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WHEN ONLY THE BEST WILL DO

# HPSC – HCS

(HARYANA PUBLIC SERVICE COMMISSION)

**PRELIMS AND MAINS EXAM**



**Part – 2**

**Indian Polity**

## PREFACE

Dear Aspirants, Presented Notes "HPSC - CSE (PRE + MAINS)" have been prepared by a team of teachers, colleagues and toppers who are expert in various subjects. These notes will help the Aspirants to the fullest extent possible in the examination of Haryana Civil Services conducted by the "HARYANA PUBLIC SERVICE COMMISSION (HPSC)."

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## Indian Constitution

### Chapter - 1

#### Introduction to the Indian Constitution

##### Introduction to Governance

##### State, its Elements, and the Need for Political Structure:

- The term "state" is often used to refer to different regions like Uttar Pradesh, Tamil Nadu, etc., **but its real meaning is related to the political structure of a society, not just a province.**
- It is an abstract concept, meaning it can be understood intellectually but cannot be seen physically.
- For example, the government of India, the parliament, the judiciary, state governments, and all officials in the bureaucracy together form what we call the state.

##### Elements of the State:

1. **Territory:** This means a specific geographic area where the state's government operates. For example, the total area of India is the territory of the Indian state.
2. **Population:** A state must have a group of people living in that territory, who are governed according to a political system. Without a population, the state would not exist.
3. **Government:** The government is a group of people who exercise political power at a practical level. The difference between the state and the government is that the state is an abstract structure, while the government is its concrete expression.
4. **Sovereignty:** This is a very important element of the state. It means that the state (or its government) has the full power to make decisions within its territory and among its people without being forced by outside or internal pressures. All four of these elements are essential; none can be optional. If even one is missing, the concept of the state becomes meaningless.

##### Branches of Government:

1. **Legislature:** The body that makes laws.
2. **Executive:** The body that implements laws.
3. **Judiciary:** The body that resolves disputes according to the law.

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#### Relationship among the Three Branches:

- To understand the political system of any country, it is also important to know what kind of relationship exists between the three organs of governance there? Broadly, this relationship can be of the following type -
  - Sometimes these three organs are inter-connected. For example, in the state system, the king is the supreme authority of the legislature, executive and judiciary. A similar system is seen in dictatorship and religious system. This characteristic indicates that a political system is traditional and non-democratic.
  - In some countries, **there is a close relationship between the legislature and the executive, while the judiciary is separate from them.** This system is seen in countries with parliamentary system. In these, the executive is a part of the legislature, while the executive is separate and independent from both of them. India and Britain can be broadly seen as the reason for this.
  - In countries like America, this relationship is somewhat different. **There, these three organs are separate from each other. This is called the "principle of separation of powers".** The head of the executive, i.e. the President, is elected through the electorate elected by the general public. Both the heads of the legislature are elected by the people. The people elect the houses in different ways. The President selects the officials of the judiciary but for this he needs the support of the Senate. Thus, all the three organs of the government exercise each other's powers and for this many special provisions have been made in the constitution. This principle is called the "Principle of Checks and Balances".
- As far as the Indian political system is concerned, the relationship between the three organs of the government is neither completely like America nor like England. In India, like Britain, the executive is formed from the legislature because India has adopted the parliamentary system. Despite this, the Indian Parliament is not so powerful like the British Parliament that limits cannot be imposed on it. The Indian judiciary, like the American judiciary, has the power to **judicially review** the law passed by the Parliament and if that law is against the basic structure of the constitution, it can repeal it.



## Different Types of Governance Systems

### Type - 1

Political systems have always existed in every society, but the structure of government or governance systems has not always been the same. Various forms of governance systems can be seen.

### Type - 2

Governance systems can be classified from different perspectives. Two main bases for classification are:

#### 1. Based on the Relationship Between the Center and States:

- (a) Confederation System
- (b) Federation System
- (c) Unitary System

#### 2. Based on the Relationship Between the Legislature and Executive:

- (a) Parliamentary System
- (b) Presidential System

### India's System:

The framers of the Indian Constitution were very careful about whether a presidential or parliamentary system would be better for India. After much thought, they chose the parliamentary system for two main reasons: First, the Indian people had sufficient experience with the **parliamentary system** under British rule. Second, **considering India's regional, social, and religious diversity, the parliamentary system seemed more suitable.**

In the 1990s, there was political instability at the central level, and some people suggested adopting a presidential system. However, the instability problem gradually got resolved, and today, there is no issue in agreeing that the parliamentary system is appropriate for meeting the unique needs of Indian society.

### Important facts for exam

- Territory, population, government and sovereignty are essential elements of the state
- Legislature, executive and judiciary are the main organs of governance in almost all countries
- On the basis of the number of people included in the ruling group, monarchy / dictatorship, oligarchy / faction system and democracy are the main systems of governance

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- On the basis of the relationship between the legislature and the executive, parliamentary and presidential systems are the main types of governance
- The federal system of governance is called the '**indestructible organization of indestructible states**'
- The federal system of governance is called the '**indestructible organization of indestructible states**'. Federal means that the states are more powerful than the center.
- The unitary system is called the '**indestructible organization of indestructible states**'
- In the parliamentary system, the legislature is generally divided into the **lower house and the upper house**
- In the parliamentary system, the role of the President or the head of state/head of nation is generally symbolic, in reality, the role of the President or the head of state/head of nation is generally symbolic. They have no special effect

### Comparison of Indian Constitutional Scheme with Other Major Democratic Countries

#### British Constitutional Scheme

- The British system of government is based on a "**constitutional monarchy**." Before 1688, there was an absolute monarchy in Britain, but the Glorious Revolution that year established a constitutional monarchy. This means that today, the king has only nominal power, while real power lies with institutions like Parliament.
- Britain's **democracy is based on a parliamentary system**, meaning the executive branch is formed from members of the legislature (British Parliament). Since this **parliamentary system** originated from the British Parliament, it is also known as the **Westminster system**. Westminster is the area in London where the British Parliament is located.
- The British constitution is unwritten, meaning there is no single formal document that can be called the British Constitution.
- The British Parliament is very powerful because there are no formal restrictions on its powers. Therefore, **it can change the constitution through a simple legislative process, making it a flexible constitution.**

these representatives are elected for four years. The Council of States has a total of 46 members, with 2 from each canton and 1 from each half-canton.

- The executive power at the federal level is held by a special group known as the Federal Council. This council consists of 7 members who are elected for four years by a joint session of both legislative chambers.
- An important feature of the Swiss political system is the extensive use of direct democracy. Although representative democracy is prevalent due to the population size, there are methods of direct democracy included as well. Two such methods are: the initiative and the referendum.

### Historical Background:

#### Company Rule (1773 to 1858)

1. Regulating Act of 1773
  2. Pitt's India Act of 1784
  3. Charter Act of 1833
  4. Charter Act of 1853
- The British came to India in 1600 as the East India Company.
  - They received extensive rights to trade in India through a charter from Queen Elizabeth I.

#### Regulating Act of 1773

- This act made the Governor of Bengal the "Governor-General of Bengal."
- The Governors of Madras and Bombay were placed under the Governor-General of Bengal.
- A Supreme Court was established in Calcutta in 1774, with jurisdiction over Calcutta.
- The British government strengthened its control over the company through the "Court of Directors."
- **The first Governor-General of Bengal was Lord Warren Hastings.**
- The first Chief Justice of the Calcutta Supreme Court was **Elijah Impey.**
- This was the first step taken by the government to regulate the company's activities in India.
- It recognized the company's administrative and political functions and laid the foundation for central administration in India.
- It prohibited company employees from engaging in private trade or accepting gifts and bribes from Indians.

#### Pitt's India Act of 1784

- Also known as the Act of Settlement.
- This act separated the company's political and commercial functions.
- For the first time, company-controlled areas in India were termed as British territories.
- The British government was given full control over the company's activities and administration in India.
- It allowed the board of directors to oversee commercial matters but established a "Board of Control" for political matters, starting a dual government system.

#### Charter Act of 1813

- **Major features of this act:**
- It ended the company's trade monopoly in India, allowing all British traders to engage in Indian trade, except for tea and trade with China, where the company retained its monopoly.
- It allowed Christian missionaries to come to India and educate the people.
- It also made provisions for spreading Western education among the residents of British territories in India.
- This act authorized local governments to impose taxes on individuals.

#### Charter Act of 1833

- This act made the Governor of Bengal the **Governor-General of India.**
- It stripped the governors of Madras and Bombay of legislative powers.
- **Lord William Bentinck was the first Governor-General of India.**
- This act aimed to start open competition for civil service positions, stating that Indians would not be barred from any posts, but this provision was later removed due to opposition from the Board of Directors.

#### Charter Act of 1853

- This was the last in a series of Charter Acts passed by the British Parliament from 1793 to 1853.
- It separated the legislative and administrative functions of the Governor-General for the first time.
- It initiated a system of open competition for recruiting civil servants.

- It also introduced local representation in the Indian Central Legislative Council for the first time.

### Rule of the Crown (1858 to 1947)

1. Government of India Act, 1858
2. Indian Council Acts of 1861, 1892, and 1909
3. Government of India Act, 1919
4. Government of India Act, 1935
5. Indian Independence Act, 1947

### Government of India Act, 1858

- This famous act improved the governance of India by ending the East India Company.
- The governance of India came directly under Queen Victoria.
- **The title of Governor-General was changed to Viceroy of India.**
- **Lord Canning became the first Viceroy of India.**
- A new position called "Secretary of State for India" was created.
- This act ended the dual system of governance by abolishing the Board of Control and the Court of Directors.
- A 15-member council was formed to assist the Secretary of State, serving as an advisory council.
- The structure was: British Crown (Queen Victoria) → Secretary of State (in Britain) → Governor-General (in India).
- The main purpose of the 1858 Act was to improve administrative machinery for better oversight of the Indian government from England.

