

POLITY :

IMPORTANT FEATURES

MAKING OF THE INDIAN CONSTITUTION

The idea of constituent assembly for making the Constitution was first mooted by M.N. Roy in 1934. Indian National Congress officially demanded the formation of Constituent Assembly in 1935.

- First meeting of Constituent Assembly was held on Dec 9, 1946.
- Muslim League boycotted the Constituent Assembly.
- Dr. Sachidanand Sinha, the senior most member of the assembly, was elected as the temporary President of the assembly.
- Provisions relating to citizenship, elections, provisional parliament and temporary provisions became effective from 26th November, 1949.

IMPORTANT COMMITTEES

COMMITTEE	CHAIRMAN
Drafting Committee	Dr. B.R. Ambedkar
Flag Committee	J. B. Kriplani
Union Constitution Committee	Jawaharlal Nehru
Provincial Constitution Committee	Sardar Vallabh Bhai Patel
Union Powers Committee	Jawaharlal Nehru
Committee on Fundamental Rights and Minorities	Sardar Vallabh Bhai Patel

LANDMARKS IN CONSTITUTIONAL DEVELOPMENT

- 1773 centralization started
- 1784 direct control of British government
- 1833 centralization completed, GG of India
- 1853 executive separated from legislature, open competition introduced
- 1858 Secretary of State
- 1861 representative institutions, decentralization
- 1892 indirect election principle, budget discussion
- 1909 separate electorate
- 1919 division of subjects in 2 lists, diarchy in provinces, bicameralism at centre, direct elections
- 1935 division of subjects in 3 lists, diarchy at centre, bicameralism in provinces, provincial autonomy

SOURCES OF INDIAN CONSTITUTION

Country	Provisions Borrowed
Government of India Act, 1935	Federal Scheme Declaration of Emergency Powers Administration at the Centre and State level
United Kingdom	Parliamentary System Single Citizenship Writ Jurisdiction of Courts
USA	Fundamental Rights Supreme Court
USSR	Fundamental Duties
Ireland	Concept of Directive Principles of State Policy.

- Indian Constitution is both rigid and flexible. A written constitution implies rigidity. Parliamentary sovereignty implies flexibility.
- Preamble of the Constitution is not enforceable but serves two purposes:
 1. Indicates the source of Constitutional Authority
 2. Statement of objects which the Constitution seeks to establish
- The word 'socialist' has been added to the Preamble by the 42nd Amendment Act.

PREAMBLE OF THE CONSTITUTION

The preamble emphasizes a few fundamental values and guiding principles on which the Constitution of India is based. It serves as a beacon for both, the Constitution and judges who interpret the Constitution in his light. The opening few words of the preamble - "we the people" means that power is concentrated in the hands of the people of India. The preamble is as follows:

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**

First, the preamble was not part of the Constitution of India, but the Supreme Court, in the case of Kesavananda Bharati Vs. State of Kerala found it a part of the Constitution and can be used in the interpretation of ambiguous areas of the Constitution. The words "socialist" and "secular" were introduced in the 42nd amendment.

SOME IMPORTANT TERMS OF THE PREAMBLE

Sovereign : It means supreme or independent. The country is both, internally as well as externally sovereign. Internally it exercises a free government directly elected by the people and makes laws that govern the people. Externally it is free from any foreign power and free to make its foreign policy independently.

Socialist : It was added by the 42nd amendment act of 1976. It implies to social and economic equality.

Secular : It was also added by the 42nd amendment act of 1976. The word implies equality of all religions and religious tolerance. No state in India have an official state religion.

Democratic : This mean that the government of all levels are elected by the people through a system of universal adult franchise.

Republic : The term means that the head of the state is elected, directly or indirectly, for a fixed tenure.

SALIENT FEATURES OF THE CONSTITUTION

A written and lengthy constitution: The Constitution of India is a written constitution and the lengthiest constitution in the world. It has 395 Articles and 12 Schedules. A number of amendments, (about 96) passed since its enforcement in 1950, have also become a part of the Constitution.

Sovereign, socialist, secular, democratic, republic: The Constitution declares India to be a Sovereign, Socialist, Secular, Democratic, Republic. The words, 'Socialist' and 'secular' were added in the Preamble of the Constitution by 42nd amendment which was passed in 1976.

Federalism: The Constitution provides for a federal form of government. In a federation, there are two governments-at the central level and at the state (province) level and the powers of the government are divided between the central government and state governments.

Parliamentary government: Indian Constitution provides for a parliamentary form of government. President is nominal head of the state. In actual practice, the government is run by the Prime Minister and other members of the Council of Minister. The Council of Ministers is collectively responsible to the Parliament.

Fundamental rights and duties: The Constitution of India guarantees six fundamental rights to every citizen and ten Fundamental Duties of citizens have also been added by 42nd Amendment of the Constitution.

Partly rigid and partly flexible: The Constitution of India is neither wholly rigid nor wholly flexible. It is partly rigid and partly flexible. It is because of the fact that for the purpose of amendment, our constitution has been divided into three parts:

- (a) certain provisions of the constitution can be amended by a simple majority in the Parliament.
- (b) Certain provisions can be amended by a two-third majority of the Parliament and its ratification by at least fifty percent states.
- (c) The remaining provisions can be amended by the Parliament by two-third majority.

