

⇒ The Regulating Act, 1773 :-

→ Features -

- Designated Governor of Bengal as Governor-General of Bengal. First Governor-General was Lord Warren Hastings. ***
- Made Governor of Bombay & Madras presidencies sub-ordinate to Governor-General of Bengal.
- Provided for establishment of SC at Calcutta (1774) comprising one Chief Justice & three other Judges.
- Prohibited company servants from engaging in any private trade.
- Created the Executive Council of four members to assist Governor-General of Bengal.

⇒ Pitt India Act, 1784 :-

→ To rectify the defects of the Regulating Act, 1773, British Parliament passed the Amending Act, 1781, also known as Act of Settlement.

→ Features (Pitt Act):

- Distinguished b/w commercial & political functions of the Company.
- It allowed the Court of Directors to manage the commercial affairs but created new body called Board of Control to manage political affairs. Thus, established a system of double government.

→ Significance -

- Company's territories in India were called "British possessions in India."
- British Govt. was given the Supreme Control over Company's affairs & its administration in India.

⇒ Charter Act, 1833 :-

→ Final step towards centralisation in British India.

→ Features :-

- Made Governor General of Bengal as Governor General of India.
- *** William Bantick was first Governor General of India.
- Deprive the Governor of Bombay & Madras & Governor General of India was given exclusive legislative powers for the entire British India.
- It ended the activities of East India Company as a commercial body, which became a purely administrative body.
- Attempt to introduce open system competition for selection of civil servants.

⇒ Charter Act, 1853 :-

→ Features :-

- Introduce an open competition system of selection & recruitment of civil servants. [Macaulay Committee in 1854]
- It first time separated the legislative & executive functions of the Governor General's Council.
- It provided for addition of six new members called Legislative Councillors to the Council.
- It introduce first time, local representation in Indian (Central) Legislative Council. Out of 6 members 4 were appointed by local (provincial) government of Madras, Bombay, Bengal & Agra.

⇒ Government of India Act, 1858 :-

→ Also Known as 'Act for the Good Government of India.'

→ Abolished the East India Co., and transferred the powers of Govt., territories & revenues to the British Crown.

→ Features :

- Changed the designation of the Governor General of India to the Viceroy of India.
- Viceroy was the direct representative of British Crown in India.
*** Lord Canning thus became the first Viceroy of India.
- Ended system of double government by abolishing the Board of Control & Court of Directors.
- It created a new office, Secretary of State for India, vested with complete authority & control over Indian administration.
- It established a 15 member Council of India to assist Secretary for India. He was also Chairman of the Council.

→ Largely confined to the improvement of the administration machinery by which the Indian Govt. was to be supervised & controlled in England.

⇒ Indian Council Act, 1861 :-

→ It is an important landmark in the constitutional & political history of India.

→ Features :

- Made beginning of representative institutions by associating Indians with the law making process. It thus provided that Viceroy should nominate some Indians as non-official members of his expanded council.
- Initiated process of decentralisation by vesting the legislative powers to the Bombay & Madras presidencies. It thus reversed the centralising tendency started from 1773.
- Established three new legislative councils for Bengal, North-West Frontier (NWFP) & Punjab.
- It empowered Viceroy to make rules & order for the more convenient transaction of business in the council.
- It empowered the Viceroy to issue ordinances, without the concurrence of the legislative council, during the emergency. Life of ordinance was 6 months.

⇒ Indian Council Act, 1892 :-

→ Features :

- Enlarged the size and functions of central & provincial councils.
- Increased the functions of legislative councils & gave them the power of discussing budget & addressing questions to the executive.

⇒ Indian Council Act, 1909 :-

→ It is also known as Morley-Minto Reforms. (Lord Morley was the Secretary & Lord Minto was Viceroy.)

→ Features :-

- Increased the size of the legislative councils, both Central & provincial.
- It provided for association of Indians with the executive councils of the Viceroy & Governors. (Satyendra Prasad Sinha became the first, he was appointed as law member.)
- Give separate electorate to Muslims. Introduce system of communal representation.

* Lord Minto was known as 'Father of Communal Electorate.'

- Beginning of non-official resolutions in the council.

⇒ Government of India Act, 1919 :- ****

→ It is also known as Montagu-Chelmsford Reforms.

→ Features :-

- Relaxed the central control over the provinces by demarcating & separating the central & provincial subjects.
- Divided Provincial subjects into two parts - Transferred & Reserved Subjects. The transferred subjects were to be administered by the Governor with the aid of ministers responsible to the legislative Council. The reserved subjects, were to be administered by the Governor & his executive council without being responsible to the legislative Council.

- The dual scheme of governance was known as 'Dyarchy'.
- It introduced, for the first time, bicameralism & direct elections in the Country.
- It required that 3 out of 6 members of Viceroy's Executive Council (other than Commander-in-Chief) were to be Indian.
- It provided for establishment of public service Commission. Hence a Central Public Service Commission was set up in 1926.
- It granted franchise to a limited no. of people on the basis of property, tax or education.
- Extended the principle of communal representation by providing separate electorate for Sikhs, Christians, Anglo-Indians & Europeans.
- It separated provincial budgets from the Central Budget & authorised the provincial legislatures to enact their budgets.
- Indian Legislature Council was to be called as the Indian Legislature.

→ Significance :

- Simon Commission of 1927 was outcome of it.
- Rowlatt Act - Authorised Govt. to imprison any person without trial & conviction in a Court of law.
- This was intended as a step towards complete responsible government.
- The Viceroy however retained control of the Cent. Govt. & the role of the mostly elected bicameral legislature remained advisory.
- Division of subjects were not satisfactory.

⇒ Government of India Act, 1935 :-

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→ It was second milestone towards completely responsible government.

→ Features :

- It provided for establishment of an All India Federation consisting of provinces & princely states as units.
- The Act divided the powers b/w Centre and units in terms of 3 lists - Federal List (for Centre with 59 items), Provincial List (for Provinces, with 54 items) & Concurrent List (for both, with 36 items).
- It abolished dyarchy in the provinces & introduced 'Provincial Autonomy' in its place.
- It provided for adoption of dyarchy at the Centre. Consequently the federal subjects were divided into reserved & transferred subjects.
- It introduced bicameralism in six out of eleven provinces. However, many restrictions were placed on them.
- Separate electorate for depressed classes (SCs), women & labour.
- It extended the franchise, more than 10% of total population got the voting right.
- It provided for establishment of RBI to control the currency & credit of the country.
- It provided for establishment of not only federal Pub. Service Comm. but also a Provincial Pub. Service Comm. & Joint Public Service Comm.
- It provided for establishment of federal court, which was set up in 1937.

→ Evaluation/ Drawbacks :

- No preamble : the ambiguity of British Commitment to dominion status.
(Unclear)
- No Bill of rights, means no rights were given.
- Numerous safeguards & special responsibilities of the governor-general worked as brake in proper functioning of Act.
- In provinces, governor still had extensive powers.
- The extension of system of communal electorates promoted separatist tendencies which results in partition of India.
- The Act provided a rigid constitution with no possibility of ~~no~~ internal growth. Right of amendment was reserved with British parliament.

→ Causes :-

- To incorporate recommendations of Simon Commission. (1920)
- Impact of Civil disobedience Movement or Salt Satyagraha launched by Gandhi (1930).
- following the recommendations of three Round table Conference (1930, 1931, 1932)
- To incorporate the provisions of Gandhi - Irwin pact.
- To incorporate the provisions of Poona pact b/w Gandhi & Ambedkar.

⇒ Indian Independence Act, 1947 :-

→ Causes :

- World War II & British indulgence in it which weakened Britain economically.
- Role of INA outside India as well as in India.
- Cripps Proposal, 1942
- Quit India Movement launched by Gandhi in 1942.
- Cabinet Mission plan 1946, which provided for making of Constituent Assembly.
- Revolt in Indian Navy & Indian Army against Britishers.

⇒ Provisions :

- Ended British rule in India & declared India as an independent & sovereign state from 15th August, 1947.
- Act provided for creation of two independent dominions - India & Pakistan.
- Abolish post of Secretary of State of India.
- The Governor General & provincial governors to act as Constitution Heads.
- It discontinued the appointment to civil services & reservation of posts by Secretary of State of India.
- It empowered the Constituent Assemblies of the two dominions to frame & adopt any constitution for their respective nations & to repeal any act of the British Parliament, including the Independence Act itself.
- Crown ceased to be the source of authority.
- Dominion status was given.

* Lord Mountbatten — Last British Governor General of India /
First Governor-General of India

* C. Rajagopalachari — Last Governor General of India /
First Indian Governor-General

→ Shortcomings / Criticism:

- Got independence but divided into two nations.
- India independence was much delayed.
- For princely states, the prov. was made that they were free to join the Dominion of India or Pakistan or remain independent.

Making of Constitution

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- Idea of Constituent Assembly for India was put forward for first time by M.N. Roy in 1934.
- In 1935, INC, for first time, officially demanded a Constituent assembly to frame the Constitution of India.
- Demand was accepted in principle by British Govt. in what is known as "August offer" of 1940.
- In 1942, Sir Stafford Cripps, a member of cabinet, came to India with draft proposal of British Govt. on framing of an independent Constitution to be adopted after the World War II.
- Cripps proposal was rejected by the Muslim League.

→ Composition of the Constituent Assembly:

- CA was constituted in Nov. 1946 under the scheme formulated by the Cabinet Mission Plan.
- Each province & princely state were given representation in CA in proportion of their respective population. Roughly, one seat was to be allotted for every one million population.
- Total Strength — 389
 - 296
 - 210 (General)
 - 78 (Muslims)
 - 4 (Sikhs)
 - 4 (Chief Commissioner Provinces)
 - 93 (Princely states)

- The method of election was proportional representation by means of single transferable vote.
- In provinces the members were to be elected by members of Legislative Assembly.
- In princely states method of selection was on the basis of nomination/consultation.

- First meeting of CA was held on 9th Dec. 1946 which was boycotted by the Muslim League.
 - Dr. Sachchidanand Sinha, temporary President.
 - Later, Dr. Rajendra Prasad & H.C. Mukherjee was elected as President & Vice-President respectively.
 - B.N. Rau was appointed as the Constitutional / Legal adviser.
- On 26th July, 1947, a separate CA for Pakistan was created.
- The CA of Dominion of India (ex. Pak.) met for first time on 14th August, 1947.
- On 29th August, 1947, the CA appointed drafting Committee under the Chairmanship of "Dr. B.R. Ambedkar".
- Dr. B.R. introduced final draft of Const. on Nov. 4, 1948 (First Reading)
Second Reading (Clause by clause) on Nov. 15, 1948.
Third Reading started on 14th Nov. 1949.
- Constitution of India was declared passed on 26th Nov. 1949.
284 members out of 299 signed over it then after it was signed by President of CA Dr. Rajendra Prasad.
- The Constitution as adopted on Nov. 26, 1949 contained a Preamble, 395 Articles & 8 Schedules.
- Provisions like Parliament, Election, Citizenship were implemented w.e.f. same date i.e. Nov. 26, 1949.
- Remaining on 26th Jan. 1950. This day was chosen because Purna Swaraj (Date of Commencement of Const.) was celebrated on same day in 1930, following the resolution of Lahore Session (1929).

Salient features of the Constitution

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→ Important Amendments are 7th, 42nd, 44th, 73rd & 74th Constitution Amendment Act.

→ 42nd Const. Amendment Act (1976) Known as Mini Constitution.

→ Features :

- Lengthiest Written Constitution
- Drawn from Various Sources
- Mixup of Rigidity & Flexibility
- Federal cum Unitary System
- Parliamentary form of Govt.
- Synthesis of Parliamentary Sovereignty & Judicial Supremacy
- Integrated & Independent Judiciary
- Fundamental Rights
- ————— Duties
- Directive Principles of State Policy
- Secular state
- Single citizenship
- Universal Adult Franchise
- Independent Bodies
- Emergency Provisions
- Three-tier Government

→ Important Sources of Indian Constitution :-

- Govt. of India Act :
 - Federal Structure
 - Centre-State Relations
 - Administrative Setup [Office of Governor]
 - Public Service Commissions
- Constitution of USA :
 - Fundamental Rights
 - Judicial Review
 - Preamble
 - Impeachment of President, removal of SC & HC Judges.
- Constitution of UK :
 - Parliamentary Model
 - Cabinet system
 - Unit Jurisdiction
- Constitution of Ireland :
 - DPSP
 - Elected President
- Constitution of Canada :
 - Residuary Powers
 - MP & MLA's Privileges
- Constitution of USSR : Fundamental Duties
- Constitution of Australia :
 - Concurrent List
 - Joint Sitting of Parliament
- Constitution of Germany : Emergency Provisions
- Constitution of South Africa : Procedure of Constitutional Amendment

PREAMBLE

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- It refers to introduction or preface to the Constitution.
- Preamble to Indian Constitution is based on 'Objective Resolution' drafted & moved by Pandit Nehru.
- It has been amended by 42nd Const. Amd. Act, 1976 which added three new words - Socialist, Secular & Integrity.
- Preamble is part of the Constitution & therefore it can be amended. [Kesavanand Bharti Case (1973)]
- SC said if there is any difficulty in the interpretation of Constitution, it can be interpreted in the light of Preamble.
- Key Words in the Preamble :

- Sovereign - It implies that India is neither a dependency nor a dominion of any other nation, but a independent state.

[Recently in news]

- Socialist - It means aim of Const. is to bring about socialistic pattern of the society. India follow 'democratic socialism' which holds faith in mixed economy.
- Secular - It means all religions in our country have same status & support from the state.
- Democratic - Two types - Direct & indirect. In direct democracy people exercise their supreme power directly. four devices of direct democracy - Referendum, Initiative, Recall & Plebiscite. In indirect democracy representatives elected by people exercise the Supreme power.

- Republic - The head of State i.e. President is elected and not the hereditary.
- Justice - Preamble makes Social, economic & Political Justice as one of the goals of Constitution. Social Justice means equal treatment of all citizens without any discrimination. Economic Justice means basic needs of people must be fulfilled & there shall be equality of Opportunity. Political Justice includes Right to Vote, contest Election & hold Public office etc.
- Liberty - Preamble reflects wider liberty of thought, expression, belief, faith & worship.
- Equality - It means absence of special privileges to any section & provision of adequate opportunities for all individuals without any discrimination.
- Fraternity - It means sense of brotherhood.

Article 1(1) : India, that is Bharat shall be a Union of States.

Article 1(2) : The State & its territory shall be as specified in first Schedule.

Article 1(3) : The territory of India shall comprise -

- Territory of States;
- Union Territories specified in first Schedule;
- Such other territories as may be acquired.

* Reason why 'Union of States' preferred to 'federation of States':

- Indian Federation is not the result of an agreement among the states like US Federation.
- The States have no rights to secede from the federation.

* 'Territory of India' is wider expression than 'Union of India' because latter includes only states & former includes States + UT + Territories acquired by GOI.

Article 2 : Parliament may by law admit into the Union or establish New States on such terms & conditions, as it thinks fit.

Article 3 : Parliament may by law -

- Form a New State by Separation of territory from any State or by uniting two or more States or parts of State or by uniting any territory to a part of any State;
- Increase the area of any State;

- Diminish the area of any State ;
- Alter the boundaries of any State ;
- Alter the name of any State.

→ Procedure related to creation of New State or make changes in Area, Boundary or name :

- Prior permission of President is required to introduce bill in either house.
- Before giving assent & recommendation President shall refer the matter to the Concern State Legislature for its opinion.
- The State Legislature is required to give his opinion within stipulated time limit or any extended time limit.
- If State Legislature doesn't provide its view within the time limit or give contrary views after expiry of time limit, bill may be introduced in either house.
- Parliament is not bound to act in accordance with the opinion of State Legislature.
- To get this bill passed in Parliament, simple majority is required.

* No reference in case of UT.

* Territorial integrity or continued existence of any State is not guaranteed by the Constitution.

Article 4 : According to Art 4 such a bill itself contains the provisions for amendment of Schedule 1 & 4 and for this no separate Constitutional Amendment under Art. 368 required.

* First linguistic State ' Andhra '

Article 11 : Empower Parliament to make law regarding citizenship.

⇒ Citizenship Act, 1955 (Further amended in 1986, 2003 & 2005) :-

→ Person may get Indian Citizenship in following ways:

(i) By Birth : Child born before 1st July, 1987 & child born after 1st July, 1987 but either of parents is citizen of India at time of his birth.