### Indian Council Act of 1861

- In 1862, Lord Canning appointed three Indians—Raja of Banaras, Maharaja of Patiala, and Sir Dinkar Rao—to the Legislative Council.
- This act began the process of decentralization by restoring legislative powers to the Madras and Bombay presidencies.
- Legislative councils were formed in Bengal, North-West Frontier Province, and Punjab in 1862, 1866, and 1897, respectively.
- It started the inclusion of Indian representatives in the law-making process.
- The act recognized the portfolio system initiated by Lord Canning in 1859.
- The Viceroy was authorized to issue ordinances without council approval during emergencies, with a validity of six months.

### Indian Council Act of 1892

- This act increased the number of non-official members in central and provincial legislative councils.
- It authorized legislative councils to discuss the budget.

### Indian Council Act of 1909

- Known as the Morley-Minto Reforms.
- This act significantly increased the size of central and provincial legislative councils, raising their number from 16 to 60.
- It expanded the scope of discussions in both councils.
- Satyendra Prasad Sinha became the first Indian member of the Viceroy's Executive Council.
- The act provided communal representation for Muslims based on separate electorates, giving legal recognition to communalism and marking Lord Minto as its originator.

### Government of India Act, 1919

- This act divided provincial subjects into two categories: **Transferred** and **Reserved**.
- It introduced a bicameral system and direct elections in India for the first time, meaning the public could vote directly for their representatives.
- According to this act, 3 out of 6 members of the Executive Council had to be Indian.
- It established the Public Service Commission.
- For the first time, it separated the central budget from state budgets.
- A statutory commission was formed under this act.
- This law is also known as the "Montagu-Chelmsford Reforms," named after Montagu, the Secretary of State for India, and Chelmsford, the Viceroy of India.
- It extended the principle of separate electorates to Sikhs, Indian Christians, Anglo-Indians, and Europeans based on community representation.
- It allowed a limited number of people to vote based on property or education.
- A Public Service Commission was created, leading to the establishment of the Central Public Service Commission in 1926 for recruiting civil servants.

### Simon Commission (1927)

- A seven-member statutory commission was announced to determine India's status under a new constitution, led by Sir John Simon.

Dr. Rajendra Prasad	Food and Agriculture
Maulana Abul Kalam Azad	Education
Dr. John Mathai	Railways and Transport
R. K. Shanmugam Shetty	Finance
Dr. B. R. Ambedkar	Law
Jagjivan Ram	Labour
Sardar Baldev Singh	Defence
Rajkumari Amrit Kaur	Health
C. H. Bhabha	Commerce
Rafi Ahmed Kitwai	Communications
Dr. Syama Prasad Mukherjee	Industry and Supply
V. N. Gadgil	Works, Mines and Energy

### Constituent Assembly

- The idea to form a Constituent Assembly in India was first proposed by M. N. Roy in 1934.
- In 1935, the Indian National Congress officially demanded the formation of a Constituent Assembly for creating the Constitution of India.
- In 1938, Jawaharlal Nehru announced that an assembly elected by adult suffrage would draft the Constitution for independent India. The British government theoretically accepted this demand, known as the August Offer of 1940.

### Cripps Mission

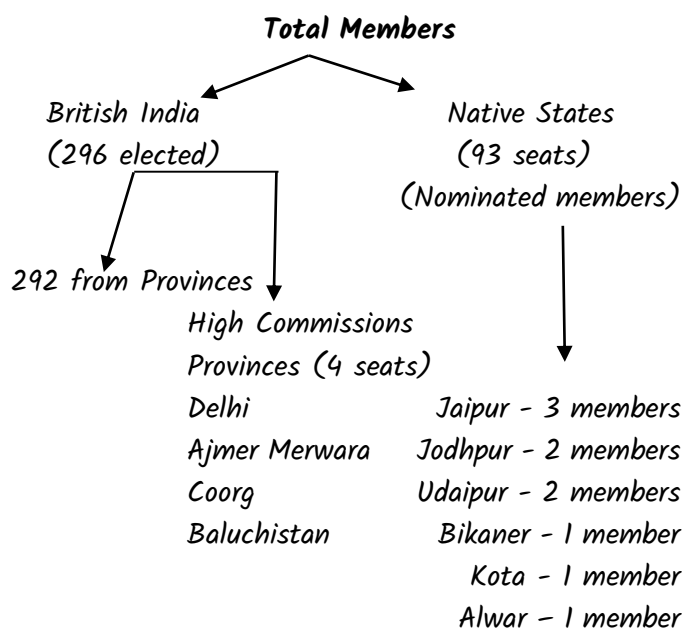
- The Cripps Mission arrived in India in 1942, led by Lord Sir Stafford Cripps, along with A.V. Alexander and other officials.
- According to the suggestions from the Cabinet Mission, the Constituent Assembly was formed in November 1946. The proposed structure of the assembly was as follows:
  - The total number of members in the Constituent Assembly was to be 389, with 296 seats for British Indian provinces and 93 for princely states.
  - Each British province and princely state was to receive seats based on its population, with a general allocation of one seat for every 1 million people.
  - The distribution of seats among the three major communities—Muslims, Sikhs, and General (excluding Muslims and Sikhs)—was to be based on their population ratios.
  - Representatives from each community were to be elected through a proportional representation

system using the single transferable vote in the provincial assembly.

- Representatives from princely states would not be elected but appointed by the rulers of those states. It is clear that the Constituent Assembly was partly elected and partly nominated. Following this plan, elections for the 296 seats allocated to British India were held in July-August 1946. The Indian National Congress won 208 seats, the Muslim League 73, and smaller parties and independents got 15 seats. The 93 seats for princely states remained unfilled as they chose to stay away from the Constituent Assembly. It can be noted that the election of the Constituent Assembly was not done directly by India's adult voters. However, it is important to recognize that representatives from various communities, including Hindus, Muslims, Sikhs, Parsis, Anglo-Indians, Indian Christians, Scheduled Castes, and Scheduled Tribes, were included. There were also a significant number of women. Apart from Mahatma Gandhi and Muhammad Ali Jinnah, all prominent personalities of that time in India were part of the assembly.

### Election System

- The election system used was the single transferable vote method based on adult suffrage.
- **Method:** Single transferable vote system based on adult suffrage.



## Objectives Resolution

The first meeting of the Constituent Assembly took place on December 9, 1946, in the central hall of the current Parliament building. The Muslim League boycotted this meeting and demanded a separate Pakistan. Dr. Sachchidanand Sinha was appointed as the temporary chairperson, and two days later, on December 11, 1946, Dr. Rajendra Prasad was made the permanent chairperson, officially approved by the Assembly on January 22, 1947.

The main points of the Objectives Resolution were:

- India should be established as a free and sovereign republic.
- The source of India's sovereignty will be the people of India.
- All citizens of India will enjoy political, economic, and social equality.
- Citizens will have the freedom of thought, expression, organization, profession, and religion.
- Measures will be taken to protect the interests of minorities, scheduled castes, and backward classes.
- The unity of the nation will be maintained.
- India's ancient civilization will be given its rightful place, contributing to world peace and human welfare.

This resolution reflected the feelings and aspirations that Indians had been striving for over many years. It became the basis of the Constitution's preamble and shaped the overall vision of the Constitution.

A total of 211 members participated in the Assembly meeting. The integrity of the union will be maintained, and its land, sea, and air will be protected according to civilized laws and justice.

**Note:** The Constituent Assembly acted as a legislature, with one task being to create a constitution for independent India and another to implement common laws for the country. Thus, it became the first Parliament of independent India. When the Assembly met as a legislature, it was chaired by G. V. Mavlankar, while Dr. Rajendra Prasad chaired it when meeting as the Constituent Assembly. The Assembly functioned in both capacities until November 26, 1949.

## Working of the Constituent Assembly

- **Temporary Chairperson:** Sachchidanand Sinha
- **Chairperson:** Dr. Rajendra Prasad

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- **Vice Chairpersons:** Dr. H. C. Mukherjee, V. T. Krishnamachari  
On December 13, 1946, Jawaharlal Nehru presented the Objectives Resolution in the Assembly.

## Other Work of the Constituent Assembly

- In May 1949, India became a member of the Commonwealth.
- On July 22, 1947, the national flag was adopted.
- On January 24, 1950, the national anthem was adopted.
- On January 24, 1950, the national song was adopted.
- On January 24, 1950, Dr. Rajendra Prasad was elected as the first President of India.
- In total, 11 meetings were held over 2 years, 11 months, and 18 days, during which the constitutions of around 60 countries were reviewed, and the draft was discussed for 114 days, with a total expense of 64 lakh rupees.
- The final meeting of the Constituent Assembly took place on January 24, 1950.