FUNDAMENTAL DUTIES

Initially, the Fundamental Duties were not provided in the Constitution. On the basis of the recommendations of Swarn Singh Committee, these ten duties were included in the Constitution under Article 51A of part IV by the 42nd Constitutional Amendment Act, 1976 and the 11th duty was adopted by 86th Constitutional Amendment Act, 2002. Under these provisions, a citizen of India is expected to faithfully observe the following fundamental Duties.

1. To abide by the Constitution and respect its ideas and institutions, the National Flag and the National Anthem;
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 spirit of common brotherhood among all the people of India, transcending religious, linguistic, regional or sectional 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 and improve the natural environment including forests, lakes, river, and wildlife and to have compassion for living creatures;
8. To develop the scientific temper, humanism and 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 activities so that the nation constantly rises to higher levels of endeavor and achievement;
11. To provide opportunities for education to his child or, as the case may be, ward between age of 6 and 14 years;

THE FUDAMENTAL RIGHTS

The Part III of the Constitution of India gives a detailed description of the 'Fundamental Rights'. These fundamental rights guarantee civil freedom to all the citizens of India to allow them to live in peace and harmony. These are the basic rights that every Indian citizen has the right to enjoy, irrespective of their caste, creed and religion, place of birth, race, colour or gender.

Right to Equality	<ul style="list-style-type: none"> • Article 14 :- Equality before law and equal protection of law • Article 15 :- Prohibition of discrimination on grounds only of religion, race, caste, sex or place of birth. • Article 16 :- Equality of opportunity in matters of public employment • Article 17 :- End of untouchability • Article 18 :- Abolition of titles, Military and academic distinctions are, however, exempted
Right to Freedom	<ul style="list-style-type: none"> • Article 19 :- It guarantees the citizens of India the following six fundamentals freedoms:- <ol style="list-style-type: none"> 1. Freedom of Speech and Expression 2. Freedom of Assembly 3. Freedom of form Associations 4. Freedom of Movement 5. Freedom of Residence and Settlement 6. Freedom of Profession, Occupation, Trade and Bussiness • Article 20 :- Protection in respect of conviction for offences • Article 21 :- Protection of life and personal liberty • Article 22 :- Protection against arrest and detention in certain cases
Right Against Exploitation	<ul style="list-style-type: none"> • Article 23 :- Traffic in human beings prohibited • Article 24 :- No child below the age of 14 can be employed
Right to Freedom of Religion	<ul style="list-style-type: none"> • Article 25 :- Freedom of conscience and free profession, practice and propagation of religion • Article 26 :- Freedom to manage religious affairs • Article 27 :- Prohibits taxes on religious grounds • Article 28 :- Freedom as to attendance at religious ceremonies in certain educational institutions
Cultural and Educational Rights	<ul style="list-style-type: none"> • Article 29 :- Protection of interests of minorities • Article 30 :- Right of minorities to establish and administer educational institutions • Article 31 :- Omitted by the 44th Amendment Act
Right to Constitutional Remedies	<ul style="list-style-type: none"> • Article 32 :- The right to move the Supreme Court in case of their violation (It is called Soul and heart of the Constitution by BR Ambedkar) <p>The Writs</p> <ul style="list-style-type: none"> • Habeas corpus implies equality before law and equal protection of law. • Mandamus is the form of command to either take a particular form of action or refrain from doing it. • Prohibition is a writ issued by the high court or the Supreme Court to the local courts to prevent people from proceeding with a case which does not fall under its jurisdiction. • Certiorari is a writ issued to lower courts, when these courts have gone beyond the scope of their jurisdictions. • Quo Warranto writ is issued to a person who has been wrongly appointed in the office of authority.

DIRECTIVE PRINCIPLE OF STATE POLICY

Directive Principles of State Policy are in the form of instructions/ guidelines to the center as well as states government. Although these principles are not subject to protection in a court of law, they are fundamental in the governance of the country. The idea of Directive Principles of State Policy has been taken from the Irish Republic. They were incorporated in our Constitution in order to ensure economic justice and to avoid concentration of wealth in the hands of a few people. Therefore, no government can afford to ignore them. They are, in fact, the directives for the future government to include them in the decisions and policies to be formulated.

Classification of The Directive Principles: Directive Principles of State Policy have been grouped into four categories. These are: the economic and social principles, the Gandhian principles, Principles and Policies relating to international peace and security and miscellaneous.

The Economic and Social Principles: The state shall endeavour to achieve Social and Economic welfare of the people by:

- Providing adequate means of livelihood for both men and women.
- Reorganizing the economic system in a way to avoid concentration of wealth in few hands.
- Securing equal pay for equal work for both men and women.
- Securing suitable employment and healthy working conditions for men, women and children.

- Guarding the children against exploitation and moral degradation.
- Making effective provisions for securing the right to work, education and public assistance in case of unemployment, old age, sickness and disablement.
- Making provisions for securing just and humane conditions of work and for maternity relief.
- Taking steps to secure the participation of workers in the management of undertakings etc.
- Promoting education and economic interests of working sections of the people especially the SCs and STs.

The Gandhian Principles : There are certain principles, based on the ideals advocated by Mahatma Gandhi. These Principles are as follows : -

- To organize village Panchayats.
- To promote cottage industries in rural areas.
- To prohibit intoxicating drinks and drugs that are injurious to health.
- To preserve and improve the breeds of the cattle and prohibit slaughter of cows, calves and other milch and drought animals.