(ii) By Descent : Person born outside territory of India can apply if at the time of birth either of the parents is a Citizen of India.

(iii) By Registration :

- A person of Indian Origin who is ordinarily resident in India for 7 years before making application.
- A person of Indian origin who is ordinarily resident in any country.
- A person who is married to a citizen of India.
- Minor children of persons who are citizens of India.
- Ordinarily resident -
 - Resided in India throughout the period of 12 months immediately before making application; and

(iv) By Naturalisation :

- He/she must belong to country where similar provision is given for Indian Citizen.
- Either resided in India & been in service of Govt, throughout the period of 12 months immediately preceding the application.
- He can apply for it only after 11 years of lawful residence in India preceding to 12 months residence.
- He must bear good moral character.
- Working knowledge of Indian language is essential.

(v) By incorporation of territory :

→ Loss of Citizenship :-

(i) By Renunciation (Voluntary Surrender)

(ii) By Termination (On getting other countries citizenship)

(iii) By Deprivation (Termination in case of fraud, misrepresentation)

⇒ Dual-Citizenship : Two limitations -

(i) No Right to Vote.

(ii) Can't hold any Constitutional post in India.

Fundamental Rights

[Part - III, Article 12 - 35]

- Part III of Constitution is described as the "Magna Carta of India."
- Part III is also called 'The Corner Stone of the Constitution' & together with Part IV (DPSP) constitute 'The Conscience of the Constitution'.
- They aim at establishing 'a government of laws & not of men.'
- They are fundamental because they are guaranteed & protected by the Constitution, which is fundamental law of land.
- They are fundamental also in the sense that they are most essential for all-round development of the individuals.

→ Article 12 : Definition of 'State' -

- In this part unless the context otherwise mentioned, the term 'State' includes -

- (a) Govt. & Parliament of India;
- (b) Govt. & Legislature of State;
- (c) All local & other authorities -

- (i) Within the territory of India, or
- (ii) Under the Control of GOI.

→ Article 13 : Law inconsistent with Fundamental Rights

- It declares that all laws that are inconsistent with or derogation of any of the fundamental rights shall be void.

- Ambit of law :

- Permanent law enacted by Parliament or State legislature.
- Temporary law like ordinance issued by Pres. or Governor.
- Order, By-laws, rule, regulation or notification.
- Non-legislative sources of law i.e. custom & its usage having the force of law.

⇒ Right to Equality (Article 14-18)

→ Equality before law & equal Protection of law (Article 14)

- The State shall not deny to any person equality before law & equal protection of law.
- Person includes citizens & foreigners as well as legal persons.

Equality before law



- British Origin
- Negative Concept
- It prohibits special treatment.
- It is one of the aspects of 'Rule of law' by Prof. Dicey.

Equal Protection of law



- U.S. Origin
- Positive Concept
- It allows special treatments.
- It means Equality of treatment under equal circumstances.
- It permits reasonable classification of persons, objects & transactions by the law.

— Rule of Law :

- No man can be punished except for breach of law.
- Everyone is equal before law.
- Constitution is result of rights of individuals rather than Constitution being the source of individual rights.

* First & Second element are applicable to Indian System.

* SC held 'Rule of law' is basic feature & cannot be amended.

— Exception :

- Resident & Governors (Article 361)
- Foreign Diplomats i.e. UNO etc.
- Article 31-C. It provides the laws made by state for implementing DPSP contained in clause (b) & (c) of Art. 39 cannot be challenged.

→ Article 15 : Prohibition of Discrimination on Certain Grounds

It provides that ^{No citizen} ~~State~~ shall ~~not~~ on the grounds of only of Religion, Race, Caste, Sex or place of birth, subject to any disability, liability, restriction or condition with regard to -

- Access shops, public restaurants, hotels & place of public entertainment.
- The use of well, tanks, bathing ghats, roads & place of public resort maintained wholly or partly by State fund.

Exception -

- Special favour for SC's, ST's & other weaker sections allowed.
- Special favour ~~for~~ can be given to women & childrens.

Article 16 : Equality of Opportunity in Public Employment

No citizen can be discriminated against or be ineligible for any employment or office under State on grounds of only Religion, Race, Caste, Sex, descent, place of birth or residence.

Exception -

- Parliament can prescribe residence as a condition for certain employment in State or UT or local authority.
- Special favours can be given to SC's, ST's & other weaker sections.
- Religion can be ground for discrimination in special cases.
[Ex: Appointment of Imams in Madrasas.]

→ Article 17 : Abolition of Untouchability

- Art. 17 abolishes Untouchability & forbids its practice in any form.
- Following acts are offensive as per Protection of Civil Rights Act, 1955 -
 - Preventing any person from entering any place of public worship.
 - Denying access to any shop, hotel or places of public entertainment.
 - Refusing to admit persons in hospitals, educational institution or hostels established for public benefit.
 - Insulting a person belonging to SC on ground of Untouchability.
 - Reaching Untouchability directly or indirectly.
 - Refusing to sell goods or render services.

- Punishment -

- Imprisonment upto 6 months or fine upto ₹ 500 or both.
- Convicted person is disqualified for contesting election to Parliament or State Legislature.

→ Abolition of Titles [Article 18] :- ~~four~~ Provisions are as follows

- It prohibits State from conferring any title except a military or academic.
- Prohibits a citizen of India from accepting any title from any foreign State.
- No foreigner working under State can receive any title from any foreign State with consent of President of India.
- Bharat Ratna, Padma Vibhushan, Padma Sri such awards do not amount to 'titles' as theory of equality does not mandate that merit should not be recognised.

⇒ Right to freedom [Article 19-22]

→ Freedom of Speech etc. [Article 19] :- Originally there were seven rights from Article 19(1) (a) to (g) however Article 19(1) (f) [***V. Imp.] i.e. Right to acquire property was abolished and now become legal right. Six rights are :

(a) Right to freedom of speech & expression.

(b) Right to assemble peacefully & without arms.

(c) Right to form associations or unions or Co-operative Societies.

[Added by 97th Amd. Act, 2011]

(d) Right to move freely throughout the territory of India.

(e) Right to reside & settle in any part of the territory of India.

(f) Right to acquire Property [Abolished by 44th Amd. Act, 1978]

(g) Right to practice any profession or to carry on any occupation, trade or business.

— Right to freedom of Speech & expression : [V. Imp. *** along with Sect. 66A of I.T. Act]

- Every citizen has the right to express his views, opinions, belief & convictions freely by word of mouth, writing, printing, picturing or in any other manner.

- Reasonable restrictions on ground of Sovereignty & integrity of India, Security of State, friendly relations with foreign states, public order, decency or morality, contempt of Court, defamation, incitement to an offence.

— Freedom of Assembly : It includes right to hold public meetings, demonstrations & take out processions.

- The right ^{not} does include the right to strike.

- Restrictions on ground of public order and Sovereignty & integrity of India, including the maintenance of traffic in the area concerned.

- Freedom of Association : It includes the right to form political parties, clubs, Companies, partnership firms, Societies, trade Unions or any body of persons.

- Reasonable restriction on grounds of Public order, morality and Sovereignty & integrity of India.
- SC held that the trade Unions have no guaranteed right to effective bargaining or right to strike or declare lock-out.

- Freedom of Movement and Freedom of Residence :

- Restriction on the grounds of interests of general public & interest of any scheduled tribe.
- Free of Movement have two dimensions (Internal - inside the country & External - Move outside country & come back to country), first dimension is covered under Article 19, second under Article 21.

- Freedom of Profession etc. :

- Restriction on right in interest of general public.
- Prescribe professional or technical qualification necessary.
- It does not include right to carry on a profession or business that immoral or dangerous.

→ Protection in respect of Conviction for Offences : Art. 20 grants protection against arbitrary & excessive punishment to an accused person, whether citizen or foreigner or legal person. It contains three provisions -

- No ex-post-facto law : It means retrospective criminal legislation. Under this rule no person can be punished with retrospective effect.

- This limitation is imposed only on criminal cases not civil laws or tax laws.
- Immunity cannot be claimed in case of preventive detention.

- No Double Jeopardy: No person shall be prosecuted & punished for the same offence more than once.

- It is available only in proceedings before court of law or a judicial tribunal.

- No self-incrimination: No person accused of any offence shall be compelled to be witness against himself.

- It extends only to criminal proceeding & not to civil proceedings.

→ Protection of life & Personal Liberty [Article 21]: - No person shall be deprived of his life or personal liberty except according to procedure established by law.

- In case of 'Menaka (1978)' SC held that the protection under Art. 21 should be available not only against arbitrary executive action but also against arbitrary legislative action.
- The court held that 'right to life' as embodied in Art. 21 is not merely confined to animal existence or survival but it includes within its ambit the right to live with human dignity & all those aspects of life which go to make a man's life meaningful, complete & worth living.
- Following rights included in Article 21 -

- Right to Health [** V. Imp.]
 - Right to Shelter [** V. Imp.]
 - Right to Privacy
 - Right to decent environment
 - Right to livelihood
 - Right to Information [* Imp.]
-]- Recently in News

→ Right to Education [Article 21A] :-

- The State shall provide free & compulsory education to all children of the age of 6-14 years in such a manner as the State may determine.
- It made elementary education fund. Right.
- ~~Before~~
- Added by 86th Const. Amendment Act, 2002.
- Before this amendment, Constitution contained a provision for free & compulsory education for children under Article 45 of Part IV. However, it was not enforceable by the courts.
- In pursuance of Article 21A, Parliament enacted the Right to Children to Free & Compulsory Education Act, 2009.

→ Protection against Arrest & Detention [Article 22] :-

Ordinary Arrest



- Right to be informed of the grounds of arrest.
- Right to consult & be defended by a legal practitioner.
- Right to be produced before a magistrate within 24 hours (excluding Journey time)
- Right to be released after 24 hours unless the magistrate authorises further detention.
- Not available to an alien or person arrested under preventive detention.

Preventive Detention



- Detention can't exceed 3 months unless an advisory board reports sufficient cause for extended detention.
- Grounds of detention should be communicated to the detenu.
- Detenu should be afforded an opportunity to make a representation against the detention order.

⇒ Right Against Exploitation [Article 23-24]

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→ Prohibition of Traffic in human being & forced labour [Article 23]:

- This right available to both citizens & non-citizens against the State as well as against private persons.
- 'Traffic in human beings include -
 - Selling & buying of men, women & children like goods;
 - Immoral traffic & children, including prostitution.
 - Devadasis
 - Slavery
- This Article prohibits 'forced labour'. forced labour includes:
 - Compelling a person to work against his will.
 - No remuneration for work done.
 - Remuneration less than minimum wages prescribed by the govt.
 - Bonded labour System (Abolition) Act, 1976, The Minimum Wages Act, 1948, Contract Labour Act, 1970 are action taken by govt. to prohibit forced labour.
- Article 23 exempts State to impose compulsory service for public services.

→ Prohibition of employment of children in factories etc. [Article 24]:

- It prohibits the employment of children below the age of 14 years in any factory, mine or other hazardous activities.
- It does not prohibits their employment in any harmless work. However, ~~State~~ Government puts total ban on child labour.

⇒ Right to Freedom of Religion [Article 25-28] :-

→ Freedom of Conscience & free Profession, Practice & Propagation of Religion [Article 25] : [V. Imp*** Related to Ghar Wapsi]

- The implication of right is -

- Freedom of Conscience
- Right to profess
- Right to Practice
- Right to Propagate

- Subject to public order, morality, health & other provisions relating to fund. Rights. Further, the State is permitted to -

- Regulate or restrict any economic, financial, political or other secular activity associated with religious practice; and
- Provide for social welfare & reform or throw open Hindu religious institutions of a public character to all classes & sections of Hindus.

→ Freedom to Manage Religious Affairs [Article 26] : Every religion denomination or any of its section shall have following rights -

- Right to establish & maintain institutions for religious & charitable purposes.
- Right to manage its own affairs in matters of religion.
- To own & acquire movable & immovable property.
- Manage such property in accordance with law.

→ Freedom for Taxation for Promotion of a Religion [Article 27] : No person shall be compelled to pay any taxes for the promotion or maintenance of any particular religion or religious denomination. This provision prohibits State from favouring, patronising & supporting one religion over other. This provision prohibits only levy of tax & not a fee.

→ Freedom from Attending Religious Instruction [Article 28]: According to Article 28, educational institutions are classified into four categories:

(i) Institutions wholly maintained by the State.

(ii) Institutions recognized by the State.

(iii) Institutions receiving aid from ~~State~~ State.

(iv) Administered by state established under any endowment or trust.

- In (i) religious instruction is completely prohibited, while in (ii) & (iii) religious instruction is permitted on voluntary basis. In (iv) religious instruction is permitted.

⇒ Cultural & Educational Rights [Article 29 & 30]

→ Protecting of Interests of Minorities [Article 29]:

- Any section of citizens residing in any part of India, having a distinct language, script or culture of its own, shall have right to conserve the same.
- No citizen shall be denied admission into any edu. institution maintained by state on grounds of religion, race, caste or language.
- It protects both religious as well as linguistic minorities.

→ Right of Minorities to Establish & Administer Edu. Institutions [Article 30]: All minorities shall have this right. The compensation amt. fixed by State for compulsory acquisition of any property of a minority edu. institution shall not restrict the right guaranteed to them. In granting aid, the State shall not discriminate against any edu. institution managed by minority.

⇒ Right to Constitutional Remedies [Article 32] :- (32)

→ SC has ruled that Art. 32 is a basic feature of Constitution. It contains following four provisions :

- Right to move to SC by appropriate way for enforcement of F.R.
- SC shall have power to issue directions or writs for enforcement of any of the F.R.
- Parliament can empower any court to issue directions, orders & writs of all kinds.
- Right to move to SC shall not be suspended except as otherwise provided by the Constitution.

→ Types of Writs -

- Habeas Corpus : It means "to have the body," means to be produced before the court physically or bodily. This writ issued to protect personal liberty of individual as give in Art. 21 from illegal detention. This writ is issued against the State as well as private individual.
- Mandamus : It literally means "we command." This writ is issued against Public official, public body, corporation, inferior court, tribunal or government asking them to perform their official duties. However it cannot be issued against Private Individual or body, President and Governor, Chief Justice of High Court.
- Prohibition : It means "to forbid." It is issued by higher court to lower court or tribunal to prohibit sub-ordinate courts from initiating or continuing proceeding in any particular case. Not available against administrative authorities, legislative bodies & private individuals.

- Certiorari : It means 'to be certified' or 'to be informed'. It is issued by higher court to a lower court or tribunal either to transfer a case pending or quash the order of lower courts. It is issued on the grounds of lack of jurisdiction or excess of jurisdiction.
 - Habeas Corpus : Literally means 'what is your authority'. It is issued by court to enquire into the legality of claim of a person to a public office. Writ can be issued only in case of substantive public offices not against ministerial or private office.
- Article 33 : According to this Article Parliament is empowered to restrict & modify F.R. of certain categories of armed forces.
- Article 34 : This Article empowers Parliament to identify a person or restrict his F.R. in case of Martial law is declared in any part of territory of India.
- Article 35 : According to this Article ~~it~~ is power of the Parliament & not State legislature to implement F.R. by making laws.
- Rights outside Part III :
- No tax shall be levied or collected except by authority of law [Article 265 Part XII].
 - Right to Property [Article 300-A, Part XII]
 - Trade, commerce & intercourse throughout the territory of India shall be free [Article 301 Part XIII]

Directive Principles of State Policy

[Part - IV, Article 36-51]

- ⇒ Article 36 : Definition of State. Same as Part - III.
- ⇒ Article 37 : Directive Principles are non-justiciable but fundamental in the governance of Country.
- ⇒ Article 38 : Duty of the State to secure welfare of the People.
Minimise inequalities in income, status, facilities & opportunities.
- ⇒ Article 39 : The State shall direct its policy to secure -
 - Right to adequate means of livelihood for all citizens.
 - Equitable distribution of resources of the community for the common good.
 - Prevention of concentration of wealth & means of production.
 - Equal pay for equal work for men & women.
 - Preservation of Health & strength of workers against abuse.
 - Opportunity for healthy development of children.
- ⇒ Article 39 A : Equal Justice & free legal aid to the poor.
[xxx - Added by 42nd Amend. Act, 1976]
- ⇒ Article 40 : Organisation of Village panchayats to function as units of self-government.
- ⇒ Article 41 : Right to work, to education and to public assistance in case of unemployment, sickness & disablement.
- ⇒ Article 42 : Provisions for just & humane conditions for work & maternity relief.
- ⇒ Article 43 : Promote cottage industries on an individual or co-operation in rural areas.