## Committees of the Constituent Assembly

Union Committee	Powers	Pt. Jawaharlal Nehru
Federal Constitution Committee		Pt. Jawaharlal Nehru
Provincial Constitution Committee		Sardar Vallabhbhai Patel
Drafting Committee		Dr. B. R. Ambedkar
Fundamental Rights, Advisory Committee for Minorities and Tribes and Excluded Areas		Sardar Patel
Rules of Procedure Committee		Dr. Rajendra Prasad
Committee for States		Jawaharlal Nehru
Steering Committee		Dr. Rajendra Prasad

## Drafting Committee

- **Chairperson:** Dr. B. R. Ambedkar
- **Members:**
  - N. Gopalaswami Ayyangar
  - Alladi Krishnaswamy Iyer
  - Dr. K. M. Munshi
  - Syed Mohammad Sadulla
  - N. Madhav Rao (replacing B. L. Mitra)
  - T. T. Krishnamachari (replacing D. P. Khetan)

The Drafting Committee was formed on August 29, 1947, with the task of preparing the new Constitution. Dr. B. R. Ambedkar presented a proposal called "The Constitution as Settled by the Assembly be Passed." This proposal was adopted on November 26, 1949, and signatures were collected from the chairperson and members.

The preamble of the Constitution mentions November 26, 1949, as the day the people of India adopted and enacted the Constitution. The new Law Minister, Dr. B. R. Ambedkar, presented the draft of the Constitution in the Assembly. He is recognized as the "Father of the Constitution" and is often referred to as the "Modern Manu" for his significant contributions as a constitutional expert and leader of the Scheduled Castes.

- On November 4, 1948, Ambedkar presented the final draft of the Constitution, which was read for the first time.
- Out of 299 members of the Assembly, 284 signed the Constitution.
- The Constitution adopted on November 26, 1949, had a preamble, 395 articles, and 8 schedules.

### Community-Based Representation in the Constituent Assembly

1. Hindus: 163
2. Muslims: 80
3. Scheduled Castes: 31
4. Indian Christians: 6
5. Backward Tribes: 6
6. Sikhs: 4
7. Anglo-Indians: 3
8. Parsi: 3

### State-wise Membership in the Constituent Assembly

- Madras: 49
- Bombay (Mumbai): 21
- West Bengal: 19
- United Provinces: 55
- East Punjab: 12
- Bihar: 36
- Central Provinces and Berar: 17
- Assam: 8
- Orissa: 9
- Delhi: 1
- The Assembly adopted the elephant symbol (seal).

- Sir V. N. Rao was appointed as a constitutional advisor.

### Important Figures Related to Constitution Drafting

- H. V. R. Ayyangar (Secretary)
- L. N. Mukherjee (Chief Draftsman)
- Prem Bihari Narayan (Calligrapher)
- Mandalal Bose and Viyuhaar (Decorators of the original version)

### Status of the Constituent Assembly on August 15, 1947

- The Assembly became a sovereign body, free from the Cabinet Mission's recommendations.
- It played a dual role: when drafting the Constitution, it was chaired by Dr. Rajendra Prasad, and when acting as a legislature, it was chaired by G. V. Mavlankar

### Total members (299 remaining)

British India 226

Chief Commissioners 3

From Princely States 70

On November 26, 1949, certain provisions related to citizenship, elections, temporary parliament, and other minor headings, such as Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 880, 388, 391, 392, and 393, automatically came into effect. The remaining provisions of the Constitution came into force on January 26, 1950, which is celebrated as Republic Day. This day also marks the 'Poorna Swaraj Day,' based on the resolution passed by the Indian National Congress at its Lahore session in December 1929.

According to Granville Austin, the Constituent Assembly was a one-party body representing a one-party country. He stated, "The Assembly is Congress, and Congress is India." Lord Viscount referred to the Constituent Assembly as "the representation of Hindus." Winston Churchill remarked that the Assembly represented "only one large community of India."

Note: The Assembly adopted the elephant as its symbol (seal). Sir N. V. R. Ayyangar was appointed as the Secretary of the Constituent Assembly, while L. N. Mukherjee was the Chief Draftsman. Prem Bihari Narayan Raizada was the chief calligrapher of the Indian Constitution. He

1. Which of the following Acts made during the period of British rule in India is known as 'Deposit Act'?

- A. Government of India Act, 1919
- B. India Council Act, 1909
- C. Indian Council Act, 1892
- D. Government of India Act, 1935

Answer - A

2. The idea of recruitment on the basis of merit was first expressed in which?

- A. Lee Commission
- B. Macaulay Committee
- C. Islington
- D. Maxwell Committee

Answer - B

3. Which of the following pairs is correctly matched?

- A. Indian Councils Act, 1892: Principle of election
- B. Indian Councils Act, 1909: Responsible Government
- C. Government of India Act, 1919: Provincial Autonomy
- D. Government of India Act, 1935: Bicameral Legislature in States

Answer - A

4. In the federation established by the Government of India Act, 1935, the residuary powers were vested in whom?

- A. Federal Legislature
- B. Provincial Legislature
- C. Governor General
- D. Provincial Governor

Answer - C

5. Under which of the following Acts, partial responsible government was established in the provinces?

- A. Government of India Act, 1919
- B. Government of India Act, 1935
- C. India Councils Act, 1909
- D. Indian Councils Act, 1892

Answer - A

6. Government of India Act, 1919 was mainly based on what?

- A. Morley-Minto Reforms
- B. Montagu-Chelmsford Reforms
- C. Ramsay MacDonald Award
- D. Nehru Report

Answer - B

7. What are the main features of the Government of India Act, 1935?

- 1. Abolition of Councils in India
- 2. Bicameral legislature at the centre
- 3. Abolition of bicameral legislature in the states
- 4. Establishment of Federal Court

A. 2 and 3    B. 1, 2, and 3

B. 1, 3 and    D. 1,2, 3, 4

Answer - D

8. Which of the following laws laid the foundation of British rule in India?

- A. Regulation Act, 1773
- B. Pitts India Act, 1784
- C. Indian Councils Act, 1861
- D. Indian Councils Act, 1892

Answer - A

9. Question: Which of the following statements about the Indian Constituent Assembly is correct?

- A. It was not based on adult suffrage.
- B. It was the result of direct elections.
- C. It was not a multi-party structure.
- D. It functioned through several committees.

Options:

- a. A and D
- b. A and B
- c. B and C
- d. A, B, C, D

Answer: A

10. Which of the following was not a member of the Drafting Committee of the Constituent Assembly?

- A. N. Madhav Rao
- B. D.P. Khetan
- C. Mohammad Sadulla
- D. B.N. Rao

Answer: D

11. Under which Act was 'dual governance' established at the center?

- A. Act of 1909
- B. Government of India Act, 1919
- C. Government of India Act, 1935
- D. None of these

Answer: C

### Summary

- About 250 provisions from the 1935 Act were included.
- The Indian Constitution has 25 parts, 12 schedules, and 395 articles (original Constitution).
- The U.S. Constitution originally has only 7 articles, the Australian Constitution has 128, the Chinese Constitution has 138, and the Canadian Constitution has 147 articles.
- Until 2019, Jammu and Kashmir had its own Constitution and received special status under Article 370 of the Indian Constitution. In 2019, a presidential order ended this special status.
- The original Constitution had seven fundamental rights, but the right to property (Article 31) was removed through the 44th Amendment Act in 1978 and became a legal right under Article 300-A in part XII of the Constitution.
- The Acts of 1909, 1919, and 1935 provided for collective representation.
- In Western countries, voting rights were gradually expanded. For example, the U.S. granted women the right to vote in 1920, Britain in 1928, the Soviet Union (Russia) in 1936, France in 1945, Italy in 1948, and Switzerland in 1971.
- Currently, there are three All India Services: Indian Administrative Service (IAS), Indian Police Service (IPS), and Indian Forest Service (IFS). In 1947, the Indian Civil Service (ICS) was changed to IAS and the Indian Police (IP) to IPS. These were recognized as All India Services. The IFS was established in 1963 and came into existence in 1966.
- Part IX of the Constitution established a three-tier Panchayati Raj system in each state. These three levels are: Gram Sabha (village assembly), Panchayat Samiti (intermediate), and Zila Parishad (district).
- Part IX-A of the Constitution provides for three types of local courts in each state: Municipalities for transitional areas, Nagar Palika for small urban areas, and Municipal Corporations for large urban areas.

### Other Important Questions

1. **Which provision was not adopted by the Indian Constitution from the Constitution of Canada?**  
A. A strong central government with a federal system  
B. Appointment of state governors by the center  
C. Advisory decisions of the Supreme Court  
D. Nominating members for the Rajya Sabha  
**Answer: (D)**
2. **Which constitutional provision was taken by the Indian Constitution from the British Constitution?**  
A. Judicial review  
B. Procedure established by law  
C. Parliamentary privileges  
D. Suspension of fundamental rights during emergencies  
**Answer: (C)**
3. **The concept of five-year plans in the Indian Constitution is taken from .....**  
A. Russia  
B. England  
C. United States  
D. Germany  
**Answer: (A)**
4. **The section on citizenship in the Indian Constitution is inspired by the Constitution of which country?**  
A. France  
B. United States  
C. Australia  
D. UK  
**Answer: (D)**
5. **The original document of the Indian Constitution was written by \_\_\_?**  
A. Dr. B.R. Ambedkar  
B. Sarojini Naidu  
C. Prem Bihari Narayan Raizada  
D. Dr. Rajendra Prasad  
**Answer: (C)**
6. **Who was the chairman of the Drafting Committee of the Constitution?**  
A. Jawaharlal Nehru  
B. Dr. B.R. Ambedkar  
C. Dr. Rajendra Prasad  
D. Sardar Vallabhbhai Patel  
**Answer: (B)**



4. Which of the following is not a fundamental duty?

- a. Respect the national flag and national anthem
- b. Protect public property
- c. Protect places and monuments of national importance
- d. Protect the natural environment

Answer - c

5. Which committee's recommendations led to the addition of fundamental duties by the 42nd Amendment?

- a. Santhanam Committee
- b. Sarkaria Committee
- c. Swaran Singh Committee
- d. Indira Gandhi Nehru Committee

Answer - c

6. In which year were fundamental duties added to the Constitution?

- a. 1965
- b. 1976
- c. 1979
- d. 1982

Answer - b

## Chapter - 6

### The Head of State in India (President)

- In India, the position of the President as the head of state has been established. Unlike the British Crown or the American President, the framers of the Constitution adopted a balanced form suitable for India, incorporating the provision for an "elected President" due to the republican system.

