



Government of TamilNadu
Department of Employment and Training

Course : SSC EXAM

Subject : POLITY

Topic : **MAKING OF THE CONSTITUTION**

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INTRODUCTION

POLITY

MAKING OF THE CONSTITUTION:

- ❖ The constituent Assembly was formed in November 1946 formulated by cabinet mission plan.
- ❖ It had 11 sessions over two years 11 months and 18 days to frame the constitution.
- ❖ Dr.Rajendra Prasad was the president of constituent Assembly.
- ❖ The constituent Assembly held its first meeting on 9 December 1946, and its last meeting is on 24 January 1950.
- ❖ The Indian constitution was adopted on 26 January 1950.
- ❖ Dr.B.R.Ambedkar is called the “Father of Indian Constitution”.
- ❖ It consists of 495 Articles, 25 Parts and 12 Schedules.
- ❖ Originally 365 Articles, 22 Parts and 8 Schedules.
- ❖ Parliamentary form of Government.
- ❖ Parliamentary sovereignty and Judicial Supremacy.
- ❖ Integrated and Independent Judiciary.
- ❖ Fundamental Rights.
- ❖ Directive principles of state policy.
- ❖ Fundamental Duties
- ❖ A secular state.
- ❖ Universal Adult Franchise.
- ❖ Independent Bodies.
- ❖ Single citizenship
- ❖ Emergency Provisions
- ❖ Three tier Government.

Salient Features of the Constitution:

- ❖ Longest written constitution.
- ❖ Drawn from various sources
- ❖ Blend of Rigidity and Flexibility
- ❖ Federal System with unitary Bias.

Sources of the Constitution:

S.No.	Sources	Features Borrowed
1.	Government of India Act 1935	Federal scheme, office of Governor, Judiciary, Public Service Commission, Emergency Provisions and Administrative details.
2.	British Constitution	Parliamentary Government, Rule of Law, legislative procedures, single citizenship, cabinet system, writs, bicameralism.
3.	US Constitution	Fundamental rights, Independence of Judiciary, Judicial review, Impeachment of president, removal of supreme court, high court Judges, vice-president post.
4.	Irish Constitution	DPSP, nomination of members to Rajya Sabha election method of president.
5.	Australian Constitution	Concurrent list, freedom of trade, Joint sitting of two houses.
6.	Gandian Constitution	Strong centre, residuary power in centre, advisory jurisdiction of supreme court.
7.	Weimar Constitution of Germany	Suspension of Fundamental Rights during Emergency.
8.	USSR Russia	Fundamental duties and Ideal of Justice.
9.	French Constitution	Republic and the Ideals of liberty, equality and fraternity in preamble.
10.	South African Constitution	Procedure of amendment of constitution, election of member of Rajya Sabha
11.	Japanese Constitution	Procedure established by Law.

Part of the Indian Constitution:

Parts	Subject
I	The union and its territory.
II	Citizenship
III	Fundamental Rights
IV	Directive principle of state policy
IV-A	Fundamental Duties
V	The Union Government
VI	The state Governments
VII	The states in part B of first schedule (Deleted)
VIII	The union Territories.
IX	The Panchayets
IX-A	The Municipalities
IX-B	The Co-operative Societies
X	The Scheduled and Tribal Areas
XI	Relations between the union and the states.
XII	Finance, Property, Contracts, and Suits.
XIII	Trade, Commerce and Intercourse within the territory of India
XIV	Service under the union and states.
XIV-A	Tribunals
XV	Elections
XVI	Special Provisions relating to certain classes.
XVII	Official Language
XVIII	Emergency Provisions
XIX	Miscellaneous
XX	Amendment of the constitution
XXI	Temporary, Transitional and special provisions.
XXII	Short title, commencement, Authoritative Text in Hindi and Repeals

Schedules of the Constitution:

Schedule	Subject
First	Names of the states and union Territories
Second	Provisions relating to emoluments, allowances, privileges and so on.
Third	Forms of Oath and affirmations.
Fourth	Allocation of seats in Rajya Sabha to states and union territories.
Fifth	Administration and control of scheduled areas and scheduled tribes.
Sixth	Administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram.
Seventh	Division of powers between union and states in terms of List I, II, III (Union List, State List, Concurrent List)
Eighth	Languages recognized by constitution.
Ninth	Acts and regulations of state Legislature dealing with and land reforms and abolition of zamindari system.
Tenth	Disqualification of members of parliament and state legislature on the ground of defection also known as Anti-defection law.
Eleventh	Responsibilities of panchayets.
Twelfth	Responsibilities of Municipalities.

PREAMBLE

- ❖ The term preamble gives introduction to the constitution.
- ❖ The preamble is based on the objective resolution passed by Jawaharlal Nehru on Dec.13.1946.
- ❖ Key words in the preamble – sovereign, Socialist, Secular, Democratic, Republic, Justice, Liberty, Equality and Fraternity.
- ❖ The preamble has been amended only once in 1976 by 42nd constitutional Amendment Act added three new words socialist, secular and integrity.

PART-I : UNION AND ITS TERRITORY

- ❖ Article.1 – India – “ Union of States”

Territory of India classified as

- Territories of the states
- Union Territories
- Territories that may be acquired by the government of India at any time.
- ❖ Article.2 – empowers parliament to admit into union of India new states and powers to establish new states.
- ❖ Article.3 – Formation of new states and alteration of areas, boundaries or names of existing states.

