



GOVERNMENT OF TAMIL NADU

# POLITICAL SCIENCE



HIGHER SECONDARY SECOND YEAR

Volume - I

A publication under Free Textbook Programme of Government of Tamil Nadu

**Department of School Education**

**Untouchability is Inhuman and a Crime**

**Government Of Tamil Nadu**

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## HOW TO USE THE BOOK?



### Introduction

A brief abstract of the unit.



### QR Code

To motivate the students to further explore and enrich the concept



### Learning objective

Describes about what students are expected to learn by the end of every unit.



### Diagrams

Schematic representation that illustrates the political happenings which will link the theory with practice.



### Do you know?

A piece of information which provides a surprise element for the students.



### Glossary

Helps the students to become familiar with newly introduced, uncommon and specialised terms.



### Knowledge Boxes

Additional inputs to the content are provided.



### Evaluation

To check the understanding of the students and helps in arriving at most suitable conclusions.



### Activity

To explore further about the subject in order to get better understanding of the subject.



### Reference

List of books that can be referred when there needs a better understanding.



### Debate

A formal discussion need to be conducted by the students on a particular issue in order to arrive at a synthesis about that issue.



### Further readings

Books that will enlarge the knowledge of subject in study.



### Case study

A research strategy and an empirical inquiry that investigates a phenomenon within to a real life context.



### Web links

List of digital resources



### Conversation

Exchange of ideas which will give better clarity to the subject.



### ICT

Lead to improved students learning and better teaching methods.



### Quotable quote

Quotes of eminent political thinkers that helps to bring enlightenment among students.



### Key Terms

Helps the students to know the Tamil translation of key terms.

# Career Opportunities in Political Science

There are plenty of career opportunities available to the students of political science. The options and opportunities can be detailed in two categories of higher education and employment



## A. Higher Education Opportunities in Political Science

The students can study the following programmes in colleges and universities after the completion of school educations. There are a number of government universities, colleges and aided colleges that provide these programs in Political Science in our state as well as in our country

- Bachelor of Arts (BA)
- Master of Arts (MA)
- Master of Philosophy (MPhil)
- Doctor of Philosophy (PhD).

### A.1) Tamil Nadu Government and Aided Colleges

1. Presidency College, Chennai.
2. Government Arts College, Coimbatore.
3. Thiruvalluvar Government Arts College, Rasipuram, Namakkal District.
4. Loganatha Narayanasamy Government Arts College, Ponneri, Thiruvallur District.
5. Periyar Government Arts College, Cuddalore.
6. Government Arts College, Thiruvarambur, Trichy.
7. Government Arts College, Salem-0
8. Rajeswari Vedachalam Government Government Arts College, Chengalpattu.
9. Madras Christain College, Tambaram, Chennai
10. Pasumpon Muthuramalinga Thevar College, Usilampatti, Madhurai –25
11. Pasumpon Thiru Muthuramalinga Thevar Memorial College, Kamuthi, Ramanathapuram
12. SIET College for Women, Teynampet, Chennai.
13. Anna Adarsh College for Women, Chennai

### A.2) State Universities

There are many universities in our state offering political science degrees.

1. University of Madras, Chennai
2. Annamalai University, Chidamparam
3. Madurai Kamaraj University, Madurai
4. Bharathiyar University, Coimbatore (Only Correspondence Course)
5. Alagappa University, Karaikudi (Correspondence course in Public Administration)
6. Tamil Nadu Open University, Chennai
7. Manonmaniam Sundaranar University, Tirunelveli (Correspondence Course)

### A.3) Central Universities

There are number of central universities across India where students can learn political science.

1. The University of Delhi
2. Pondicherry University
3. University of Hyderabad
4. Gandhigram Rural Institute (Deemed to be University), Dindugal and
5. Indira Gandhi Open University, New Delhi
6. Jawaharlal Nehru University(JNU), New Delhi

### A.4) Integrated program

The Department of Social Sciences and Humanities in Indian Institute of Technology, Madras offers the five year integrated MA Program in two streams of Development Studies and English Studies

#### A.5) Jawaharlal Nehru University(JNU), New Delhi

- National Institutional Ranking Framework (NIRF) of the Human Resources Development Ministry has ranked JNU as the second best university in the country.
- It offers Post Graduation, Master of Philosophy (MPhil), Doctor of Philosophy degrees in Political Science.
- While the School of Social Sciences (SSS) provides these programs in Political Science the School of International Studies (SIS) conducts these programs in International Politics.
- The candidates should write the national entrance examination to get admission in post graduation and Master of Philosophy programs. The scholars can get through NET exam with top ranks and avail the Junior Research Fellowship (JRF) for two years and Senior Research Fellowship (SRF) for three more years.

It is overwhelmingly a residential university as the twenty odd hostels provide accommodation to most of the students. The union government provides funds to the university and therefore the cost of education and hostel accommodation is affordable. *Merit cum Means scholarship is available for students.*

The university has a well equipped library consisting of nine floors situated in a lush green environment of the Aravali Hills. It is a central university, with a truly national character as students hail from almost all the states of our country.

#### A.6) Madras Institute of Development Studies (MIDS)

- The institute was founded by Dr.Malcom S Adishesiah and Mrs. Elizabeth Adishesiah in Adayar, Chennai.
- It offers in social research programs including Political Science.
- The thrust areas of Political Science for doctorate programs include Political Institutions, Governance and Decentralisation, Poverty, Inequality and Discrimination, Caste, Gender and Sexuality Studies

#### A.7) Tata Institute of Social Science (TISS)

- TISS is a multi-campus public funded research university creating human service professionals for the nation.
- It offers several Bachelors, Masters and Doctoral programs in inter disciplinary areas from its Mumbai, Hyderabad, Tujjapur and Guwahati campuses.
- The Political Science students can pursue higher studies in different areas like Development Studies, Law, Rights and Constitutional Governance, Social Work, Public Policy and Governance, Human Resources Management, Gender Studies.
- A IIT-campus Public Funded Research University creating Human Service Professionals for the Nation.

#### B. Employment Opportunities

The students of Political Science have bright career prospects. They can choose their career in

- Administration
- Politics
- Mass media
- Academics (teaching in schools, teaching and researching in colleges, universities and research institutes)
- Social work
- Police administration
- Judicial service
- Other careers through general competitive exams
- NGO management etc.

#### B.1) Civil Service Exam of Union Public Service Commission (UPSC)

The Union Public Service Commission conducts numerous competitive exams to recruit officers for union government. The civil services exam is meant to recruit officers for *Indian Administrative Service (IAS), Indian Police Service (IPS), Indian Foreign Service (IFS), and Indian Revenue Service (IRS)* etc.

The *IAS* officers administer the country by working as *Sub Collectors, Collectors, Joint Secretaries, Secretaries, Chief Secretary and Cabinet Secretary.*

The *IPS* officers protect law and order by working as *Assistant Superintendent of Police, Superintendent of Police, Inspector General of Police, and Director General of Police.*

The *Indian Foreign Service* officers shape and serve the foreign policy interests of India as *Third secretary, Second Secretary, First Secretary, High Commissioner and Ambassador* etc

The civil services exam popularly known as IAS/IPS exam is conducted in three stages of

- Preliminary Test
- Main exam and
- Personal Interview.

#### Political Science – a scoring topic

##### In Preliminary test:

The General Studies paper of the preliminary test contains approximately twenty questions on Indian Politics and International Relations.



#### In Mains Test:

There are seven countable papers in the second stage, Main Exam. The syllabus of the General studies second paper exclusively contains Indian polity and international relations and carries 250 marks. The essay paper normally contains questions from Indian politics and international relations and has 250 marks. The students can choose political science and international relations as their Optional Subject and the two optional subject papers have 250 marks each. Therefore the students with political science optional subject can cover nearly 1000 marks out of the total 1750 marks available in the main test of civil service exam. Even the candidates not choosing political science as optional subject will have to answer around 500 marks (General Studies Second and Essay Paper) in the main exam from political science related topics

#### In Personality Test:

The final stage of the exam is known as Personality Test or Personal Interview containing 275 marks. As civil servants work in Indian democratic system the interview devotes a greater amount of attention to the topics and issues of political science and international relations.

#### B.3) TNPSC Exams

The Tamil Nadu Public Service Commission recruits officers and personnel to Tamil Nadu government. It conducts around seventy different exams. The important exams include Group 1 Services Examination, Group 1-A Services Examination, Combined Subordinate Services Examination-1(CSSE-1) and Combined Subordinate Services Examination-2 (CSSE-2) etc. All these exams have a general knowledge paper. Around twenty percent of questions in the question papers will originate from Indian polity and international relations.

The Group One exam is conducted for recruiting officers to the top services in the state like Deputy Collector, Deputy Superintendent of Police, District Employment Officer, District Fire Officer and Assistant Commissioner in Commercial Services. The Deputy Collectors after eight to ten years of service will be promoted as IAS officers. Similarly the Deputy Superintendent of Police will be promoted as IPS officers after eight to ten years of service.

There are three stages in the Group 1 exam. They are preliminary test, main test and personal interview. Indian constitution, politics, international politics and Indian foreign policy are very important in all three stages of the exam and students of political science can attend these questions confidently. The other recruitment tests of TNPSC also contain a certain percent of questions from Political Science

#### B.4) Teaching Career in Colleges and Universities

There are three kinds of faculty positions in universities available for the aspirants of an academic career in Tamil Nadu and India. They are Professor, Associate Professor and Assistant Professor. There are two levels of faculty positions (Assistant Professor and Associate Professor) in the colleges in our state.

The candidates should get through the State Eligibility Test (SET) conducted by the Tamil Nadu government to qualify for these posts in our state. The candidates can become eligible to join as Assistant Professor in any college or university in the country by getting through the National Eligibility Test of the University Grants Commission. The students can write NET and SET exams after completion or in the final semester of the Post Graduation course (M.A in Political Science).

#### B.5) Teaching Career in Schools

There are two exams for recruiting teachers in the schools of our state. The candidates aspiring to become teachers in primary (class I-V) and upper primary (class VI-VIII) schools should write Tamil Nadu Teachers Eligibility Test (TNTET). The candidates who want to join as the **Postgraduate Assistants** in Government Higher Secondary schools in Tamil Nadu Higher Secondary Educational Service should write the second exam. The Teacher Recruitment Board (TRB) conducts the above mentioned recruitment tests.

#### B.6) Opportunities in Media

There are plenty of opportunities in mass media for students of Political Science. They can branch into print journalism, television news channels and digital media. The news media preponderantly deals with politics, society, environment, culture and international issues and a good grounding in Political Science and international relations can intellectually empower and enrich a career in media. After graduation in political science the interested students can do a course in media in institutions like

1. Indian Institute of Mass Communication, New Delhi
2. Asian College of Journalism in Chennai and become successful in media.

#### B.7) Police Service

They can enter police department as Sub Inspectors after getting through the Tamil Nadu Uniformed Services Recruitment Board (TNSURB) exam for the recruitment of Sub Inspectors or as Constables after cracking police constable recruitment exam of TNSURB.



### B.7) Career in Law

Political Science and Law are closely related disciplines. The students of Political Science after 12<sup>th</sup> standard can study the *five year integrated law course Bachelor of Arts and Bachelor of Legislative Law (B.A.LL.B)* or *after graduation can pursue the three year Bachelor of Legislative Laws (LL.B) degree*. The important entrance exams include Common Law Admission Test (CLAT) and All India Law Entrance Test (AILET). There are a large number of colleges and universities offering law courses in our state. *The Government Law Colleges located in places like Coimbatore, Madurai, Tiruchirappalli, Chengalpattu, Tirunelveli, Vellore and Dr.Ambedkar Government Law College, Chennai are affiliated to Dr.Ambedkar Law University, Chennai.*

1. The National Law School of India University, Bangalore
2. National Law School, Jodhpur
3. NALSAR University of Law, Hyderabad
4. National Law University, Bhopal
5. Government Law College, Mumbai
6. Faculty of Law in Delhi University, are among the top institutions in the country.

After completing the law degree the candidates can practice as lawyers or become judges in courts. They can aspire to become the judges in the District Courts, High Courts and Supreme Court. There are constitutionally prescribed qualifications for judges of High Courts and Supreme Courts.

### B.8) Educational and Employment opportunities in International Domain.

There are a great number of reputed universities all over the world that provide courses in Political Science and International Relations

#### In United States

1. The Harvard University
2. Princeton University
3. University of California,
4. University of Berkeley
5. Yale University

#### In United Kingdom

1. the University of Oxford
2. London School of Economics and Political Science
3. University of Cambridge

#### In Australia

1. Australian National University
- are among the globally reputed educational institutions in Political Science. The students can pursue international careers in media, academics, research bodies, corporate etc. They can seek a career in the administration of *international organizations like United Nations, World Bank, World Trade Organisation, International Court of Justice, and United Nations Framework Conference on Climate Change.*

Political Science is like the skill set of a swimmer. The person with swimming skills can swim in any water body whether it is a pond or a lake or an ocean. A political science student with apt knowledge, attitude and skills can join any career of general nature.

Websites of Political Science institutions:

#### National

1. <http://www.jnu.ac.in>
2. <http://www.mids.ac.in>
3. <http://www.tiss.edu>
4. <http://www.unom.ac.in>

#### International

1. <http://www.columbia.edu>
2. <http://www.yale.edu>
3. <http://anu.edu.au>
4. <http://www.cam.ac.uk>

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E Book



Assessment



Digi Link



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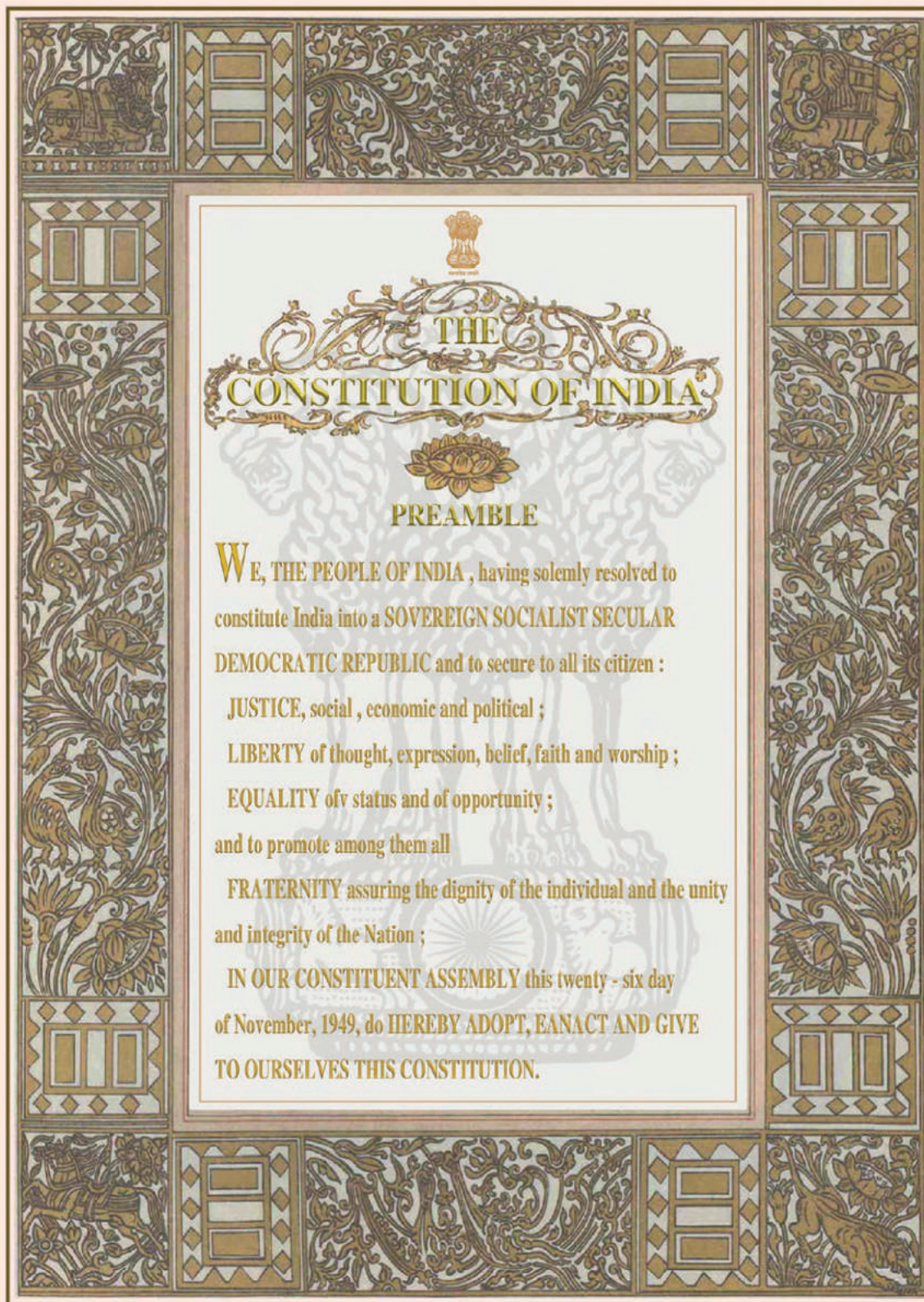


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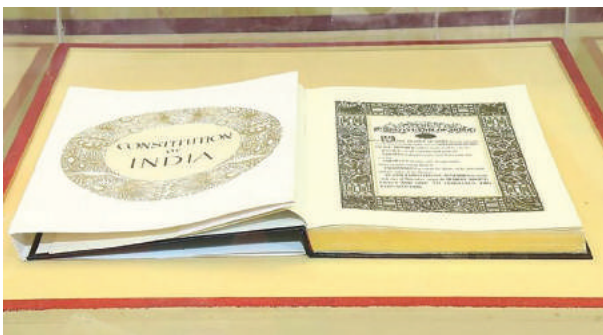
### Learning Objectives



- ❖ This chapter discusses the meaning, nature, and significance of the Indian Constitution.
- ❖ This chapter provides insights into the philosophy of the Indian Constitution.
- ❖ It throws light on the making of the Constitution.
- ❖ This chapter identifies the sources that had inspired the framers of the Constitution to improvise and incorporate these into our Constitution.
- ❖ This chapter will explain the salient features of the Indian Constitution.
- ❖ This chapter will elucidate the parliamentary type of democracy in India.



### 1.1 Meaning, Functions and Significance of the Constitution



Nationalism during the colonial period strived not only for political independence but also for territorial integration, constitutionalism and democratization.

India is a culturally diverse country, yet united as a political state. Indians are dependent upon each other in many ways, and they cooperate in many ways. There is a felt need to have specific agreed basic rules and regulations which could

facilitate the people of this country to live together. The absence of the basic rules and regulations may imperil the very statehood of India also make the people feel insecure. Colonial rule was based on Charters, councils Acts and government of India Acts. The leaders and political movements of the newly emerging Indian nation to based on a definite written constitution. The central legislative body was converted into a constituent Assembly (i.e. a constitution waking body). The proposed constitution was meant to bind different shatter and different categories of society into one state, facilitating a union of states and co-operation and co-ordination between various segments that constitute the federal narrow.

The most critical function of a constitution is to provide a set of basic rules that allow for optimal coordination amongst members of the state. A

constitution is a body of necessary codes according to which a state is constituted and governed. The constitution specifies the necessary allocation of power between the various segments of the state. Indian diversities necessitated a Union of states, and the freedom movements favoured a democratic form of government. For example, Accordingly the Parliament in India decides laws and policies.

### Activity



#### Think-Pair-Share

**Topic :** Constitution is called the “Fundamental Law of Land”

Students are asked to think about the topic for two or three minutes and share his/her views with his/her pair. Teacher can ask randomly any three pairs to share their views in the classroom.

Constitution empowers the government to fulfill the aspirations of a society and create conditions for a just society. The part four of the Indian Constitution has provisions for the government to make laws to address many problems prevalent in Indian society. The constitution expresses the fundamental identity of the people in a country. People in a community may have many similar ethnic identities that exist before the enactment of the constitution. The people of a country will have a political identity after the promulgation of the structure by accepting the fundamental laws of the state put forth by the constitution. The individual’s objectives, aspirations, and freedoms should comply with the constitutional regulations of a country. The constitution puts forth specific

fundamental laws which cannot be violated by its citizens. It also protects certain fundamental rights of the people living in a country. The constitution of a country defines who are all the citizens of a nation. It also sets the framework that illustrates the relationship between the states or parts of a country with each other and even with the central government. Most of the constitutions in the world are written documents that comprise many articles and schedules. There are still a few constitutions like that of the United Kingdom which do not have one single document, which could be called as a district constitution. The United Kingdom, instead has a series of customs, conventions and historical precedents which are collectively referred to as its constitutional components.

### Theocratic State



**What is the opposite of secular state? Name any state that is not secular.**



A state which is not secular is a Theocratic State.

Theocratic state has an official religion (State religion), and all the high posts of the country are reserved for the followers of the religion. Pakistan, Israel etc., are some examples of a Theocratic State.