Directive Principles of State Policy Relating To International Peace And Security: India should render active cooperation for world peace and security and for that the state shall endeavour to : -

- promote international peace and security.
- maintain just and honourable relations between nations.
- foster respect for international laws and treaty obligations.
- encourage settlements of international disputes by mutual agreement.

Miscellaneous : The Directive Principles in this category call upon the state : -

- To secure for all Indians a uniform civil code.
- To protect historical monuments.
- To save environment from pollution and protect wild life.
- To make arrangements for disbursement of free legal justice through suitable legislation.

IMPORTANT SUBJECTS IN VARIOUS LISTS

UNION LIST

6. Atomic energy and mineral resources.
18. Extradition.
45. Banking.
47. Insurance.
48. Stock exchanges and futures markets.
49. Patents, inventions and designs; copyright; trade-marks and merchandise marks.
69. Census.
85. Corporation tax.
97. Any other matter not enumerated in List II or List III including any tax no mentioned in either of those Lists.

STATE LIST

1. Public order.
5. Local Government.

6. Public health and sanitation.
12. Libraries, museums and other similar institutions.
14. Agriculture.
21. Fisheries.
25. Gas and gas-works.
28. Markets and fairs.
61. Captivation taxes.

CONCURRENT LIST

1. Criminal law.
2. Criminal procedure.
3. Preventive detention.
5. Marriage and divorce.
6. Transfer of property other than agricultural land.
7. Contracts.
13. Civil procedure.
14. Contempt of court, but not including contempt of the Supreme Court.
17. Prevention of cruelty to animals.
20. Economic and social planning.
26. Legal, medical and other professions.
38. Electricity.
40. Archaeological sites.

PRIME MINISTER OF INDIA

Eligibility : To be eligible for the position of the Prime Minister of India, a person should be a citizen of India, a member of either the Lok Sabha or the Rajya Sabha and should complete 25 years of age if he/she is a member of the Lok Sabha or 30 years of age if he/she is a member of the Rajya Sabha.

A person cannot be the Prime Minister of India if he/she holds any office of profit under the Government of India, the government of any state, or any local or other authority subject to the control of any of the said governments.

Powers of Prime Minister of India:-

- The cabinet swims and sinks with the Prime Minister.
- PM is the leader of the House and link between the Parliament and the Cabinet.
- He appoints the council of ministers and leader of the Cabinet.
- He is the Real executive authority.
- He is the ex-officio Chairman of the Planning Commission (Niti Ayog), National Development Council, National Integration Council and Inter state Council.
- The President convenes and prorogues all sessions of Parliament in Consultation with him.
- He can recommend the dissolution of Lok Sabha before expiry.
- Allocates portfolios. Can ask a minister to resign & can get him dismissed by President.
- He can recommend to the President to declare emergency on grounds of war, external aggression or armed rebellion.
- He advises President about President's Rule in the State or emergency due to financial instability.

ALL PRIME MINISTER OF INDIA

Name	Tenure	Party
Jawahar Lal Nehru	15.08.1947 to 27.05.1964	Congress
Gulzari Lal Nanda	27.05.1964 to 09.06.1964	Congress
Lal Bahadur Shastri	09.06.1964 to 11.01.1966	Congress
Gulzari Lal Nanda	11.01.1966 to 24.01.1966	Congress
Indira Gandhi	24.01.1966 to 24.03.1977	Congress
Morarji Desai	24.03.1977 to 28.07.1979	Janata Party
Charan singh	28.07.1979 to 14.01.1980	Janata Party
Indira Gandhi	14.01.1980 to 31.10.1984	Congress (I)
Rajiv Gandhi	31.10.1984 to 01.12.1989	Congress (I)
V.P. Singh	01.12.1989 to 10.11.1990	Janata Dal
Chandra Shekhar	10.11.1990 to 21.06.1991	Janata Dal (S)
P.V. Narsimha Rao	21.06.1991 to 16.05.1996	Congress (I)
Atal Bihari Vajpayee	16.05.1996 to 01.06.1996	Bharatiya Janata Party
H.D. Deve Gowda	01.06.1996 to 21.04.1997	Janata Dal
I.K. Gujral	21.04.1997 to 19.03.1998	Janata Dal
Atal Bihari Vajpayee	19.03.1998 to 13.10.1999	Bharatiya Janata Party
Dr. Manmohan Singh	22.05.2004 to 26.5.2014	Indian National Congress
Narendra Modi	26.05.2014 to Till-date	Bharatiya Janata Party

- Gulzari Lal Nanda was the Prime Minister of India for two short periods following the deaths of Jawaharlal Nehru in 1964 and Lal Bahadur Shastri in 1966.

$$\text{Value of vote of an MP} = \frac{\text{Total No. of votes assigned to all elected MLAs}}{\text{Total Nos. of elected MPs}}$$

PARLIAMENT OF INDIA

Parliament is the supreme legislative body of a country. Our Parliament comprises of the President and the two Houses-Lok Sabha (House of the People) and Rajya Sabha (Council of States). The President has the power to summon and prorogue either House of Parliament or to dissolve Lok Sabha.

