gatherers, and the landless.

MFP UNDER FRA, 2006

- MFP is defined under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- **Minor forest produce** includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or

kendu leaves, medicinal plants and herbs, roots, tubers and the like.

- The Act allows traditional forest dwellers and forest dwelling Scheduled Tribes **right of ownership, access to collect, use, and dispose of minor forest produce** which has been traditionally collected within or outside village boundaries.
- **The Tribal Cooperative Marketing Development Federation of India (TRIFED)** helps in selling the minor forest produce of traditional forest dwellers and STs living nearby forest land.

► THE TRIBAL COOPERATIVE MARKETING DEVELOPMENT FEDERATION OF INDIA (TRIFED)

- TRIFED came into existence in 1987 and is a national-level apex organization functioning under the administrative control of **Ministry of Tribal Affairs**.
- The objective of TRIFED is **socio-economic development of tribal people** in the country by way of marketing development of the tribal products.
- The activity of TRIFED is divided into two categories –
 1. Minor Forest Produce Development &
 2. Retail Marketing Development
- The approach of marketing development of tribal products envisages TRIFED's role as a facilitator and service provider.
- **TRIFED empowers tribal people** with knowledge, tools and pool of information so that they can undertake their operations in a more systematic and scientific manner.
- **TRIFED involves capacity building of the tribal people** through sensitization, formation of Self Help Groups (SHGs) and imparting training to them for undertaking a particular activity, exploring marketing possibilities in national as well as international

markets, creating opportunities for marketing tribal products on a sustainable basis, creating a brand and providing other services.

TECH FOR TRIBALS – AN INITIATIVE OF TRIFED

- **TRIFED has recently launched “Tech for Tribals” program to develop Tribal entrepreneurship and capacity building for tribal forest produce gatherers enrolled under the Pradhan Mantri Van Dhan Yojana (PMVDY).**
- Tech for Tribals has been launched in partnership with Institutes of National Importance (INIs).
- The trainees will undergo a 30 days program over six weeks comprising 120 sessions.
- **Tech for Tribals** is an initiative of TRIFED supported by **Ministry of Micro Small and Medium Enterprises.**

“GO TRIBAL” CAMPAIGN

- Objective is to create awareness and promote tribal arts and crafts as well as help in socio-economic welfare of more than 700 Indian tribes, by promoting and making available tribal handcrafted textiles, jewellery, and other accessories via **global online market spaces.**
- Products available under Tribes India brand & outlets can also be procured through Online retailers like Amazon, Flipkart, etc. with whom TRIFED has entered into Memorandum of Understanding (MoU).

► PRADHAN MANTRI VAN DHAN YOJANA

- Pradhan Mantri Van Dhan Yojana (PMVDY) is a **Market Linked Tribal Entrepreneurship Development Program** for forming **clusters of tribal SHGs** and strengthening them into **Tribal Producer Companies.**
- PMVDY is an initiative targeting livelihood generation for tribals by harnessing the wealth of forest i.e. Van Dhan.
- The programme aims to **tap into traditional knowledge & skill sets of tribals by adding technology & IT to upgrade it at each stage and to convert the tribal wisdom into a viable economic activity.**
- The idea is to set-up tribal community owned Minor Forest Produce (MFP)-centric **Multi-purpose Van Dhan Vikas Kendras (the Kendra)** in predominantly tribal districts.

► MISSION KARMAYOGI

The Union Cabinet chaired by the Prime Minister has approved launching of a National Programme for Civil

CURRENT AFFAIRS & RELATED CONCEPTS

Services Capacity Building (NPCSCB) which is also referred as Mission Karmayogi as part of civil services reform.

ENHANCING GOVERNANCE THROUGH CIVIL SERVICES CAPACITY BUILDING

- The National Programme for Civil Services Capacity Building (‘NPCSCB’) – “Mission Karmayogi” has been launched with the objective of enhancing governance through Civil Service Capacity Building.
- Mission Karmayogi aims to prepare the Indian Civil Servant for the future by making them more creative, constructive, imaginative, innovative, proactive, professional, progressive, energetic, enabling, transparent and technology-enabled. Empowered with specific role-competencies, the civil servant will be able to ensure efficient service delivery of the highest quality standards.
- The ultimate aim of Mission Karmayogi is to ensure “Ease of Living” for common man, “Ease of Doing Business” and Citizen-Centricity that is reducing the gap between the government and the citizens.

MISSION KARMAYOGI WILL HAVE THE FOLLOWING SIX PILLARS

- (i) Policy Framework,
- (ii) Institutional Framework
- (iii) Competency Framework,
- (iv) Digital Learning Framework (Integrated Government Online Training Karmayogi Platform (iGOT-Karmayogi),
- (v) electronic Human Resource Management System (e-HRMS), and
- (vi) Monitoring and Evaluation Framework.

INSTITUTIONAL FRAMEWORK APPROVED TO IMPLEMENT & MONITOR THE PROGRAMME:

- **Prime Minister’s Public Human Resource Council (PMHRC):** A Council under the chairmanship of Hon’ble Prime Minister is conceived to be the apex body for driving and providing strategic direction to civil service reforms and capacity building.
- **Cabinet Secretariat Coordination Unit:** It will monitor the implementation of NPCSCB, align stakeholders and provide mechanism for overseeing capacity building plans.
- **Capacity Building Commission:** It will be set up for functional supervision of training institutions and facilitate in preparation of annual capacity building plans.
- **Special Purpose Vehicle (SPV, an autonomous company) under Section 8 of the Companies Act,**

2013: It will own and operate all the digital assets created for NPCSCB on behalf of the Government of India.

- **Programme Management Unit (PMU)** - It will provide Program Management and Support services to the Department.

IGOT-KARMAYOGI PLATFORM

- The platform brings the scale and state-of-the-art infrastructure to augment the capacities of over two crore officials in India.
- The platform is expected to evolve into a vibrant and world-class market place for content where carefully curated and vetted digital e-learning material will be made available.
- Besides capacity building, service matters like confirmation after probation period, deployment, work assignment and notification of vacancies etc. would eventually be integrated with the proposed competency framework.
- The Programme will be delivered by setting up an **Integrated Government Online Training- iGOTKarmayogi** Platform.

► NHRC SUBMITS REPORT TO UNHRC

NHRC submitted the report to UNHRC as part of the third round of the Universal Periodic Review (UPR) process, which is done every four and half years. NHRC report, dated "May 2020", reviewed the implementation of 152 recommendations of the UPR Working Group that the Indian government had accepted in September 2017.

Report Highlighted by NHRC to UNHRC includes Gaps or Issues related to

- Ratification of international human rights instruments.
- Issues in legislations of trafficking and protection against child sexual abuse.
- Gaps in the implementation of schemes for food security and
- Timely disbursement of wages under various schemes for employment.

ABOUT UNIVERSAL PERIODIC REVIEW

- The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States.
- The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries.

CURRENT AFFAIRS & RELATED CONCEPTS

- It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights.
- The UPR also includes a sharing of best human rights practices around the globe.

GOAL OF UPR

- Improvement of the human rights situation in every country with significant consequences for people around the globe.
- The UPR supports and expands the promotion and protection of human rights at the ground level.
- UPR involves assessing States' human rights records and addresses human rights violations around the world.
- UPR assesses the extent to which member states of UN respect their human rights obligations set out in:
 - 1) *The UN Charter*
 - 2) *The Universal Declaration of Human Rights*
 - 3) *Human rights instruments to which the State is party (human rights treaties ratified by the State concerned)*
 - 4) *Voluntary pledges and commitments made by the State (e.g. national human rights policies and/or programmes implemented) and*
 - 5) *Applicable international humanitarian law*
- The UPR provide technical assistance to States and enhance their capacity to deal effectively with human rights challenges and to share best practices in the field of human rights among States and other stakeholders.

OTHER IMPORTANT HIGHLIGHTS OF NHRC REPORT SUBMITTED TO UNHRC

- **Health & Nutrition**
- **Rights of Children**
- **Making Education more accessible to children with disabilities**
- **Rights of Women**
- **Welfare of SC/ST/Minorities**

IMPORTANT HIGHLIGHTS ABOUT NATIONAL HUMAN RIGHTS COMMISSION

- NHRC was established on 12 October, 1993 under the **Protection of Human Rights Act (PHRA), 1993**. The Act and has been amended in 2006 and very recently in 2019.
- NHRC has been established in conformity with the **Paris Principles**, adopted at the first international

workshop on national institutions for the promotion and protection of human rights held in Paris in October 1991, and endorsed by the General Assembly of the United Nations by its **Resolutions 48/134** of 20 December, 1993.

- As per **Resolution 48/134** adopted by General Assembly - *A national institution shall be vested with competence to promote and protect human rights.*
- **Human Rights** - PHRA defines Human Rights as the *rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India.*

2019 AMENDMENT TO NHRC PROVIDES FOR THE FOLLOWING

- A person who **has been a Judge of the Supreme Court** - also made eligible to be appointed as Chairperson of the Commission in addition to the person who has been the Chief Justice of India.
- To increase the Members of the Commission from two to three of which, one shall be a woman.
- To include Chairperson of the National Commission for Backward Classes, Chairperson of the National Commission for Protection of Child Rights and the Chief Commissioner for Persons with Disabilities as deemed Members of the Commission as members of NHRC.
- To reduce the term of the Chairperson and Members of the Commission and the State Commissions from five to three years and the fact that they shall be eligible for re-appointment.
- To provide that a person who has been a Judge of a High Court is also made eligible to be appointed as Chairperson of the State Commission in addition to the person who has been the Chief Justice of the High Court; and
- The Central Government may, by order, confer upon the State Commission the functions relating to human rights being discharged by the Union territories, other than the Union territory of Delhi.
- The functions relating to human rights in case of Union territory of Delhi shall be dealt with by the Commission.

THE COMMISSION SHALL, PERFORM ALL OR ANY OF THE FOLLOWING FUNCTIONS, NAMELY

- (a) **Power of Inquiry into violation of human rights** or abetment or negligence in the prevention of such violation, by a public servant;

- (b) **Intervene in any proceeding involving any allegation of violation of human rights** pending before a court with the approval of such court;
- (c) **Visit jail for the purposes of treatment, reformation or protection** or to study the living condition of the inmates and make recommendations thereon.
- (d) **Review the safeguards for the protection of human rights** and recommend measures for their effective implementation.
- (e) **Review the factors, including acts of terrorism that inhibit the enjoyment of human rights** and recommend appropriate remedial measures.
- (f) **Study treaties and other international instruments on human rights** and make recommendations for their effective implementation;
- (g) **Undertake and promote research in the field of human rights.**
- (h) **Spread human rights literacy & safeguards available under law.**
- (i) **Encourage the efforts of civil societies and institutions working in the field of human rights.**

► ISLAND DEVELOPMENT AGENCY

While launching the submarine Optical Fibre Cable (OFC) connecting Andaman & Nicobar Islands to the mainland, Prime Minister highlighted that the Island Development Agency (IDA) which was formed in 2017 has been reviewing the progress of the important works carried out in the islands of Andaman and Nicobar Islands and in the Lakshadweep islands.

- Island Development Agency (IDA) was setup under the chairmanship of Home Ministry with CEO, NITI Aayog as its convener.
- IDA focuses on holistic Development of 10 islands of India.
- It aims at developing India's maritime economy while preserving the natural eco-system and addressing the security concerns.
- Ministry has emphasized upon the need for sustainable development of Islands with people's participation.
- Other Members of the IDA including Cabinet Secretary, Home Secretary, Secretary (Environment, Forests and Climate Change), Secretary (Tourism) and Secretary (Tribal Welfare)

► NATIONAL RECRUITMENT AGENCY - NRA

National Recruitment Agency (NRA) has been set up as an independent, professional, specialist organization for conduct of a computer based online common eligibility test for recruitment and will help in bringing reform in the area of recruitment. The NRA will conduct a common eligibility test (CET) and based on the CET score a candidate can apply for a vacancy with the respective agency.

WHICH EXAMS WILL BE INCLUDED?

- It will organise a CET to screen/shortlist **candidates for the Group B and C (non -technical) posts**, which are now being conducted by the Staff Selection Commission (SSC), Railways Recruitment Board (SSC) and Institute of Banking Personnel Selection (IBPS). Later on, more exams may be brought under it.
- It will have representatives from SSC, IBPS and RRB.
- The test will be conducted for three levels: graduate, higher secondary (12th pass) and the matriculate (10th pass) candidates.
- However, **the present recruitment agencies- IBPS, RRB and SCC — will remain in place.**
- Based on the screening done at the CET score level, final selection for recruitment shall be made through separate specialised Tiers (II, III, etc.) of examination which shall be conducted by the respective recruitment agencies. The curriculum for CET would be common.

► CAUVERY WATER MANAGEMENT AUTHORITY - CWMA

Cauvery Water Management Authority (CWMA) which is a part of Cauvery Draft Water Management Scheme constituted by the central government as per the directions of Supreme Court has been brought within the administrative control of Union Ministry of Jal Shakti. This has been accomplished by amending the Government of India (Allocation of Business) Rules, 1961.

ALLOCATION OF BUSINESS RULES

- Article 77 of the Constitution of India mentions about Conduct of Government Business. Article 77 (3) - President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.

- Thus, accordingly President has amended the Government of India (Allocation of Business) Rules, 1961 and has placed CWMA under the administrative control of Union Ministry of Jal Shakti.

POWERS, FUNCTIONS & DUTIES OF CWMA

The Authority shall exercise such power and shall discharge such duty to ensure compliance of Judgment of Supreme Court regarding –

- Storage, apportionment, regulation and control of Cauvery waters.
- Supervision of operation of reservoirs and with regulation of water releases there from with the assistance of Regulation Committee.
- Regulated release by Karnataka, at the inter-State contact point presently identified as Billigundulu Gauge and discharge station, located on the common border of Karnataka and Tamil Nadu.
- The Authority may constitute one or more sub-committees and assign to them such of its functions and delegate.

► GOVERNMENT APPOINTS 22ND LAW COMMISSION

The Union Cabinet has approved constituting India's 22nd Law Commission for a period of three years. The Law Commission on a reference made by the Central Government or suo-motu, undertakes research in law, review of existing laws in India for making reforms and suggest to enact new legislations. It also undertake studies and research for bringing reforms in the justice delivery systems for elimination of delay in procedures, speedy disposal of cases, reduction in cost of litigation etc.

ABOUT LAW COMMISSION

- The Commission was originally constituted in **1955** and is **re-constituted every three years.**
- The tenure of the **20th Law Commission** was up to **31st August, 2015.**
- **Constitution of India does not provide for creation of Law Commission of India and hence, it is not a constitutional body.**
- Constitution of Law Commission is not done under any legislation and hence, it is a **non-statutory body.**
- It is constituted through a government order and hence, it is created through **an executive order.**
- The Reports of the Law Commission are considered by the Ministry of Law and Justice in consultation with the concerned administrative Ministries and are submitted to Parliament from time to time.

- The reports of Law Commission are cited in Courts, in academic and public discourses and are acted upon by concerned Government Departments depending on the Government's recommendations.
- After independence, the **first law commission** was constituted for a period of three years from **1955-1958** under the Chairmanship of **Mr. M. C. Setalvad**.
- As of now, the law commission is **neither a permanent body nor a statutory body**.

MEMBERS OF LAW COMMISSION

The 22nd Law Commission will be constituted for a period of three years from the date of publication of its Order in the Official Gazette. It will consist of:

- a full-time Chairperson;
- four full-time Members (including Member-Secretary)
- Secretary, Department of Legal Affairs as ex-officio Member;
- Secretary, Legislative Department as ex officio Member; and
- Not more than five part-time Members.

► PRAGATI

Prime Minister chaired the 31st interaction through PRAGATI — the ICT based multi-modal platform for Pro-Active Governance and Timely Implementation. PRAGATI monitors and reviews important programmes and projects of Union Government as well as projects flagged by State Governments.

KEY FEATURES

- It is a three-tier system (PMO, Union Government Secretaries, and Chief Secretaries of the States)
- Prime Minister will hold a monthly programme where he will interact with the Government of India Secretaries, and Chief Secretaries through Video-conferencing enabled by data and geo-informatics visuals; The programme will be held once in every month on Fourth Wednesday at 3.30 PM-to be known as PRAGATI Day.
- Issues to be flagged before the PM are picked up from the available database regarding Public Grievances, on-going Programmes and pending Projects.
- The system will ride on, strengthen and re-engineer the data bases of the CPGRAMS for grievances, Project Monitoring Group (PMG) and the Ministry of Statistics and Programme Implementation. PRAGATI provides an interface and platform for all these three aspects.

ADVANTAGE OF PRAGATI

- PRAGATI platform uniquely bundles three latest technologies: Digital data management, video-conferencing and geo-spatial technology.
- It also offers a unique combination in the direction of cooperative federalism since it brings on one stage the Secretaries of Government of India and the Chief Secretaries of the States.
- With this, the Prime Minister is able to discuss the issues with the concerned Central and State officials with full information and latest visuals of the ground level situation.

► RIGHT TO INFORMATION (RTI) ACT

- *Amendment to RTI Act, 2005 proposed via legislation.*
- *RTI ambit expanded via Supreme Court rulings*

KEY FEATURES OF RIGHT TO INFORMATION (AMENDMENT) ACT, 2019

- The Bill changes the terms and conditions of service of the Central Information Commission (CIC) and Information Commissioners (ICs) at the centre and in states.
- **Term & Conditions of Service:** The Amendment Act allows Central government to notify term of office for CIC and ICs while as per RTI Act, 2005, CIC at the central level and ICs at state level will hold office for a term of 5 years.
- **Quantum of Salary:** According to the Act the salaries, allowances, and other terms and conditions of service of CIC and ICs will be determined by central government. While as per RTI Act the salary of CIC and ICs will be equivalent to the salary paid to the Chief Election Commissioner (CEC) and Election Commissioners (EC) respectively.

AMBIT OF RTI EXPANDED

The following are "public authorities" as per the RTI Act of 2005 and therefore fall under its ambit:

- **Non-governmental organisations (NGOs)** "substantially" financed by the government
- **Office of the Chief Justice of India (CJI)**

► CENTRALIZED PUBLIC GRIEVANCE REDRESS AND MONITORING SYSTEM (CPGRAMS)

- CPGRAMS is an online web-enabled system developed by National Informatics

Centre (Ministry of Electronics & IT [MeitY]), in association with Directorate of Public Grievances (DPG) and Department of Administrative Reforms and Public Grievances (DARPG).

- The platform based on web technology aims to enable submission of grievances by the aggrieved citizens from **anywhere and anytime (24×7)**.

► AADHAAR AMENDMENT ACT, 2019

Aadhaar and Other Laws (Amendment) Bill, 2019 was passed by the Parliament. **Now, no individual can be compelled to provide proof of Aadhaar number unless provided by the law, and that Aadhaar number on voluntary basis shall be accepted as KYC document.** Key highlights are:

THE AADHAAR ACT PROVIDED FOR	CHANGES VIA THE AMENDMENT
OFFLINE VERIFICATION OF AADHAAR NUMBER HOLDER	
An individual's identity may be verified by Aadhaar authentication . Authentication involved submitting the Aadhaar number, and their biometric or demographic information to the Central Identities Data Repository for verification.	Offline Verification is <u>also</u> allowed without 'authentication' through modes specified by the UIDAI by regulations. During offline verification, the agency must <ul style="list-style-type: none"> obtain the consent of the individual, inform them of alternatives to sharing information, and Not collect, use or store Aadhaar number or biometric information.
VOLUNTARY USE OF AADHAR	
Use of Aadhaar number as proof of identity of a person, subject to authentication.	<ul style="list-style-type: none"> It is not mandatory to use Aadhaar for availing services/ benefits. An Individual may voluntarily use his Aadhaar number to establish his identity, by authentication or offline verification. Authentication of an individual's identity via Aadhaar, for the provision of any service, may be made mandatory only by a law of Parliament. The Bill amends the Telegraph Act, 1885 and the Prevention of Money Laundering Act, 2002. Telecom companies & Banking companies and FIs may verify the identity of their clients by: <ul style="list-style-type: none"> authentication or offline verification of Aadhaar, passport, or Any other documents notified by the central government. The client has the choice to use either mode to verify his identity and no person shall be denied any service for not having an Aadhaar number.
AADHAAR NUMBER CANCELLATION FOR YOUNG ADULTS	
A young adult did not have the provision of opting out.	Option to apply for cancellation of Aadhaar number by its holder, within six months of attaining 18 years of age
DISCLOSURE OF INFORMATION IN CERTAIN CASES	
<ul style="list-style-type: none"> Restrictions on security and confidentiality of Aadhaar related information did not apply in case the disclosure is pursuant to an order of a District Court (or above). An officer not below the rank of a Joint Secretary may issue directions for disclosing information in the interest of 	<ul style="list-style-type: none"> Such disclosure is only for orders by High Courts (or above). Such disclosure to be made on directions of officers not below the rank of a Secretary.

national security.	
NEW UNIQUE IDENTIFICATION AUTHORITY OF INDIA FUND	
UIDAI fee/revenue to be credited to the Consolidated Fund of India.	All fees, grants, and charges received by the UIDAI shall be credited to the new UIDAI Fund.
COMPLAINTS	
Courts can take cognizance of an offence only if the UIDAI registers a complaint.	Individual are allowed to register complaints in certain cases, including impersonation or disclosure of their identity.
NEW AADHAAR ECOSYSTEM	
Aadhaar ecosystem was not a part of the Act originally	Aadhaar ecosystem is defined to include enrolling agencies, requesting agencies, and offline verification-seeking entities. It allows the UIDAI to issue directions to them, if necessary, for the discharge of its functions under the Act.
PENALTIES	
	<ul style="list-style-type: none"> UIDAI may initiate a complaint against an entity in the Aadhaar ecosystem for failure to <ul style="list-style-type: none"> (i) comply with the Act or the UIDAI's directions, and (ii) Furnish information required by the UIDAI. Adjudicating Officers appointed by the UIDAI shall decide such matters, and may impose penalties up to one crore rupees on such entities. The Telecom Disputes Settlement and Appellate Tribunal shall be the appellate authority against decisions of the Adjudicating Officer.

► LOKPAL

After six years of coming into effect of Lokpal and Lokayukta Act, 2013, it is yet to play a significant role in tackling corruption in the country.

- It establishes **Lokpal for the Union and Lokayukta for States** to inquire into allegations of corruption against certain public functionaries.
- It provides for an **Enquiry Wing** and a **Prosecution Wing** to deal with cases of corruption.
- The **Inquiry wing** conducts preliminary inquiry into alleged cases of corruption against public servants under **Prevention of Corruption Act, 1988** whereas the **Prosecution Wing** file cases before the **Special Court** to prosecute public servants under Prevention of Corruption Act, 1988.

ESTABLISHMENT OF LOKPAL

- Lokpal shall consist of a **Chairperson**, who is or has been a **Chief Justice of India or is or has been a Judge of the Supreme Court or an eminent person**
- It shall have a **maximum of eight members** of which **half shall be judicial members** and **minimum 50% of the Members will be from SC/ ST/ OBC/ Minorities and women.**

- The **Search Committee** is constituted for the purpose of recommending a panel of names for the appointment of Chairperson and members of Lokpal.
- The Names proposed by the **search committee** would be scrutinised by the **selection committee**, consisting of—
 - the Prime Minister—Chairperson;
 - the Speaker of the House of the People—Member;
 - the Leader of Opposition in the House of the People—Member (The **Lokpal and Lokayuktas (Amendment) Act, 2016** - enabled the leader of the single largest opposition party in the Lok Sabha to be a member of the selection committee in the absence of a recognized Leader of Opposition)
 - the Chief Justice of India or a Judge of the Supreme Court nominated by him—Member;
 - one eminent jurist, as recommended by the Chairperson and Members
- The Chairperson and every Member shall, on the recommendations of the Selection Committee, be **appointed by the President by warrant under his hand and seal** and hold office as such for a **term**

of five years or until he attains 70 years of age (whichever is earlier).

JURISDICTIONS AND POWERS OF LOKPAL

- Lokpal have jurisdiction to inquire allegations of corruption against Prime Minister, Ministers, members of Parliament, officers belonging to Group A, B, C and D and officials of Central Government.
- The Lokpal on receipt of a complaint may **order preliminary inquiry** against any **public servant** by its Inquiry Wing or any agency including the Delhi Special Police Establishment.
- Lokpal shall refer complaints of corruption against public servants to Central Vigilance Commission and the CVC after making preliminary enquiry –
 - In respect of public servants belonging to **Group A and Group B** - shall submit its report to the **Lokpal**.
 - In case of public servants belonging to **Group C and Group D** - the Commission shall proceed in accordance with the provisions of the **Central Vigilance Commission Act, 2003**.
- Lokpal can also inquire against any society or trust or body that receives foreign contribution above Rs.10 lakh.
- Lokpal Act creates **Special Courts** to hear and decide the cases arising out of the Prevention of Corruption Act, 1988 or under the Lokpal Act involving public servants.
- The Special Courts shall ensure completion of each trial within a period of one year from the date of filing of the case in the Court.
- According to section 46 of the Act, if the ombudsman finds that the complaint is false and frivolous, then it can pass order to punish the person or group of

CURRENT AFFAIRS & RELATED CONCEPTS

persons or an entity with imprisonment extending up to one year and a fine which may exceed to maximum of Rs 1 lakh.

PROBE AGAINST PRIME MINISTER

The Lokpal cannot inquire into any corruption charge against the Prime Minister if the allegations are related to international relations, external and internal security, public order, atomic energy and space unless a full Bench of the Lokpal, consisting of all members, considers the initiation of a probe necessary and is approved by at least two-thirds of the members of Lokpal. Such a hearing should be held privately and if the complaint is dismissed, the records shall not be published or made available to anyone.

MOTTO OF LOKPAL

“मागृधःकस्यस्विद्धनम्” (Do not be greedy for anyone's wealth)

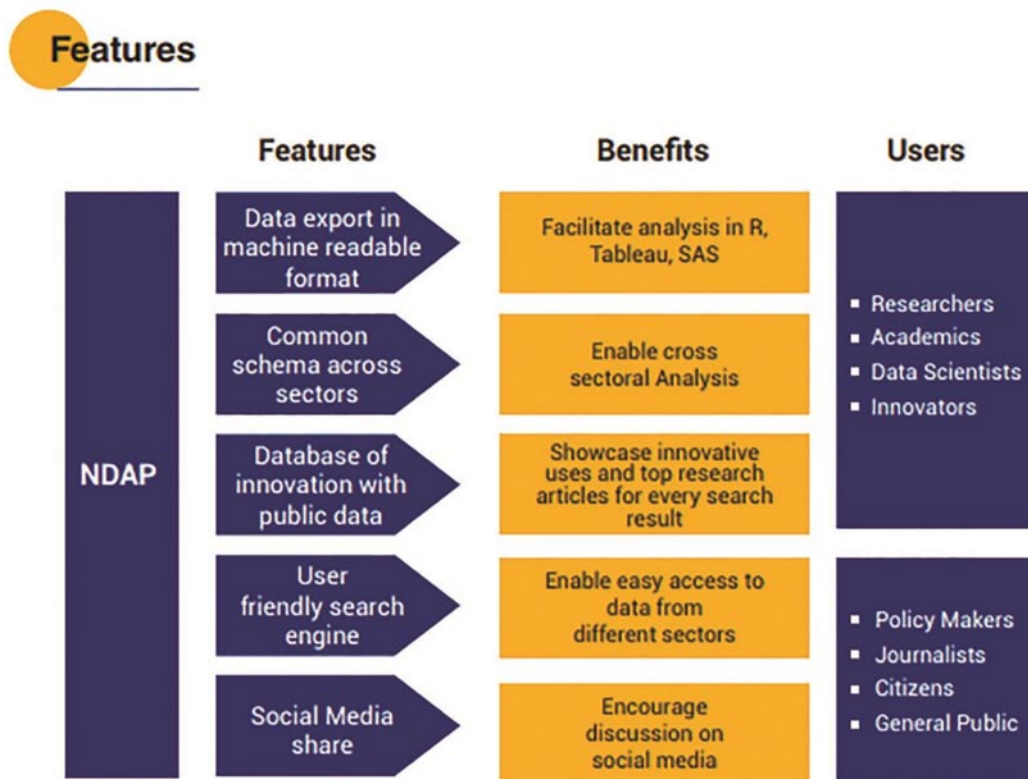
► NATIONAL DATA AND ANALYTICS PLATFORM (NDAP)

NDAP is a pan-India initiative by NITI Aayog that aims to democratize access to publicly available government data.

- It will host the **latest datasets from various government websites**, present **them coherently**, and **provide tools for analytics and visualization**.
- NDAP will follow a **user-centric approach** and will **enable data access** in a simple and intuitive portal tailored to the needs of a variety of stakeholders.
- NDAP will **spearhead the standardization of formats** in which data is presented across sectors and will cater to a wide audience of policymakers, researchers, innovators, data scientists, journalists and citizens.

Objectives

User-centric	Data access is user-friendly and engaging, tailored to the needs of policymakers, bureaucrats, researchers, innovators, data scientists, journalists and citizens alike
Coherent	Multiple data sets are presented using a standardized schema, by using common geographical and temporal identifiers
Up-to-date	Standard Operating Procedures are set to ensure data is updated regularly



GOVERNANCE STRUCTURE

1. High Powered Steering Committee under the Chairmanship of Vice Chairman, NITI Aayog will oversee the program.
2. First version of National Data and Analytics Platform is **proposed to be released in 2021**.

► NITI AAYOG RELEASES DRAFT DATA EMPOWERMENT AND PROTECTION ARCHITECTURE

Niti Aayog has released "Draft Document on Data Empowerment and Protection Architecture" which aims to promote greater user control on data sharing. A well designed data governance framework for the Indian context would enable, not just secure data protection, but also grant users control over data through a safe and seamless protocol to share data across institutions, leading to individual empowerment and wellbeing.

DESIGNING OF DEPA

- DEPA accordingly has been designed as an evolvable and agile framework for good data governance considering the rapid change in data technology.
- Accordingly, DEPA seeks to provide a foundation of three key building blocks: 1. Enabling Regulations 2. Cutting Edge Technology Standards 3. New types of

public and private organisations with incentives closely aligned to those of individuals

CONSENT INFRASTRUCTURE

DEPA's technology architecture is a first of its kind interoperable, secure, and privacy preserving digital framework for data sharing through

1. **The Consent Artefact** - is a technology Standard for programmable consent to replace the all-permissive terms and conditions forms. The consent individuals provide is designed on principles acronymed **ORGANS**:

- **Open** standards (ensuring all institutions use the same approach interoperably)
- **Revocable** (by individuals)
- **Granular** (provided for each time you share data, stipulates how long data can be accessed, etc.)
- **Auditable** (in machine readable logs of consent provided)
- provide Notice to all parties, and Secure by design

2. **Open Application Programming Interface (APIs) for Data Sharing** - allow many new Consent Managers to 'plug in' to a common sharing system rather than having to build bilateral relationships with information providers to access data. API is a software intermediary that allows two applications to talk to each other.

- 3. Financial Information Standards** - allow a data recipient to quickly interpret and understand information from a new institution.

► BLOCKING OF CHINESE APP

Central Government has banned Chinese Apps in India under Section 69A of The Information Technology (IT) Act, 2000 in the backdrop of India-China stand-off at Galwan valley in Ladakh. Supreme Court in Shreya Singhal Judgment has upheld the constitutional validity of Section 69A of Information Technology Act while declaring Section 66A to be unconstitutional. The Judgment also read down Section 79 of the IT Act which provides for immunity to intermediaries in certain cases.