### Formulation

Formulation refers to how a constitution comes into being, who crafted it and their authority. Indian



Constitution like the United States was drafted after a successful national movement. The Constitution of India has the legitimacy since it has been drafted by a constituent assembly consisting of people's representations. The Constitution of India reflected the consensus of most of the sections of people in India during Independence. There are instances where some countries have subjected their constitution to a full-fledged referendum.

### Referendum

A referendum is a method of referring a question or set of questions to the electorate directly rather than allowing them to be settled by the people's representatives in the legislature. The referendum is also often used to determine issues of morality which divide a government of party and to settle local matters which it is thought are best left to individual areas to decide. The referendum is seen as conferring legitimacy and popular approval on an individual and sanctions absolute authority.

Neither Indian Constitution nor the amendments made later were subjected to a referendum which could also be seen as a setback in Indian democracy perhaps the conditions prevailing at that time were not conducive to a referendum. In this regard may be useful to study the working of referendum in Switzerland.

### Provisions of a Constitution

An ideal constitution should accommodate the aspirations of all sections of people in society. Constitutions that are

discriminative based on religion, caste and language may not get the overwhelming acceptance from all in the nation. The fundamental laws of the structure would reveal the nature of a constitution. Any constitution could be successful only when it preserves the freedom and equality of all its citizens.

### Secularism in India

The 42<sup>nd</sup> Amendment enlarged the Preamble of the Indian Constitution from "Sovereign Democratic Republic" to a "Sovereign, Socialist Secular Democratic Republic," and also changed the words "unity of the nation" to "unity and integrity of the nation." Former Prime Minister Indira Gandhi enacted the 42<sup>nd</sup> Amendment in 1976, during the Emergency, obviously to emphasise the latent secular and socialist ideals as inalienable spirit of the constitution.

Well-drafted constitution does not concentrate all powers in a single person or a single institution as it may lead to abuse of power by few or one institution. One method that may be incorporated to address this issue is to divide powers among different organs in a balanced way.

The Indian Constitution separates the power horizontally amongst institutions like the legislature, executive and judiciary that prevents any of the organs from subverting the Constitution and enhances its success and durability. Indian Constitution is not too rigid and not too flexible, which is evident from the restrictions and flexibility in the name of the basic structure of constitution and

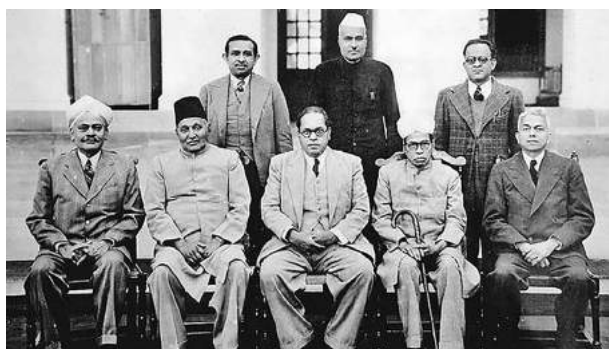


amending provisions respectively. A well-drafted constitution will maintain the core values and also adapt itself to changing environment. The Indian Constitution balanced the possibility to not only change the provisions but also limits on such changes. The framers of the Indian Constitution had ensured that it would survive during the test of times.

### **Making of Indian Constitution**

The members of Constituent Assembly drafted the Indian Constitution. The Constituent Assembly held its first meeting on 9 December 1946 and re-assembled after partition of Pakistan as Constituent Assembly for the remaining India on 14th August 1947. The members of the Provincial Legislative Assemblies indirectly elected the members of the Constituent Assembly.

The Constituent Assembly was composed of members along the lines suggested by the plan proposed by the Committee of the British Cabinet, also known as the Cabinet Mission.



*(February 1948: some members of the Drafting Committee of the Constituent Assembly of India: (seated from left) N. Madhava Rao, Saiyid Muhammad Saadulla, Dr. B. R. Ambedkar, Sir Alladi*

*Krishnaswamy Ayyar and Sir B. N. Rao. Also in the Picture are (Standing from Left) S.N. Mukherjee, Jugal Kishore Khanna and Kewal Krishnan)*

### **According to this plan**

Provinces and princely states or group of states were allotted seats proportional to their respective population roughly in the ratio of 1:1 million. The provinces were to elect 292 members while the princely states were to send a minimum of 93 seats.

The seats of each province were distributed among three main communities, namely, the Hindus, Muslims, and Sikhs, in proportion to their respective populations in their province.

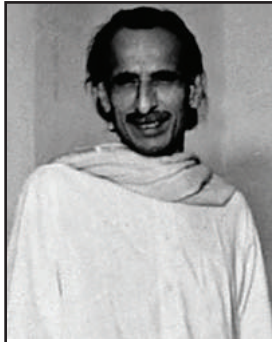
Members of each community in the Provisional Legislative Assembly elected their representatives by the method of proportional representation with a single transferable vote.



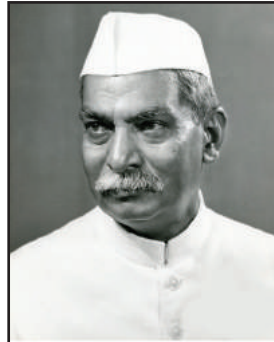
The method of selection of representatives of Princely States was to be determined by the princely states themselves.

### **The composition of the Constituent Assembly**

Two hundred eighty-four members were present on 26 November 1949 and appended their signature to the Constitution as finally passed.



**Acharya  
J.B.Kripalani**



**Rajendra  
Prasad**

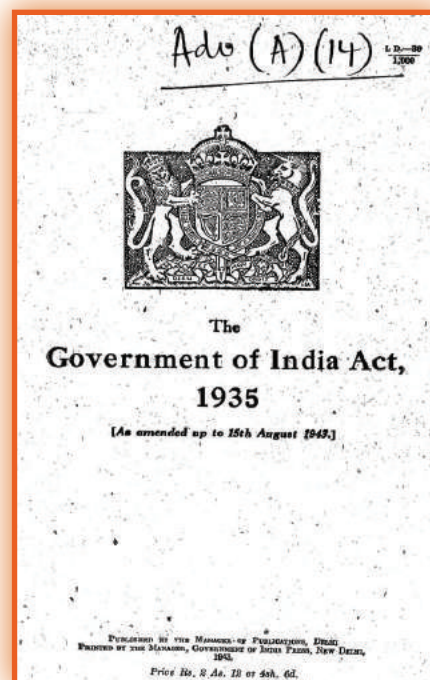
- ❖ The 1st meeting of the Constituent Assembly took place in Constitution Hall, New Delhi, on Monday, the 9th December 1946, at Eleven of the Clock. The title of the first debate was “Election of Temporary Chairman,” Acharya J. B. Kripalani (United Provinces: General) requesting **Dr. Sachchidananda Sinha** to take the Chair as temporary Chairman. (Constituent Assembly Debates)
- ❖ The Final meeting held on 24.01.1950 with the title of “Signing of the Constitution” and **Dr. Rajendra Prasad** is the Chairman of the debate.
- ❖ The Constituent assembly debate consists of 12 Volume and it held between **9<sup>th</sup> December 1946 to 24<sup>th</sup> January 1950**

## 1.2 Sources of Indian Constitution

**The primary sources of the Indian Constitution are as follows:**

The framers of the Constitution adopted the features of the Indian Constitution from several sources. The primary sources that inspired the framers of the Indian Constitution are:

- ❖ Volume I (9<sup>th</sup> December to 23<sup>rd</sup> December 1946)
- ❖ Volume II (20<sup>th</sup> January to 25<sup>th</sup> January 1947)
- ❖ Volume III (28<sup>th</sup> April to 2<sup>nd</sup> May 1947)
- ❖ Volume IV (14<sup>th</sup> July to 31<sup>st</sup> July 1947)
- ❖ Volume V (14<sup>th</sup> August to 30<sup>nd</sup> August 1947)
- ❖ Volume VI (27<sup>th</sup> January 1948)
- ❖ Volume VII (4<sup>th</sup> November 1948 to 8<sup>th</sup> January 1949)
- ❖ Volume VIII (16<sup>th</sup> May to 16<sup>th</sup> June 1949)
- ❖ Volume IX (30<sup>th</sup> July to 18<sup>th</sup> September 1949)
- ❖ Volume X (6<sup>th</sup> October to 17<sup>th</sup> October 1949)
- ❖ Volume XI (14<sup>th</sup> November to 26<sup>th</sup> November 1949)
- ❖ Volume XI (24<sup>th</sup> January, 1950)



## Sources of Indian Constitution

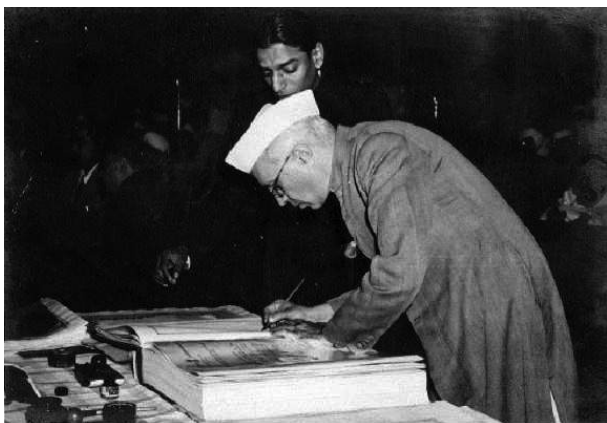
### **The Government of India Act, 1935:**

Federal provisions, office of Governor, judiciary, public service commissions, emergency provisions, and administrative details were adopted from the Government of India Act, 1935.

Country	Constitution
<b>Britain</b>	Parliamentary government, single citizenship, rule of law, cabinet system, legislative procedure, prerogative writs were adopted from the Britain.
<b>US Constitution</b>	Fundamental Rights, Judicial Review, Independence of Judiciary, Impeachment of the President, removal of Supreme Court Judges, High Court Judges and Vice-President were adopted from the US Constitution.
<b>Irish Constitution</b>	The Directive Principles of State Policy, were adopted from the Irish Constitution.
<b>Canadian Constitution</b>	Federation with a strong centre, residuary powers with the centre, concurrent list, the appointment of state governors by the centre and advisory jurisdiction of the Supreme Court were adopted from the Canadian constitution.
<b>Australian Constitution</b>	Freedom of trade, commerce, and the joint sitting of the two Houses of Parliament were inspired by the Australian Constitution.
<b>Weimar Constitution (Germany)</b>	The Weimar constitution influenced the constitutional provision for the suspension of Fundamental Rights during Emergency.
<b>Soviet Constitution</b>	Fundamental duties, the ideal of justice (social, economic and political) in the Preamble, were on the model of the constitution of the USSR. (Fundamental duties were asserted through 42 <sup>nd</sup> amendment in 1976)
<b>French Constitution</b>	Republic and the ideals of liberty, equality, and fraternity in the Preamble, were adopted from the French constitution.
<b>South African Constitution</b>	Procedure for amendment to the Constitution, and election of the members of Rajya Sabha, were on South African model. The final and amended draft was adopted on 20 <sup>th</sup> November 1949.

### 1.3 Salient Features of Indian Constitution

**Longest written constitution:** The Indian Constitution is considered to be the longest written constitution in the world. It contains different provisions for states and centre and their inter-relationship. The framers of the Constitution have borrowed provisions from several sources and several other constitutions of the world. The Indian Constitution contains the detailed list of individual rights as fundamental rights, directive principles of state policy and details of administrative procedures.



**A unique blend of rigidity and flexibility:** Indian Constitution may be called rigid as well as flexible based on its amending procedure.

**Sovereign, Socialist, Secular, Democratic and Republic:** Its people govern India through their representatives elected by the universal adult franchise. India as a sovereign country means it manages its internal and external affairs freely without the interference of any external factors. The term socialist was added to the Indian Constitution through the 42nd Amendment in 1976. Socialism in Indian context means achievement of socialist goals through democratic,

evolutionary and non-violent means. In India, we follow the mixed model of the socialist and capitalist economy. Secularism in Indian context means that it recognizes all religions equally without having any state religion. Republic in Indian context means the head of the state in India is elected and not the monarch.

**Parliamentary System of Government:** Parliament controls the functioning of the Council of Ministers, and hence it is called the Parliamentary system. In a parliamentary system of government, (i.e.) the executive is responsible to the legislature and remains in power only when it enjoys the confidence of the majority legislators. The President of India, remaining in office for a five-year duration, is the nominal, titular or constitutional head, and the executive head. However, the Prime Minister in India is the real executive and head of the Council of Ministers who are collectively responsible to the Lok Sabha.

**Single Citizenship:** Indian Constitution has the provision for single citizenship provided by the union and recognized by all the states across India.

**Universal Adult Franchise:** The Constitution of India establishes political equality in India through the method of the universal adult franchise which operates with the principle of 'one person one vote.' All Indians who are eighteen years of age or above is entitled to vote in the elections. There is no discrimination in voting rights for the citizens of India based on caste, religion, gender, race or status.

### **Independent and Integrated Judicial System:**

In India, the judicial system is an autonomous organ kept free from the influence and intervention of the executive and the legislature in exercising its functions. The integrated Indian judicial system has the Supreme Court at the apex, the high courts and lower courts are subordinate to it.

**Fundamental Rights:** Fundamental Rights are significant provisions of the Indian Constitution and are inviolable and normal times. Fundamental Rights in India can be suspended during emergencies; and can be amended by extra ordinary means. The provisions of Fundamental Rights are enforceable in the court of law when it is violated.

**“Right to Education** -The Indian Constitution (Eighty - Sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education to all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full-time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.”

**Directive Principles of State Policy:** Fourth part of the Indian Constitution titled the Directive Principles of State Policies provides the guidelines to be followed by the states regarding

governance and are not enforceable in the court of law.

**Fundamental Duties:** The Fundamental Duties were added to the Indian Constitution through the 42nd Amendment. Fundamental duties provided in part IVA Article 51A are moral conscience which ought to be followed by the Indian Citizens.

**Federal or Unitary:** India is an indestructible Union with destructible states which means it acquires a unitary character during the time of emergency. The Union is not strictly a federal polity but a quasi-federal polity with some vital elements of unitariness. Though federal in form, the Indian Constitution, unlike other federal Constitutions, is both unitary as well as federal according to the requirements of the times and the circumstances.

**Balancing Parliamentary supremacy with Judicial Review:** The Constitution recognizes the need to provide for the review of the judgment or the order of the Supreme Court by itself. Subject to the provisions of any law made by Parliament or any rules made by the Supreme Court under Article 145, the Supreme Court has the power to review any judgment pronounced or made by it. The independent judiciary in India with the power of judicial review is a prominent feature of our constitution. The harmonization which our Constitution has effected between Parliamentary Sovereignty and a written Constitution with a provision for Judicial Review is a remarkable achievement of the framers of our Constitution.

## Indian Citizenship

Citizenship identifies those who are the lawful members of a country. The Citizenship Act, 1955 regulates the determination and acquisition of citizenship after the adoption of the Indian Constitution. The Indian Constitution provides for citizenship by birth, descent, registration, naturalization and by incorporation of territory. The Constitution also provides for renunciation and termination of citizenship under certain circumstances. The Constitution contains provisions regarding registration of Overseas Citizens of India and their rights.

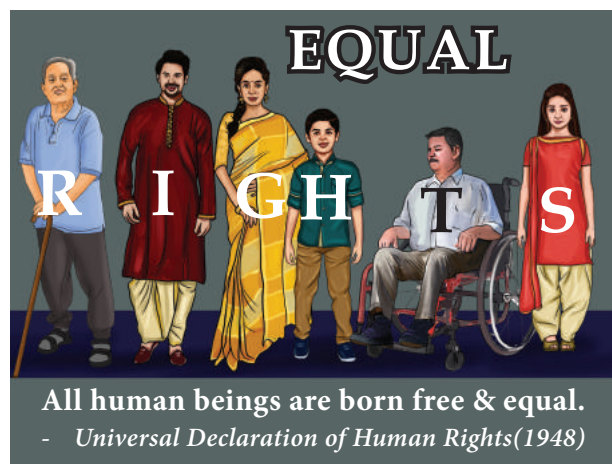
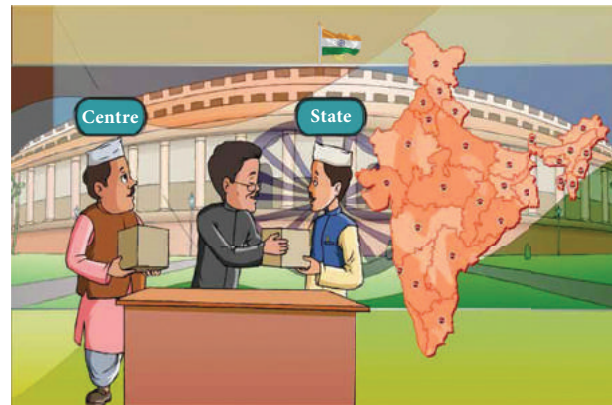
The Citizenship (Amendment) Bill, 2015 was introduced in Lok Sabha by the Minister of State, Ministry of Home Affairs, on February 27, 2015 that amends the Citizenship Act, 1955.

The Act allows a person to apply for citizenship by registration or naturalization if they fulfill specific qualifications. A person may apply for a certificate of naturalization if they have resided in India or have served the Government in India for twelve months immediately preceding the date of application. The Bill allows the Central Government to relax the requirement of twelve months stay or service if extraordinary circumstances exist.

## Fundamental Rights:

The Constitution of India asserts the basic principle that every individual is entitled to enjoy certain essential rights. The provisions for Fundamental Rights

are mentioned in Part III of the Indian Constitution. Fundamental Rights are categorized into six heads, firstly Right to Equality, secondly Right to Freedom, thirdly Right against Exploitation, fourthly Right to Freedom of Religion, fifthly Cultural and Educational Rights and lastly Right to Constitutional Remedies. Initially there was a provision for Right to Property under Article-31 which was also a Fundamental Right. The 44<sup>th</sup> Amendment Act, 1978 had omitted Right to Property from the Fundamental Rights Part and added it as Article 300A therefore considered as a legal right.



Fundamental rights provided in Part III of the Indian Constitution are judicially enforceable, thereby the individual can move the judiciary, if there is a violation on any of these rights. The right to move straight to the Supreme Court for the

enforcement of fundamental rights has been guaranteed under Article 32 that is named as Right to Constitutional Remedies. Fundamental rights in India are however not absolute and rational

restrictions can be imposed keeping in view of the security requirements of the state. It ensures political justice for the people.

## Freedom of expression and cyber challenge



### 'Mumbai shuts down due to fear, not respect'



Two young women were arrested on charges of “promoting enmity between classes” and “sending offensive messages through [a] communication service,” after one posted, and the other ‘liked,’ a message on Facebook. The young girl questioning the Mumbai bandh that followed death of the prominent leader. Both of them were released on bail by a local court immediately.

“With all respect, every day, thousands of people die, but still the world moves on,” read the message posted by 21-year old college student and ‘liked’ by her friend from Palghar in the neighbouring Thane district.. The post continued: “Just due to one politician died a natural death, everyone just goes bonkers. They should know, we are resilient by force, not by choice. When was the last time, did anyone showed some respect or even a two-minute silence for ShaheedBhagat Singh, Azad, Sukhdev or any of the people because of whom we are free-living Indians? Respect is earned, given, and definitely not forced. Today, Mumbai shuts down due to fear, not due to respect.”

### Courtesy : The HINDU

There are enough and legal safeguards in India to guarantee its citizens freedom of speech, but apparently not enough to ensure freedom after speech. Do you agree?

Reflect your views in not more than 250 words. Share your views in the class.

### Directive Principles of State Policy:

One of the unique provisions of the Indian Constitution is the chapter on Directive Principles of State Policy. These principles are like directives to the government to implement them for establishing social and economic justice in India.

It comprises significant provisions for equal pay for both men and women, free and compulsory primary education, and right to work. Part IV of the Indian Constitution also has provision for public assistance in case of old age, unemployment, sickness and disablement, the organisation of village Panchayats,

adequate means to livelihood, special privilege to the economically backward sections of the people and distribution of wealth. Most of these principles could help in making India a welfare state. Though the provisions given in the Directive Principles of State Policy is not justifiable, these principles are considered very significant in the governance of the country.

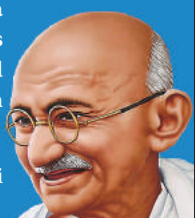
### **Panchayati Raj: Gandhi Vs Ambedkar:**

Gandhi wanted the central government to have minimal power, and he wanted the villages to rule themselves traditionally with village chiefs and councilors. According to Ambedkar, village possessed a cruel reality of communalism and caste system; thus it will lead to the cornering of minorities.

Gandhi through his social and political initiatives facilitated the country to realize that the power of people which could be facilitated only through effective local self-government. "I shall work for an India in which the poorest shall feel that it is their country, in whose making they have an effective voice." Gandhi time and again emphasized need for power in the hands of the people in India through the Panchayat Raj model. Gandhi said, "The greater the power of the people, the better for the people."