- ⇒ Article 43A : Participation of workers in the management of industry.
[Added by 42nd Amd. Act, 1976]
- ⇒ Article 43B : Organisation of Co-operative Society.
[Added by 42nd Amd. Act, 1976]
- ⇒ Article 44 : Uniform Civil code for citizens throughout the country.
- ⇒ ^{xxx}Article 45 : Provide early childhood care & education for all children below the age of 6 years. [Earlier it was 6-14 years, amended by 86th Amd. Act, 2002]
- ⇒ Article 46 : Promotion of educational & economic interest of SC's, ST's & other weaker section of the society.
- ⇒ Article 47 : Raise level of nutrition & standard of living & to improve public health, prohibition of consumption intoxicating drinks & drugs.
- ⇒ Article 48 : Organisation of agriculture & animal husbandry, prohibition of slaughter of cows, calves & other milk & draught cattle.
- ⇒ Article 48A : Protection & improvement of environment & safeguarding of forest & wild life. [Added by 42nd Amd. Act, 1976]
- ⇒ Article 49 : Protection of monuments, palaces & objects of national importance.
- ⇒ Article 50 : Separation of Judiciary from executive in public services of the State.
- ⇒ Article 51 : Promotion of International Peace & Security -
- Promote International peace & security.
 - Maintain just & honourable relations b/w nations.
 - Foster respect for International law & treaty obligation.
 - Encourage settlement of Int. disputes through arbitration.

Socialist Principles in DPSP : Article 38, 39, 39A, 41, 42, 43A, 45. (36)

Grandhian Principles in DPSP : Article 40, 43, 45, 46, 47, 48

Western Liberal Principles : Article 44, 45, 49, 50, 51

→ DPSP outside Part IV :-

- Claims of SC's & ST's to Services [Article 335]
- Instruction in mother tongue [Article 350-A]
- Development of Hindi Language [Article 351]

→ Original Constitution doesn't contain Fundamental Duties. They are incorporated in our Constitution on recommendation of Swaran Singh Committee Report by 42nd Const. Amd. Act, 1976.

→ In starting 10 duties (a-i), later in 2002 11th duty was added.

→ Fundamental Duties :-

- (a) Abide by Const. & respect its ideals, National Flag & Anthem.
- (b) To cherish & follow the noble ideals that inspired national struggle for freedom.
- (c) To uphold & protect Sovereignty, unity & integrity of India.
- (d) To defend the country & render national service.
- (e) To promote harmony & spirit of common brotherhood.
- (f) To value & preserve the rich heritage of Country's Culture.
- (g) To protect & improve the natural environment.
- (h) To develop scientific temper, humanism & spirit of enquiry & reform.
- (i) To safeguard public property & to abjure violence.
- (j) To strive towards excellence in all spheres.
- (k) To provide opportunity for education to his child or ward b/w age of 6-14 years. [Added by 86th C.A. Act, 2002].

→ They are non-justiciable in nature.

→ They refer to such values which have been a part of the Indian Tradition, mythology, religion & practices. They essentially contain just a codification of tasks integral to the Indian way of life.

Amendment of Constitution

(38)

→ Procedure for Amendment : [Article 368]

- Can be introduced in ~~either~~ either house of Parliament and not in State legislatures. No need of prior permission of President.
- Can be introduced by a minister or by a private member.
- The bill must be passed in each house by a Special Majority i.e. More than 50% of total membership of House & majority of $\frac{2}{3}$ of members present & voting.
- Each house must pass the bill. No provision of Joint sitting.
- If bill seeks to amend federal provisions [Note 1] of Const. it must also be ratified by the legislatures of half of states by a simple majority i.e. members present & voting.
- After duly passed by Both houses & ratified by State legislatures, the bill is presented to the President for assent.
- President must give his assent. He can neither withhold his assent nor return the bill for reconsideration.

Notes:

- Election of President & its manner.
- SC & HC.
- Power of Parliament to amend Constitution (Art. 368 itself)
- Any of lists in 7th Schedule.
- Representation of States in Parliament.
- Distribution of Legislative power b/w Union & States.

Amendment of the Constitution

(39)

→ Procedure for the Amendment of Constitution [Article 368]:

- Amendment of Constitution can be initiated only by introduction of bill for the purpose in either house of parliament and not in the State Legislature.
- It can be introduced either by a minister or by a private member & does not require prior permission of the President.
- The bill must be passed in each house by a Special Majority. [Majority of the total members of the house + $\frac{2}{3}$ of the members present & voting]
- There is no provision of Joint Sitting for the passage of the bill.
- If the bill seeks to amend the federal provisions [Notes] of the Constitution, it must also be ratified by the legislature of half of the states by a simple majority.
- After duly passed by both the houses & ratified by the State legislature, bill is presented to president for assent.
- President must give his assent. He can neither withhold his assent nor return the bill for reconsideration.

→ Types of Amendment of Constitution:

- Amendment by Simple majority of the Parliament.
- Amendment by special majority
- Amendment by special majority & ratification of half of the State Legislatures.

— Amendment by simple majority includes —

- Admission or establishment of new states.
- Formation of new states
- Citizenship - Acquisition & termination.
- Salaries & allowances of MP's

and so on.

— Amendment by Special Majority includes —

- Amendment in Fund. Rights
- Amendment in DPSP.

— Amendment by Special Majority + Ratification [Notes]

- Election of President & its manner.
- SC & HC
- Distribution of legislative power b/w Union & States.
- Representation of states in parliament
- Any of the list in 7th Schedule.
- Power of Parliament to amend the Constitution & its procedure (Art. 368 itself)

PARLIAMENTARY SYSTEM

41

- Constitution of India provides for Parliamentary form of govt., both at Centre & State. [Article 74 & 75 with parliamentary system at Centre and Article 163 & 164 in States.]
- Parliamentary Govt. is one in which executive is responsible to the legislature for its policies & acts.
- The Presidential system of Govt., in which the executive is not responsible to legislature for its policies & acts.
- Parliamentary Govt. also known as 'Responsible Govt.', 'Cabinet System'
 - ↓
As cabinet is accountable to Parliament & stays in office so long as it enjoys confidence
 - ↓
Because Cabinet is nucleus of power in Par. System.

→ Features of Parliamentary Government :

- Nominal & Real Executive : President is nominal Executive & PM is real executive. PM is head of Government & President head of State.
- Majority Party Rule : President appoints leader of majority winning party as PM. When no single party gets majority, a coalition of parties may be invited by President, to form the Govt.
- Collective Responsibility : Ministers are collectively responsible to the Parliament in general & LS in particular (Article 75).

- Political Homogeneity : Members are of same party in Council of Ministers, hence they share same ideology.
- Double Membership : Minister & member of parliament. To become minister need to be member.
- Leadership of Prime Minister : He is leader of Council of Minis, Leader of Parliament & leader of party in power.
- Dissolution of Lower House : President can dissolve the Parliament on recommendation of PM.

→ Reasons for Adopting Parliamentary System :

- Familiarity with the System
- Preference to more responsibility
- Need to avoid Legislative-Executive conflicts
- Nature of Indian Society.

Merits

- Harmony b/w legislature & Executive
- Responsible Government
- Prevents despotism (ताजशाही)
- Wide Representation

Demerits

- Unstable Government
- No continuity of policies
- Against separation of powers.
- Govt. by amateurs.

Federal System

→ Federal features of the Constitution :-

- Dual Government i.e. Union at Centre & States at periphery.
- Written Constitution
- Division of powers b/w Centre & States i.e. Union list, State list & Concurrent list.
- Supremacy of Constitution i.e. Constitution is supreme or highest law.
- Rigid Constitution i.e. cannot be amended easily.
- Independent Judiciary.
- Bicameralism i.e. Upper House & Lower House. Upper House represents the States & Lower House represents the people of India as a whole.

→ Unitary features of the Constitution :-

- Single Citizenship
- Single Constitution for both Union & States
- Strong Centre :
 - More subjects in Union list
 - More important subject included in Union list
 - Residuary power left with Centre.
- Flexible Constitution
- Emergency Provisions
- Integrated Judiciary
- Appointment of Governor by ~~State~~ Centre.
- Power of Parliament to create All India Services.
- Parliament power to make laws on State-list subject.
[Article 249, 252, 253, 352 & 356]
- Power of Governor to reserve the Bill passed by State legislature for the consideration of President i.e. Veto power

Emergency Provisions

(44)

Part - XVIII

Article 352 - 360

→ Rationale behind the incorporation of these provisions in Constitution is to safeguard the Sovereignty, Unity, integrity & security of the Country.

⇒ National Emergency (Article 352):-

→ Grounds of Declaration :

- President can declare a national emergency due to external aggression or war or armed rebellion. [Added by 44th Amd. Act, 1978]
- National emergency declared on the ground of war or external aggression, it is called external emergency.
- When declared on ground of armed rebellion, it is known as internal emergency.
- Proclamation of national emergency may be applicable to entire country or only a part of it. [42nd Amd. Act, 1976]
- President can proclaim a national emergency only after receiving a written recommendation from cabinet.
- As per Minerva Mills case (1980), proclamation of National emergency can be challenged in court on the ground of malafide or that the declaration was based on irrelevant facts.
- Proclamation of Emergency must be approved by both the houses of parliament within one month from date of issue.
- If proclamation is issued at time of dissolution of LS or dissolution takes place during period of 1 month, then the proclamation survives until 30 days from the first sitting of LS after its reconstitution provided RS has in the meantime approved it.

- If approved by both the houses the emergency continues for six months, and can be extended to an indefinite period with approval of Parliament for every six months.
- Resolution approving proclamation must be passed by either House by a special majority i.e. Majority of Total Membership and $\frac{2}{3}$ of members present & voting.

→ Revocation of Proclamation:

- It may be revoked by President at any time by a subsequent proclamation.
- If $\frac{1}{10}^{\text{th}}$ of members of the LS given a written notice to the Speaker (or President if house not in Session), a special sitting of House should be held within 14 days for the purpose of considering a resolution ~~the~~ disapproving proclamation. It needs simple majority.

→ Effect of National Emergency:

(i) Effect on Centre-State Relations -

- Not only to State where N.E. is in operation but also to any other State -
- Executive - During national emergency, the Centre becomes entitled to give executive directions to State on 'any' matter.
 - Legislative - During emerg. the Parliament becomes empowered to make laws on any subject mentioned in State list. However, legislative power of State legislature is not suspended. The laws made by Parliament on state subjects during N.E. become inoperative six (6) months after emergency ceases to operate.
 - Financial - President can modify constitutional distribution of revenue b/w Centre & States. Such modification continues till end of the F.Y. in which the emergency ceases to operate.

(ii) Effect on life of LS & State Assembly -

- Life of LS may be extended beyond 5 years by a law of parliament for one year at a time (for any length of time).
- This extension cannot continue beyond a period of six months after emergency ceased to operate.
- Same provision for state assembly i.e. 1 year & 6 months after ceasing.

(iii) Effect on fundamental Rights -

- Suspension of fundamental Rights Under Article 19 (Article 358)
- Suspension of other fundamental Rights except Art. 20 & 21 [Article 359]

* Article 358 suspends F.R. under Article 19 only in case of war or external aggression not on ground of armed rebellion.

* Under 359, F.R. are not suspended only enforcement suspended. Not all rights but only those which are mentioned in the proclamation order for period mentioned in order.

⇒ President Rule [Article 356] :-

→ It is also known as 'State Emergency' or 'Constitutional Emergency'.

→ President Rule can be proclaimed under Article 356 on two grounds :

- Article 356 empowers President to issue proclamation, if he is satisfied that a situation has arisen in which State Govt. cannot be carried in accordance with provisions of the Constitution. [With or without Governor's Report]
- Article 365 says that whenever a state fails to comply with or to give effect to any directions of Centre, it will be lawful for the President to hold the situation has arisen for President rule.

→ Proclamation must be approved by both houses within 2 months from date of its issue.

→ If approved by both the houses, President Rule continues for 6 months. It can be extended for a maximum period of 3 years.

→ Approval passed by simple majority.

→ Beyond one year, President Rule can be extended by 6 months at a time only when the following two conditions are fulfilled :

- Proclamation of National Emergency should be in operation in the whole of India or whole or any part of State ; and

- General elections of L.A. cannot be held on account of difficulties.

→ A proclamation of President Rule may be revoked by President anytime.

→ Consequences of President's Rule -

- President can take up the functions of the state govt. and powers vested in governor.
- President can declare that the powers of state legislature are to be exercised by the Parliament.
- He can take all other necessary steps including the suspension of the const. prov. relating to any body or authority in state.

During
Suspension
of State
Legislature

• President can promulgate, when Parliament is not in session, ordinances for governance of state.

• Parliament can delegate the power to make laws for state to President or any other authority specified by him.

→ Law made by Parliament or President or any other specified authority continues to be operative even after President Rule.

This means that the period for which such law remains is not co-terminous with duration of proclamation. But it can be repealed or altered or re-enacted by the State Legislature.

→ President Proclamation imposing President's Rule is subject to Judicial Review.

⇒ Financial Emergency (Article 360) :

→ Art. 360 empowers President to proclaim fin. Emergency if he is satisfied that situation has arisen due to which financial stability or credit of India is threatened.

→ Proclamation must be approved by both the houses within 2 months.

→ There is no maximum period prescribed for its operation.

→ Repeated parliamentary approval is not required for its continuation.

→ Resolution approving proclamation can be passed by either house by a simple majority.

→ Proclamation can be revoked by President any time.

→ It is subject to Judicial Review.

President

→ Union executive consists of President, Vice President, Prime minister, Council of ministers & AGI.

→ President is head of Indian state / Union executive.

→ Election of President :

- According to the Constitution the President of India is elected by an electoral college through proportional representation by means of single transferable vote.
- Electoral college consists of elected members of the both the houses of Parliament + elected members of the legislative assemblies of the states + elected members of legislative assemblies of UT of Delhi & Puducherry.
- Since the President represents the entire nation, in this election, in order to maintain a balance b/w the centre & the state within Indian federal system. Value of Vote is calculated as following:

$$\text{Value of Vote of MLA} = \frac{\text{Total Population}}{\text{Total no. of elected members in the State legislative assembly}} \times \frac{1}{1000}$$

$$\text{Value of Vote of MP} = \frac{\text{Total Value of Votes of all MLA's of all states}}{\text{Total no. of elected members of Parliament}}$$

- In election of President, to win a candidate has to get the vote at least upto the Quota, which is calculated as -

$$\text{Quota} = \frac{\text{Total no. of Valid Votes polled}}{\text{No. of Post} + 1} + 1$$

→ Qualification :

(50)

- He must be citizen of India.
- He must have completed 35 years of age.
- He must have qualification to become member of LS.
- He must not hold any office of profit.

→ Nomination of a candidate for election of President must be subscribed by at least 50 electors & 50 as seconders. Every candidate has to make security deposit of ₹15000 in RBI. Security deposit liable to forfeited in case candidate fails to secure 1/6 of votes polled.

→ The oath of President is administered by the CJI & in his absence, the seniormost judge of SC available.

→ Conditions of President's office :

- He should not be a member of either of House of Parliament or a house of State legislature.
- He should not hold any office of profit.
- President is entitled to a number of privileges & immunities.

- He enjoys personal immunity from legal liability for his official acts.
- During his term of office, he is immune from any criminal proceeding, even respect of personal acts.
- He cannot be arrested or imprisoned.
- However after giving 2 months notice, civil proceedings can be institute against him.

→ Vacancy in office of President :

- On the expiry of his tenure of 5 years.
- By his resignation
- By his death
- On his removal by the process of impeachment.

- If office vacant by resignation, death or removal, then election to fill vacancy must be held within 6 months.
- In case of vacancy, VP acts as president & in absence of VP, CJI or senior most judge act as president.

→ Impeachment :

- President can be removed from office by a process of impeachment for 'violation of Constitution'.
- An impeachment is 'quasi-judicial' procedure in the Parliament.
- ~~Name~~ The impeachment charges can be initiated by either House of Parliament.
- These charges must be signed by not less than $\frac{1}{4}$ of the total members of the house.
- 14 days prior notice must be given to President before initiating.
- After the resolution is passed by majority of $\frac{2}{3}$ of total members of that, it is sent to the other house, which investigates the charges.
- If other house also sustains charges & passes resolution by $\frac{2}{3}$ of majority, the President stands removed.
- Nominated members of both the houses of parliament take participation in impeachment.
- Elected members + Nominated members of State legislature do not participate.