- ❖ Article.4 – Laws made by parliament on Article.2 and Article.3.
- ❖ These laws can be passed by simple majority.
- ❖ Dhar commission and JVP committee to examine whether the states can be separated on linguistic basis. But the proposal was rejected.
- ❖ Then in 1953 Fazil Ali commission was formed. By this report states has been separated on the basis of languages.
- ❖ As a result of states Reorganisation Act 1956. 14 states and 6 union territories were created.

PART-II: CITIZENSHIP

- ❖ Article.5 – Citizenship at the commencement of the constitution – i.e. by January 26, 1950.
- ❖ Article.6 – Rights given to citizenship of certain persons who have migrated to India from Pakistan.
- ❖ Article.7 – Rights given to citizenship of certain migrants to Pakistan.
- ❖ Article.8 – Rights given to citizenship of Indian origin people residing outside India.

- ❖ Article.9 – Persons who voluntarily acquires citizenship of a foreign state loses their citizenship in India.
- ❖ Article.10 – Ways to continue the rights of citizenship.
- ❖ Article.11 – Parliament to regulate the rights of citizenship by law.
- ❖ Citizenship Act was passed on 1955. This provides acquisition and loss of citizenship after the commencement of the constitution.

Ways to acquire citizenship:

1. By Birth
2. By Descent
3. By Registration
4. By Naturalisation
5. By Incorporating Territories.

Ways to loss citizenship:

1. By Renunciation
2. By Termination
3. By Deprivation

Part – III – Fundamental Rights (Article 12 – Article 35)

- ❖ Fundamental Rights described in part-III of constitution from Articles 12 to 35.

- ❖ Fundamental Rights called as the Magna Carta of India.
- ❖ It is guaranteed by all the persons without any discrimination.
- ❖ It is meant for promoting the ideal of political democracy.

Features:

- ❖ Some rights only to citizens and others to all persons.
- ❖ Negative in character
- ❖ Justiciable
- ❖ Defended and guaranteed by supreme court.
- ❖ Can be amended without affecting the basic structure of the constitution.
- ❖ Article.12 – Definition of state.
- ❖ Article.13 – Laws inconsistent to fundamental Rights.

1. Right to Equality: (Article 14 – 18)

- ❖ Article.14 – Equality before law. Equal protection of laws.
- ❖ Article.15 – Prohibition of discrimination on grounds of caste, sex, race, religion or place of birth.
- ❖ Article.16 – Equality in opportunity of employment.
- ❖ Article.17 – Abolition of Untouchability.

- ❖ Article.18 – Abolition of titles except military and academic.

2. Right to Freedom : (Article 19 – 22)

- ❖ Article.19 – Freedom of
 - Speech and expression
 - Assembly
 - Association
 - Movement
 - Residence
 - Profession
 - Property (Removed) – made as a legal right under Art.300A
- ❖ Article.20 – Protection in respect of conviction for offences.
- ❖ Article.21 – Protection of Life and personal Liberty.
- ❖ Article.21A – Right to elementary education. (By 86th amendment Act.2002)
- ❖ Article.22 – Protection against arrest and detention in certain cases.

3. Right against Exploitation : (Article 23– 24)

- ❖ Article.23 – Prohibition of traffic in human beings and forced labour.
- ❖ Article.24 – Prohibition of child labour.

4. Right to freedom of Religion : (Article 25– 28)

- ❖ Article.25 – Freedom of conscience and free profession, practice and propagation of religion.
- ❖ Article.26 – Freedom to manage religious affairs.
- ❖ Article.27 – Freedom from payment of taxes for promotion of any religion.
- ❖ Article.28 – Freedom from attending religious instructions or worship in certain educational institutions.

5. Cultural and Educational Rights : (Article 29– 30)

- ❖ Article.29 – Protection of language, Script and culture of minorities.
- ❖ Article.30 – Right of minorities to establish and administer educational institutions.

6. Right to constitutional remedies :

- ❖ Article.32 – Right to move to supreme court for the enforcement of fundamental rights including writs of
 - i) Habeas corpus
 - ii) Mandamus
 - iii) Prohibition

iv) Certiorari

v) Quo warranto

- ❖ Article 32 defines fundamental rights to be protected is within the fundamental right.
- ❖ Fundamental rights is meaningless, useless and worthless without providing as effective machinery for their enforcement. When they are violated. Article 32 confers rights to remedies for enforcement of fundamental rights. This Article 32 makes fundamental rights real and effective.
- ❖ Dr.Ambedkar called “Art.32 the most important and without this constitution would nullify. It is the very soul and heart of the constitution”.
- ❖ Article.33 – Empowers parliament to restrict the fundamental rights of members of armed forces, Para military forces etc.
- ❖ Article.34 – Restriction on fundamental rights when martial law is in within Indian territory.
- ❖ Article.35 – Power to make laws, to give effect to certain specified

fundamental rights vests only in parliament and not is state legislature.

Criticism of Fundamental Rights:

- ❖ Excessive limitation
- ❖ No social and Economic rights - only political rights.
- ❖ No permanency – Parliament can abolish any right (right to property)
- ❖ Suspension during emergency.

Part IV Directive Principles of State Policy (Art 36-51):

- For the welfare state.
- Dr.Ambedkar – Novel feature of Indian constitution.
- Granville Austin – Directive Principle of State Policy and Fundamental Rights are the conscience of the constitution.

Features:

- ❖ States should keep in mind Directive Principle of State Policy while formulating policies and enacting laws.
- ❖ Instrument of Instructions – Dr.Ambedkar
- ❖ Constitution economic, Social and Political Programme.