My idea of Gram Swaraj is that it is a complete republic, independent of its neighbours for its own vital wants and yet interdependent for many others in which dependence is necessary.

- Mahatma Gandhi



For Ambedkar, those villages were nothing "but a sink of localism, a den of ignorance and communalism." The



dominant and influential communities would make villages their monopoly and that would render other communities voiceless. The result was that the Constitution that was drafted under his Chairmanship did not mention a word about Panchayati Raj.

Many Gandhians persuaded the committee to have a provision for the village panchayats in Part IV of the Indian Constitution titled Directive Principle of State Policy vesting the responsibility in State legislatures. Article 40 states that the State shall take steps to organize village panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

### **Fundamental Duties**

Part IVA of Indian Constitution defines as Fundamental duties. (51A) - It shall be the duty of every citizen of India -

- (a) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) To cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) To uphold and protect the sovereignty, unity, and integrity of India;
- (d) To defend the country and render national service when called upon to do so;



- (e) To promote harmony and the spirit of universal brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) To value and preserve the rich heritage of our composite culture;
- (g) To protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures;
- (h) to develop the scientific temper,

- humanism and the spirit of inquiry and reform;
- (i) To safeguard public property and to abjure violence;
- (j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;
- (k) Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

## Activity



Name some countries which have the Parliamentary system of Government and Presidential form of Government.

Parliamentary form of Government	Presidential form of Government
India	United States of America

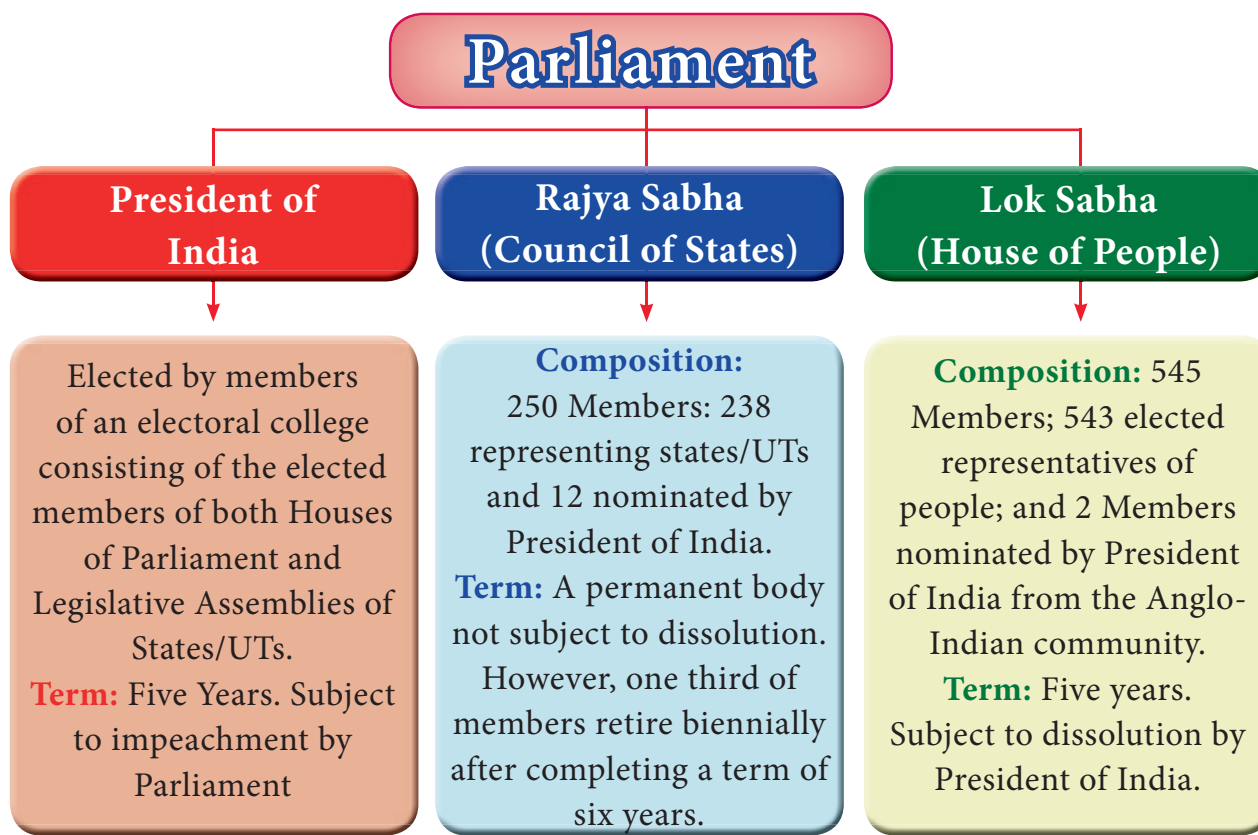
### 1.4 Parliamentary democracy in India.

Under Article 79, the Parliament of the Union consists of the President and two Houses known respectively as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). The Union Legislature is bicameral, and the need for a bicameral system of the legislature in a federation is admitted: the Upper

House represents the units, the Lower House represents the people; the two Houses respectively at once functioning to preserve the integrity of the units and to secure the integration of the Union. The Rajya Sabha consists of 250 members, where the President nominates twelve in the manner provided. The remaining 238 members will be the representatives of the States and the Union territories. The Lok Sabha consists of 543 members chosen by direct election from territorial



constituencies in the States and not more than twenty-five members to represent the Union territories selected in such manner as Parliament may by law provide.



### Relevance of Rajya Sabha

The 'Council of States' which is also known as Rajya Sabha, a nomenclature that was announced by the Chair on 23<sup>rd</sup> of August 1954 as its distinguishable feature. It is the second chamber of the Parliament. The origin of the second Chamber can be traced to the Montague-Chelmsford Report. The Government of India Act, 1919 provided for the creation of a 'Council of State' as a second chamber of the then legislature with a restricted franchise which came into existence in 1921. The Governor-General was the ex-officio President of the then Council of State. The Government of India Act, 1935, hardly made any changes in its composition.

An extensive debate took place in the Constituent Assembly regarding Second Chamber and decided to have a bicameral legislature due to a vast country with immense diversities. Rajya Sabha is a federal chamber where 238 members are elected by the elected members of Assemblies of the States and Union Territories. Apart from elected, the President can nominate 12 members to Rajya Sabha, thus making a total of 250. The Vice-President acts as the Chairman of Rajya Sabha. In his absence, the deputy chairman takes the place of the chairman who is elected by the members of Rajya Sabha. The 1<sup>st</sup> sitting of Rajya Sabha was held on 13<sup>th</sup> May 1952, unlike Lok Sabha, Rajya Sabha can never be dissolved.

The Rules of Procedure and Conduct of Business in Rajya Sabha is the booklet that provides explicit conduct of its members. There are various discussions namely: half an hour discussion, short duration discussion and motions of matters in public interests.

### **C. N. Annadurai's speech in Rajya Sabha**

The official Languages Bill, 1963, was introduced, because Article 343 of the Constitution stated categorically that the Official Language of the Union shall be Hindi after 1963.



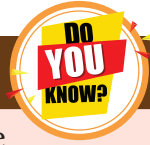
**C. N. Annadurai**

C. N. Annadurai said “very many arguments have been advanced to say that India has got to have a common language and if that base is accepted, one of the Indian languages alone can become the common language. Nobody doubts it. If India is a unitary State, this argument is logical. India is a federal State. Indian society is plural, our political system is composite and in a plural society and composite political system to plead for a single common language will, I think, create injustice unawares, create handicaps unawares to some section of the society. India is not a country. India consists of various ethnic groups, India consist of various language groups and India has been termed very correctly as a sub-continent and that is why we are not able to find out that common working medium as far as an official language is concerned.”

“The government has accepted two national anthems, Vande Mataram and Jana gana mana. Neither of these two national anthems is in the Hindi language. They come from Bengali. It was stated Hindi has got the claim to become the official language because it was spoken by 42 percent of the population. If this 42 percent were to be scattered throughout the length and breadth of India, the argument would be logical and it would be ethical also but this 42 percent is concentrated in compact and contiguous areas. It is not spread over.

Therefore if 42 percent is taken into consideration you are conferring a permanent, perennial advantage on a compact and contiguous area in India and conversely a permanent disadvantage to other areas. And therefore it is that this 42 percent cannot be taken into consideration. If Hindi were to be spoken throughout India even by 20 percent of the people, then we can say that of all the languages Hindi is known from Cape Comorin to the Himalayas. Twenty percent of our population do know Hindi and, therefore, let Hindi become the official language. I can understand it, though I cannot support it. I can understand the logic behind it. But what is the logic behind presenting this 42 percent, in a compact area of U. P., Bihar, Rajasthan and Madhya Pradesh as an argument”.

## Rajya Sabha



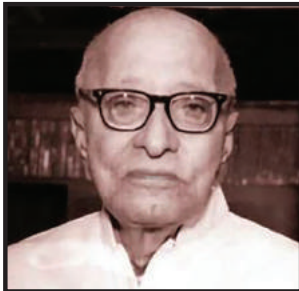
- ❖ The Rajya Sabha means “Council of States,” and it is the upper house of the Parliament of India.
- ❖ The Rajya Sabha held its first sitting (1<sup>st</sup> session) on 13<sup>th</sup> May 1952, and recent sitting (246<sup>th</sup> session) held on 1<sup>st</sup> August 2018.
- ❖ Generally, during a year, three sessions of the Rajya Sabha are held, as follows:  
**First Session** (Budget Session) is held between mid or late February and mid-May.  
**Second Session** (Monsoon Session) is generally held in mid-July to end of August.  
**Third Session** (Winter Session) is held from the end of November to end of December.
- ❖ (Leaders of the House in the Rajya Sabha in 1952 to Till Date)

## Important Debate



**1<sup>st</sup> August 2014:** Use of Tamil as court language in Tamil Nadu

## Constructive debates in Tamil Nadu State legislative Assemblies



C. Rajaji



C. Subramaniam



Kamaraj

The first Assembly (1952-1957) under the constitution of India discussed the scheme of elementary education launched by the Rajaji Government and criticized by many including a few in the Congress party that it would perpetuate caste-based

## Important



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

social hierarchy. After Kamaraj succeeded him, Education Minister C. Subramaniam in May 1954 informed the House that the scheme would be dropped. The Rajaji days are remembered for landmark laws to protect tenants of farmlands and landless agriculturists.

“Premier of Madras Presidency, C. Rajaji presenting his first budget in 1937. Location is Madras Legislative Assembly, Senate House, Chepauk Campus of Madras University Date 1937”

In 1967, the Dravida Munnetra Kazhagam came to power with C.N. Annadurai as Chief Minister. The Hindu Marriage Act was amended to recognize “self-respect marriages” or those marriages free of religious rituals. His successor and five-time Chief Minister, M. Karunanidhi, piloted several Bills and moved numerous motions. In his last bill (2006-2011), laws for exclusive reservation for Muslims and Christians within the quota

of Backward Classes and Arundathiyars within the reservation of Scheduled Castes were made.

The 10-year-long rule (1977-1987) of the Government, headed by M.G. Ramachandran of the All India Anna

Dravida Munnetra Kazhagam, was noted for various measures in the area of revenue administration. Notably, the system of hereditary village officers such as “karnam” was abolished at one stroke. He upgraded the mid-day meal scheme into Nutritious Meal Scheme.

## Tamil Nadu Legislative Assembly

❖ Tamil Nadu Legislative Assembly consists of 234 elected Members from 189 General and 45 Reserved Constituencies.

❖ The First Madras Legislative Assembly session was held on 3<sup>rd</sup> of May 1952, constituted after the General Elections in 1952.

❖ Under Article 333 of the Constitution of India, the Governor nominated one Member representing from Anglo-Indian Community.

❖ The Fifteenth Tamil Nadu Legislative Assembly was constituted on the 21<sup>st</sup> May 2016 after the general election to the Tamil Nadu Legislative Assembly on the 16<sup>th</sup> May 2016.



## Public Accounts Committee

❖ The Chairperson of the Public Accounts Committee is appointed by the Speaker from amongst its Members of Lok Sabha. The Speaker, for the first time, appointed a Member of the Opposition as the Chairperson of the Committee for 1967-68.

❖ Since the Committee became a Parliamentary Committee under the control of the Speaker from January 1950, it has presented 1596 Reports till April 2018.

After the Supreme Court delivered the Mandal Commission judgment in November 1992 for reservation in education and employment at 50 percent, the Assembly responded through legislation aimed at safeguarding the existing 69 percent quota for Backward Classes, Most Backward Classes, Scheduled Castes, and Scheduled Tribes.

## 1.5 Constitutional Amendments of India

The framers of the Indian Constitution have given provisions to amend the Constitution according

to the changing needs of society. The Constitution has not lost its ideals and basic premises though many such amendments have already taken place. The Indian judiciary has played a critical role in protecting the Constitution and also in interpreting the Constitution. The Indian Constitution like many other constitutions is a document that keeps evolving and responding to changing circumstances and political upheavals. The Indian Constitution continues to function as the primary framework within which the Government of India operates. The framers of the Constitution were very farsighted that they provided for many solutions for future situations. The Indian Constitution accepts and accommodates the necessity of modifications according to changing situations of the society. There has been enough flexibility in implementing the Constitution which has made the Indian Constitution a living document than a rigid rulebook. The framers of the Constitution sought a balance to ensure that it is not a static and unalterable document and also a sacred document where the basic structure is not altered. The framers of the Constitution desired it to be 'flexible' and at the same time 'rigid' and also to protect it from unnecessary and frequent changes. Article 368 of the Indian Constitution has the provision through which Parliament may in the exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution by the procedure laid down in this article. Since the Constitution was framing a federal polity, the basic rights and powers of the States may not be changed without the consent of the States. Some features

of the Constitution were so central to the spirit of it that the framers wanted to protect these from change and so made it uncompromising. These considerations by the framers of the Constitution led to different ways of amending the Constitution.

### **There are three types of Constitutional Amendments, they are;**

1. A simple majority (requires addition)
2. Amendment can be made by a special majority of the two houses of the Parliament. (2/3 of members present and at least 50 percent of the total members)
3. The third method requires a special majority of the Parliament and consent of half of the State legislatures.

All these types of amendments to the Constitution are initiated only in the Parliament. Based on the provisions given no referendum are required for ratification of the amendment. The amendment bill will be presented before the President for his assent. The President has no powers to send it back for reconsideration in these cases. The elected representatives of the people are empowered to consider and take final decisions of the question of amendments.

#### **Constitution Amendment Bills**



Bills seeking to amend all other provisions of the Constitution including those enumerated in the provisions to article 368(2) are called by the title 'Constitution Amendment Bills'. These Bills can be introduced in either House of Parliament.

## Private Member Bills:

If any member other than a minister introduces a bill, it is called a private member bill. The bill can be introduced by both ruling and opposition party MP's. Private member bill is a bill proposed by a member who is not a member of the cabinet and executive. The session for private member bill is held at alternative Fridays from 2 pm to 6 pm.

This bill needs a month of notice; this has no impact on the health of the government when the private member bill gets rejected. Till date, parliament has passed fourteen private member bills; the last one was passed on 1970. Most of the bill passed by the private member is not even read or discussed and dismissed. Private members bills are accepted even those are constitutional amendment bills but not that those are money bills.

Private Member's Bills passed By parliament				Private member's bills introduced and discussed in last 3 LS		
Title	Mp's Name	House	Date of Assent		Introduced	Discussed
1 The Muslim Wakfs Bill, 1952	Syed Muchammed Ahmed Kasmī	Lok Sahha	21.05.1954	13th LS	343	17
2 The Indian Registration (Amendment) Bill, 1955	S C Samanta	Lok Sahha	06.04.1956	14th LS	328	14
3 The Parliamentary proceedings (protection of Publication) Bill, 1956	Feroze Gandhi	Lok Sahha	26.05.1956	15th LS	372	14
4 The code of criminal Procedure (Amendment) Bill, 1953	Raghunath Singh	Lok Sahha	01.09.1956			
5 The Women's and Children's Institution (Licensing) Bill, 1954	Kamledu Mati Shah	Lok Sahha	30.12.1956			
6 The Code of Criminal Procedure (Amendment) Bill, 1964	Subhadra Joshi	Lok Sahha	26.12.1960			
7 The Salary and Allowances of Members of Parliament (Amendment Bill), 1957	Raghunath Singh	Lok Sahha	29.09.1964			
8 The Hindu Marriage (Amendment) Bill, 1968	Diwan Chand Sharma	Lok Sahha	20.12.1964			
9 The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1968	Anand Narian Mullah	Lok Sahha	09.08.1970			
10 The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Bill, 1954	Dr Raghunir Singh	Rajya Sabha	15.12.1956			
11 The Hindu Marriage (Amendment) Bill, 1956	Dr Seeta Parmanand	Rajya Sabha	20.12.1956			
12 The Orphanages and Other Charitable Homes (Supervision and Control) Bill, 1960	Kailash Bihari Lall	Rajya Sabha	09.04.1960			
13 The Marine Insurance Bill, 1960	MP Bhargava	Rajya Sabha	18.04.1963			
14 The Indian Penal Code (Amendment) Bill, 1963	Diwan Chaman Lall	Rajya Sabha	07.09.1969			

### Private member's bills introduced and discussed in last 3 LS

	Introduced	Discussed
13th LS	343	17
14th LS	328	14
15th LS	372	14

For the 16th LS till now, 206 private member's bills have been introduced; Only six have been discussed (not including today's)



## The Rights of Transgender Persons Bill, 2014



- ❖ In Lok Sabha, the last two and half hours of a sitting on every Friday, and in Rajya Sabha two and half hours, i.e., from 2.30 p.m. to 5.00 p.m. on every alternate Friday are allotted for transaction of "Private Members' Business", i.e., Private Members' Bills and Private Members' Resolutions.
- ❖ The last time a private member's Bill was passed by both Houses was in 1970.
- ❖ Till Now, only Fourteen Private Member's bill have been passed by the Parliament.



❖ **The Rights of Transgender Persons Bill, 2014:** The Rights of Transgender Persons Bill, 2014 is a private member bill introduced by Trichy Shiva, which seeks to end the discrimination faced by transgender people in India. The Bill was passed by the upper house Rajya Sabha on 24 April 2015. It was introduced in the lower house Lok Sabha on 26 February 2016. The Bill is considered historic as for being the first private member's bill to be passed by any house in 36 years and by Rajya Sabha in 45 years.

**Article 370:**

The article 370 in the Constitution is about Jammu and Kashmir region given the provision which grants special autonomous status.

According to this law, except defence, foreign affairs, communication, and finance, the central government requires the State Government's permission for applying all other laws. The State and its residents have a separate set of laws relating citizenship,

property right and fundamental right from other citizens of India.

The centre has no power to impose financial emergency through article 360 over the State. An emergency is declared only during the time of war and external aggression. Therefore the central government cannot declare an emergency for a case of internal disturbance or other dangers unless the state requests the centre.

# The History

**Article 370 of the Constitution is a law that grants special status to Jammu and Kashmir: It means:**

- Except for defense, foreign affairs, finance and communication, all other laws passed by Indian Parliament need to be okayed by the state government before they are made applicable. This was specified in the Instrument of Accession signed by Maharaja Hari Singh (inset) when he agreed to join the Union of India in 1947, instead of going with Pakistan.
- As a result of this, the citizens of Jammu and Kashmir are governed by state-specific laws which come under the Constitution of Jammu and Kashmir, instead of those for the rest of India, especially where citizenship, ownership of property and some fundamental rights are concerned.
- The first Article of the Constitution of Jammu and Kashmir says that the state is and will remain an integral part of India.
- This article, along with Article 5 that defines the contours of jurisdiction of Indian Parliament regarding law making for the state, cannot be amended
- This arrangement was further ratified by the 1974 agreement between the then Prime Minister Indira Gandhi and the then J&K Prime Minister Sheikh Abdullah (appointed by Hari Singh)
- The 1952 Delhi Agreement also specified that the state should have its own flag in addition to the Union flag and they should have the same status.
- It was agreed that head of state called Sadar-i-Riyasat (or the Prime Minister) was to be elected by the state legislature



**Sheikh Abdullah with Pandit Jawaharlal Nehru (right).**

- The agreement opposed the imposition of Article 352, empowering the President to proclaim general emergency in the state
- The state legislature has a six year term, unlike other elected bodies, which have a five-year period, including Parliament

## In A Nutshell

- The Indian Supreme Court has no jurisdiction in J&K
- Disrespecting the Tricolour and other national symbols is not a crime in the state
- J&K residents enjoy dual citizenship. They will lose their J&K citizenship if they marry residents of other states
- A Pakistani resident gains J&K citizenship if he marries a J&K citizen
- RTE, RTI CAG and majority of Indian laws are not applicable in the state
- Because of Article 370, no outsider can purchase land in J&K





- ❖ In 1949, the then Prime Minister Jawaharlal Nehru had directed Kashmiri leader Sheikh Abdullah to consult Ambedkar (then law minister) to prepare the draft of a suitable article to be included in the Constitution.
- ❖ **Article 370** is drafted in Amendment of the Constitution section, in Part XXI, under Temporary and Transitional Provisions.
- ❖ Under Article 370 the Indian Parliament cannot increase or reduce the borders of the state

### Article 370



- ❖ Dr. BR Ambedkar, the principal drafter of the Indian Constitution, had refused to draft Article 370.
- ❖ Gopalaswami Ayyangar eventually drafted article 370.