#### Head of the Executive

- The council of ministers typically has two key leaders: a "real head" and a "nominal or formal head." In India, the President is the nominal head, and the office has a largely formal nature.
- The need for a formal head arises for the following reasons:
  - As the head of the nation, the President symbolizes the unity, integrity, and solidarity of the country. Hence, even without being the practical head, the Indian President has been given the role of the head of state.
  - To keep the President's office above party politics, it is viewed as non-partisan.
  - To ensure continuity in administration: The council of ministers has an uncertain term and depends on the majority in the Lok Sabha. Thus, a fixed-term office is necessary for continuity.
  - To maintain the federal structure: In the context of India, an additional reason is federalism. Members of state legislatures also participate in electing the President, meaning the President represents not only the union but also the states.
- Articles 52 to 78 of Part 5 of the Constitution describe the executive of the Union.
- According to Article 52, there shall be a President of India. The use of the word "shall" indicates that the President must always be in office. This position cannot be vacant or abolished. The election of the President is to be conducted before the end of their term. In cases of temporary absence due to illness, the Vice President assumes the role until the President resumes.

#### Permanent and Temporary Executives

- According to Article 53(1), the executive power of the Union is vested in the President, who exercises it according to the Constitution, either personally or through subordinate officials.

### **Details**

- The President mainly exercises this executive power through two types of subordinate officials:
  - **Permanent Executive or Bureaucracy**
  - **Temporary or Political Executive**

### Permanent Executive or Bureaucracy

- The permanent executive includes All India Services (IAS, IPS, IFoS), provincial services, local government employees, and technical and managerial staff in public enterprises.
- **Need for Bureaucracy:**
  - The framers of the Constitution recognized the importance of a non-political and professionally skilled administrative machinery from their experiences during British rule.
  - The bureaucracy is the means through which the government's welfare policies reach the public.
  - These trained officials assist ministers in making and implementing policies. In the current global scenario, policy-making has become complex, requiring expertise and deep knowledge. Hence, a skilled and permanent executive is necessary.
  - The political or temporary executive often focuses on short-term political gains in policy-making and implementation, while the permanent executive advises ministers based on long-term social and economic needs.
  - Despite changes in governments, the permanent executive ensures continuity in policies and uniformity in public administration.

### Relationship between Permanent and Political Executives

- In a parliamentary system, the political executive (the council of ministers, including the Prime Minister) is responsible for the government, while the permanent executive or administration operates under its supervision.
- It is the minister's responsibility to maintain political control over the administration.
- The political executive is collectively accountable to the Lok Sabha or legislature, while the permanent executive or bureaucracy is accountable to the ministers of their respective departments.
- The bureaucracy is expected to be politically neutral, meaning it should not support any political view while considering policies.

- In a democracy, when governments change, the bureaucracy must assist the new government in policy-making and implementation.

### Understanding the Presidential and Parliamentary Systems

- Our Constitution creates the office of the President, but the system of governance is not presidential. It is essential to understand the differences between presidential and parliamentary systems.
  - Key characteristics of a presidential system include:
    - The President is both the head of state and the head of government, being the highest authority in the state. They are the actual executive, not just a nominal one. They use the powers vested in them in practice.
    - All executive powers reside with the President. The council of ministers only advises the President, who is not obligated to follow that advice.
    - The President is directly elected by the public. The term of the President is not dependent on the legislature's will. The legislature does not elect the President or can remove them from office.
    - The President and council of ministers are not members of the legislature. The President cannot dissolve the legislature before its term ends. The legislature can only terminate the President's term through impeachment. Thus, the President and legislature are elected for fixed terms and are independent of each other, with no interference between them.

### Qualifications for the Position of President

According to Article 58, a person must meet the following qualifications to be eligible for election as President:

- They must be a citizen of India.
- They must be at least 35 years old.
- They must be eligible to be elected as a member of the Lok Sabha.
- They should not hold a position that provides profit in the Union government, state government, local authority, or any public authority.

### Term of the President (Article 56)

- According to Article 56, the President's term lasts for five years from the date they take office.

- The president is entitled to use government residences without paying rent.
- The president's allowances and benefits cannot be reduced during their term.

**In Case of Vacancy**

Who will act as the president?

**End of Five-Year Term:**

Elections must be held before the end of the term. If there is a delay in the election for any reason, the current president will continue in office until their successor assumes duties.

In the event of the president's death, the vice president will act as the interim president until a new president is elected. The election must take place within six months of the vacancy.

By his resignation	<ul style="list-style-type: none"> <li>• The Vice President will act as the acting President until the new President is elected. The election should be held within six months from the date of vacancy of the post.</li> </ul>
By his removal from office by impeachment	<ul style="list-style-type: none"> <li>• The Vice President will act as the acting President until the new President is elected. The election should be held within six months from the date of vacancy of the post.</li> </ul>
If he is declared unfit to hold office	<ul style="list-style-type: none"> <li>• The Vice President will act as the acting President until the new President is elected. The election should be held within six months from the date of vacancy of the post.</li> </ul>
By illness or absence from India	<ul style="list-style-type: none"> <li>• The Vice President will act as the President until he assumes office again.</li> </ul>
By vacancy	<ul style="list-style-type: none"> <li>• Who will act as the President?</li> </ul>
By the expiry of a term of five years	<ul style="list-style-type: none"> <li>• It is necessary to conduct elections before the end of the term. If there is any delay in the election due to any reason, the current President will continue in his post until his successor takes charge.</li> </ul>

By his death	<ul style="list-style-type: none"> <li>• The Vice President will act as the acting President until the new President is elected. The election should be held within six months from the date of vacancy of the post.</li> </ul>
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**Note:**

If the position of the Vice President is vacant, the Chief Justice of India (or the senior-most judge of the Supreme Court if that position is also vacant) will act as the interim President. For example, when President Dr. Zakir Husain passed away, Vice President V.V. Giri, who was acting as President, resigned from his vice presidential role in 1969. Then, Chief Justice M. Hidayatullah served as the acting President.

**Impeachment of the President (Article 61)**

- Impeachment is a semi-judicial process conducted in Parliament. The President can be removed from office through impeachment for "violating the Constitution." However, the Constitution does not define what "violating the Constitution" means.
- An accusation against the President for violating the Constitution can be initiated in either house of Parliament. If one house makes such an accusation, the other house will investigate it.
- Charges against the President can start in either house of Parliament. The charges must be proposed in a motion, which requires signatures from at least one-fourth of the total members of that house. A notice of 14 days is required before bringing the motion to the house. The motion must be passed by at least two-thirds of the members present in that house.
- When one house makes such an accusation, the other house will investigate it. The President has the right to be present during this investigation and may have a representative (such as a lawyer) present as well. The house may delegate the investigation to a court or tribunal. If, after the investigation, the house passes the motion by a two-thirds majority and declares the charges proven, the President must be removed from office effective from the date the motion was passed. In the U.S., the Senate has the authority to consider impeachment, not Congress, and the Chief Justice of the Supreme Court presides over the

## Categories of Powers and Actions of the President

### Executive Powers

- Article 53 grants the President all executive powers of the Union. Formally, all actions are taken in the President's name. These powers are exercised directly by the President or through subordinate authorities provided by the Constitution.
- The President can create rules for orders issued and enforced in his or her name, ensuring that those orders are valid and certified under those conditions.
- The President appoints the Prime Minister and other ministers, and all ministers act at the President's pleasure.
- The President appoints the Attorney General of India and determines his or her salary and other terms.
- The Attorney General also acts at the President's pleasure.

### Appointments by the President

The President appoints the following officials:

- The Prime Minister of India and other ministers of the Union.
- The Attorney General of India.
- The Comptroller and Auditor General of India.
- The Chief Election Commissioner and other Election Commissioners.
- The Chairperson and members of the Union Public Service Commission.
- The Chairperson and members of the Finance Commission.
- Judges of High Courts and the Supreme Court.
- Governors, Lieutenant Governors, and Administrators.
- Special officers for Scheduled Castes and Tribes.
- Special officers for linguistic minorities.

For some appointments, the President consults not only the Council of Ministers but also other individuals. For example, when appointing judges of the Supreme Court, the President seeks advice from the Chief Justice of India and other judges as deemed necessary.

### Limitations on Appointment Powers

In addition to the power to appoint the officials mentioned, the Indian Constitution does not grant

the President the power to appoint subordinate officials, unlike the U.S. Constitution. This prevents the "spoils system" seen in the U.S. Instead, the Indian Constitution makes appointments of higher officials a legislative matter, requiring the President to consult the Public Service Commission for most appointments.

### Administrative Powers of the President

The President can seek information regarding any proposals related to the administration of the Union and the legislature. He or she can ask the Prime Minister to present the Council of Ministers' opinion on any matter decided by a minister that has not yet been discussed by the Cabinet.