SHREYA SINGHAL CASE

- Supreme Court in the **Shreya Singhal case** upheld **Section 69A of IT Act, 2000** while striking down **Section 66A**.
- The Court held that **section 66A** was in complete violation of **Article 19(1)(a)** which provides freedom of speech and expression and cannot be saved under **Article 19(2)** which provides for reasonable restrictions on grounds of sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.
 - Section 66A** - Punishment for sending offensive messages through communication service, etc.
 - Section 69A** - Power to issue directions for blocking for public access of any information through any computer resource.
- Section 79 of IT Act**, provides for exemption from liability in certain cases. The Supreme Court in this regard held that both **Section 79** and **Rule 3(4) of the Intermediary Rules** are to be **read down** and held that intermediaries cannot benefit from the immunity granted under Section 79 of IT Act, 2000 in case they have received Court Orders or Government orders to remove any specific information.
- This means that the intermediary must receive a court order/notification from a government agency requiring the intermediary to remove specific information.**
- Further, the Supreme Court also stated that any such court order or notification must necessarily fall within the ambit of the restrictions under Article 19(2).**

WHY SECTION 69A WAS DECLARED VALID IN SHREYA SINGHAL JUDGMENT

- Section 69A** grants powers to the Central Government to *"issue directions for blocking of public access to any information through any computer resource"*.
- The 2009 Rules allow blocking of websites by a court order and provide for Review Committee to review the decision to block websites as also establishes penalties for the intermediary that fails to extend cooperation in this respect.**
- Supreme Court observed that that **Section 69A unlike Section 66A is a narrowly drawn provision with several safeguards.** The Court gave the following reasons for the validity of Section 69A
 - First** - *Blocking can only be resorted to upon satisfaction of Central Government.*
 - Second** - *blocking must be done based on Reasonable Restrictions provided in Article 19(2).*
 - Thirdly** - *Decision to block must be in writing so that it can be produced as evidence in Court if required under Article 226 or other provisions.*

► SHILLONG DECLARATION ON E-GOVERNANCE ADOPTED AT NCEG 2019

At the conclusion of 22nd National Conference on e-Governance 2019, 'Shillong Declaration' on e-Governance was adopted after intensive deliberations during the sessions held over two days.

22ND NATIONAL CONFERENCE ON E-GOVERNANCE 2019

- The Department of Administrative Reforms & Public Grievances (DARPG), in association with Ministry of Electronics & Information Technology (MeitY), Government of India and the State Government of Meghalaya organized the 22nd National Conference on e-Governance (NCeG) 2019 on 8-9th August, 2019 at Shillong, Meghalaya.
- The theme of this Conference was **"Digital India: Success to Excellence"**.

SHILLONG DECLARATION' ON E-GOVERNANCE

The Conference resolved that Government of India and State Governments shall collaborate to:

- Improve the citizen's experience with Government services by promoting timely implementation of **India Enterprise Architecture (IndEA)** and implementing a single sign-on for interoperability

and integration among e-Government applications throughout the country.

2. Consolidate the plethora of successful State level e-Governance projects and domain-based projects with a focus to replicate them as a common application software with configurable features.
3. Ensure **improvement in ease of living and ease of doing business** by making a big shift in the role of government from Service Provider to Service Enabler, thus moving from development of applications to making available public digital platforms where multiple competitive applications can be developed.
4. Take steps to further **improve connectivity in North Eastern States** by addressing the issues and challenges of telecommunications connectivity at grassroots level and formulate and implement a comprehensive telecom development plan.
5. Take steps to **enhance the activities of Electronics Sector Skill Council in North Eastern States** and explore the possibility for opening an electronics skill centre in Shillong.
6. Promote **use of e-Office and move towards less paper** State Secretariats in the North-Eastern States and in the District level offices.
7. Improve the **quality of delivery of e-Services** in the North East to fulfil the vision of improved citizen experience.
8. Develop India as a global cloud hub and facilitate development of Government applications and databases on Cloud by default.
9. Adopt emerging technologies for finding e-Governance solutions
10. Promote the Digital India Projects with focus on **Smart Cities and Smart Villages** through Start-ups and Smart Entrepreneurship.

► OPEN GOVERNMENT DATA PLATFORM BASED ON OPEN DATA CHARTER INITIATIVE

The Open Data Charter is collaboration between governments and organisations working to open up data based on a shared set of principles. The collaboration aims to make data open and freely available, while protecting the rights of people and communities.

OPEN DATA INITIATIVE OF INDIAN GOVERNMENT – NIC

CURRENT AFFAIRS & RELATED CONCEPTS

- Based on the concept of Open Data Charter, Indian Government initiated Open Government Data (OGD) Platform in 2012.
- The government highlights that through OGD, India is at the forefront in promoting innovation in Open Data ecosystem in India.
- OGD has been set-up by **National Informatics Centre (NIC)** in compliance with the **Open Data Policy** whose objective is to provide a platform for proactive access to Government-owned shareable data.
- These datasets are directly published on the platform by the Government Departments.

► CYBER VOLUNTEER PROGRAMME

The Ministry of Home Affairs (MHA) informed the Lok Sabha that a “cyber volunteer” programme has been rolled out for “cyber hygiene promotion” and the services of volunteers would be utilised by the State police as per requirement.

IMPORTANT FEATURES

- The MHA, through its cybercrime grievance portal- cybercrime.gov.in, aims to raise a group of “cybercrime volunteers” to flag “unlawful content” on the Internet.
- Indian Cyber Crime Coordination Centre (I4C) has been established under Ministry of Home affairs (MHA) to act as a nodal point at National level in the fight against cybercrime. It aims to provide a platform to deal with cybercrimes in a coordinated and comprehensive manner.
- One of the important objectives of I4C is to create ecosystem that brings together academia, industry, public and government in prevention, detection, investigation and prosecution of cybercrimes.
- Good Samaritans can register as Cyber Crime Volunteers in the role of Unlawful Content Flaggers for facilitating law enforcement agencies in identifying, reporting and removal of illegal / unlawful online content.
- Citizens Any citizen can register herself under one of three categories:
 1. ‘Cyber Volunteer Unlawful Content Flagger’,
 2. ‘Cyber Awareness Promoter’, and

3. 'Cyber Expert'.

- Post-registration, the individual can directly report "unlawful content" being circulated over the Internet, which presumably includes social media platforms like Facebook, Instagram and Twitter, among others.

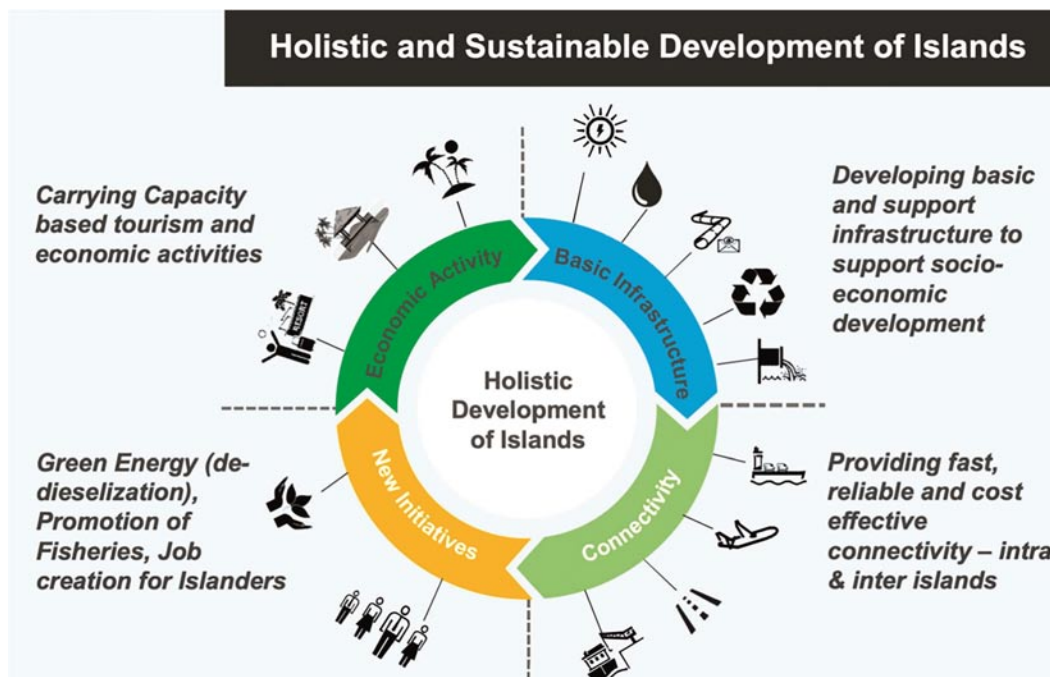
UNLAWFUL CONTENT

In general, content that violates any law in force in India. Such content may fall under following broad categories: Against sovereignty and integrity of India; against defence of India; Against Security of the State; against friendly relations with foreign States; Content aimed at disturbing Public Order; Disturbing communal harmony or Child Sex Abuse material.

SOCIAL SECTOR INITIATIVES

► HOLISTIC DEVELOPMENT OF IDENTIFIED ISLANDS–NITI AAYOG

- For overall development of the islands of Andaman and Nicobar and Lakshadweep, the initiative "Holistic Development of Identified Islands" was accorded high priority by the Government and NITI Aayog was mandated to steer the process of sustainable development in these identified islands.
- Subsequently, 17 more islands (12 in Andaman & Nicobar and 5 in Lakshadweep) were identified for coverage under the initiative.
- Further, potential sites for sustainable development in Little Andaman and Great Nicobar, outside Tribal Reserves, are being identified separately for coverage under the initiative "Holistic Development of Identified Islands".
- These islands carry importance because of their size and strategic location.



► NATIONAL DIGITAL HEALTH MISSION

As part of Independence Day Speech, Prime Minister Narendra Modi unveiled the National Digital Health Mission (NDHM) where every Indian will get a Health Identity Card which will have health details of all Indians.

VISION & AIM OF NATIONAL DIGITAL HEALTH MISSION (NDHM)

- Create a national digital health ecosystem which provides timely and efficient access to inclusive, affordable, and safe healthcare to all citizens.
- NDHM will significantly improve the efficiency, effectiveness, and transparency of health service delivery and will be a major stride towards achievement of the United Nations Sustainable Development Goal 3 of Universal Health Coverage.

- Every Indian citizen will get a Health ID where health records will be stored in a common database through a single National Health Identity Card.
- The National Digital Health Mission includes health ID, digidoctor, telemedicine, e-pharmacy, healthcare registry and personal health records digitally stored.
- It will lead to integration of health care activities and will also lead to private sector involvement.
- Idea of NDHM is based on NITI Aayog's Report on National Health Stack (NHS).
- NHS is a visionary digital framework of NITI Aayog which can be used both by the centre and state governments across public and private sectors. The document was released by NITI Aayog in July 2018.

KEY COMPONENTS OF NATIONAL HEALTH STACK

- **National Health Electronic Registries**
- **A Coverage and Claims platform** - enable horizontal and vertical expansion of PM Rashtriya Swasthya Suraksha Mission (PMRSSM) - RSSM by states and robust fraud detection.
- **A Federated Personal Health Records (PHR) Framework:** to solve twin challenges of access to their own health data by patients and availability of health data for medical research.
- **A National Health Analytics Platform:** to bring a holistic view combining information on multiple health initiatives and feed into smart policy making.
- **Other horizontal Components:** Digital Health ID, Health Data Dictionaries and Supply Chain Management for Drugs, payment gateways etc. shared across all health programs.

► THE URBAN LEARNING INTERNSHIP PROGRAM – TULIP

Ministry of Housing & Urban Affairs (MoHUA) and All India Council for Technical Education (AICTE) have jointly launched an online portal for "The Urban Learning Internship Program (TULIP)". It is a program to provide internship opportunities to fresh graduates in all Urban Local Bodies (ULBs) and Smart Cities across India. As States & UTs have a deeper understanding of the regional challenges and opportunities at the urban level, they can effectively implement TULIP by matching their needs with skills developed through such internships.

BENEFITS TO LAUNCH TULIP

- **TULIP** has been conceived pursuant to the Budget 2020-21 announcement by the Finance Minister under the theme '*Aspirational India*'.

- **Exposure of technical graduates**
- **Creating Potential Talent Pool**
- **Benefiting ULBs & SMART Cities**
- **Fresh Ideas by Youth Engagement**

MEMORANDUM OF UNDERSTANDING (MOU) SIGNED FOR TULIP

- A MoU has also been signed between MoHUA and AICTE which lays down roles and responsibilities of AICTE and MoHUA over a period of 5 years.
- Technical support for the platform shall be anchored by AICTE and the programmatic non-technical support shall be anchored by MoHUA.
- A Steering Committee under the Chairmanship of Secretary, HUA including Chairman AICTE and other officials from MoHUA and AICTE has also been constituted to review the progress of the program on a periodical basis.

► DEVELOPMENT AND WELFARE BOARD FOR DE-NOTIFIED, NOMADIC AND SEMI-NOMADIC TRIBES

Amongst the most disadvantaged communities in the country are the Denotified, Nomadic and Semi-Nomadic Communities (DNCs). These communities are hard to reach, less visible, and therefore frequently left out. While most Denotified Tribes (DNTs) are spread across the Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) categories, some DNTs are not covered in any of the SC, ST or OBC categories. Ministry of Social Justice and Empowerment has therefore notified in March, 2019 to constitute Development and Welfare Board for Denotified, Nomadic and Semi-Nomadic Communities chaired by Sh. Bhiku Ramji Idate. The Ministry has now come up with the Terms of Reference for the Board.

TERMS OF REFERENCE OF THE BOARD

- To formulate and Implement Welfare and Development programme as required, for De-notified, Nomadic and Semi-Nomadic Communities.
- To identify the locations/areas where these communities are densely populated.
- To assess and identify gaps in accessing existing programmes and entitlements and to collaborate with Ministries/Implementing agencies to ensure that ongoing programmes meet the special requirements of De-notified Nomadic and Semi-Nomadic Communities.

- To monitor and evaluate the progress of the schemes of Government of India and the States/UTs with reference to De-notified Nomadic and Semi-Nomadic Communities.
- To redress the grievances of DNTs communities and fulfil their expectations.

OTHER ACTIVITIES TAKEN UP BY THE GOVERNMENT FOR THE DEVELOPMENT OF NCTS

- Development and Welfare Board for De-notified, Nomadic and Semi-Nomadic Communities (DWBDNCs) have been working on classification of 269 communities which are currently not classified under SC/ST/OBC/Other communities.
- Further NITI Aayog has assigned the task of ethnographic survey of 62 tribes to the Anthropological Survey of India (AnSI) to conduct the studies of these communities in different parts of the country.
- The following schemes are being implemented by State Government/UT Administrations for the DNTs
 - Pre-Matric Scholarship to DNT Students
 - Post-Matric Scholarship to DNT Students
 - Nanaji Deshmukh Scheme of Construction of Hostels for DNT Boys and Girls

► NATIONAL EDUCATIONAL POLICY, 2020

*In May, 2019, the Committee led by the Chairman Dr. Kasturirangan submitted the Draft National Educational Policy to the Ministry of Human Resource and Development (MHRD). Last month, the Union Cabinet chaired by the Prime Minister has approved the **National Education Policy 2020**. The policy is based on the pillars of “**access, equity, quality, affordability, accountability**” and will transform India into a “**vibrant knowledge hub**”.*

REFORMS IN STRUCTURE & CURRICULUM OF SCHOOL EDUCATION

- The NEP 2020 suggests a slew of reforms to school education, with a focus on **flexibility of subjects and eliminating silos between streams of learning**. Another goal of the NEP is to achieve **100 percent Gross Enrolment Ratio in preschool to secondary level by 2030**.
- First off, the NEP **changes the existing 10+2 structure** of school education **to a 5+3+3+4**, covering children between the ages of 3-18.
- This structure, when broken up into corresponding grades, is:

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- **The foundation stage** is three years of anganwadi or preschool + two years in primary school in grades 1-2` covering ages 3 to 8 years
- **The ‘preparatory stage’** covering ages 8 to 11 years or grades 3-5
- **The ‘middle stage’** covering ages 11 to 14 years or grades 6-8
- **The ‘secondary stage’** covering ages 14 to 18 years in two phases – grades 9-10 in the first and grades 11-12 in the second
- The NEP aims to **reduce the curriculum content to its core essentials**, focussing on key concepts and ideas in order that children are able to practice **more critical thinking** and among other things, more **analysis-based learning**.
- The NEP also states that there will be **no hard separation among ‘curricular’, ‘extra-curricular’, or ‘co-curricular’ areas**, among ‘arts’, ‘humanities’, and ‘sciences’, or between ‘vocational’ or ‘academic’ streams. During grades 6-8, students will be required to take a course which will provide hands-on experience of a number of important vocational crafts as well.
- In fact, children will also be given **increased flexibility in the choices of subjects** they wish to study, especially in the secondary stage.

CHANGES TO EXAMINATIONS & FOCUS ON MULTILINGUALISM IN SCHOOLS

- The policy also aims to **promote multilingualism and a learning of native languages**. There will also be reforms to the assessment system.
- According to the policy, **board exams will be made ‘easier’, testing ‘primarily core capacities/competencies’** rather than rote learning.
- The NEP will implement **standardised school exams to be taken in grades 3, 5 and 8** in order to **track progress of education** throughout school years rather than just at the end.
- One of the biggest changes the NEP seeks to **bring about is a focus on languages** in school.
- According to the policy, *wherever possible*, “**the medium of instruction until at least grade 5, but preferably till grade 8 and beyond, will be the home language/mother tongue/local language/regional language**”, to be followed in both public and private schools.
- The policy will also implement **the three-language formula**, but with **some flexibility and without imposing** any language on a state.

- Essentially, it means that students will learn three languages, based on the states, regions and the choice of the students themselves, as long as at least two of the three languages are native to India.
- One of the languages offered in this **three-language formula will be Sanskrit**. The latter will be offered at all levels of school and higher education, as will other classical languages such as Tamil, Telugu, Kannada, Malayalam, Odia, Pali, Persian, and Prakrit.
- **Foreign languages** such as Korean, Japanese, Thai, French, German, Spanish, Portuguese, and Russian, will also be offered **at the secondary level**, the policy states.

REFORMING TRAINING OF TEACHERS

- The policy not only aims to **transform education but also to improve the skills** of those facilitating that education – teachers.
- Teachers will also be offered **local, regional, state, national, and international workshops** as well as online teacher development modules so that they are able to improve their skills and knowledge.
- The policy states that by 2030, **teacher education will be moved into multidisciplinary universities**, and by the same year, the minimum degree qualification for teaching will be a four-year integrated B.Ed.

REFORMS IN THE HIGHER EDUCATION SYSTEM

- A goal of the NEP is also to **increase the Gross Enrolment Ratio in higher education**, including vocational education from 26.3 percent as of 2018 to 50 percent by 2035.
- One of the main aims of NEP is to **overhaul the fragmented nature of India's existing higher education system** and instead bring together higher education institutions (HEIs) into **large multidisciplinary universities, colleges, and HEI clusters/knowledge hubs**.
- One change that the NEP brings about is that the undergraduate degree will be of **either a three or four-year duration**, with multiple exit options within this period, with appropriate certifications for those dropping out at a certain point in the course. HEIs will also be able to offer masters courses of different designs, based on the undergraduate degree of the student.
- **The MPhil programme has been discontinued by the NEP 2020.**
- The NEP is seeking to implement is an **"Academic Bank of Credit (ABC)"**, which will be able to digitally

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store academic credits earned from various recognised HEIs. This will allow degrees from an HEI to be awarded taking into account credits earned.

- While the NEP states that a system of granting graded autonomy based on accreditation will be adopted for colleges, **eventually, the aim is to transform them into an autonomous degree-granting college, or a constituent college of a university.**
- A change has also been to the regulatory system, **with the National Higher Education Regulatory Council (NHERC) set to function as one single regulator for the higher education sector**, including teacher education, but excluding medical and legal education.

► SOCIAL AUDIT

The Department of Rural Development has decided to institutionalize the social audits in major schemes of Rural Development, starting with National Social Assistance Programme and Pradhan Mantri Awas Yojana-Gramin. Social audit is a process of reviewing official records and determining whether state reported expenditures reflect the actual monies spent on the ground.

WHAT IS SOCIAL AUDIT?

- Social audit is a process in which, details of the resource, both financial and non-financial, used by public agencies for development initiatives are shared with the community, often through a public platform.
- Review of official records also helps to determine the gap in state reported expenditure and accrual money spent on ground. This overall helps to **enforce accountability and transparency** and enable public to **scrutinise development initiatives** especially at local level in Panchayats and Municipalities.

INSTITUTIONALISING SOCIAL AUDIT IN GOVT. SCHEMES

- **National level** - Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) was the first Act to mandate Social Audits by the Gram Sabha of all the projects taken up in the Gram Panchayat.
- **State level** - Few States have taken up social audit –
 - Pradhan Mantri Awas Yojana-Gramin (PMAY-G) audits are done in Uttar Pradesh, Meghalaya and West Bengal.
 - National Social Assistance Programme (NSAP) audits are done in Andhra Pradesh and West Bengal.
 - Meghalaya Legislature has enacted 'The Meghalaya Community Participation and Public Services Social

Audit Act, 2017' which mandates social audit in 26 different schemes in Education, Health, Rural Development and other areas.

LANGUAGE

► NEED TO AMEND OFFICIAL LANGUAGE ACT, 1963

Chief Justice of India while hearing an appeal against the Delhi High Court judgment observed that the government should consider amending the Official Languages Act of 1963 to include more vernacular languages in governance, and not just confine it to Hindi and English as there are many people in India who do not know Hindi and English. The Official Languages Act 1963 stipulates the government to publish rules only in Hindi and English.

OFFICIAL LANGUAGE OF INDIA

- **Article 343(1)** - The official language of the Union shall be Hindi in Devanagari script. The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.
- **Article 343(2)** - provides that English shall also be continued to be used in official work of the Union for a period of 15 years from the date of commencement of the constitution, i.e., up to the 25th of January 1965.
- Again, **Article 343(3)** made provisions for the continuation of English from 26th January 1965 by empowering the parliament to make laws to that effect.
- Accordingly, Parliament passed **The Official Languages Act, 1963** to provide for the languages which may be used for the official purposes of the Union, for transaction of business in Parliament, for Central and State Acts and for certain purposes in High Courts.

OFFICIAL LANGUAGES ACT, 1963

- It allowed continuance of English language for official purposes of the Union and for use in Parliament even after 1965. As per the Act, both English and Hindi shall be used for certain specified purposes like resolutions, rules, general orders, notifications, press communiqués, administrative and other reports, licenses, tenders, etc.
- **The Act provides for the following -**
 - English language shall be used for purposes of communication between the Union and a State

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which has not adopted Hindi as its official language.

- For communication between states where only one state has recognised Hindi as its official language, then communication in Hindi shall be accompanied by a translation of the same in the English language.

- **Optional use of Hindi or other official language in judgments, etc., of High Courts** - As from the appointed day (26th January, 1965) or any day thereafter the Governor of a State may, with the previous consent of the President, authorise the use of Hindi or the official language of the State, in addition to the English language, for the purposes of any **judgment, decree or order passed or made by the High Court** for that State. Where any **judgment, decree or order is passed or made in any such language** (other than the English language), it shall be accompanied by a translation of the same in the English language issued under the authority of the High Court.

► ARTICLE 350A & ARTICLE 350

- **A. 350A - Facilities for instruction in mother-tongue at primary stage** — *It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.*
- This provision was incorporated by the Constitution (Seventh Amendment) Act, 1956 based on the recommendations of States Reorganisation Commission which was headed by Retired Justice Fazal Ali.
- **A. 351 - Directive for development of the Hindi language** — *It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages.*

► HINDI AS A COURT LANGUAGE IN ABU DHABI

*Abu Dhabi has included Hindi as the **third official language to be used in its COURTS.***

The Abu Dhabi Judicial Department (ADJD) has announced that it has extended the adoption of interactive forms of statement of claims filed before courts by including the Hindi language alongside Arabic and English in labour cases.

HINDI IS AN OFFICIAL LANGUAGE OF FIJI.

Gol has been seeking the status of an official language for Hindi at the United Nations. Presently, there are six official languages of the UN- **Arabic, English, Russian, French, Spanish and Chinese.**

► CASE FOR TULU LANGUAGE TO BE INCLUDED IN SCHEDULE 8

There has been a plea to include Tulu Language in the Eight Schedule of the Indian Constitution.

- **Article 29** protects the interests of the minorities by making a provision that any **section** of citizens having a distinct **language, script or culture** has the **right** to conserve the same.
- **Article 29** mandates that no discrimination would be done on the ground of religion, race, caste, **language** or any of them.
- The **Yuelu Proclamation**, made by the **UNESCO** at Changsha, The People's Republic of China, in 2018, says: *"The protection and promotion of linguistic diversity helps to improve social inclusion and partnerships, helps to reduce the gender and social inequality between different native speakers, guarantee the rights for native speakers of endangered, minority, indigenous languages, as well as non-official languages and dialects to receive education, enhance the social inclusion level and social decision-making ability by encouraging them to participate in a series of actions to promote cultural diversity, endangered language protection, and the protection of intangible cultural heritage..."*

NORTH-EAST

► ASSAM-MIZORAM BORDER DISPUTE

The Assam government has accused Mizoram of occupying Assam's land near the 164.6 km inter-State

border and this has resulted in economic blockade on Mizoram.

- The boundary dispute stems from a notification of 1875 that differentiated Lushai Hills from the plains of Cachar, and another of 1933 that demarcates a boundary between Lushai Hills and Manipur.
- The notification of 1875 is derived from the **Bengal Eastern Frontier Regulation (BEFR) 1873.**

ABOUT MIZORAM

- **North-Eastern Reorganisation Act in 1972** – made Mizoram a Union Territory.
- Mizoram was granted statehood on 20 February 1987 as a sequel to the signing of the historic memorandum of settlement between the **Government of India** and the **Mizo National Front** in 1986.
- Mizoram became India's 23rd state in February 1987. It was one of the districts of Assam till 1972 when it became a Union Territory.
- **The Constitution (53rd Amendment) Act, 1986** added **Article 371-G** – which provides special provision with respect to the State of Mizoram.

ABOUT INNER LINE PERMIT & RECENT DEVELOPMENTS

- The Inner Line Permit was established by the British government under **the Bengal Eastern Frontier Regulations, 1873** to safeguard tribals of eastern part of Bengal.
- The 1873 regulation is also known as Inner Line Regulation (ILR) or Inner Line Permit (ILP).
- The system requires outsiders to obtain a permit from the government to enter the designated territory and is issued for travel purposes solely.
- System of ILP is applicable in **Arunachal Pradesh, Nagaland, Manipur** and **Mizoram**.
- State of **Manipur** has been added recently in the Inner Line Permit System in December, 2019.

► FREEZING ASSAM'S ST LIST

An umbrella organisation of tribal bodies has advised the Assam government to freeze the list of Scheduled Tribe (Plains) "for good" and satisfy six communities demanding tribal status in a way that does not infringe up the rights of the existing tribes. The six communities demanding Scheduled Tribe Status are Chutia, Koch-Rajbongshi, Matak, Moran, Tai-Ahom and 'Tea Tribes'. Assam has two categories of Scheduled Tribes (ST) – ST communities from Plains and ST communities from Hills.

SCHEDULED TRIBES

- The framers of the Constitution realised that certain communities in the country were suffering from extreme social, educational and economic backwardness on account of the primitive agricultural practices, lack of infrastructure facilities and geographical isolation.
- The Constitution of India in **Article 366 (25)** prescribe that the Scheduled Tribes means such tribes or tribal communities as are deemed under **Article 342** of the Constitution to be Scheduled Tribes.

The criteria presently followed for specification of a community as a Scheduled Tribe are -

- (i) indications of primitive traits
- (ii) distinctive culture
- (iii) geographical isolation
- (iv) shyness of contact with the community at large, and
- (v) backwardness

► DEMAND FOR GREATER NAGALIM

The Framework Agreement signed in August 2015 between Government of India and National Socialist Council of Nagalim, or the NSCN (I-M) promised roads to peace in Nagaland. On the eve of independence-day, the contents of the agreement were made public by NSCN (I-M) signalling the growing tension with the Union Government.

CHALLENGES STILL REMAIN

- **Difference in understanding of Greater Nagalim** – according to NSCN (IM) this also includes parts of Arunachal, Assam and Manipur beyond Naga inhabited areas.
- **Problem in Accepting the Demand of Greater Nagalim by Govt. of India** – as it would require Re-organisation of states of North-East. No states presently would agree to such a proposal which carves away their settled territory.
- **NSCN (IM) wants Peaceful Settlement outside the purview of Indian Constitution as two separate sovereign entities.**
- **Demand of separate Naga Flag and Constitution for Greater Nagalim.**
- **Specific Problem of NSCN (IM) with Nagaland Governor.**
- **Difference between Naga National Political Groups (NNPGs) - a conglomerate of seven rival**

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groups with NSCN (I-M) on several issues leading to a stalemate in the agreement.

- **NSCN (IM) made public the official Framework Agreement against the wishes of government.**

► THIRD BODO PEACE ACCORD

The Third Bodo Peace Accord between the central government and representatives of Bodo movement has officially ended the demand for a separate Bodoland.

Bodo Peace Accords	Impact
1 st Bodo Accord	Bodoland Autonomous Council (BAC) was created
2 nd Bodo Accord	BAC got elevated to Bodoland Territorial Council (BTC)
3 rd Bodo Accord	Ended Demand for Separate State – Bodoland Territorial Region (BTR)

THE AGREEMENT UNDER 3RD BODO ACCORD

- The key provisions of the accord cover three main aspects of the **Bodo people's demand**:
 1. *Clemency and mainstreaming of people who were involved in violent agitation*
 2. *Greater Autonomy and Economic Development of Bodo people, and*
 3. *Preserving Bodo language and culture*
- **Criminal cases with non-heinous charges against NDFB members will be withdrawn** while heinous cases will be reviewed on a case-to-case basis as per the existing rules, according to the pact.
- **Economic development of the people of Bodoland** - Centre will provide an economic package of Rs. 1500 crores in the next three years with equal contribution of Rs 750 crore each from the Central and state governments.
- The agreement also states that the name of BTAD will be changed to **Bodoland Territorial Region (BTR)**. BTR will have more executive, administrative, legislative and financial powers.
- **BTC currently has control over 30 subjects** such as education, forests, horticulture but no jurisdiction over the police, revenue and general administration departments, which are controlled by the Assam government.

► BODOLAND TERRITORIAL COUNCIL ELECTIONS

BTC Elections held in December 2020 delivered a fractured mandate as no single party could get majority of 21 seats.