- ❖ Non – Justiciable.
- ❖ Art.37 – Duty of state of apply Directive Principle of State Policy in making laws.

Classification

- Socialistic
- Gandhian
- Liberal – Intellectual

- ❖ Art.46 – To promote educational and economic interest of SC's and ST's
- ❖ Art.47 – Prohibition of drugs.
- ❖ Art.48 – Prohibit slaughter of cows, calves.

Liberal – Intellectual Principles:

- ❖ Art.44 – Uniform civil code
- ❖ Art.45 – Early childhood care below six years.
- ❖ Art.48 – Organise agriculture and Animal Husbandry
- ❖ Art.48A – Protect and improve environment and to safeguard wild life and forests.
- ❖ Art.49- To protect historic places.
- ❖ Art.50 – To Separate judiciary from executive.
- ❖ Art.51 – To promote internation peace and security.

Socialistic Principles:

- ❖ Art.38 - To promote welfare of people by security social order.
- ❖ Art.39 – To secure rights to adequate means of livelihood for all citizens.
- ❖ Art.39A – Free legal aid to the poor.
- ❖ Art.41 – To secure right to work, to education and to public assistance in case of unemployment, old age, sickmen ets.
- ❖ Art.42- Maternity relief
- ❖ Art.43 – To secure a living wage.
- ❖ Art.43A – Participation of workers in management of Industries.
- ❖ Art.47 – To raise level of nutrition and standard of living of people.

86th Amendment, 2002 – changed art 45 and made elementary education a fundamental right under Art.21A

Gandhian Principles:

- ❖ Art.40 – To organise village panchayets.
- ❖ Art.43 – To promote cottage Industries.

Criticism:

- ❖ No legal force
- ❖ K.T . Shah – pious superfluous

❖ T.T.Krishnamachari – dustbin of sentiments.

❖ Constitutional conflict

❖ Illogically arranged.

Part IV-A – Fundamental Duties –

Art.51A:

❖ Fundamental duties are drawn from USSR.

❖ Fundamental duties added in 1976 by 42nd amendment act under art.51A.

❖ Recommended by Swaran Singh committee 11 duties for every citizens of India

a) To respect National flag and Anthem

b) To cherish and follow noble ideals that inspired national struggle for freedom

c) To protect sovereignty, unity and integrity

d) To defend the country and render national service.

e) To promote harmony and spirit of common brotherhood among all people.

f) To value and preserve rich heritage of country's culture.

g) To improve and protect natural environment including forests, lakes, rivers and wildlife.

h) To develop scientific temper, humanism and spirit of inquiry and reform.

i) To safeguard public property and to abjure violence.

j) To strive towards excellence in all spheres of individual so that the nation rises to higher levels of achievement.

k) To provide education for child between six and fourteen. (added by 86th amendment act 2002)

Part V [Article 52 – 151]

Union Executive

❖ Article (52-78)

❖ Consist of President, Vice President, Prime Minister, Council of Ministers & Attorney General of India.

President

❖ Head of Indian State

❖ First Citizen of India

❖ Acts as symbol of Unity, Integrity & Solidity of the Nation

❖ Elected Member of,

Lok Saba 543 +
2

Rajya Saba 233 +
12

- Both Houses of Parliament
- Legislative assemblies of the state
- Legislative assemblies of Union territories of Delhi & Pondicherry

❖ Should not hold any office of profit

Nomination of Candidate

- ❖ Must be subscribed by at least 50 electors as proposer & 50 electors as seconders
- ❖ Make a security deposit of Rs.15000/- in RBI

Oath

- ❖ Administered by Chief Justice of India

Condition of President's Office

❖ Nominated members do not participate in the election of President

- ❖ Should not be a member of either house of Parliament or a house of State Legislature

Election Proportional Representation

- ❖ By means of single transferable Vote & Voting by secret ballot
- ❖ Must secure absolute majority of Voters

Term of Office

- ❖ Duration 5 years
- ❖ Resignation letter to Vice-President
- ❖ Can be removed by impeachment (Article 61)

Disputer Regarding Election

- ❖ Inquired into & decided by supreme Court whose decision is final

- ❖ Also eligible for re-election to the office

Qualification

- ❖ Have completed 35 years of age
- ❖ Should be a citizen of India
- ❖ Should be qualified for election as a member of Lok Sabha

Impeachment (Article 61)

- ❖ Violation of the constitution
- ❖ Charges can be initiated by either houses of Parliament
- ❖ Signed by $\frac{1}{4}$ th member of house
- ❖ 14 days notices to given to President

- ❖ Bill after passed by 2/3 majority of total membership of both houses, president is removed

Participation

- ❖ Nominated members of the parliament can participate
- ❖ Elected members of legislative and union territories of Delhi & Pondicherry do not participate

Vacancy

- ❖ On expiry of his tenure of five years
- ❖ By resignation
- ❖ By process of impeachment
- ❖ By death
- ❖ Election to fill vacancy must be held before the expiration of the term

- ❖ Can appoint commission for SC, ST & OBC
- ❖ Can appoint inter state council to promote centre state & inter state Co-operation
- ❖ Directly administers union territories can declare any area as Scheduled area & has powers to administer those areas

Vice President as President

- ❖ Vacancy occurs due to resignation, death, removal, Vice President acts as a President
- ❖ Election must be held with six months

Legislative Powers

- ❖ Can summon or prorogue the parliament & dissolve the Lok Sabha
- ❖ Can summon a joint sitting (Article 108), Presided by Speaker of Lok Sabha
- ❖ Addresses the Parliament at the commandment of first session, after each general election & first session of each year