The President can appoint a commission to investigate the status of Scheduled Castes, Scheduled Tribes, and other backward classes. He or she can form an Inter-State Council to promote cooperation between the Center and states. The President directly administers Union Territories through appointed administrators and can declare any area as a Scheduled Area. The President has specific powers related to the administration of Scheduled Areas and Tribal Areas, including:

- The power to declare an area as a Scheduled Area.
- The power to declare an area as no longer a Scheduled Area.
- The power to form a Tribal Advisory Committee.
- For peace and good governance in Scheduled Areas, the Governor can make laws, but these laws require the President's assent to be effective.
- The President can ask the Governor to prepare a report on the administration of the area.
- The President can issue directives regarding the administration of these areas.

### Extension of Executive Powers

Article 73 provides that:

1. The federal executive has the same powers as the Parliament for all subjects on which the Parliament can make laws.
2. This includes powers exercised based on treaties or agreements by the Government of India.
3. Regarding the Concurrent List, executive powers generally belong to the states, but if the Union executive is given the authority to legislate on a specific matter, it can exercise that power.

- **Acting President:** When the office of the President becomes vacant due to resignation, removal, death, or other reasons, the Vice President serves as the Acting President. They can hold this position for a maximum of six months. Additionally, if the current President is absent, ill, or unable to perform their duties, the Vice President fulfills these responsibilities until the President resumes office. During this time, the Vice President does not perform the duties of the Rajya Sabha Chairman; those duties are handled by the Deputy Chairman.

### Comparison of Indian and American Vice Presidents

- Although the position of Vice President in India is modeled after the American system, there are significant differences. In the U.S., the Vice President serves the remainder of the former President's term if the office becomes vacant. In contrast, the Indian Vice President only serves as Acting President until a new President is elected and assumes office.
- Thus, it is clear that the Constitution does not assign any specific tasks to the Vice President in India, and the position is primarily created to maintain political continuity.

### Comparison of the Positions of President and Vice President

President	Vice President
The President is elected by an electoral college consisting of the elected members of both Houses of Parliament and the Legislative Assemblies of the States.	The electoral college is limited to both the houses of the Parliament. Members of the state legislative assemblies do not participate in it.

In both cases, the election will be held by secret ballot according to the proportional representation system by single transferable vote.

### Qualifications:-

Must be a citizen of India.	Must be a citizen of India.
Must have completed 35 years of age.	Must have completed 35 years of age.

Must be eligible to be elected to the Lok Sabha.	Must be eligible to be elected to the Rajya Sabha.
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In both the cases, one should not hold any position of profit.

### Tenure of office:-

5 years from the date of assuming office. 5 years from the date of assuming office.	5 years from the date of assuming office. 5 years from the date of assuming office.
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### Resignation:-

He can resign by writing under his signature addressed to the Vice President.	He can resign by writing under his signature addressed to the President.
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### Re-election:-

He can be elected as many times as he wants. He can be elected as many times as he wants.	He can be elected as many times as he wants. He can be elected as many times as he wants.
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### Removal:-

Can be removed by impeachment	There is no impeachment but can be removed by a resolution passed by a majority of all the members of the Rajya Sabha in which the Lok Sabha agrees.
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### Function:-

There are several functions under the Constitution.	There is only one function, to act as Chairman of the Rajya Sabha. 1. When the office of the President is vacant, he acts as President. 1. Or performs the functions of the President.
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**3. Who is the chairperson of the Inter-State Council?**

- a. President
- b. Union Home Minister
- c. Vice President
- d. Prime Minister

**Answer - d**

**4. Who elects the Prime Minister?**

- a. Council of Ministers
- b. Chief Minister
- c. Members of Parliament
- d. Members of Parliament and Assembly

**Answer - c**

**5. According to the Indian Constitution, where does factual sovereignty reside?**

- a. In Parliament
- b. In the President
- c. In the Prime Minister
- d. In the people

**Answer - d**

**6. Which subjects do Articles 74 and 75 of the Indian Constitution deal with?**

- a. Council of Ministers
- b. Speaker of Lok Sabha
- c. President of India
- d. Members of the Cabinet

**Answer - a**

**7. Who was the Prime Minister that was removed by a vote in Parliament?**

- a. Indira Gandhi
- b. Morarji Desai
- c. V. P. Singh
- d. Chandrashekhar

**Answer - c**

**8. Who referred to the Prime Minister as the 'captain of the ship of the state'?**

- a. Ramjee Muir
- b. Lord Marlay
- c. H. J. Laski
- d. Munro

**Answer - d**

## Chapter - 8

### Parliamentary System

#### Federal Legislature (Parliament)

- The word 'Parliament' is a Hindi version of the English word 'Parliament.' It comes from the French word 'Parler' (meaning to speak or talk) and the Latin word 'Parliamentum.'
- In Latin, it was used for discussions held after meals. These talks were conducted by priests in their places of worship and were criticized by 13th-century monarchies as 'disgraceful.'
- Matthew Paris of St. Albans was the first person to use the word 'Parliament' in 1239 and again in 1249 for the great council of priests, earls, and lords.
- Since then, this word has been used for gatherings that provide a platform to discuss various issues and current topics.

**Question: Statement (A) The main purpose of India's federal structure was to create one nation from its diverse dimensions and to preserve national unity.**

**Reason (R) The blending of diversities has created a strong, not weak, Indian nationality.**

#### **Options:**

- A. Both (A) and (R) are correct, and (R) correctly explains (A).
- B. Both (A) and (R) are correct, but (R) does not correctly explain (A).
- C. (A) is correct, but (R) is wrong.
- D. (A) is wrong, but (R) is correct.

**Answer: A**

- **In India's federal system, the central legislature is called Parliament.**
- As an ideological and representative body of the people, Parliament has long been a lasting symbol of the principles we support morally and politically.
- As long as Parliament acts as the voice of the people's aspirations and fulfills them, it will remain the most powerful means to prevent unrest, dissatisfaction, and chaos in the country.
- Perhaps for these reasons, **Mahatma Gandhi said, "Without parliamentary government, our existence means nothing."**
- According to Article 79 of the Indian Constitution, there will be a Parliament for the Union, which will

consist of the President and two houses named Rajya Sabha and Lok Sabha.

- Rajya Sabha is also called the upper house or the second house, while Lok Sabha is known as the lower house or the first house.
- Rajya Sabha is called the upper house and Lok Sabha the lower house due to the relative qualifications of the elected members.
- Traditionally, it is believed that people elected to Lok Sabha are popular but not necessarily highly qualified or knowledgeable. Some may have very little academic knowledge.
- In contrast, members of Rajya Sabha are elected by people who are themselves elected, so they are generally more qualified and knowledgeable compared to Lok Sabha members. This is why Lok Sabha is called the lower house and Rajya Sabha the upper house.
- Bills are first presented in Lok Sabha and, after passing there, are sent to Rajya Sabha.
- Since most bills come to Lok Sabha first and then go to Rajya Sabha, Lok Sabha is referred to as the first house and Rajya Sabha as the second house.
- Another reason for calling them the first and second houses is that in a democracy, the people are supreme.
- Lok Sabha members are directly elected by the people, while Rajya Sabha members are elected indirectly by representatives of the people. Hence, Lok Sabha is the first house and Rajya Sabha is the second house.
- **Article 79 states that the President is an essential part of Parliament because he summons sessions, can adjourn them, and can dissolve Lok Sabha.**
- Any bill passed by both houses of Parliament becomes law only with the President's approval.

**Question: Which legislative house can be dissolved?**

- (A) Lok Sabha
- (B) Rajya Sabha
- (C) Legislative Council
- (D) Legislative Assembly

**Answer: C**

- Bills passed by Parliament have no meaning until the President gives his consent.

## Lok Sabha

- The first Lok Sabha was formed on April 17, 1952. The formation of Lok Sabha is mentioned in Articles 81 and 331 of the Constitution.
- Lok Sabha is the first or lower house of Parliament. It is also called the 'popular house' or lower house because all its members are directly elected by the people based on adult franchise.
- Lok Sabha can have a maximum of 552 members. Of these, 530 members are elected from the states, 20 from union territories, and 2 Anglo-Indians are nominated by the President of India.
- Currently, Lok Sabha has 545 members, with 530 from states and 13 from union territories, and 2 Anglo-Indians nominated by the President.
- The 91st Amendment Act of 2001 states that the maximum number of Lok Sabha members will remain 552 until 2026.
- According to the Delimitation Act of 1952, a three-member Delimitation Commission is formed. The fourth Delimitation Commission was set up in 2001, headed by Justice Kuldeep Singh. The first such commission was formed in 1952, the second in 1962, and the third in 1973.
- The term of Lok Sabha lasts for five years from its first meeting.
- **To become a member of Lok Sabha, a person must meet the following qualifications:**
  1. He must be a citizen of India.
  2. He must be at least 25 years old.
  3. He must not hold any profitable position under the Union or State Government (not in government service).
  4. He must not be insane or bankrupt.
- The newly formed Lok Sabha elects its Speaker and Deputy Speaker. The term of the Lok Sabha Speaker is five years, but he can resign voluntarily or can be removed by a no-confidence motion.
- The 61st Amendment Act of 1989 made it possible for citizens who turn 18 to be considered adults for choosing members of Lok Sabha or State Assemblies.
- Lok Sabha cannot remain dissolved for more than six months.
- Lok Sabha is formed for five years from the date of its first session.
- However, the President can dissolve Lok Sabha before five years on the advice of the Prime Minister.