IMPORTANT HIGHLIGHTS

- BTC was constituted under the **Sixth Schedule** to the Constitution of India in the year 2003 after the signing of **Second Bodo Peace Accord**.
- Memorandum of Settlement was signed in February, 2003 between the Government of India, the Government of Assam and Bodo Liberation Tigers, to fulfil economic, educational and linguistic aspiration and the preservation of land-rights, socio-cultural and ethnic identity of the Bodos and to speed up the infrastructure in BTC area.
- Communities in BTC** - Bodos, Assamese, Bengalis, Koch-Rajbongshis, Rabhas, Garos, Adivasis, Muslims and Nepalis, etc.
- Powers of BTC** - It has legislative, executive, administrative and financial powers in respect of subjects transferred to it.
- Executive Council** - has not more than 14 Executive Members including non-tribal members.
- Bodoland Territorial Council** shall consist of not more than **46 Members** of whom **40 Members** shall be elected on the basis of adult suffrage. **The remaining 6 Members shall be nominated by the Governor.**

BODOLAND TERRITORIAL COUNCIL		
Members of BTC	Categories of Members	Number of Members
Elected Members	Scheduled Tribes	30
	Non-Tribal Communities	5
	Open Communities	5

► ARUNACHAL SEEKS SIXTH SCHEDULE STATS

State Government of Arunachal Pradesh has decided to appeal to the Centre for bringing the State under the

purview of the Sixth Schedule of the Constitution towards protecting the rights of its indigenous peoples. The Sixth Schedule consists of provisions for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram.

REASONS PROVIDED BY ARUNACHAL

- Arunachal Government was under the wrong impression of being protected through **Inner Line Permit**.
- The provisions of **Article 371(H)** added by **Constitution 55th Amendment** for **Arunachal Pradesh** do not ensure full protection to the State's people.

► REGISTER OF INDIGENOUS INHABITANTS OF NAGALAND (RIIN)

The Nagaland government is initiating an exercise to prepare a master list of all indigenous inhabitants of the State. This list, called the Register of Indigenous Inhabitants of Nagaland (RIIN), is seen as a localised version of the National Register of Citizens (NRC).

ABOUT RIIN

- The RIIN will be the first official master list of Nagaland's indigenous inhabitants.
- Its objective is to prevent people from acquiring fake indigenous inhabitants' certificates.
- The list will be based on an extensive survey besides digging into official records of indigenous residents from villages and urban wards.
- These team comprising sub-divisional officers, block development officers, school headmasters and other nominated members, would visit every village and ward to make the list.
- Everyone figuring in RIIN will be issued a **bar-coded and numbered Indigenous Inhabitant Certificate (IIC)**.
- The process will be dovetailed with the online system of **Inner Line Permit (ILP)**.
- No IIC will be issued after RIIN is finalised except to babies born to indigenous inhabitants of Nagaland.

SECTION 3

CORE

► FRAMING OF THE CONSTITUTION OF INDIA

- The idea of "Constituent Assembly" for India was mooted **for the first time by MN Roy in 1934.**
- The Constituent Assembly's demand was **first accepted by the British in August Offer (1940).** However, it was **in Cripps Mission** that the British **accepted for the Constitution Assembly consisting entirely of Indians.**
- The Constituent Assembly was set-up in November, 1946 as per the **Cabinet Mission Plan of 1946.**
- The Cabinet Mission Plan discarded full adult franchise for elections to the Constituent Assembly and instead **suggested indirect elections by members of the recently elected Provincial Legislative Assemblies.**
- (i) **292 members were elected through the Provincial Legislative Assemblies;** (ii) **93 members represented the Indian Princely States;** and (iii) **4 members represented the Chief Commissioners' Provinces.**
- The total membership of the Assembly thus was to be 389. However, as a result of the **partition under the Mountbatten Plan of 3 June, 1947,** a separate Constituent Assembly was set up for Pakistan and representatives of some Provinces ceased to be members of the Assembly.
- **Consequently, the membership of the Constituent Assembly was reduced to 299.**
- On 13 December, 1946, Pandit Jawaharlal Nehru moved the Objectives Resolution.
- Its **first meeting** was held on **9th December, 1946** with **Sachidanand Sinha as the interim President.**
- **On 11th December, 1946, Dr Rajendra Prasad was elected as the President** of the Constituent Assembly. Objective Resolution was moved by Jawaharlal Nehru.
- The **Drafting Committee** was appointed, with **Dr BR Ambedkar as the Chairman.**
- The Constituent Assembly took almost **2 Years, 11 Months and 18 days** to complete its historic task of drafting the Constitution for Independent India.
- On **26th November, 1949,** the people of India through the Constituent Assembly **adopted, enacted and gave themselves the Constitution of India.**
- The Constitution **came into full operation with effect from 26th January, 1950.**
- When the **Constitution of India came into force on 26th January, 1950,** it repealed **the Indian Independence Act, 1947.**
- India ceased to be a dominion of the British Crown and became a sovereign, democratic and republic.
- 15 Female Members of Constituent Assembly:
 - **R Durgabai Deshmukh:** Also member of the Planning Commission after Independence.
 - **R Rajkumari Amrit Kaur:** First cabinet ranking female Minister in the First Cabinet. First Health Minister.

R **Hansa Mehta**: She was Indian representative at the UN for UN Declaration on Human Rights. She advocated for changing "all men are born free and equal" to "all human beings are born free and equal".

R **Begum Aizaz Rasul**: Only female muslim member of the Constituent Assembly. She argued against separate electorates (Punjab).

R **Ammu Swaminathan**: She demanded for a small constitution to be able to fit in the pocket.

R **Dakshayani Velayudhan**: She was only female from the Dalit Community in the Constituent Assembly. (Tamil Nadu)

R **Kamla Chaudhary**

R **Leela Roy**

R **Malati Chowdhary**

R **Purnima Banerjee**

R **Renuka Ray**

R **Sarojini Naidu**

R **Sucheta Kripalani**

R **Vijayalakshmi Pandit**:

R **Annie Mascarene**: (From Kerala)

FUNCTIONS PERFORMED BY THE CONSTITUENT ASSEMBLY

- It adopted the **National flag** on 22nd July, 1947.
- It ratified India's, **membership of Commonwealth** in the May, 1949.
- It elected **Dr Rajendra Prasad as the first President** of India on 24th January, 1950.
- It **adopted the National Anthem and National song** on 24th January, 1950.

Committee on the Rules of Procedure	Rajendra Prasad
Steering Committee	Rajendra Prasad
Ad hoc Committee on the National Flag	Rajendra Prasad
Finance and Staff Committee	Rajendra Prasad
Credential Committee	Alladi Krishnaswami Ayyar
House Committee	B. Pattabhi Sitaramayya
Order of Business Committee	K.M. Munsi
Committee on the	G.V. Mavalankar

Functions of the Constituent Assembly	
States Committee	Jawaharlal Nehru
Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Vallabhbhai Patel
Minorities Sub-Committee	H.C. Mookherjee
Fundamental Rights Sub-Committee	J.B. Kripalani
North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi
Union Constitution Committee	Jawaharlal Nehru
Drafting Committee	B.R. Ambedkar

► SOURCES OF INDIAN CONSTITUTION

US Constitution	Fundamental rights, independence of judiciary, judicial review, impeachment of the President, removal of supreme court and high court judges and post of Vice President
British Constitution	Parliamentary government, Rule of Law, Legislative procedure, single citizenship, cabinet system, prerogative writs, Parliamentary privileges and bicameralism.
Irish Constitution	Directive Principles of State Policy, nomination of members
Australian Constitution	Concurrent List, freedom of trade, commerce and inter-course and joint sitting of the two Houses of Parliament
Canadian Constitution	Federation with a strong Center, vesting of residuary powers in the center, appointment of State governors by the Center and advisory jurisdiction of the Supreme Court
Weimar Constitution of	Suspension of Fundamental Rights during Emergency

Germany	
Australian Constitution	Concurrent List, freedom of trade, commerce and inter-course and joint sitting of the two Houses of Parliament.
Soviet Constitution (USSR, now Russia)	Fundamental duties and the ideal of justice (social economic and political) in the Preamble
French Constitution	Republic and the ideals of liberty, equality and fraternity in the

	Preamble.
South African Constitution	Procedure for amendment of the Constitution and election of members of Rajya Sabha
Government of India Act 1935	Federal Scheme, Office of Governor, Judiciary, Public Service Commission Emergency provisions and administrative details
Japanese Constitution	Procedure established by Law.

► CONSTITUTION OF INDIA

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► 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:

JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all
FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

- The vision given in the Preamble of our Constitution is the guiding light for ensuring the spread and reach of the political, economic and social democracy in the country.
- The word **Socialist, Secular, & integrity** were added by **Constitution 42nd Amendment**. (The preamble has been amended only once so far)
- Preamble does not grant any power but it gives a direction purpose to the Constitution and also outlines its objectives.

- The Preamble contains the fundamentals of the Constitution and serves the following important purposes:
 - Contains the enacting clause which brings the constitution into force
 - Declares the rights and freedoms intended for its people
 - Declares the basic type of government and polity which is sought to be established in India
 - Throws light on the source of the Constitution viz. the *People of India*
- Thus, the source of the Constitution are the people themselves from whom the Constitution derives its ultimate sanction. The People of India thus constitutes the sovereign political body who hold the ultimate power and who conduct the government of the country through their elected representatives.

IS THE PREAMBLE PART OF THE CONSTITUTION?

- The Preamble of the constitution was added after rest of the constitution was already enacted.
- SC in the Berubari Union Case (1960) said that the preamble is not the part of the constitution. However, in the Kesavananda Bharati case (1973), the Supreme Court overturned its previous decision and held that

preamble is a part of constitution and can be amended under article 368.

- In the SR Bommai case, the Supreme Court held that preamble indicates basic structure of the constitution.

NOTE: "Objectives resolution" introduced by Jawahar Lal Nehru was later Modified as a preamble of India.

WHAT PROVISIONS OF INDIAN CONSTITUTION CAME INTO FORCE FROM 26th NOVEMBER 1949?

- Some provisions of the Constitution pertaining to citizenship, elections, provisional parliament, temporary and transitional provisions, and short title contained in Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393 came into force on November 26, 1949 itself.
- The remaining provisions (the major part) of the Constitution came into force on January 26, 1950. This day is referred to in the Constitution as the 'date of its commencement', and celebrated as the Republic Day.

THE UNION AND ITS TERRITORY

► CONSTITUTIONAL PROCESS TO CREATE STATE / UNION TERRITORIES

- **Part I of the Constitution of India** provides for formation of new States and Union Territories and alteration of areas, boundaries or names of existing States or Union Territories.
- **Article 3 empowers the Parliament to**
 - R Form new states or Union Territories
 - R Alter areas, boundaries or names of existing states or Union Territories
- Now, regarding **Article 3**, the first thing to understand is about the Explanation-I and Explanation-II provided thereunder which we generally miss.

Explanation I - In this article -- in clauses (a) to (e) -- "State" includes a **Union territory**, -- but in the proviso - "State" does not include a Union territory.

Explanation II - The power conferred on Parliament by clause (a) includes the **power to form a new State or Union territory** by uniting a part of any State or Union territory to any other State or Union territory. (This case is applicable for J&K to be divided into two UTs.)

So, after understanding the Explanations, let us go through the Provisions of Article 3

Article 3 - It says that Parliament may by law -

- form a new State (or UT) by separation of territory from any State or by uniting two or more States (or UT) or parts of States or by uniting any territory to a part of any State (or UT)
- increase the area of any State
- diminish the area of any State
- alter the boundaries of any State
- alter the name of any State

Proviso Clause - (Here State does not include Union Territory)

- The Bill to be introduced for reorganisation of states, recommendation of the President is necessary.
- Where proposals contained in the Bill affect the areas, boundaries, or name of any of the States, the Bill must be referred by the President to the Legislature of that State for expressing its views within a prescribed timeframe.

Article 2 - Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

Article 4 - Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters. No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368.

► PART-III: FUNDAMENTAL RIGHTS (F.R.)

Rights can be classified into **Natural Rights, Human Rights, Fundamental Rights, Constitutional Rights and Statutory Rights**

- **Natural Rights** - Natural Rights are universal in nature inherent to all living things.
- **Human Rights** - They are similar to natural rights i.e. they are universal in nature but inherent only to humans.
- **Constitutional Rights** - These are rights provided by the constitution to the people. Example: Article 326 provides for universal adult franchise.
- **Statutory Rights** - These are rights provided to people by various laws passed by the legislature. Example: NATIONAL FOOD SECURITY ACT, MGNREGA etc.

- **Fundamental Rights** – These are provided in Part-III of the Indian Constitution.
- The entrenched Fundamental Rights have a dual aspect. One, they confer justiciable rights on the people which can be enforced through the Courts against the government. Second, they also constitute restrictions and limitations on government actions. Thus, a government cannot take any action, administrative, legislative or punitive by which any fundamental right is infringed.
- Entrenchment means that the guaranteed rights under Part III of the Constitution cannot be taken by ordinary law and such law curtailing any fundamental rights would be declared unconstitutional on judicial review.
- However, fundamental rights are not absolute rights and are subject to reasonable restrictions imposed in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

The Fundamental Rights in the Indian Constitution have been grouped under the following heads:

Right to Equality	Article 14 – 18
Right to Freedom	Article 19 – 22
Right Against Exploitation	Article 23 – 24
Right to Freedom of Religion	Article 25 – 28
Cultural and Educational Rights	Article 29 – 30
Right to Constitutional Remedies	Article 32 – 35

► STATE (ARTICLES 12)

- According to Article 12, 'the state' includes the
 - Government and Parliament of India.
 - Government and Legislature of States.
 - All local or state authorities such as municipalities, panchayats, district boards, improvement trusts, etc within the territory of India or under the control of Government of India.
- Supreme Court have emphasised that the concept of agency or instrumentality of the Government is not limited to a corporation created by a statute but is equally applicable to a company or a society.

- Supreme Court laid down the relevant tests to determine the existence of State agency or instrumentality:
 - If the entire share capital of the corporation is held by Government, it would go a long way towards indicating that the corporation is an instrumentality or agency of Government.
 - Where the financial assistance of the State is so much as to meet almost entire expenditure of the corporation, it would afford some indication of the corporation being impregnated with governmental character.
 - Whether the corporation enjoys a monopoly status which is State conferred or State protected.
 - Whether the State has a 'deep and pervasive' control over it.
 - If the functions of the entity are of public importance and closely related to governmental functions.
 - If a department of Government itself is transferred to a corporation.

However, the Supreme Court added that these tests were not exclusive and were merely indicative. The matter must be decided on case basis whether on facts the body is **financially, functionally, and administratively** dominated by, or under the control of the Government and such control must be **pervasive** and **not mere regulatory**. If these conditions are met, then a body can be called 'State' under Article 12.

► LAWS INCONSISTENT WITH FUNDAMENTAL RIGHTS & JUDICIAL REVIEW (ARTICLES 13)

ARTICLE 13 - LAWS INCONSISTENT WITH OR IN DEROGATION OF THE FUNDAMENTAL RIGHTS

- Article 13 gives teeth to the fundamental rights and makes them justiciable.
- Article 13(1) declares that all pre-Constitution laws shall be void to the extent to the extent of their inconsistency with Fundamental Rights.
- According to **Article 13(2)**, the State 'shall not make any law' which takes away or abridges the fundamental rights and any law made by the state contravening any fundamental right shall to the extent of such inconsistency be void. This provision deals with post-Constitutional laws.
- So, Article 13 empowers judiciary, especially the Supreme Court to act as the guardian, protector and

the final interpreter of the Fundamental Rights. Supreme Court has also said that **judicial review is also one of the 'basic feature'** of the Constitution.

- Parliament cannot curtail the power of judicial review by passing any legislation or through a constitutional amendment.

► RIGHT TO EQUALITY (ARTICLES 14-18)

ARTICLE 14 (EQUALITY BEFORE LAW)

- Article 14 says that state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
- Art. 14 is available to any person including legal persons viz. statutory corporation, companies, etc.
- Art. 14 is taken from the concept of equal protection of laws has been taken from the Constitution of USA.
- The concept of the rule of law is a negative concept while the concept of equal protection of laws is a positive concept.
- The concept of equality before the law is equivalent to the second element of the concept of the 'rule of law' propounded by A.D. Dicey, the British jurist. But certain exceptions to it are, the president of India, state governors, Public servants, Judges, Foreign diplomats, etc., who enjoy immunities, protections, and special privileges.

ARTICLE 15

- Article 15 of the Constitution **prohibits discrimination** against any citizen on the grounds of *race, religion, caste, sex, or place of birth*.
- However, as per **Article 15(4)**, the government may make any special provision for the advancement of any **socially and educationally backward classes of citizens** or for the **Scheduled Castes and the Scheduled Tribes**.
- **Article 15(5)** provides that state may make law for the advancement of any **socially and educationally backward classes of citizens** or for the **Scheduled Castes or the Scheduled Tribes** in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions (referred in Article 30).
- **The Constitution (One Hundred and Third Amendment) Act, 2019** has added a new provision – **Article 15(6)**, whereby

(a) State can make any special provision for the advancement of any “economically weaker sections of citizens”

(b) State can make any special provision for the advancement of any “economically weaker sections of citizens” relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State.

(c) However, such reservation will not apply to minority educational institutions.

(d) Reservation to such educational institutions would be in addition to the existing reservations and subject to a maximum of **10 per cent**.

ARTICLE 16

- Article 16 of the Constitution prohibits discrimination in employment in any government office. However, as per **Article 16(4)**, the state may make any provision for the reservation of appointments or posts in favour of **any backward class of citizens** which, in the opinion of the State, is **not adequately represented** in the **services under the State**.
- **The Constitution (One Hundred and Third Amendment) Act, 2019** has added a new provision – **Article 16(6)** where the state may make any provision for the reservation of appointments or posts in favour of any **economically weaker sections of citizens** in addition to the existing reservation and subject to a maximum of **10 per cent**.
- The reservation of up to 10% for “economically weaker sections” in educational institutions and public employment will be in addition to the existing reservation.

ARTICLE 17 (ABOLITION OF UNTOUCHABILITY)

Article 17 says that Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offense punishable by law.

ARTICLE 18 (ABOLITION OF TITLES)

- Article 18 says that no title, not being a military or academic distinction, shall be conferred by the State. No citizen of India shall accept any title from any foreign state.
- The awards, Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri, called as The National Awards would not amount to title within the meaning of Article 18.

► RIGHT TO FREEDOM (ARTICLES 19-22)

ARTICLE 19 FREEDOM & RESTRICTIONS

- All citizens shall have the right
 - to freedom of speech and expression.
 - to assemble peacefully and without arms.
 - to form associations or unions and cooperatives
 - to move freely throughout the territory of India.
 - to practice any profession or to carry on any occupation, trade or business.
- However, the freedoms guaranteed by Article 19 (1) are not absolute and each of these rights is liable to be controlled, curtailed and regulated to some extent by laws made by Parliament or respective State Legislatures.
- Accordingly clauses (2) to (6) of Article 19 lay down the grounds and the purposes for which a legislature can impose 'reasonable restrictions' on the rights guaranteed by Article 19(1).
- Restrictions imposed under Article 19 (2) to (6) serves two purpose:
 - i. they specify that these freedoms are not absolute but are subject to regulation
 - ii. they put a limitation on the power of a legislature to restrict these freedoms.
- Three important characteristics of reasonable restrictions imposed are:
 1. The restrictions can be imposed only by or under the authority of law. No restriction can be imposed by executive action alone without a corresponding law
 2. Each restriction must be reasonable
 3. There must be a purpose for which such restrictions are imposed
- **Reasonable Restriction open to Judicial Review** - Whether a restriction is reasonable or purposeful is to be determined finally by Courts when a law is challenged as unconstitutional. Hence, restrictions imposed by the legislature on freedom are not final or conclusive and is open to Judicial Review.

IS RIGHT TO INTERNET ACCESS A FUNDAMENTAL RIGHT?

- Supreme Court declared that access to the internet is protected under Article 19 of the Constitution.
- SC affirmed that the right to freedom of speech and expression, as guaranteed to all citizens under the first section of that article, covers the right to go online.

- In effect, even if left unsaid, this would make net access a fundamental right.

ARTICLE 20 (PROTECTION IN RESPECT OF CONVICTION FOR OFFENCES)

- No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the Act.
- No person shall be prosecuted and punished for the same offence more than once.
- No person accused of any offence shall be compelled to be a witness against himself.

ARTICLE 21

- No person shall be deprived of his life or personal liberty except according to procedure established by law.
- However, procedure established by law will have the same meaning as that of due process of law as held in Maneka Gandhi case 1978.

ARTICLE 21A

The State shall provide free and compulsory education to all children of the age of 6-14 years in such manner as the State may, by law, determine.

ARTICLE 22

- Any person who is arrested and detained in custody must be informed about the grounds of his arrest. The person arrested shall not be denied the right to consult, and to be defended by a legal practitioner of their choice.
- Every person who is arrested and detained in custody shall be produced before the nearest magistrate **within a period of twenty-four hours** of such arrest.
- However, the protection guaranteed under Article 22 shall not be allowed to
 - any person who for the time being is an **enemy alien**
 - to any person who is arrested or detained under any law providing for **preventive detention**
- Preventive detention shall not be authorised for a period longer than three months unless approved by an Advisory Board.

► RIGHT AGAINST EXPLOITATION (ARTICLES 23-24)

ARTICLE 23

Prohibition of traffic in human beings and forced labour - Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any

contravention of this provision shall be an offence punishable in accordance with law.

ARTICLE 24

Prohibition of employment of children in factories, etc.—No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

► RIGHT TO FREEDOM OF RELIGION (ARTICLES 25-28)

ARTICLE 25

Freedom of conscience and free profession, practice and propagation of religion - All persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion. However, this right is subject to public order, morality and health.

However, the state can make any law to

- regulate or restrict any economic, financial, political or other secular activity which may be associated with religious practice;
- provide for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

The wearing and carrying of *kirpans* shall be deemed to be included in the profession of the Sikh religion.

ARTICLE 26

Freedom to manage religious affairs - Subject to public order, morality and health, every religious denomination or any section thereof shall have the right

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law

ARTICLE 27

Freedom as to payment of taxes for promotion of any particular religion — No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

ARTICLE 28

Freedom as to attendance at religious instruction or religious worship in certain educational institutions

Institution	Religious Instruction
Government	Not Permitted
Private (Aided)	Permitted (Voluntary Basis)
Private (unaided)	Permitted (Voluntary Basis)
Administered by State (Established under religious Endowment Act)	Religious Instruction can be indoctrinated. Eg.: Madrasas, Christian Missionary Schools

► CULTURAL AND EDUCATIONAL RIGHTS (ARTICLES 29-30)

ARTICLE 29

Protection of interests of minorities

- Any section of the citizens residing in the territory of India or any part thereof having a distinct **language, script or culture** of its own shall have the right to conserve the same.
- No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

ARTICLE 30

Right of minorities to establish and administer educational institutions

- All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

ARTICLE 31

- Repealed by 44th CAA 1978; placed under Art. 300A Providing for ordinary Legal Rights; Art. 31A; 31B; 31C were inserted into the Constitution.
- Article 31A
- Inserted by 1st CAA saves certain categories of Laws (related to Agrarian reforms) on grounds of being violative of Article 14; 19 & 31.
- (Presently only Art. 14 & 19)

ARTICLE 31B

- 1st CAA 1951; IXth schedule; completely immune from Judicial review; any category of law, **I.R. Coelho case**; complete Blanket immunity against Basic Structure;

subject to Judicial review post 24th March 1973 on grounds of Basic structure Doctrine

ARTICLE 31C

- 25th CAA 1971; Laws to give effect to Article 39(b) & (c) saved even if violative of Article of Article 14, 19 & 31 (presently Article 14 & 19); scope of Article 31C enlarged to entire DPSP by 42nd CAA; Minerva mills case struck down the enlarged scope; Doctrine of Harmonics Balance.

► RIGHT TO CONSTITUTIONAL REMEDIES ARTICLE 32

It deals with the right to move to the Supreme Court for the enforcement of Fundamental Rights including the Writs of (i) Habeas corpus, (ii) Mandamus, (iii) Prohibition, (iv) Certiorari and (IV) Quo warranto.

WRIT	LOCUS STANDI	AGAINST WHOM
Habeas Corpus	No	State & Private Individuals
Mandamus	No	Public Authorities
Prohibition	Yes	Judicial & Quasi-Judicial
Certiorari	Yes	Judicial & Quasi-Judicial
Quo Warranto	No	Public Authorities

► RIGHTS OUTSIDE PART III

There are certain other rights contained in other parts of the Constitution. **These rights are known as constitutional rights or legal rights or non-fundamental rights.** They are:

1. No tax shall be levied or collected except by authority of law (**Article 265**).
2. No person shall be deprived of his property save by authority of law (**Article 300-A**).
3. Trade, commerce and intercourse throughout the territory of India shall be free (**Article 301**).
4. The **elections** to the Lok Sabha and the State Legislative Assembly shall be **on the basis of adult suffrage** (**Article 326**).

Even though the above rights are also equally justiciable, they are different from the Fundamental Rights. In case of violation of a Fundamental Right, the aggrieved person can directly move the Supreme Court for its

enforcement under Article 32, which is in itself a fundamental right. But, **in case of violation of the above rights, the aggrieved person cannot avail this constitutional remedy.** He can move the High Court by an ordinary suit or under Article 226 (writ jurisdiction of high court).

► DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP).

- Borrowed from the constitution of Ireland.
- The fundamental rights and the directive principles have a common origin but are differentiated on grounds of justifiable and **non-justifiable rights** respectively. DPSP along with Fundamental Rights have been called **Conscience of the Constitution by Granville Austin**.
- Basically, the idea is that the “state” should keep these DPSPs in mind while framing laws, policies, ordinances etc. They are basically a code of conduct for the legislature and administrators of the country. They are non-justiciable in nature.
- DPSP's laid the foundation of **Welfare State** in India. Welfare State is defined as a state which guarantees certain minimum level of access to services such as health, education and economic security to all citizens.

► DPSP CLASSIFICATION

They are classified into 3 broad categories—Socialistic, Gandhian and Liberal-intellectual.

SOCIALISTIC

Principal among this category of directives are:

- a) securing welfare of the people (Art. 38)
- b) Securing proper distribution of material resources of the community as to best sub serve the common-good, equal pay for equal work, protection of childhood and youth against exploitation. etc. (Art.39),
- c) Equal justice and free legal aid (Art. 39A, added by 42nd Amendment)
- d) Securing right to work, education etc. Art. (41),
- e) Securing just and humane conditions of work and maternity relief (Art. 42) etc.
- f) Participation of workers in management of industries (Art 43A, added by 42nd Amendment)
- g) Promotion of Co-operative societies (Art 43B, added by 97th Amendment)

GANDHIAN

Principal among such directives are:

- a) to organize village panchayats (Art. 40),
- b) to secure living wage, decent standard of life, and to promote cottage industries (Art.43),
- c) to provide free and compulsory education to all children up to 14 years of age (Art. 45),
- d) to promote economic and educational interests of the weaker sections of the people, particularly, the scheduled castes and scheduled tribes,
- e) To enforce prohibition of intoxicating drinks and cow-slaughter and to organize agriculture and animal husbandry on scientific lines (Arts. 46-48).

LIBERAL-INTELLECTUAL

- a) to secure **uniform civil code throughout the country** (Art.44),
- b) Protection and improvement of environment and safeguarding of forests and wildlife (Art.48A, added by 42nd Amendment)
- c) to separate the judiciary from the executive (Art.50),
- d) to protect monuments of historic and national importance, and
- e) To promote international peace and security.

AMENDMENTS TO DPSP

ARTICLE	CONSTITUTIONAL AMENDMENT ACT (CAA)	YEAR
Article 38(2)	44 th	1978
Article 39 (f); Article 39 A; Article 43 A; Article 48 A	42 nd	1976
Article 45	86 th	2002
Article 43B	97 th	2011

► DIRECTIVES OUTSIDE PART IV

There are some other Directives contained in other Parts of the Constitution. They are:

1. The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with

the affairs of the Union or a State (**Article 335 in Part XVI**).

2. **Instruction in mother tongue:** It shall be the endeavour of every state and every local authority within the state to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups (**Article 350-A in Part XVII**).

3. **Development of the Hindi Language:** It shall be the duty of the Union to promote the spread of the Hindi language and to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India (**Article 351 in Part XVII**). The **above Directives are also non-justiciable in nature**. However, they are also given equal importance and attention by the judiciary on the ground that all parts of the constitution must be read together.

► FUNDAMENTAL DUTIES (F.D.)

- The Fundamental Duties of citizens were added to the Constitution by the 42nd Amendment in 1976, upon the **recommendations of the Swaran Singh Committee**. They are mentioned in the **Article 51A, Part IVA** of the Indian Constitution.
- It was on the Soviet model that fundamental duties were added. They non-justiciable in nature.
- They were originally ten in number, the Fundamental Duties were increased to eleven by the 86th Amendment in 2002.

List of Fundamental Rights

It shall be the duty of every citizen of India —

1. to **abide by the constitution** and respect its ideal and institutions;
2. to cherish and follow the noble ideals which inspired our **national struggle for freedom**;
3. to uphold and **protect the sovereignty, unity and integrity of India**;
4. to defend the country and render national service when called upon to do so;
5. to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional diversities, to renounce practices derogatory to the dignity of women;
6. to value and preserve the rich heritage of our composite culture;

7. to protect **natural environment** including forests, lakes, rivers, and wild-life and to have compassion for living creatures;
8. to develop the **scientific temper, humanism and the spirit of inquiry and reform**;
9. to **safeguard public property and to abjure violence**;
10. To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavor and achievement.
11. Who is a parent or guardian, to provide opportunities for education to his child, or as the case may be, ward between the age of 6 to 14 years. (added by 86th amendment act)

► PRESIDENT

- There shall be a President in whom the executive power of the Union shall be vested.
- The President shall be elected by the members of an electoral college consisting of:
 - Elected members of both Houses of Parliament; and
 - The elected members of the Legislative Assemblies (LA) of the States including LA of National Capital Territory of Delhi and the Union territory of Pondicherry.

OATH OR AFFIRMATION

President shall make and subscribe before the Chief Justice of India or, in his absence, the senior-most Judge of the Supreme Court an oath or affirmation.

TENURE

The President shall hold office for a term of five years from the date on which he enters upon his office and can be eligible for re-election to that office.

QUALIFICATIONS

Is a citizen of India, has completed thirty-five years of age is qualified for election as a member of the House of the People.

RESIGNATION

President may, by writing under his hand addressed to the Vice-President, resign his office.

IMPEACHMENT

- The charge to impeach the President shall be preferred by either House of Parliament and the other House shall investigate the charge; at least 14

days-notice has to be given in writing signed by not less than one-fourth of the total number of members of the House.

- Such resolution has to be passed by a **majority of not less than two-thirds of the total membership of the House**.
- If as a result of the investigation a resolution is passed by a **majority of not less than two-thirds of the total membership of the House** by which the charge was investigated or caused to be investigated, declaring that the charge preferred against the President has been sustained, such resolution shall have the effect of removing the President from his office as from the date on which the resolution is so passed.

► VICE-PRESIDENT

Vice-President of India is the *ex-officio* Chairman of the **Council of States** and shall not hold any other office of profit.

ELECTION: Vice-President is elected by the members of an electoral college consisting of the **members of both Houses of Parliament** in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

QUALIFICATION: Citizen of India must have completed 35 years of age and is qualified for election as a member of Council of States.

TENURE: Shall hold office for five years from the date on which he enters upon his office.

RESIGNATION: Vice-President may, by writing under his hand addressed to the President, resign his office.

REMOVAL: Vice-President may be removed from his office by a resolution of the Council of States passed by a **majority of all the then members of the Council** and agreed to by the House of the People. However, at least fourteen days' notice must be given of the intention to move such resolution.