Powers & Function

Executive Powers

- ❖ All executive actions of Government of India are formally taken in his name
- ❖ Appoints,

- ❖ Can appoint Lok Sabha & Rajya Sabha's Speakers & Chairman
- ❖ Appoints, 12 member in Rajya Sabha (nominated)
 - 2 member in Lok Sabha (Anglo-Indian)
- ❖ Regarding bill sent to him, he can
 - Give his assent
 - With hold his assent
 - Return the bill (if not money bill)

- ❖ Can Promulgate ordinance when parliament is not in session
- ❖ Ordinance must be approved within six weeks from the reassembly

Financial Powers

- ❖ Money bill introduced Only with his recommendation
- ❖ Lays annual financial statement (union Budget)
- ❖ Can make advances out of contingency fund
- ❖ Constitute finance commission after five years

Judicial Powers

- ❖ Appoint Chief Justices and Judges of Supreme Court & High Court
- ❖ Can seek advices from Supreme Court (Article 143)

- ❖ Can grant pardon (Article 72)

Military Powers

- ❖ Supreme Commander of defence forces
- ❖ Appoints Chief's of Army, Nevis, Air Force

Emergency Powers

- ❖ National Emergency (Article 352)
- ❖ President's rule
- ❖ Financial Emergency (Article 360)

Veto Power

- ❖ When a bill presented to a President, Under Article (111), he can
 - Assent to the bill
 - With hold his assent
 - Return the bills (if not money bill)
 - Reserve the bill for consideration of the President

The President has 3 alternatives (Article 201)

- May assent the bill
- Withhold his assent
- May direct the Governor to return the bill

Ordinance Making Power

- ❖ Article 123
- ❖ He can call both houses of Parliament are not in session
- ❖ If no action means, Can worthless after six weeks

Pardoning Power

- ❖ Article 72
 - Pardon
 - Commutation
 - Remission
 - Respite
 - Reprieve

Constitutional Position

- ❖ Nominal executive - President
- ❖ Real executive – council of ministers headed by PM (42nd amendment) His Power & function, may aid & advice of them

44th Amendment

- ❖ President may return a matter once for reconsideration for his minister, but reconsidered advice may be binding
- ❖ 1997 – K.R.Narayanan imposed President rule in U.P.
- ❖ President acts on his Own,

- Appoint PM with no majority in Lok Sabha
- When PM dies suddenly
- Dismissal of Lok Sabha

Vice President (Article 63)

- ❖ 2nd Highest office in the country
- ❖ American office mode
- ❖ Electoral college method election

Electoral College

- Both elected & nominated members of parliament
- Does not include state legislative
- Proportional representation

Qualification

- ❖ Be a citizen of India
- ❖ 35 years
- ❖ Qualified for election as a member of Rajya Sabha
- ❖ Should not hold any office of Profit

Nomination

- ❖ 20 proposers + 20 seconders
- ❖ Deposit Rs.15000/- in RBI

Oath & Affirmation

- ❖ Administered by President

Condition of Office

- ❖ Not a member of both house & state legislature
- ❖ Should not hold any office for profit

Terms of Office

- ❖ Five years
- ❖ Resignation letter to president
- ❖ Removed by resolution of Rajya Sabha
- ❖ 14 days notice should be given
- ❖ No procedure for removal

Vacancy

- ❖ Election held before expiration date
- ❖ Tenure of 5 years
- ❖ Resignation
- ❖ Removal

Prime Minister

- ❖ Real executive Authority (defector executive)

Appointment

- By president (Article 75)
- Has to appoint leader of majority party in Lok Sabha
- When no party has clear majority. He usually appoints leader of largest party (or) coalition in Lok sahba

- He has no seek a vote of confidence in the house within the mouth

First Time

- Neelam Sanjive Reddy appointed Charan Singh

Qualification

- ❖ He should be a member of house of parliament
- ❖ Person who is not a member, should become a member either house of the parliament

Oath - President

- ❖ Term not fixed
- ❖ Until he enjoys majority

Power & Function

- ❖ In relation to council of ministers
- ❖ President can appointed a member as minister recommended by P.M.
- ❖ Allocates & reshuffles various port folios

Among Ministers

- Can ask a minister to resign & or recommended to president
- ❖ Presides over meeting of council of ministers

In relation to president

- ❖ Principle channel b/w ministers & president
- ❖ Advisees president an appointment of Attorney General, CAG, Chairman & Members of UPSC & Finance Commission and Election Commission

In relation to parliament

- ❖ Advisees president to summon, prorogue the sessions in parliament
- ❖ Can recommend dissolution of Lok sabha to president

Other Powers

- ❖ Vacancy of planning Commission, NDC, NIC, ISC,
- ❖ Relationship with president (Art.74)
- ❖ Advice president with council of ministers.
- ❖ Prime Minister appointed by president (Art.75) and other ministers appointed by president with advice of Prime Minister.
- ❖ Council of collectively response to the house.

Council of Minister

- By British Pattern
- Headed by Prime Minister

- Art.74- Status of council of Minister
- Art.75-Appointment, Salary, Tenure, responsibility, qualification, oath and allowances o ministers.

Appointment

- By President
- Either Lok Sabha (or) RajyaSabha member.

- If not a member become a minister, they should be a member within 6 month.

- He can speak and take part in proceedings, if a member

- But can vote only in a house where he is a member.

Oath – President.

Salaries – Determined by parliament from time to time.