PRESIDENT OF INDIA

Qualification: To be qualified for the position of the President of India, a person must be a citizen of India, completed 35 years of age, eligible to be a member of Lok Sabha, must not hold any office of profit under government of india or any other authority.

ELECTION OF THE PRESIDENT (ARTICLES 54 & 55)

- Article 54 provides that President shall be elected by an electoral college consisting of:-
 - (a) Elected members of both Houses of Parliament
 - (b) Elected members of the Legislative Assemblies of the States
- Article 55 (3) states that the election of the President shall be held in accordance with the system of proportional representation by means of single transferable vote. Voting is done through secret ballot.
- To secure uniformity among States and Parity between the Union and States following formula is adopted:-

$$\text{Value of vote an MLA} = \frac{\text{Population of State}}{\text{Elected members of the state legislative Assembly} \times 1000}$$

- After calculating the value of vote of MLAs and MPs, a complex system of calculating the quota of individual candidates is used which is based on the order of preference of candidates.
- Article 71 provides that all disputes arising out of the election of President or Vice-President shall be 'inquired' into and 'decided' by the Supreme Court whose decision shall be final.
- Oath of affirmation of President's office is administered by the Chief Justice of India (Article 60) or by the senior most judge of the Supreme Court.
- Impeachment is a quasi-Judicial procedure mentioned in Article 61. Impeachment charge against the President may be initiated by either Houses of the Parliament.

THE POWERS OF PRESIDENT OF INDIA

- President appoints PM, Ministers, Chief Justice & judge of Supreme Court & High Court, Chairman & members of UPSC, Comptroller and Auditor General, Attorney General, Chief Election Commissioner and other members of Election Commission of India, Governors, Members of Finance Commission, Ambassadors, etc
- He can summon & prorogue the sessions of the 2 houses & can dissolve Lok Sabha
- He appoints Finance Commission (after every 5 years) that recommends distribution of taxes between Union & State governments

- The President can promulgate 3 types of Emergencies:- National Emergency (Article 352), State Emergency (President's Rule) (Article 356), Financial Emergency (Article 360)

EMERGENCY POWERS

Article 352 to 360 provides for Emergency Powers of the President. Emergencies envisaged under the Constitution are of 3 types:

- National Emergency (Art 352) which arise out of war, external aggression or armed rebellion.
- President's Rule (Art 356 & 365) which is due to failure of Constitutional Machinery in the State.
- Financial Emergency (Art 360), If the President is satisfied that there is an economic situation in which the financial stability or credit of India is threatened.
- He is the Supreme Commander of the Defence Forces of India
- President appoints Chief of Army, Navy and Air force
- He declares wars & concludes peace subject to the approval of the Parliament
- No money bill or demand for grant can be introduced or moved in Parliament unless it has been recommended by the President
- He has the power to grant pardon, reprieve or remit of punishment or commute death sentences.

List of President of India

Name	Tenure of office
Dr. Rajendra Prasad	1950 to 1962
Dr. S. Radhakrishnan	1962 to 1967
Dr. Zakir Hussain	1967 to 1969
V.V. Giri (Acting President)	1969 to 1969
Justice M. Hidayatullah (Acting President)	1969 to 1969
V.V.Giri	1969 to 1974
F. Ali Ahmed	1974 to 1977
B.D. Jatti (Acting President)	1977 to 1977
N. Sanjiva Reddy	1977 to 1982
Gaini Jail Singh	1982 to 1987
R. Venkataraman	1987 to 1992
Dr. Shankar Dayal Sharma	1992 to 1997
K.R. Narayanan	1997 to 2002
Dr. A.P.J. Abdul Kalam	2002 to 2007
Mrs. Pratibha Patil	2007 to 2012
Mr. Pranab Mukherjee	25.07.2012 to Till date

LOK SABHA

Lok Sabha, as the name itself signifies, is the body of representatives of the people. It is the Lower House of Parliament. Its members are directly elected, normally once in every five years by the adult population who are eligible to vote. The minimum qualifying age for membership of the House is 25 years. The present membership of Lok Sabha is 545. The number is divided among the different States and Union Territories. Two Members are nominated by President of India from the Anglo-Indian community.

ELECTION OF LOK SABHA

- Members of Lok Sabha are directly elected by the People.
- Total membership is fixed at 552 by the Constitution.
- Every citizen of India above 18 and is not disqualified on the grounds of non-residence, unsoundness mind, crime or corrupt or illegal practices is entitled to vote (Art 326)
- Constitution 61st Amendment Act (1987) has reduced the Age of voting from 21 to 18 years
- Its term can be extended beyond 5 years by the Parliament. This can be done during the Proclamation of Emergency (Under Art 352). But this extension can not be done for a period exceeding one year at a time and such extension cannot continue beyond a period of 6 months after Proclamation of Emergency ceases to operate.
- Delimitation of Constituencies is done after each Census by A designated authority and in a manner as the Parliament by law determines. 1971 census data is being used now. The number of seats has been freezed till 2026 to maintain the share of states where the rate of population growth is declining.

RAJYA SABHA

Rajya Sabha is the Upper House of Parliament. It is a permanent body. It is not subject to dissolution but one-third of its members retire every two years. Rajya Sabha was duly constituted for the first time on April 3, 1952.