OATH: Vice-President shall make and subscribe before the President an oath or affirmation.

➤ OTHER IMPORTANT POINTS

DISPUTES ARISING OUT OF ELECTIONS

Disputes arising out of the election of a President or Vice-President shall be inquired into and decided by the **Supreme Court** whose decision shall be final.

► COUNCIL OF MINISTERS

- Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice
- However, President **may** require the Council of Ministers to reconsider such advice.
- President **shall** act in accordance with the advice tendered after such reconsideration.
- The total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen percent of the total number of members of the House of the People.
- President shall administer to a Minister the **oaths of office and of secrecy** according to the forms set out for the purpose in the **Third Schedule**.
- The Council of Ministers shall be collectively responsible to the **House of the People**.

PRIME MINISTER

The Prime Minister shall be appointed by the **President** and the other Ministers shall be appointed by the President on the advice of the Prime Minister.

COMPARATIVE STUDY BETWEEN PRIME MINISTER AND CHIEF MINISTERS

PRIME MINISTER	CHIEF MINISTER
Appointed by President (Article 75)	Appointed by Governor (Article 164)
Based on advice of PM, President appoints other ministers.	Based on advice of CM, governor appoints other ministers.
Oath Administered by President	Oath Administered by Governor
Holds Office during pleasure of the President	Pleasure of the Governor.
Note: They can't be removed by President and Governor as long as they enjoy majority in the Lok Sabha & State Legislative Assembly.	

COMPARATIVE STUDY BETWEEN PARLIAMENTARY SYSTEM AND PRESIDENTIAL SYSTEM

	PARLIAMENTARY SYSTEM	PRESIDENTIAL SYSTEM
1.	Political Party with majority forms the Govt. Eg. PM leader of major	President directly elected by the People

	party.	
2.	Executives part of the legislature (No-separation of Powers)	Executives are not part of the legislature.
3.	Executive Accountable to Legislature	Executives are not Accountable.
4.	Lower House can be dissolved before expiry of the term.	House can't be dissolved.
5.	Less stable	More stable
6.	Dual Executive	Real Executive.

COMPARATIVE STUDY BETWEEN INDIAN PARLIAMENTARY SYSTEM AND BRITISH PARLIAMENTARY SYSTEM

	INDIAN PARLIAMENTARY SYSTEM	BRITISH PARLIAMENTARY SYSTEM
1.	Republic (Head of the State - Elected)	Monarchy
2.	Supremacy of the Constitution	Parliamentary Sovereignty
3.	Any person can be appointed as Ministers (Max. 6 months)	Only MP can be appointed as Ministers.
4.	PM can be from any House.	PM should be from only Lower House.
5.	No-tradition of Shadow cabinet	Tradition of Shadow cabinet.

COMPARATIVE STUDY BETWEEN UNION COUNCIL OF MINISTERS AND STATE COUNCIL OF MINISTERS

	UNION COUNCIL OF MINISTERS	STATE COUNCIL OF MINISTERS
1.	Article 74 – Aid & Advice President	Article 163 – Aid and advice to Governor.
2.	Article 75 : (a) PM to be appointed by President (b) Other Ministers on the advice of the PM (c) Total Ministers not more than 15% of the total members of	Article 164 – CM to be appointed by the Governor. (a) CM to be appointed by the Governor. (b) Other Ministers by Governor on the advice of CM.

House of People. [91 st CAA, 2003]	(c) Total Ministers not more than 15% of total members of state Legislative Assembly [Minimum at least 12] [91 st CAA, 2003]
(d) If disqualified under XI th Schedule not to be appointed as Minister for the term (or) till he gets re-elected.	(d) If disqualified under defection as minister for the term (or) till he gets re-elected (whichever is earlier)
(e) Hold office during pleasure of the President	(e) Pleasure of the Governor
(f) Oath administered by President	(f) Oath Administered by Governor
(g) Salaries and allowances to be determined by Parliament.	(g) Salaries; allowances are determined by State legislature
(h) Collectively responsible to House of People	(h) Collectively responsible to state legislative assembly.
(i) Important decisions are taken by cabinet	(i) Important decisions are taken by Cabinet

Courts	state.
(c) Perform other legal duties assigned time to time by President.	(c) Legal matters referred by Governor.
7. Privileges	Privileges
(a) Right to audience all courts in territory of India.	(a) Audience within the territory of the state (Article 177)
(b) Attend Parliamentary Proceedings; speak and take part in the proceedings of the committee; No right to vote.	(b) Similar position in State Legislature
(c) Right to Private practice (Criminal case prior permission from the govt.)	

COMPARATIVE STUDY BETWEEN ATTORNEY GENERAL AND ADVOCATE GENERAL

	ATTORNEY GENERAL	ADVOCATE GENERAL
1.	Article 76 – President appoints	Article 165 – governor appoints
2.	Highest Law Officer of the Union Govt.	Highest Law officer of the State Govt.
3.	Eligible to be appointed as Judge of SC	Eligible to be appointed as Judge of H.C.
4.	Holds office during the Pleasure of the President	Holds office during Pleasure of the Governor.
5.	Remuneration decided by President	Remuneration decided by the Governor.
6.	Duties & Functions of Attorney General (a) Advice GOI on legal matters. (b) Represent GOI in	Duties & Functions of Advocate General (a) Advice concerned state govt. (b) Represent concerned

► PARLIAMENT

There shall be a Parliament for the Union which shall consist of the **President** and two Houses to be known respectively as the **Council of States (Rajya Sabha)** and the **House of the People (Lok Sabha)**.

► LOK SABHA

- **Composition:** representatives of the people chosen by direct election on the basis of the **adult suffrage**.
- The maximum strength of the House envisaged by the Constitution is 552, which is made up by election of up-to **530 members to represent the States**.
- Up-to **20 members to represent the Union Territories** and **not more than two members of the Anglo-Indian Community** to be nominated by the Hon'ble President, if in his/her opinion, that community is not adequately represented in the House.
- The total elective membership is distributed among the States in such a way that the ratio between the number of seats allotted to each State and the population of the State is, so far as practicable, the same for all States.

- Lok Sabha shall continue for a **period of five years** unless dissolved earlier. However, if **proclamation of emergency** is in operation, the duration of Parliament may be extended to **not more than one year at a time** and will not extend **beyond six months** after the proclamation has ceased to operate.

► RAJYA SABHA

- The origin can be traced to **Montague-Chelmsford Report of 1918**.
- **The Government of India Act, 1919** provided for the creation of a '**Council of State**' as a second chamber of the then legislature with a restricted franchise which actually came into existence in 1921.
- **Article 80** of the Constitution lays down the maximum strength of Rajya Sabha as 250, out of which 12 members are nominated by the President and 238 are representatives of the States and of the two Union Territories of Delhi and Puducherry having state legislative assembly.
- The members nominated by the President are persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service.
- The **Fourth Schedule** to the Constitution provides for allocation of seats to the States and Union Territories in Rajya Sabha.
- The allocation of seats is made on the basis of the **population** of each State. Punchhi Commission recommended that all States should have equal representation in Rajya Sabha (Similar to US Senate).
- The representatives in the Rajya Sabha are elected by the method of **indirect election**.
- The representatives of each State and two Union territories are elected by the **elected members of the Legislative Assembly of that State** and by the **members of the Electoral College for that Union Territory**, in accordance with the system of **proportional representation by means of the single transferable vote**.
- The Council of States **shall not be subject to dissolution**, but as nearly as possible **one-third** of the members thereof shall retire as soon as may be on the expiration of every second year.

QUALIFICATION FOR LOK SABHA

is a citizen of India; not less than 25 years of age

QUALIFICATION FOR RAJYA SABHA

is a citizen of India; not less than 30 years of age and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the **Third Schedule**

DISQUALIFICATIONS

A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament if:

- if he holds any **office of profit** under the Government of India or the Government of any State, other than an office declared by Parliament by law
- if he is of unsound mind and stands so declared by a competent court
- if he is an undischarged insolvent
- 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 or adherence to a foreign State
- If he is so disqualified by or under any law made by Parliament.
- If he is disqualified under Tenth Schedule.

As per the **Tenth Schedule**, a member may be disqualified

- if he voluntarily gives up the membership of his political party; or
- if he votes or abstains from voting in the House contrary to any direction issued by the political party to which he belongs, unless such voting or abstention has been condoned by the political party within fifteen days.
- A member elected as an independent candidate shall be disqualified if he joins any political party after his election.

► PRESIDING OFFICERS

- Chairman & Deputy Chairman of Council of States (Article 89)
 - Vice President is ex-officer chairman of Rajya Sabha.
 - Deputy Chairman is elected from among the members of the council.
 - (a) May resign anytime by addressing resignation to chairman.
 - (b) Removed by Effective majority; 14 days prior notice; (Article 90)

- Vacancy of office of Chairman and Deputy Chairman (Article 90 & 95)
 - Chairman Office vacant; Deputy Chairman acts as Chairman.
 - Deputy Chairman also vacant; President may appoint any Member of Rajya Sabha
 - During absence of Chairman and Deputy Chairman; anyone according to rules of the House or anyone determined by Rajya Sabha may preside.
- Chairman and Deputy Chairman not provide while resolution for his removal is under consideration. (Article 92 & Article 96 - Speaker)
- While resolution for removal is introduced; No right to Preside; Right to present; speaks and take part in the proceedings without right to vote.
- Speaker and Deputy Speaker (Article 93)
 - Two members to be chosen from house speaker and Deputy Speaker (as soon as possible)
- Vacation; Resignation and removal of Speaker & Deputy Speaker (Article 94)
 - Shall vacate; if he ceases to be a member of the house.
 - Resign at any time (speaker to Deputy Speaker and Deputy Speaker to Speaker)
 - Removed by a resolution (effective majority)
- Article 98 – Secretariat of Parliament [common post creation, law of parliament; until then rules made by President in consultation with chairman and speaker]
- To take oath before assuming office (Every member)
- All question in any sitting of either house or joint sitting; shall be decided by majority of votes of the members present and voting; excluding speaker and chairman (or someone acting as speaker and chairman) Eg. Selection of speaker; Deputy Speaker; Deputy Chairman etc.
- Chairman / Speaker; not to vote in first Instance; vote in case of equality of votes.
- Quorum ($1/10^{\text{th}}$ of the total members of the house); until parliament by law otherwise provides.
- Presiding officer; adjourn or suspend until there is a quorum.
- Penalty for sitting or voting (without oath, not qualified or disqualified) (Article 104)
- Powers & Privileges (Article 105 & 194)
 - Rights and immunities enjoyed by members of parliament collectively and individual capacity.

- To maintain Independence and dignity of the Institution and also to carry out their functions effectively.
 - i) Right to freedom of speech
 - ii) Publication of the proceedings. Regulated by law of parliament; until; similar to that at the Government of the Constitution.
- Such Privileges to other dignities as well

Eg. Attorney & Advocate General

POWERS OF THE PRESIDING OFFICERS

SPEAKER

- a) Complete powers to regulate proceedings of the House (Article 122)
- b) Certifying money bills
- c) Presiding the joint sitting (Article 108)
- d) Disqualification of members on grounds of Defection
- e) Voting powers in case of Equality of vote.

CHAIRMAN

Chairman of Rajya Sabha enjoys almost similar powers to that of Speaker, Lok Sabha.

Exceptions:

- a) The chairman has no power to certify the Money Bills.
- b) He has no power to preside over the joint sitting.

Note: Salaries; Allowances of members of Parliament are to be determined by Parliament by a Law.

► CONDUCT OF BUSINESS BY PARLIAMENT

DURATION BETWEEN SESSIONS

- The parliament ordinarily meets in three sessions in a year (By convention). These are the Budget Session, Monsoon session and Winter session.
- According to the Constitution, President shall from time to time summon each House of Parliament but **six months** shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

SPECIAL ADDRESS BY THE PRESIDENT

- At the commencement of the first session after
 - Each general election to the House of the People and
 - At the commencement of the first session of each year,

- President shall address both Houses of Parliament (LS + RS) assembled together and inform Parliament of the causes of its summons.

ADJOURNMENT

Adjournment of a house does not terminate the session of the house. It merely postpones the proceedings of the house to a future date. But prorogation brings an end to a session of the house.

CHAIRMAN, DEPUTY CHAIRMAN AND VICE-CHAIRMAN

- The Presiding Officers of Rajya Sabha have the responsibility to conduct the proceedings of the House.
- The Vice-President of India is *ex-officio* Chairman of Rajya Sabha.
- Rajya Sabha also chooses from amongst its members, a Deputy Chairman.

REMOVAL OF DEPUTY CHAIRMAN OF COUNCIL OF STATES

- He shall vacate his office if he ceases to be a member of the Council
- He may at any time, by writing under his hand addressed to the Chairman, resign his office.
- He may be removed from his office by a resolution of the Council passed by a majority of all the then members of the Council
- At least 14 days' notice must be given of the intention to move the resolution for his removal.
- Both the Chairman and Deputy Chairman shall not preside over while any resolution for their removal is under consideration.
- The Chairman shall have -
 - a right to speak,
 - take part in the proceedings of their removal but, shall not be entitled to
 - vote at all on such resolution or
 - on any other matter during such proceedings.

RIGHT TO PARTICIPATE IN PARLIAMENTARY PROCEEDINGS

- Every Minister and the Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of -
 - either House,
 - any joint sitting of the Houses, and
 - any committee of Parliament of which he may be named a member.

► BILLS

INTRODUCTION AND PASSING OF BILLS

A Bill is a draft statute which becomes law after it is passed by both the Houses of Parliament and assented by the President. All legislative proposals are brought before Parliament in the forms of Bills.

Bills are broadly divided into two categories

a) Public bills: These bills are presented (necessarily) by a minister. Public bill is a reflection of government policies. The introduction of public/government bill requires seven days' notice

b) Private bill: It is a type of bill which is introduced by any member of the parliament other than a minister. It is a reflection of stand of a political party or sentiment of the opposition party. Introduction of private bill requires one month's notice. The first private member bill to become a law was the Muslim Wakfs Bill, 1952

Procedurally, Bills can be classified as:

1. Ordinary Bill
2. Money Bill
3. Finance Bill
4. Ordinance replacing Bill
5. Constitution Amendment Bill

MONEY BILL

Under Article 110 (1) of the Constitution, a Bill is deemed to be a Money Bill if it contains only provisions on all or any of the following:

- imposition, abolition, remission, alteration or regulation of any tax
- regulation of borrowing by the government;
- custody of the **Consolidated Fund** or **Contingency Fund** of India, and payments into or withdrawals from these Funds
- appropriation of moneys out of the Consolidated Fund of India;
- declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;
- Receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State. According to the Supreme Court, Speaker's judgement to qualify a bill as a money bill is not absolute. There can be judicial review of such decision.

MONEY BILL IN RAJYA SABHA

- Once a Money Bill is passed by Lok Sabha, it goes to Rajya Sabha along with Speaker's certificate that it is a Money Bill for its recommendations.
- However, Rajya Sabha can neither reject nor amend such Bill but can only recommend changes in the Bill.
- Rajya Sabha must return the Bill within 14 days, after which Lok Sabha may accept or reject all or any of its recommendations. In either case, the Bill is deemed to have been passed by both Houses.
- Under Article 109 (5), if Rajya Sabha fails to return the Bill to Lok Sabha within 14 days, it is deemed to have been passed anyway.

FINANCE BILL

- Any Bill which deals with revenue or expenditure of the Government is a Finance Bill.
- Finance Bill is accompanied by a Memorandum explaining the provisions included in it.
- However, only those Finance Bills which are endorsed by the Speaker under Article 110 (4) become a Money Bill.
- The rest can be categorised as
 - Financial Bill (I) and Financial Bill (II).

FINANCE BILL (I)

- As under Article 117(1) = [includes any matters mentioned in the Money Bill] + [any other matters related to revenue or expenditure of the Government]
- Can only be introduced in the Lok Sabha on the recommendation of the President.
- However, once it has been passed by the Lok Sabha, it is like an ordinary Bill and there is no restriction on the powers of the Rajya Sabha on such Bills.

FINANCE BILL (II)

- Is just like other Ordinary Bills that contain provisions involving expenditure from the Consolidated Fund as specified in Article 117 (3).
- Can be introduced in either House of Parliament.

ORDINARY BILL

Thus, every Bill other than a Money Bill and Financial Bill (I) introduced in the Parliament acts like an Ordinary Bill.

ORDINANCE REPLACING BILL

- Ordinance replacing Bills are brought before Parliament to replace an Ordinance, with or without modifications, promulgated by the President under Article 123 of the Indian Constitution.

- Ordinance to become a law needs to be passed by both the Houses of Parliament and assented to by the President within six weeks of the reassembly of Parliament.

CONSTITUTION AMENDMENT BILL

- A Constitution Amendment Bill under article 368 can be introduced in either House of Parliament.
- As per the procedure laid down in the Constitution under Article 368, Constitution Amendment Bills can be of three types:
 1. Amendment requiring **simple majority** for their passage in each House
 2. Amendment requiring **special majority** for their passage in each House.

Special Majority = Majority of the total membership of a House and by a majority of not less than two-thirds of the members of that House present and voting (article 368)

3. Amendment which needs to be passed by **Legislatures of not less than half of the States** along with **special majority** for certain constitutional provisions relating to the federal character which may be categorised as **entrenched provisions**.

ENTRENCHED PROVISION

It includes:

- Election of President, Manner of election of President, Extent of executive power of the Union, Extent of executive power of the State, High Courts for Union Territories
- Union Judiciary under The Union, The High Courts in the States under The States or Legislative Relations under Relations between the Union and the States, or
- Any of the Lists in the Seventh Schedule, or
- The representation of States in Parliament, or
- Any change in Article 368 itself.

► OTHER PARLIAMENTARY PROCESS

QUESTION HOUR

- The first hour of every sitting of Parliament is generally reserved for the asking and answering of questions.
- Parliamentary question is a technique of parliamentary surveillance over functioning of the government.

- Members of Parliament are free to ask questions to elicit information on matters of public importance and concern from ministers of the government.
- The members of the government are bound to answer every question asked in the Question Hour.
- Questions enable Ministries to gauge the popular reaction to their policy and administration.

ZERO HOUR

The time immediately following the Question Hour has come to be known as "Zero Hour". It starts at around 12 noon (hence the name) and members can, with prior notice to the Speaker, raise issues of importance during this time.

TYPES OF QUESTIONS

Questions are of four types - Starred, Unstarred, Short Notice Questions and Questions addressed to private Members.

- **Starred Question** is one to which a member desires an oral answer in the House and which is distinguished by an asterisk mark. Supplementary questions can be asked thereon.
- **Un-starred Questions** - which desires written answer to whom it is addressed.
- **A Short Notice Question** relates to a matter of urgent public importance and can be asked with shorter notice than the period of notice prescribed for an ordinary question. Like a starred question, it is answered orally followed by supplementary questions.
- **Question addressed to Private Member** is asked when the subject matter pertains to any Bill, Resolution or any matter relating to the Business of the House for which that Member is responsible.

► MOTIONS AND RESOLUTIONS

Parliamentary proceedings have gained importance especially after the trend of washout of sessions by opposition to fulfil some of their demands. Let us understand how Members of Parliament raise their voice on the floor of the House and what are the different mechanisms which they can employ to address their issues in the course of Parliamentary proceedings.

MOTION

- A motion is a proposal brought before the House for eliciting decision or for expressing the opinion of the House.
- Every question to be decided by the House must therefore be proposed by a Member as a Motion.

- Motions are the basis of Parliamentary proceedings.

KIND OF MOTIONS : 3 CATEGORIES

➤ SUBSTANTIVE MOTION

- It is a self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be able of expressing the decision of the House.
- It neither depends nor arises out of any other motion.
- Eg. Motion of thanks of President addressed by the Prime Minister, Motion of Adjournment, Motion of No-confidence, Motion for removal of Speaker/Deputy Speaker

➤ SUBSTITUTE MOTION

- Motions moved in the substitutions of the original motions and proposing an alternative to it are called Substitute Motions.
- Discussion is held on both original and substitute motions together but vote of the House is taken only on Substitute motion.
- Further if a substitute motion is adopted through vote, then it supersedes the original motion.

➤ SUBSIDIARY MOTION

- It depends upon or relate to other motions.
- They by themselves have no meaning and are not capable of stating the decision of the House without reference to original motion or proceedings of the House.
- Subsidiary Motion are of three types namely 1. Ancillary Motion 2. Superseding Motion and 3. Amendments
- **Ancillary motions** are recognised by the practice of the House as a regular way of proceedings with various kinds of business.
- **Superseding Motions** are moved in a course of debate or another question and seek to supersede that question. For eg. Motion seeking recommitment of Bill to a Committee.
- **Amendments** seek to modify or substitute only a part of the original motion. It is moved during the course of a debate and if accepted the original questions stands amended.

RESOLUTION

A resolution is also one of the procedural means available to the members of the House and Ministers to raise a discussion in the House on a matter of general public interest. A resolution is in fact a substantive motion.

RESOLUTION V. MOTION

- All resolutions come into the category of Substantive Motion but all substantive motions are not resolutions.
- Further all motions are not necessarily put to vote but **all resolutions are required to be voted upon.**

NO-CONFIDENCE MOTION (RULE 198 OF LOKSABHA)

- The Council of Ministers remains in office as long as it enjoys the confidence of Lok Sabha according to **Article 75(3)** of the Indian Constitution. No-confidence motion is not mentioned in the Constitution.
- The moment, it expresses a lack of confidence in the Council of Ministers, the government is **constitutionally bound to resign** whether or not the Prime Minister recommends a dissolution of the House.
- In order to ascertain this confidence, the rules provide for moving a motion to this effect which is called No-Confidence motion.
- A motion of no-confidence once admitted has to be taken up **within ten days of the leave being granted.**
- Notice of no-confidence motion can also be withdrawn by members concerned by sending letters of withdrawal signed by all the signatories to the notice before the item is taken up in the House.
- **Rajya Sabha is not empowered** to entertain a motion of no-confidence because the government is collectively responsible under the Constitution only to the directly elected Lok Sabha.

CENSURE MOTION

- Whereas a motion of no-confidence need not specify any grounds on which it is based, a **Censure Motion must set out the grounds or charges** on which it is based and is moved for specific purpose for censuring the government for certain policies and actions.
- Censure motion can be moved against the Council of Ministers or an individual minister for their failure of commission or omission.
- No leave of the House is required to move a Censure motion.

ADJOURNMENT MOTION

- A matter of urgent public importance can be brought before the house through an Adjournment motion by interrupting the regular business, if the Speaker agrees to do so.

- The Speaker after the Question Hour calls upon the concerned member to ask for leave of the House to move the adjournment motion.

► PARLIAMENTARY COMMITTEES**TWO TYPES OF PARLIAMENTARY COMMITTEES IN INDIA**

1. **Standing Committees:** Standing Committees are those which are elected by the House or nominated by the Speaker/Chairman every year or from time to time and are permanent in nature.
2. **Ad Hoc Committees:** Ad Hoc Committees are those constituted by the House or by the Speaker/Chairman to consider and report on specific matters and expires as soon as they have completed their work on allocated matters.

STANDING COMMITTEES

In each House may be categorised in terms of the nature of their functions as follows:

FINANCIAL COMMITTEES

Eg Committee on Estimates of the Lok Sabha, Committee on Public Accounts and Committee on Public Undertakings

STANDING JOINT COMMITTEES

Departmentally related Standing Joint Committees of the two Houses

HOUSE COMMITTEE

Committees relating to day to day business of the House. Eg. Committees on Absence of Members from Sittings of the House, Business Advisory Committee, Committee on Private Members' Bills and Resolution and Rules Committee.

ENQUIRY COMMITTEE

Eg. Committee on Petitions and Committees on Privileges

SCRUTINY COMMITTEES

Eg. Committee on Government Assurances, Committee on Subordinate Legislation, Committee on Papers Laid on Table and Committee on the Welfare of Scheduled Castes and Scheduled Tribes

SERVICES COMMITTEES

Committees concerned with the provision of various services and facilities to members. Eg. General Purposes Committees, House Committee, Library Committee and Joint Committee on salaries and Allowances of Members of Parliament.

AD HOC COMMITTEES

May be broadly classified into two categories:

- 1. The Select or Joint Committees on Bills** which are appointed to consider and report on particular Bills. These Committees are distinguished from the other ad hoc Committees in as much as they are concerned with Bills and the procedure to be followed by them is laid down in the Rules of Procedure and Directions by the Speaker/Chairman.
- 2. Committees** which are constituted from time to time either by the two Houses on a motion adopted in that behalf, or by the Speaker/Chairman to inquire into a report on a specific subject. Eg. Railway Convention Committee is appointed from time to time, Joint Committee on Offices of Profit and any other Committee appointed by the House or by the Speaker/Chairman for some specific purpose are other examples of such committees.

► IMPORTANT COMMITTEES**ESTIMATES COMMITTEE**

- Consists of 30 members of Lok Sabha
- Makes detailed examination of annual budget estimates
- Acts as a deterrent on extravagance of the government on public expenditure

PUBLIC ACCOUNTS COMMITTEE

- Oldest financial committee
- Consists of 22 members [15 members of Lok Sabha + 7 members of Rajya Sabha]
- As a matter of practice, a member of the opposition is being appointed as the Chairman of the Committee.
- It scrutinizes the reports of CAG over misuse of public funds and reports to Parliament.

COMMITTEE ON PUBLIC UNDERTAKINGS

- Consists of 22 members [15 members of Lok Sabha + 7 members of Rajya Sabha]
- Examine reports and accounts of all the public undertakings of the government

DEPARTMENTAL COMMITTEES

- There are 24 Departmental Committees
- Consider demands for grants of respective ministries
- Examine Bills referred by the Chairman or Speaker
- Consider annual report of ministries
- Consider any policy documents referred by the Chairman or Speaker

COMMITTEE ON PRIVILEGES

- Consists of 25 members [15 members of Lok Sabha + 10 members of Rajya Sabha]
- Looks into matters pertaining to privileges of members of the House under Article 105 of the Indian Constitution.

BUSINESS ADVISORY COMMITTEE -

Help the presiding officer in the Planning of the Business of the House.

- Committee on Govt. Assurances
- Makes Govt. accountable on any assurances given in the houses of the parliaments.

COMMITTEE ON SUBORDINATE LEGISLATION

- Ensures executives accountable on various subordinate legislations.

RULES COMMITTEE

- Frames the rules of the House; Procedure and conduct of the House.

ETHICS COMMITTEE

- Oversee Moral and Ethical conduct of Members
- Prepares Code of conduct for the members
- Look into cases concerning alleged breach of code of conduct.
- Ethics committee are formed in both houses.

GENERAL PURPOSE COMMITTEE

- To look into and advice on those matters referred to it by the Presiding officer from time to time.

↑ FINANCIAL MATTERS**► ANNUAL FINANCIAL STATEMENT****- ARTICLE 112**

- The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the **estimated receipts and expenditure** of the Government of India for that year, referred to as the "Annual Financial Statement".
- The estimates of expenditure embodied in the annual financial statement shall show separately-
 - Sums required to meet expenditure charged upon Consolidated Fund of India (CFI)
 - Sums required to meet other expenditure proposed to be made from the Consolidated Fund of India.
 - And shall distinguish expenditure on revenue account from other expenditure

EXPENDITURE CHARGED UPON CFI

Estimates as relates to expenditure charged upon CFI **shall not be submitted to the vote** of Parliament.

DEMAND FOR GRANT**Article 113**

- Estimates of expenditure from the CFI shall be submitted in the form of Demand for Grants which **shall be voted** upon by Lok Sabha.
- Demand for Grants shall be made on the recommendation of the President.
- The Demands for Grants are presented to the Lok Sabha along with the Annual Financial Statement.
- Generally, one Demand for Grant is presented in respect of each Ministry or Department.
- With regard to Union Territories without Legislature, a separate Demand is presented for each of such Union Territories.

APPROPRIATION BILL**Article 114**

- All **Demands for Grants** voted upon and **Charged Expenditure** is introduced in the Lok Sabha as **Appropriation Bill**.
- The Bill gives legal authority to the government to appropriate expenditure from CFI.
- No money can be withdrawn from the CFI except under an Appropriation Act passed by the Parliament.

CONSOLIDATED FUNDS AND PUBLIC ACCOUNTS OF INDIA AND OF THE STATES (ARTICLE 266)

- Article 266(i) provides for consolidated fund of the union and states
- Article 266 (2) Public accounts of India and State.
- No money from consolidated fund of India or State shall be appropriated except in accordance with law.

CONTINGENCY FUND OF THE INDIA (ARTICLE 267)

- Parliament may by law establish contingency fund of India; such sum as determined by law.
- Fund are taken out to meet unforeseen expenditure.
- Expenditure at the Disposal of President.
- Money can be taken out pending Authorisation of the Legislature.

Note: It is also provides for contingency fund of the state [Article 267(2)]

▶ STATE LEGISLATURE

Constitution of Legislature of the States:

- (i) Governor
- (ii) Legislative Assembly
- (iii) Legislative Council (only in certain states)

ABOLITION OR CREATION OF LEGISLATIVE COUNCIL (ARTICLE 169)

- Parliament may by a law determine provided State Legislative Assembly of the State passes a resolution to that effect; special majority
- Not to be considered on Constitutional Amendment Act under Article 368

COMPOSITION OF LEGISLATIVE COUNCIL (ARTICLE 171)

- Not more than 1/3rd of members of Legislative Assembly and not less than 40.
- Composition (unless Parliament otherwise provides)
- **Electoral College**
 - i. 1/3rd Electorates comprising members of Municipalities, District boards and other local authorities (Parliament may by law specify)
 - ii. 1/3rd by elected members of Legislative Assembly.
 - iii. 1/12th by Electorates consisting of graduates (3 years in possession of degree)
 - iv. 1/2nd of Electorates consisting of teachers not less than secondary level.
 - v. 1/6th to be nominated by the Governor.
 - vi. (Art; Literature; Science; Social Service & Co-operatives)

COMPOSITION OF LEGISLATIVE ASSEMBLY (ARTICLE 170)

- i) Not > 500; < 60 members; Direct Election from territorial constituencies.
- ii) 1971 Census – Number of seats in Legislative Assembly.
2001 Census – Adjustment of territorial constituencies.

DURATION OF STATE LEGISLATIVE ASSEMBLY – 5 YEARS

- **Article 172** provides for duration of State Legislatures which shall be for a period of five years unless sooner dissolved. It further says that expiration of the period of five years shall operate as dissolution of the Assembly automatically.
- **Important Point** – The period of 5 years for a Legislative Assembly was substituted for a period of 6 years by Constitution 42nd Amendment. However, Constitution 44th Amendment changed the duration back to 5 years.

CAN DURATION OF LEGISLATIVE ASSEMBLY BE EXTENDED?

- As per **Article 172**, duration of legislative assembly can be extended beyond 5 years while a Proclamation of Emergency under Article 352 is in operation.
- The duration of State Legislative Assembly (SLA) can be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

So, in a nutshell, duration of SLA can be extended beyond 5 years while a Proclamation of Emergency under Article 352 is in operation.

WHAT ABOUT LEGISLATIVE COUNCIL?

- ↑ **According to Article 172 (2)** - the Legislative Council of a State shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law.