- The gap between two sessions of Lok Sabha should not be more than six months.
- The duration of Lok Sabha cannot be extended by more than one year at a time.
- After the end of the emergency declaration, it is necessary to hold general elections and form Lok Sabha within six months.

### Sessions

- Lok Sabha must meet at least twice a year.
- There should not be more than a six-month gap between the last meeting of the previous session and the first meeting of the next session, but this gap can be more than six months if Lok Sabha is dissolved before the next session.
- Under Article 85, the President has the authority to summon each house of Parliament, Rajya Sabha and Lok Sabha, from time to time, to prorogue them, and to dissolve Lok Sabha.

### Special Session

- A special session of Lok Sabha can be called to reject the declaration of a national emergency.
- When at least 110 members inform the President in writing to call a session, or when the session is ongoing, they give written notice for the same.
- Such written notice must be given 14 days before the date of the session.
- The President or the Speaker is obliged to call the session based on such notice.

### Speaker of Lok Sabha

- The Speaker of Lok Sabha is the chief officer of Lok Sabha and conducts all its proceedings:
  - The Speaker is elected by the members of Lok Sabha.
  - The date of the Speaker's election is determined by the President.
  - The Speaker takes an oath as a general member of Lok Sabha.
  - The Executive Chairman administers the oath to the Speaker.
  - The Executive Chairman is the oldest member of Lok Sabha.
  - The Speaker remains in office until the first meeting of the new Lok Sabha after the elections.
  - The Speaker can resign by submitting his resignation to the Deputy Speaker.
  - **The Speaker can be removed by a proposal passed by the majority of Lok Sabha members.**

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### Suspension vs. Prorogation

Suspension	Prorogation
1. It only ends a single meeting, not the entire session.	1. It ends both the meeting and the session.
2. It is done by the presiding officer of the house.	2. It is done by the President.
3. It does not affect any bill or work in the house because that work can be taken up in the next meeting.	3. It also does not affect any bill, but for the remaining work, a notice has to be given in the next session. In the UK, due to prorogation, bills and other pending work are considered ended.
4. A bill that is being considered by both houses and awaiting the President's approval does not end.	

### Role and Powers of the Lok Sabha Speaker

The Speaker of the Lok Sabha has many important roles and powers, which can be described as follows:

### Number of Lok Sabha Members by State

1. Uttar Pradesh: 80
2. Maharashtra: 48
3. West Bengal: 42
4. Bihar: 40
5. Tamil Nadu: 39
6. Madhya Pradesh: 29
7. Karnataka: 28
8. Gujarat: 26
9. Rajasthan: 25
10. Andhra Pradesh: 25
11. Odisha: 21
12. Kerala: 20
13. Telangana: 17
14. Assam: 14
15. Jharkhand: 14
16. Punjab: 13
17. Chhattisgarh: 11
18. Haryana: 10
19. Uttarakhand: 5
20. Himachal Pradesh: 4



- **Delimitation:** Delimitation means balancing the number of different elected voters in a state.
- Delimitation has been done in 1952, 1963, 1973, and 2003.
- Until 2026, the number of Lok Sabha seats by state will remain unchanged.
- Currently, "Malakand Giri" in Telangana has the most voters for a Lok Sabha seat.
- Lakshadweep has the fewest voters.

Rajya Sabha	Lok Sabha
(1) "According to Article 19, the Rajya Sabha has the right to form a new 'All India Plan.'	The Council of Ministers is responsible to the Lok Sabha.
(2) According to Article 249, a subject can be declared of national importance by a 2/3 majority. In this case, Parliament can have the right to make laws on that subject.	Money bills and finance bills are reorganized according to the Lok Sabha.

### Joint Sitting Article- 108

- A bill becomes a law only when it is passed by both Houses.
- It is necessary for any bill to be passed by both Houses (except money bills).
- If a bill is rejected by the second House after being passed by the first, or if it is kept pending for 6 months, a joint sitting of both Houses can be called. In the joint sitting, the bill can be passed by a simple majority.
- The Speaker of the Lok Sabha chairs the joint sitting. If the Speaker is absent, the Deputy Speaker of the Lok Sabha, the Chairman of the Rajya Sabha, or any other senior member can chair it. However, the Vice President does not chair in any situation.

### Disqualifications of Members:

- Article 102 mentions the disqualifications of members of Parliament. Any case regarding this is presented in the Supreme Court.
- Article 103 states that the decision on disqualifications is made by the President.

- According to Article 101, if a member is absent for 60 consecutive meetings, their membership is terminated.
- Subramanian Swamy's membership was terminated during the emergency under this rule.
- In 1954, H.G. Buduguntal resigned from the Lok Sabha for taking bribes.
- Memberships were also terminated during Operation Chakravayuh and Operation Duryodhana.

### Privileges of MPs (Article- 105)

- Article 105 grants special privileges to MPs. They have unlimited freedom of speech in Parliament or its meetings. No legal action can be taken for anything said in Parliament or its meetings.
- No charges can be made against MPs for their personal conduct (R.K. Karanjia was punished on this basis).
- No legal action can be taken against MPs on civil matters 40 days before or after a session.
- During a session, MPs cannot be arrested without the Speaker's permission, even on criminal matters.

### Quorum

- A meeting of any House can be conducted [Article 100 (iii)] if 10% of the total number of members are present. This is called quorum.
- For the Lok Sabha, the quorum requires 1/3 of the members.

### Leader of the Opposition

- The largest opposition party in each House, with at least 10% of the seats, is declared the Leader of the Opposition.
- Since 1977, the Leader of the Opposition has been given the status of a Cabinet Minister.
- In 1966, Ram Samudra Singh of the Congress was the first to be declared the Leader of the Opposition.
- In 1977, Y.B. Chavan was declared the Leader of the Opposition in the Lok Sabha and Kamalapati Tripathi in the Rajya Sabha.

### Whip

- Each party declares two officials in the respective House:
  1. Leader of the parliamentary party
  2. Whip

### When a Bill Lapses:

- If a bill is passed by the Rajya Sabha (Upper House) but is pending in the Lok Sabha (Lower House) and the Lok Sabha is dissolved, the bill lapses.
- If a bill is passed by the Lok Sabha but pending in the Rajya Sabha, and the Rajya Sabha is dissolved, it lapses.
- If a bill is pending in the Rajya Sabha, passed by the Rajya Sabha, and then pending in the Lok Sabha when it is dissolved, it does not lapse.
- If a bill has been sent to the President for signature after passing both houses, it does not lapse if the Lok Sabha is dissolved.
- If there is disagreement between the two houses, a joint session can be called, even if the Lok Sabha is dissolved.

**Joint Session of Both Houses:** This can be called in case of a deadlock over a bill under certain conditions:

1. If the bill is rejected by the second house.
2. If there is disagreement over amendments to the bill.
3. If more than six months have passed since the bill was sent to the second house without being passed.

The President calls the joint session, and it can only be for ordinary bills or finance bills, not for money bills or constitutional amendments.

- Constitutional amendment bills must be passed separately by both houses.
- The six-month period does not include days when the other house is not in session.
- A joint session cannot be called if a bill lapses due to the Lok Sabha's dissolution, but it can be called if the President gives notice.

**The Speaker of the Lok Sabha chairs the joint session, or the Vice-Chairman if the Speaker is absent.**

In normal circumstances, the Chairman of the Rajya Sabha does not preside over a joint session because he is not a member of either house.

- The Constitution has a provision that amendments in a joint session can only be made in two circumstances:
  1. Amendments on which both houses could not reach a final decision, and

2. Amendments that have become necessary due to delays in the passage of the bill.

Since 1950, joint sessions of both houses have been called three times. The bills passed by joint sessions are:

1. The Dowry Prohibition Bill, 1960.
2. The Banking Service Commission Bill, 1977
3. The Prevention of Terrorism Bill, 2002

### Important Proposals in Parliament:

- According to Article 75(iii), the council of ministers is collectively responsible to the Lok Sabha. The Prime Minister presents a confidence motion in the Lok Sabha.
- Three Prime Ministers have been removed for not gaining the confidence of the Lok Sabha.

**So far, 3 Prime Ministers have been removed from office for not gaining a vote of confidence.**

- (i) V-P Singh (1990)
- (ii) HD Deve Gowda (1997)
- (iii) Atal Bihari Vajpayee (1997)

For the first time, Charan Singh (1979) was asked to prove his vote of confidence.

Before this, the President's address was considered as a vote of confidence.

**No-Confidence Motion:** This arises from Article 75(iii) and is presented by the opposition in the Lok Sabha. At least 10% of total members must support it, and it can only be presented after a 19-day notice.

- The first no-confidence motion was introduced in 1963.
- No no-confidence motion has been passed by the Lok Sabha so far.
- There must be at least a six-month gap between a confidence motion and a no-confidence motion.

**Censure Motion:** This is also inspired by Article 75(iii) and is presented by the opposition. If a censure motion passes for one minister, the entire council of ministers does not have to resign.

- Reasons must be provided.
- Support from 50 members is required.

**Attention Motion:** This is presented in the Lok Sabha to draw attention to a specific issue.

**Suspension Motion:** This stops the current proceedings to discuss another important issue. It can be introduced in both houses.