Collective Responsibility

Art.75 Collective responsibility of council of minister in Lok sabha

Ministers:

- ❖ Work as a team and swim or sink together.

❖ If no confidence motion against ministers in Lok Sabha can also dissolve Rajya Sabha.

Individual Responsibility:-

Art.75

- Principle of individual responsibility
- Ministers hold office during pleasure of president
- President can remove a minister, only by the advice of Prime Minister.

Composition:-

- ❖ Cabinet minister
- ❖ Minister of State
- ❖ Deputy Minister

Cabinet Minister

- ❖ Head the important ministries of central government like home, Defence, Finance, External affairs and so on.

Ministers of State

- ❖ Given independent dept. (or) ministries.
- ❖ Can be attached to cabinet ministers.

Deputy Ministers:

- ❖ Not given individual dept (or) ministries.
- ❖ Are attached cabinet (or) ministers of state.

Role of cabinet:

- ❖ Highest decision – making authority in out politico administrative system.
- ❖ Chief formulating body of the govt.
- ❖ Supreme executive of govt.

Kitchen cabinet:

- ❖ Can give a advices to the ministers.

Two types of committee:

- ❖ Standing committee : - adhoc committee.

Standing Committee (Permanent)

- ❖ Political affairs committee
- ❖ Economic affairs committee
- ❖ Appointment committee (PM)
- ❖ Parliamentary affairs committee (Home Minister)

Most powerful committee – Political affairs committee also called “SUPER CABINET”

Cabinet Secretariat: Important dept. of central govt. rules making and staff agency to union cabinet.

Role and Function:

- ❖ Prepare agenda for meeting
- ❖ Chief coordinating agency in central Government.

Cabinet Secretary:

- ❖ Administrative head of cabinet department.
- ❖ Given top places among civil servants.

Power and Functions:

- ❖ Chief coordinator for central administrator
- ❖ Chairman of senior selection board.
- ❖ Select important officers and other members.
- ❖ Acts as a link b/w PMo and various administrative agencies.
- ❖ Acc. To 91st amendment-15% of minister- total strength.

PARLIAMENT

- ❖ Also called west Minister model of Government.

Council of States:

- ❖ Rajya Sabha (upper house) second chamber (or) House of elders.

House of People:

- ❖ Lok Sabha (Lower house) 1st chamber (or) popular house.

Rajya Sabha – represents states and union territories of Indian Union.

Lok Sabha – People of India.

RAJYA SABHA:

Composition:

- ❖ Max strength – 250 members (23 +12)
- 12-Nominated by president
- ❖ At Present – 245(233+12)
- 233- Representation of states and union territories
- Rep. of states Act – 1951

LOK SABHA:

Composition:

- ❖ Max strength – 552 (550+2)
- 2- Anglo Indians
- ❖ Present – 545(543+2)

Members of Parliament:

- ❖ Must be a citizen of India

- ❖ Rajya Sabha – Not less than 30 years.
- ❖ Lok Sabha – Not less than 25 years.

- Presides over Joint sitting of two houses.
- Decides money bill.

Disqualification:

- ❖ Decided by chairman – Rajya Sabha
- ❖ Decided by speaker – Lok Sabha

Chairman of Rajya Sabha

- Vice president (ex-officio chairman)
- Can be removed only if he is removed from office of vice president.

Disqualification on ground of defection:

- Under 10th schedule
- Voluntarily give his membership
- Joins other party.

Speaker has 2 special powers not enjoyed by chairman.

- Decides whether a bill is money bill or not.
- Presides over joint sitting of two houses.

RULE, POWERS AND FUNCTION:

Speakers:

- Head of Lok Sabha
- Guardian of powers and privileges of members.
- Decision in all parliamentary matters is final.
- Have high dignity and supreme authority within the house.

Rajya Sabha Equal status with Lok Sabha:

- Introduction and passage of ordinary bill and amendment bill.
- Election and impeachment of president.
- Election and removal of vice president.
- Approval of ordinances issued by president.
- Approval of proclamation of all emergencies.

Powers:

- Adjourns the house or suspends the meeting in absence of quorum.
- Does not vote in first instance.
- Vote in case of tie.

Unequal status with Lok Sabha

- Money bill can be introduced only in Lok Sabha
- Rajya Sabha cannot amend or reject a money bill should return to Lok Sabha within 14 days
- Power to decide a bill a money bill in Lok Sabha.

Devices of Parliamentary Proceedings:

Question hour – First hour of every parliamentary sitting .

Questions:

1. Starred question – required Oral answer.
2. Unstarred – required written answer
3. Short notice – Orally, asked by giving a notice of less than 10 days.

ZERO HOUR:

- Not mentioned in rules of procedure.
- Starts immediately after question hour and lasts till agenda for the day.
- Indian innovation since 1962.

CALLING ATTENTION MOTION:

- To call the attention of a minister to a matter of urgent public importance.
- Indian innovation since 1954.

ADJOURNMENT MOTION:

- Needs support of 50 members
- Interrupts the normal business of house
- Not permitted in Rajya Sabha
- Should not last for less than 2 hours and 30 minutes.

Supreme Court

- Integrated Judicial System
- Inaugurated on Jan.28 1950

Organisation

- 1 chief justice and 30 other judges.

Originally

- 1 chief justices and 7 other judges

Appointment

- By President
- Consultation with Judges of supreme court.

Judges

- Appointed by president
- Consultation with chief justice of chief justice

- Motion after passed, address is presented to president to remove the judge.

Qualification

- Citizen of India
- Judge of High court for 5 years
- Advocate of High court for 10 years.
- No Minimum age.