Article 173 - Qualification for membership of the State Legislature

- ↑ A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he—
- (a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule.
 - (b) is, in the case of a seat in the Legislative Assembly, not less than 25 years of age and, in the case of a seat in the Legislative Council, not less than 30 years of age. &
 - (c) Possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

So, after the duration of 5 years of State Legislative Assembly, it becomes mandatory for Election Commission to conduct elections in such states as per the Constitution of India. This is because, expiration of 5 years for SLA results in their dissolution and this makes way for new SLA to be chosen by citizens of India through voting.

POWERS OF LEGISLATIVE COUNCIL WITH REGARD TO ORDINARY BILLS (ARTICLE 197)

- When Bill is passed from Legislative Assembly to Council.
 - i. Accept the Bill

- ii. Reject the Bill
 - iii. Don't take any action for 3 months
 - iv. Make amendments and send it back to assembly which is not acceptable to Assembly
- In case (ii), (iii) & (iv) the Assembly can again sent the bill to the Council; in this case the council can at the maximum delay the Bill by one month.
 - After one month it will be deemed to be passed in the same manner as passed by Assembly.

Note: Even if they are rejected and council suggest Amendments second time.

► EMERGENCY PROVISIONS

The Constitution envisages three types of Emergencies:

1. Emergency arising from threat to security of the nation or a part thereof – Article 352
2. Breakdown of Constitutional machinery in a State – Article 356
3. Financial Emergency – Article 360

► ARTICLE-352

GROUND

- President on his/her satisfaction proclaim emergency on the whole of India or part thereof can declare proclaim emergency on grounds of-
 - War
 - External Aggression
 - Armed Rebellion
- A proclamation can be made before the actual occurrence of war, external aggression or armed rebellion.
- Constitution 38th Amendment allows President to issue more than one proclamation at the same time.

BEFORE 44TH AMENDMENT

Before 44th Amendment, Emergency could be declared on grounds of

- War
- External aggression
- **Internal Disturbance**

But **Constitution 44th Amendment** substituted Internal Disturbance with Armed Rebellion.

ROLE OF CABINET

President can issue Proclamation of Emergency or its Revocation only if-

- Union Cabinet including Prime Minister has communicated to the President of such intention in **writing**.
- Thus, the decision has to be taken **collectively** by the Union Cabinet.

APPROVAL

- The proclamation need to be approved by both Houses of Parliament within one month.
- Thus, the proclamation if not approved by both Houses of Parliament within one month shall cease to operate.
- Prior to 44th Amendment, the time require for approval by both Houses of Parliament was 2 months. Constitution 44th Amendment reduced it to 1 month.
- The proclamation approving emergency has to be passed by each House by a **total membership of each House** and **not less than 2/3rd of the majority of membership present and voting in each House**.
- Prior to 44th Amendment, proclamation was passed by simple majority in both Houses of Parliament.

TENURE

- Once approved by Parliament, the proclamation remains in force for **6 months**, unless it is revoked earlier.
- For continuation of emergency beyond 6 months, the proclamation needs to be approved again by both Houses of the Parliament.

REVOCATION

- It has to be revoked by President once **Lok Sabha** passes its revocation by **simple majority of the members of the House present and voting**.
- If 1/10th of the total members of Lok Sabha has given in writing their intention to revoke proclamation of emergency
 - to the Speaker in writing if the House is in session;
 - to the President if the House is not in session
 - a special sitting of the House shall be convened within 14 days.

EFFECT

- Parliament becomes empowered to make laws with respect to any matter enumerated in State List under Schedule VII.
- Article 19 remains suspended.

- Right to move Court under Part III of the Indian Constitution shall remain suspended except Article 20 and 21.
- Parliament can extend the life of Lok Sabha beyond its normal period of 5 years by 1 year each time subject to a maximum period of 6 months after the proclamation has cease to operate.

► ARTICLE 356 - FAILURE OF CONSTITUTIONAL MACHINERY IN STATE

GROUND

If the President on receipt of report from Governor of a state or otherwise is satisfied that a situation has arisen in which the Government of the State **cannot be carried on in accordance with Constitutional Provisions**, the President may assume to himself

- all or any of the functions of the Government of the State
- all or any of the powers vested in or exercisable by the Governor
- declare that the powers of State Legislature are to be exercised by Parliament
- President may even suspend in whole or in part the provision of the Constitution relating to anybody or authority in the State.
- President cannot assume to himself powers of High Court

APPROVAL

- Every such proclamation shall be laid before each House of Parliament.
- Such proclamation needs to be approved within 2 months by each House of Parliament by simple majority.

TENURE

- The proclamation once approved shall be in force for a period of 6 months.
- The life of proclamation can be extended for further 6 months if both Houses approves its continuance by passing it.
- **Maximum time** for which such a proclamation remains in force is for **3 years**.

CONSTITUTION 44TH AMENDMENT

As per 44th Amendment, the following conditions must be fulfilled for the proclamation to be carried beyond 1 year-

- Proclamation for emergency under Article 352 must be in operation in the whole of India, or the concerned State or in part of the State.
- Election Commission certifies that continuation in force of proclamation under Article 356 is necessary on account of holding elections to the concerned Legislative Assembly.

EFFECT

State Legislature ceases to function as it is either dissolved or is kept in suspended animation.

► FINANCIAL EMERGENCY – ARTICLE 360

GROUND

- If the President is satisfied that financial stability or credit of India or any part thereof is threatened, he may by proclamation under Article 360 make a declaration.
- A proclamation under Article 360 can be revoked by a subsequent proclamation.

APPROVAL**Such proclamation**

- Shall be laid before each House of Parliament.
- Shall cease to operate at the expiration of **2 months**, unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament by **simple majority**.

EFFECT

- Reduction of salaries and allowances of government employees
- All Money Bills, Finance Bills or other Bills involving expenditure from State Consolidated Fund shall be reserved for consent of the President after being passed by State Legislature

MARTIAL LAW VS NATIONAL EMERGENCY

MARTIAL LAW	NATIONAL EMERGENCY
It affects only Fundamental Rights	It affects not only Fundamental Rights but also Center-State relations, distribution of revenues and Legislative powers between Center and States and may extend the tenure of the Parliament.
It suspends the government and	Position of the government and ordinary law courts in

ordinary law courts.	unaffected.
It is imposed to restore the breakdown of law and order due to any reason.	It can be imposed only on three grounds —wars, external aggression or armed rebellion.
It is imposed in some specific area of the country	It is imposed either in the whole country or in any part of it.
It has no specific provision in the Constitution . It is implicit.	It has specific and detailed provision in the Constitution. It is explicit.

JUDICIARY

► SUPREME COURT

The Constitutional provisions related to the Supreme Court are contained in Part V from Articles 124 to 147. Initially, there was a Chief Justice and seven other Judges in the Supreme Court and now the number has increased to 34 judges including the Chief Justice of India in 2019. The Parliament has given the power to increase the number of Supreme Court judges, according to the needs and circumstances.

APPOINTMENT OF SC JUDGES

- The Chief Justice is **appointed by the President** after consultation with such Judges of the Supreme Court and High Court as he/she 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 High Courts as he/she deems necessary.
- The **consultation with the Chief Justice is obligatory in the case of appointment of judge other than Chief Justice**.

QUALIFICATIONS FOR SC JUDGES

- A person shall not be qualified for appointment as a Judge of the Supreme Court unless he/she
 - is a citizen of India, and
 - has been for at least five years a judge of a High Court or a two such Courts in succession; or has been for **at least ten years an advocate of a High Court or of two or more such Courts in succession**;
 - Is, in the **opinion of the President, a distinguished jurist**.

- A Judge of the Supreme Court continues to hold the office till he/she **attains the age of 65 years**.
- A Judge of the Supreme Court may tender his/her **resignation to the President** even before he/she reaches age of 65 years.
- A Judge of Supreme Court, **after retirement, shall not do legal practice in any court** in the territory of India and shall not plead before any authority under the Government.

REMOVAL OF A SC JUDGE

Procedure of Removal of Judge of Supreme Court (Article 124(4)) (Under Judges Enquiry Act, 1968)



Judge of Supreme Court can only be removed on the grounds of proved misbehavior or incapacity.



A motion seeks to remove judge can be presented in either house of Parliament.



Such removal motion shall be signed by 100 members if it is introduced in Lok Sabha or 50 members in case of Rajya Sabha.



The Speaker or Chairman, as the case may be, may admit or refuse to admit the motion.



If admitted the speaker / chairman will appoint a committee comprising of (a) Chief justice or a judge of Supreme Court, (b) Chief Justice of a high court and (c) a distinguished jurist, to investigate the charges on the judge.



The Committee should submit its report to the house which appointed such committee. The report is also shared with other house. However recommendation of such committee is not binding on the Parliament.



The motion, if taken for consideration by the house, has to be passed by special majority



If the bill is passed it is sent to second house for their consideration.



(Such motion must be passed by both houses separately with special majority. There is no provision of joint sitting.)



If, the other house also passes the motion with special majority, then it is addressed to the President



Finally, President passes the order to remove removing judge.

POWERS AND JURISDICTION OF SUPREME COURT

- Original Jurisdiction
- Appellate Jurisdiction
- Writ Jurisdiction
- Extraordinary powers
- Power to review its own orders
- Law declared by Supreme Court binding on all courts.
- Rule making Power (Article 145)
- Appeal by Special Leave
- Advisory Jurisdiction of Supreme Court
- Contempt Powers

ORIGINAL JURISDICTION OF THE SUPREME COURT (ARTICLE 131)

- Government of India v/s State or States
- Government of India and State v/s State / States
- State v/s State (two or more states)

APPELLATE JURISDICTION OF THE SUPREME COURT (ARTICLE 132; ARTICLE 133; ARTICLE 134 & ARTICLE 134A)

- Appeal on Civil, Criminal or other proceedings to Supreme Court; Provided High Court grants a certificate; (Article 134A); it involves substantial question of law relating to interpretation of constitution.
- Appellate Jurisdiction of Supreme Court in Civil Matters [Article 133]; Case involves Substantial question of general importance; High Court opinion is to Supreme Court to divide; certificate issued by High Court (Art. 34A)
- Appeal in cases of Criminal matters; Sentence is Death (Matter of Right); or certified by High Court under article 134A.

POWER TO ISSUE WRITS

- The Supreme Court can issue writs for the protection of Fundamental Rights under Article 32 of the constitution.

- The Supreme Court can issue writs for the protection of Legal Rights apart from Fundamental Rights under article 139 if Parliament by Law empowers the Supreme Court.

EXTRAORDINARY POWERS OF THE SUPREME COURT (ARTICLE 142)

- Article 142 provides discretionary power to the Supreme Court as it states that the court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it.
- Of late, Art 142 has been invoked by the SC during the Ayodhya judgment.

POWERS TO REVIEW ITS OWN ORDERS AND DECISIONS (ARTICLE 137)

- Supreme Court has the power to review its own orders and judgements.
- Subject to
 - (i) Rules made by Supreme Court (Article 145)
 - (ii) Law made by Parliament

LAW DECLARED BY THE SUPREME COURT TO BE BINDING ON ALL COURTS (ARTICLE 141)

Supreme Court decision binding upon all courts within the territory of India.

RULE MAKING POWER OF THE SUPREME COURT

Subject to Law of Parliament; Supreme Court to make rules; with approval of President; regulating general practice and Procedure in the House.

APPEAL BY SPECIAL LEAVE

The Supreme Court under **Article 136** enjoys **the power of granting special leave** to appeal from any Judgement, decree, order or sentence in any case or matter passed by any Court or tribunal except court martial.

- Under the Arbitration and Conciliation Act, 1996, International Commercial Arbitration can also be initiated in the Supreme Court.
- Parliament is authorised to confer on the Supreme Court any further powers to entertain and hear appeals from any judgement, final order or sentence in a criminal proceeding of a High Court.

ADVISORY JURISDICTION

- **Under Article 143**, The *President can refer to the Court either a question of law or a question of fact, provided that it is of public importance. However, it is not compulsory for the Court to give its advice.*
- The President is empowered to refer to the Supreme Court for its opinion, disputes arising out of any

treaty, agreement etc., which had been entered into or executed before the commencement of the Constitution.

CONTEMPT POWERS

- Article 129 of the Constitution empowers the SC and HC respectively to punish people for their respective contempt.
- Article 19(2) permits government to impose reasonable restriction on the freedom of speech and expression on grounds of contempt of court.
- Contempt refers to the offence of showing disrespect to the dignity or authority of a court.
- In India, the Contempt of Courts Act, 1971, divides contempt into:

1. Civil contempt: - wilful disobedience to any judgment, decree, direction, order, writ or other processes of a Court or wilful breach of an undertaking given to the court'

2. Criminal contempt: - publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which:

- Scandalises the court (Statements or publications which have effect of undermining public confidence in Judiciary).
- Prejudices any judicial proceeding
- Interferes with administration of justice in any other manner.
- An amendment was done to the Contempt of Court act in 2006 clarifies that the Court may impose punishment for contempt only
 - When it is satisfied that the act substantially interferes with the due course of justice.
 - court may permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.

The limitation period of actions of contempt is one year from the date on which the contempt is alleged to have been committed.

NOTE: HC has similar powers under Article 215

A COURT OF RECORD

- **Article 129** states that the Supreme Court of India shall be a Court of Record. As a Court of Records, the Supreme Court has two powers These are:-
- The Judgements, proceedings and acts of the Supreme Court are recorded for perpetual memory

and testimony. These are recognised as legal precedents and legal references.

- The Supreme Court has power to punish for contempt of court, either with simple imprisonment for a term up to 6 months or with fine up to 2,000 or with both.

► HIGH COURTS

There shall be High Court for each state according to Article 124 of the Constitution.

✗ JURISDICTION OF HIGH COURTS

Doesn't provide for any general jurisdiction of the Courts (Article 225); says as it existed at the commencement of the Constitution; subject to Law made by Parliament & State legislature.

ORIGINAL JURISDICTION

- No original jurisdiction in case of Criminal matters; original jurisdiction in certain civil cases of higher value.
- Appellate Jurisdiction
- Both Civil and Criminal Matters
- Letter Patent Appeal in case of High Court of Allahabad; Bombay; Calcutta; Madras and Patna High Courts.

HIGH COURT'S POWER OF SUPERINTENDENCE (ARTICLE 227)

- Every High Court has superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.
- Issue general rules; regulating practicing and proceeding in the courts; prescribe forms in which entries and accounts to be kept.

NOTE:

- Such rules require previous approval of Governor and Not in violation of any law.
- Armed forces Tribunal doesn't fall with the Jurisdiction of High Court.

WRIT JURISDICTION (ARTICLE 226)

- Writ Jurisdiction throughout the territory in relation to which it exercises jurisdiction.
- Not only for violation Fundamental Rights but for other purpose as well (legal rights).

TRIBUNALS

► CENTRAL ADMINISTRATIVE TRIBUNALS (CAT)

- Part XIV-A of the constitution provides for the tribunals. The provision was added through 42nd Amendment Act, 1976. **Article 323A and 323B provide for Administrative Tribunals and Tribunals related to other matters respectively.**
- The Administrative Tribunals Act in 1985 enacted by the Parliament authorises the central government to establish central administrative tribunal and the state administrative tribunals.
- The principal bench of the Central Administrative Tribunals is located at Delhi. In addition to this, there are additional benches in different states. At present there are 17 regular benches and 4 circuit benches.
- **Jurisdiction of CAT** extends over all service matters concerning the following:
 - a member of any All-India Service
 - a person appointed to any civil service of the Union or any civil post under the union
 - a civilian appointed to any defence services or a post connected with defence
- However, **the members of the defence forces, officers, staff of the Supreme Court and the secretarial staff of the Parliament are not covered under the jurisdiction of CAT.**
- **Structure of CAT**
 - a chairman,
 - vice- chairman and
 - other members who are appointed by the President.
- The membership of CAT is filled by members from judicial and administrative fields. **The term of the service is 5 years or until the age of 65 years for chairman and vice- chairmen and 62 years for members, whichever is earlier.**
- The chairman, vice-chairman or any other member may address his resignation to the president in between his term of office.

WORKING OF CAT

- CAT is not bound by the procedure laid down in the Code of Civil Procedure, 1908, but is guided by the principles of natural justice.

- A tribunal has the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.

A person making an application to a tribunal may either appear in person or take the assistance of a legal practitioner.

► GOVERNOR

FUNCTIONS OF GOVERNOR

The State Executive consists of the Governor, who is the head of the head of the State, and the Council of Ministers with the Chief Minister at its head. He acts as:

- Constitutional Head of a State under Article 153 and 154, and as
- An agent of the Centre as he holds office during the pleasure of the President under Article 156.

CONTROVERSY

- Controversy arises when both functions of the Governor overlap and the question arises as to which function supersedes which in this era of multi-party system. This dual function of the Governor in recent times has created enough controversies where different parties enjoy power at the Centre and in the States.

WHY THIS DUAL FUNCTION?

- Constituent Assembly adopted the system of centrally nominated, rather than elected Governor as that would keep the Centre in touch with the State and would remove a source of possible "separatist tendencies" of States.
- Hence exercise of discretionary power by Governor as Centre's representative is constitutionally justifiable.

DISCRETIONARY POWERS OF THE GOVERNOR

- The Constitution has not explicitly defined or described Governor's discretionary powers and provides no guidelines for deciding as to which matters may fall under this category and in effect the final judge of the matter is the Governor himself under Article 163(2).
- However, going by the various provisions of the Constitution, one can decipher several categories of actions which the Governor "may" take in his discretion:
 1. Under Article 200, Governor can reserve any Bill for the consideration of the President which in the opinion of Governor derogates from the powers of High Court as to endanger the position which that Court is by this Constitution designed to fill.

2. To reserve any other Bill as he deems fit.

3. To appoint the Chief Minister of State under Article 164(1).

4. To dismiss the ministry as the Chief Minister and other Ministers shall hold office during the pleasure of the Governor under Article 164(1)

5. Governor's report under Article 356 in case of failure of Constitutional machinery in States.

6. Governor's responsibility for certain regions such as the Tribal Areas in Assam and responsibilities placed on the Governor under Article 371A (Nagaland), 371C (Manipur), 371H (Arunachal Pradesh).

The Governor performs functions **1, 2, 5 and 6 as the agent of the Centre** and **functions 3 and 4 as the Head of the State**. In all other matters, the Governor like the President acts on the advice of his Council of Ministers (COMs) under Article 166(1).

► CASE OF DELHI

SC has observed said Delhi's Lieutenant Governor has more power than the governor of a state **as he does not have to act on the aid and advice of the council of ministers all the time**. However, there was **no need for "fundamental concurrence" of LG in every aspect and in case of differences** with the ministers, the LG should refer the matter to the President and must spell out the reasons.

STATUS OF DELHI

Delhi is neither a State, nor a Union Territory. It used to be a full-fledged Union Territory till 1991, when the **69th Constitution Amendment gave it a special status**.

The amendment declared the Union Territory of Delhi to be formally known as **National Capital Territory of Delhi**.

CONSTITUTIONAL PROVISIONS

ART 239

- **Article 239** provides for **Administration of Union Territories**.
- As per **Article 239 (1)**.... Union territory shall be administered by the President through an Administrator to be appointed by the President.
- **Article 239 (2)** says that...President may **appoint the Governor of a State** as the administrator of an adjoining Union Territory, and where a Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers.

ART 239 A

- **Article 239A** provides for **Creation of local Legislatures or Council of Ministers or both for certain Union Territories**. This article was added by **Constitution (Fourteenth Amendment) Act, 1962**.
- Clause 2 of Article 239A mentions that any law which provides for creation of local legislatures or Council of Ministers or both for certain Union Territories **shall not be deemed to be an amendment** of this Constitution for the purpose of **Article 368** even though certain provisions of the Constitution are amended.
- **Article 239AA** of the Indian Constitution was added by **Constitution (Sixty-ninth Amendment) Act, 1991**. It says that Union Territory of Delhi shall be called the **National Capital Territory of Delhi** and the **Administrator** thereof appointed under Article 239 shall be designated as the **Lieutenant Governor**.
- There shall be a **Legislative Assembly** for the National Capital Territory (NCT) of Delhi and the seats in such Assembly shall be filled by members chosen by **Direct Election** from territorial constituencies in the NCT.
- The **Legislative Assembly of Delhi** shall have power to make laws for the whole or any part of NCT with respect to any matters enumerated in **State List or in the Concurrent List**. However, Legislative Assembly of Delhi **cannot make laws** on the following entries under the **State List**, such as: –
 - **Entry 1:** Public Order;
 - **Entry 2:** Police (including railway and village police);
 - **Entry 18:** Land, that is to say any right in or over land, land tenures including the relation of landlord and tenant, and the collection of rents, transfer and alienation of agricultural land, land improvement and agricultural loans and colonization.

Thus, the government of Delhi does not enjoy all the powers with respect to law making which are enjoyed by other states. Moreover, NCT is primarily a Union Territory which has a legislative assembly
- There shall be a **Council of Ministers** consisting of **not more than ten percent**, of the total number of members in the Legislative Assembly.
- The **Chief Minister** at the head to **aid and advise the Lieutenant Governor** in the exercise to his functions in relation to matters with respect to which the Legislative Assembly has power to make laws, except in so far as he is, by or under any law, **required to act in his discretion**.

- If there is any difference of opinion between the Lieutenant Governor and his Ministers on any matter, the **Lieutenant Governor shall refer it to the President** for decision and **act according to the decision given thereon by the President**.
- However, if the matter sent to the President is pending before the President, then the Lieutenant Governor **can take immediate action** or give such direction if he thinks the matter is of urgency or importance

DELHI LG VS PUDUCHERRY LG

- The LG of Delhi has **“Executive Functions”** that allow him to exercise his powers in matters connected to public order, police and land “in consultation with the Chief Minister, if it is so provided under any order issued by the President under Article 239 of the Constitution”. Simply put, the **LG of Delhi enjoys greater powers than the LG of Puducherry**.
- **Articles 239 and 239AA** of the Constitution, as well as the Government of National Capital Territory of Delhi Act, 1991, clearly underline that Delhi is a UT, where the Centre, whose eyes and ears are the LG, has a much more prominent role than in Puducherry.

► CENTRE STATE RELATIONS

INTER-STATE COUNCIL (ISC)

- Article 263 of the Constitution envisages establishment of an institutional mechanism to facilitate coordination of policies and their implementation between the Union and the State Governments.
- Inter State council is a constitutional body set up on the basis of provisions in Article 263 of the Constitution of India by a Presidential Order dated 28th May, 1990 on recommendation of **Sarkaria Commission**. (Formed during regime of PM V P Singh).

COMPOSITION OF THE INTER-STATE COUNCIL

The Council consists of

- Prime Minister – Chairman
- Chief Ministers of all States – Members
- Chief Ministers of Union Territories having a Legislative Assembly and Administrators of UTs not having a Legislative Assembly – Members

- Six Ministers of Cabinet rank in the Union Council of Ministers to be nominated by the Prime Minister – Members

The Presidential Order of 1990 has been amended twice providing for Governor of a State under President's rule to attend the meeting of the Council and nomination by the Chairman of permanent invitees from amongst the other Union Ministers, respectively.

GOVERNMENT ACCEPTED SARKARIA COMMISSION REPORT

- The Commission on Centre-State Relations under the Chairmanship of Justice R. S. Sarkaria in its report in January 1988 recommended that:
 - (a) *A permanent Inter-State Council called the Inter-Governmental Council (IGC) should be set up under Article 263.*
 - (b) *The IGC should be charged with the duties set out in clauses (b) and (c) of Article 263, other than socio-economic planning and development.*
- **Government of India accepted the recommendations of the Sarkaria Commission** to set-up an Inter-State Council and notified the establishment of the Inter-State Council vide Presidential Order dated 28-05-1990.
- **Government also established an Inter-State Council Secretariat in 1991** headed by a Secretary to the Government of India, assisted by two Advisers in the rank of Additional Secretary to the Government of India, two Directors and three officers each in the rank of Deputy Secretary and Under Secretary.

FUNCTIONS AND DUTIES OF ISC

Inter-State Council is a recommendatory body and it investigates and discusses such subjects, in which some or all of the States or the Union and one or more of the States have a common interest, for better coordination of policy and action with respect to that subject. It also deliberates upon such other matters of general interests to the States as may be referred by the Chairman to the Council. Its duties include:

- Inquiring into and advising upon disputes which may have arisen between/among States
- Investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States have a common interest
- Making recommendations upon any such subject for the better coordination of policy and action with respect to that subject.

VISION & MISSION - INTER-COUNCIL SECRETARIAT

The Inter-State Council Secretariat acts as a vibrant organization to support Centre-State and Inter-State coordination and cooperation in India. Thus, the mission is to

- Create a strong institutional framework to promote and support cooperative federalism in the country.
- Activate the Inter-State Council and Zonal Councils by organizing its regular meetings.
- Facilitate consideration of all pending and emerging issues of Centre State and Inter-State relations by the Zonal Councils and Inter- State Council.
- Develop a sound system of monitoring the implementation of the recommendations of the Inter-State Council and Zonal Councils.

FUNCTIONS OF THE INTER-STATE COUNCIL

- **Making recommendations** upon such subject and in particular for better coordination of policy and action regarding any issue or subject matter.
- **Inquiring into and advising upon disputes** which may have arisen between/among States.
- **Investigating and discussing subjects** in which some or all of the States, or the Union and one or more of the States have a common interest.
- **Deliberating upon** other matters of general interest to the states as may be referred by the Chairman.

STANDING COMMITTEE

- In the second meeting of the Inter-State Council held on 15.10.1996, the Council decided to set up a Standing Committee for continuous consultation and processing of matters for consideration of the Council.
- Accordingly, a Standing Committee was set up under the Chairmanship of the Home Minister vide notification dated 5 December 1996.

FUNCTIONS OF STANDING COMMITTEE - THE STANDING COMMITTEE WILL

- Have continuous consultation and process matters for consideration of the Council.
- Process all matters pertaining to Centre-State Relations before they are taken up for consideration in the Inter-State Council.
- Monitor the implementation of decisions taken on the recommendations of the Council. &
- Consider any other matter referred to it by the Chairman/Council.

The Standing Committee may, if necessary, invite experts and persons eminent in specific fields to have

the benefit of their views while deliberating upon the related subjects.

Other Mechanisms for Coordination between Centre and States:

1. NITI Aayog (Governing Council) (Has representation of all State CMs and
2. GST Council (Representation of Centre and States) (Constitutional Body).
3. Finance Commission for distribution of revenues between Centre and States. (Constitutional Body).

► INTERSTATE RIVER WATER DISPUTES ACT (IRWD ACT)

- The Interstate River Water Disputes Act, 1956 (IRWD Act) is an Act of the Parliament of India enacted under Article 262 of Constitution of India on the eve of reorganization of states on linguistic basis to resolve the water disputes that would arise in the use, control and distribution of an interstate river or river valley.
- Article 262 of the Indian Constitution provides a role for the Central government in adjudicating conflicts surrounding inter-state rivers that arise among the state/regional governments. Whenever the riparian states are not able to reach amicable agreements on their own in sharing of an interstate river waters, section 4 of IRWD Act provides dispute resolution process in the form of Tribunal.
- When the tribunal final verdict is issued, based on the deliberations on the draft verdict accepted by the central government and notified in the official gazette, the verdict becomes law and binding on the states for implementation.

BAR OF JURISDICTION FOR THE SUPREME COURT

- Neither the Supreme Court nor any other Court shall have or exercise jurisdiction in respect of any water dispute which may be referred to a Tribunal under The Inter-State River Water Disputes Act, 1956.
- It means that once a matter is referred to the Tribunal, no state can proceed to either the Supreme Court or any other Court **during the course of proceeding** at the Tribunal.

► PANCHAYATS & MUNICIPALITIES

PART IX of the Indian Constitution deals with the Panchayats whereas PART XIA deals with the Municipalities.

GRAM SABHA

Gram Sabha means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level.

PANCHAYAT

- **Panchayat** means an institution of self-government constituted for rural areas.
- There shall be constituted in every State, Panchayats at the village, intermediate and districts level.
- However, Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

ELECTION

- All the seats in a Panchayat shall be filled by persons chosen by **direct election** from territorial constituencies in the Panchayat area.
- Each Panchayat area shall be divided into territorial constituencies in such manner that the **ratio between the population** of each constituency and the **number of seats allotted** to it **shall be the same** throughout the Panchayat area.
- The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in the **State Election Commission**.
- **State Election Commission:** It is a constitutional body created under 73rd CAA (Article 243K). It has entrusted with the powers to direct and control preparation of Electoral rolls and conduct of elections to Panchayats and Municipalities. State Election Commissioner is appointed by the Governor of the State. The procedure for removal of State Election Commissioner is similar to a High Court Judge. SC recently observed that SEC is an independent constitutional body and no serving employees of State Government or Central Government can be appointed to the post to maintain its independence. Conditions of service and tenure of SEC are determined by Governor by rule. During the elections of Panchayats and Municipalities separate electoral rolls are used from those used in the elections to Lok Sabha where electoral rolls made by Election Commission are used.

DURATION

Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting.

FINANCE COMMISSION

- The Governor of a State shall at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor on:
 - The principles which should govern the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees
 - the grants-in-aid to the Panchayats from the Consolidated Fund of the State
 - the measures needed to improve the financial position of the Panchayats

APPLICATION

- The part relating to Panchayat shall not apply to
 - Scheduled areas and Tribal areas as referred to in Article 244.
 - States of Nagaland, Meghalaya and Mizoram
 - Hill areas in the State of Manipur for which District Councils exist

THE SCHEDULED AND TRIBAL AREAS'

- Article 244 deals with '**The Scheduled and Tribal Areas**'. Article 244 deals with Administration of Scheduled and Tribal Areas.
- 244(1) – The provisions of Fifth Schedule shall apply to the administration and control of Scheduled Areas and Scheduled Tribes in any state other than the states of Assam, Meghalaya, Tripura and Mizoram.
- 244(2) - The provisions of Sixth Schedule shall apply to the administration of the tribal areas in the state of Assam, Meghalaya, Tripura and Mizoram.
- Thus, Parliament enacted **Panchayat (Extension to the Scheduled Areas) Act, 1996** (PESA) to extend Part IX of the Constitution with certain modifications and exceptions to the Scheduled V areas.

EMPOWERMENT OF GRAM SABHA THROUGH PESA

- Safeguard and preserve the traditions and customs of the people, their cultural identity, customary resources and customary mode of dispute resolution
- Carry out executive functions to approve plans, programmes and projects for social and economic development, identify persons as beneficiaries under the poverty alleviation and other programmes
- Right to mandatory consultation in land acquisition, resettlement and rehabilitation of displaced persons
- Regulate sale/consumption of intoxicants; ownership of minor forest produce and manage village market

► MUNICIPALITY**CONSTITUTION**

There shall be constituted in every State

- Nagar Panchayat (for transitional area from rural to urban)
- Municipal Council (for smaller urban area)
- Municipal Corporation (for larger urban area)

METROPOLITAN AREA

- "Metropolitan area" means an area having a population of **ten lakhs or more**, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas.

ELECTION

- All the seats in a Municipality shall be filled by persons chosen by **direct election** from the territorial constituencies in the Municipal area.
- For this purpose, each Municipal area shall be divided into territorial constituencies to be known as **wards**.
- The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the **State Election Commission**.

WARDS COMMITTEE

There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of **three lakhs or more**.

DISTRICT PLANNING COMMITTEE

District Planning Committee shall be constituted at district level in every State

- To consolidate the plans prepared by the Panchayats and the Municipalities in the district and
- To prepare a draft development plan for the district as a whole.