## Practice Questions

1. Who among the following recommended Lokayukta for the first time at the state level?

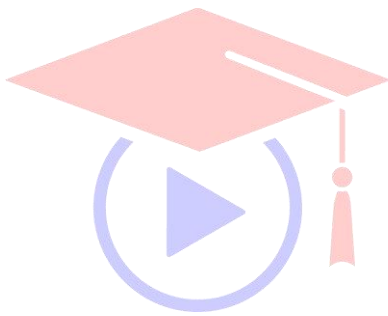
- (A) Rajasthan Administrative Reforms Committee
- (B) Administrative Reforms Commission of India
- (C) Santhanam Committee
- (D) Second Administrative Reforms Commission

Answer: (B)

2. When did the Lokayukta and Lokpal Act, 2013 come into effect by the Central Government?

- (A) 16 January, 2014
- (B) 16 June, 2014
- (C) 16 August, 2014
- (D) 16 May, 2014

Answer: (A)



## Chapter - 29

### Local Self-Governance and Panchayati Raj Institutions

#### Ancient Times

- **Vedic Period:** Political institutions such as Sabha, Samiti, and Vidath functioned as local councils and central assemblies.
- **Atharva Veda:** Mentions the term Gramani, referring to the village head.
- **Buddhist Era:** The head of a village was called Gramyojak.
- **Mauryan Period:** The head of the village council was known as Gramika.
- **Chola Empire:** The first structured form of the gram panchayat is found here, referred to as Uur.
- **Mughal Era:** The smallest administrative unit was the village, with its head called Mukkadam or Chaudhary. The head of a city was known as Kotwal.

#### British India

- **Local Governance Initiation:** Considered to have started with the Madras Municipal Corporation in 1688.
- **Lords Ripon:** Known as the father of local self-governance in India, he established district boards, village panchayats, and courts.
- **Montagu-Chelmsford Reforms (1919):** Included local self-governance as a transferred subject.
- **Government of India Act (1935):** Placed local self-governance in the provincial/state list.
- **Mahatma Gandhi:** Envisioned "Gram Swaraj" in his book My Picture of Free India.
- **Panchayati Raj:** A subject in the state list of the Constitution.

#### Panchayati Raj

- **Constitutional Provision:** Article 40 in Part IV (Directive Principles) of the Indian Constitution mandates the establishment of Panchayati Raj institutions.
- **Community Development Programme (2 October 1952):** Launched by Prime Minister Jawaharlal Nehru with the support of the Ford Foundation; however, it failed due to bureaucratic interference and lack of public participation.

- **National Extension Service Programme (2 October 1953):** Aimed at rural development but also faced challenges leading to its failure.

### Establishment of Panchayati Raj

- **Balwant Rai Mehta Committee (1957):** Formed to investigate the failures of earlier programs and recommended the establishment of Panchayati Raj, which was accepted.
- **First Implementation:** The foundation of Panchayati Raj was laid by Jawaharlal Nehru in Nagaur, Rajasthan, on October 2, 1959, and was implemented across the state.

- **Need for Improvement:** The lack of desired success led to serious considerations and the formation of several committees to strengthen the Panchayati Raj system.

The evolution of local self-governance in India has its roots in ancient political structures, further developed during the Mughal and British periods. The constitutional framework for Panchayati Raj was established through several initiatives and recommendations, particularly in the mid-20th century, aimed at empowering local governance and ensuring effective rural development.

Sr. No.	year	Name of the Committee	Major recommendations
1.	1957	Balwant Rai Mehta	<ul style="list-style-type: none"> <li>• Recommended democratic decentralization.</li> <li>• The structure of Panchayati Raj should be three-tier.               <ol style="list-style-type: none"> <li>i. At the district level - Zila Parishad</li> <li>ii. At the block level - Panchayat Samiti</li> <li>iii. At the village level (lowest level) - Gram Panchayat</li> </ol> </li> <li>• Recommended that the District Collector should be the President of the Zila Parishad.</li> <li>• They recommended making the middle/block level the most powerful.</li> </ul>
2.	1977	Ashok Mehta	<ul style="list-style-type: none"> <li>• The structure of Panchayati Raj should be two-tier.               <ol style="list-style-type: none"> <li>i. District Council at the district level</li> <li>ii. Panchayat Samiti at the Mandal level</li> </ol> </li> <li>• This committee recommended abolition of Gram Panchayat (lower level).</li> <li>• This committee recommended making the Zila Parishad powerful.</li> <li>• Recommended giving reservation to Scheduled Castes and Tribes on the basis of population.</li> <li>• Recommended holding Panchayati Raj elections on the basis of party system.</li> <li>• Recommended to make the tenure of Panchayati Raj institutions 4 years.</li> <li>• Recommended the appointment of a minister to look after the affairs of Panchayati Raj institutions.</li> <li>• Recommended the formation of Nyaya Panchayats.</li> </ul>
3.	1985	G.V.K. Rao Committee	<ul style="list-style-type: none"> <li>• The structure of Panchayati Raj should be four-tier:-               <ol style="list-style-type: none"> <li>i. At the state level - State Council</li> <li>ii. At the district level - District Council</li> <li>iii. At the block level - Panchayat Samiti</li> <li>iv. At the village level - Gram Panchayat</li> </ol> </li> <li>• This committee recommended to make the block level the most powerful. Recommended to create the post of District Development Commissioner at the district level.</li> <li>• This committee recommended to give adequate representation to Scheduled Castes, Scheduled Tribes, Backward Classes and Women.</li> <li>• Recommended to conduct regular elections of Panchayati Raj institutions.</li> </ul>

- **West Bengal** is notable for adopting a four-tier system, which includes gram panchayat, **anchal panchayat**, **anchalik parishad**, and **zila parishad**.
- **Article 243(c)** empowers state legislatures to make laws regarding the structure of panchayats.
- The population of the territorial area of any panchayat and the number of seats filled by elections must be proportionate across all states as much as possible.
- All seats in panchayats are filled by representatives elected directly from territorial constituencies.
- The election of the **gram panchayat** head will be as per the law made by the state, while the heads of intermediate and district panchayats are elected from among their members.

<b>Sarpanch</b>	<b>Deputy Sarpanch</b>	<b>Ward Panch</b>
<ul style="list-style-type: none"> <li>• President of Gram Panchayat</li> <li>• Direct election (by adult voters)</li> <li>• <b>Oath</b>- Election Officer</li> <li>• <b>Resignation</b>- Development Officer</li> <li>• <b>No confidence motion</b>-</li> <li>• Cannot be brought in the initial year and last 1 year.</li> <li>• This motion must be passed by 3/4 majority.</li> </ul>	<ul style="list-style-type: none"> <li>• Vice President</li> <li>• Indirect election (by Ward Pancho)</li> <li>• <b>Oath</b> - Election Officer</li> <li>• <b>Resignation</b> - Development Officer</li> <li>• <b>No-confidence motion</b> - Deputy Sarpanch can be removed by the same procedure as Sarpanch.</li> </ul>	<ul style="list-style-type: none"> <li>• Member of Gram Panchayat</li> <li>• Direct election (by adult voters)</li> <li>• <b>Oath</b> - Election Officer</li> <li>• <b>Resignation</b> - Development Officer</li> <li>• <b>No-confidence motion</b>- cannot be brought.</li> </ul>
<b>Panchayat Samiti Pradhan</b>	<b>Deputy Pradhan</b>	<b>Panchayat Samiti Member</b>
<ul style="list-style-type: none"> <li>• Chairman of Panchayat Samiti</li> <li>• <b>Election</b> - Indirect election by Panchayat Samiti members</li> <li>• <b>Oath</b> - Subdivision Officer</li> <li>• <b>Resignation</b> - District Head</li> <li>• <b>No confidence motion</b>-</li> <li>• Cannot be brought in the initial year and last 1 year.</li> <li>• This motion must be passed by 3/4 majority.</li> </ul>	<ul style="list-style-type: none"> <li>• Vice President</li> <li>• <b>Election</b>- Indirect election by Panchayat Samiti members</li> <li>• <b>Oath</b>- Subdivision Officer</li> <li>• <b>Resignation</b>- Pradhan</li> <li>• <b>No-confidence motion</b>- Deputy Pradhan can be removed by the same procedure as Pradhan.</li> </ul>	<ul style="list-style-type: none"> <li>• Member of Panchayat Samiti</li> <li>• <b>Direct Election</b> (by adult voters)</li> <li>• <b>Oath</b>- Election Officer</li> <li>• <b>Resignation</b> - Pradhan</li> <li>• <b>No-confidence motion</b>- cannot be brought.</li> </ul>

<b>District head</b>	<b>Deputy district head</b>	<b>District council member</b>
<ul style="list-style-type: none"> <li>• Chairman of Zila Parishad</li> <li>• <b>Election</b>- Indirect election by Zila Parishad members</li> <li>• <b>Oath</b>- District Collector</li> <li>• <b>Resignation</b>- Divisional Commissioner</li> <li>• <b>No-confidence motion</b>-</li> <li>• Cannot be brought in the initial year and the last 1 year.</li> <li>• This motion must be passed by 3/4 majority.</li> </ul>	<ul style="list-style-type: none"> <li>• Vice President</li> <li>• <b>Election</b>- Indirect election by Zila Parishad members</li> <li>• <b>Oath</b>- District Collector</li> <li>• <b>Resignation</b>- District Head</li> <li>• <b>No-confidence motion</b>- Deputy Chief can be removed by the same procedure as Zila Pramukh.</li> </ul>	<ul style="list-style-type: none"> <li>• Member of Panchayat Samiti</li> <li>• Direct election (by adult voters)</li> <li>• <b>Oath</b> - Election Officer</li> <li>• <b>Resignation</b> - District Head</li> <li>• <b>No-confidence motion</b> - cannot be brought.</li> </ul>