- Guarantor of Fundamental rights of citizen
- Guardian of constitution

Independence of Supreme Court

Original Jurisdiction

- Decides dispute between
- Centre and one (or) more states

Oath

- By President

Power and Judicial Reviews:

Tenure

- Until attain 65 years (or) 6 years.
- Removed from office by president on recommendation of parliament.

- Power to examine constitutionality of legislative and executive orders.
- Uphold principle of supremacy
- Equilibrium between centre and states.

Removal of Judge

- By special Majority of each house of parliament.

- To protect fundamental rights.
- Review of its own judgement.

Impeachment

- Removal motion signed by 100 members Lok Sabha 50 member Rajya Sabha.
- Speaker / Chairman Refuse
- (or) admit it
- 3 member committee to investigate

- The Parliament has to perform complex and varied kind of functions. A committee can be called a Parliamentary committee if it
- is appointed or elected by the house or nominated by the Speaker or the Chairman; it has a secretariat provided by the Lok

- Sabha/Rajya Sabha secretariat.
- A Parliamentary Committee can either be a Standing Committees or an Ad hoc Committee. Standing Committees are permanent committees and are constituted for a fixed tenure.
- Ad hoc Committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them after submitting the report. These committees include Advisory Committees and Inquiry Committees. Advisory Committees include committees on Select and Joint Committees on Bills which are appointed to consider and report on a particular bill. The Inquiry Committees are constituted to inquire into a specific issue and report on that, for example, Committee on 2G Scam, Joint committee on Bofors Contract, etc.
- The various Standing Committees of the Parliament are mentioned below:
- Committee on Public Accounts
- This Committee consists of 15 members elected by the Lok Sabha and 7 members of the Rajya Sabha are associated with it.
- The members are elected through the principle of proportional representation by means of the single transferable vote in both the houses. The term of the Committee is one year. The chairman of the committee is appointed by the Speaker of the Lok Sabha from amongst the members of the committee.
- The main function of the Committee is to ascertain whether the money granted by parliament has been spent by government within the scope of the demand.
- Estimate Committee
- The Estimates Committee consists of 30 members, elected every year by the Lok Sabha from amongst its Members. The members are elected through the principle of proportional representation by means of the single transferable vote in both the

- houses. The term of the committee is one year.
- The main function of this committee is to report economies, improvements in organisation, ef_ficiency or administrative reform,
- consistent with the policy underlying the estimates may be affected.
- Business Advisory Committee
- The committee of Lok Sabha and Rajya Sabha consist of 15 and 11 members respectively. The speaker of Lok Sabha acts as the
- chairman of committee of Lok Sabha and the Chairman of Rajya Sabha is the ex-of_cio chairman of the committee of Rajya
- Sabha
- The function of the Committee is to recommend to the government to bring forward particular subjects for discussion in the
- House and recommend allocation of time for such discussions.
- Committee on Private Members' Bills and Resolutions
- The function of the Committee is to allot time to bills and resolutions
- introduced by private members. The committee only exists
- in Lok Sabha and consists of 15 members with Deputy Speaker is its Chairman. The Committee holds of_ice for a term not
- exceeding one year.
- Committee on Government Assurances
- This committee scrutinizes the assurances, promises, undertakings etc. given by ministers from time to time and to report to the
- respective house and to see whether such implementation has taken place within the minimum time necessary for the purpose.
- The committee consists of 15 members in Lok Sabha and 10 members in Rajya Sabha.
- Committee on Subordinate Legislation
- The Committee scrutinizes and reports to the House to know whether the powers are making regulations, rules, sub -rules, bylaws
- etc. conferred by the constitution or delegated by the parliament are

- being properly exercised by the executive within the
- scope of such delegation. The committee in both the houses consists of 15 members.
 - Committee on Welfare of SCs and STs
 - The committee consists of 30 members that include 20 members from the Lok Sabha and 10 members from the Rajya Sabha.
 - The main function of the Committee is to consider all matters concerning the welfare of the scheduled castes and scheduled tribes, falling within the purview of the union government and the union territories
 - Committee on Absence of Members
 - The committee considers all applications from members for leave of absence from the sittings of the Lok Sabha. It examines every case where a member has been absent for a period of 60 days or more, without permission, from the sittings of the house.
 - The committee exists only in Lok Sabha and consists of 15 members.
 - Rules Committee
 - It considers matters of procedure and conduct of business in the House and recommends any amendments or additions to the Rules of Procedure and Conduct of Business in the House. The Lok Sabha committee consists of 15 members including the Speaker who is the ex-officio Chairman. The Rajya Sabha committee consists of 16 members including the Chairman as its ex-officio Chairman.
 - Committee of Privileges
 - The function of the committee is to examine case involving breach of privilege of the House or of the members of any committee referred to it by the House or by the Speaker and to make suitable recommendations in its report. The Lok Sabha committee and the Rajya Sabha committee consist of 15 and 10 members respectively.
 - Committee on Petitions
 - It considers and reports on petitions on bills and on matters of public

importance presented to the House

The Lok Sabha

- committee and the Rajya Sabha committee consist of 15 and 10 members respectively.
- Joint Committee on Offices of Profit
- It examines the composition and character of the committees appointed by the central and state governments and to
- recommend whether a person holding these offices should be disqualified from being elected as a member of parliament, under
- article 102 of the Constitution. It consists of 15 members, 10 from Lok Sabha and 5 from Rajya Sabha.
- Committee on Empowerment of Women
- The committee consists of 30 members that include 20 members from the Lok Sabha and 10 members from the Rajya Sabha.
- The main function of the committee is to review and monitor the measures taken by the union government for securing women
- equality, status and dignity in all fields

- Joint Committee on Salaries and Allowances of Members

- It frames rules for regulating payment of salary, allowances and pension to Members of Parliament. It also frames rules in
- respect of amenities like medical, housing, telephone, postal, constituency and secretarial facility.