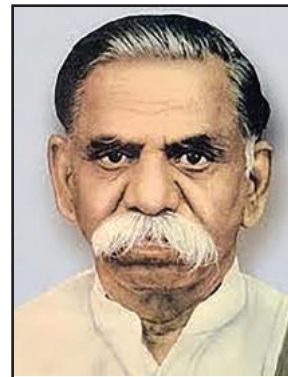
### Sankarlinganar



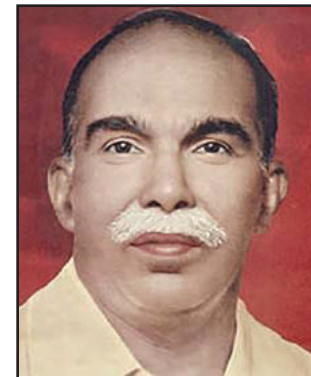
**Sankarlinganar**

Sankarlinganar is a Tamil Indian Independence activist and Gandhian. He was born in Manmalai Medu in Virudhunagar District to Karuppasamy and Valliammal in 1895. He joined the Indian National Congress in 1917. He also participated in the Salt March in 1930 along with Gandhi under Rajaji's influence. The consequence of Potti Sreeramalu fasted demanding for a separate state of Telugu from Madras state for Telugu speaking people and Madras

city to be its capital in 1952 led to new agitation in Madras state in need to change its name.



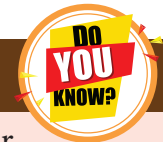
**M.P Sivaganam**



**Jeevanardham**

In 1956, Sankarlinganar started to fast on demand for change in the name of the state from Madras to Tamil Nadu. He started his hunger strike on 27th July on 1956 in Virudhunagar for 12 demands. Despite the request of C.N. Annadurai, M.P Sivaganam, and Jeevanardham, he continued to fast and died on the 76th day on 13th October 1956.

### Tamil Nadu



- ❖ Thiyagi Sankaralinganar observed Fasting 76 days from 27.07.1956 to 10.10.1956, for the name conversion of Chennai Presidency as "Tamizhagam."
- ❖ The State of Madras changed the name as State of Tamil Nadu by the Madras State (Alteration Of Name) Act, 1968.
- ❖ He was the person in India History to end his life by observing fast for many days in Gandhian Way.

- Potti Sriramulu



## Select Committee

The Select Committee is made up of a small number of parliamentary members appointed to deal with particular aspects originating in the Westminster System of parliamentary democracy.

Under Rule 125 of the Rajya Sabha Rules and Procedures, any member may move a bill which is referred to a select committee and, when the motion is admitted, the bill shall be referred to such a committee.

The quorum needs to be one-third of the total number of members of the committee. In case of a tie on any matter, the chairman (or any other person presiding) will cast his vote. The select committee may appoint a sub-committee to examine any particular points connected with the bill. If any doubt arises on any aspect of the procedure the chairman may refer the point to the Rajya Sabha Chairman, whose decision will be final.

### Important joint sittings

- ❖ 6 and 9 May 1961 on Dowry Prohibition Bill, 1959
- ❖ 26 March 2002 on Prevention of Terrorism Bill, 2002.

Whenever a bill passed by one house is rejected by another house or any disagreement or more than six months has elapsed, the President of India may call a joint sitting of the two Houses to resolve the deadlock. The bill will be passed in both Houses by a majority of the total number of members of both Houses present and voting. There is no provision

in the Indian Constitution for a joint sitting of both houses on a money bill or a Constitution Amendment Bill.

### First Prime Minister of India

Quotable  
Quote

“Each House has full authority to regulate its procedure within the limits of the Constitution. Neither House, by itself, constitutes Parliament. It is the two Houses together that are the Parliament of India. The successful working of our Constitution, as of any democratic structure, demands the closest cooperation between the two Houses.”

- Pandit Jawaharlal Nehru

## Glossary

- ❖ **Act** : A Bill passed by both Houses of Parliament and assented to by the President.
- ❖ **Bill** : The draft of a legislative proposal put in the proper form which, when passed by both Houses of Parliament and assented to by the President becomes an Act.
- ❖ **Clauses** : A series of numbered paragraphs into which a Bill is divided.
- ❖ **Motion** : A formal proposal made to the House by a member that the House do something, order something to be done or express an opinion with regard to some matter, and is so phrased that, if adopted, it will purport to express the judgment or will of the House.
- ❖ **Oath or affirmation** : A solemn statement in the name of God or an

affirmation made by the member of a Legislature before he takes his seat in the House affirming his allegiance to the Constitution and his resolve to uphold the sovereignty and integrity of the country.

- ❖ **Question Hour** : The first hour of a sitting of the House allotted for asking and answering of questions.
- ❖ **Quorum** : The minimum number of members required to be present at a sitting of the House or a Committee for valid transaction of its business. The quorum to constitute a sitting of the House is one-tenth of the total number of members of the House.
- ❖ **Resolution** : The formal expression of the opinion of the legislative body with reference to some subject or a declaration of its intention to do something.
- ❖ **Session** : A session of Rajya Sabha comprises the period commencing from the date and time mentioned in

the order of the President summoning Rajya Sabha and ending with the day on which the President prorogues Rajya Sabha.

- ❖ **Standing Committee** : Committee constituted by election by the House or nomination by the Chairman every year or from time to time which are permanent in nature.
- ❖ **State** : It includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India
- ❖ **Constitution of Parliament** : There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.

#### **I. Choose the correct answer**

1. Among the following was the Chairman of the Drafting Committee of the Indian Constitution

- a) Rajendra Prasad
- b) C. Rajagopalachari
- c) Tej Bahadur Sapru
- d) B.R. Ambedkar



2. In the context of India, which of the following principles is / are implied institutionally in the parliamentary government?

- a) Members of Cabinet are Members of the Parliament
- b) Ministers hold the office till they enjoy confidence in the Parliament
- c) Cabinet is headed by the Head of the State.

Select the correct answer using the codes given below.

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

3. 103<sup>rd</sup> Constitutional Amendments of India deals with

- a) Goods and Service tax
- b) 10% Reservation for Economically weaker sections
- c) National Commission for Backward Classes
- d) Reduce age for voting rights from 21 to 18.

4. How long did the Constituent Assembly take to finally pass the Constitution?

- a) About 6 months in 1949
- b) About 2 years since Aug 15, 1947
- c) Exactly a year since Nov 26, 1948
- d) About 3 years since Dec 9, 1946

5. When was the Madras state renamed Tamil Nadu ?

- a) 1968
- b) 1971
- c) 1969
- d) 1970



6. At which part of constitution declared that India is a Sovereign, Socialist, Secular, Democratic Republic.

- a) Fundamental Right
- b) Directive Principles of State Policy
- c) Preamble
- d) Fundamental Duties

7. The term 'We' in preamble means

- a) Indian Government
- b) Supreme Court
- c) Indian Parliament
- d) The People of India

8. The order of following words seen in Preamble is

Democratic  
Socialist  
Sovereign  
Secular  
Republic

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

9. What is the actual strength of Rajya Sabha?

- a) 250
- b) 235
- c) 240
- d) 245

10. Bring out the extra constitutional body?

- a) Finance commission
- b) Planning Commission
- c) UPSC
- d) Election Commission

11. The Indian Constituent assembly debate held between

- a) 9th August 1946 to 24th January 1950
- b) 10th December 1945 to 10th March 1950
- c) 9th December 1946 to 24th January 1950
- d) 15th August 1945 to 20th March 1950

12. The Rajya Sabha is also called as

- a) Indian Council
- b) Council of States
- c) Union of States
- d) Representation of States





13. Under Article ..... of the India Constitution, the Governor nominated ..... Member representing from Anglo-Indian Community.

- a) Article 333 and One Member
- b) Article 300 and Two Members
- c) Article 280 and One Member
- d) Article 333 and Two Members

14. Tamil Nadu Legislative Assembly consists of ..... elected Members.

- a) 239
- b) 234
- c) 250
- d) 350

15. **Assertion (A):** The 42nd Constitution Amendment has been referred to as the 'mini constitution'.

**Reason (R):** It was the bulkiest and most comprehensive amendment.

- A) Both A and R are true and R is the correct explanation of A
- B) Both A and R are true and R is not the correct explanation of A
- C) A is true but R is false
- D) A is false but R is true

16. **Assertion (A):** The Constitution of India is very flexible.

**Reason (R):** Since its inception, the Constitution has been amended 100 times.

- A) Both A and R are true and R is the correct explanation of A
- B) Both A and R are true and R is not the correct explanation of A
- C) A is true but R is false
- D) A is false but R is true

## II - Answer the following questions very shortly:

1. What is the provision given through Article 40?
2. Write a short note on Select Committee.
3. Write a short note on Sankaralinganar.
4. Write a short note on Extra Constitutional body.
5. Write a brief note on Home Committee.
6. Discuss about the State Assembly debates.
7. Bring out the significance of Public Accounts Committee.

## III - Answer the following questions shortly:

1. Write a brief note on the composition of Constituent Assembly.
2. What are the different types of constitutional amendment?



3. Bring out the meaning, functions and importance of Constitution.
4. Bring out the different perspectives of Gandhi and Ambedkar in including Panchayati raj institutions in the Indian Constitution.
5. Bring out the salient features of Article 370 of Indian Constitution.
6. Write a short note on Rajya Sabha.
7. Trace the making of Indian Constitution.

#### IV - Answer the following questions detail:

1. Explicate parliamentary type of democracy in India.
2. Give a detailed account of the sources of Indian Constitution.
3. Critically analyse Article 356 of Indian Constitution.
4. Elaborate on the significant Constitutional Amendments to the Indian Constitution.
5. Elucidate the salient features of Indian Constitution.

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## ICT Corner

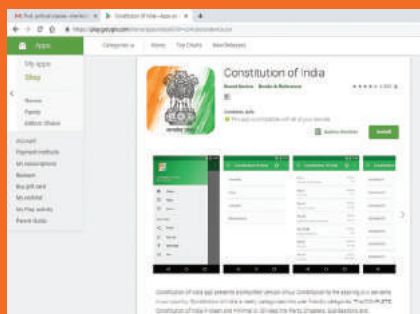
# Consitution Of India

Through this app you will learn more about The Constitution of India

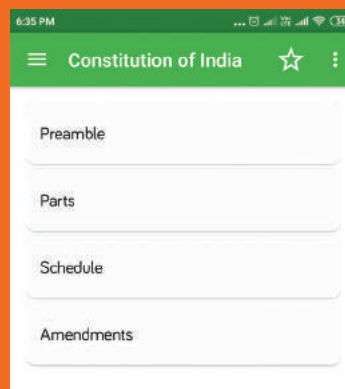


### Procedure:

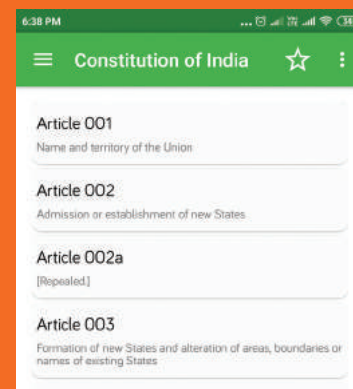
- Step - 1** Open Play store and type CONSTITUTION OF INDIA (or) Scan the QR Code.
- Step - 2** Click any topic you will get Article (Eg.Parts)
- Step - 3** Click any Article you will get the details of Articles.( Article 001)



Step 1



Step 2



Step 3

### URL:

<https://play.google.com/store/apps/details?id=com.boostdevice.coi>

\*Pictures are indicative



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### Learning Objectives



- ❖ Students can learn to know about the functioning of the important aspect of democratic governance
- ❖ Students can learn to understand the role of the legislature in everyday changes in society and politics
- ❖ Students can learn to analyze the political structure of the state and constitutional values of the institution
- ❖ Students can learn to observe the elections and its procedures to enhance the knowledge about the public institutions
- ❖ Students can learn to experience the many aspects of rule of law
- ❖ Students can learn to distinguish the differences between central and state legislatures through organizing youth parliament



### Introduction

Legislature is one of most important institution for the functioning of representative democracy. The basic objective of the legislature is to hold its representatives accountable, responsible for the interest of the people in the country. Legislature is generally referred as the highest law-making body, having elected representation from all the constituents of the state to make or change the laws of the country. In India, legislature at the Centre is called as Parliament and also referred as National Legislature. The legislatures in The State and the Union Territory are called Legislative Assemblies.

The Parliament consists two houses namely; House of the People (Lok Sabha – Lower House) and Council of States (Rajya Sabha - Upper House). This is

known as bicameral system of Parliament, and has inspired by the British Parliamentary system and the bicameral system of the USA. Similarly, the States have Legislative Assembly and Legislative Council. But in many of the States only unicameral legislatures exist without any Legislative Councils. In India, the Parliament shares its law making function and responsibilities of implementation with twenty nine states as well as seven union territories. The Union Territories are directly governed by the Union Government.



## 2.1. Union Legislature: The Parliament

The Parliament is known as Union Legislature or National Legislature, which is a supreme body of decision making and symbol of democratic governance. The Parliament is the most powerful platform with accountability for debating on the issues regarding welfare of the country and its people and enacting laws and making changes to the constitution.

When the Parliament meet for discussing various agenda and approving bills, motions with a scheduled meeting is called Session. The Parliament holds THREE sessions in a year.

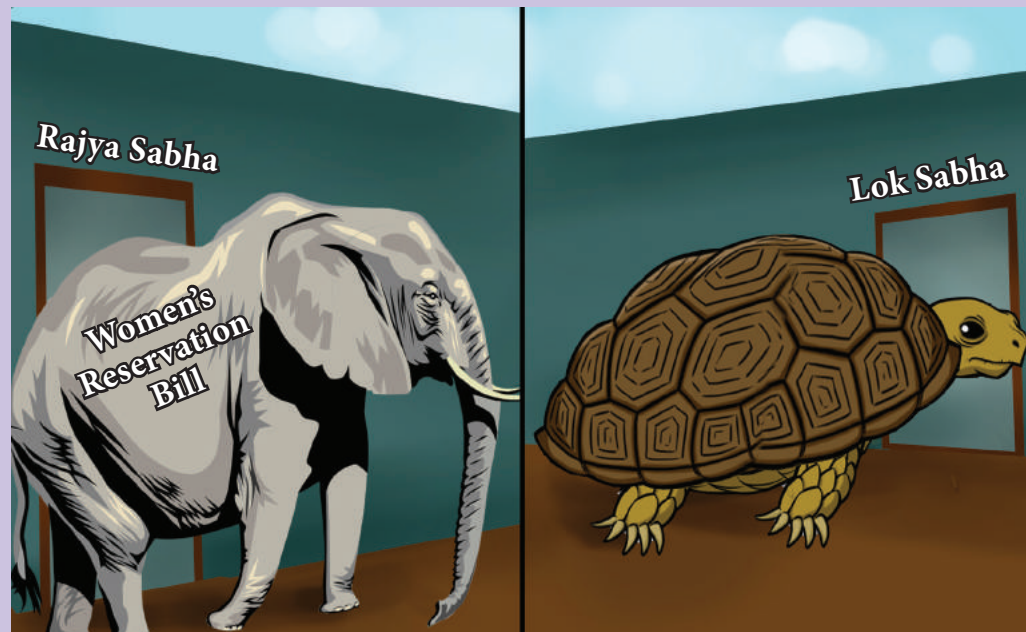
1. Budget session (February-May)
2. Monsoon Session (July-August)
3. Winter Session (November-December)

### Activity - Interpretation of Cartoon



Women members in the Rajya Sabha urged the Government to ensure the passage of the Women's Reservation Bill in the Lok Sabha. The Bill, which proposes 33% reservation for women in Parliament and State legislatures, was passed by the Rajya Sabha in 2010 but has been stuck in the lower house for nine years.

The Constitution (108th Amendment) Bill, commonly known as the Women's Reservation Bill, needs to be approved by the Lok Sabha in order to become law.



**Cartoon Courtesy :** The Hindu, 13.3.2010.

As a class, discuss what you already know or think about the following topics:

- a. Women's Reservation Bill
- b. 33% quota
- c. Needs to be approved by the Lok Sabha

It has two important powers and functions called as legislative and financial. The legislative powers are for law making and the financial powers are to prepare money bill as called as budget. Also the parliament has electoral functions with regard to elect the President and the Vice President of India.

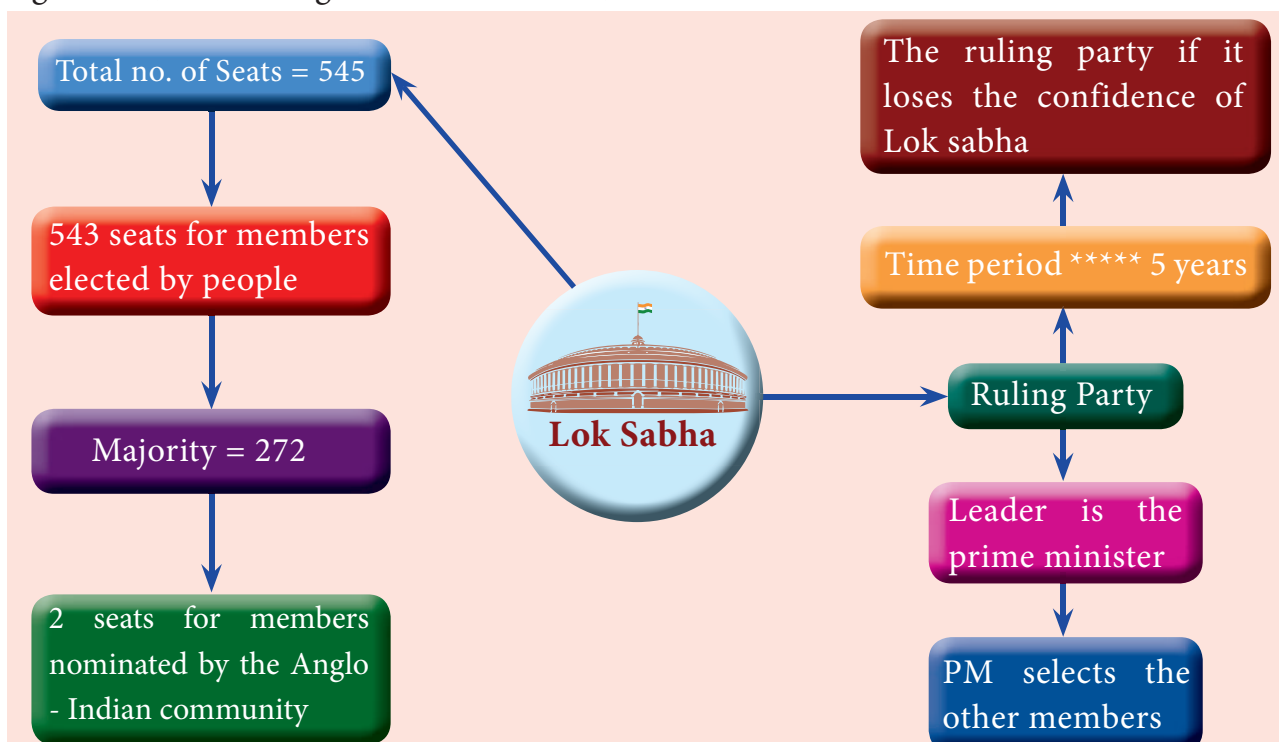
The Parliament has judicial function also on the matters of the proposals for the removal of the President, Vice – President, Judges of the Supreme Court and High Courts and the process of removal is called ‘impeachment’. It is the duty of the President to summon the Parliament and must have not less than two sessions in a year. Every year, at commencement of the first session of the parliament, the President delivers his special address which would be the future course of action of the parliament in view of giving framework for new policies, programmes and initiatives of the government. The parliament of India has functions of legislation, overseeing of administration,

passing of the Budget, ventilation of public grievances, and discussing national policies and issues of concern. The cabinet, both individually and collectively accountable and removable by the Loksabha.

### Functioning of House of People (Lok Sabha)

The parliament has two houses and both houses are carrying same values and responsibilities with a few exception such as passing the finance bills. The first one is the Lok Sabha (Lower House or House of People) with 543 members elected from 543 Parliamentary constituencies across the country directly by the people who have attained the age of 18 and above and registered as voters. The Lok Sabha has 2 nominated members from the Anglo-Indian community.

**Quorum of the House:** One tenth of the total number of members of Lok Sabha / Rajya Sabha constitutes the quorum for a meeting of the House.





The grand total number of members in the Lok Sabha 545, but the nominated members cannot decide the government when it proves majority on the floor of the House. The Lok Sabha is the highest forum for discussion, debate on public issues, interest and policies to cater the socio-economic needs of the people.