## Chapter 2: Public Service Commissions

- **Article 315:** Public Service Commissions for the Union and states
- **Article 316:** Appointment and tenure of members
- **Article 317:** Removal and suspension of members of the Public Service Commission
- **Article 318:** Power to make regulations regarding conditions of service of commission members and staff
- **Article 319:** Prohibition on members holding other offices
- **Article 320:** Functions of Public Service Commissions
- **Article 321:** Power to extend the functions of Public Service Commissions
- **Article 322:** Expenditure of Public Service Commissions
- **Article 323:** Reports of Public Service Commissions

### Part 14 (A): Tribunals

- **Article 323(A):** Administrative tribunals
- **Article 323(B):** Tribunals for other subjects

### Part 15: Elections

- **Article 324:** Election Commission's authority over the supervision, direction, and control of elections
- **Article 325:** No electoral rolls based on religion, race, caste, or sex
- **Article 326:** Elections to the Lok Sabha and state assemblies based on adult franchise
- **Article 327:** Parliament's power to make provisions regarding elections to legislatures
- **Article 328:** Legislative assembly's power to make provisions regarding its own elections
- **Article 329:** Description of court intervention in electoral matters

### Part 16: Special Provisions for Certain Classes

- **Article 330:** Reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha
- **Article 331:** Representation of the Anglo-Indian community in the Lok Sabha
- **Article 332:** Reservation of seats for Scheduled Castes and Scheduled Tribes in state assemblies
- **Article 333:** Representation of the Anglo-Indian community in state assemblies
- **Article 334:** Reservation of seats and special representation to cease after sixty years

- **Article 335:** Claims of Scheduled Castes and Scheduled Tribes for services and positions
- **Article 336:** Special provisions for the Anglo-Indian community in certain services
- **Article 338:** National Commission for Scheduled Castes and Scheduled Tribes
- **Article 339:** Union control over the administration of scheduled areas and welfare of Scheduled Tribes
- **Article 340:** Appointment of a commission to investigate the conditions of backward classes
- **Article 341:** Scheduled Castes
- **Article 342:** Scheduled Tribes

### Part 17: Official Language

#### Chapter 1: Language of the Union

- **Article 343:** The official language of the Union will be Hindi.
- **Article 344:** Commission and parliamentary committee regarding the official language.

#### Chapter 2: Regional Languages

- **Article 345:** Official language(s) of the state.
- **Article 346:** The official language for communication between states or between a state and the Union.
- **Article 347:** Special provisions concerning a language spoken by a section of the population of a state.

#### Chapter 3: Language of Supreme Court, High Courts, etc.

- **Article 348:** Language used in the Supreme Court and High Courts, as well as for Acts, bills, etc.
- **Article 349:** Special procedure for certain laws related to language.

#### Chapter 4: Special Directives

- **Article 350:** Language used for addressing grievances.
- **Article 350(A):** Facilities for education in the mother tongue at the primary level.
- **Article 350(B):** Special officer for linguistic minority groups.
- **Article 351:** Directives for the development of the Hindi language.

### Part 18: Emergency Provisions

- **Article 352:** Declaration of external emergency.
- **Article 353:** Effects of the declaration of emergency.

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UP Police Constable 2024 - <http://surl.li/rbfyn> (98 प्रश्न , 150 में से)

Rajasthan CET Gradu. Level - <https://youtu.be/gPqDNlc6UR0>

Rajasthan CET 12th Level - <https://youtu.be/oCa-CoTFu4A>

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PTI 3<sup>rd</sup> grade - [https://www.youtube.com/watch?v=iA\\_MemKKgEk&t=5s](https://www.youtube.com/watch?v=iA_MemKKgEk&t=5s)

SSC GD - 2021 - <https://youtu.be/2gzzfJyt6vl>

EXAM (परीक्षा)	DATE	हमारे नोट्स में से आये हुए प्रश्नों की संख्या
MPPSC Prelims 2023	17 दिसम्बर	63 प्रश्न (100 में से)
RAS PRE. 2021	27 अक्तूबर	74 प्रश्न आये
RAS Mains 2021	October 2021	52% प्रश्न आये

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<b>RAS Pre. 2023</b>	01 अक्टूबर 2023	96 प्रश्न (150 में से)
<b>SSC GD 2021</b>	16 नवम्बर	68 (100 में से)
<b>SSC GD 2021</b>	08 दिसम्बर	67 (100 में से)
<b>RPSC EO/RO</b>	14 मई (1st Shift)	95 (120 में से)
<b>राजस्थान S.I. 2021</b>	14 सितम्बर	119 (200 में से)
<b>राजस्थान S.I. 2021</b>	15 सितम्बर	126 (200 में से)
<b>RAJASTHAN PATWARI 2021</b>	23 अक्टूबर (1st शिफ्ट)	79 (150 में से)
<b>RAJASTHAN PATWARI 2021</b>	23 अक्टूबर (2 <sup>nd</sup> शिफ्ट)	103 (150 में से)
<b>RAJASTHAN PATWARI 2021</b>	24 अक्टूबर (2 <sup>nd</sup> शिफ्ट)	91 (150 में से)
<b>RAJASTHAN VDO 2021</b>	27 दिसम्बर (1 <sup>st</sup> शिफ्ट)	59 (100 में से)
<b>RAJASTHAN VDO 2021</b>	27 दिसम्बर (2 <sup>nd</sup> शिफ्ट)	61 (100 में से)
<b>RAJASTHAN VDO 2021</b>	28 दिसम्बर (2 <sup>nd</sup> शिफ्ट)	57 (100 में से)
<b>U.P. SI 2021</b>	14 नवम्बर 2021 1 <sup>st</sup> शिफ्ट	91 (160 में से)
<b>U.P. SI 2021</b>	21 नवम्बर 2021 (1 <sup>st</sup> शिफ्ट)	89 (160 में से)
<b>Raj. CET Graduation level</b>	07 January 2023 (1 <sup>st</sup> शिफ्ट)	96 (150 में से)
<b>Raj. CET 12<sup>th</sup> level</b>	04 February 2023 (1 <sup>st</sup> शिफ्ट)	98 (150 में से)
<b>UP Police Constable</b>	17 February 2024 (1 <sup>st</sup> शिफ्ट)	98 (150 में से)





**& Many More Exams like UPSC, SSC, Bank Etc.**

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# Our Selected Students

Approx. 137+ students selected in different exams. Some of them are given below -

Photo	Name	Exam	Roll no.	City
	<b>Mohan Sharma</b> S/O Kallu Ram	Railway Group - d	11419512037002 2	PratapNag ar Jaipur
	<b>Mahaveer singh</b>	Reet Level- 1	1233893	Sardarpura Jodhpur
	<b>Sonu Kumar Prajapati</b> S/O Hammer shing prajapati	SSC CHSL tier- 1	2006018079	Teh.- Biramganj, Dis.- Raisen, MP
N.A	<b>Mahender Singh</b>	EO RO (81 Marks)	N.A.	teh nohar , dist Hanumang arh
	<b>Lal singh</b>	EO RO (88 Marks)	13373780	Hanumang arh
N.A	<b>Mangilal Siyag</b>	SSC MTS	N.A.	ramsar, bikaner

	<b>MONU S/O KAMTA PRASAD</b>	SSC MTS	3009078841	kaushambi (UP)
	<b>Mukesh ji</b>	RAS Pre	1562775	newai tonk
	<b>Govind Singh S/O Sajjan Singh</b>	RAS	1698443	UDAIPUR
	<b>Govinda Jangir</b>	RAS	1231450	Hanumang arh
N.A	<b>Rohit sharma s/o shree Radhe Shyam sharma</b>	RAS	N.A.	Churu
	<b>DEEPAK SINGH</b>	RAS	N.A.	Sirsi Road , Panchyawa la
N.A	<b>LUCKY SALIWAL s/o GOPALLAL SALIWAL</b>	RAS	N.A.	AKLERA , JHALAWAR
N.A	<b>Ramchandra Pediwal</b>	RAS	N.A.	diegana , Nagaur

	<b>Monika jangir</b>	RAS	N.A.	jhunjhunu
	<b>Mahaveer</b>	RAS	1616428	village- gudaram singh, teshil-sojat
N.A.	<b>OM PARKSH</b>	RAS	N.A.	Teshil- mundwa Dis- Nagaur
N.A.	<b>Sikha Yadav</b>	High court LDC	N.A.	Dis- Bundi
	<b>Bhanu Pratap Patel s/o bansi lal patel</b>	Rac batalian	729141135	Dis.- Bhilwara
N.A.	<b>mukesh kumar bairwa s/o ram avtar</b>	3rd grade reet level 1	1266657	JHUNJHUN U
N.A.	<b>Rinku</b>	EO/RO (105 Marks)	N.A.	District: Baran
N.A.	<b>Rupnarayan Gurjar</b>	EO/RO (103 Marks)	N.A.	sojat road pali
	<b>Govind</b>	SSB	4612039613	jhalawad

	<b>Jagdish Jogi</b>	EO/RO Marks) (84	N.A.	tehsil bhinmal, jhalore.
	<b>Vidhya dadhich</b>	RAS Pre.	1158256	kota
	<b>Sanjay</b>	Haryana PCS	96379	Jind (Haryana)

And many others.....

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