The committee consists of 15

- members that include 10 members from the Lok Sabha and 5 members from the Rajya Sabha.

- Moreover, there are several other committees such as house committee, ethics committee, library committee and consultative committee also.

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- **1** Parliamentary Committees **2** Bank of Baroda Recruitment 2019

The Parliamentary Forums have been constituted with the objective of

equipping members with information and knowledge on special issues of national concern and in assisting them to adopt a result-oriented approach towards related issues. These Forums provide a platform to members to have interaction with the Ministers concerned, experts and key officials from the nodal Ministries.

15th Lok Sabha had 8 forums, which are described below:

The Objectives behind the Constitution of Parliamentary Forums are:

1. To provide a platform to the members for interaction and discussion with the ministers concerned, experts and key officials from the nodal ministries on critical issues with a result-oriented approach for speeding up the implementation process.
2. To sensitize the members about the key areas of concern and also about the ground level situation and equip them with the latest information, knowledge, technical know-how and valuable inputs from experts both from the country and abroad for enabling them to raise these issues

effectively on the floor of the House and in meeting of various parliamentary committees.

3. To prepare a data base on critical issues coming under the ambit of each parliamentary forum after culling out relevant information from different sources such as the ministries concerned, United Nations, NGOs, internet, newspapers etc and circulation thereof to the members so that they can meaningfully participate in the discussions held in the meeting of the forums.

Composition of Parliamentary Forums:

The Speaker is the ex-officio President of all the parliamentary forums except the Parliamentary Forum on Population and Public Health where the chairman of Rajya Sabha is the ex-officio President and the Speaker of the Lok Sabha is ex-officio Co-President.

Each Forum consists of not more than 31 members (excluding the President and vice Presidents of the forum) including 21 members from the Lok Sabha and 10 members from the Rajya Sabha.

Parliamentary Forum on Water Conservation and Management

The functions of the Parliamentary Forum on Water Conservation and Management are:

To identify problems relating to water and make recommendations for consideration and taking appropriate action by the

The functions of the Parliamentary Forum on Children are:

1. To enhance awareness and attention of parliamentarians towards critical issues affecting children's well being
2. To provide a platform to parliamentarians to exchange ideas, views, experiences, expertise, practices in relation to children through workshops, seminars, orientation programmes etc.
3. To provide parliamentarians an interface with the civil society for highlighting children's issues including, inter alia, the voluntary sector, media and corporate sector
4. To enable parliamentarians to interact with specialized UN agencies

and other comparable multilateral agencies on expert reports, studies, news and trend analysis etc. Worldwide.

Parliamentary Forum on Youth

The functions of the Parliamentary Forum on Youth are:

1. To have focused deliberations on strategies to leverage human capital among the youth for accelerating development initiatives.
2. To build greater awareness amongst public leaders and at the grass-root level on the potential of youth power for effecting socio-economic change.
3. To interact on regular basis with youth representatives and leaders in order to better appreciate their hopes, aspirations, concerns and problems.
4. To consider ways for improving parliament's outreach to different sections of youth, in order to reinforce their faith and commitment in democratic institutions and encourage their active participations
5. To hold consultations with experts, national and international academicians and government

agencies concerned redesigning of public policy in the matter of youth employment.

Parliamentary Forum on Population and Public Health

The functions of the forum are:

1. To have focused deliberations on strategies relating to population stabilization
2. To discuss and prepare strategies on issues concerning public health
3. To build greater awareness in all sections of the society, particularly at the grass-root level, regarding population control and public health
4. To hold comprehensive dialogue and discussion in the matter of population and public health with experts at the national and international levels and to have interaction with the multilateral organizations like WHO, United Nations Population Fund, academicians and government agencies.

Parliamentary Forum on Global Warming and Climate Change

The functions of the forum are:

1. To identify problems relating to global warming and climate change and make recommendations for

consideration and appropriate action by the government/organizations concerned to reduce global warming

2. To identify ways of involving members of parliament to interact with specialist of national and international bodies working on to mitigate global warming and climate change by developing new technologies

3. To organize seminars/workshops to create awareness about the causes and effects of global warming and climate change

4. To identify ways of involving members of parliament to spread awareness to prevent global warming and climate change

Parliamentary Forum on Disaster Management

The functions of the forum are:

1. To further enhance awareness and attention of parliamentarians towards critical issues affecting artisans and craftspeople

2. To provide a platform to parliamentarians to exchange ideas, views, experiences, expertise, practices in relation to artisans

and craftspeople through workshops, seminars, orientation programmes etc.

3. To enable parliamentarians to interact with representatives of various union ministries, government organizations like Khadi

Village Industries Commission (KVIC), Coir Board, and the Council for Advancement of People's Actions and Rural Technology (CAPART) and other related organizations/bodies

4. To hold comprehensive dialogue and discussion on the matters relating to preservation of art and traditional craft and the promotion of artisans and craftspeople with organizations at the national and international levels

Parliamentary Forum on Millennium Development Goals

The functions of the forum are:

1. To review and enhance awareness and attention of parliamentarians towards critical issues which have bearing on achievement of targets set under Millennium Development Goals by 2015

2. To provide a platform to parliamentarians to exchange ideas, views, experiences, expertise, practices in

relation to implementation of Millennium Development Goals

3. To provide parliamentarians an interface with the civil society for highlighting issues related Millennium Development Goals.