Not less than **four-fifths** of the total number of members of such Committee shall be elected by, and from amongst,

- the elected members of the Panchayat at the district level and
- of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district

METROPOLITAN PLANNING COMMITTEE

- There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft

development plan for the Metropolitan area as a whole.

- Not less than **two-thirds** of the members of such Committee shall be elected by, and from amongst,
- The elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area.

FINANCE COMMISSION

The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor

- Regarding distribution between the State and the Municipalities of the net proceeds of the taxes
- Determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities.
- Grants-in-aid to the Municipalities from the Consolidated Fund of the State.

► 97th CONSTITUTIONAL AMENDMENT- COOPERATIVE

In fundamental Rights: Article 19(1): Right to form cooperatives

In DPSP: Article 43B: State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.

► CONSTITUTIONAL BODIES

► PUBLIC SERVICE COMMISSION

- There shall be a Public Service Commission for the **Union** and a Public Service Commission for **each State**.
- Two or more States may agree to have a **Joint Public Service Commission (JPC)** for that group of States
- **Parliament may by law** provide for the appointment of a Joint State Public Service Commission after a resolution to that effect has been passed by the State Legislature or, where there are two Houses, by each House of the Legislature of each of those States.
- An act made by Parliament or State Legislature may extend the functions of Public Service Commissions.

- The expenses of the Service Commission including any salaries, allowances and pensions payable shall be charged respectively on:

- Consolidated Fund of India - UPSC
- Consolidated Fund of states - State Public Service Commission

► UNION PUBLIC SERVICE COMMISSION (UPSC)

APPOINTMENT OF MEMBERS

The Chairman and other members of UPSC shall be appointed by the **President**.

OFFICE UNDER THE GOVERNMENT

Nearly as may be one-half of the members of every Public Service Commission shall be persons who have held office either under the Government of India or under the Government of a State for **at least ten years**.

TERM OF OFFICE

A member of UPSC shall hold office for

- a term of **6 years** from the date on which he enters upon his office; or
- Until he/she attains the age of **65 years**

RESIGNATION

A member of UPSC may resign his/her office by writing under his hand addressed to the **President**.

REMOVAL

Chairman or any other member of UPSC shall only be **removed** from his office **by order of the President**

- on the ground of misbehavior; and
- After the **Supreme Court** has on **inquiry** (on reference being made to it by the President) reported that the Chairman or such other member ought to be removed on such grounds.
- The President may also remove a Chairman or Member of UPSC if:
 - They are adjudged insolvent
 - They engage during their term of office in any paid employment outside the duties of their office.
 - They are in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

SUSPENSION

The **President may suspend** from office the Chairman or any other member of UPSC in respect of whom a reference has been made to the Supreme Court for enquiry.

HOLDING OF OFFICE

- The Chairman of UPSC shall be **ineligible for further employment** either under the Government of India or under the Government of a State.
- A member other than the Chairman of UPSC **shall be eligible** for appointment as the **Chairman of UPSC**, or as the **Chairman of a State Public Service Commission** --- but shall not be eligible for any other employment either under the Government of India or under the Government of a State.

FUNCTIONS

- To conduct examinations for appointments to the services of the Union
- To assist such states on request in framing and operating schemes of joint recruitment for any services.
- State Commission shall consult UPSC on:
 - Issues relating to methods of recruitment to civil services and for civil posts
 - Principles to be followed in making appointments, promotions and transfers from one service to another
 - On all **disciplinary matters** affecting a person serving under the Government of India or the Government of a State in a civil capacity
 - On any claim by **serving** or has **served members** under the Government of India or the Government of a State or under the Crown
 - On any claim for the **award of a pension** in respect of injuries sustained by a person while serving under the Government of India or the Government of a State or under the Crown

REPORTS OF UPSC

- It shall be the duty of UPSC to present annually to the President a report as to the work done by the Commission.
- On receipt of such report the President shall cause a copy thereof to be laid before each House of Parliament.

- The Report shall also contain a memorandum explaining where the advice of the Commission was not accepted and the reasons for such non-acceptance.

► JOINT PUBLIC SERVICE COMMISSION (JPC)

APPOINTMENT

The Chairman and other members of JPC shall be appointed by the **President**.

TENURE

A member of JPC shall hold office for:

- a term of **six years** from the date on which he enters upon his office; or
- Until he/she attains the age of **62 years**

RESIGNATION

A member of JPC may resign his/her office by writing under his hand addressed to the **President**.

REMOVAL

Same as members of UPSC

SUSPENSION

The **President may suspend** from office the Chairman or any other member of UPSC in respect of whom a reference has been made to the Supreme Court for enquiry.

REPORTS OF JPC

- It shall be the duty of JPC to present annually to the Governor a report as to the work done by the Commission.
- On receipt of such report the Governor shall cause a copy thereof to be laid before respective Legislature of State.
- The Report shall also contain a memorandum explaining where the advice of the Commission was not accepted and the reasons for such non-acceptance.

	y MEMBERS OF UPSC	y MEMBERS OF SPSC	y MEMBERS OF JPC
Appointment by the	The President	Governor	President
Term of office - A member shall hold office for	a term of 6 years from date of joining or till they attain 65 years of age	a term of 6 years from date of joining or till they attain 62 years of age	a term of 6 years from date of joining or till they attain 62 years of age
Resignation	By writing under his hand addressed	By writing under his	By writing under his

	to the President	hand addressed to the Governor	hand addressed to the President
Removal	By order of the President on grounds of misbehavior and after an enquiry by Supreme Court. Can be removed also on the grounds of: Insolvency, outside employment and infirmity of mind and body	Same as of UPSC	Same as of UPSC
Suspension	By the President	By the Governor	By the President

► COMPTROLLER AND AUDITOR GENERAL OF INDIA (CAG)

APPOINTMENT

CAG shall be appointed by the **President** by warrant under his hand and seal.

REMOVAL

CAG shall only be removed from office in like manner and on the like grounds as a **Judge of the Supreme Court**.

(By a majority of the **total membership of that House** and by a **majority of not less than two-thirds of the members of that House present and voting**)

OATH

Every person appointed to be the CAG of India shall make and subscribe before the **President**, or some person appointed in that behalf by him, an **oath or affirmation** according to the form set out for the purpose in the **Third Schedule**.

CONDITIONS OF SERVICE

- The salary and other conditions of service of the CAG shall be determined by **Parliament by law**.
- The CAG **shall not be eligible** for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.

ADMINISTRATIVE EXPENSE

The administrative expenses of the office of CAG including all salaries, allowances and pensions payable to or in respect of the persons serving in that office, shall be *charged upon* the **Consolidated Fund of India**.

DUTIES & POWERS

The CAG shall perform its duties and functions with respect to accounts of the Union and of the States along with Public Sector Undertakings and Public Institutions.

AUDIT REPORTS

- The reports of the CAG relating to the accounts of the Union shall be submitted to the **President**, who shall cause them to be laid before **each House of Parliament**.
- The reports of CAG relating to the accounts of a State shall be submitted to the Governor of the State, who shall cause them to be laid before the Legislature of the State.

► FINANCE COMMISSION

CONSTITUTION

- The **President** shall at the **expiration of every fifth year** or at such earlier time as the President considers necessary, by order constitute a Finance Commission.
- The Finance Commission shall consist of a **Chairman and four other members** to be appointed by the **President**.

SELECTION OF MEMBERS

Parliament may by law determine the qualifications which shall be requisite for appointment as members of the Commission and the manner in which they shall be selected.

DUTY

To make recommendations to the President as to –

- The distribution between the Union and the States of the net proceeds of taxes
- Principles governing the grants in-aid of the revenues of the States out of the Consolidated Fund of India
- Measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats and Municipalities in the State on the basis of the recommendations made by the State Finance Commission.
- Any other matter referred to the Commission by the President in the interests of sound finance.

RECOMMENDATIONS

The President shall cause every recommendation made by the Finance Commission together with an explanatory memorandum as to the action taken thereon to be **laid before each House of Parliament**.

FOURTEENTH FINANCE COMMISSION (FFC)

- 14th Finance Commission (FFC) Report was tabled in Parliament February 2015.
- FFC recommended by Majority Decision that the States' Share in the Net Proceeds of the Union Tax Revenues be Raised to 42% which is a huge jump from the 32% Recommended by the 13th Finance Commission.
- The tenure of FFC is for the period from **1st April, 2015 to 31st March, 2020**.

► ELECTION COMMISSION**CONDUCT OF ELECTIONS**

Election Commission shall be responsible for Superintendence, Direction and Control of the preparation of the Electoral Rolls for and the conduct of all elections to-

- **Parliament**
- **Legislature of every State**
- Offices of **President** and **Vice-President**

The President may also appoint after consultation with the Election Commission such **Regional Commissioners** as he may consider necessary to assist the Election Commission in the performance of its functions.

CONSTITUTION

- **Chief Election Commissioner (CEC)** and such number of other **Election Commissioners**, as the **President may** from **time to time fix**.
- The **CEC** shall act as the **Chairman** of the Election Commission.

REMOVAL

- The **CEC** shall be removed from his office in like manner and on the like grounds as a **Judge of the Supreme Court**.
- Any other **Election Commissioner** or a **Regional Commissioner** shall not be removed from office except on the recommendation of the Chief Election Commissioner.
- Thus, the process of removal of CEC and other Election or Regional Commissioners is different.

ROLE OF PARLIAMENT

Parliament may by law make provision with respect to matters relating to elections to either **House of**

Parliament or to the **House or either House of State Legislature** including the preparation of

- Electoral rolls,
- The delimitation of constituencies and
- All other matters necessary for securing the due constitution of such House or Houses

Thus, the Parliament of India has legislated **The Representation of People Act, 1950** and **The Representation of People Act, 1951**.

State Legislature can make provisions (if any has not been made by the Parliament) in connection with election to the House or either House of State.

INTERFERENCE BY COURTS

Interference by Courts in matters related with elections are barred in matters of -

- **Delimitation of constituencies** or the **allotment of seats** to such constituencies by Delimitation Commission.
- Election to either House of Parliament or to the House or either House of State Legislature **during the conduct of an election**.

The purpose is to allow the process of election to be completed in the set timeframe allotted by the Election Commission. Thus, the Constitution effectively states that all disputes related to the elections shall be raised only after the declaration of results.

JURISDICTION OF COURTS

All doubts and disputes arising out of or in connection with the election of a **President or Vice-President** shall be inquired into and decided by the **Supreme Court**.

~~✓~~ **The Constitution (Nineteenth Amendment) Act, 1966**

The amendment **abolished Election Tribunals** and accordingly the jurisdiction to hear election disputes was transferred to the **High Court**. This was facilitated by adding **Section 80A** to the **Representation of People Act, 1951**.

Section 80A - High Court to try election petitions.—(1) The Court having jurisdiction to try an election petition shall be the **High Court**.

ELECTION TO PANCHAYAT & MUNICIPALITY

The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats and Municipality shall be vested in the **State Election Commission**.

When is a By-Election held for Lok Sabha?

Section 149 of the *Representation of People's Act, 1951* provides for **bye-election** in case of casual vacancies in

the House of the People. It says when the seat of a member elected to the House of the People becomes vacant or is declared vacant or his election to the House of the People is declared void, then Election Commission by notification can hold an election to fill the vacancy.

However, if vacancy is caused on a seat reserved for Scheduled Caste or Scheduled Tribe, then person filling the seat through election must be from the same category.

Bye-elections to fill the vacancy shall be held within a period of six months from the date of the occurrence of the vacancy. However, by-election shall not be held if:

1. If less than one year remains for the conduct of next general elections. (Eg. Election is to be held in December and vacancy arose in February of the same year)
2. If the Election Commission in consultation with the Central Government certifies that it is difficult to hold the bye-election within six months.

► NATIONAL COMMISSION FOR SCHEDULED CASTE (NCSC)

MEMBERS

The Commission shall consist of a Chairperson, Vice-Chairperson and three other Members.

APPOINTMENT

The Chairperson, Vice-Chairperson and other Members of the Commission shall be **appointed by the President** by warrant under his hand and seal.

TENURE

The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the **President may by rule determine**.

DUTIES

It shall be the duty of the Commission to:

- to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under the Constitution or any other law.
- to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes
- to participate and advise on the planning process of socio-economic development of the Scheduled Castes
- to evaluate the progress of their development under the Union and any State

- to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards
- to make recommendation about measures to be taken by Union or State for effective implementation for the protection, welfare and socio-economic development of the Scheduled Castes.

REPORT OF THE COMMISSION

- **The President** shall cause all such reports to be laid before **each House of Parliament** along with a memorandum explaining the action taken or proposed to be taken on the recommendations.
- If the report relates to State Government, then the **Governor of that state** who shall cause it to be laid before the **Legislature of the State** along with a memorandum explaining the action taken or proposed to be taken.

POWERS OF CIVIL COURT

The Commission shall, while investigating any matter or enquiring into any complaint shall have all the powers of a civil court trying a suit especially for

- summoning and enforcing the attendance of any person from any part of India and examining him on oath
- requiring the discovery and production of any document
- receiving evidence on affidavits
- requisitioning any public record or copy thereof from any court or office
- issuing commissions for the examination of witnesses and documents

CONSULTATION

The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes.

► NATIONAL COMMISSION FOR SCHEDULED TRIBE (NCST)

MEMBERS

The Commission shall consist of a Chairperson, Vice-Chairperson and three other Members.

APPOINTMENT

The Chairperson, Vice-Chairperson and other Members of the Commission shall be **appointed by the President** by warrant under his hand and seal.

TENURE

The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the **President may by rule determine.**

DUTIES

- To investigate and monitor all matters relating to the safeguards provided for the **Scheduled Tribe** under the Constitution or any other law.
- To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes
- To participate and advise on the planning process of socio-economic development of the Scheduled Tribes
- To evaluate the progress of their development under the Union and any State
- To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards
- To make recommendation about measures to be taken by Union or State for effective implementation for the protection, welfare and socio-economic development of the Scheduled Tribes.

REPORT OF THE COMMISSION

- **The President** shall cause all such reports to be laid before **each House of Parliament** along with a memorandum explaining the action taken or proposed to be taken on the recommendations.
- If the report relates to State Government, then the **Governor of that state** who shall cause it to be laid before the **Legislature of the State** along with a memorandum explaining the action taken or proposed to be taken.

POWERS OF CIVIL COURT

The Commission shall, while investigating any matter or enquiring into any complaint shall have all the powers of a civil court trying a suit especially for

- summoning and enforcing the attendance of any person from any part of India and examining him on oath
- requiring the discovery and production of any document
- receiving evidence on affidavits
- requisitioning any public record or copy thereof from any court or office
- issuing commissions for the examination of witnesses and documents

CONSULTATION

The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

► 102nd CONSTITUTIONAL AMENDMENT ACT – NATIONAL COMMISSION FOR BACKWARD CLASSES (NCBC)

PROVISIONS

1) Article 338B: Creates a constitutional Commission for the socially and educationally backward classes (SEBCs) to be known as **National Commission for Backward Classes.**

- **Composition:** Commission shall consist of Chairperson, Vice-chairperson, and three other Members. Conditions of service tenure of office of the Chairperson, Vice-Chairperson and other members to be determined by President by rules. They will be appointed by President by warrant under his hand and seal.
- **Functions of the NCBC:**
 - Investigate and monitor about the safeguards provided for SEBCs under COI or under any law or order. Also to evaluate working of above safeguards.
 - Inquire into specific complaints with respect to deprivation of rights and safeguards of the SEBCs
 - Participate and advise on the socio-economic development of SEBCs and to evaluate the progress of their development under the Union or any State.
 - Present annual report to the President and other reports as the Commission deems fit upon the working of safeguards.
 - Make recommendations about the measures that need to be taken by the Union or States for the effective implementation safeguards and other additional measures for socio-economic development of SEBCs in the above reports
- President shall lay all reports of NCBC before each House of Parliament along with memorandum explaining the action taken and the reasons for the non-acceptance, of any such recommendations.
- If the report of NCBC presented to the President or any part of it deals with any matter which deals with any State Government, a copy of such report shall be forwarded to the State Government which will lay it before the Legislature of the State along with

memorandum explaining the action taken and the reasons for the non-acceptance, of any such recommendations.

- NCBC will have powers of civil court while inquiring into any complaint.
- Union and State Governments to consult NCBC on all major policy matters affecting the SEBCs.

2) Article 342A:

- President after consultation with Governor of each State and UT to notify SEBCs for every State or UT.
- Central List of SEBCs: Parliament can by law include in or exclude from the Central List of SEBCs.

► COMMISSION ON OFFICIAL LANGUAGE (ARTICLE 344)

OFFICIAL LANGUAGE

The official language of the Union shall be **Hindi in Devanagari script**.

APPOINTMENT

The **President** shall at the **expiration of ten years** by order constitute a Commission which shall consist of a Chairman and such other members representing the different languages specified in the Eighth Schedule as the President may appoint.

DUTIES

It shall be the duty of the Commission to make recommendations to the President as to –

- the progressive use of the Hindi language for the official purposes of the Union
- restrictions on the use of the English language for all or any of the official purposes of the Union
- the language to be used for all or any of the purposes mentioned in article 348 (Language to be used in Supreme Court and in every High Court – **English language**)
- form of numerals to be used for any one or more specified purposes of Union
- Any other matter referred by the President to the Commission regarding official language of the Union and the **language for communication** between the **Union and a State** or between **one State and another State** and their use.

In making their recommendations, the Commission shall have

- due regard to the **industrial, cultural and scientific advancement of India**, and

- the just claims and the interests of persons belonging to the **non-Hindi speaking areas** in regard to the public services.

COMMITTEE

There shall be constituted a Committee consisting of **30 members, of which**

- **20 members** shall be members of the **House of the People** and
- **10 members** shall be members of the **Council of States**

to be elected by each House in accordance with the **system of proportional representation by means of the single transferable vote**.

The Committee shall examine the recommendations of the Commission and report to the President their opinion.

► SPECIAL OFFICER FOR LINGUISTIC MINORITIES (ARTICLE 350B)

APPOINTMENT

- There shall be a Special Officer for linguistic minorities to be appointed by the **President**.
- **Article 29** provides that any section of citizens residing in Indian territory shall have right to conserve distinct **language, script or culture** of their own.

DUTY

It shall be the duty of the Special Officer to **investigate** all matters relating to the **safeguards provided for linguistic minorities** under this Constitution and report to the President upon those matters at such intervals as the President may direct.

REPORT

The President shall cause all such **Reports** to be laid before **each House of Parliament**, and sent to the Governments of the States concerned.

► STATUTORY BODIES

► NATIONAL COMMISSION FOR MINORITIES

ESTABLISHED

- Government of India appointed a Minorities Commission in 1978 under an administrative resolution.

- Scope of the Commission's work extended to minorities whether based on religion or language.
- Parliament enacted the National Commission for Minorities Act, 1992 to establish National Commission for Minorities
- The government has notified the following as minorities:
 - Muslims,
 - Christians,
 - Buddhists,
 - Sikhs
 - Zoroastrians, and
 - Jains

MEMBERS

The Commission shall consist of a

- Chairperson,
- Vice-Chairperson and
- Five Members

to be **nominated by the Central Government** from amongst persons of eminence, ability and integrity.

TENURE

The Chairperson and every Member shall hold office for a term of **3 years** from the date of appointment.

FUNCTIONS

- Evaluate the progress of the development of minorities under the Union and States.
- Monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures and make effective recommendations.
- look into specific complaints regarding deprivation of rights and safeguards of minorities
- Conduct studies, research and analysis on the issues relating to socio-economic, educational development and discrimination of minorities and recommend suitable measures.

REPORTS

Central Government shall cause the recommendations to be laid before **each House of Parliament** along with a memorandum explaining the action taken or proposed to be taken and the reasons for the non-acceptance, if any, of any of such recommendations.

► NATIONAL COMMISSION FOR THE PROTECTION OF CHILD RIGHTS (NCPCR)

CONSTITUTION

- It was set up in March 2007 under **The Commissions for Protection of Child Rights (CPCR) Act, 2005**.
- It works under the administrative control of Ministry of Women & Child Development.
- The 2005 Act provides for constitution of **National Commission** and **State Commissions** for Protection of Child Rights and **Children's Courts** for providing speedy trial of offences against children or of violation of child rights.
- The Commission shall consist of a Chairperson and six Members, out of which at least two shall be women.
- The Child is defined as a person in the 0 to 18 years age group.

APPOINTMENT

- The Central Government shall appoint Chairperson and other Members
- Chairperson shall be appointed on the recommendation of a Three Member Selection Committee headed by Minister of Women and Child Development.

FUNCTION

- Examine and review the safeguards provided for the protection of children under various law and recommend measures for effective implementation
- Inquire into violation of child rights and recommend initiation of proceedings in such cases
- Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures
- Look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures
- Study treaties and other international instruments, undertake periodic review of policies and programmes and undertake and promote research in the field of child rights.

► NATIONAL COMMISSION FOR WOMEN

CONSTITUTION

The National Commission for Women was set up as statutory body under the National Commission for Women Act, 1990.

MEMBERS

The Commission shall consist of a Chairperson and 5 members to be nominated by the Central Government from reputable fields.

TENURE

The Chairperson and every Member shall hold office for period **not exceeding three years**.

FUNCTIONS

- Review the Constitutional and Legal safeguards for women
- Recommend remedial legislative measures to the government
- Facilitate redressal of grievances and
- Advise the Government on all policy matters affecting women
- Take up cases of violation of laws and rights, non-implementation of policies and schemes affecting women
- Undertake promotional and educational research and suggest ways of ensuring due representation of women in all spheres of life.

REPORTS

- The Central Government shall cause the Reports of NCW to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken.
- If any matter in the report pertains to any state government, then Commission shall forward a copy of such report or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on such recommendations.

► CENTRAL VIGILANCE COMMISSION (CVC)

FORMATION

- The CVC was set up by the Government in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K.

Santhanam, to advise and guide Central Government agencies in the field of vigilance.

- An Ordinance by the President in 1998 made the CVC a multi member Commission with "statutory status" with effect from 25th August, 1998.
- Consequently the CVC Bill passed in 2003 to give CVC a statutory status

VIGILANCE

CVC is conceived to be the apex vigilance institution, free of control from any executive authority to

- Monitor all vigilance activity under the Central Government and
- Advise various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilance work.
- Receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.
- Exercise superintendence over functioning of Delhi Police Establishment regarding investigation of offences under **The Prevention of Corruption Act, 1988**.

MEMBERS

The Commission shall consists of-

- Central Vigilance Commissioner
- Not more than 2 Vigilance Commissioners

APPOINTMENT

Central Vigilance Commissioner and other Vigilance Commissioners shall be appointed by the **President** by warrant under his hand and seal.

The appointment shall be made after obtaining the recommendation of a Committee consisting of-

- Prime Minister – Chairperson
- Minister of Home Affairs – Member
- Leader of Opposition in the Lok Sabha - Member

TENURE

Central Vigilance Commissioner and every Vigilance Commissioner shall hold office for

- A term of **4 years** from the date of his/her appointment.
- Or till he/she attains the age of **65 years** (whichever is earlier)

BAR ON APPOINTMENT

- Central Vigilance Commissioner shall be **ineligible for appointment in the Commission** when he/she ceases to hold office.

- Vigilance Commissioner shall be eligible for appointment as Central Vigilance Commissioner
- On ceasing to hold office, Central Vigilance Commissioner and every other Vigilance Commissioner shall be ineligible for further employment to any office of profit under Government of India or government of any State.

RESIGNATION

Central Vigilance Commissioner or a Vigilance Commissioner may by writing under his hand addressed to the President, resign their office.

REMOVAL

- Central Vigilance Commissioner or any Vigilance Commissioner shall be removed shall be removed on grounds of misbehavior or incapacity
 - On order of the President
 - And after an enquiry has been conducted by the Supreme Court

► NATIONAL LEGAL SERVICE AUTHORITY (NALSA)

FORMATION

- National Legal Service Authority (NALSA) derives its power through **The Legal Services Authority Act, 1987**.
- The Act promotes an inclusive legal system in order to ensure fair and meaningful justice to the marginalized and disadvantaged sector by strengthening the system of **Lok Adalats** and other **Alternate Dispute Resolution** mechanisms.
- The Act constitutes legal services authorities at **National and respective State level** to provide **free and competent legal services** to the weaker sections of the society.

COMPOSITION

National Legal Services Authority shall consist of

- **Chief Justice of India** who shall be the **Patron-in-Chief**,
- a **Serving or Retired Judge of the Supreme Court** to be nominated by the President, in consultation with the Chief Justice of India, who shall be the **Executive Chairman** and
- Such number of **other members**, possessing such experience and qualifications to be **nominated in consultation with the Chief Justice of India**.
- The Central Government shall, in consultation with the Chief Justice of India, appoint a person to be the

Member-Secretary of the Central Authority to exercise such powers and perform such duties under the Executive Chairman of the Central Authority.

FUNCTION

NALSA shall perform the following for the weaker sections of the society

- Frame effective and economical schemes for the purpose of making legal services available to them.
- Take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or other matter of special concern.
- Train the social workers in legal skills for promotion of justice.
- Undertake and promote research in the field of legal services with special reference to the need for such services among the poor.
- Take steps to ensure commitment to the fundamental duties of citizens enshrined under Part IVA of the Indian Constitution.
- Monitor and evaluate implementation of the legal aid programmes and schemes at periodic intervals
- Provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities.
- Develop, in consultation with the Bar Council of India, programmes for clinical legal education and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions.
- Make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the **Scheduled Castes and the Scheduled Tribes, women and rural and urban labour**
- Co-ordinate and monitor the functioning of State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees, voluntary social service institutions and other legal services organisations.

SUPREME COURT LEGAL SERVICES COMMITTEE

- The Central Authority shall constitute **Supreme Court Legal Services Committee** for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the Central Authority.
- The members of the Committee shall be nominated by the Chief Justice of India. The Committee shall consist of

- a) a **Sitting Judge** of the Supreme Court who shall be the Chairman
- b) such number of other members possessing such experience and qualifications as may be prescribed by the Central Government

STATE LEGAL SERVICES AUTHORITY

State Legal Services Authority also called State Authority shall consist of-

- **Chief Justice of the High Court** who shall be the **Patron-in-Chief**
- **Serving or Retired Judge of the High Court**, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the **Executive Chairman**; and
- Such number of other members to be nominated by the respective State Government in consultation with the Chief Justice of the concerned High Court.
- The State Government in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the **Member-Secretary** of the **State Authority**, to exercise such powers and perform such duties under the Executive Chairman of the State Authority.

FUNCTIONS OF STATE LEGAL SERVICES AUTHORITY

- State Authority shall implement the policy and directions of the Central Authority.
- Give legal service to persons belonging to the weaker section of the society
- Conduct Lok Adalats including Lok Adalats for High Court cases.
- Undertake preventive and strategic legal aid programmes

HIGH COURT LEGAL SERVICES COMMITTEE

The State Authority shall constitute **High Court Legal Services Committee** for every High Court, for the purpose of exercising such powers and performing such functions as prescribed.

The members of the Committee shall be nominated by the Chief Justice of respective High Courts. The Committee shall consist of

- a Sitting Judge of the High Court who shall be the Chairman
- Such number of other members possessing such experience and qualifications as may be determined by regulations made by the State Authority.
- The Chief Justice of the High Court shall appoint a Secretary to the Committee

DISTRICT LEGAL SERVICES AUTHORITY

The State Government shall, in consultation with the Chief Justice of the High Court, constitute **District Legal Services Authority** for every District in the State to exercise the powers and perform the functions conferred on them.

A District Authority shall consist of

- the District Judge who shall be its Chairman
- Such number of other members, possessing such experience and qualifications, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as **Secretary of the District Authority** to exercise such powers and perform such duties under the Chairman of that Committee.

FUNCTIONS OF DISTRICT AUTHORITY

- It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time
 - Co-ordinate the activities of the Taluk Legal Services Committee and other legal services in the District and
 - To organise **Lok Adalats** within the District.
- District Authority shall act in coordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor.
- It shall also be guided by such directions as the Central Authority or the State Authority

TALUK LEGAL SERVICES COMMITTEE

- The State Authority may constitute a **Taluk Legal Services Committee**, for each taluk or mandal or for group of taluks or mandals.
- The Committee shall consist of
 - The senior-most Judicial Officer operating within the jurisdiction of the Committee who shall be the ex officio Chairman, and
 - Such number of other members, as may be prescribed by the State Government to be nominated by that Government in consultation with the Chief Justice of the High Court.
- The Taluk Legal Services Committee may perform all or any of the following functions, namely

- o co-ordinate the activities of legal services in the taluk
- o organize Lok Adalats within the taluk
- o perform other functions as assigned by the District Authority

► LOK ADALATS

- The Legal services authority Act also lays down a framework for Lok Adalats
- Every State Authority or District Authority or Supreme Court Legal Services Committee or every High Court Legal Services Committee or, Taluk Legal Services Committee may organise Lok Adalats.
- Every Lok Adalat organised for an area shall consist of such number of serving or retired judicial officers and other members as may be prescribed by any of the respective Authorities.
- A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of
 - any case pending before or
 - any matter which is falling within the jurisdiction of, and is not brought before, any Court for which the Lok Adalat is organised
- Lok Adalat shall have no jurisdiction in respect of any case or matter **relating to an offence not compoundable under any law.**

Non-compoundable cases are **serious criminal cases** which cannot be quashed and compromise is not allowed between the parties. It is always registered in the name of state. Eg. *State of Karnataka vs XYZD*. Under a Non-Compoundable offense, full trial is held which ends with the acquittal or conviction of the offender, based on the evidence presented in a Court of Law.

FUNCTIONS OF LOK ADALAT

Lok Adalat while hearing a case can

- summon and enforce the attendance of any witness;
- examine him/her on oath,
- make discovery of documents,
- receive evidence,
- ask for requisitioning of any public record or document or copy of such record or document from any court or office

Lok Adalat can specify its own procedure for the determination of any dispute. All the proceedings before a Lok Adalat shall be deemed to be judicial proceedings.

AWARDS OF LOK ADALAT

- Every award of the Lok Adalat shall be deemed to be a decree of a civil court or an order of any other court and where a compromise or settlement has been arrived at.
- Every award made by a Lok Adalat **shall be final and binding** on all the parties to the dispute, and **no appeal shall lie to any court against the award.**

► QUALITY COUNCIL OF INDIA

FORMATION

Quality Council of India (QCI) was set up in 1997 jointly by the Government of India and the Indian Industry represented by the three premier industry associations

- Associated Chambers of Commerce and Industry of India (ASSOCHAM),
- Confederation of Indian Industry (CII) and
- Federation of Indian Chambers of Commerce and Industry (FICCI)

to establish and operate national accreditation structure and promote quality through National Quality Campaign.

It provides technical support to both Central and State government departments in implementing ISO 9001 standards as well as in undertaking process improvement projects.

ADMINISTRATIVE CONTROL

The Department of Industrial Policy & Promotion, **Ministry of Commerce & Industry**, is the nodal ministry for QCI.

NATIONAL BOARD FOR QUALITY PROMOTION

- The National Board for Quality Promotion, a constituent board of Quality Council of India works on the Vision of promoting quality of life for the Citizens of India.
- The board is supported through nominal Plan Funds from the DIPP (Department of industrial Planning & Projects) to carry out the National Quality Campaign.