It has not more than 250 members (245 members at present). Members of Rajya Sabha are not elected by the people directly but indirectly by the Legislative Assemblies of the various States. Every State is allotted a certain number of members and twelve of Rajya Sabha members are nominated by the President from persons who have earned distinction in the fields of literature, art, science and social service. No member of Rajya Sabha can be under 30 years of age.

FUNCTIONS OF LOK SABHA AND RAJYA SABHA

The main function of both the Houses is to pass laws. Every Bill has to be passed by both the Houses and assented to by the President before it becomes law. The subjects over which Parliament can legislate are the subjects mentioned under the Union List in the Seventh Schedule to the Constitution of India. Broadly speaking, Union subjects are those important subjects which for reasons of convenience, efficiency and security are administered on all-India basis. The principal Union subjects are Defence, Foreign Affairs, Railways, Transport and Communications, Currency and Coinage, Banking, Customs and Excise Duties. There are numerous other subjects on which both Parliament and State Legislatures can legislate.

SESSIONS OF THE PARLIAMENT

- Parliament normally meets in three sessions in an year:-
 - o Budget Session - February - May
 - o Monsoon Session - July - August
 - o Winter Session - November - December
- Adjournments: During a session, there are daily sittings separated by adjournments. These postpone the further consideration of business for a specified time which may extend for hours, days and even weeks.

CONTROL BY THE PARLIAMENT OVER THE EXECUTIVE

Question Hour	<ul style="list-style-type: none"> • First hour of every parliamentary sitting. • Short Notice questions are asked giving less than 10 days notice.
Zero Hour	<ul style="list-style-type: none"> • Starts immediately after the question hour. • Any matter can be discussed during the zero hour.
Calling Attention Motion	<ul style="list-style-type: none"> • Moved to call the attention of a minister to matters of public importance.
Adjournment Motion	<ul style="list-style-type: none"> • To draw attention of Parliament to a matter of urgent public importance. • Motion needs the support of 50 members for admission. • Rajya Sabha cannot move this motion.
No Confidence Motion	<ul style="list-style-type: none"> • Moved to prove the confidence of Lok Sabha in the Council of Ministers. • No Confidence Motion needs the support of 50 members to be admitted. • Can be moved only in Lok Sabha.

PRIVILEGES OF PARLIAMENT

ORDINARY BILL	MONEY BILL	FINANCIAL BILL	CONSTITUTIONAL AMENDMENT BILL
Can be introduced in either house of Parliament	Only in Lok Sabha	Only in Lok Sabha	In either house of Parliament
Does not need President recommendation for introduction (except u/A 3)	Need President recommendation for introduction	Need President recommendation for introduction	Does not need President recommendation for introduction
Passed by simple majority	Passed by simple majority	Passed by simple majority	Passed by special majority (by both houses separately)
Equal legislative jurisdiction of both houses of Parliament	RS only recommendatory power (14 days)	Equal legislative jurisdiction of both houses of Parliament	Equal legislative jurisdiction of both houses of Parliament
Joint session can be held	Joint session can not be held	Joint session can be held	Joint session can not be held because if one house rejects the bill, it comes to an end
President has three options: Absolute veto, suspensive veto, Pocket veto	President has choice of withholding or giving assent to the bill, But by convention he can not withhold the assent	President has three options: Absolute veto, suspensive veto, Pocket veto	President has to give assent to the bill

JOINT SESSION OF THE HOUSES

- At a joint sitting of two Houses, the Speaker of the Lok Sabha and in his absence, the Deputy Speaker of the House, or if he is also absent, Deputy Chairman of the Council and if he is also absent, such person as may be determined by the members present in the sitting presides. Lok Sabha by its numerical majority prevails over the joint sitting.
- This provision does not apply to Money Bill. There cannot be a joint sitting for Constitution Amendment Bills. Nor do such Bills require previous sanction of President.
- President cannot summon a joint sitting if the bill has lapsed by reason of a dissolution of Lok Sabha.

CITIZENSHIP

The conferment of a person, as a citizen of India, is governed by Articles 5 to 11 (Part II) of Indian Constitution. The legislation related to this matter is the Citizenship Act 1955, which has been amended by the Citizenship (Amendment) Act 1986, the Citizenship (Amendment) Act 1992, the Citizenship (Amendment) Act 2003, and the Citizenship (Amendment) Act, 2005.

CITIZENSHIP BY BIRTH

Any person born in India on or after 26 January 1950, but prior to the commencement of the 1986 Act on 1 July 1987, is a citizen of India by birth. A person born in India on or after 1 July 1987 is a citizen of India if either parent was a citizen of India at the time of the birth. Those born in India on or after 3 December 2004 are considered citizens of India only if both of their parents are citizens of India or if one parent is a citizen of India and the other is not an illegal migrant at the time of their birth.

CITIZENSHIP BY DESCENT

Persons born outside India on or after 26 January 1950 but before 10 December 1992 are citizens of India by descent if their father was a citizen of India at the time of their birth.

Persons born outside India on or after 10 December 1992 are considered citizens of India if either of their parents is a citizen of India at the time of their birth.

From 3 December 2004 onwards, persons born outside of India shall not be considered citizens of India unless their birth is registered at an Indian consulate within one year of the date of

birth. In certain circumstances it is possible to register after 1 year with the permission of the Central Government. The application for registration of the birth of a minor child must be made to an Indian consulate and must be accompanied by an undertaking in writing from the parents of such minor child that he or she does not hold the passport of another country.