The members of both houses are generally called by the public as Member of Parliament, Member of Parliament Lok Sabha is one who represents the constituency of the state, comprising of six Assembly constituencies, directly elected by the people through elections. The term of the Lok Sabha is for five years.

### **Roles and responsibilities of the Speaker**

The leader of the House of the People is the Speaker – who is elected by the Lok Sabha, from among its members. The speaker's duties are to conduct, facilitate the debates and discussions and answers to questions regulating the conduct of Members of the House and taking care of their privileges and rights. The Speaker of Lok Sabha is the administrative head of the parliamentary secretariat.

The speaker also ensures that the members adhere to the appropriate procedures, and to allow the members to raise question, allotting time to speak and withdraw the objectionable remarks from record and moving a motion of Thanks to the President's speech. The Speaker has the power to expel the members if they flout or violate the norms and rules of the house.

The permission of the speaker is required to move amendments to a bill. It

is up to the speaker to decide whether the bill to be moved or not. The speaker plays the role of guardian of the rights and privileges of the house, its various committees such as consultative, select, Advisory and of members of that. Another important power of the speaker is to refer any question of privilege to the committee of privileges for examining, investigating and reporting. The questions raised by the members and answers, explanations and reports are addressed to the speaker.

Jawaharlal Nehru, one of the chief architects of India and a driving force behind its democratic principles of the Constitution, placed the office of the Speaker in India in the proper context when he said: “The Speaker represents the House. He/she represents the dignity of the House, the freedom of the House and because the House represents the nation, in a particular way, the Speaker becomes a symbol of nation's freedom and liberty. Therefore that should be an honoured position, a free position and should be occupied always by persons of outstanding ability and impartiality”.



Jawaharlal Nehru

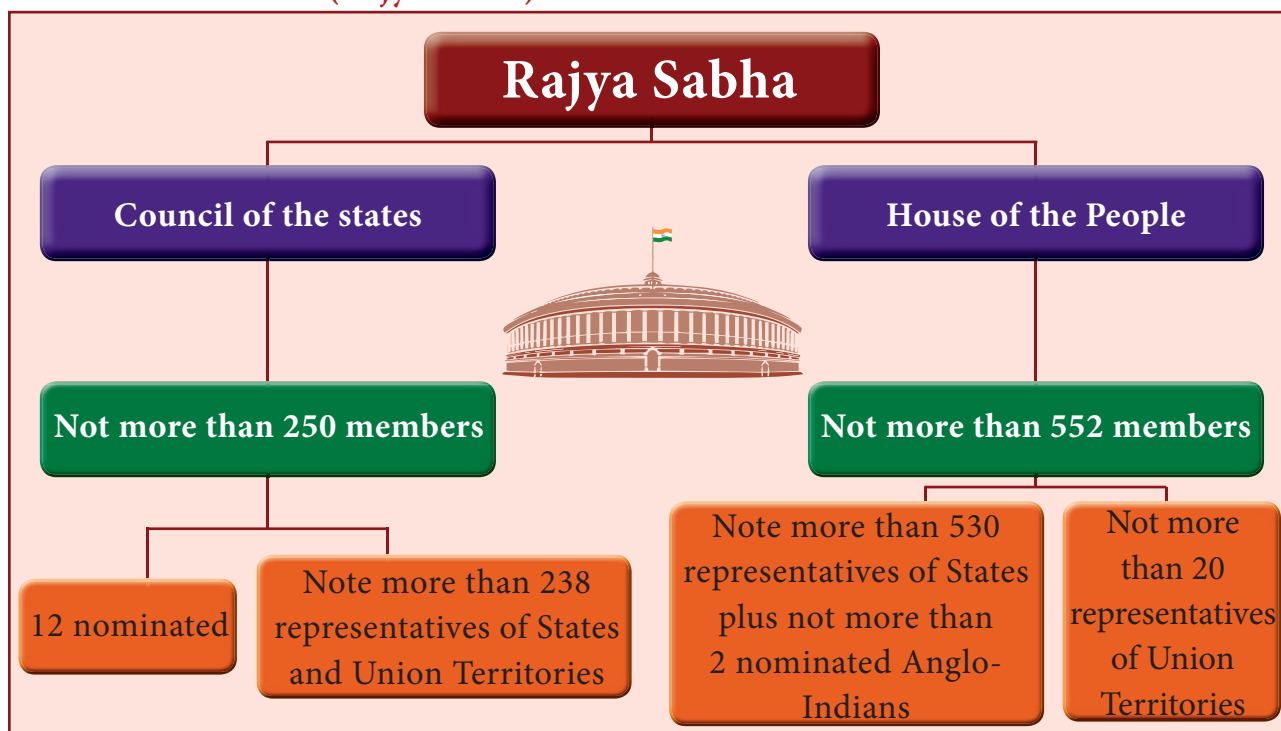
The speaker is the final authority to decide on the question of point of order. Under the constitution, Speaker enjoys special provisions and certifies money bills. The speaker of the House of the People presides the joint sessions of the parliament in case a special occasions or in the event of disagreement between the two houses on certain legislative



measures. The speaker decides whether a Bill is a Money Bill or not and his decision on this question is final. It is the speaker who decides on granting recognition to the Leader of Opposition in the House of People. Under 52<sup>nd</sup> Constitution Amendment, the speaker

has the disciplinary power to disqualify a member of the house on the grounds of defection. Even though, the speaker also one of the members of the House and holds neutral, does not vote in the house except rare occasions when there is a tie at the end of the decision.

### Council of the States (Rajya Sabha)



### Activity

Read the cartoon – identify the context

Can you explain what this cartoon is about?



Cartoon Courtesy: The Hindu, 18.2004

The Rajya Sabha or the Council of States is called as upper house. It has a total number of 250 members including 238 from all the states and union territories and 12 members nominated by the President. The council of states Rajya Sabha is called as second chamber of the Parliament of India. The Rajya Sabha is an institution to protect the rights and interests of the states like the senate in USA. It was constituted on 3<sup>rd</sup> April, 1952.

The members for Rajya Sabha are elected by the members of the respective State Legislative Assemblies (MLAs). Apart from the members of the states, twelve distinguished members from the

fields of literature, science, art, and social service were nominated by the President of India. Unlike House of People, Council of States is not subject to dissolution but one third of the members retire every second year. The term of the individual member is six years. The members of the Council of States are elected by their respective state legislative assemblies in accordance with the system of proportional representation by means of the single transferable vote.

### Functioning of Rajya Sabha

The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. The chairman presides over the proceedings and regulates the Rajya

Sabha. Except the Money/Financial Bill all other bills will be placed before the Rajya Sabha for discussion, questions, motions and resolutions under the rules of procedure and conduct of business. The functions of Rajya Sabha may broadly be categorised as: Legislative, Financial, Deliberative and Federal. Legislation is by far the most important business of Rajya Sabha, as indeed of Parliament and in this sphere, Rajya Sabha enjoys almost equal powers with Lok Sabha. In the U.S.A, the representatives in the state council is called as Senate where every state has equal representation irrespective of size and population of the states. But in India, the representation in the Rajya Sabha is based on its size of population.

#### Who can be a Member of Rajya Sabha?

- ❖ Must be a citizen of India
- ❖ Must not be less than 30 years
- ❖ Under the Representation of the People Act, 1951, a person had to be an elector in a parliamentary constituency in the State from where he seeks election to Rajya Sabha.
- ❖ It may, however, be mentioned that the Representation of the People (Amendment) Act, 2003, which amended Section 3 of the Representation of the People Act,

1951, has done away with the requirement of being a resident of State or Union territory from which a person seeks to contest elections to Rajya Sabha.

- ❖ He/She has to be an elector in a parliamentary constituency anywhere in India. It has also provided that the election to fill a seat in Rajya Sabha shall be by open ballot.
- ❖ Courtesy: <https://rajyasabha.nic.in/rsnew/practiceprocedure/book1.asp>

For example, Uttar Pradesh with the highest population elects 31 members to Rajya Sabha; on the other hand, Sikkim, the least populated state, elects only one member to Rajya Sabha. Tamil Nadu elects 18 members to the Rajya Sabha. The number of members to be elected from each State has been fixed by the fourth

schedule of the Constitution. Members of the Rajya Sabha are elected for a term of six years and then they can be re-elected. The Rajya Sabha is known as Permanent House of the Parliament that never gets fully dissolved. Some of the important privileges and immunities are given to the Members of Rajya Sabha as follows.



### Powers and Privileges of Members of Parliament

1. Freedom of speech in Parliament and immunity of a member from any proceedings in any court in respect of anything said or any vote given by him in parliament or any committee thereof.
2. Immunity to a person from proceedings in any court in respect of the publication by under the authority of either House of Parliament of any report, paper, votes or proceedings.
3. Prohibition on the court to inquire into proceedings of parliament.
4. Immunity to a person from proceedings in any court in respect of the publication in Newspaper of a substantially true report of any proceedings of either House of Parliament unless the publication is proved to have been made with malice.
5. Freedom from arrest of members in civil cases during the continuance of the session of the House and forty days before the commencement and forty days after its conclusion.
6. Exemption of a member from service of legal process and arrest within the precincts of the House.

**Source:** [https://www.india.gov.in/sites/upload\\_files/npfi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npfi/files/coi_part_full.pdf)

### Activity



#### Think-Pair-Share

**Topic :** Which House is considered to be more powerful the Lok Sabha or the Rajya Sabha?

**Task :** Student should think individually for a few minutes, and then discuss and compare their responses with a partner before sharing with the entire class.

Preparing students to participate more fully and effectively in whole class discussions.

## 2.2 Parliament: Lok Sabha, Rajya Sabha



### Powers of the Lok Sabha



1. The of Lok Sabha is the most powerful political institution which reflects the political, social and economic



conditions of the country holds highest responsibility and virtually represents the entire population.

2. The Lok Sabha is constituted with members elected directly by the people. These members represent the varied interests of the people. Thus it becomes the apex democratic institution. It is here that the nations' policies and programmes and laws emerge.
3. The Lok Sabha makes the Laws on the matters of Union List and Concurrent List It can exact new laws and repeal existing law, or amend the same. I has an exclusive authority over money bills.
4. The special power of the Lok Sabha is that once it passes the budget or any other money related law, the Rajya Sabha cannot reject it. But the Rajya Sabha can delay the law for 14 days only and if Rajya Sabha suggests any changes regarding the law, it is upto the Lok Sabha to accept or reject it.
5. The one of the privileges of the Lok Sabha is preparing and presenting the budget and financial statement which is an explicit expression of peoples control over nation's economy.
6. The Lok Sabha controls the executive by asking questions, supplementary questions, passing resolutions, motions and no confidence motion.
7. The Lok Sabha has the power to amend the constitution and approve the proclamation of emergency.
8. The Lok Sabha involves in electing the President and Vice-President of India.

9. The Lok Sabha has power to establish new committees and commissions and tabling their reports for debate and discussion and further consideration for implementation.
10. The Lok Sabha controls the council of Ministers and a Prime Minister, who enjoys the majority support of it. If the Prime Minister loses the confidence of the Lok Sabha the entire government has to quit and face the election.

## **Powers of Rajya Sabha**

### **Position of Rajya Sabha**

The Constitutional position of the Rajya Sabha (as compared with the Lok Sabha) can be studied from three angles:



1. Where Rajya Sabha is equal to Lok Sabha.
2. Where Rajya Sabha is unequal to Lok Sabha.
3. Where Rajya Sabha has special powers that are not all shared with the Lok Sabha.

### **Equal Status with Lok Sabha**

In the following matters, the powers and status of the Rajya Sabha are equal to that of the Lok Sabha:

1. Introduction and passage of ordinary bills.
2. Introduction and passage of Constitutional amendment bills.
3. Introduction and passage of financial bills involving expenditure from the Consolidated Fund of India.
4. Election and impeachment of the president.
5. Election and removal of the Vice-President. However, Rajya Sabha alone can initiate the removal of the vice-president. He is removed by a resolution passed by the Rajya Sabha by a special majority and agreed to by the Lok Sabha by a simple majority.
6. Making recommendation to the President for the removal of Chief Justice and judges of Supreme Court and high courts, chief election commissioner and comptroller and auditor general.
7. Approval of ordinances issued by the President.
8. Approval of proclamation of all three types of emergencies by the President.
9. Selection of ministers including the Prime Minister. Under the Constitution, the ministers including the Prime Minister can be members of either House. However, irrespective of their membership, they are responsible only to the Lok Sabha.
10. Consideration of the reports of the constitutional bodies like Finance Commission, Union Public Service Commission, comptroller and auditor general, etc.

11. Enlargement of the jurisdiction of the Supreme Court and the Union Public Service Commission.

### **Unequal Status with Lok Sabha**

In the following matters, the powers and status of the Rajya Sabha are unequal to that of the Lok Sabha:

1. A Money Bill can be introduced only in the Lok Sabha and not in the Rajya Sabha.
2. Rajya Sabha cannot amend or reject a Money Bill. It should return the bill to the Lok Sabha within 14 days, either with recommendations or without recommendations.
3. The Lok Sabha can either accept or reject all or any of the recommendation of the Rajya Sabha. In both the cases, the money bill is deemed to have been passed by the two Houses.
4. A financial bill, not containing solely the matters of Article 110, also can be introduced only in the Lok Sabha and not in the Rajya Sabha. But, with regard to its passage, both the Houses have equal powers.
5. The final power to decide whether a particular bill is a Money Bill or not is vested in the Speaker of the Lok Sabha.
6. The Speaker of Lok Sabha presides over the joint sitting of both the Houses.
7. The Lok Sabha with greater number wins the battle in a joint sitting except when the combined strength of the ruling party in both the Houses is less than that of the opposition parties.



8. Rajya Sabha can only discuss the budget but cannot vote on the demands for grants (which is the exclusive privilege of the Lok Sabha).
9. A resolution for the discontinuance of the national emergency can be passed only by the Lok Sabha and not by the Rajya Sabha.
10. The Rajya Sabha cannot remove the council of ministers by passing a no-confidence motion. This is because the Council of ministers is collectively responsible only to the Lok Sabha. But, the Rajya Sabha can discuss and criticize the policies and activities of the government.

### Special Powers of Rajya Sabha

Due to its federal character, the Rajya Sabha has been given two exclusive or special powers that are not enjoyed by the Lok Sabha:

1. It can authorize the Parliament to make a law on a subject enumerated in the State List (Article 249).
2. It can authorize the Parliament to create new All-India Service common to both the Centre and states (Article 312).

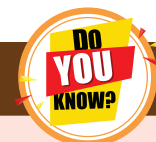
An analysis of the above points makes it clear that the position of the Rajya Sabha in our constitutional system is not as weak as that of the House of Lords in the British constitutional system nor as strong as that of the Senate in the American constitutional system. Except in financial matters and control over the council of ministers, the powers and status of the Rajya Sabha in all other spheres are

broadly equal and coordinate with that of the Lok Sabha.

Even though the Rajya Sabha has been given less powers as compared with the Lok Sabha, its utility is supported on the following grounds:

1. It checks hasty, defective, careless and ill-considered legislation made by the Lok Sabha by making provision of revision and thought.
2. It facilitates giving representation to eminent professionals and experts who cannot face the direct election. The President nominates 12 such persons to the Rajya Sabha.
3. It maintains the federal equilibrium by protecting the interests of the states against the undue interference of the Centre.

### Article 120



Hindi and English have been declared by the Constitution to be the languages for conducting business in Parliament. The Presiding Officer may, however, allow any member not proficient in either to address the House in his mother tongue (Article 120).

### 2.3 Law making process

The Law making process in Indian Parliament stands evident for its democratic credentials. In the law making process, role of opposition parties becomes much more important to reflect upon the relevance of the bill and its context so as to streamline the democratic governance.



The law is a guiding force to regulate the society, politics and economy for the welfare of the state and people. The law is primarily introduced in the Parliament in the form of 'bill' as proposed legislation for consideration of the legislature. The bill will be taken for thorough discussion in the parliament to have an understanding within the framework of the constitution.

The bill will become Law once the legislature passed it and approved by the President. The Law becomes an act only after getting consent from the President of India. The primary function of the Parliament is to make fresh laws and bring changes in the existing laws in accordance with the constitutional procedures. The Parliament of India passes two types of bills such as:

1. Money Bill
2. Non-Money Bill or ordinary or public bills



An ordinary bill has to pass through different stages before becoming an Act. The procedures prescribed in the Constitution for passing the bills are of two different categories. These are as follows: An ordinary bill under consideration has to go through following stages has to pass through both houses with discussions, suggestions and approval. An ordinary bill may be introduced in either House of the Parliament.

1. The first stage of the bill relates to the introduction of the bill in either house as 'Reading of the Bill'. Most of the bills are introduced by the Ministers concerned. The bill is drafted by the technical experts in that particular field and then council of ministers will approve the bill. The ordinary Member of Parliament can also introduce a bill which is called as 'Private Member Bill'. For the introduction of the bill it should be informed to the Speaker of the Lok Sabha or The Chairman of Rajya
2. A Sabha one month in advance. Then the date of introduction for the Private Member Bill will be fixed and allowed to move the bill in the floor of house. Generally there will be no discussion on the proposed bill at this reading stage which is only a formal affair.
3. After the introduction of bill, it will be published in Gazette of India. The Speaker or the Chairman may allow some bills to be published in the Gazette even before the first reading, in that case no motion for leave to introduce bill is necessary.
4. The Second Reading of the bill usually takes place after an interval of two days after the first reading. At this stage, any of the four courses are adopted.
  - ❖ The bill may be taken for consideration by the House at once.
  - ❖ It may be sent to a select committee of the House.
  - ❖ It may be sent to a joint select committee of the two Houses or

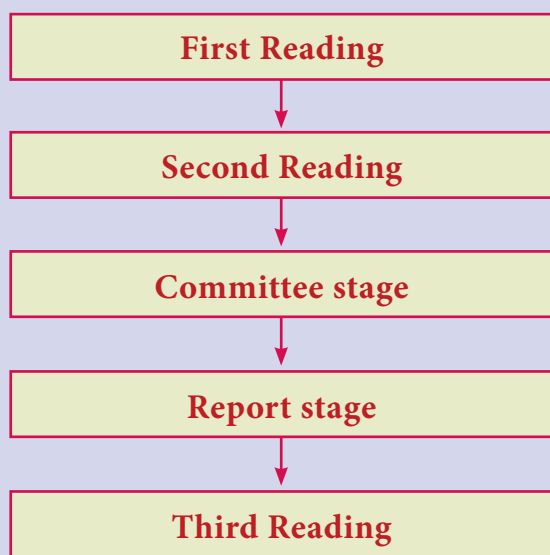
- ❖ It may be circulated for eliciting public opinion. Very rarely bills are taken up for consideration straight away.

When the bill is adopted for circulation (i.e., 4th course), the secretariat of the House concerned requests the State Governments to publish the bill in the State Gazettes inviting opinions from local bodies and recognized associations. Such opinions are circulated among the members of the House.

### Activity - Flow Chart



**Every bill has to pass through the following stages.**



### Committee stage

If the bill is referred to a select committee, the mover selects the members of the committee, the Speaker or the Chairman of the House appoints one member of the committee and the chairman of the committee. The committee will study of the bill and reports back to the House.

### Report Stage

The report stage is the most important stage where a bill is debated clause by clause. In this stage the report is circulated along with original bill and the report of the Select committee. The Report stage is for giving final shape to the bill. Then the bill will be submitted for the Third Reading in which the bill is to be passed with majority of votes. The Third Reading is for formal approval by the Parliament.

After the bill is adopted at the Third Reading in either of the house, it is transmitted to the other House where it goes through all the stages. The other house may accept the bill as it is. After coming across all the stages, it is sent to the President's assent.

Once a bill is passed in its originating house, it also may be rejected in the other house. Otherwise, it may introduce amendments not acceptable to the original House or, may not return the bill within six months. In such a case, a constitutional deadlock develops between the two Houses. The President may call a joint session of the two Houses to resolve the deadlock. The Speaker or in his absence the Deputy Speaker presides over such joint sessions. The deadlock is dissolved by majority vote.