AIM

- It aims to promote application of quality management standards and statistical quality tools with an objective of enabling industry, to improve their competitiveness, with specific focus on SME sectors.
- To develop, establish & operate National Accreditation programmes in accordance with the relevant international standards & guides for various service sectors such as education, healthcare, environment protection, governance, social sectors, infrastructure sector, vocational training etc.

- It also empowers the consumers to demand quality and thereby creates a back-pressure on suppliers to ensure quality of their products and services.

► COMPETITION COMMISSION OF INDIA (CCI)

FORMATION

- The Competition Act, 2002 establishes the Competition Commission of India.
- Competition Act, 2002 was enacted by replacing Monopolies and Restrictive Trade Practices Act, (MRTP), 1969 on the recommendations of Mr S. V. S. Raghavan Committee.

MANDATE

- To check Anti-Competitive agreements
- Prohibit Abuse of dominance by strong companies over weak organisations, and
- To regulate Mergers and Acquisitions or Takeovers taking place in the market.

ROLE

- To prevent practices having adverse effect on competition
- To promote and sustain competition in markets
- To protect the interests of consumers and
- To ensure freedom of trade carried on by other participants in Indian market.

MEMBERS

The Competition Commission shall consist of a

- Chairperson and
- Not less than 2 and not more than 6 members

The Chairperson and other Members of the Commission shall be appointed by the Central Government from a panel of names recommended by a **Selection Committee** consisting of –

- the Chief Justice of India or his nominee – Chairperson
- the Secretary in the Ministry of Corporate Affairs – Member
- the Secretary in the Ministry of Law and Justice – Member
- two experts of repute who have special knowledge of, and professional experience in international trade, economics, business, commerce, law, finance, accountancy, management, industry, public affairs or competition matters including competition law and policy - Members

TENURE

The Chairperson and Members shall hold office as such for

- a term of five years
- till he/she attain the age of 65 years

Chairperson and Members shall be eligible for re-appointment.

REMOVAL

The Chairperson or any other Member may, by notice in writing under his hand addressed to the **Central Government**, resign his office.

COMPETITION APPELLATE TRIBUNAL

Competition Appellate Tribunal has been established to hear and dispose of appeals against any direction issued or decision made or order passed by the Competition Commission of India.

► FOOD SAFETY AND STANDARD AUTHORITY OF INDIA (FSSAI)

FORMATION

FSSAI has been established under Food Safety and Standards Act, 2006. It operates under **Ministry of Health & Family Welfare**.

MANDATE

- Frame of Regulations to lay down and enforce various Standards and guidelines in relation to articles of food.
- Lay down mechanisms and guidelines for **accreditation of certification** bodies engaged in certification of food safety management system for food businesses including **accreditation of certifying laboratories**.
- Provide scientific advice and technical support to Central Government and State Governments in the matters of framing the policy and rules in areas relating to **food safety and nutrition** and also check for **adulteration**.
- Collect and collate data regarding food consumption, incidence and prevalence of biological risk, contaminants in food, residues of various, and contaminants in foods products, identification of emerging risks and introduction of rapid alert system.
- Creating an information network across the country so that the public, consumers, Panchayats etc. receive rapid, reliable and objective information about food safety and issues of concern.

- Provide training programmes for persons who are involved or intend to get involved in food businesses.
- Contribute to the development of international technical standards for food, sanitary and phyto-sanitary standards.
- Promote general awareness about food safety and food standards.

MEMBERS

FSSAI shall consist of a Chairperson and 22 members out of which one-third shall be women.

APPOINTMENT

The Chairperson shall be appointed by the **Central Government** from amongst the persons of eminence in the field of food science or from administration.

TERM OF OFFICE

- The Chairperson and the members other than ex officio Members shall hold office for a term of **three years** from date of appointment and **shall be eligible for re-appointment** for a further period of three years.
- However, Chairperson **shall not hold office** as such after he has attained the age of sixty-five years.

APPENDIX

► SCHEDULES UNDER THE CONSTITUTION OF INDIA

SCHEDULE I - Name of States and Union Territories

SCHEDULE II - Salaries and Emoluments of dignitaries holding constitutional office:

- President and Governors
- Speaker & Deputy Speaker of Lok Sabha + Chairman & Dy. Chairman of Rajya Sabha + Speaker & Dy. Speaker of State Legislative Assembly + Chairman & Dy. Chairman of Legislative Council of State
- Judges of Supreme Court and High Courts
- Comptroller and Auditor General of India

SCHEDULE III - Forms of Oath or Affirmation

SCHEDULE IV - Allocation of seats in the Council of States (Rajya Sabha).

SCHEDULE V

- Administration & Control of Scheduled Areas and Scheduled Tribes

- Provides for Tribes Advisory Council

SCHEDULE VI - Administration of Tribal Areas in the states of

Assam	Meghalaya	Tripura	Mizoram
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Provides for the constitution of District Councils and Regional Councils

SCHEDULE VII - Distribution of powers to make laws for Parliament & State Legislatures under

Union List	State List	Concurrent List
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SCHEDULE VIII Languages

SCHEDULE IX

- It was added by the Constitution (First Amendment) Act, 1951 (PM Jawahar Lal Nehru).
- The First amendment added

Article - 31A	Article -31B	Ninth Schedule
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so as to make laws acquiring zamindari unchallenged in court of law.

- Thus, any law added to the 9th Schedule could not be challenged in a Court of law even though they violated Fundamental Rights.
- However, in a landmark judgment by 9 Judge Constitution Bench in 2007 changed the status quo.
- The Judgment held that all amendments made to the Constitution **on or after 24th April, 1973** by which 9th SCHEDULE was amended by various laws **can be judicially reviewed** if they have **violated the basic structure of the constitution** as mentioned in Article 14, 19, 20 and 21.
- Now 9th Schedule **can be Judicially Reviewed** on grounds of violating Basic Structure of the Constitution.

SCHEDULE X - Disqualifications on grounds of Defection

SCHEDULE XI

- Endowing the Panchayat to make laws under provisions mentioned 11th Schedule.
- It was added by 73rd Constitution Amendment

SCHEDULE XII

- Endowing the Municipality to make laws on provisions mentioned under 12th Schedule
- It was added by 74th Constitution Amendment

► IMPORTANT AMENDMENTS TO THE CONSTITUTION OF INDIA

AMENDMENTS	AMENDED PROVISIONS OF THE CONSTITUTION
1st Amendment Act, 1951	<ol style="list-style-type: none"> 1. Added Ninth Schedule to protect the land reform and other laws included in it from the judicial review. 2. Added three more grounds of restrictions on freedom of speech and expression, viz., public order, friendly relations with foreign states and incitement to an offence. Also, made the restrictions 'reasonable' and thus, justiciable in nature.
7th Amendment Act, 1956	Abolished the existing classification of states into four categories i.e., Part A, Part B, Part C and Part D states, and re-organised them into 14 states and 6 union territories.
21st Amendment Act 1967	Added Sindhi as one of the languages in the 8 th Schedule.
42th Amendment Act, 1976 ('Mini-Constitution'; it gave effect to the recommendations of Swaran Singh Committee.)	<ol style="list-style-type: none"> 1. Added three new words (i.e., socialist, secular and integrity) in the Preamble. 2. Added Fundamental Duties by the citizens (new Part IV A). 3. Made the president bound by the advice of the cabinet. 4. Provided for administrative tribunals and tribunals for other matters (Added Part XIV A). 5. Froze the seats in the Lok Sabha and state legislative assemblies on the basis of 1971 census till 2001. 5. Added three new Directive Principles viz., equal justice and free-legal aid, participation of workers in the management of industries and protection of environment, forests and wild life. 6. Facilitated the proclamation of national emergency in a part of territory of India. 7. Shifted five subjects from the state list to the concurrent list, viz., education, forests, protection of wild animals and birds, weights and measures and administration of justice, constitution and organization all courts except the Supreme Court and the high courts.
44th Amendment Act, 1978	<ol style="list-style-type: none"> 1. Empowered the president to send back once the advice of cabinet for reconsideration. But, there considered advice is to be binding on the president. 2. Replaced the term 'internal disturbance' by 'armed rebellion' in respect of national emergency. 3. Made the President to declare a national emergency only on the written recommendation of the cabinet. 4. Deleted the right to property from the list of Fundamental Rights and made it only a legal right. 5. Provided that the fundamental rights guaranteed by Articles 20 and 21 cannot be suspended during a national emergency.
52th Amendment Act, 1985 (popularly known as Anti-Defection Law)	Provided for disqualification of members of Parliament and state legislatures on the ground of defection and added a new Tenth Schedule containing the details in this regard.
61st Amendment Act, 1989	Reduced the voting age from 21 years to 18 years for the Lok Sabha and state legislative assembly elections.
71st Amendment Act 1992	Added Konkani, Manipuri and Nepali languages in the 8 th Schedule.

87th Amendment Act, 2003	Santhali, Bodo, Dogri, and Maithili in the 8th Schedule of Indian Constitution Service Tax introduced.
91st Amendment Act, 2003 (Made provisions to debar defectors from holding public offices, and to strengthen the anti-defection law)	<ol style="list-style-type: none"> 1. The total number of ministers, including the Prime Minister, in the Central Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha 2. A member of either house of Parliament belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister. 3. The total number of ministers, including the Chief Minister, in the Council of Ministers in a state shall not exceed 15% of the total strength of the legislative Assembly of that state. But, the number of ministers, including the Chief Minister, in a state shall not be less than 12 4. A member of either House of a 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 6. The provision of the Tenth Schedule (anti-defection law) pertaining to exemption from disqualification in case of split by one-third members of legislature party has been deleted. It means that the defectors have no more protection on grounds of splits.
92nd Amendment Act, 2003	Added Bodo, Dogri, Mathili and Santhali languages in the 8 th Schedule.
95th Amendment Act, 2010	Extension of reservation of seats for SC/ST Nomination of Anglo-Indian members in Parliament and State Assemblies
96th Amendment Act 2011	Replaced Odia for Oriya in the 8th Schedule to the Indian Constitution
97th Amendment Act 2012	Introduction of Part IXB in the Constitution of India relating to Co-operative Societies
100th Amendment Act 2015	Exchange of some enclave territories with Bangladesh Conferment of citizenship rights to citizens of enclave's resulting to signing of Land Boundary Agreement (LBA) Treaty between India and Bangladesh.
101st Amendment Act, 2016	Introduction of Goods and Services Tax (GST)
102nd Amendment Act, 2018	Constitutional Status to National Commission for Backward Classes
103rd Amendment Act, 2019	A maximum of 10% Reservation for Economically Weaker Sections of citizens of classes other than the classes mentioned in clauses (4) and (5) of Article 15, i.e. Classes other than socially and educationally backward classes of citizens or the Scheduled Castes and the Scheduled Tribes.
104th Amendment Act, 2019	To extend the reservation of seats for SCs and STs in the Lok Sabha and states assemblies from Seventy years to Eighty years. Removed the reserved seats for the Anglo-Indian community in the Lok Sabha and state assemblies.[112]

► IMPORTANT SUPREME COURT CASES

AK Gopalan Case, 1950	<ul style="list-style-type: none"> • Corresponds to the charges of violation of fundamental Right to freedom under the Preventive Detention Act the court was approached over the validity of the act. • SC held that the constitutional validity of a law cannot be verified by the Judiciary and the Judiciary has only the capacity to verify whether the "procedure established by
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	the law" has been followed. (Article 21 of the Constitution)
Champakam Dorairajan Case, 1951	<ul style="list-style-type: none"> The case challenged the reservations given to backward classes in educational institutions in Tamil Nadu. SC overruled the caste-based reservation as unconstitutional citing right against discrimination as given in Article 15. (Led to the enactment of First Amendment Act)
Shankari Prasad Case, 1952	<ul style="list-style-type: none"> The first Constitution Amendment Act, providing for reservations, was challenged that it violated Fundamental rights. The court held that Parliament has power to amend the Constitution.
Berubari Case, 1960	<ul style="list-style-type: none"> While ceding a part of Indian Territory to an alien state the court in an advisory opinion held that such process cannot take place unless a Constitution amendment to that effect is made. Court opined Preamble is not a part of the Constitution.
Keshav Singh Case, 1964	<ul style="list-style-type: none"> One journalist Keshav Singh was held for contempt of legislature for making scathing criticism and often denigrating on a law passed. He was sentenced to jail. SC held that the contempt power of Parliament to issue warrants against individuals must comply with the due process requirements under Article 21.
Sajjan Singh Case, 1965	The case related to the validity of 17th Constitutional Amendment Act which provided for land acquisition contrary right to property. SC upheld that Fundamental Rights can be amended within the purview of Article 368.
Golaknath Case, 1967	SC while reversing the ruling made in Shankari Prasad and Sajjan Singh case held that constitutional amendment cannot be extended to infringement of Fundamental Rights.
Kesavananda Bharati Case, 1973	For the first time the SC propounded the Basic Structure Doctrine and held that certain basic features of the Constitution cannot be amended while others can be done so without having a sweeping change in the Constitution.
Maneka Gandhi Case, 1978	The SC overruled the AK Gopalan case and mooted the "due process of law" doctrine according to which the procedure according to the law as well as the reasonableness and validity of the law can be questioned by the Judiciary.
Minerva Mills Case, 1980	SC held that Fundamental Rights and Directive Principle of State Policy are complementary to each other and if any law enacted to implement the Directive Principle not totally contravening the Fundamental Rights is valid.
Hussainara Khatoon vs. State of Bihar	First reported case of PIL.
Shah Bano Case, 1985	SC held that Muslim women also have right to get maintenance from their husbands when they are divorced although such practice is not permitted under Muslim traditional laws.
Unnikrishnan Case, 1993	SC held that Right to Education also constitutes a Fundamental Rights as part of Right to life under Act 21.
Indira Sawhney Case, 1993	SC upheld the 27% reservation made for OBCs in public employment but subjected to a cap of 50% of reservations. SC also mooted the Creamy Layer concept to identify the well-off groups within the backward classes.
Sarala Mudgal Case, 1995	SC ruled that a man married under Hindu religious law cannot convert himself to Islam for the purpose of marrying other women.

Bommai Case, 1995	SC held that federalism is a part of basic structure and State Governments cannot be arbitrarily dismissed by a Governor and any such test of confidence of the Executive must be done on the floor of the Assembly.
TMA Pai Case, 2002	SC held that the right to administer minority educational institution is not absolute and the, State can regulate the institutional affairs to educational standards.
Inamdar Case, 2005	SC declared that the reservations for SCs/STs in private educational institutions null and void . To overcome this judgment, the Government passed 93rd Constitutional Amendment in private institutions.
IR Coelho Case, 2006	SC ruled that the 9th Scheduled of the Constitution is subjected to judicial review .
Ashok Kumar Thakur Case, 2007	SC upheld the 93rd Constitutional Amendment Act providing for reservation for SC/STs OBCs in Central Universities as well as Private institutions but subject to a ceiling of 50% of total seats for reservation.
Transgender as 'Third Gender' 2014 (NALSA judgement)	SC created the Third Gender status .
National Judicial Appointments Commission 2015	SC by majority upheld the collegium system and struck down NJAC as unconstitutional .
Puttaswamy Judgement/Case, 2017	<ul style="list-style-type: none"> • SC unanimously held that Indians have a constitutionally protected fundamental right to privacy that is an intrinsic part of life and liberty under Article 21 • Constitutional validity of Aadhar Act was upheld by the Supreme Court. However, it cannot be made mandatory.
VISHAKHA Judgement	SC laid down guidelines for prevention of sexual harassment at workplace.
ARUNA SHANBAUG	Passive Euthanasia was legally allowed and concept of living will was allowed. (Advanced Medical Directive).

► IMPORTANT PROVISIONS OF REPRESENTATION OF PEOPLES ACT

REPRESENTATION OF PEOPLES ACT, 1950	REPRESENTATION OF PEOPLES ACT, 1951
(i) Allocation of Seats in the House of People (Section 3) <ul style="list-style-type: none"> • Number of seats for Each States • Reserved Seats for SC/ ST (1st Schedule) 	(i) Qualification – House of People; Legislative Assembly; Council of States & Legislative Council
(ii) No. of Seats in Legislative Assemblies (Section 7) <ul style="list-style-type: none"> • No. of Seats to Each state • Reserved Seats for SC/ST (2nd Schedule) 	(ii) Disqualification – Members of Parliament and State Legislature. <ul style="list-style-type: none"> • Examples: Section 8(1); Section 8(2); Section 8(3) of the Act
(iii) Allocation of seats in Legislative Council (Section 10) <ul style="list-style-type: none"> • As provided in the 3rd Schedule of the Act. 	(iii) Power of Election Commission to reduce or remove disqualification by reason recorded in writing (Section 11)
(iv) Preparation and revision of Electoral rolls. <ul style="list-style-type: none"> • Before each general Election and Legislative Assembly Election 	(iv) Notification for General Election (Section 14) <ul style="list-style-type: none"> • President may notify on the recommendation of Election Commission.

<ul style="list-style-type: none"> • Before bye-election to fill casual vacancy • Shall be revised in any year as directed by Election Commission. 	<ul style="list-style-type: none"> • Notification for State Legislative Assembly (Section 15) • Governor may notify on the recommendation of Election Commission.
	Registration of political parties is governed by the provisions of 29 A
	(viii) Election Deposits (Section 34) <ul style="list-style-type: none"> • Parliamentary Constituency – Rs. 25000 (General) and Rs. 12500 for SC/ ST. • State Assembly Constituency – Rs. 10000 (General) and Rs. 5000 for SC/ST.
	(v) Power of Election Commission for adjournment of Poll or countermanding of Elections on the grounds of Booth Capturing (Section 58A)
	(vi) Right to Vote (Section 62) <ul style="list-style-type: none"> • No person shall vote attorney general election in more than one constituency of same class, if votes in more than one constituency, his votes in all such constituency shall be void.
	(vii) Appeal on religious grounds (Section 123(3)) <ul style="list-style-type: none"> • Appeal on religious ground is a corrupt practice.
	Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll (Sec 126)
	Return of forfeiture of candidate's deposits (Sec 158)

► INDEXES & REPORTS

INDEX (ORGANIZATION)	ABOUT
SCHOOL EDUCATION QUALITY INDEX (SEQI) (NITI Aayog)	Parameters: Category 1: Outcomes <ul style="list-style-type: none"> • Learning outcomes • Access outcomes • Infrastructure and facilities for outcomes • Equity outcomes Category 2: Governance processes aiding outcomes
SDG INDIA INDEX (NITI Aayog)	<p>The index documents the progress made by India's States and Union Territories towards achieving the 2030 SDG targets.</p> <p>The SDG India Index has been developed in collaboration with the Ministry of Statistics and Programme Implementation (MoSPI), the United Nations, and the Global Green Growth Institute.</p>

<p>GOOD GOVERNANCE INDEX (Ministry of Personnel, Public Grievances & Pensions)</p>	<p>GGI takes into consideration ten sectors:</p> <ul style="list-style-type: none"> • Agriculture and Allied Sectors • Commerce & Industries • Human Resource Development • Public Health • Public Infrastructure & Utilities • Economic Governance • Social Welfare & Development • Judicial & Public Security • Environment and • Citizen-Centric Governance
<p>GLOBAL SOCIAL MOBILITY INDEX (World Economic Forum)</p>	<p>Five key dimensions</p> <ul style="list-style-type: none"> • Health; • Education (access, quality and equity, lifelong learning); • Technology; • Work (opportunities, wages, conditions); • Protection and Institutions (social protection and inclusive institutions)
<p>MEASUREMENT, ACTION, FREEDOM (Walk Free Foundation)</p>	<p>An independent assessment of government progress towards achieving UN Sustainable Development Goal 8.7 - based on 102 indicators, organized in 28 indicators and 5 milestones:</p> <ol style="list-style-type: none"> 1) Survivors are identified and supported to exit and remain out of modern slavery 2) Criminal justice mechanisms function effectively to prevent modern slavery 3) Coordination occurs at the national level and across borders, and governments are held to account for their response. 4) Risk factors, such as attitude, social systems, and institutions that enable modern slavery, are addressed. 5) Government and business stop sourcing goods and services produced by forced labour.
<p>WOMEN BUSINESS AND LAW INDEX 2020 (World Bank)</p>	<p>It is based on 8 Parameters:</p> <ol style="list-style-type: none"> 1. Mobility: Examines constraints on freedom of movement 2. Workplace: Analyses laws affecting women's decision to work 3. Pay: Measures laws and regulations affecting women's pay 4. Marriage: Assesses legal constraints related to marriage 5. Parenthood: Examines laws affecting women's work after having children 6. Entrepreneurship: Analyses constraints on women's starting and running businesses 7. Assets: Considers gender differences in property and inheritance 8. Pension: Assesses laws affecting the size of a woman's pension
<p>DEMOCRACY INDEX (Economist Intelligence Unit)</p>	<p>Five Indicators of Democracy Index</p> <ol style="list-style-type: none"> 1. Civil liberties: include freedom of the press, freedom to protest, unrestricted access to the Internet, an independent judiciary, religious tolerance, equal treatment of all citizens and basic security. 2. Political culture: refers to popular support for democracy, a strong tradition of

	<p>separation of religion and State, etc.</p> <ol style="list-style-type: none"> 3. Political participation: voter turnout, share of women parliamentarians, etc. 4. Governance: refers to influence of elected representatives in determining government policy, supremacy of the legislature etc. 5. Electoral Pluralism: refers to free and fair elections, universal adult suffrage, equal campaigning opportunities, etc.
GLOBAL MICROSCOPE FOR FINANCIAL INCLUSION REPORT (Economist Intelligence Unit)	
GLOBAL LIVEABILITY RANKING (Economist Intelligence Unit)	
TECHNOLOGICAL READINESS RANKING (Economist Intelligence Unit)	
GLOBAL BROADBAND INDEX (Economist Intelligence Unit)	
WORLDWIDE COST OF LIVING SURVEY (Economist Intelligence Unit)	
WORLD HAPPINESS REPORT (United Nations Sustainable Development Solutions Network)	
GLOBAL INNOVATION INDEX (Cornell University, INSEAD and WIPO)	<p>On lines of this NITI Aayog has released the India Innovation Index 2019. It is calculated as the average of the scores of its two dimensions - Enablers and Performance. The Enablers are the factors that underpin innovative capacities, grouped in five pillars: (1) Human Capital, (2) Investment, (3) Knowledge Workers, (4) Business Environment, and (5) Safety and Legal Environment. The Performance dimension captures benefits that a nation derives from the inputs, divided in two pillars: (6) Knowledge Output and (7) Knowledge Diffusion.</p>
HENLEY PASSPORT INDEX (HENLEY)	<ul style="list-style-type: none"> • The Henley Passport Index (HPI) is a global ranking of countries according to the travel freedom for their citizen. The Index lists the world's passports "according to the number of destinations their holders can access without a prior visa". • Indian passport is closer to the bottom, ranked 84th in the world among 107 countries. Japan has the world's strongest passport.
CORRUPTION PERCEPTION INDEX (Transparency)	<ul style="list-style-type: none"> • A country's score can range from zero to 100, with zero indicating high levels of corruption and 100 indicating low levels. • It is published annually.

International)	
GLOBAL NUTRITION REPORT (Independent Expert Group of the Global Nutrition Report, supported by the Global Nutrition Report Stakeholder Group.)	<ul style="list-style-type: none"> • The report was conceived following the first Nutrition for Growth Initiative Summit (N4G) in 2013 as a mechanism for tracking the commitments made by government, aid donors, civil society, the UN and businesses. • It is an annual report. • The World Health Organization (WHO) is a Global Nutrition Report Partner.
GLOBAL HUNGER INDEX (Concern Worldwide and Welt Hunger Hilfe)	<p>Based on four indicators namely:</p> <ul style="list-style-type: none"> • Undernourishment • Child stunting • Child wasting • Child mortality
GLOBAL PEACE INDEX 2019 (Institute for Economics and Peace -IEP)	<ul style="list-style-type: none"> • India's rank has slipped five places to 141 among 163 countries • While Iceland remains the most peaceful country and Afghanistan the least peaceful nation. • Using 23 qualitative and quantitative indicators from highly respected sources, and measures the state of peace using three thematic domains: the level of Societal Safety and Security; the extent of Ongoing Domestic and International Conflict; and the degree of Militarisation.
WORLD PRESS FREEDOM INDEX (REPORTERS WITHOUT BORDERS -RSF)	<ul style="list-style-type: none"> • India has dropped two places on a global press freedom index to be ranked 140th out of 180 countries in the annual Reporters Without Borders. • Reporters Without Borders is careful to note that the index only deals with press freedom and does not measure the quality of journalism nor does it look at human rights violations in general.
INDIA CORRUPTION SURVEY 2019 {TRANSPARENCY INTERNATIONAL INDIA (TII) AND LOCAL CIRCLES}	
GLOBAL GENDER GAP INDEX (WORLD ECONOMIC FORUM)	<p>The index tracks progress towards gender parity and compare countries gender gap across four dimensions: 1) Economic participation and Opportunity 2) Educational Attainment 3) Health and Survival 4) Political Empowerment.</p> <p>India's ranking has reduced by 28 places in 2021 edition. (140th rank)</p>

SECTION 4

M C Qs

ANSWER KEY

Q1. Which of the following Fundamental Rights impose a limitation against private individuals?

1. Equality in access to and use of places of public resort.
2. Prohibition on untouchability.
3. Prohibition in adoption of foreign title.
4. Prohibition to traffic in human beings.
5. Prohibition of employment of children in hazardous employment.

Select the correct answer using the code given below:

- (a) 1, 3 and 5 only (b) 2, 3 and 4 only
(c) 2, 3, 4 and 5 only (d) 1, 2, 3, 4 and 5

Q2. 'Equal Protection of the Laws' in the Constitution is:

- (a) Equal treatment in equal circumstances.
(b) Equal subjection of all classes to the ordinary law.
(c) Absence of privileges.
(d) All the laws are equal and need to be enforced with the same rigour by the administration.

Q3. Consider the following statements about Representative Democracy:

1. Elections are not essential in a representative democracy.
2. The elected representatives always act after taking the opinion of their electorate who they represent.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q4. Which of the following most appropriately and closely defines 'liberty'?

- (a) To have only external constraint.
(b) To be absolutely free from any kind of constraint.
(c) To have no internal constraint on one's mind and body.
(d) To minimize constraints that limits one's ability to make choices freely.

Q5. Which of the following statements is/are correct?

1. Political equality involves granting equal citizenship to all the members of the state.
2. Social equality involves guaranteeing certain minimum conditions of life to all the members of the society.
3. Economic equality involves guaranteeing absolute equality of wealth or income to all the members of the state.

Select the correct answer using the code given below:

- (a) 2 only (b) 1 and 3 only
(c) 1 and 2 only (d) 1, 2 and 3

Q6. Consider the following statements regarding the system of Proportional Representation:

1. The entire country may be a single constituency.
2. More than one representative may be elected from one constituency.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q7. Consider the following statements regarding the Delimitation Commission:

1. The Delimitation Commission is appointed by the President of India and it works in collaboration with the Election Commission of India.
2. It is appointed for the purpose of drawing up the boundaries of the constituencies all over the country.
3. A quota of constituencies to be reserved in each state is fixed, depending on the overall proportion of the SCs or the STs in the total population of the country.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q8. On which of the following matters, the powers of the Lok Sabha and the Rajya Sabha are unequal?

1. Money Bill.
2. Constitutional Amendment.
3. Election of the President.
4. To declare a subject of State List as a subject of national importance.

Select the correct answer using the code given below:

- (a) 1 only (b) 1 and 4 only
(c) 2 and 4 only (d) 1, 2 and 3 only

Q9. Consider the following statements regarding the Speaker of the Lok Sabha:

1. The Speaker is the final authority in the matters of regulating the business of the legislature.

2. The Speaker continues in office till immediately before the first meeting of the next Lok Sabha.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q10. Consider the following statements:

1. The President of India is a part of the Parliament of India.
2. The Constitution of India vests the executive power of the Union formally in the President.
3. The President can be removed from the office only by the Parliament by following the procedure for impeachment.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q11. Consider the following statements about Ordinance:

1. Ordinance dilutes separation of power between the legislature and the executive.
2. The Ordinance making power constitutes the President into a parallel source of law making or an independent legislative authority.
3. An Ordinance can be promulgated by the President when both the Houses of the Parliament are not in session.

Which of the statements given above is/are correct?

- (a) 3 only (b) 1 and 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Q12. Consider the following statements about the Consumer Protection Act, 2019:

1. It empowers the Central Government to take measures to protect the consumers' interest on e-commerce.
2. It gives right to the consumers to be protected against the marketing of the products which are hazardous to the life of the consumers.
3. The Central Consumer Protection Authority is headed by the Union Minister in charge of the Department of Consumer Affairs, the Ministry of Consumer Affairs, Food and Public Distribution.

Which of the statements given above is/are correct?

- (a) 2 only (b) 1 and 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Q13. Consider the following statements about Legal Aid Services in India:

1. The Chief Justice of India is the Chairman of the National Legal Services Authority (NALSA).

2. Any person who is in custody is eligible to get free legal aid.
3. The state governments have the power to set the income criteria, persons earning below which are eligible for legal aid.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q14. Consider the following statements about Lok Adalats:

1. The Lok Adalats have the powers to specify its own procedures for the determination of any dispute coming before it.
2. Every award made by a Lok Adalat shall be final and binding on all the parties and no appeal shall lie to any court against the award.
3. The Lok Adalats have jurisdiction in respect of any case under any law.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Q15. Which of the following statements is correct about the "Vote on Account"?

- (a) It refers to the voting that is done in the Parliament during the Budget Session.
- (b) It relates to the voting on the Money Bill during the budget.
- (c) It is a grant in advance for the Central Government to meet the short-term expenditure needs from the Consolidated Fund of India.
- (d) It is the voting that is done for the withdrawal of the money from the Consolidated Fund of India.

Q16. Consider the following statements about the Constituent Assembly:

1. The Constituent Assembly was constituted in 1946 under the scheme formulated by the Cabinet Mission Plan.
2. The representatives of princely states in the Constituent Assembly were to be nominated by the heads of the princely states.
3. Ad-hoc Committee on the National Flag was headed by Dr. Rajendra Prasad.

Which of the statements given above is/are correct?

- (a) 1 and 3 only (b) 2 and 3 only
(c) 1 and 2 only (d) 1, 2 and 3

Q17. Which of the following statements is/are correct about the Public Accounts Committee?

1. The Committee on Public Accounts was first set up in 1921 in the wake of the Montague-Chelmsford Reforms.
2. The Public Accounts Committee is constituted every year.
3. Function of the Committee is to ascertain that money granted by Parliament has been spent by Government "within the scope of the demand."

Select the correct answer using the code given below:

- (a) 1 only (b) 2 and 3 only
(c) 1 and 2 only (d) 1, 2 and 3

Q18. Which of the following are the functions of the National Commission for Scheduled Tribes (STs)?

1. Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by the tribals.
2. Measures to be taken to improve the efficacy of relief and rehabilitation measures for the tribal groups displaced by the development projects.
3. To investigate and monitor all matters relating to the constitutional and legal safeguards for the STs, OBCs and the Anglo-Indians.

Select the correct answer using the code given below:

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Q19. Which of the following are the powers and functions of the Election Commission?

1. To advise the President on the matters relating to the disqualification of the members of the Parliament.
2. To appoint officers for inquiring into the disputes relating to the electoral arrangements.
3. To supervise the machinery of the elections to the Panchayats and the municipalities in the states.
4. To grant recognition to the political parties and allot election symbols to them.