CITIZENSHIP BY REGISTRATION

The Central Government may, on an application, register as a citizen of India under section 5 of the Citizenship Act 1955 any person (not being an illegal migrant) if he belongs to any of the following categories:

- a person of Indian origin who is ordinarily resident in India for seven years before making application under section 5(1)(a) (throughout the period of twelve months immediately before making application and for six years in the aggregate in the eight years preceding the twelve months);
- a person of Indian origin who is ordinarily resident in any country or place outside undivided India;
- a person who is married to a citizen of India and is ordinarily resident in India for seven years before making an application for registration;
- minor children of persons who are citizens of India;
- a person of full age and capacity whose parents are registered as citizens of India;
- a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and has been residing in India for one year immediately before making an application for registration;
- a person of full age and capacity who has been registered as an overseas citizen of India for five years, and who has been residing in India for one year before making an application for registration.

CITIZENSHIP BY NATURALISATION

Citizenship of India by naturalisation can be acquired by a foreigner (not illegal migrant) who is ordinarily resident in India for twelve years (throughout the period of twelve months immediately preceding the date of application and for eleven years in the aggregate in the fourteen years preceding the twelve months) and other qualifications as specified in third schedule to the Act.

IMPORTANT ARTICLES OF INDIAN CONSTITUTION

Article 12 -35	The Fundamental Rights
Article 36-50	The Directive Principles of state policy
Article 51A	The Fundamental Duties of the citizen of India
Article 80	Composition of the Council of States (Rajya Sabha)
Article 81	Composition of the House of the People (Lok Sabha)
Article 343	Hindi as official language
Article 356	Imposition of President's Rule in states
Article 370	Special status to Kashmir
Article 395	Repeals India Independence Act and Government of India Act, 1935

IMPORTANT AMENDMENTS TO THE CONSTITUTION

- **The Indian Constitution (first Amendment) Act, 1951:** According to it, Articles 15, 19, 85, 87, 174, 176, 341, 342, 376 were amended and Articles 31A and 31B inserted and Ninth Schedule was added.
- **The Constitution (24th Amendment) Act, 1971:** It affirmed the power of the Parliament to amend any part of the Constitution. After this amendment, the President is bound to assent to Constitution Amendment Bill. Education was transferred to the Concurrent List by this amendment.
- **The Constitution (36th Amendment) Act, 1975:** By this Act, Sikkim became the 22nd State of the Indian Union.
- **The Constitution (39th Amendment) Act, 1975:** The Bill was passed by the Lok Sabha on August 7 and received Presidential assent on August 9, 1975. The Act places beyond challenge in courts the election to Parliament of a person holding the office of Prime Minister or Speaker and the election of President and Vice-President.
- **The Constitution (52nd Amendment) Act, 1985:** The Act has made defection to another party, after elections illegal. Any member defecting to another party after elections will be disqualified from being member of Parliament or State Legislature.
- **The Constitution (53rd Amendment) Act, 1986:** It confers Statehood on Mizoram and ensures against unnecessary interference by the Central Government with the laws relating to spheres of social relationship and community conduct applicable to Mizoram.
- **The Constitution (55th Amendment) Act, 1987:** It grants Statehood to Arunachal Pradesh which consequently became the 24th State of the Indian Union.
- **The Constitution (56th Amendment) Act, 1987:** It confers Statehood on Goa and forms a new Union Territory of Daman and Diu. Goa thus became the 25th State of the Indian Republic.
- **The Constitution (57th Amendment) Act, 1987:** It made a special provision for the setting up of the new State of Goa. Consequently Daman and Diu were separated from the former to form a Union Territory.
- **The Constitution (59th Amendment) Act, 1988:** It empowered the Central Government to impose Emergency in Punjab when deemed necessary. Under the amendment, President's rule can be extended upto three years. Earlier maximum period was two years.
- **The Constitution (61st Amendment) Act, 1989:** It lowered the voting age from 21 to 18.
- **The Constitution (62nd Amendment) Act, 1989:** It provided for the extension by another 10 years of reservation of seats in the Parliament and State Assemblies for the Scheduled Castes and Tribes and reservation for Anglo Indian community by nomination.
- **The Constitution (64th Amendment) Act, 1990:** It extended the President's rule in Punjab by six months.
- **The Constitution (66th Amendment) Act, 1990:** To bring land reforms within the purview of 9th Schedule of the Constitution.
- **The Constitution (69th Amendment) Act, 1991:** Delhi made National Capital Region. The Act also made provision for Legislative assembly and a council of ministers for Delhi.