Finally, the bill is passed by both Houses and goes to the President for his assent. If the President assents to the bill, it becomes a law. But the President may return the bill for reconsideration. If the bill is sent back to the President with or, without amendments, the President cannot

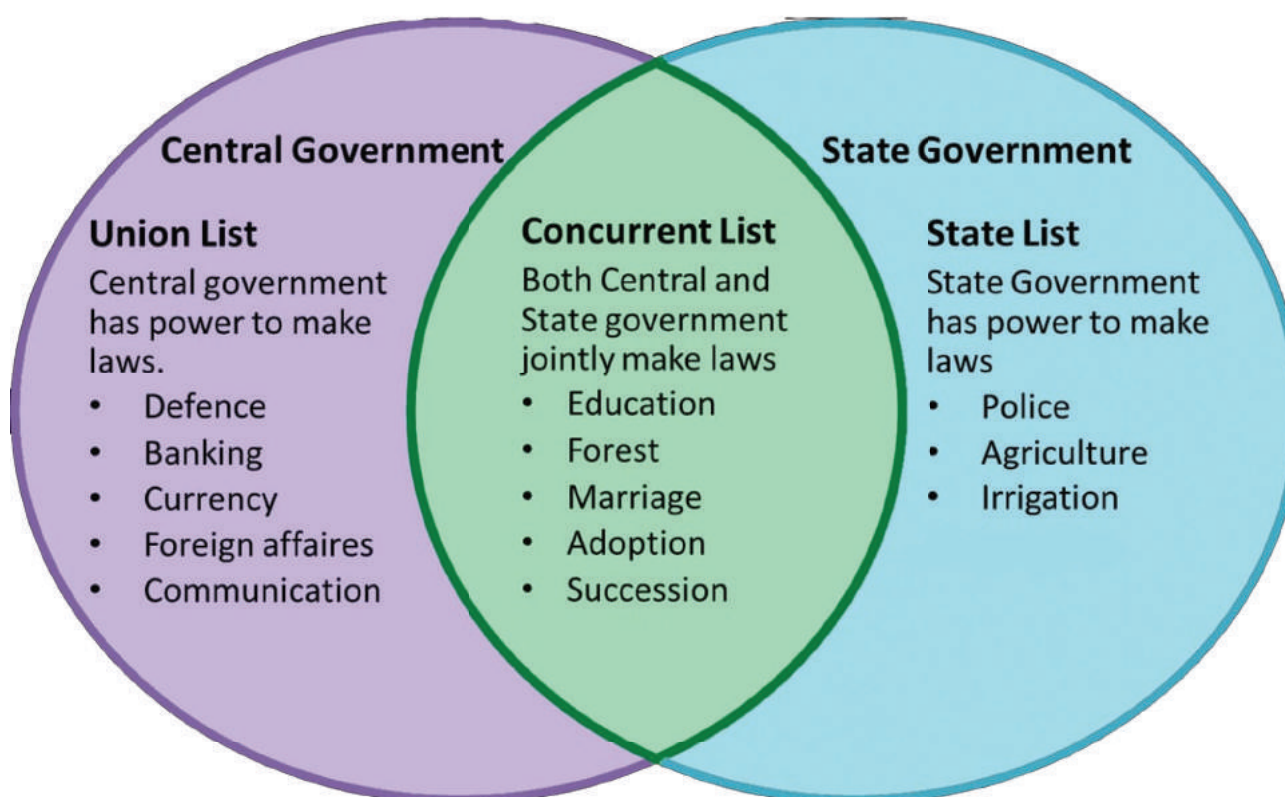
withhold his assent. Such a complicated and time-consuming procedure is adopted to prevent hasty legislation.

## 2.4 Structure, Powers and Functions of Legislature

The legislative powers and functions of the Union and the States are clearly demarcated in seventh schedule of the Constitution of India. The powers on which both union and the states can

legislate. The Constitution has classified the subjects for which the legislation made to perform the duties and responsibilities with specific powers for division of powers to avoid the seventh schedule of the constitution provides for trifurcation of legislative powers;

1. The Union List
2. The State List and
3. The Concurrent List



The Union list includes the subjects over which the parliament has exclusive authority to make laws and change the existing laws. The state legislature has exclusive authority over subjects mentioned in the state list. In the subjects

enumerated in the 'Concurrent List' both the union and the states can legislate. In the event of contradictions between the union and states, the union's authority will prevail. The residuary power is vested in the Centre.

**Table Representing difference between Ordinary Bill and Money Bill**

S.No.	Ordinary Bill	Money Bill
1	It can be introduced either in the Lok Sabha or the Rajya Sabha	It can be introduced only in the Lok Sabha and not in the Rajya Sabha.
2	It can be introduced either by a minister or by a private member.	It can be introduced only by a minister.
3	It is introduced without the recommendation of the president.	It can be introduced only on the recommendation of the President.
4	It can be amended or rejected by the Rajya Sabha	It cannot be amended or rejected by the Rajya Sabha. The Rajya Sabha should return the bill with or without recommendations, which may be accepted or rejected by the Lok Sabha.
5	It can be detained by the Rajya Sabha for a maximum period of six months.	It can be detained by the Rajya Sabha for a maximum period of 14 days only.
6	It does not require the certification of the Speaker when transmitted to the Rajya Sabha (if it has originated in the Lok Sabha).	It requires the certification of the Speaker when transmitted to the Rajya Sabha.
7	It is sent for the President's assent only after being approved by both the Houses. In case of the deadlock due to disagreement between the two Houses, a joint sitting of both the houses can be summoned by the president to resolve the deadlock.	It is sent for the President's assent even if it is approved by only Lok Sabha. There is no chance of any disagreement between the two Houses and hence, there is no provision of joint sitting of both the Houses in this regard.
8	Its defeat in the Lok Sabha may lead to the resignation of the government (if it introduced by a minister).	Its defeat in the Lok Sabha leads to the resignation of the government.
9	It can be rejected, approved or returned for reconsideration by the President.	It can be rejected or approved but cannot be returned for reconsideration by the President.

## Lists of Powers

Union		State		Concurrent	
1.	Defence	1.	Agriculture	1.	Education
2.	Atomic Energy	2.	Police	2.	Transfer of Property other than Agricultural land
3.	Foreign Affairs	3.	Prison	3.	Forests
4.	War and Peace	4.	Local Government	4.	Trade Unions
5.	Banking	5.	Public Health	5.	Adulteration
6.	Railways	6.	Land	6.	Adoption and Succession
7.	Post and Telegraph	7.	Liquor		
8.	Airways	8.	Trade and Commerce		
9.	Ports	9.	Livestock and Animal Husbandry		
10.	Foreign Trade	10.	State Public Services		
11.	Currency & Coinage				

### Activity - Critical Debate



#### MPs paid well, but show less productivity: citizens' report

- ❖ 'In 2010-12, Lok Sabha worked for average of less than four hours a day during 227 sittings in 852 hours'
- ❖ India's parliamentarians are one of the best paid legislators across the world but they lag when it comes to performing legislative business, says the National Social Watch's "Citizens' Report on Governance and Development 2013."
- ❖ "In terms of absolute amount, the value of Indian MPs' pay and perks is higher than [that of] their counterparts in Singapore, Japan and Italy. It is four and a half times higher than that of Pakistan; and is about 68 times higher than the per capita income of the country"
- ❖ Highlighting the low productivity of parliamentarians, the report points out that the nine sessions during 2010-12 saw the Lok Sabha working for an average of less than four hours of work a day during its 227 sittings in 852 hours, which is less than two-thirds of scheduled six hours per day. In the process, about 577 hours have been lost in disruptions and forced adjournments.



Courtesy : The Hindu – 23.12.2013.

**Task : In this connection list out the different parameters to assess the performance on MP?**

## 2.5. Amendment process and Procedure

The constitution of India has a unique provision to make the Constitution relevant to changing conditions and needs but without changing the basic structure. Article 368 deals with the amendment of the Constitution. As per this article, the Parliament has the supreme power to initiate the amendment process. The procedures for amendment of the constitution are as follows:

1. Parliament may amend the constitution through by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article.
2. An amendment of this Constitution may be initiated through the introduction of a Bill in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill.
3. The bill must be passed in each house by a special majority that is, majority by more than 50 per cent of the total membership of the house and a majority of two-thirds of the members of the house present and voting. Each house must pass the bill separately. In case of a disagreement between the two houses, on issues concerning amendment there

is no provision for holding a joint-sitting of the two houses. If the bill seeks to amend the federal provisions of the constitution, it must also be ratified by the legislatures of half of the states by a simple majority, that is, a majority of the members present and voting in such legislatures.

4. After duly passed by both the houses of parliament and ratified by the state legislatures wherever necessary, the bill is forwarded to the President for assent. The President must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament. After president's assent, the bill becomes an Act (i.e., A Constitutional Amendment Act) and the constitution stands amended in accordance with the terms of the Act.

### Types of Amendments

Article 368 provides for two types of amendments, that is, by a special majority of parliament and also through the ratification of half of the states by a simple majority. But, some other articles provide for the amendment of certain provisions of the constitution by a simple majority of parliament, that is, a majority of the members of each house present and voting, similar to the ordinary legislative process. Therefore, the constitution can be amended in three ways:

1. Simple majority of the parliament,
2. Special majority of the parliament, and
3. Special majority of the parliament and the ratification of half of the state legislatures.

### 1. Simple majority of parliament:

According to Article 368 a number of provisions in the constitution can be amended by a simple majority of the two houses of parliament. These provisions include

- ❖ Admission or establishment of new states, formation of new States and alteration of areas, boundaries, or names of existing states.
- ❖ Abolition or creation of legislative councils in states.
- ❖ Second schedule - emoluments, allowances, privileges and so on of the president, the governors, the speakers, judges, etc.
- ❖ Quorum in parliament.
- ❖ Salaries and allowances of the members of parliament.
- ❖ Rules of procedure in parliament.
- ❖ Privileges of the parliament, its members and its members and its committees.
- ❖ Use of English language in parliament.
- ❖ Number of judges in the Supreme Court.
- ❖ Conformant more jurisdiction on the Supreme Court.
- ❖ Use of official languages.

- ❖ Citizenship - acquisition and termination.
- ❖ Elections to parliament and state legislatures.
- ❖ Delimitation of constituencies.
- ❖ Union territories.
- ❖ Fifth schedule - administration of schedule areas and scheduled tribes
- ❖ Sixth schedule - administration of tribal areas.

### By special majority of parliament

The majority of the provisions in the constitution need to be amended by a special majority of the parliament, that is, a majority (i.e., 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 of the house irrespective of fact whether there are vacancies or absentees. The special majority is required only for voting at the third reading stage of the bill. The constitution's clauses which can be amended in this way include:

(i) fundamental rights (ii) directive principles of state policy: and (iii) all other provisions which are not covered by the first and third categories.

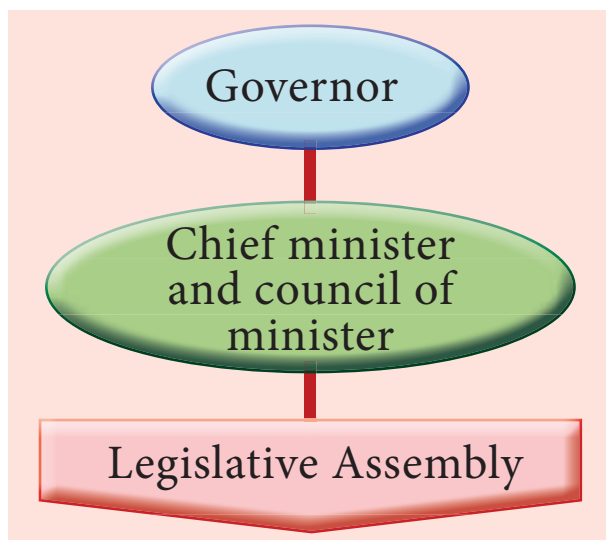
### Amendments by special majority of parliament and consent of states

The basic structures 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. There is no time limit within which the states should give their consent to the bill. The following provisions can be amended in this way:

- ❖ Election of the president and its manner.
- ❖ Extent of the executive power of the union and the states.
- ❖ Supreme Court and high courts.
- ❖ Distribution of legislative powers between the union and the states.
- ❖ Any of the list in the seventh schedule.
- ❖ Representation of states in parliament.
- ❖ Power of parliament to amend the constitution and its procedure (Article 368).

## 2.6. State Legislature: Structure, Powers and Functions



### Structure of State Legislature

The state is the second stratum of the federal structure of the Constitution. The provisions for the governance of all the state is dealt in the Part VI of the

Constitution except Jammu & Kashmir because it has separate Constitution for its state government. The articles from 152 to 237 deals thoroughly on the subjects of the state legislature. The state legislature which has only Legislative Assembly as House of People is called as Unicameral. Most of the powers and functions are shared by the state legislature is almost like the same as the Union legislature. In a Bicameral system of legislature, the state legislature consists of the Legislative Assembly and Legislative Council.

### The Governor

There shall be a Governor as the Constitutional Head of the State executive, and executive power of the state vested with the Governor and all executive actions of the state has to be taken in the name of the Governor. The governor of the State shall be appointed by the President. The Governor is appointed for a term of five years or can hold the office during the pleasure of the president or until his successor enters upon his office. The eligibility of appointment of the governor is that he/she must be the citizen of India, shall not hold any office of the profit and should have completed thirty five years of age. The Governor can be appointed more than once and can hold office for more than one state two states in an exigency or as a transitional arrangement.

### Powers and Functions of the Governor

The Governor of a state have the powers like the President such as Executive, Legislative, Judicial and Emergency Powers. The executive powers of the Governor are appointing the council

of ministers, Advocate General and the Members of the State Public Service Commission. The Governor has the power to nominate members of the Anglo-Indian Community to the legislative Assembly of the state. The Governor has the power to appoint people with special knowledge in the field of literature, science, art, cooperative movement as members in the legislative council wherever it exists.

The governor also can nominate 1/6 of the total members of the council. The governor also has powers 'in his discretion' to exercise special constitutional responsibilities, he can discharge his special responsibility, in accordance with the direction given by the president from time to time. On certain extraordinary situations, the governor can act without ministerial advice. The governor also plays the role of medium between the state and the centre. The Governor keeps the President Constantly informed of the developments in the state.

The Governor is part and parcel of the State legislature. The legislative powers of the Governor include the right to address and sending messages, and summoning, proroguing and dissolving the state legislature. Governor's assent is required for any bill to become an Act. The veto powers of the governor as follows:

1. May withhold his assent, in which case it fails to become the law.
2. Other than the Money Bill, The governor may return any bill for reconsideration by the state legislature. His/her veto power cannot be used again and has no alternative than to assent to it when

the state legislature passes the bill again with or without amendments.

3. The governor may reserve a bill for the consideration of the president, if he thinks it fit.

The Judicial Powers of the Governor is to have the power to grant pardon, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends. However, the Governor has no power to appoint judges of the State High Court but he is entitled to be consulted by the President in this matter. The appointment of Judges of High Court and Supreme Court comes under the purview of the Judiciary and the President of India.

The governor does not enjoy the Emergency Powers like that of the president. But the governor can make a report to the president and advising him to assume the office whenever there is a constitutional breakdown or crisis in the state that may result in the imposing of the President rule. In such a situation, the governor acts as an agent of the president as and assumes the functions of the state government through invocation of Art 356.

### **Functions and Powers of the Chief Minister**

The Chief Minister is appointed by the Governor as the head of the government, administration and council of Ministers. The council of Ministers

are appointed by the governor on the advice of the Chief Minister. In view of the democratic principle of Constitution, a person who is not a member of either house can be appointed as the Chief Minister, but within a six months from the date of appointment he/she should become member of any house.

## 2.7 Officials and Committees in State Legislative Assembly

### Speaker of the State Legislative Assembly:

The Speaker is elected by the Members of Legislative Assembly itself, and is the Presiding officer of the Assembly. The speaker has the responsibilities and powers of conducting business of the assembly in orderly manner, maintaining decorum and regulating its procedure in terms of allowing the members to question, speak on matters of importance, budget and grants. The speaker is the interpreter of the provisions of the Constitution, rules of procedure in the assembly proceedings, rules of procedure and legislative precedents within the Assembly. The speaker has the power to adjourn, suspend and resume the sessions and suspend the members from participating in the session when there is a violation of rules, procedures and regulations of the assembly.

The speaker has to generally maintain neutrality and impartiality while conducting the business of the house. The speaker's vote becomes more important when there is a tie on any issue regarding passing of bill, motion and resolutions. The speaker's decision is final in regulating

the conduct of members and in matters of procedure or maintaining order in the house. And in such matters the speaker is not to be subjected to judicial intervention. The speaker appoints the Chairmen of all the committees and supervises their functioning.

### The Deputy Speaker

The Deputy Speaker is also elected by the members of the Assembly from amongst themselves. He performs the duties and responsibilities of the speaker as his absence presides over the Assembly in the absence of the Speaker. The deputy speaker has also powers on par with the speaker within the House. Any member existed in a panel can preside over the House in case of absence of Speaker and the deputy speaker.

### Committees of the Parliament

Broadly, parliamentary committees are of two kinds - Standing Committee and Ad Hoc Committees. The former are permanent (constituted every year or periodically) and work on a continuous basis, while the latter are temporary and cease to exist on completion of the task assigned to them.

#### Standing Committees

On the basis of the nature of functions performed by them, standing committees can be classified into the following six categories:

##### 1. Financial Committees

- a) Public Accounts Committee
- b) Estimates Committee
- c) Committee on Public Undertakings

## 2. Departmental Standing Committees (24)

### 3. Committees to Inquire

- a) Committee on Petitions
- b) Committee of Privileges
- c) Ethics Committee

### 4. Committees to Scrutinise and Control

- a) Committee on Government Assurances
- b) Committee on Subordinate Legislation
- c) Committee on Papers Laid on the Table
- d) Committee on Welfare of SC's and ST's
- e) Committee on Empowerment of Women
- f) Joint Committee on Offices of Profit

### 5. Committees Relating to the Day-to-Day Business of the House

- a) Business Advisory Committee
- b) Committee on Private Members' Bills and Resolutions
- c) Rules Committee
- d) Committee on Absence of Members from Sitzings of the House

### 6. House-Keeping Committees or Service Committees (i.e. Committee concerned with the Provision of Facilities and Service to Members):

- a) General Purposes Committee
- b) House Committee

- c) Library Committee
- d) Joint Committee on Salaries and Allowances of Members.

### Ad Hoc Committee

Ad Hoc committees can be divided into two categories, that is, Inquiry Committees and Advisory Committees.

**Committee on Estimates:** The major responsibility of the committee is to suggest the examiner, estimator and recommendation on matters related to economic related policy issues and alternative policies, administrative reform, undertaking the tours and visits within and outside the state to study various schemes under execution in regard to the estimates under examination.

**Committee on Public Accounts:** The important functions of the Committee are to scrutinise the Appropriation Accounts of the State and the Report of the Comptroller and Auditor-General of India (Civil). Also looks into the Revenue receipts and the disbursement of money shown in the accounts applicable to the services or purposes to which they had been applied and charged.

**Committee on Public Undertakings:** This Committee is to examine the Audit reports and accounts of Public Undertaking from time to time. The Committee also examines the autonomy and efficiency of the Public Undertakings. This committee is also taking note on the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices. The Committee also

examines the Reports of the Comptroller and Auditor General of India on the Public Undertakings. The Committee examines the working of the Undertakings under its purview, hears officials or takes evidence connected with such undertakings and makes recommendations to the House.

## Glossary



- ❖ **Unicameral:** The state legislature which has only Legislative Assembly as House of People is called as Unicameral.
- ❖ **Bicameral:** The system of legislature which consists of the Legislative Assembly and Legislative Council is called as Bicameral system.
- ❖ **Quorum of the House:** One tenth of the total number of members of Lok Sabha / Rajya Sabha constitutes the quorum for a meeting of the House.
- ❖ **Bill:** The law is primarily introduced in the Parliament in the form of 'bill' as proposed legislation under consideration by a legislature.
- ❖ **Amendment:** The constitution of India has a unique provision to make the Constitution contemporarily relevant for changing conditions and needs but without changing the basic structure of the doctrine.
- ❖ **Impeachment:** The Parliament has judicial function on the matters of the proposals for the removal of the President, Vice – President, Judges of the Supreme Court and High Courts. This process of removal is called 'impeachment'.
- ❖ **Immunity of the member:** Exemption of a member from service of legal process and arrest within the precincts of the House.
- ❖ **Joint session:** When there is a special occasion or event of disagreement between the two houses on certain legislative measures, the speaker of the House of the people presides the joint sessions of the parliament to resolve the disagreement.
- ❖ **Sessions:** When the Parliament meet for discussing various agenda and approving bills, motions with a scheduled meeting is called Session.
- ❖ **No Confidence Motion:** This is the procedure to acquire the support of majority of the members in The Lok Sabha / Legislative Assembly and their confidence to head the government by a Prime Minister/The Chief Minister. If the Prime Minister or the Chief Minister lose the confidence of the Lok Sabha/Legislative Assembly the entire government has to quit and face the election.