→ Powers & functions :

- Executive Powers -

- All executive actions of Govt. are formally taken in his name.
- He appoints PM & other ministers.
- He appoints AGI, CAG, Chief election Commissioner, Chairman & members of UPSC, governors of State & chairman & members of Finance Commission.
- He can seek any information relating to adm. of affairs & proposals for legislation from PM.
- He can appoint a commission to investigate into the conditions of SC's, ST's & other backward classes.
- He can appoint an inter-state council to promote Center-State & inter-state cooperation.
- He directly administers the UT through administrators appointed by him.
- He can declare any area as scheduled area & has powers with respect to the adm. of Scheduled area & tribal areas.

- Legislative Powers -

- He can summon or prorogue the Parliament & dissolve the LS.
- He can also summons joint sitting of both the houses.
- Some of bill requires prior permission of President for intro. in the Parliament - Money Bill, Bill for creation of new States.
- He can nominate 12 members to RS & 2 anglo-Indian members to LS.
- He can address the Parliament at commencement of first session after each general election & first session of each year.
- He can promulgate ordinances when Parliament not in session.
- He lays the report of CAG, UPSC, FC & Budget before the Parliament.

- Diplomatic Powers - International treaties & agreements are negotiated & concluded on behalf of President. However, they are subject to the approval of the Parliament.
- Military Powers - He is the Supreme Commander of the defence forces of India. He appoints the Chiefs of the Army, the Navy & the Air force. He can declare war or conclude peace, subject to approval of the Parliament.
- Emergency Powers - Already discussed in Chapter 16. Article 352-360.
- Judicial Powers - He can grant pardon, ~~reprieve~~, respite & remission of punishment or commute the sentence of any person, if it is given by/Under :
 - A Court martial;
 - for an offence against a Union law.
 - Death sentence.

Pardon: It means to set the offender free from sentence & the conviction or absolves him completely.

Commutation: It means substitution of one form of punishment for a lighter form. For ex. Death sentence to life time imprisonment.

Remission: It implies reducing the period of sentence without changing its character. For ex. 10 years imprisonment can be remitted to 5 years.

Respite: It means awarding a lesser punishment in place of originally awarded due to special facts. For ex. Physical disable or pregnant women.

Reprieve: It means temporary suspension of sentence especially death sentence.

- Financial Powers -

- Money bill can be introduced in the Parliament only with his prior recommendation.
- He causes to be laid before the the Parliament the annual financial statements i.e. Union Budget.
- He can make advances out the Contingency fund of India to meet any unforeseen expenditure.
- He constitutes a finance commission after every 5 years.
- No demand for grant can be made except on his recommendation.

- ~~Def~~ Ordinance Making Power [Article 123] - ^{xxx} (Recently in News)

- This article empowers the President to promulgate ordinances during the recess of Parliament.
- He can promulgate ordinances only when both the Houses of Parliament are not in session or when either house of parliament is not in session.
- He can make ordinance only when he is satisfied that the circumstances exist that render it necessary for him take immediate action.
- An ordinance can be issued only on those subjects on which Parliament can make law.
- An ordinance is subject to same constitutional limitation as an act of Parliament.
- The ordinance ceases to operate on the expiry of 6 weeks from the reassembly of Parliament.
- President can withdraw ordinance at any time on the advice of council of ministers headed by PM.

— Veto Power: When a bill is presented to the President for his assent, he has three alternatives (Article III):

- (i) Give his assent to the bill, or
- (ii) Withhold his assent to the bill, or
- (iii) He may return the bill (Except Money Bill & Const. Amd. Bill) for reconsideration of Parliament.

The object of conferring this power on President is two-fold:

- (i) To prevent hasty & ill-considered legislation by the Parliament;
- (ii) To prevent a legislation which may be unconstitutional.

Absolute Veto: If a bill is rejected by the president which is passed by the Parliament, it is called absolute veto. In this case there is death of bill. However, President can exercise absolute veto only on following types of bills:

- (i) A private members bill
- (ii) With respect to the govt. bills when cabinet resigns.
- (iii) State bill reserved by Governor for consideration of the President.

Suspensive veto: President exercise this veto when he returns a bill for reconsideration of Parliament to the originating house once. This is called Suspensive Veto. However, if the bill is passed again by the Parliament with or without amendment & again presented to the President, it is obligatory for President to give his assent to the bill. (Not in case of money bill & const. amd. Bill.)

- Pocket Veto : In this case, the President neither satisfies nor rejects nor return the bill, but simply keeps the bill pending for an indefinite period. This power of President not to take any action (either positive or negative) is called Pocket Veto. (No Pocket Veto in respect of Constitutional Amendment Bill.)

PARLIAMENTARY FORUMS

- The first Parliamentary Forum on Water Conservation & Management was constituted in the year 2005.
- At present, there are six Parliamentary Forums:
 - Forum on Water Conservation & Management
 - Forum of Youth (2006) • Forum on children (2006)
 - Forum on Population & Public Health (2006)
 - Forum on Global Warming & Climate Change (2008)
 - Forum on Disaster Mgt. (2011)
- Composition of the forums:
 - Speaker of Lok Sabha is president of all the forums except the Forum on Population & Public Health wherein the Chairman of RS is the president & the Speaker is the Co-president.
 - The Deputy Chairman, Deputy Speaker of LS, the concerned Ministers & the chairman of Departmentally Related Standing Committees are the ex-officio Vice-presidents of respective forums.
 - Maximum 31 members (excluding President & ex-officio VP) out of which 21 from LS & 10 from RS.

Vice-President [Article 63 - 71]

→ He is elected by the members of an electoral college consisting of the members of both houses of parliament.

- Includes both elected & nominated members of parliament.
- Does not include members of State legislature.
- Elected by system of proportional representation by means of single transferable vote & voting is by secret ballot.

→ Qualifications :

- He should be citizen of India.
- He should have completed 35 years of age.
- He should have qualification to become member of Rajya Sabha.
- He should not hold any office of Profit.

→ The nomination of a Candidate for election to office of VP must be subscribed by at least 20 electors as proposers & 20 electors as seconders. Every Candidate has to make security deposit of ₹ 15000 in RBI.

→ Oath of VP is administered by the President or some person appointed in that behalf by him.

→ He should not be a member of either House of Parliament or a house of the State legislature.

→ Term of office :

- VP holds office for a term of five years from date on which he enters upon his office.
- He can be removed by a resolution of Rajya Sabha by an absolute Majority (i.e. Majority of Actual Total Strength of House) & agreed by the LS (i.e. simple majority).

- No such resolution can be moved unless at least 14 days advance notice has been given.
- He may be elected for any number of terms.

→ Vacancy in office of VP :

- On the expiry of his tenure of 5 years.
- By his resignation
- On his removal
- By his death.
- Declared disqualified by SC.

→ All doubts & disputes in connection with election of the VP are inquired into & decided by the SC whose decision is final.

→ Powers & functions :

- He acts as ex-officio Chairman of Rajya Sabha. In this capacity, powers & functions are similar to those of the Speaker of LS.
- He acts as President when a vacancy occurs in office of Pres. due to his resignation, removal, death or otherwise.
- He can act as President only for a maximum period of 6 months.
- While acting as President, VP does not perform the duties of the office of the Chairman of RS.

→ Emoluments :

- Constitution has not fixed any emoluments for VP in that capacity.
- He draws his regular salary in his capacity as the ex-officio Chairman of the RS.
- When acting as President, he is entitled to salary & allowances of President.

PRIME MINISTER

[Article 74, 75, 77 & 78]

→ Article 75 : It says that the Prime Minister shall be appointed by the President.

- President has to appoint the leader of the majority party in the LS as PM.
- When no party has a clear majority in LS, then the President may exercise his personal discretion in selection & appointment.
- In such situation, President usually appoints leader of largest party or coalition in the LS as the PM & ask him to seek Vote of Confidence in the House within a month.
- There is also one more situation when president may have to exercise his judgement in selection & appointment of PM, i.e. when PM dies suddenly & there is no obvious successor.
- However, if on the death of an incumbent PM, the ruling party elects a new leader, the President has no choice but to appoint him as PM.
- A person who is not a member of either house of Parliament can be appointed as PM for 6 months, within which, he should become a member of either house of Parliament.
- PM may be a member of any of the two houses of the Parliament.
- Term of PM is not fixed & he holds office during the pleasure of the president. So long as the PM enjoys the majority support in the LS, he cannot be dismissed by the President.

→ Functions of PM :-

- He recommends person who can be appointed as ministers by the President.
- He allocates & reshuffles various portfolios among ministers.
- He can ask a minister to resign or advise President to dismiss in case of difference of opinion.
- He presides over the meeting of council of ministers & influence its decisions.
- He guides, directs, controls & coordinates activities of all the ministers.
- In case of resign or death of PM, Council of ministers dissolves automatically.
- Duty of PM to communicate to President all decisions of Com relating to administration of the affairs of Union.
- Furnish information as the President may call.
- Advise President with regard to appointment of important officials like AGI, CAG, Chairman of UPSC etc.
- He advises President with regard to summoning & proroguing of the sessions of the Parliament.
- He announces govt. policies on the floor of the house.

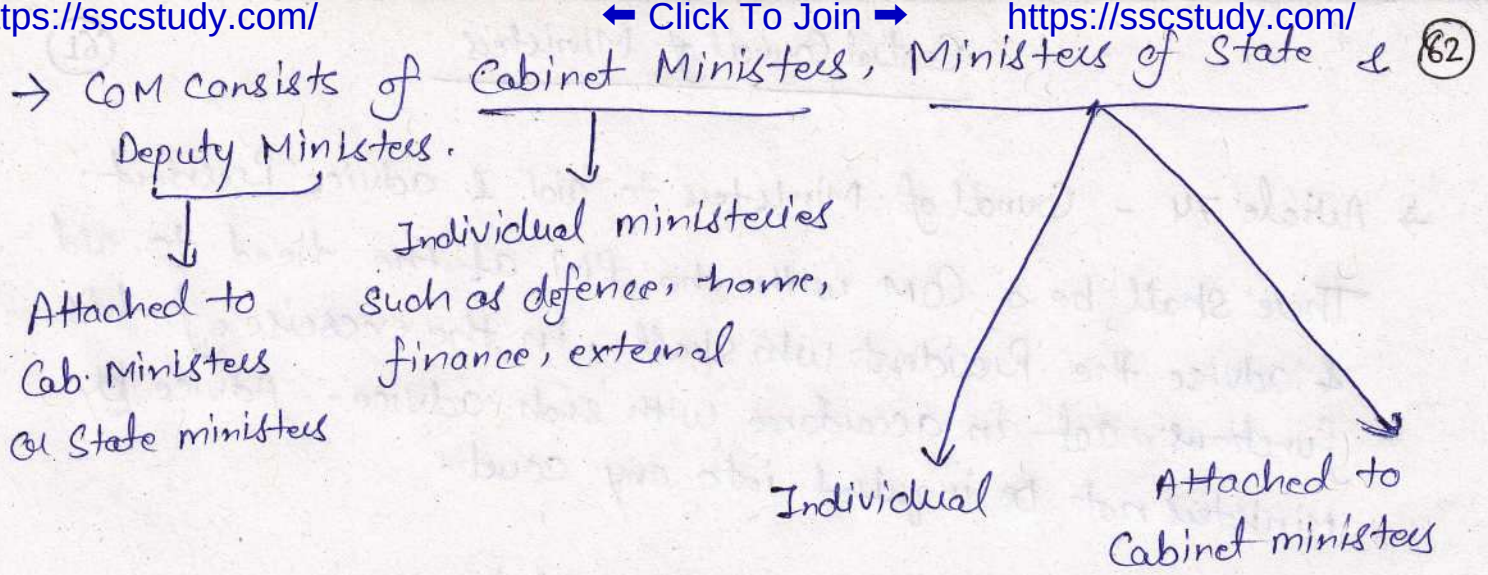
→ Constitutional duties of PM [Article 78]:

- To communicate to President all decisions of Com relating to administration & proposals of legislation.
- Furnish information relating to adm. of the affairs of the Union & legislation proposals as President may call.
- If President so requires, to submit for the consideration of the council of min. any matter on which a decision has been taken by minister but not considered by the Council.

Central Council of Ministers

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- Article 74 - Council of Ministers to aid & advise President
- There shall be a COM with the PM at the head to aid & advise the President who shall, in the exercise of his functions, act in accordance with such advice. Advice by Ministers not be inquired into any court.
- Article 75 - Other Provisions as to Ministers :
- PM shall be appointed by the Pres. & other ministers on the advice of PM.
 - The total number of ministers including PM, in COM shall not exceed 15% of the total strength of LS. [Added by 91st Amd. Act, 2003]
 - The COM shall be collectively responsible to the LS.
- Article 77 - Conduct of Business of the GOI
- Article 78 - Duties of PM [Already discussed]
- Responsibility of Ministers -
- Collective Responsibility -
 - When LS passes a no-confidence motion against the COM, all the ministers have to resign including members who are from RS.
 - COM can advise the President to dissolve the LS.
 - Individual Responsibility -
 - In case of difference of opinion or dissatisfaction with the performance of a minister, the PM can ask him to resign or advise the President to dismiss him.



→ Cabinet - Refer book [Page No. 20-5]

CABINET COMMITTEES

→ Features of Cabinet Committees:

- They are extra-constitutional, not mentioned in Const.
- Two types - Adhoc & Standing.
- Set up by the PM according to situation.
- Membership varies from 3 to 8. Include only cabinet members however non-cabinet members are not debarred from their membership.

→ Functions of Cabinet Committees:

- Political affair comm. deals with all policy matters domestic & foreign affairs. [Most Powerful]
- Economic affair Comm. directs & coordinates the Govt. activities in the economic sphere.
- Appointments Commt. decides all higher level appoint. like central Secretariat etc.
- Parliamentary Affairs Commt. looks after the progress of Govt. business in the Parliament.

* First 3 commt. chaired by PM & last one by Home Minister.

* Must read ARC recommendation on Group of Ministers [Page No. 21-3]

→ Organisation of SC :

- At present, the SC consists of 31 Judges (1 CJI & 30 other Judges).
- Originally, the strength of SC was 8 (1 CJI & 7 other Judges).

→ Appointment of Judges :

- Judges of SC are appointed by the President.
- CJI is appointed by the President after consultation with such Judges of the SC & HC as he deems necessary.
- Other judges are appointed after consultation with CJI & such other judges of SC & HC as he deems necessary.
[Consultation with CJI is obligatory in appointment of Judge other than Chief Justice.]

→ Qualification of Judges :

- He must be citizen of India.
- He should have been Judge of a HC for 5 years

or
He should have been advocate of a HC for 10 years

or
He should be distinguished jurist in opinion of President.

→ Tenure of Judges : Constitution has not fixed tenure. However, it makes following three provisions:

- He holds office until he attains the age of 65 years.
- He can resign his office by writing to the president.
- He can be removed from his office by the President on recommendation of the Parliament.

→ Removal of Judges :

- Grounds for removal - proved misbehaviour or incapacity.
- Removal motion signed by 100 members (in case of LS) or 50 members (in case of RS) is to be given to the Speaker/Chairman.
- The Speaker/Chairman may admit the motion or refuse to admit it.
- If it is admitted, Speaker is to constitute a 3-member committee to investigate the charges.
- Committee should consist of - (a) CJI or Judge of SC (b) CJ of HC & (c) distinguished jurist.
- If committee finds the judge to be guilty of misbehaviour or suffering from incapacity, the House can take up the consideration of the motion.
- After the motion is passed by each House of Parliament by special majority, an address is presented to the President for removal of the Judge.

→ Acting Chief Justice : President can appoint a judge of SC as an acting CJI when :

- office of CJI is vacant; or
- CJI is temporarily absent; or
- CJI is unable to perform the duties of his office.

→ Independence of SC :

- Mode of Appointment
- Security of tenure
- Fixed Service conditions
- Exp. charged on Consolidated Fund
- Conduct of Judges cannot be discussed
- Ban on practice after retirement
- Power to punish for its contempt
- Freedom to appoint its staff
- Separation from executive

→ Powers & Jurisdiction of SC :

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- Original Jurisdiction - All the cases of federal nature i.e.
(i) any dispute b/w Centre & state (ii) Centre & any state
or states on one side and one or more states on other,
(iii) b/w two or more states, can be settled only
in SC. No other court is allowed to hear such
cases.
- Writ Jurisdiction - The SC is empowered to issue writs
including habeas corpus, mandamus, prohibition,
quo-warranto & certiorari for the enforcement of
fund. Rights.
- Appellate Jurisdiction - A person can move to SC against
following cases -
 - Constitutional matters
 - Civil matters
 - Criminal matters
 - Special leave
- Advisory Jurisdiction - Art. 143 authorises the president
to seek opinion of SC in two categories:
 - On any question of law or fact of public
importance which has arisen or likely to arise.
 - On any dispute arising out of pre-constitutional
treaty, agreement, engagement etc.