4. To enable parliamentarians to interact with specialized UN agencies and other comparable multilateral agencies, expert report, studies, news and trend analysis etc.

Constitutional Bodies

Constitutional bodies in India are the bodies or institutes that have its name mentioned in Indian constitution. It derives power directly from the constitution. Any type of change in mechanism of these bodies needs constitutional amendment.

They are as follows:

1. Attorney General

Articles:76

- Tenure and Removal:Holds office during the pleasure of President.
- Further Appointment:YES
- Powers:Has privileges of a MP,

- Right of audience in all courts in the territory of India,
- Can attend both houses of parliament, joint sitting of parliament (but NOT entitled right to vote)

2. Comptroller and Auditor General (CAG)

Articles : 148

- Tenure and Removal:Holds office for 6yrs or 65 years age(whichever is earlier)
- Removal : as same as that of SC Judge
- Further Appointment:NO
- Powers:Audits the accounts related to Consolidated fund of India and states (UTs with legislative assemblies), Contingency fund as well as Public accounts fund of centre and states.
- Advisory role regarding accounts to president
- Additional Information:His certification regarding net proceeds of any tax or duty is final.

3. Election Commission

Articles:324

- Composition: Chief Election Commissioner + Other commissioners (appointed by President)

- Tenure and Removal:Determined by President (presently 65 yrs age or 6yrs, whichever is earlier.)
- Further Appointment :YES
- Powers:Conducting free and fair elections.
- Limits on poll expenses
- Registration of political parties.

4. Finance Commission

Articles:280

- Composition:Chairman (Experience in public affairs) + 4 members (Judges of HC, specialized knowledge of economics, accounts and finances of Govt.)
- Further Appointment:YES
- Powers:Distribution of net proceeds of taxes between Centre and the States, to be divided as per their respective contributions to the taxes.
- Determine factors governing Grants-in Aid to the states and the magnitude of the same.
- To make recommendations to president as to the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats and municipalities in the state on the basis of the recommendations

made by the Finance Commission of the state.

- Additional Information:It takes into consideration both capital and revenue requirements of state in formulating devolution

5. National Commission for SC's

Articles:338

- Composition Chairman: , Vice Chairman, Three others
- Tenure and Removal:For a term of three years. Pleasure of president
- Further Appointment:YES
- Powers:Quasi-judicial body
- It Monitors and reports working of constitutional safeguards for SC's (including OBC's and ST's)
- While investigation and inquiry, has all the powers of a civil court

6. National Commission for ST's

Articles:338-A

- Composition:Chairman , Vice Chairman, Three others
- Tenure and Removal:For a term of three years. Pleasure of president
- Further Appointment:YES

- Powers:Quasi-judicial body

- It Monitors and reports working of constitutional safeguards for ST's (including OBC's and SC's)

- While investigation and inquiry, has all the powers of a civil court

7. Special officer for Linguistic Minorities

Articles:350B

- Composition:Commissioner assisted by deputy commissioner and assistant commissioner
- Tenure and Removal:Not mentioned by Constitution. Pleasure of president.
- Further Appointment:YES
- Powers:Monitors and reports working of constitutional safeguards for linguistic minorities

8. Union Public Service Commission

Articles:315 – 323

- Composition: 9 – 11 members including Chairman.
- Tenure and Removal:65 yrs of age / 6 yrs of service (whichever is earlier).
- Further Appointment:They are eligible only for appointment within SPSC and

UPSC (Chairman of UPSC is not eligible for another term)

•Powers:Advisory powers, recruitment of All India Services, Central services, public services of centrally administered territories.

9. State Public Service Commission

Articles:315-323

•Tenure and Removal:62yrs of age/6 yrs.' of service (whichever is earlier) Appointed by Govt

Important Constitutional Amendments

IMPORTANT AMENDMENTS OF THE INDIAN CONSTITUTION

To evolve and change with all changes in the society and environment is a necessity for every constitution.The makers of the Constitution of India laid down a flexible amendment method in respect of its some parts and for several others they provided for a rigid method.

Part XX of the Constitution of India has only one article that is **Article 368** that

deals with the amendment of the Constitution. As per this article, Parliament may add, amend or repeal any provision of the constitution as per the procedure laid down for this purpose. However, in the

Kesavanand Bharati Case 1973, the Supreme Court has ruled that the Parliament cannot amend those provisions which constitute the Basic Structure of the Constitution.

The article 368 provides for three types of amendments:

1. Amendment by simple majority of the parliament:

These bills are passed by both Houses of Parliament by a simple majority of members present and voting.

2. Amendment by special majority of the parliament:

The majority of the provisions in the Constitution need to be amended by a special majority of the Parliament, that is, a majority (that is, more than 50 per cent) of the total membership of each House and a majority of two-thirds of the members of each House present and

voting. The expression 'total membership' means the total number of members comprising the House irrespective of fact whether there are vacancies or absentees.

The provisions which can be amended by this way include:

- Fundamental Rights
- Directive Principles of State Policy
- All other provisions which are not covered by the first and third categories.

3. Amendment by special majority of the parliament and the ratification of half of the state legislatures:

Those provisions of the Constitution which are related to the federal structure of the polity can be amended by a special majority of the Parliament and also with the consent of half of the state legislatures by a simple majority.