**I. Choose the correct answer**



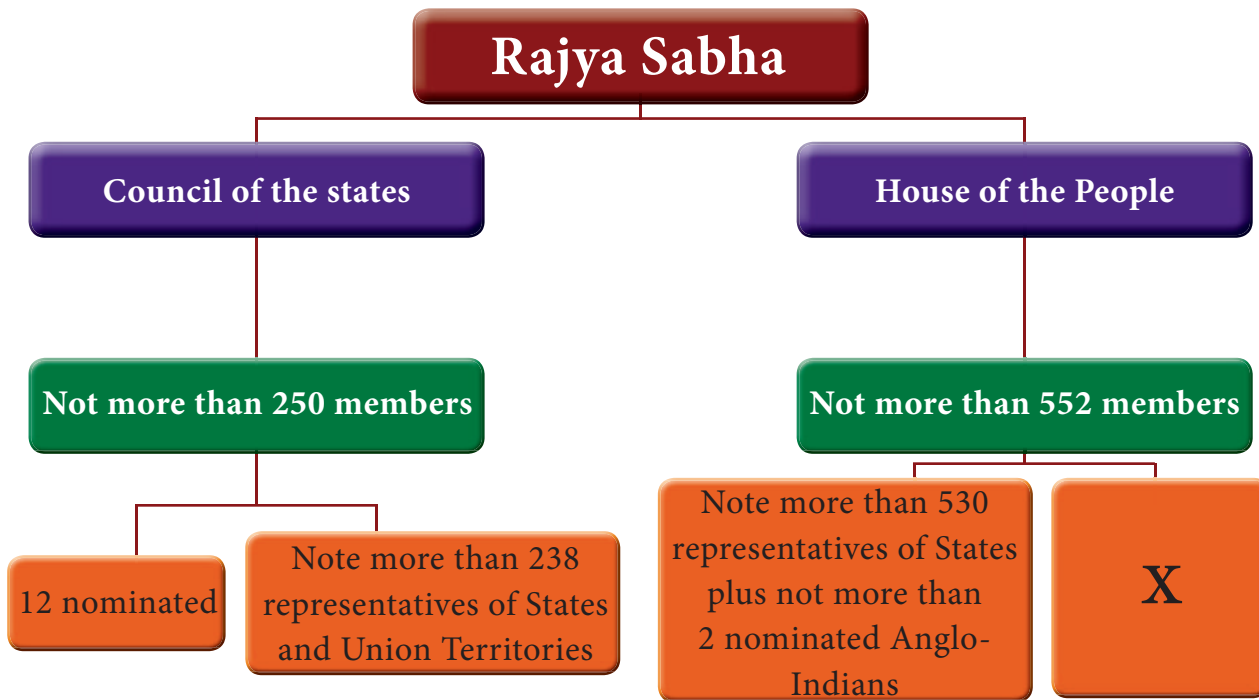
1. Legislature is \_\_\_\_\_
  - a. The highest law-making body
  - b. The High Court
  - c. Parliament
  - d. Law Commission
  
2. National legislature is called \_\_\_\_\_
  - a. The Supreme Court
  - b. The High Court
  - c. Parliament
  - d. Legislative Assembly
  
3. The Parliament in India consists of
  - a. The President, and the Prime Minister
  - b. The President and Rajya Sabha
  - c. The President and Lok Sabha
  - d. The President, Lok Sabha and Rajya Sabha
  
4. Members of Lok Sabha is directly elected by the \_\_\_\_\_
  - a. People of the Parliamentary Constituency
  - b. MLAs of the State Assembly
  - c. Nominated by the President
  - d. None of the above
  
5. The process of removal of Judges of the Supreme Court and High Courts is called \_\_\_\_\_
  - a. Impeachment
  - b. Dismiss
  - c. Suspension
  - d. Resignation
  
6. Who is the Head of the Lok Sabha?
  - a. Speaker
  - b. The Prime Minister
  - c. The President
  - d. The Vice-President
  
7. The Head of the Government is \_\_\_\_\_
  - a. The President
  - b. The Prime Minister
  - c. Speaker
  - d. The Vice-President
  
8. The Head of the state is \_\_\_\_\_
  - a. The President
  - b. The Prime Minister
  - c. Speaker
  - d. The Vice-President



9. The Rajya Sabha is an institution to protect the rights and interests of \_\_\_\_\_
- a. The Members of the Parliament      b. The President  
c. The states      d. The Vice-President
10. The members of the Rajya Sabha is elected by \_\_\_\_\_
- a. People      b. MLAs of the respective state  
c. Nominated by the parties      d. Nominated by the President
11. Who is the ex-officio Chairman of the Rajya Sabha?
- a. The President of India      b. The Vice-President of India  
c. The Prime Minister of India      d. The Speaker
12. Which house of the Parliament is known as Permanent House of the Parliament that never gets fully dissolved?
- a. The Lok Sabha      b. The Rajya Sabha  
c. The Ministerial Cabinet      d. The Group of Ministers
13. Which house of the parliament has the power to pass the money bill?
- a. The Lok Sabha      b. The Rajya Sabha  
c. The Ministerial Cabinet      d. The Group of Ministers
14. What is the minimum age of the Member of Parliament in Lok Sabha?
- a. 25 years      b. 30 years  
c. 40 years      d. 50 years
15. Indian Legislature system is called as
- a. Unicameral      b. Bicameral  
c. Monarchy      d. None of them
16. The Governor of the state is \_\_\_\_\_
- a. Constitutional Head of the state      b. Head of the Government  
c. Head of the Cabinet      d. Head of the party
17. The Chief Minister of the state is \_\_\_\_\_
- a. Head of the state      b. Head of the Government  
c. Head of the Cabinet      d. Head of the party
18. The Executive power of the state is vested with
- a. The Chief Minister      b. The Chief Secretary  
c. The Governor      d. The Chief Justice of High Court



19. The governor of the State shall be appointed by
- The Chief Minister
  - The President
  - The Chief Justice of High Court
  - The Prime Minister
20. Consider the table given below



Which of the following will fit in the place marked 'X'?

- Ministers who are not members of parliament but who have to get themselves elected to either House of Parliament within six months after assuming office
- Not more than 20 nominated members
- Not more than 20 representatives of Union Territories
- The Attorney General who has the right to speak and take part in the proceedings of either House of Parliament.

## II Answer the following questions very shortly:

- What is called bicameral system?
- What are the types of bills passed in the Parliament?
- Define: Quorum of the House
- Define: Money Bill
- Define: Private Member Bill
- What are the condition for call for Joint Session?

### III Answer the following questions shortly:

7. What are the list of powers prescribed in the Constitution?
8. What do you mean amendment provision in the constitution?
9. Write down the types of Amendments
10. What is the structure of the state legislature?
11. What are the powers of the legislature
12. What are the special powers of Rajya Sabha?
13. What is the role of the Speaker in the Assembly?

### IV Answer the following questions detail:

1. Describe the roles and responsibilities of the union legislature
2. What are the powers of the Lok Sabha
3. Write an essay on the stages of Law making process in the Parliament
4. Explain the process and procedure of the Amendment
5. What are the powers of the Governor of the State
6. Write an essay on the powers of the Chief Minister and Council of Ministers
7. Write about the various committees appointed to execute the administration of government and its importance.

### Reference Books



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- ❖ D. D. Basu, “Introduction to the Constitution of India”, New Delhi: Lexis Nexis.2012
- ❖ S. Chaube, “The Making and Working of the Indian Constitution”, Delhi: National Book Trust. 2009.
- ❖ Andrew Heywood (2002), Politics (Second Edition), Palgrave Foundations, New York.



## ICT Corner

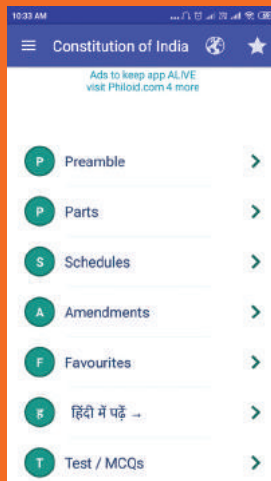
# Legislature-Amendments

Through this app you will learn more about legislature- amendments

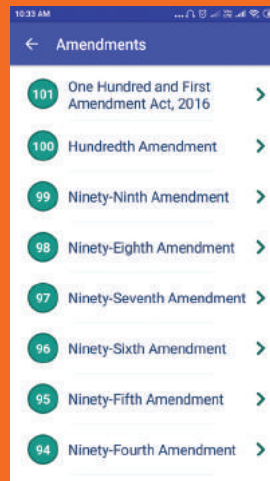


### Procedure:

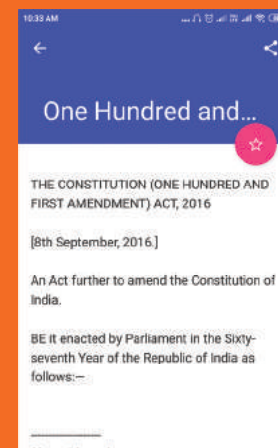
- Step - 1** Open Play store and type CONSTITUTION OF INDIA WITH MCQ (or) Scan the QR Code.
- Step - 2** Click any topic you will get Article (Eg.Amendments)
- Step - 3** Click any Amendments you will get the details of Articles.(101)



Step 1



Step 2



Step 3

### URL:

<https://play.google.com/store/apps/details?id=com.philoid.coi>

\*Pictures are indicative



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### Learning Objectives



- ❖ To understand the Republican form of State
- ❖ To gain knowledge of the Constitutional position of the President and vice - President
- ❖ To Comprehend the election procedures for the offices of the President and Vice – President
- ❖ To analyse the powers and functions of the President and vice - President
- ❖ To understand the Parliamentary type of executive
- ❖ To know the characteristics of the State executive
- ❖ To comprehend the role of Governor in State administration
- ❖ To discuss the role of Chief Minister

## 3.1 Introduction

### Form of the state

#### The Union Executive

- ❖ The President of India
- ❖ The Vice President of India
- ❖ The Council of Ministers and the Cabinet, Headed By the Prime Minister

The preamble of the constitution of India, Declares India a sovereign. Socialist secular Democratic Republic. Unlike England where a hereditary monarch, either a Queen or a king is the head of the State, India has an elected President

as head of the state with fixed tenure of office. The President is the supreme head of all the constitutional wings of the State, i.e the legislature. Executive, judiciary and armed forces. The President supervises their functions and ensures adherence to constitutional provisions by these bodies. The President represents the entire nation and upholds the constitution in every sphere of State's activity. But unlike the President of the USA, Where the President of the republic wields de-facto (real, functional) executive powers, the President of Indian Republic is not vested with direct executive responsibilities; Such direct and real executive responsibilities are assigned by the Constitution, to a Council of ministers led by the prime minister, and such council of ministers,

both collectively and individually responsible and accountable to the union legislature. Thus our Republican form of State is different from American form of Republic. Where it is Presidential executive.

### 3.2 President

The President is the head of the Indian State. He is the First Citizen of India and acts as the symbol of Unity, Integrity and Solidarity of the Nation.

#### Qualification and Election of the President

##### Article 58 says;

- No person shall be eligible for election as President unless he is
  - ❖ a citizen of India
  - ❖ has completed the age of 35 years
  - ❖ is qualified for election as a member of the Lok Sabha
- A person shall not be eligible for election as President if he holds any office of profit under the government of India, or the government of any state, or under any local or other authority subject to the control of any of the said governments.

*Article 52 of our Constitution lays down that there shall be a President of India. Article 53 lays down that the executive power of the Union shall be vested in the President and shall be exercised by him directly or indirectly.*

Further Article 52 provides that the nomination of a candidate for election to the office of President must be subscribed

by at least 50 electors as proposers and seconded by another 50 electors of the Electoral College. Every candidate has to make a security deposit of ₹ 15,000/- in the Reserve Bank of India.

This amount will be forfeited if the candidate does not secure 1/6 of the votes polled.

The President is elected not directly by the people but by members of Electoral College consisting of ;

- ❖ The elected members of both the houses of Parliament
- ❖ The elected members of the legislative assemblies of the states
- ❖ The elected members of the legislative assemblies of the union territories of Delhi and Pondicherry.

#### Activity



Find out the electoral quota if the total number of voters polled in the election for President is 10,00,000 and the number of candidates to be elected is 1

The President's election is held in accordance with the system of proportional representation by means of single transferable vote and the voting is by secret ballot. This system ensures that the successful candidate is returned by the absolute majority of votes.

$$\text{Electoral Quota} = \frac{\text{Total number of valid votes polled in the election}}{\text{Number of electors to be elected}} + 1$$



## Conversation

**Girl - Boy:** Did you know, in order to be declared as elected, a candidate has to secure a fixed Quota of votes !!!.....  
What is this Quota..?  
Look at the above formula.....  
Ya .....understood....ha ha.....

Each member of the electoral college is given only one ballot paper. The voter, while casting his vote, is required to indicate his preferences by marking 1,2,3,4

etc against the names of the candidates. This means the voter can indicate as many preferences as there are candidates in the fray. In the first phase, the first preference votes are counted. In case a candidate secures the required quota in this phase, he is declared elected. Otherwise, the process of transfer of votes is carried out. The ballots of the candidate securing the least number of first preference votes are cancelled and his second preference votes are transferred to the first preference votes of other candidates. This process continues till a candidate secures the required quota.

## Debate



We have a written constitution wherein the functions and responsibilities of each constitutional office are clearly defined and delimited. We are a Republic with an elected President as the Head of the State. But, we are also a Parliamentary democracy with Ministerial responsibility to the representatives of the people in the Lok Sabha.

Teacher can divide the class into two group and organise a debate on the unique mix of the President and the Prime Minister and his team.

## Oath by the President

Before entering upon his office, the President has to make and subscribe an oath or affirmation. In his oath, the President swears:

- ❖ To faithfully execute the office;
- ❖ To preserve, protect and defend the constitution and the law; and
- ❖ To devote himself to the service and wellbeing of the people of India.

The oath of office to the President is administered by the Chief Justice of India and in his absence in the presence of the senior most judge of the Supreme Court.

## Activity



**Read The Cartoon Identify The Context.**



**26.7.06/The Hindu Cartoon**

1. What is being depicted by the given cartoon?





## Entitlement to the President

- ❖ He is entitled without payment of rent, to the use of his official residence (The Rashtrapathi Bhavan)
- ❖ He is entitled to such emoluments, allowances and privileges as maybe determined by the Parliament
- ❖ The President is entitled to a number of privileges and immunities. He enjoys personal immunity from legal liability for his official acts. During his term of office, he is immune from any criminal proceedings

## Term, Impeachment and Succession

### Term

Article 56 says that the President shall hold office for a term of 5 years from the date on which he enters upon his office. However he can resign from his office at any time by addressing the resignation letter to the Vice President. Further he can also be removed from the office before completion of his term by the process of impeachment. The President can hold office beyond his term of five years until his successor assumes charge. He is also eligible for re-election to that office.

### K-W-L Activity



What I know about Impeachment?	What I want to Know about Impeachment?	What I have Learnt?

### Impeachment

Article. 61 of the Constitution lays down a detailed procedure for the impeachment of the President. For the impeachment of the President, first, a charge for impeachment has to be made in either House of the Parliament by a resolution signed by atleast one fourth of the total number of members of the House and moved by giving atleast 14 days' advance notice. Such a resolution must be passed by a majority of not less than two thirds of the total number of members of

the House when a charge is so presented by one House, it should be investigated by the other House. After the investigation, if a resolution is passed by the other house by a majority of two thirds of its total number of members, the President stands removed by impeachment from his office from the date of passing of the resolution.

### Succession

A vacancy in the President's office can occur in any of the following ways:





1. On the expiry of his tenure of five years
2. By his resignation
3. On his removal by impeachment
4. By his death
5. When he becomes disqualified to hold office or when his election is declared void

If the vacancy occurs due to resignation, removal or death then election to fill vacancy should be held within six months and the Vice President acts as the President until a new President is elected. Further when the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice President discharges his functions until the President resumes his office. In case the office of the Vice President is vacant, the Chief Justice of India or if his office is also vacant, the senior most judge of the Supreme Court acts as the President or discharges the functions of the President.

### Functions and Powers of the President

Vast are the functions and powers of the President. He convenes the parliament, addresses and prorogues the same. He nominates 12 members of eminence in different fields to the Rajya sabha and two Anglo Indian members to the Lok Sabha. He enjoys veto power over non-money bills of the parliament and can send back non-money bills for reconsideration of the parliament, he can convene joint sessions of Rajya Sabha and Lok sabha; He can promulgate ordinances for a period not exceeding six months. He can also has veto powers over certain State legislations.

He prompts and facilitates the institution of council of ministers headed by the Prime Minister, and ensures that the council of Ministers enjoy the support of the majority in the Lok Sabha. The President alone installs the ministers and distributes portfolios to them, he can also, dismiss the ministry, if he feels that the ministry does not enjoys the majority support in the Lok sabha. He nominates members to various constitutional bodies, including the judiciary, armed forces and diplomatic corps. The President enjoys enormous powers during the periods of emergencies, can suspend any law, can dissolve ministries and legislatures for specified periods. He can commute capital punishments.

**When any person i.e., VP,CJI** or senior most judge is acting as President, he enjoys all the powers and immunities of the President as is entitled to such emoluments, allowances and privileges as determined by the Parliament.

### The Official Residence of the President of India is

*“The Rashtrapathi Bhavan” Situated at Delhi.....*

### Activity



1. Discuss the Veto Powers of the President of India.
2. Find out what is Absolute Veto, Suspensive Veto, Pocket Veto and Qualified Veto.
3. List out all the Presidents and their tenure till date, Make a Collage using the images collected.



## Executive

1. Running of all administration in his name, making of rules for the conduct of government business and allocation of work among the ministers.
2. Having information of all important decisions of the Cabinet, referring any matter for the consideration of the Cabinet.
3. Making important appointments and removals.
4. Maintaining foreign relations.
5. Holding supreme command of the Defence Forces.
6. Approving rules and regulations for the working of the Supreme Court and other independent agencies.
7. Sending directions and instructions to state governments and invoking Art.356 in case of breakdown of Constitutional machinery in a State.
8. Running of the administration of Union Territories and Scheduled and Tribal Areas.

## Legislative

1. Summoning and proroguing sessions of Parliament and dissolving Lok Sabha.
2. Making nomination of 12 members to the Rajya Sabha and 2 to the Lok Sabha.
3. Delivering inaugural addresses and sending messages to the Parliament.
4. Exercising veto power over non-money bills- absolute as well as suspensive.
5. Giving prior permission for introducing certain kinds of bills in Parliament.
6. Promulgating an ordinance if the Parliament is not in session.
7. Causing presentation in the Parliament of reports and recommendations of various commissions.
8. Making appointment of presiding officer pro tem of the Lok Sabha.
9. Allowing extension, modification, or abrogation of law in cases of ports and aerodromes.
10. Exercising absolute veto power over State legislation in certain cases.

## Financial

1. Introduction of money bill in Lok Sabha with his prior recommendation.
2. Keeping control over Contingency Fund of India.
3. Causing presentation of budget in the Parliament.
4. Making appointment of Finance Commission.
5. Allowing determination of the shares of States in proceeds of income tax and of the amounts of grants-in-aid in lieu of jute export duty to the States of Assam, Bihar, Odisha and W.Bengal.

## Judicial

1. Granting commutation of sentence, reprieve or pardon, respites or remissions or suspension of punishments by virtue of holding prerogative of mercy.
2. He appoints the Chief Justice of India and other judges of Supreme Court and High Courts.
3. He can seek advice from the Supreme Court on any question of law or fact.

## Emergency

1. The constitution confers extraordinary powers on the President to deal with three types of emergencies
  - ❖ national emergency (Art.352)
  - ❖ President's rule (Art.356 & 365)
  - ❖ financial emergency (Art. 360)
2. Art.352-President declares national emergency when security is threatened due to war, external aggression and internal rebellion.
3. Provision of emergency in a State (Art 356) in the event of breakdown of constitutional machinery.
4. Art 365 – enforcement of President's rule when a State does not obey the union government direction or the Indian Constitution.
5. The President under Art 360 has the power to declare financial emergency if he is satisfied that financial stability or the credit of India is threatened.

## Miscellaneous

1. Reference of any matter of public importance involving a question of law or fact to the advisory opinion of the Supreme Court.
2. Determining the strength of Judges in the High Court.
3. Making rules for the composition and working of the Union Public Service Commission.
4. Setting up official languages Commission and taking steps for the progressive use of Hindi for official purposes on the basis of its recommendations.
5. Making special regulations for the administration of the State of Jammu-Kashmir.
6. Making special rules and regulations for the administration of Scheduled and Tribal Areas.

## Fact

The emergency powers of the President of India are specified in part XVIII of the Indian Constitution.

## Activity

### Preparation of Chart

List the Prime Ministers of India from 1947 to 2019. Paste the photos of the Prime Ministers in your chart.

## Activity

**Identify the Powers of the President, related to the examples in the given tabular column**

*(executive/legislative/ judicial/financial/emergency)*

S No.	Examples	Powers
1.	Tamil Nadu, Karnataka, Punjab, Jharkhand, Jammu and Kashmir and many other states have been under President's rule.	
2.	The President appoints our State Governors, Supreme Court and High Court Judges.	
3.	The President can summon and dissolve Parliament sessions.	
4.	A 'Bill' passed in the Parliament can become an 'Act' only after the President's approval.	
5.	The President has the power to reduce the degree of punishment or pardon criminals.	
6.	A right to be informed of all of the nation's affairs.	
7.	The President is always the first to address the Parliament during the budget session.	
8.	The country declares war in the name of the President.	
9.	The country's Ambassadors and High Commissioners are his representatives in foreign land.	
10.	The President causes the presentation of audit report before Parliament.	

### 3.3 Vice President

On the pattern of the Constitution of USA, the Indian Constitution provides for the office of the Vice-President of India (Article 63). The Vice-President of India occupies the second highest office in the country.