SC may tender or may refuse to tender its
opinion to president in first case. But, in
second case, the SC "must" tender its opinion
to the president.

- Court of record - Because whatever decisions it takes in cases become record & can be cited in other similar cases.

- Judicial Review - It is power of SC to examine the constitutionality of the legislative enactments & executive orders of both the Central & State governments.

→ Supreme Court Advocates :

- Senior Advocates - They are designated as Senior advocates by the SC of India or by any HC. They are not entitled to appear without an Advocate-on record in the SC or without a junior in any court or tribunal in India.
- Advocate-on-Record - Only these advocates are entitled to file any matter or document before the SC. They can also file an appearance or act for a party in the SC.
- Other Advocates - They can appear & argue any matter on behalf of a party in SC but they are not entitled to file any document or matter before the court.

Parliament

→ Under Constitution, the Parliament of India consists of three parts viz, the President, the Council of States & the House of the People.

→ Composition of two Houses -

→ Rajya Sabha :

- Maximum Strength of RS is fixed at 250, out of which 238 are the representatives of the States & UT (Only Delhi & Puducherry) elected indirectly & 12 are nominated by President.
- Presently, strength is 245, out of which 229 represent states, 4 represents UT & 12 are nominated by President.
- Members of RS are elected by the members of Legislative Assembly of the State through proportional representation by means of single transferable vote.

→ Lok Sabha :

- Maximum Strength - 552
 - 530 (Represents State)
 - 20 (Represents UT)
 - 2 (Nominated by the President)
Anglo-Indians
- Present Strength - 545
 - 530 (Represents State)
 - 13 (Represents UT)
 - 2 (Nominated by the President)

→ Duration of two Houses -

- Rajya Sabha :

- RS is a permanent house not subject to dissolution.
- 1/3 of its members retire every 2nd Year. Their seats are filled up by fresh elections at beginning of every 3rd year.
- Retiring members are eligible for re-elections & re-nomination for any no. of times.
- The Representation of People Act, 1951 provided that the term of office of a member of RS shall be 6 years.

- Lok Sabha :

- Its normal term is 5 years from date of its first meeting after the general elections.
- The term of LS can be extended during the period of national emergency for 1 year at a time for any length of time.

However, extension cannot continue beyond 6 months after the emergency ceases to operate.

→ Qualifications of MP's :-

- He must be a citizen of India.
- He must take oath & affirmation before person authorised by EC.
- Must not be less than 30 years of age in case of RS and not less than 25 years of age in case of LS.
- He must be registered elector for a parliamentary constituency, this is same in case of both i.e. RS & LS.
- Candidate contesting election to RS from a particular state should be an elector in that particular state.

→ Disqualifications of MP :

— As per Constitution —

- if he holds any office of profit.
- if he is of Unsound mind & stands so declared by a court.
- if he is an undischarged insolvent.
- if he is not a citizen of India.

— As per Representation of People Act, 1951 —

- Must not have been found guilty of certain election offences or corrupt practices in the elections.
- He must not have been convicted for any offence resulting in imprisonment for 2 or more years.
- Must not have failed to lodge an account of his election expenses within the time.
- Must not have any interest in govt. contracts, works or services.
- Must not be director or managing agent in a corporation where the govt. has at least 25% share.
- Must not have been dismissed from govt. service for corruption.

— On grounds of Defection — A member incurs disqualification under the [Schedule Tenth] defection law :

- if he voluntarily gives up the membership of the political party on whose ticket he is elected to the house ;
 - if he votes or abstains from voting in the house contrary to any direction given by his political party ;
 - if any independently elected member joins any party ; and
 - if any nominated member joins any political party after the expiry of 6 months.
- Question of disqualification under Tenth Schedule is decided by the Chairman in case of RS and Speaker in case of LS ; decision is subject to Judicial review.

- Double membership :

- A person cannot be member of both houses of parliament at the same time.
- If a person is elected to both the houses, he must intimate within 10 days in which house he desire to serve. By default, his seat of RS becomes vacant.
- A person cannot be member of both the Parliament & the State Legislature at same time.

If person so elected, his seat in Parliament becomes vacant if he does resign his seat in state legislature within 14 days.

- Disqualification : If a member of Parliament becomes subject to any of the disqualification.

- Resignation : A member may resign his seat by writing to the Chairman of RS or Speaker of LS.

- Absence : A house can declare the seat of a member vacant if he is absent from all its meetings for a period of 60 days without its permission.

- Other case :

- Appointed as governor of a State.
- Elected to President or VP.

* Salary & allowances of MP's; Speaker of LS, Chairman of RS are charged on the Consolidated Fund & not subject to annual vote of Parliament.

→ Speaker of Lok Sabha :-

- Speaker is elected by the LS from among its members. The date of election of Speaker is fixed by the President.
- He can vacate his office in following three cases :
 - if he ceases to be member of LS;
 - if he resigns by writing to the Deputy speaker; and
 - if he is removed by a resolution passed by a majority of all the members of the LS. Such a resolution can be moved only after giving 14 days advance notice.
- ~~He holds~~ his office even after dissolution of LS till new LS is constituted. Because he heads the LS Secretariat which continues to function even after dissolution of LS.
- Role, Power & Functions : The speaker of LS derives his powers & duties from three sources i.e. the Constitution, the Rules of Procedure & Conduct of Business of LS and Parliamentary Conventions. Following are some powers & duties :
 - He decides whether a bill is money bill or not & his decision is final.
 - He presides over a joint sitting of the two houses of Parliament.
 - He does not vote in first instance. He can only vote in the case of tie. Such vote is called casting vote.
 - He adjourns the House or suspends the meeting in absence of a quorum. Minimum quorum is 1/10th of the total strength of house.
 - He appoints the chairman of all the parliamentary committees of the LS & supervises their functioning.
 - He acts as the ex-officio chairman of Indian Parliamentary Group of Inter-Parliamentary Union.
 - He decides the question of disqualification of member of LS, arising on the ground of defection. [Schedule Tenth]

- following provisions ensure the independence & impartiality of the office of Speaker :-

- He is provided with a security of tenure. He can be removed only by a resolution passed by the LS by an absolute majority. [Majority of Total members (Total - Vacant)].
- The motion of removal can be considered & discussed only when it has the support of at least 50 members.
- His salaries & allowances are fixed by Parliament & charged on Consolidated Fund of India.
- His work & conduct cannot be discussed & criticised in LS.
- His powers of regulating procedure or conducting business or maintaining order in house are not subject to Jurisdiction.

→ Deputy Speaker of Lok Sabha :-

- DS is also elected by the LS itself from amongst its members.
- The date of election is fixed by the Speaker.
- Vacate office in same cases as of Speaker ~~except~~ in writing to Speaker, ceases to be member of LS etc.
- He performs the duties of the Speaker's office when it is vacant or Speaker is absent.
- He has one special privilege i.e. whenever he is appointed as a member of a parliamentary committee, he automatically becomes its chairman.
- Like Speaker he also vote only in case of tie. (While presiding)
- Entitled to a salary & allowances which charged on the Consolidated Fund of India.

→ Speaker Pro Tem :-

- As provided in Constitution, the Speaker of the last LS vacates this office immediately before the first meeting of newly-elected Lok Sabha.
- President appoints a member of the LS as the Speaker Pro tem. Usually, the Senior most is selected for this.
- The President himself administers oath to Speaker Pro tem.
- He has all the powers of the Speaker.
- He presides over the first sitting of the newly-elected LS.
- His main duty is to administer oath to new members & he also enables the house to elect new Speaker.
- When new Speaker is elected by the house, this office ceases to exist.

→ Chairman of Rajya Sabha :-

- Presiding officer of the RS is known as the Chairman.
- Vice President of India is the ex-officio Chairman of the RS.
- Chairman of RS can be removed from his office only if he is removed from the office of the VP.
- The Power & functions are similar to the Speaker of the LS except 2 cases i.e. Deciding whether a bill is money bill or not and presiding Joint sitting.
- Unlike, the Speaker he is not member of the House. But like Speaker, he can also vote in case of tie only.
- His Salary & allowances also charged on Consolidated Fund of India & not subject to annual vote of Parliament.

→ Deputy Chairman of RS :-

- He is elected by the RS itself from amongst its members.
- Vacation of office same as Deputy Speaker of LS.
[Same 3 cases ceases to member, resign & removed by resolution]
- He can also vote only in case of tie.
- His salary & allowances also charged on the Consolidated fund of India.

→ Leader of the House : Under the rules of LS, the 'Leader of the House' means the PM, if he is a member of the LS, or a minister who is member of LS & is nominated by the PM to function as the Leader of the House. Same is the case with Rajya Sabha.

→ Leader of Opposition : In each house of Parliament, there is 'Leader of the Opposition'. The leader of the largest opposition party having not less than $\frac{1}{10}^{\text{th}}$ seats of the total strength of the House is recognised as the leader of opposition in that house. [Case of Congress in latest LS]

→ Whip : ~~Unlike~~ like above both concepts, this is also not mentioned in constitution and it is ~~mentis~~ based on the conventions of Parliamentary government.

- He is appointed by the political party to serve as an assistant floor leader.
- He is charged with responsibility of ensuring the attendance of his party members in large numbers & securing their support in favour of or against a particular issue.

⇒ Sessions of Parliament :-

→ Summoning : President from time to time summons each house to meet. But maximum gap b/w 2 sessions cannot be more than 6 months. Usually three sessions in a year -

- Budget Session (Feb. to May)
- Monsoon Session (July to Sep.)
- Winter Session (Nov. to Dec.)

* The period spanning b/w the prorogation & its reassembly of a house is called "Recess."

→ Adjournment : It suspends the work in a sitting for a specified time, which may be hour, day or weeks.

→ Adjournment Sine Die : It means terminating a sitting of Parliament for an indefinite period. In simple words, when house adjourned without naming a day for reassembly.

* Both Adjournment & Adjournment sine die is done by Presiding officer of the House.

→ Prorogation : The presiding officer declares the house adjourned sine die, when the business of a session is completed. Within the next few days, the President issues a notification for prorogation of the session.

→ Dissolution : Dissolution of LS may take place in two ways :-

- (i) Automatic dissolution on the expiry of its tenure of 5 years.
- (ii) When the President decides to dissolve the House.

— The position of lapsing of bills is as follows :-

- Bill pending in LS lapses (whether originating LS or transmitted to it by the RS.)
- Bill passed by the LS but pending in RS lapses.
- Bill pending in RS but not passed by the LS does not lapse.
- Bill passed by both houses but pending assent of the President does not lapse.
- Bill passed by both houses but returned by President for reconsideration of the Houses does not lapse.
- Bill not passed by both two houses due to disagreement & joint sitting is notified before the dissolution of LS, does not lapse.

→ Quorum : It is the minimum no. of members required to be present in the house before it can transact any business. It is $\frac{1}{10}^{\text{th}}$ of the total number of members in each house including the presiding officer. [55 in LS & 25 in RS]

→ All matters at any sitting of either or Joint sitting of both the Houses are decided by a majority of votes of the members present & voting, excluding the presiding officer.

→ Constitution declared Hindi & English to be language for transacting business in the Parliament. However, the Presiding officer can permit a member to address the House in his mother tongue.

→ Rights of Ministers & Attorney General :-

- They can participate or have the right to speak & take part in the proceedings of either house, any joint sitting of both houses & any committee of Parliament of which he is a member.
- They are not entitled to vote.
- Minister can participate in proceedings of a house, of which he is not a member.

→ Devices of Parliamentary Proceedings :-

- **Question Hour** : First hour of every parliamentary sitting is slotted for this. During this time, members ask question & ministers usually give answers. Three type of questions :
 - Starred - It requires oral answer hence supplementary question can follow.
 - Unstarred - It requires written answer.
 - Short Notice Question - It is that which is asked by giving a notice of less than 10 days. It is orally answered.
- **Zero Hour** : It is an informal device available to the members of the Parliament to raise matters without any prior notice. It starts immediately after the question hour & lasts until the agenda for day is taken up.
- **Motions** :
 - **Closure Motion** - It is a motion moved by a member to cut short the debate on matter before the house. If motion is approved debate is stopped & the matter is put to vote. Four kinds of closure motions :-

Simple Closure - It is one when member moves that the matter having been sufficiently discussed?

Closure by Compartments - Clause of bills or lengthy resolutions are grouped into parts before debate.

Kangaroo Closure - Only important clauses are taken up for debate & voting.

Guillotine Closure - It is one when undiscussed clauses of bill are also put to vote along with discussed ones.

- Privilege Motion - It is moved by a member when he feels that a minister has committed a breach of privilege of the house. Its purpose is to censure the concerned minister.
- Calling Attention Motion - It is introduced in parliament by a minister to call attendance of a minister to a matter of ^{urgent} public importance and to seek an authoritative statement from him.
- Adjournment Motion - It is introduced in the Parliament to draw attention of the house to a definite matter of urgent public importance and needs the support of 50 members to be admitted. Not permitted to RS.
- No Confidence Motion - Art. 75 says that COM responsible to the LS. It means, the LS can remove the ministry from the office by passing a no confidence motion which is supported 50 members.

*** (In News) • Motion of Thanks - Address of president ~~put~~ is discussed in both houses on 'Motion of Thanks.' At end of the discussion, it put to vote. The motion must be passed in both houses, otherwise, it amounts to defeat of govt.

- Point of Order : A member can raise a point of order when the proceedings of the house do not follow the normal rules of procedure. (79)

- Half an hour Discussion : It is meant for discussing a matter of sufficient public importance, which has been subjected to a lot of debate & answer to which needs elucidation on a matter of fact. The speaker can allot 3 days in a week for such discussion.
- Short Duration Discussion : Also known as 2 hour discussion as time allotted for such discussion should not exceed 2 hours. The speaker can allot 2 days in a week.
- Special Mention : Calling attention notice or under any rule of the house can be raised under special mention in RS.

- Resolutions : Members can move resolutions to draw attention of house or govt. to matters of general public interest. Classified into three categories -

Private Member's Resolution - It is moved by private member. It is discussed on alternate Friday & in the afternoon sitting.

Government Resolution - It is one that is moved by a minister. It can be taken up any day from Monday to Thursday.

Statutory Resolution - It can be moved either by a private member or minister. It is always tabled in pursuance of a provision in the Constitution.

→ Legislative procedure in Parliament :

- The legislative procedure is identified in both the houses of Parliament.
- Every bill has to pass through the same stages in each house.
- Bills introduced in the Parliament are of two kinds: Private Bill & Public Bill.
- Four Categories of bills -
 - Ordinary Bill
 - Money Bill (Article 110)
 - Finance Bills (Article 117)
 - Class I
 - Class II
 - Constitutional Amendment Bill [Already discussed]
- The Money Bill, Financial & Ordinary Bill under Article 3 are essentially government bill [Need President's recommendation.]
- Govt. Bill is introduced in the house by a minister whereas private bill is introduced by any member of house other than minister.

Ordinary Bills:

All the bills other than money, financial, Const. Amend. Bills are ordinary bills. An ordinary bill can be introduced in either house of the Parliament. Prez.'s prior recommendation is not necessary to introduce it. (except Art. 3)

To get ordinary bill passed only simple majority is required in both the houses. In each house bill has to go through 3 stages called as readings.

1st Reading:- It is the introduction stage in which the bill is introduced by reading it, and a copy is distributed and no discussion takes place. [Introductory Stage]

2nd Reading:- This is consideration stage in which bill is discussed clause by clause. ~~Amend~~ Amendment to the bill are proposed. All additions and deletions are made [Consideration Stage]

3rd Reading:- During this stage a brief general discussion on a final draft of bill takes place and the bill is finally placed for voting.

When the bill is passed in one house it is transferred to other house, where similar procedure is followed. If the bill is passed by both the houses, it is sent to the prez. for his assent. Prez. may give his assent or may return the bill for reconsideration by the Parliament once. After reconsideration by both the houses bill is again sent to the prez.; he can't withhold his assent to the bill.