- **The Constitution (70th Amendment) Act, 1992:** Before this act was made Article 54 relating to the election of the President provided for an electoral college consisting only of the elected members of Parliament as well as the legislative assemblies of the States (not of Union Territories). The amendment provide for inclusion of members of legislature of Pondicherry and Delhi.
- **The Constitution (71st Amendment) Act, 1992:** The act amends the 8th Schedule to the Constitution to include Konkani, Manipuri and Nepali Languages in the 8th Schedule of the Constitution.
- **The Constitution (72nd Amendment) Act, 1992:** To make temporary provision for the determination of the number of seats reserved for the Scheduled Tribes in the State assembly of Tripura, until the re-adjustment of seats is made on the basis of the first census after the year 2000 under article 170 of the Constitution.
- **The Constitution (73rd Amendment) Act, 1992:** To ensure direct election to all seats in Panchayats; to reserve seats for SCs and STs in proportion to their population; and for reservation of not less than one third of the seats in Panchayats for women.
- **The Constitution (74th Amendment) Act, 1992** was made to ensure direct election to all seats in Nagarpalikas and Municipalities.
- **The Constitution (76th Amendment) Act, 1994:** It relates to the Reservation of Seats in Educational Institutes and of appointments or posts in the Services under a State, for Backward Classes, Scheduled Castes and Scheduled Tribes. The Supreme Court had ruled on November 16, 1992, that the total reservations under Article 16(4) of the Constitution should not exceed 50 per cent.
- **The Constitution (77th Amendment) Act, 1995:** According to this Act, the Government have decided to continue the existing policy of reservation in promotion for the Scheduled Castes and Scheduled Tribes.
- **The Constitution (78th Amendment) Act, 1995:** It includes land reform laws in the Ninth Schedule so that they cannot be challenged before the courts.
- **The Constitution (79th Amendment) Act, 1999:** It extends the reservation of seats for SC, ST and Anglo-Indians in the Lok Sabha and Legislative Assemblies for next 10 years.
- **The Constitution (81st Amendment) Act, 2000:** It provides that the unfilled vacancies of a year reserved for SC/ST kept for being filled up in a year as per Article 16, shall be considered separately for filling vacancies in the succeeding year and the previous list will not be considered for filling the 50% quota of the respective year.
- **The Constitution (82nd Amendment) Act, 2000:** It provides that nothing in the Article 355 shall prevent the State from making any provisions in favour of the members of SC/ST for relaxation in qualifying marks with respect to examination/ job/promotion.
- **The Constitution (83rd Amendment) Act, 2000:** The Act amended Article 243 M to provide that no reservation in Panchayats be made in favour of SC/ST in Arunachal Pradesh where the whole population is tribal.

ATTORNEY GENERAL OF INDIA (ARTICLE 76)

- Appointed by the President and hold office during the pleasure of President.
- He is the first Law officer of the Government of India.
- He is the only person who is not a member of Parliament, yet can take part in its proceedings (without a right to vote)

APPOINTMENT AND REMOVAL OF JUDGES

- The CJI is appointed by the President. In this matter, the President shall consult such judges of the SC and the High Courts as he may deem necessary. A 9 judge bench of the SC has laid down that the senior most judge of Supreme Court should be appointed as CJI.
- In the appointment of other judges, the President shall always consult the CJI. He 'may' consult other judges of SC and High Courts as he may deem necessary [Article 124(2)]
- Power of appointment is exercised by the President on the advice of council of ministers.
- There is no fixed period of office for SC judges. Once appointed, **they hold office till the age of 65 years**. He can quit office earlier by submitting his resignation to the President.
- He can be removed by an order of President only on the grounds of proved misbehavior or incapacity.
- The Judges are 'Public Servants' and can be prosecuted for criminal misconduct.
- Seat of the SC is in New Delhi. However it can be shifted elsewhere in India or more benches of SC can be established in India by CJI in consultation with the President.

LEGISLATIVE ASSEMBLY (VIDHAN SABHA)

- It is the popular House of the State. Members are chosen by direct election on the basis of adult suffrage from territorial constituencies (Article 170).
- Their no. of members varies between 60 and 500. However certain States like Sikkim, Goa, Mizoram and Arunachal Pradesh have less than 60 members.

CENTRE - STATE RELATIONS

- The distribution of powers is an essential feature of federalism. A federal constitution establishes the dual polity with the union at the centre and the states at the periphery, each endowed with the sovereign powers to be exercised in the field assigned to them respectively by the constitution. The one is not subordinate to the other in its own field; the authority of one is co-ordinate with the other.
- In the Indian federal set-up the constitution divides powers between centre and states as:-
 - Legislative
 - Administrative
 - Financial

LEGISLATIVE RELATIONS

- Article 245(1) of the constitution of India provides that the Parliament has power to make laws for the whole or any part of territory of India. This includes not only the states but also the UTs or any other area, for the time being included in the territory of India. It also possesses the power of 'Extra-Territorial Legislation' which no State Legislature possesses.

- In distributing the subject matters between centre and states, our constitution makers followed Canadian scheme. However they added one more list to it, Concurrent List. (GoI Act 1935 had 3 fold enumeration - Federal, Provincial and Concurrent)
 - Union List - 97 subjects
 - State List - 66 subjects
 - Concurrent List - 52 subjects
- Subjects mentioned in the Union List are of national importance and only Parliament is competent to make laws on these subjects.
- Under Article 256, Parliament is empowered to make laws w.r.t. all matters in the State list when there is failure of constitutional machinery of the State under Article 356.
- In normal times, there are constitutional provisions which ensure the control of the union over the states.
- Under Article 258 (1), Parliament with the consent of the State government can entrust to it any matter falling within the executive powers of the Union.
- State government has also the power to delegate its functions to the Union and its officers. Article 258 (A) provides that Governor of the State with the consent of GoI, entrust to the Government, such functions to which the executive power of State extends.
- These relations are related to the distribution of taxes as well as non-tax revenue and the Power of borrowing. Grant-in-aid forms an important part of centre-state relations.