Select the correct answer using the code given below:

- (a) 1, 3 and 4 only (b) 1, 2 and 4 only
(c) 2, 3 and 4 only (d) 1, 2, 3 and 4

Q20. Consider the following statements about the National Legal Services Authority:

1. Article 39A of the Constitution of India provides for free legal aid to the poor and the weaker sections of the society, and ensures justice for all.
2. The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987.
3. Persons in custody are not eligible for getting free legal services.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Q21. Consider the following statements about the Speaker of the Legislative Assembly:

1. He decides whether a Bill is a Money Bill or not, and his decision on this question is final.
2. He decides the question of the disqualification of a member of the Assembly, arising on the ground of defection.
3. He is the final interpreter of the provisions of the Constitution of India within the Assembly.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Q22. Which of the following statements is/are correct?

1. The Inter-State Council (ISC) was set up following the recommendation of the First Administrative Reforms Commission.
2. The ISC is the only multilateral centre-state forum that operates directly within the framework of the Constitution, where topics, like the GST and contemporary issues, like disaster management, terrorism and internal security can be taken up.

Select the correct answer using the code given below:

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q23. Which of the following subjects are included in the Concurrent List?

1. Transfer of property other than agricultural land
2. Forests
3. Adulteration
4. Adoption and succession
5. Liquor

Select the correct answer using the code given below:

- (a) 1 and 5 only (b) 1, 2, 3 and 4 only
(c) 1, 2, 3 and 5 only (d) 1, 2, 3, 4 and 5

Q24. Consider the following statements about the removal of the judges of the Supreme Court or the High Court:

1. A motion containing the charges against the judge must be approved by a special majority in both the Houses of the Parliament.
2. A judge of the High Court can be removed only on the ground of proven misbehaviour.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q25. Consider the following statements about the appointment of the judges:

1. The legislature is not involved in the process of the appointment of the judges.
2. According to the Constitution, the senior-most judge of the Supreme Court is to be appointed as the Chief Justice of India.
3. The judges of the Supreme Court and the High Court are appointed by the Prime Minister.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 1 only
(c) 2 and 3 only (d) 1, 2 and 3

Q26. Consider the following statements:

1. The Supreme Court is bound to give advice on the matters of public importance, but the President is not bound to accept such an advice.
2. The Supreme Court itself is not bound by its decision.
3. If there is a case of contempt of the Supreme Court, then the Parliament decides such a case.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Q27. Consider the following statements:

1. The Parliament is supreme in making laws and amending the Constitution.
2. The right to decide what constitutes the basic structure of the Constitution lies with the Parliament.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q28. Which of the following statements about the Constitutional Rights is/are correct?

1. A person can move the High Courts under Article 226 for the enforcement of the Constitutional Rights.
2. Free trade and intercourse throughout the territory of India is a Constitutional Right.

Select the correct answer using the code given below:

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q29. Consider the following pairs:

S.N.	Directive Principles of State Policy (DPSP)	Ideology
1.	Minimize income inequalities	Socialist
2.	Organizing agriculture	Gandhian

	and animal husbandry	
3.	Protect and improve the environment	Liberal – Intellectual

Which of the pairs given above is/are correctly matched?

- (a) 3 only (b) 1 and 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Q30. Which of the following statements with respect to the joint sitting of the Parliament is/are correct?

1. In the absence of the Speaker and the Deputy Speaker, the Chairman of the Rajya Sabha presides over the sitting.
2. Joint sitting of the Parliament has been invoked only for two times since 1950.

Select the correct answer using the code given below:

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q31. Consider the following statements about the Union Territories:

1. The Parliament can, by law, convert any state into a Union Territory.
2. Two Union Territories can be merged into one by uniting them.
3. The President can, by order, extend the jurisdiction of a High Court to any Union Territory.
4. The President has the power to make regulations for peace, progress and good governance for all Union Territories.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 2, 3 and 4 only
(c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Q32. Consider the following statements about the Panchayats (Extension to the Scheduled Areas) Act, 1996:

1. The Panchayats' legislations in the scheduled areas will be in consonance with the customary law.
2. The Gram Sabha to have the powers of customary mode of dispute resolution.
3. The Chairpersons of the Panchayats at all levels shall be reserved for the Scheduled Tribes.
4. The planning and management of all water bodies and mining leases for all minerals to be given to the Gram Sabha.
5. The Gram Sabha to be given the power to regulate the sale of any intoxicant.

Which of the statements given above are correct?

- (a) 1, 3, 4 and 5 only (b) 1, 2, 3 and 5 only
(c) 1, 3 and 5 only (d) 1, 2, 3, 4 and 5

Q33. Consider the following statements about Co-operatives:

1. The right to form Co-operatives is a Fundamental Right guaranteed by the Constitution.
2. It is the responsibility of the state to promote democratic control and professional management of the Co-operative Societies.
3. Part X of the Constitution deals with Co-operatives.
4. The Constitution imposes an upper limit on the number of Board of Directors of the Co-operatives.
5. At least one seat on the Board of the Co-operative Societies is to be reserved for women.

Which of the statements given above are correct?

- (a) 1, 2 and 4 only (b) 2, 3, 4 and 5 only
(c) 1, 2, 4 and 5 only (d) 1, 2, 3, 4 and 5

Q34. Which of the following duties have been placed upon the holders of the forest rights under the Forest Rights Act, 2006?

1. Protecting the wildlife, forests and biodiversity.
2. Ensuring that the adjoining catchment areas, water sources and ecologically sensitive areas are protected.
3. Ensuring that the habitat of the Scheduled Tribes is preserved from any form of destructive practices affecting their cultural heritage.
4. Ensure that the decisions taken in the Gram Sabha to regulate access to the community forest resources are complied with.
5. Stop any activity which adversely affects wild animals, forests and biodiversity.

Select the correct answer using the code given below:

- (a) 1, 3 and 5 only (b) 2, 3 and 4 only
(c) 1, 2, 4 and 5 only (d) 1, 2, 3, 4 and 5

Q35. Consider the following statements about Amendment to the Constitution:

1. Changes to the Constitution can only be done by the procedure prescribed under Article 368 of the Constitution.
2. The Constitutional Amendment Bill may be introduced in any House of the Parliament.
3. All Constitutional Amendment Bills need the assent of one half of the State Legislatures.
4. There is no bar on the constituent power of the Parliament to amend the Constitution.

Which of the statements given above is/are correct?

- (a) 2 only (b) 1 and 3 only
(c) 2, 3 and 4 only (d) 1, 2 and 4 only

Q36. Consider the following statements:

1. Change in the name of a state does not require a Constitutional Amendment.
2. Inclusion of a language in the 8th Schedule requires a Constitutional Amendment.
3. Change in the name of a language included in the 8th Schedule does not require a Constitutional Amendment.

Which of the statements given above is/are correct?

- (a) 1 only (b) 1 and 2 only
(c) 1, 2 and 3 (d) None of the above

Q37. Consider the following statements about the Gram Nyayalayas Act, 2008:

1. All states have notified the formation of the Gram Nyayalayas.
2. Once a Gram Nyayalaya is notified, it cannot be terminated.
3. The decision of the Gram Nyayalaya is final and binding, and there cannot be any further appeal to any higher court.
4. The Gram Nyayalayas function at the Village Panchayat level.

Which of the statements given above are **incorrect**?

- (a) 2 and 3 only (b) 1 and 4 only
(c) 1, 2 and 3 only (d) 1, 2, 3 and 4

Q38. Consider the following statements about the Right to Property:

1. Under the Indian Constitution, no person can be deprived of his property without a fair compensation.
2. The property of the minority educational institutions can be acquired by the state under a law that shall ensure that the amount fixed for acquisition of such property should be fair.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q39. Which of the following statements are correct?

1. The definition of the 'Office of Profit' has evolved over the years, with interpretations made in various court judgments.
2. The 'Office of Profit' law seeks to enforce a basic feature of the Constitution - the principle of separation of power between the legislature and the executive.
3. The Supreme Court, in the *Jaya Bachchan v/s the Union of India* case, developed the doctrine of 'potential effect of an office'.

Select the correct answer using the code given below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q40. Which of the following statements are correct?

1. All the three levels of the Panchayati Raj Institutions are elected directly by the people.
2. If the state government dissolves the Panchayat before the end of its five-year term, fresh elections must be held within six months of such dissolution.
3. One third of the positions in all Panchayat Institutions are reserved for women.

Select the correct answer using the code given below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q41. Consider the following statements about the Electoral Bonds:

1. All the political parties, registered with the Election Commission, can receive funding by way of the Electoral Bonds.
2. The political parties need to declare the donations received through the Electoral Bonds.
3. Only the corporates can donate to the political parties by using the Electoral Bonds.

Which of the statements given above is/are **incorrect**?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 3 only (d) 1, 2 and 3

Q42. Consider the following statements:

1. The expenditure limits of the candidates are indexed to the CPI.
2. The expenditure limits are revised before every General Election.
3. The notification for increase in the election expenditure is notified by the Election Commission.
4. There is no limit on the expenditure of the political parties.

Which of the statements given above is/are correct?

- (a) 4 only (b) 2, 3 and 4 only
(c) 1, 2 and 3 only (d) 1, 2 and 4 only

Q43. Consider the following statements about the Absentee Voters:

1. Only the senior citizens, more than 60 years of age, and the persons with disabilities are eligible to vote as absentee voters.
2. The voters qualified as absentee voters will be allowed to vote using the internet secure link.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q44. Consider the following statements about the National Recruitment Agency:

1. It is a statutory body created to conduct the Common Eligibility Test for the recruitment to the non-gazetted posts in the government.
2. The examination centre will be established by the National Recruitment Agency in every district of the country.
3. It will function under the Union Public Service Commission.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 2 only
(c) 2 and 3 only (d) 1 and 3 only

Q45. Consider the following statements about the Parliamentary Privileges:

1. The Parliament has framed a comprehensive law on the privileges of the Parliament.
2. The authority to decide whether contempt of the House has been committed or not is the Election Commission.
3. The Parliamentary privileges are also enjoyed by the President.

Which of the statements given above is/are **incorrect**?

- (a) 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q46. Consider the following statements:

1. Starred questions are to be answered on the floor of the House.
2. Supplementary questions can be asked by the members against both starred and unstarred questions.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q47. Consider the following statements about No-Confidence Motion:

1. Leave of the House of People is necessary before raising a Motion of No-Confidence.
2. The Speaker shall appoint a day to determine the decision of the House on the Motion of No-Confidence and also prescribe a time limit for speeches.
3. A Motion of No-Confidence, if passed, acts as a censure, but does not lead to the dissolution of the Lok Sabha.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q48. Consider the following statements:

1. The Constitution provides that the salaries and allowances of the judges are not subjected to the approval of the legislature.
2. The actions and decisions of the judges are immune from personal criticisms.
3. The Parliament cannot discuss the conduct of the judges, except when the proceeding to remove a judge is being carried out.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q49. The duties of the Comptroller and Auditor General of India are to audit and report upon which of the following?

1. All receipts into and spending from the Consolidated Fund of the Union and the state governments.
2. All transactions relating to the Contingency Funds and relating to the monies (moneys) of the public held by the government at the central, as well as the state levels.
3. The accounts of anybody or authority on request of the President/Governor, or on his own initiative.

Select the correct answer using the code given below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q50. Consider the following statements about the Deputy Speaker:

1. The Lok Sabha and the State Legislative Assemblies appoint their respective Deputy Speaker from a list of people outside their elected members.
2. While any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker shall not preside over such sitting.
3. The Speaker and the Deputy Speaker are the Presiding Officers of the Lok Sabha.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q51. Consider the following statements:

1. The Representation of the People Act, 1950, provides for the manner of filling seats in the Rajya Sabha allocated to Union territories.
2. The present strength of Rajya Sabha is 245 members.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q52. Consider the following statements about the National Human Rights Commission:

1. The National Human Rights Commission is a constitutional body.
2. The Commission studies treaties and international instruments on human rights and make recommendations for their effective implementation to the Government.
3. The Chief Justice of India can remove the chairman or any member on the ground of proved misbehaviour or incapacity.

Which of the statements given above is/are correct?

- (a) 3 only (b) 2 only
(c) 1 and 2 (d) 1, 2 and 3

Q53. Which of the following provisions of the Directive Principles of State Policy were added by the 42nd Amendment Act of 1976?

1. To secure healthy development of children.
2. To promote equal justice and to provide free legal aid to the poor.
3. To protect the environment, forests and Constitution and wildlife.
4. To minimize inequalities in income, status, facilities and opportunities.
5. To promote voluntary formation, autonomous functioning, democratic control and professional management of the co-operative societies.

Select the correct answer using the code given below:

- (a) 1, 2 and 3 only (b) 3, 4 and 5 only
(c) 1 and 4 only (d) 1, 2, 3, 4 and 5

Q54. Which of the following are the features of the Fundamental Duties?

1. The Fundamental Duties are both civic and moral in nature.
2. They emphasize on the Indian way of life, especially respecting and preserving the Indian culture.
3. This provision is not applicable upon the foreigners, only the citizens of India will obey these Constitutional Duties.
4. There are clear differences between the Fundamental Rights and the Fundamental Duties.

Select the correct answer using the code given below:

- (a) 1, 3 and 4 only (b) 1 and 3 only
(c) 2, 3 and 4 only (d) 1, 2, 3 and 4

Q55. With respect to the significance of the Fundamental Duties, consider the following statements:

1. The fulfilment of the Duties can help in the sustenance of economic development.
2. It can help in achieving human development of the society.
3. The Fundamental Duties have ethical, social and economic significance.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Q56. Which of the following statements is/are correct?

1. The Indian Constitution provides for both positive rights and negative rights.
2. The Indian Constitution provides for both individual rights and group rights.

Select the correct answer using the code given below:

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q57. Consider the following pairs:

S.N.	Article	Description
1.	Article 42	Just and humane conditions of work and maternity relief.
2.	Article 43	Living wages for the workers.
3.	Article 43A	Promotion of the co-operative societies.
4.	Article 43B	Participation of the workers in the management of the industries.

Which of the pairs given above are correctly matched?

- (a) 1, 2 and 3 only (b) 1 and 2 only
(c) 2 and 4 only (d) 1, 2, 3 and 4

Q58. Which of the following statements is/are correct about the First Amendment Act, 1951?

1. It added the Ninth Schedule to protect the land reform and other laws included in it from the judicial review.
2. It reduced the grounds of restrictions on the freedom of speech and expression.
3. It empowered the state to make special provisions for the advancement of the socially and economically backward classes.

Select the correct answer using the code given below:

- (a) 2 only (b) 1 and 3 only
(c) 1 and 2 only (d) 1, 2 and 3

Q59. Which of the following Amendments to the Constitution of India reduced the voting age from

21 years to 18 years for the Lok Sabha and the State Legislative Assembly elections?

- (a) The Twenty-First Amendment Act, 1967
- (b) The Thirty-First Amendment Act, 1972
- (c) The Forty-First Amendment Act, 1976
- (d) The Sixty-First Amendment Act, 1989

Q60. Which of the following statements are correct about the Attorney General for India?

- 1. The President can appoint a person, who is qualified to be a Supreme Court judge, as the Attorney General for India.
- 2. He has the right of audience in all the courts in the country.
- 3. He holds the office at the pleasure of the President.

Select the correct answer using the code given below:

- (a) 1 and 3 only (b) 2 and 3 only
- (c) 1 and 2 only (d) 1, 2 and 3

Q61. Which of the following statements are correct?

- 1. The Goods and Services Tax (GST) Council is a constitutional body for making recommendations to the Union and the State Governments on the issues related to the Goods and Service Tax.
- 2. The GST Council is chaired by the Prime Minister.
- 3. The GST Council is a joint forum of the Centre and the States.

Select the correct answer using the code given below:

- (a) 1 and 3 only (b) 2 and 3 only
- (c) 1 and 2 only (d) 1, 2 and 3

Q62. Which of the following statements is/are correct about the Fifth Schedule Areas?

- 1. The "Scheduled Areas", as defined in Part C of the Fifth Schedule, are "such areas, as the Governor may, by order, declare to be the Scheduled Areas".
- 2. The provisions of the Fifth Schedule apply to the administration and control of the Scheduled Areas and the Scheduled Tribes in any state, other than the states of Assam, Meghalaya, Tripura and Mizoram.

Select the correct answer using the code given below:

- (a) 1 only (b) 2 only
- (c) Both 1 and 2 (d) Neither 1 nor 2

Q63. Which of the following statements is/are correct about the Tribes Advisory Council?

- 1. Each state having the Scheduled Areas has the constitutional obligation to constitute a Tribes Advisory Council.

- 2. The President may direct any state having the Scheduled Tribes to create a Tribes Advisory Council.

- 3. It has only an advisory role.

Select the correct answer using the code given below:

- (a) 1 only (b) 1 and 2 only
- (c) 2 and 3 only (d) 1, 2 and 3

Q64. The District Councils and the Regional Councils, as given in the Sixth Schedule, can make rules regarding which of the following subjects?

- 1. Management of all kinds of forests within the Sixth Schedule areas.
- 2. Marriage and divorce, and social practice.
- 3. Establishment of all kinds of schools.

Select the correct answer using the code given below:

- (a) 2 only (b) 1 and 2 only
- (c) 2 and 3 only (d) 1, 2 and 3

Q65. Consider the following statements with regards to the Sixth Schedule Areas:

- 1. The District and the Regional Councils are empowered to constitute the Village and the District Council Courts.
- 2. No other courts, except the High Courts and the Supreme Court, have the jurisdiction over such suits or cases of the Council Courts.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
- (c) Both 1 and 2 (d) Neither 1 nor 2

Q66. Consider the following statements about the Anti-Defection Law:

- 1. There is a fixed timeline before which the Speaker needs to decide over the disqualification of the members.
- 2. A member, who has been disqualified under the Anti-defection Law, can be appointed to a remunerative political post.
- 3. The disqualification of a member under the Anti-Defection Law bars the member for being re-elected as a member of the House.
- 4. A member who has resigned from the House cannot be disqualified under the Anti-Defection Law.

Which of the statements given above are *incorrect*?

- (a) 1 and 3 only (b) 2, 3 and 4 only
- (c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Q67. Consider the following statements about Delimitation:

1. The re-allocation of the seats between the states is done after each census.
2. The Delimitation Commissions have been constituted in India under the provisions of the Representation of the People Act, 1951.
3. The orders of the Delimitation Commission cannot be called in question before any court.
4. The Chief Election Commissioner or an Election Commissioner, nominated by the Chief Election Commissioner, is a member of the body.

Which of the statements given above are correct?

- (a) 1, 3 and 4 only (b) 2, 3 and 4 only
(c) 1, 2 and 4 only (d) 3 and 4 only

Q68. Consider the following statements about the Legislative Council:

1. A special resolution is passed for both the creation and the abolishment of the Legislative Council by the State Assembly.
2. All the members of the Legislative Council are indirectly elected by different constituents.
3. The Parliament can change the composition of the Legislative Council.
4. The Constitution has placed the maximum and the minimum membership of the Legislative Councils.

Which of the statements given above are correct?

- (a) 1 and 3 only (b) 2, 3 and 4 only
(c) 1, 2 and 4 only (d) 1, 3 and 4 only

Q69. Consider the following statements:

1. All the Financial Committees are placed under the Lok Sabha.
2. The Chairmen of all the Departmentally Related Standing Committees are appointed by the Speaker.
3. The Ethics Committee has been constituted in both the Lok Sabha and the Rajya Sabha.

Which of the statements given above is/are correct?

- (a) 1 only (b) 1 and 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Q70. Consider the following statements about the Contempt of Court:

1. The Constitution gives the power to punish for the contempt to the Supreme Court, the High Courts and the Tribunals.
2. Scandalising of the court is one of the grounds for the contempt of court.
3. Fair criticism of judicial act does not constitute a contempt of court.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q71. Consider the following statements about the National Council for Transgender Persons:

1. It is a statutory body constituted by the Transgender Persons (Protection of Rights) Act, 2019.
2. The National Council for Transgender Persons is to be necessarily headed by a transgender person.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q72. Consider the following statements about the NITI Aayog:

1. The President of India is the Chairperson of the NITI Aayog.
2. All Cabinet Ministers are the ex-officio members of the NITI Aayog.
3. The Ministry of Planning is responsible for answering the questions related to the NITI Aayog.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 3 only
(c) 2 and 3 only (d) 1 and 3 only

Q73. Consider the following statements about the National Medical Commission (NMC):

1. It is a statutory body constituted under the Indian Medical Council Act, 1956.
2. The Union Health Minister is the Chairperson of the National Medical Commission.
3. The NMC has the power to grant licence to practice as a Community Health Provider to a person who has been practising traditional medicine.

Which of the statements given above is/are **incorrect**?

- (a) 1 and 2 only (b) 1 and 3 only
(c) 3 only (d) 1, 2 and 3

Q74. Consider the following statements about the Chief Information Commissioner (CIC):

1. The terms of service of the Chief Information Commissioner are similar to that of the Chief Election Commissioner.
2. The term of the office of the Chief Information Commissioner is 5 years from the date he enters the office.
3. After a Supreme Court inquiry, which has recommended the removal of the CIC on the grounds of proved misbehaviour or incapacity,

the CIC can be removed from the office by the Prime Minister.

Which of the statements given above is/are **incorrect**?

- (a) 1 and 2 only (b) 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Q75. Which of the following statements are correct about the National Commission for Scheduled Tribes (NCST)?

1. The National Commission for Scheduled Tribes was established by the Constitution (89th Amendment) Act, 2003.
2. Its function is to participate and advise in the planning process relating to the socio-economic development of the STs and to evaluate the progress of their development under the Union and any state.
3. It submits its report to the President annually.
4. The Commission is vested with the powers of a civil court and a criminal court.

Select the correct answer using the code given below:

- (a) 1, 2 and 3 only (b) 2, 3 and 4 only
(c) 1 and 2 only (d) 1, 2, 3 and 4

Q76. Which of the following statements is/are correct?

1. The Central Vigilance Commission was set up by the government on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam.
2. The Commission shall consist of a Central Vigilance Commissioner and not more than three Vigilance Commissioners.

Select the correct answer using the code given below:

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q77. Consider the following statements about the Unique Identification Authority of India (UIDAI):

1. The UIDAI is under the administrative control of the NITI Aayog.
2. Only the citizens of India can get an Aadhaar Number.
3. The UIDAI collects and maintains the information about the purpose of authentication.

Which of the statements given above are **incorrect**?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q78. Consider the following statements about Judges of Higher Judiciary:

1. All Judges of High Court are eligible to be appointed as Adhoc Judges of Supreme Court.

2. Chief Justice of India can appoint additional judges in High Courts to handle temporary increase in business of High Court.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q79. Consider the following statements:

1. A state is not allowed to raise any loan without the consent of the Union Government if it owes any part of a loan to the Union Government.
2. The states can borrow from both external and domestic sources.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q80. Which of the following are **not** the consequences of the declaration of the President's Rule?

1. The powers of the State Legislature are exercised by the Parliament.
2. The State Legislature is dissolved necessarily.
3. The law made by the Parliament continues to be operative until the President's Rule is in operation.
4. There is no effect on the enjoyment of the Fundamental Rights.

Select the correct answer using the code given below:

- (a) 1 and 4 only (b) 2 and 3 only
(c) 2, 3 and 4 only (d) 1, 2 and 4 only

Q81. Consider the following statements about the Centre-State Legislative relations:

1. The Parliament has exclusive power to make laws for any matter not listed in the Concurrent List or the State List.
2. The Parliament has the power to make laws for implementing any treaty, agreement or convention.
3. If a law, made by the State Legislature with respect to an entry in the Concurrent List, receives the assent of the President, it will prevail in that state, even if it is contrary to a law made by the Parliament.

Which of the statements given above are correct?

- (a) 1 and 3 only (b) 1 and 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Q82. Consider the following statements about 'National Emergency':

1. National Emergency can be declared on the grounds of war, external aggression, armed

rebellion or breakdown of constitutional machinery.

2. National Emergency can only be declared on the concurrence of the Cabinet.
3. National Emergency, once declared, could remain in operation as long as the executive desired.
4. During a National Emergency, the Union Government can give executive directions to a state on any matter.
5. During National Emergency, the laws made by the Parliament on the State Subjects are valid for all times to come.

Which of the statements given above are correct?

- (a) 2 and 4 only (b) 1 and 5 only
(c) 2, 4 and 5 only (d) 1, 3 and 4 only

Q83. Consider the following statements about Financial Emergency:

1. For the continuation of Financial Emergency a proclamation has to be passed by the Parliament after every 6 months.
2. The Money Bills can be reserved for the consideration of the President before they are passed by the Legislature of the state.
3. During a Financial Emergency, the salaries of all public servants, except the Supreme Court judges, can be reduced.

Which of the statements given above is/are **incorrect**?

- (a) 2 only (b) 1 and 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Q84. Consider the following statements about the Finance Commission:

1. The qualifications for the members for the Finance Commission are laid down in the Constitution.
2. The procedure for the removal of the members of the Finance Commission are the same as that of the Supreme Court judges.
3. The centre and the states have equal say in appointing the members of the Finance Commission.

Which of the statements given above is/are **incorrect**?

- (a) 1 only (b) 1 and 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Q85. Consider the following statements about the Right to Information (RTI) Act, 2005:

1. Public authorities under the Act do not include any NGOs.
2. The Office of the Chief Justice of India is a public authority under the RTI Act.

3. It is the duty of a public authority to maintain all its records in a manner that facilitates the access to information.

Which of the statements given above is/are correct?

- (a) 2 only (b) 2 and 3 only
(c) 1 and 2 only (d) 1, 2 and 3

Q86. Consider the following statements about the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act:

1. Sexual harassment, as defined under the Act, explicitly includes the use of cyber and internet to harass women.
2. The workplace, as defined under the Act, includes a dwelling place.
3. The Internal Complaints Committee of an organization shall necessarily be headed by a woman.

Which of the statements given above is/are correct?

- (a) 3 only (b) 1 and 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Q87. Consider the following statements:

1. Article 75 holds that the Council of Ministers will be collectively responsible to the House of the People.
2. If any member of the Council of Ministers is unable to support the government policy in public, then that member is morally bound to resign.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q88. Which of the following statements is/are correct?

1. The President of India is administered oath by the Vice-President of India.
2. The President of India, like the President of the United States of America, cannot seek a second term.
3. The impeachment of the President requires a majority of not less than two-thirds of the total membership of the House.

Select the correct answer using the code given below:

- (a) 3 only (b) 1 and 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Q89. Consider the following statements regarding the nature of a Federation:

1. The Union of States by conquest cannot be called a Federal Union.

2. A voluntary Union/Federation is possible only in a democratic framework.
3. In actual practice, not all-federal states have been born through the Union of the Sovereign States.

Which of the statements given above are correct?

- (a) 1 and 3 only (b) 2 and 3 only
(c) 1 and 2 only (d) 1, 2 and 3

Q90. Which of the following statements is/are correct regarding the financial powers of the Union and the states?

- There is concurrent jurisdiction in the matter of taxation among the Union and the states.
- Taxes on the residual subjects are exclusively under the Union's jurisdiction.
- The purchase and storage of water and electricity by the Union are free from taxation of a state.

Select the correct answer using the code given below:

- (a) 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Q91. Consider the following statements regarding the structure of the government in India:

- The Union and the states have separate governments, both based on the Parliamentary systems.
- There is a strict division of public services in India.
- The Indian judiciary is integrated.

Which of the statements given above are correct?

- (a) 1 and 3 only (b) 2 and 3 only
(c) 1 and 2 only (d) 1, 2 and 3

Q92. Which of the following statements is/are correct?

- Under the High Court, there is a hierarchy of courts which are referred to in the Indian constitution as subordinate courts.
- The principle function of the District Court is to hear appeals from the subordinate courts.

Select the correct answer using the code given below:

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q93. Consider the following statements:

- The Parliament of India can form new states by separation of a territory from any state.
- Prior recommendation of the President is required in a Bill that seeks to change or alter the area of a state.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q94. Which of the following statements is/are correct regarding the proposal containing the alternation of the name of the state?

- The proposal containing the alternation of the name of the state has to refer by the President to the Legislature of the concerned state.
- The State Legislature has to express its opinion within a period specified by the President.
- The views expressed by the state do not bind the decisions of either the President or the Parliament.

Select the correct answer using the code given below:

- (a) 1 only (b) 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Q95. Consider the following pairs:

S.N.	Committees and Sub-Committees of the Constituent Assembly	Chairperson
1.	Rules of Procedure Committee	Jawaharlal Nehru
2.	Minorities Sub-Committee	H.C. Mukherjee
3.	North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi

Which of the pairs given above is/are correctly matched?

- (a) 3 only (b) 2 and 3 only
(c) 2 only (d) 1, 2 and 3

Q96. Which of the following are the salient features of the Indian Constitution?

- Federal System with Unitary Bias
- Secular State
- Universal Adult Franchise
- Dual Citizenship
- Presidential Form of Government

Select the correct answer using the code given below:

- (a) 1, 2 and 3 only (b) 3, 4 and 5 only
(c) 1 and 4 only (d) 1, 2, 3, 4 and 5

Q97. Which of the following is/are included in the meaning of the term Republic?

- The source of all authority under the Constitution is the people of India.
- Absence of any privileged class.
- All public offices being open to every citizen.

Select the correct answer using the code given below:

- (a) 2 and 3 only (b) 1 and 2 only
(c) 2 only (d) 1, 2 and 3

Q98. Consider the following statements about Liberty:

1. Liberty means absence of restraints on the activities of the individuals.
2. Liberty in the Indian Constitution is absolute.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q99. Consider the following statements about the Preamble of India:

1. Liberty of worship has been given in the Preamble.
2. It helps in the legal interpretation of the Constitution where the language is found to be ambiguous.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Q100. Consider the following statements:

1. The Doctrine of Harmonious Construction is related to federalism.
2. The Doctrine of Pith and Substance is related to the Lists of the Seventh Schedule.
3. The Doctrine of Colourable Legislation puts limit on the legislature capacity to enact laws which are outside its competence.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

ANSWER KEY

1.	d	23.	b	45.	d	67.	d	89.	d
2.	a	24.	a	46.	a	68.	d	90.	b
3.	d	25.	b	47.	a	69.	b	91.	a
4.	d	26.	b	48.	d	70.	b	92.	c
5.	c	27.	a	49.	d	71.	a	93.	c
6.	c	28.	c	50.	b	72.	b	94.	d
7.	a	29.	c	51.	c	73.	d	95.	b
8.	b	30.	d	52.	b	74.	d	96.	a
9.	c	31.	a	53.	a	75.	a	97.	d
10.	d	32.	b	54.	d	76.	a	98.	a
11.	c	33.	a	55.	d	77.	d	99.	c
12.	b	34.	d	56.	c	78.	d	100.	b
13.	b	35.	a	57.	b	79.	a		
14.	a	36.	b	58.	b	80.	b		
15.	c	37.	d	59.	d	81.	d		
16.	d	38.	b	60.	d	82.	a		
17.	d	39.	d	61.	a	83.	d		
18.	a	40.	d	62.	b	84.	d		
19.	b	41.	d	63.	d	85.	b		
20.	a	42.	a	64.	a	86.	c		
21.	d	43.	d	65.	c	87.	c		
22.	c	44.	b	66.	d	88.	a		

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