If the bill is passed by one house and rejected by another house or other house takes no action for six months ^[from date bill introduced in that house] or other house make some amendment to the bill and sent the bill back to the originating house, which doesn't agree with those amendments, there is deadlock over the bill. Then President under Art 108 calls for the a joint sitting of the parliament to resolve the deadlock. In a joint sitting only a simple majority is required to pass the bill.

After it the bill is sent to the president and his assent is mandatory. [Can't withhold]

* Private Member ^{Bill} can be rejected by the President, but Govt. Bill either assented or sent for re-consideration once.

Money Bill:—

Money bill is defined in Art 110 of the const from (a) to (g).

Any bill that exclusively contains matters given in Art. 110 such as

i) imposition, ii) Abolition, iii) Alteration or regulation of any tax.

iv) Regulation of borrowing of money and giving guarantee by govt. of India.

v) Custody of consolidated or Contingency fund of India. Payment made in to it and withdrawal of money from it.

vi) Declaring any expenditure as 'charged' or consolidated fund of India etc, is a money bill. [Art 266]

Whether a bill is money bill or not is. Certified by Speaker, his decision is final & binding. Money bill can only originate in the Lok Sabha after prior recommendation of the president. After being passed by Lok Sabha, the money bill is transmitted to R-S which has four options:

- Pass the bill in original form
- Reject the bill
- Take ~~for~~ no action for 14 days
- Send the bill back to Lok Sabha with suggestions - amendments.

In case 'a' bill is sent to the prez for his assent.

In case of 'b' & 'c' the bill is automatically ^{at} deemed to have been passed by the R.S.

In case of 'd' Lok Sabha has the sole authority to accept or reject one or all of the recommendations. In either case bill shall be deemed as passed with/ ~~out~~ without any recommendations.

There is no provision for joint sitting of Parliament to pass a money bill. Prez. has no right to withhold his assent on money bill. Even Prez. can't send it back to the Parliament for reconsideration. Budget is a kind of money bill.

Financial Bill

Under Art 117, any bill dealing with revenue or expenditure but not certified as money bill by the Speaker is called as financial bill.

Financial bills are of two classes:

a) A bill containing any of the matter specified in Art 110 but not exclusively dealing with those matters, is called as financial bill of 1st class.

example:- A bill containing taxation clause but not exclusively dealing with taxation.

b) An ordinary bill containing provision involving expenditure from consolidated fund of India, is called as financial bill of 2nd class. It is exactly passed as Ordinary Bill.

A financial bill is as good as ordinary bill except two things.

a) Financial bill can't be introduced without prez's approval [Class I not Class II]

b) It can be introduced only in the Lok Sabha. [Class I not Class II]

Regarding its passage it is as good as ordinary bill. In fact there can be joint sitting in case of dead lock.

Constitutional Amendment Bill.

Art 368 empowers the parliament to amend the Constitution. A Bill for this can be introduced in either House of the Parliament. And there is no need for pres. prior recommendation. A CAB can be Govt. Bill / Am. Member Bill.

[No Joint Sitting] The Constitutional Amendment Bill must be Passed by each house separately with special majority mentioned in Art 368 that is

[A majority of total members of that house and $\frac{2}{3}$ rd of members present & voting.]

The joint sitting of Parliament is not possible to pass such a bill. If the bill is passed by both the houses and goes for pres. assent

→ it is obligatory for pres. to give his assent.

[L.S = Total Seat Vacant = 545 - 5 = 540 - 40 = 500 Present Absain = 200 Present & Vote = 300 $[\frac{2}{3} = 200]$ 250 Vote in Favour]

Bill not Passed as one condition fulfilled not both. [2/3 = 273] Some of the provisions of the constitution such as power of the president, his election, etc, can only be amended by a special majority in the parliament as well as the support of not less than half of the total State legislatures. [Simple Majority by State Legislatures]

Parliament is empowered to amend the Constitution, however these amendments are subjected to basic structure of the Const as said by Supreme Court in K.B. case, U/s state of Kerala case, 1973.

Joint Sitting of the Parliament:- (Art 108)

There are two occasions on which the joint sitting of the Parliament are convened.

a) For a special address by the President.

b) at the commencement of the first session after each general election to Lok Sabha, and at the commencement of the first session of each year (normally the Budget session), the pres. convenes joint sitting of the Parliament and informs the Parliament the causes of its summons. [Priority & Policies of Govt., Introductory] & followed by vote of thanks.

b) For resolving any dead lock over passage of a bill.

There are three circumstances which lead to a deadlock b/w two houses of Parliament.

i) Other than Money Bill or C.A.B., if a bill is passed by one house and transmitted to other house and:-

> The bill is rejected by other house.

> For six months, bill is not considered or passed by other house.

> Other house make some amendment to the bill and send it back to the originating house, which is not accepted by originating house.

In above mentioned three situations the Prez. calls for joint sitting of the Parliament. This joint sitting is presided over by the ① Speaker and in his absence the ② deputy of Speaker; if he too is absent then the ③ deputy chairman of R.S; if he too is absent, then any members of Parliament can preside by consensus of both the houses.

Only simple majority is required to pass the bill in joint session. Because of numerical strength of Lok Sabha it has upper hand in the joint sitting. Prez. can't withhold his assent to the bill produced before him after passed by joint sitting.

Budget in Parliament :-

- Constitution refers to the Budget as 'annual financial Statement'.
- Budget is a estimated receipt & expenditure statement of Govt in a financial year.

→ The budget contains the following :

- Estimates of Revenue & Capital receipts;
- Ways & means to raise the Revenue;
- Estimates of expenditure;
- Details of actual receipts & exp. of the closing f.y. & the reasons for any deficit or surplus.
- Economic & financial policy of the coming year.

→ Constitutional Provisions :

- President shall in respect of every f.y. cause to be laid before both the House a statement of estimated receipts & exp. of Govt.
- No demand for grant shall be made except on the recommendation of President.
- No money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law.
- No money bill imposing tax shall be introduced in the Parliament except on recommendation of President & such bill shall not be introduced in RS.
- Money bill or finance bill dealing with taxation must be introduced in LS only.
- RS has no power to vote on the demand for grants.

→ Stages in Enactment :

- (i) Presentation of budget
- (ii) General discussion
- (iii) Scrutiny by Dept. Committees
- (iv) Voting on demands for grants
- (v) Passing of appropriation bill

(vi) Passing of finance bill

(i) Presentation of Budget :-

- Presented in two parts - Railway Budget & General Budget.
- RB presented by Railway minister in LS.
- Finance Minister presents the General Budget with a speech known as Budget Speech in the LS.

(ii) General Discussion :-

- It begins a few days after presentation. It takes place in both the houses of Parliament.
- No cut motion can be moved nor can budget be submitted to the vote of the house.

(iii) Scrutiny by departmental Committees :-

- After the general discussion on budget is over, houses are adjourned for about 3-4 weeks.
- During this period, the 24 Dep. Comm. examine & discuss in detail the demand for grants of the concerned ministers & prepare report on them.

(iv) Voting on Demands for Grants :-

- In the light of reports of dep't. standing comm., the LS takes up voting of demands for grants.
- Motion to reduce any demand for grant are called 'Cut Motion', which are of 3 kinds -
 - # Policy Cut Motion - It represents the disapproval of the policy underlying the demand. It states that amount of demand be reduced to Re.1.
 - # Economy Cut Motion - It represents the economy that can be affected in the proposed expenditure. It states that the amount of the demand be reduced by a specified amt.
 - # Taken Cut Motion -

(v) Passing of Appropriation Bill :-

- No money shall be withdrawn from the Cons. fund of India except under appropriation made by law.
- It is introduced to provide for the appropriation out of CFS, all money required to meet -
 - # Grants voted by the LS.
 - # Exp. charged on the CFS.
- The App. bill becomes the App. Act after it is assented to by the President. This act authorises the payments from CFS.

(vi) Passing of Finance Bill :-

- Finance bill is introduced to give effect to the financial proposals of the Govt for the following year.
- The Finance Bill must be enacted (i.e. passed by the Parliament & assented to by President) within 75 days.

FUNDS :-

→ Consolidated Fund of India [Article 266] :

- It consists of - [
 - Revenue received by the Govt;
 - All loans raised by the Govt. by issue of treasury bills, loans.
 - All money received by the govt. in repayment of loans.
- All the legally authorised payments on the behalf of Govt are made of this fund.

→ Public Account of India [Article 266] :

- All other public money (other than which are credited to CFS) received by or on behalf of Govt shall be credited here. This includes PF deposits, judicial deposits, savings bank deposits.
- This account is operated by executive action, the payment can be made without parliamentary appropriation.

→ Contingency Fund of India [Article 267] :-

- Into Cont. Fund of India amt. determined by law are paid from time to time.
- This fund is placed at the disposal of the President & he can make advances out of it to meet unforeseen exp. pending its authorisation by the Parliament.
- Fund is held by finance secretary on behalf of President.

Multifunctional Role of Parliament :-

→ Legislative Powers & Functions :

- Primary function of Parliament is to make laws.
- Parliament has exclusive power to make laws in subjects of Union list, however in following cases it can make law on State list also:
 - When RS passes a resolution to that effect.
 - In case of National emergency.
 - In case of President Rule.
 - When 2 or more states make a joint request to Parliament.
 - When necessary to give effect to international treaties etc.

→ Executive Powers & Functions :

→ Financial Powers & Functions

→ Constituent Powers & Functions : This power is not unlimited, it is subject to 'basic structure' of constitution.

→ Judicial Powers & Functions : Impeachment & removal.

→ Electoral Powers & Functions :

Special Powers of Lok Sabha :-

- Money bill can be introduced only in LS not RS.
- RS cannot amend or reject Money, must return bill within 14 days.
- LS can either accept or reject recommendation of the RS.
- Financial Bill (Class I) can only be introduced in LS. But, with regard to its passage, both the houses have equal powers.
- Final power to decide whether a particular bill is money bill or not is vested in the Speaker of LS.
- RS cannot remove the COM.
- Resolution for the discontinuance of the National emergency can be passed only by the LS not by the RS.

Special Powers of Rajya Sabha :-

- It can authorise the Parliament to make law on a subject in the State List [Article 249].
- It can authorise Parliament to create new all India services common to both the centre & States [Article 312].
- Resolution for removal of Vice President can only be initiated in RS [Article 67].

Individual Privileges :-

- Freedom of Speech: No member is liable to any proceeding in any court for anything said within house & with the permission of the house. Two exceptions to it -
 - It must be conformity with the rules of Parliament.
 - A MP can't speak against the conduct of the Judge of SC & HC.

- Freedom from Arrest : They cannot be arrested during the Session of the Parliament and 40 days before the beginning & 40 days after the end of session. Available only in civil cases not criminal cases or preventive cases.
- Freedom from Jury Service : They can refuse to give evidence & appear as a witness in a case pending in a court when Parliament is in session.

Collective Privileges :

- It has the right to publish its reports, debate & proceedings & also the right to prohibit others from publishing the same.
- It can exclude strangers from the proceedings & held secret sittings.
- Right to regulate the external affairs of house & decide about Parliamentary business.
- It can punish members as well as outsiders for breach of its privileges or its contempt.
- The courts are prohibited to inquire into the proceeding of a House or its committees.

✓ Note : Only Imp. Committees Covered.

Parliamentary Committee :— [Chairman is of L.S.]

The legislature has to perform complex and enormous quantity of work. Due to shortage of time, in the legislature the critical work of the parliament is mostly done by the committee, appointed or elected for a specific purpose. These committees essentially belong to lok sabha and function under the speaker to whom they submit their report.

Parliamentary Committees are of two types

- i) Standing Committee
- ii) Ad-hoc Committee. [Joint Parliamentary Committee is example]

Standing Committees are permanent in nature whereas Ad-hoc committees are constituted for special purpose and they cease to exist after completion of specific work.

The examples of Standing Committees are :—

- i) PAC
- ii) Undertaking Committee
- iii) Estimate Committee
- iv) Committee on welfare of ST/SCs
- v) Business Advisory Committee
- vi) Rule Committee
- vii) Advisory Committee

Joint Parliamentary Committee is an example of Ad-hoc Committee.

Estimate Committee : ✱

- i) It consists of 30 members all from Lok Sabha
- ii) All parties in the Lok Sabha are given proportional representation in this Committee
- iii) The chairman of Committee is appointed by the Speaker from among its members. ✱
- iv) A Minister can't be a member of this Committee. If any member of this Committee is appointed by as minister he ceases to be the member of this Committee. The term of this office is one year.

Functions : -

- (a) To report on the efficiency of the Policy underline the estimate.
- (b) To examine whether the money is well laid out within the limits of the policy implied in the estimate.
- (c) To suggest the form in which the estimates are to be presented in the Parliament.

Public Accounts Committee:- ★★

It contains 22 members 15 from Lok Sabha and 07 members from Rajya Sabha elected through single transferable vote in both houses. The chairman was elected by the Speaker from among the Lok Sabha members of the Public Accounts Committee.

By convention, the Speaker appoints a member of opposition party as chairman of this Committee. A minister can't be a member of this Committee. If any member is appointed as minister, he ceases to be a member of this Committee. The term of office is one year.

Functions:-

- (a) To examine the accounts showing the appropriation granted by the Parliament; to meet the expenditure of govt. of India.
- (b) To examine the annual financial account of the govt. of India and other accounts laid before the house.
- (c) To examine the report of Comptroller and the Auditor General.

Public Undertaking Committee: **

It consists of 22 members, 15 from Lok Sabha and 07 from Rajya Sabha, elected by means of single transferable vote in both the houses. The Chairman of the Committee is appointed by the Speaker from amongst the Lok Sabha member of the Committee. A minister can't be a member of this Committee. And if any member of the Committee becomes the minister, he ceases to be the member of the Committee.

Functions:-

- (a) To examine the report & accounts of Public Sector Undertaking.
- (b) To examine the efficiency and autonomy of P.S.U.
- (c) To examine other specific subjects or matters referred to it by the house or the Speaker.

⇒ Election Commission :-

- It is independent body established by the Constitution.
- It is concerned with elections of Parliament, State Legislatures, office of President & Vice-president.
- It is ~~not~~ concerned with elections of Panchayat and municipalities in the states.

→ Composition of Election Commission :

- It consists of Chief Election Commissioner & such number of other election comm. as the president may from time to time fix.
- Appointment of Chief election comm. & other election comm. shall be made by president.
- They hold office for term of 6 years or until they attain age of 65 years, whichever is earlier.

→ Independence :

- CEC is provided with the security of tenure. He cannot be removed except in same manner & grounds as a judge of SC.
- Any other elec. comm. or regional comm. cannot be removed except on recommendation of CEC.
- Const. has not debars the retiring election comm. from any further appointments by the govt. [Flaw]

→ Powers & Functions :

- Determine the territorial areas of the electoral constituencies throughout the country.

- To prepare & periodically revise electoral rolls & register all eligible voters.
- Notify the dates & schedules of elections & to scrutinise nomination papers.
- To grant recognition to political parties & allot election symbols to them.
- To determine the code of conduct to be observed by the parties & candidates during the elections.
- To advise the President/Governor on matters relating to the disqualifications of member of Parliament/State Legislature.
- To advise President whether elections can be held in a state under President's rule in order to extend the period of emergency after 1 year.

⇒ UNION PUBLIC SERVICE COMMISSION (UPSC) :-

→ Art. 315 - 323 contains provisions regarding composition, appointment & removal of members.

→ Composition :-

- It consists of Chairman & other members appointed by the President.
- Strength is decided by the President which is usually 9-11 members including Chairman.
- No qualifications are prescribed for membership except that 1/2 of the members of Commission should be such person who have held office for at least 10 years either under of Govt or Gos.
- The Chairman & members hold office for a term of 6 years or until they attain age of 65 years, whichever is earlier.

→ Removal : President can remove Under following circumstances -

- If he is adjudged an insolvent (gone bankrupt)
- If he engages, during his term of office, in any paid employ. outside the duties of his office.
- If he, in opinion of President, unfit to continue in office by reason of infirmity of mind or body.
- On grounds of misbehaviour, but in this case, the President has to refer the matter to the SC for an enquiry. If SC, after enquiry, upholds the cause of removal & advises so, the president can remove them. [Advice by SC is binding upon President.]

→ Independence :

- Removed from office by President only in manner prescribed in the Constitution, enjoys tenure security.
- Salary & allowances & pensions are charged on the Consolidated Fund of India.
- Chairman of UPSC (on ceasing to hold office) is not eligible for further employment in GOI or state.
- Member of UPSC (on ceasing to hold office) is eligible for appointment as Chairman of UPSC or SPSC but not any other employment in GOI or State.
- Chairman or member are not eligible for reappointment.