Distribution of Taxes	
Taxes Belonging to Union Exclusively	Taxes Belonging to States Exclusively
1. Customs	1. Land Revenue.
2. Corporation	2. Stamp duty except in documents included in the Union List.
3. Taxes on Capital Values of assets of Individuals and Cos.	3. Succession duty, estate duty and income tax on agricultural land.
4. Surcharge on Income Tax.	4. Taxes on Passengers and goods carried on inland waterways.
5. Fees in respect of matters in Union List.	5. Taxes on lands and buildings, mineral rights.
	6. Taxes on animals and boats, road vehicles, on advertisements, electricity, luxuries and amusements, etc.
	7. Taxes on the entry of goods.
	8. Sales tax.
	9. Tolls.
	10. On matters in the State List.
	11. On profession, trade etc (not exceeding Rs. 2,500 per annum (List II).

IMPORTANT COMMISSIONS

- U.C.Benerjee Commission - Enquiry into Godhra carnage (Railways)
- Nanavati-Shah - Commission Posy Godhra riots
- Palekar Tribunal - Journalist pays reforms
- Hunter Commission - Jallianwalabagh massacre
- Nanavati Commission - 1984 Sikh riots
- Mukherjee Commission - Death/Disappearance of Subhash Chandra Bose
- Librehan Commission - Babri Masjid demolition case
- Sarkaria Commission - Centre-State relations
- Sri Krishna Commission - 1992 Bombay riots
- Thakkar Commission - Indira Gandhi assassination case
- Phukhan Commission - Tehelka tapes
- Malimath Commission - Criminal Justice
- Upendra Commission - Inquiry on rape and murder Thangjem Manorama Devi
- G.C.Garg Commission - Train accident near Khanna, Punjab
- Mandal Commission - Reservation of seats for Backward castes
- Kothari Commission - Educational reforms

ELECTION COMMISSION

- It is a permanent and an independent body established by the constitution of India directly to ensure free and fair elections in the country.
- Elections to Parliament, State legislatures, President and Vice-President are vested in it.
- Qualifications of Voters, preparation of electoral rolls, delimitation of constituencies, allocation of seats in parliament and state legislatures.
- Not concerned with the elections to Panchayats and Municipalities in the states. For this, the constitution of India (Art 243K and 243 AZ) provides for a separate State Election Commission.
- Election commission shall consist of Chief Election Commissioner and such number of other Election Commissioners, as the President from time to time fix.
- Chief Election Commissioner and other Election Commissioners have equal powers and receive equal salary, allowances and other perquisites.
- Term six years or until they attain the age of 65 years, whichever is earlier.
- Powers and functions can be classified into three categories as Administrative, Advisory and Quasi-Judicial.
- Register political parties for the purpose of elections grant them the status of National or State Parties on the basis of their poll performance.

STATE ELECTION COMMISSION

- Superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the Panchayats shall be vested in the State Election Commission to be appointed by the Governor. His conditions of service and tenure of office shall also be determined by the Governor.

STAFF SELECTION COMMISSION (SSC)

- SSC, Established in 1975 by executive resolution. Responsible for:-
- All Group 'B' posts having the maximum pay scale of less than Rs. 10,500.
- All non-technical Group 'C' post for recruiting personnel to middle and lower services of central government.

CIVIL SERVICES IN INDIA

- There are three All India Services in India:
 - o Indian Administrative Service (IAS)
 - o Indian Police Service (IPS)
 - o Indian Forest Service (IFS)

- While IAS and IPS existed at the time of independence IFS came into existence in 1966.
- Administrative Control of different services is as under:
 - o IAS - Ministry of Personnel
 - o IPS - Ministry of Home
 - o IFS - Ministry of Environment and Forest
- An All India Service can be created by Parliament under Article 312 on the basis of a resolution passed by Rajya Sabha. Thus an All India Service can be created only by an Act of Parliament and not by the resolution of Rajya Sabha, though such a resolution is must before enacting such an Act.

PANCHAYATI RAJ INSTITUTION (PRI)

The term Panchayati Raj (PRI) in India signifies the system of rural local self government. It has been established in all the States of India by the Acts of the state Legislatures to build democracy at the grassroot level. It is entrusted with rural development. It was constitutionalised through the 73rd Constitutional Amendment Act 1992.

COMMITTEES ON PANCHAYATI RAJ

	Committee	Year	Important Recommendations
1.	Balwant Rai Mehta	1957	<ul style="list-style-type: none"> • Three – tier Panchayati Raj System – Gram Panchayat at Village level, Panchayat Samiti at Block level & Zila Parishad at district level.
2.	Ashok Mehta	1977	<ul style="list-style-type: none"> • Two – tier PR System – Mandal Panchayats at Village level & Zila Panchayat at district level. • Official representation of Political Parties at all levels of Panchayat elections. • Seat for SCs & STs should be reserved. • Constitutional recognition to PRIs.
3.	GVK Rao	1985	<ul style="list-style-type: none"> • Regular elections to the PRIs.
4.	LM Singhvi	1986	<ul style="list-style-type: none"> • Regular, Free & fair elections to PRIs. • Establishment of Nyaya Panchayats. • More financial resources to village Panchayats.