→ Functions & Role :

- Conducts examination for appointment of to the All India services, Central services.
- Advises Govt. when consulted on promotion & disciplinary matters.
- UPSC present annually, to the president a report of its performance. President places this report before both houses, along with a memorandum explaining the cases where advice of commission not accepted.

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- Assists States (if requested by 2 or more States) in framing & operating schemes of joint recruitment for any services.
- It is not concerned with the classification of services, pay & service conditions, cadre management, training etc.

→ The role of UPSC is limited even its recommendations are only of advisory nature, hence, not binding on the government.

⇒ STATE PUBLIC SERVICE COMMISSION [SPSC] :-

- It consists of Chairman & members appointed by the governor.
- Strength is not fixed & decided by the governor.
- Qualification not prescribed except that 1/2 of members should be such person who have held office for at least 10 years either in GOI or State.
- Chairman & members hold office for a term of 6 years or until they attain the age of 62 years, whichever is earlier.
- Removal [Same grounds as of UPSC]
 - * In SPSC chairman & members are appointed by the Governor but removed by the president.
- Independence [Same provisions as of UPSC]. Chairman on ceasing office can be appointed as Chairman of UPSC or other SPSC.
- Role & functions [Same as of the UPSC]

SPSC is consulted by the governor while framing rules for appointment to judicial services of State other than posts of District Judges, in this regard, HC is consulted.

⇒ FINANCE COMMISSION [Article 280] :-

- It is a Quasi - Judicial body.
- It consists of a Chairman & four (4) other members to be appointed by the president.
- They hold office for such period as specified by the president & they are also eligible for reappointment.
- Qualifications of Chairman, he should be a person having experience in public affairs & four other members should be selected from among the following:
 - A judge of HC or one qualified to be appointed;
 - A person who has specialised knowledge of finance & accounts of the govt.
 - A person who has wide experience in financial matters & in administration.
 - A person with special knowledge of economics.
- Functions : FC is required to make recommendation to the president on following matters :-
 - Distribution of net proceeds of taxes to be shared b/w centre & the states.
 - Principle that should govern the grant-in-aid to the states by the Centre (out of Consolidated fund of India)
 - The measures needed to augment to Consolidated fund of State to supplement the resources of the panchayats & municipalities.
 - Any other matter, referred by the president.
- Comm. submit its report to President & he lays it before both the houses along with an explanatory memorandum as to the action taken on its recommendation.

⇒ National Commission for SC's :-

- It is a constitutional body in the sense that it is directly established by Art. 338.
- The separate National Comm. for SC's came into existence in 2004 [89th C.A.A.].
- It consists of Chairperson, a Vice-Chairperson & three other members, they are appointed by the president under his hand & seal.
- Functions of the Commission:
 - Investigate & monitor all matters relating to the constitutional & other legal safeguards.
 - Inquire into specific complaints with respect to the deprivation of rights & safeguards of SC's.
 - To present president annually, reports upon the working of those safeguards.
 - To participate & advice on the planning process of socio-economic development of SC's.
- The president places all such reports before the Parliament, along with a memorandum explaining the action taken on the recommendations.
- Powers: It has all powers of civil court trying suit & in particular in respect of following matters -
 - Summoning & enforcing the attendance of any person from any part of India & examining him on oath;
 - Requiring the discovery & production of any document.
 - Receiving evidence on affidavits.
 - Requisitioning any public record from any court or office.
 - Issuing summons for examination of witnesses & documents.
 - any other matter which president may determine.

⇒ National Commission for ST's :-

- It is constitutional body established by Article 338-A.
- It consists of chairperson, a vice-chairperson & three other members.
- They are appointed by the president & conditions of service & tenure of office determined by the president.
- Functions [Same as National Comm. for SC's], some additional functions are as follows:
 - Measures to be taken to ensure full implementation of the provisions of PESA Act, 1996.
 - Measures to be taken over conferring ownership rights in respect of mineral forest produce to ST's living in forest areas.
 - Measures to be taken to safeguard rights of tribal communities over mineral resources, water resources.
 - Measures to be taken for the development of tribals & to work for more viable livelihood strategies.
- Submit its report to the president & president lays down report before both the houses.
- Powers [Same as National Comm. for SC's]

⇒ Special Officer for Linguistic Minorities :-

- In pursuance of Art. 350-B, the office of Special Officer for Linguistic minorities was created in 1957.
- The Commissioner has his headquarter at Allahabad (UP). He has three regional offices at Belgaum (Karnataka), Chennai (TN) & Kolkata (WB).

⇒ Comptroller & Auditor General of India :- [Article 148-151]

→ He is the head of Indian Audit & Accounts department.

→ Appointment & term :

- CAG is appointed by the president of India by a warrant under his hand & seal.
- He holds office for a period of 6 years or upto the age of 65 years, whichever is earlier.
- He can be removed by the president on same grounds & manner as a judge of the SC.

→ Independence :

- He is provided with security of tenure. Removed by President only in manner mentioned in Constitution.
- He is not eligible for further office, either under GOI or of any state, after ceases to hold office.
- Administrative expenses of office CAG, including all salaries, allowances & pensions are charged upon the Consolidated fund of India.
- No minister can represent the CAG in parliament & no minister can be called upon to take any responsibility for any actions done by him.

→ Duties & Powers :

- He audits the accounts related to all expenditure from the Consolidated fund of India, of each state & of each UT having legislative assembly.
- He audits all expenditure from the Contingency fund of India & the public account of India as well as Contingency fund & public account of each state.
- He audits all trading, manufacturing, P & L accounts & Balance Sheet kept by the department of Central Govt. and State Govt.

- He audits the receipts & exp. of the Centre & each state to satisfy himself that the rules & procedures in that behalf are designed to secure an effective check on the assessment, collection & proper allocation of revenue. (107)
- He audits the receipts & exp. of the following -
 - # All bodies & authorities substantially financed from the Central or State revenue;
 - # Govt. Companies; and
 - # Other Corporation & bodies, when so required by related law.
- He advises President with regard to prescription of the form in which the accounts of the Centre & State shall be kept. [Article 150]
- He submit his audit report relating to the accounts of the Centre/_{State} to President / Governor, who shall in turn, place them before Parliament / State Legislature.
- He ascertains & certifies net proceed of any tax or duty (Art. 279). His certificate is final.
- He acts as a guide, friend & philosopher of the public accounts of the Parliament.
- He compiles & maintains the accounts of state govt.

→ CAG Submit three reports to President - Audit report on appropriation account, Audit report on finance accounts & Audit report on Public undertakings.

→ President lays these reports before both houses of Parliament. After this, the Public Accounts Committee examines them & reports its findings to the Parliament.

→ Role :

- Role of CAG is to uphold the constitution of India & the laws of Parliament in the field of financial administration.
- CAG is an agent of the Parliament & conduct audit of expenditure on behalf of the Parliament. [He is responsible only to the Parliament.]
- CAG has no control over the issue of money from the Consolidated fund & many departments are authorized to draw money by issuing cheques without specific authority from the CAG.
[Role mainly concerned with auditor not comptroller]

⇒ Attorney General of India [Article 76] :-

→ Appointment & term :

- He is appointed by the President.
- He must be a person who is qualified to be appointed a judge of SC.
- The term of office is not fixed by the Constitution. He holds office during the pleasure of the President.

→ Duties & functions :

- To give advice to the Govt upon such legal matters, which are referred to him by President.
- To perform such other duties of a legal character that are assigned to him by the President as follows -
 - # To appear on behalf of Govt in all cases in SC in which Govt is concerned.
 - # To appear in any HC in any case in which the Govt is concerned.
 - # To represent the Govt in any reference made by the President to the SC under Art. 143.

→ Rights & Limitations :

- He can become audience in all courts in the territory of India.
- He can speak & take part in the proceeding of both the Houses of Parliament at their joint sitting and any Committee of Parliament of which he may be named a member, but without a right to vote.
- He enjoys all the privileges & immunities that are available to a MP.

- He should not advise or hold a brief against the GOI.
- He should not advise or hold a brief in cases in which he is called upon to advise for the GOI.
- He should not defend accused persons in criminal prosecutions with the permission of GOI.
- He should not accept appointment as a director in any company without permission of GOI.
- He is not debarred from private legal practise.

⇒ Advocate General of the State :- [Article 165]

- He is appointed by the governor.
- He must be a person who is qualified to be appointed a judge of HC.
- He holds office during pleasure of governor.
- Duties & Functions [Same as Attorney]
- Rights [Same as Attorney - Replace word India's territory within State.] And Parliament with State Legislature.]

Planning Commission:-

→ It was established in March, 1950 by an executive resolution of the GOI. It is neither a Constitutional body nor a Statutory body.

→ Composition :

- PM is the chairman of the Commission. He presides over the meeting of the Commission.
- Commission has a deputy chairman. He is the de-facto executive head (i.e. full time functional head).
He is responsible for the formulation & submission of the draft five-year plan to the Central Cabinet.
He enjoys the rank of cabinet minister.
- Some central ministers are appointed as a part-time members.
- The Commission has 4-7 full time expert members. They enjoy the rank of a minister of state.
- The Commission has a member-secretary. He is usually a senior member of IAS.

→ Functions :

- To make assessment of material, capital & human resources of country & investigate the possibilities of augmenting them.
- To formulate a plan for the most effective & balanced utilisation of the country's resources.
- To determine priorities & to define stages in which the plan should be carried out.
- To indicate the factors that retard economic development.
- To determine the nature of the machinery required for successful implementation of plan in each stage.

National Development Council [NDC] :

→ It was established in August, 1952. It is neither Constitutional nor a Statutory body.

→ Composition :

- P.M of India as its Chairman/head.
- All Union Cabinet Ministers
- Chief Ministers of all States
- CM/ Administrators of all UT.
- Members of Planning Commission.

* Secretary of PC acts as the Secretary to the NDC.

→ Objectives :

- To secure co-operation of States in the execution of the plan.
- To promote common economic policies in all vital spheres.
- To ensure balanced & rapid development of all parts of country.
- To strengthen & mobilise the efforts & resources of the nation in support of the plan.

→ Functions :

- To prescribe guidelines for preparation of the national plan.
- To consider the national plan as prepared by the PC.
- To make an assessment of resources that are required for implementing the plan.
- To consider important question of social & economic policy affecting national development.
- To review the working of National Plan from time to time.
- To recommend measures for achievement of the aims & targets set out in national plan.

* It is highest ~~body~~ body, below Parliament responsible for policy matters/planning.

National Human Rights Commission :-

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→ It is a statutory body established in 1993 under Protection of Human Rights Act, 1993.

→ Composition of the NHRC :

It consists of Chairman, four members (full time) & four ex-officio members -

- Chairman (Retired CJI)
- Member 1, Serving or retired Judge of SC
- Member 2, Serving or retired Chief Justice of HC
- Member 3
- Member 4 } - Persons having knowledge or practical experience with respect to human rights.
- Ex-officio Chairman of National Commission for Minorities
- " " " " " " for SC's
- " " " " " " for ST's
- " " " " " " for Women

The Chairman & members are appointed by the President on the recommendation of 6-member Committee consisting of -

- Prime Minister
 - Speaker of LS
 - Deputy Chairman of RS
 - Home Minister
 - Leaders of Opposition of both the houses.
- Chairman & members hold office for a term of 5 years or until they attain the age of 70 years, whichever is earlier.
[Not eligible for re-appointment]
 - President can remove on following grounds -
 - If he is insolvent, - Unfit to continue in office
 - Engaged in any paid employment outside the duties.
 - He is of Unsound mind - Convicted or sentenced to imprisonment for an offense.

→ Functions :

- To inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either suo motu or on a petition presented to it or on order of a court.
- To intervene in any proceedings involving allegation of violation of HR pending before a court.
- To visit jails & detention places to study the living conditions & recommendations thereon.
- To review the constitutional & other legal safeguards for the protection of human rights & recommend measures for their effective implementation.
- To study treaties & other international instruments on HR & make recomm. for their effective implementation.
- To spread HR literacy among the people & promote awareness.
- To undertake & promote R&D in field of HR.
- To encourage the efforts of NGO working in the field of HR.

→ Working of the Commission :

- It has all powers of a civil court.
- It may call for info. or report from the Central & State govt. & other authority subordinate them.
- It can inquire into a matter within 1 year of its occurrence.
- It may recommend the concerned govt. or authority to make payment of compensation to the victim / for the grant of immediate interim relief to the victim.
- It may recommend to the concerned govt. or authority the initiation of proceeding or any other action against the guilty public servant.

State Human Rights Commission :-

- The Protection of Human Rights Act, 1993 also provides for creation of SHRC.
- It can inquire into violation of human rights only in respect of subjects mentioned in State list & Concurrent list.
- Composition of SHRC :-
 - Chairman (Retired Chief Justice of HC)
 - Member 1 (Serving or retired Judge of HC or District Judge in State minimum of 7 years experience)
 - Member 2 (Knowledge & practical experience respect to human rights)

The Chairman & members are appointed by the Governor on the recommendation of a committee consisting of -

- Chief Minister.
- Speaker of Legislative Assembly.
- State Home Minister.
- Leader of Opposition of Leg. Assembly.

- Term of office [Same as NHRC]
- Removal grounds & procedure [Same as NHRC]
[Appointed by Governor but removed by President]
- Functions & Working [Same as NHRC, replace Centre with State]

Central Information Commission :-

→ Constituted through an official Gazette Notification under the provisions of RTI Act, 2005.

→ Composition :

- Consists of Chief Information Commissioner & not more than 10 information Commissioners.
- Appointed by the President on the recommendation of the Committee consisting -
 - Prime Minister [Chairman]
 - Leader of Opposition in LS
 - Union Cabinet Minister appointed by PM.

→ Tenure & Service Conditions :

- CEC & IC hold office for a term of 5 years or until they attain age of 65 years, whichever is earlier.
- President can remove on following grounds -
 - Adjudged an insolvent.
 - Convicted of an offence (involves moral turpitude)
 - Engage in any paid employment
 - Acquired such financial or other interest as likely to affect prejudicially his official functions.
 - On grounds of proved misbehaviour or incapacity.

→ Powers & functions :

- While inquiring, the Commission has the powers of civil court.
- The Commission can order inquiry into any matter if there are reasonable grounds (Suo-moto power).

- The Commission submits an annual report to the C.G. on the implementation of the provisions of this Act. The C.G. places this report before each house of Parliament.
- It is duty of Comm. to receive & inquire into a complaint from any person -
 - who has not been able to submit an information request because of ^{non} appointment of Public Info. Officer.
 - who has been refused info. that was requested.
 - who thinks fee charged are unreasonable.
 - who thinks info. given is incomplete or false or misleading.
 - who not received response within the specified time limits.
 - All public records must be given to the Commission during inquiry for examination.

State Information Commission :-

→ Composition :-

- Same as Central Information Commission
- Committee consists of -
 - Chief Minister
 - Leader of Opposition in Legislative Assembly
 - State Cabinet Minister appointed by CM.

→ Tenure & Service Conditions [Same as Cent. Info. Commission]
[Appointed & removed by Governor]

→ Powers & functions [Same as CEC, replace Centre with State]

Central Vigilance Commission :-

→ It was established in 1964 by an executive resolution of the Central Govt.

→ Originally CVC was either a constitutional body not a statutory body. In 2003, Parliament enacted a law conferring statutory status on the CVC.

→ Composition :-

- It consists of Central Vigilance Commissioner (Chairperson) & not more than 2 vigilance commissioners.

- They are appointed by the President on the recommendation of Committee consists of -

- Prime Minister
- Union Minister of Home Affairs
- Leader of Opposition in the LS

- They hold office for a term of 4 years or until they attain age of 65 years, whichever is earlier.

- Removed by President on same grounds as of Central Information Commission.

- Salary & allowances of CVC is same to Chairman of UPSC & vigilance comm. are similar to member of UPSC.

→ Organisation

- Secretariat
- Chief Technical Examiner's Wing
- Wing of Commissioners for Departmental Inquiries.

→ Working :-

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- CVC conducts its proceedings at its headquarters (Delhi).
- It is vested with power to regulate its own procedure.
- It has all powers of a civil court & its proceedings have a judicial character.
- CVC has present annually to the President a report of its performance. The President places this report before each house of parliament.

→ Functions [Can be viewed in book as there is long list]

Central Bureau of Investigation :-

→ CB1 is not a statutory body, it derives its powers from the Delhi Special Police Establishment Act, 1946.

→ Composition of CB1 :-

- CB1 headed by a director. He is assisted by a special director or additional director.
- The director of CB1 as Inspector-General of Police, Delhi Special Police establishment, is responsible for the administration of the organisation.
- The director of CB1 has been provided security of 2 years tenure by the CVC Act, 2003.
- The CVC Act also provides the mechanism for the selection of the Director of CB1 & other officers of the rank of SP & above in CB1.

- Director of CB1 is appointed by the C.G. on the recommendation of a committee consisting of -
 - Central Vigilance Commissioner (Chairman)
 - Vigilance Commissioners
 - Secretary to the GOI in-charge of the MHA.
 - Secretary (Coordination & Public Grievances) in the Cabinet Secretariat.

→ Functions :

- Investigating cases of corruption, bribery & misconduct of C.G. employees.
- Investigating cases relating to infringement of fiscal & economic laws.
- Investigating serious crimes, having national & international ramifications.
- Coordinating the activities of the anti-corruption agencies & the various state police.
- Taking up, on the request of a State govt., any case of public importance for investigation.

- Governor is Chief executive head of the state. (Like President, he is a nominal executive.)
- Governor acts as an agent of the C.G. The office of governor has a dual role.
- Same person can be appointed as a governor of two or more states.
- He is appointed by the president by warrant under his hand & Seal.
- It is an independent constitutional office & is not under the control of or subordinate to the C.G. (SC ruling)
- Constituent Assembly opted for the present system of appointment of governor by the president.
- Constitution lays down only two qualifications for appointment -
 - He must be citizen of India.
 - He must have completed the age of 35 years.
- * President is required to consult CM of the state. (Convention)

→ Conditions of Governor's office [Same as President]

→ Both of office to the governor is administered by the Chief Justice of the concerned state high court & in his absence, the senior-most judge of the court.

→ Term of Governor's office:

- Governor holds office for a term of 5 years from the date on which he enters upon his office. However, this term of 5 years is subject to the pleasure of the President.

- SC held that the pleasure of President is non-justifiable.
- The governor has no security of tenure & no fixed term of office.
- The constitution does not lay down any grounds upon which a governor may be removed by the President.
- President may transfer a Governor appointed to one state to another state for the rest of term.
- A governor may be reappointed in the same state or any other state.

→ Powers & Functions :

- Executive Powers -

- He acts as the Chancellor of universities in the state. He also appoints VC of the universities in the state.
- He can recommend the imposition of constitutional emergency in a state to the President.

.....[Remaining same as President, replace Union with state]

- Legislative Powers -

- He can prorogue or summon the state legislature and dissolve the state legislative assembly.
- He can address the state legislature at the commencement of the first session after general election & first session of each year.
- He nominates 1/6 members of the state legislative council.
- He can appoint nominate 1 member to the state legislature assembly from Anglo-Indian Community.

- He decides on the question of disqualification of members of State legislature in consultation with EC.
- When a bill sent to the governor after it is passed by State legislature, he can:
 - # Give assent to the bill, as
 - # Withhold his assent to the bill, as
 - # Return the bill (if not a money bill) for reconsideration to the State legislature, as
 - # Reserve the bill for the consideration of the President.
- He can promulgate ordinances when the State legislature is not in session.

— Financial Powers — [Same as President]

— Judiciary Powers —

- He can grant pardons, reprieves, respites and remissions of punishment or suspend, remit & commute the sentence of any person convicted of state law.
 - He is consulted by the President while appointing the judges of the concerned state HC.
 - He makes appointment of DJ in consultation with the State high court.
- * He cannot pardon a death sentence.
- * He cannot do anything in relation to court-martial.

Chief Minister

- Governor is nominal executive authority (de jure executive) & the CM is real executive (de facto executive).
- He is appointed by the Governor (Article 164)
- Constitution does not require that a person must prove his majority in the legislative assembly before he is appointed as the CM.
- A person who is not a member of State Legislature can be appointed as CM for 6 months, within which time, he should be elected to the state legislature, failing which he ceases to be CM.
- CM may be member of any of the two houses of a State legislature.
- Governor administers to him the oaths of office & secrecy.
- Powers & functions :

- In relation to Council of Ministers -

- Governor appoints only those persons as ministers who are recommended by the CM.
- He allocates & reshuffles the portfolios among ministers.
- He presides over the meeting of the COM & influence its decision.
- He can bring about the collapse of the COM by resigning from office.

- In relation to State Legislature -

- He advises the governor with regard to summoning & proroguing of the sessions of the State legislature.
- He announces the govt. policies on the floor of the house.
- He can recommend the dissolution of the legislative assembly to the governor at any time.

→ In relation to the Governor -

• He is principal channel of communication b/w the Governor and the CM. It is the duty of CM:

to communicate to the Governor all decisions of CM relating to the administration.

• He advises the Governor with regard to the appointment of important officials like Advocate General, Chairman & members of the SPSC, State Election Commissioner etc.

→ Other Powers & Functions:

- He is the Chairman of the State Planning Board.
- He acts as the Vice-President of the concerned Zonal Council by rotation, holding office for 1 year at a time.
- He is a member of Inter-State Council & NDC, both headed by the PM.

→ Relationship with the Governor:

Article 163: There shall be CM with the CM as the head to aid & advise the Governor on exercise of his functions.

Article 164:

- CM shall be appointed by the Governor & other ministers on the advice of the CM;
- Ministers hold office during the pleasure of Governor;
- CM collectively responsible to the Legislative Assembly.

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High Court

- The Constitution provides for a high court for each state, but the 7th Amd. Act, 1956 authorised Parliament to establish a common HC for 2 or more States or for 2 or more state and UT.
- At present, there are 24 high courts in India. Out of them, 3 are common HC.
- Appointment of Judges :
 - CJ is appointed by the President after consultation with the CJI & the governor of the state concerned.
 - for appointment of other judges, Chief Justice of concerned high court is also consulted.
- * In Third Judges Case (1998), SC opined that in case of the appointment of HC judges, the CJI should consult a collegium of 2 - senior most judges of the the SC.
[No Sale opinion]
- Qualifications :
 - He should be citizen of India.
 - He should have held a judicial office in the territory of India for 10 years ; or
 - He should have been an advocate of HC for 10 years.
- Removal : Procedure for impeachment of a judge of a HC is same as that for a judge of SC.

→ Tenure :

→ Constitution has not fixed the tenure of a judge of a HC. However, it makes following four provisions -

- He holds office until he attains the age of 62 years.
- He can resign his office by writing to the president.
- He can be removed from his office by the President on the recommendation of the Parliament.
- He vacates his office when appointed as a judge of SC or transferred to another HC.

→ President can transfer a judge from one high court to another after consulting the CJI. CJI should consult, in addition to the collegium of 4 seniormost judges of SC, the chief justice of 2 HC (one from which the judge being transferred & other receiving him.)

→ Jurisdiction & Powers of High Court :-

- Original Jurisdiction :

- Matters of admiralty, will, marriage, divorce, company law & contempt of court.
- Disputes relating to election of MP & MLA.
- Regarding revenue matter.
- Enforcement of fund. Rights of citizens.
- Cases transferred from sub-ordinate courts.

- Writ Jurisdiction :

- HC can issue writs including habeas corpus, mandamus, Certiorari, prohibition & quo-warranto for enforcement of fund. Rights or for any other purpose.
- Writ Jurisdiction HC is not exclusive but concurrent with writ jurisdiction of SC.

- Appellate Jurisdiction - It hears appeals against the judgements of Subordinate courts functioning in its territorial jurisdiction. It has appellate jurisdiction in both civil & criminal matters.
- Supervisory Jurisdiction - HC has the power of superintendence over all courts & tribunals functioning in its territorial jurisdiction (except martial court).
- Control over Subordinate Courts
- A Court of Record

(xxx - Power of Judicial Review -
Sec 66A)

- It is the power of HC to examine the constitutionality of legislative enactments & executive orders of both the central & state govt.
- Constitutional validity can be challenged in HC on the following three grounds -
 - # it infringes the fund. rights (Part II)
 - # it is outside the competence of the authority which has framed it, and
 - # it is repugnant to the constitutional provisions.

SUBORDINATE COURTS

→ Appointment of District Judges :

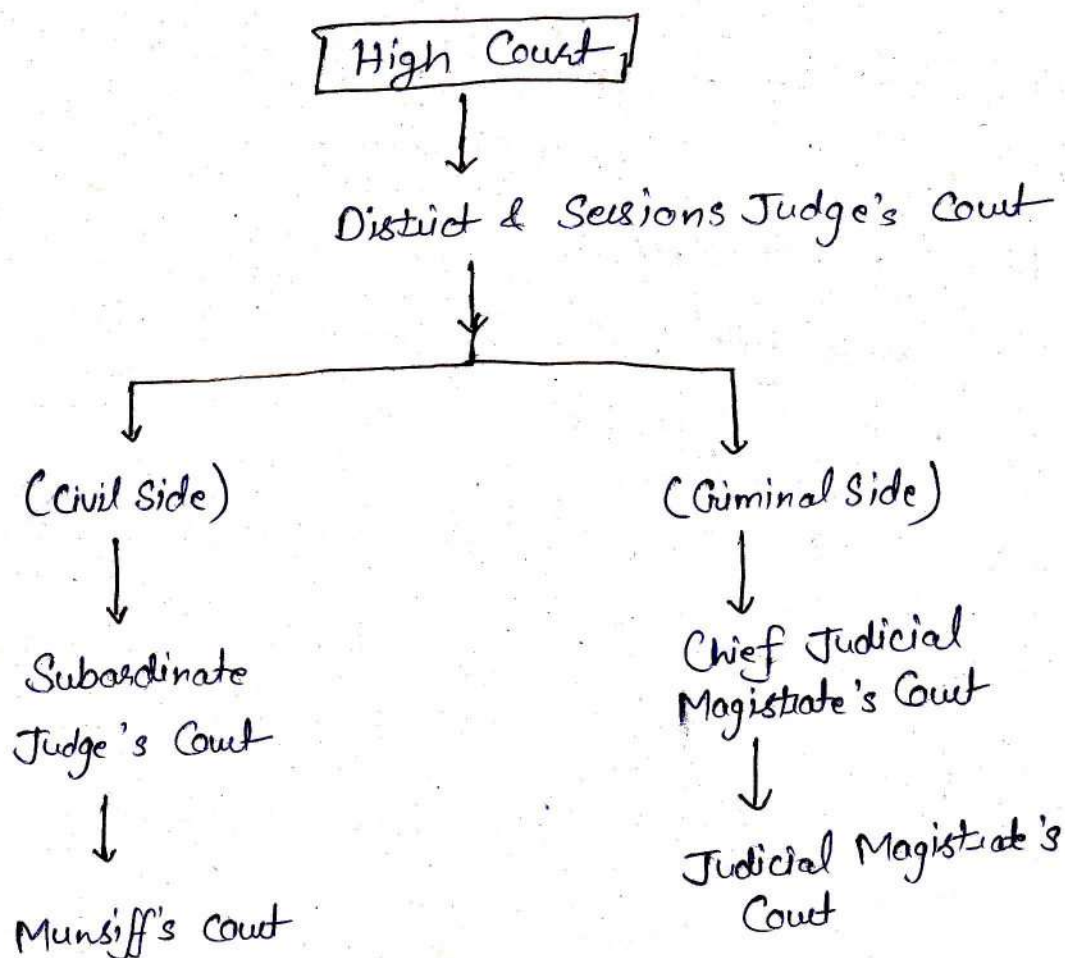
- Appointment, posting & promotion of district judges are made by the governor in consultation with the high court.

- Qualifications -

- He must not already be in the service of the central or the state govt.
- He must have been an advocate or pleader for 7 years.
- He must be recommended by the HC for appointment.

→ Appointment of other Judges : Appointment of persons to the judicial service of a state are made by the governor after consultation with SPSC & high court.

→ Structure of the subordinate courts -



→ Article 163 - Council of Ministers to aid & advise Governor :

- There shall be a COM with the CM as the head to aid & advise the governor in exercise of his functions.
- Advice tendered by Ministers to the governor shall not be inquired into in any court.

→ Article 164 - Other provisions as to Ministers :

- CM shall be appointed by the governor & other ministers on the advice of CM.
- The total no. of ministers including CM, in the COM in a state shall not exceed 15% of the total strength of the legislative assembly of that state.
- But, the number of ministers including CM, in a state shall not be less than 12.
- COM shall be collectively responsible to the State legislative assembly.

→ Article 166 - Conduct of Business of the govt. of a State

→ Article 167 - Duties of CM [Already discussed]

→ Responsibility of Ministers -

- Collective Responsibility : [Same as central COM]
- Individual Responsibility : [Same as central COM]

→ Composition of Council of Ministers : [Same as central COM]

State Legislature

→ Organisation of State Legislature :-

- Unicameral System consists of the governor & the legislative assembly.
- Bicameral system consists of the governor, legislative council & the legislative assembly.
- Constitution provides for the abolition or creation of legislative council in state. Accordingly, the Parliament can abolish or create L.C., if the legislative assembly of the concerned state passes a resolution to that effect. [Such specific resolution must be passed by the state assembly by a special majority.]

→ Composition of Legislative Assembly :-

- Strength :

- Maximum strength is fixed at 500 & minimum strength at 60.
- In case of Arunachal Pradesh, Sikkim & Goa, minimum no. is fixed at 30.

- Nominated Member :

- The governor can nominate 1 member from the Anglo-Indian community, if the community is not adequately represented in the assembly.

→ Composition of Legislative Council :-

- Strength :

- Maximum strength is fixed at $\frac{1}{3}$ of the total strength of the assembly & minimum strength is fixed at 40.

- Manner of election : of the total number of members of Council -

- $\frac{1}{3}$ are elected by the members of local bodies like municipalities, district boards etc.
- $\frac{1}{12}$ are elected by graduates of 3 years standing & residing within state.

- $\frac{1}{12}$ are elected by teachers of 3 years standing in the State, not lower in standard than Secondary school.
- $\frac{4}{3}$ are elected by the members of legislative assembly of the State from among persons who are not members of the assembly.
- Remainder are nominated by the governor.
- $\frac{5}{6}$ of total members are indirectly elected & $\frac{1}{6}$ are nominated by the governor.

→ Duration of Assembly : Like the LS, the legislative assembly is not a continuing chamber. Its normal term is 5 years from the date of its first meeting after the general elections.

→ Duration of Council : Like the RS, the legislative council is a continuing chamber i.e. it is a permanent body & is not subject to dissolution. But $\frac{1}{3}$ of its members retire on the expiration of every second year.

→ Membership of State Legislature :-

— Qualifications :

- He must be a citizen of India.
- He must not be less than 30 years in case of council & not less than 25 years in case of assembly.
- A person to be elected to the council must be elector for an assembly constituency in the concerned state & to be qualified for the governor's nomination, he must be a resident in concerned state.
- A person to be elected to the assembly must be an elector for an assembly constituency in the concerned state.

- Disqualifications :

- if he holds any office of profit under the Union or state government,
- if he is of unsound mind,
- if he is an undischarged insolvent,
- if he is not a citizen of India,
- if he is so disqualified under any law made by Parliament.

- Vacation of Seats :

- Double membership
- Disqualification
- Resignation
- Absence (for a period of 60 days)

→ Speaker of Assembly [Same Role, power & functions of LS Speaker]

→ Deputy Speaker of Assembly [Same provisions as of Deputy Speaker of LS]

→ Chairman of Council :-

- Chairman is elected by the council itself from amongst its members.
- Chairman vacates his office in any of following three cases :
 - if he ceases to be member of council,
 - if he resigns by writing to the deputy chairman, and
 - if he is removed by a resolution passed by a majority of all the then members of the council.
- As presiding officer, the power & functions of the Chairman is similar to those of the speaker in the assembly. [except deciding whether bill is money bill or not]

→ Deputy Chairman of Council [Same provisions as of Deputy Chairman of Rajya Sabha]

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→ Sessions of State Legislature :-

- Summoning [Same provision as of Parliament]
- Adjournment [Same as Parliament]
- Prorogation [Same as Parliament]
- Dissolution [Same as Parliament]
- Quorum : It is 10 members or $\frac{1}{10}^{\text{th}}$ of total number of members of House (including presiding officer), whichever is greater.

→ Rights of Ministers & Advocate General [Same as of Central Min. & AG]