### Election

The Vice-President of India is elected by the elected members of both Houses of Parliament by secret ballot on the basis of proportional representation system, by means of the single transferable vote.

## Qualification

To be eligible for election to the office of Vice-President, (a) candidate must be a citizen of India, (b) must have completed the age of thirty five years, (c) must be eligible for election as a member of the Rajya Sabha, and (d) must not hold any office of profit. In this connection provisions similar to those relating to the President apply.

## Terms of Office

The Vice-President is elected for a term of five years. He can voluntarily resign from his office before the completion of his term of office by writing to the President. He may also be removed from his office, if a resolution to that effect is passed by the Rajya Sabha by an absolute majority of its members and agreed to by the Lok Sabha. However fourteen days have to be given to move such resolution.

## Functions and Duties

The Vice-President is the ex-officio Chairman of the Rajya Sabha (Article 64 of the Indian Constitution). He presides over the meetings of the Rajya Sabha. As the presiding officer of the Rajya Sabha, his functions and powers are similar to those of the speaker of Lok Sabha. He draws his salary as the chairman of the Rajya Sabha, because the Vice-President's office itself carries no salary. In the event of occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until a new President is elected. This period shall not exceed six months. While acting as President the Vice-President gets salary,

allowance, emoluments etc., as may be fixed by Parliament by law, and during that time he does not perform the duties of the chairman of Rajya Sabha.

## Assignment



Articles 63 to 70 of the Indian Constitution deal with 'Vice-President' make a presentation on the above.

## 3.4 The Prime Minister and Council of Ministers

*He describe Prime Minister as 'primus inter pares' (first among equals) and 'key stone of the cabinet arch'. He said, "The head of the cabinet is 'primus intro pares', and occupied a position which so long as it lasts, is one of exceptional and peculiar authority".*

**- Lord Morely**

### 3.4.1 The Prime Minister

## Introduction



**Executive:** The Constitution provides for a collegiate executive i.e Council of ministers under the chair members of the Prime Minister

**Meaning:** A body of persons having authority to initiate major policies, make decisions and implement them on basis of the Constitution and laws of the country.

There are two important organs of the Union Government.

- ❖ The Union Legislature (or) the Union Parliament
- ❖ The Union Executive

In the previous unit you have learnt about the Union Legislature. Let us now deal with Union Executive. You should remember that articles 52 to 78 in Part V of the Indian Constitution deal with "Union Executive".

India has adopted the British Parliamentary executive mode with the Prime Minister as the Head of the Government. Prime Minister is the most important political institution. But in the council of Ministers (Cabinet) the Prime Minister is *primus inter pares* (first among equals).

### Appointment

The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister. There is no direct election to the post of the Prime Minister. Article 75 says, the Prime Minister shall be appointed by the President. Appointment is not by the choice of the President. The President appoints the leader of the majority party or the coalition of the parties that commands a majority in the Lok Sabha, as the Prime Minister. In case no single party gets a majority, the President appoints the person most likely to secure a majority support. The Prime Minister does not have a fixed tenure. He/she continues in power so long as he/she remains the leader of the majority party or coalition.

### Functions and Position

The first and foremost function of the Prime Minister is to prepare the list of his ministers. He meets the President with this list and then the Council of Ministers is formed. Very important ministers are designated as Ministers of the Cabinet rank, others are called Ministers of State, while ministers belonging to third rank are known as Deputy Ministers. It is one of the discretionary powers of the Prime Minister to designate a minister as Deputy Prime minister. The President allocates

portfolios among the ministers on the advice of the Prime Minister. The Prime Minister may keep any department or departments under his control; he may also advise the President to reshuffle portfolios of his ministers from time to time; he may bifurcate or trifurcate a department or have different departments amalgamated into one department.

### The Prime Minister's pre eminent position is evident from these points:

1. S(he) is the leader of the party that enjoys a majority in the popular House of the Parliament (Lok Sabha).
2. Has the power of selecting other ministers and also advising the President to dismiss any of them individually or require any of them to resign.
3. The allocation of business amongst the Ministers is a function of the Prime Minister. He can transfer a minister from one Department to another.
4. Is the Chairman of the cabinet, summons its meetings and presides over them. The Prime Minister is also the Chairman of many bodies like Inter-State Council, Nuclear command Authority and many more.
5. Is in-charge of co-coordinating the policy of the government and has accordingly a right of supervision over all the Departments.
6. While the resignation of a Minister merely creates a vacancy, the resignation or death of the Prime Minister means the end of the Council of Ministers.



7. The Prime Minister is the sole channel of communication between the President and the Ministers and between the Parliament and his Ministers. He/she is the chief spokesperson of the government in foreign affairs.

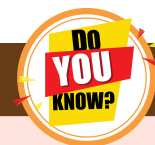
## Prime Minister's Office

### Meaning

Being the head of the government and the real executive authority, the Prime Minister plays a very vital role in the politico-administrative realm of our country. In order to fulfill his responsibilities, the Prime Minister is assisted by the Prime Minister's Office

(PMO). The Prime Minister's Office is an agency meant for providing secretarial assistance and advice to the Prime Minister. It is an extra constitutional body which offers important role in the top level decision making process of the Government of India. The Prime Minister's Office has the status of a department of the Government of India. The Prime Minister's Office came into existence in 1947. Till 1977 it was called Prime Minister's Secretariat (PMS). The Prime Minister's Office is headed politically by the Prime Minister and administratively by the Principal Secretary.

## The Prime Minister's office performs several functions



### Functions

1. Assists the prime minister in his overall responsibilities as head of the government, in maintaining communication with the central ministries/departments and the state governments.
2. Helps the prime minister in his responsibilities as chairman of the Niti Aayog and the National Development Council.
3. Looks after the public relations of the prime minister like contact with the press and general public.
4. Deals with all references, which under the Rules of Business have to come to the Prime Minister.
5. Provides assistance to the Prime Minister in the examination of cases submitted to him for orders under prescribed rules.
6. Maintains harmonious relationship with the President, Governors and foreign representatives in the country.
7. Acts as the 'think-tank' of the Prime Minister. It deals with all such subjects that are not allotted to any department/ministry.
8. It is not concerned with the responsibility of the Prime Minister as the chairman of the union cabinet. The cabinet cases are directly dealt by the cabinet secretariat, which also functions under the direction of the prime minister.



### 3.4.2 Central Council of Ministers

Article 74<sup>th</sup> of the Constitution lays down that there shall be a council of ministers with the Prime Minister as the head to aid and advise the President, who shall in the exercise of his functions, act in accordance with the advice of the council of ministers. That means, there shall always be a council of ministers. The President accepts the advice of the Council of Ministers. The Council of Ministers consists of three categories of ministers, namely, cabinet ministers, ministers of state and deputy ministers. While the Cabinet ministers are involved in policy decision making, the other two categories have mere administrative responsibilities. The difference between them lies in their respective ranks, emoluments and political importance. At the top stands the Prime Minister, the supreme governing authority of the country.

#### Appointment of the Council of Ministers

Under Article 75<sup>th</sup> of the Constitution, the Prime Minister is appointed by the President and the other ministers are appointed by the President on the advice of the Prime Minister. The ministers hold office during the pleasure of the President. While the ministers are also appointed by the President and are said to hold office during the pleasure of the President as per the Constitution, in actual practice, the ministers are selected by the Prime Minister and the President cannot appoint any one not recommended by the Prime Minister.

#### Shadow Cabinet

In England, opposition party in parliament constitutes, a group of its members to examine portfolio wise issue through they are not the real executive. This tradition keeps the opposition well informed, and makes the government always on alert.

#### Activity



Students are requested to form groups the Shadow Cabinet model in India.

#### Collective and Individual responsibility of the Council of Ministers

The Constitution of India provides that the Ministers are collectively and individually responsible to the Lok Sabha. The collective responsibility of the Council of Ministers means that the entire council of ministers is jointly responsible to the Lok Sabha for all the acts of the government. It also means that the ministers must not speak in public in different voices. All the ministers of the government are expected to be unanimous in support of policies on all public occasions and issues.

#### Have you heard of kitchen cabinet....?

A Kitchen Cabinet is a still smaller body or a cabinet within a cabinet. It is an informal body and the real centre of power. Every Prime Minister in India had a Kitchen Cabinet or Inner Cabinet. A circle within a circle. It helps the Prime Minister in maintaining secrecy in making decisions on important political issues.

### 3.4.3 The Union Cabinet

A Cabinet is the council consisting of ministers of Cabinet rank. It is the inner body within the council of ministers. It is an extra constitutional authority created out of the council of ministers. The whole council of ministers does not meet to discuss business, it is the cabinet which takes policy decisions and advises the President. The Cabinet is the highest decision making executive body which looks after the administrative affairs of the Government of India. It is the nucleus of the council of ministers.

#### Role and functions of the Cabinet:

1. The Cabinet is the highest decision making and policy formulating authority in our politico-administrative system.
2. It deals with all major legislative, financial and foreign policy matters.
3. It exercises control over higher appointments like constitutional authorities and senior secretariat administrators.
4. It recommends ordinances, when the parliament is not in session and supervises the implementation of policies.
5. It appoints enquiry commissions and resolves inter-departmental disputes.
6. It is entitled to recommend to the President declaration of emergencies, dissolution of the Lok Sabha, proroguing and adjourning the parliament sessions.

### Cabinet Secretary

Every cabinet minister is assisted by a cabinet secretary. Among them the cabinet chief secretary is given a top place among the civil servants in the official ladder. He is the chairman Senior Selection Board that selects officers for the post of joint secretary in the central secretariat. He presides over the conference of chief secretaries which is held annually. He acts as the chief advisor to the Prime Minister on all aspects of administration and policy. He acts as the link between Prime Minister's Office and various administrative agencies and also between civil service and the political system.

#### Activity



#### Make a list of the following-

1. Prime Ministers of India till latest
2. Any five Cabinet Ministers and their ministries each at the Union level and in your state.

### 3.5. The Executive of the Constituent State

#### Introduction

Articles 153 to 167 in Part VI of the Indian Constitution deal with the State Executive. The same pattern of parliamentary form of government is followed in the states. The state executive consists of the Governor, the Council of Ministers headed by the Chief Minister. At the head of the executive power of a State is the Governor just as the President stands at the head of the executive power of the Union. All states of the Indian Union have

the same pattern of government. Some States have Bicameral legislature and some states have unicameral legislature.

Part VI of the Constitution which deals with the government in the states, is not applicable to the state of Jammu and Kashmir, which enjoys a special status and has a separate constitution of its own (Article 370).

#### The State Executive

- ❖ The Governor.
- ❖ The Council of Ministers Headed by the Chief Minister.

### 3.5.1 The Governor

#### Provision for Governor

Article 153 of the Constitution lays down that there shall be a Governor for each state. Normally, there will be a Governor for each state but the constitution amendment of 1956 makes it possible to appoint the same person as the Governor for two or more states.

#### Debate

What happens if the President and the Prime Minister disagree about some policy? Whose view would prevail and why?

#### Appointment of the Governor

The Governor of a state is appointed by the President of India. (Article 155). No person shall be appointed as a Governor unless he/she:

- ❖ is a citizen of India
- ❖ has completed the age of 35 years
- ❖ does not hold any other office of profit
- ❖ is not a member of parliament or state legislature.

#### Term of office and position

The prescribed term of office for the Governor is 5 years. But he holds office at the pleasure of the President. (Article 156). He may be removed by the President at any time. He may be transferred by the President from one state to another too. The Governor draws a salary which is fixed by the parliament. He is also entitled to certain allowances and benefits.

As per the Constitution of India, the Governor is the constitutional and executive head of the state. The executive power of the state is vested with the Governor. All executive actions are carried on in the name of the Governor. In actual practice, the real executive powers of the State lie with the council of ministers headed by the Chief Minister. The Governor acts according to the advice of the council of ministers, who are collectively responsible to the legislative assembly of the state.

#### Activity

- ❖ Who is a Lieutenant Governor?
- ❖ Find out which places in India possess a lieutenant Governor?
- ❖ Write two or three sentences about the lieutenant Governors of India.

## The Governor of a state has more powers and performs a number of functions. The powers and functions of the Governor are:

### 1. Executive Powers

- (i) The Governor is the executive head of the State Government. The executive powers of the Governor are to be exercised by him either directly or through officers subordinate to him (i.e., ministers). (Art. 154). All executive actions are taken in his name. His executive powers extend to the administration of all matters included in the State List.
- (ii) The Governor appoints the leader of the majority party in the legislative assembly as the Chief Minister. He appoints the other ministers of the council of ministers according to the advice of the Chief Minister. The council of ministers hold office during the pleasure of the Chief Minister, because the Governor acts in accordance with the advice of the Chief Minister.
- (iii) The Governor appoints the Advocate General of the state, the chairman and members of the state public service commission, and determines the questions of appointments, postings, promotions, etc. of the judges of subordinate courts.
- (iv) The Governor is responsible for the smooth running of the administration of the state. In case he finds that the constitutional machinery of the state has broken down or the administration of the state cannot be carried on in accordance with the provisions of the constitution, he may recommend to the President to proclaim constitutional emergency and impose President's rule under Article 356. During the President's rule, as there is no council of ministers, the Governor carries on the administration of the state on behalf of the President.

### 2. Legislative Powers

The Governor is a part of the state legislature (Article 168). So, he has legislative powers. His legislative powers cover the following

- i) He summons prorogues and dissolved the legislative assembly.
- ii) He addresses the members of the state legislature.
- iii) Without the Governor's assent, no Bill can become law even after it is passed by both the houses. The Bills passed by the legislature are sent to the Governor for his assent. He may give his assent or withhold it or may reserve the bill for the consideration of the President. The bills maybe returned by the Governor for reconsideration. (It may be noted that if the bill is again passed by the legislature with or without amendments, the Governor has to give his assent.)
- iv) Under Article 213, the Governor may promulgate ordinance during the period when legislature is not in session. (However, for the continuation of such an ordinance, it has to be approved by the state legislature within six weeks from the re-assembly of the legislature.)

v) In State where bicameral legislature exists. The Governor nominates one-sixth of the members of the legislative council from among persons having special knowledge or practical experience in respect of literature, science, art, co-operative movement or social service. He may also nominate a person from the Anglo-India community to the legislative assembly.

### 3. Financial Powers

The Governor has financial powers. His financial powers cover the following:

- i) The finance minister submits the budget or financial statement before the legislature. But no money bill can be introduced in the legislative assembly without the prior permission of the Governor.
- ii) No demand for grants can be made without the recommendation of the Governor.
- iii) The Governor is the custodian of the contingency funds of the state from where he can make payments to meet the emergency without the prior sanction of the legislature.

### 4. Judicial Powers

The Governor has judicial powers. His judicial powers cover the following:

- (i) He determines the questions of appointments, postings, promotions, etc. of subordinate courts (ie., district courts and munsiff courts).
- (ii) He may be consulted by the President of India, while making appointments of the judges of the high court.
- (iii) The Governor has the power to pardon, suspend, remit or commute the sentence of any person convicted of an offence against any law relating to a matter to which the executive power of the state extends.

### 5. Discretionary Powers

The Governor also has discretionary powers, i.e., he has the powers to act independently using his wisdom and discretion. His discretionary powers relate to:

- i) Appointing a new Chief Minister in a situation where no single party or leader commands majority support.
- ii) Dismissing a ministry where it refuses to resign even after losing majority support in the house or after being defeated on a non-confidence motion.
- iii) Dissolution of assembly on the advice of a Chief Minister who has lost majority support.
- iv) Sending to the President report about the failure of constitutional machinery and to impose President's rule in the state.
- v) Giving assent to bills passed by the legislature.

**President's Rule:** The Governor has no emergency powers to meet the situation arising from external aggression or armed rebellion, but he has the powers to make a report to the President that the government of the state cannot be carried on in accordance with the provisions of the Constitution (Article 356), thereby inviting the President to assume to himself in the functions of the government of the state or any of them.

### Advocate General

Each state has an advocate general who is an official corresponding to the Attorney-General of India and having similar functions for the state. He is a person who is qualified to be a judge of a High Court and he is appointed by the Governor.

### Activity

Compare the powers of President and Government. Do you find any difference?

## 3.5.2. Council of Ministers headed by the Chief Minister

### Position of the Chief Minister

The Chief Minister is the head of the cabinet and the council of ministers. In practice, he is the real executive head of the state. As per Article 164(1) of the Constitution of India, the Chief Minister of a state shall be appointed by the Governor of the State.

## Powers and functions of the Chief Minister

As the real executive head of the state, the Chief Minister enjoys wide powers and performs a number of functions. The important powers and functions of the Chief Minister are:

- i) As the head of the council of ministers, the Chief Minister has more powers in ministry-making. He can recommend appointment of ministers and designate them as cabinet ministers or ministers of state or deputy ministers. He can change the portfolios of the ministers. He can even recommend the removal of ministers.
- ii) He presides over the meetings of the cabinet and makes major policy decisions of the Government.
- iii) He acts as the sole channel of communication between the council of ministers and the Governor. He communicates to the Governor all the decisions of the cabinet relating to administrative and legislative proposals.
- iv) He scrutinizes all papers, bills, resolutions, etc. that are to be placed before the legislature.
- v) Though, in theory, all major appointments are made by the Governor, in practice, all such appointments are actually made on the advice of the Chief Minister.

## State Council of Ministers

### Introduction

Article 163(1) of the Constitution of India provides that there shall be a council

of ministers headed by the Chief Minister to aid and advise the Governor in the exercise of his functions except when he is required by the Constitution to act in his discretion.

The state council of ministers is formed in the same manner as the union council of ministers is formed. The leader of the majority party or coalition of parties in the legislative assembly is appointed as the Chief Minister by the Governor. The other ministers in the council of ministers are appointed by the Governor on the advice of the Chief Minister.

### Activity



- ❖ Make a list of the Chief Ministers of Tamil Nadu.
- ❖ Bring out the welfare schemes introduced by them.
- ❖ Write a few sentences of your favourite Chief Minister.
- ❖ Make a collage of the welfare schemes which were introduced especially for women in your state.

### Term of office of the council of ministers

As per the constitution, the council of ministers hold office during the pleasure of the Governor. But, in reality, the council of ministers hold office during the pleasure of the Chief Minister, because the Governor acts on the advice of the Chief Minister. The council of ministers are individually responsible to the Chief Minister. The council of ministers are collectively responsible to the legislative assembly of the state. That means, the council of ministers shall speak in one voice.

### The State Cabinet

The council of ministers consists of cabinet ministers, ministers of state and deputy ministers. Of the council of ministers, the cabinet ministers constitute the state cabinet. The cabinet ministers of the state cabinet are, generally, the prominent ministers of the council of ministers. It is headed by the Chief Minister. The cabinet takes decisions on behalf of the council of ministers, and so, all the ministers are bound by the decisions of the cabinet.

### Creativity !

Give a pictorial representation of the collective responsibility of the State Council of Ministers

### Debate



#### Debate !!

Chief Secretary Vs Cabinet Secretary

#### Discuss....

The similarities and differences between Chief Secretary and Cabinet Secretary.

### Glossary



- ❖ **English West Minister Model** : parliamentary system of government developed in the UK representing a series of procedures for operating a legislature.
- ❖ **Mandate** : authority to act in a certain way.
- ❖ **Unity** : the state of being united or joined as a whole.



- ❖ **Integrity** : the state of being undivided and whole.
- ❖ **Solidarity** : unity or mutual support within a group or a nation.
- ❖ **Nomination** : propose or formally enter as a candidate for election or for an honour or for an award.
- ❖ **Ballot paper** : a slip of paper used to register a vote.
- ❖ **Oath** : a solemn promise, often invoking a divine witness, regarding one's future action or behaviour.
- ❖ **Deemed** : regarded or considered in a specific way.
- ❖ **Emolument** : a salary, fee or profit from employment or office.
- ❖ **Impeachment** : a charge of misconduct made against the holder of a public office.
- ❖ **Resolution** : a formal expression of opinion or intension agreed on by a legislative body or other formal meeting, typically after taking a vote.
- ❖ **Tenure** : the period for which an office is held.
- ❖ **Void** : not valid or legally binding.
- ❖ **Invoking** : give rise to.
- ❖ **Summoning** : order someone to be present.
- ❖ **Proroguing** : discontinue a session of a parliament or other legislative assembly without dissolving it.
- ❖ **Veto** : a constitutional right to reject a decision or a proposal made by a lawmaking body.
- ❖ **Suspensive** : relating to the suspension of an event, action or legal obligation.
- ❖ **Promulgating** : put a law or decree into effect by official proclamation.
- ❖ **Ordinance** : an authoritative order.
- ❖ **Abrogation** : the repeal or abolition of a law, right or agreement.
- ❖ **Contingency** : an incidental expense.
- ❖ **Ex-officio** : by virtue of one's position or status.
- ❖ **Preside** : be in the position of authority in a meeting or other gathering.
- ❖ **Coalition** : a temporary alliance for combined action, especially of political parties forming a government.
- ❖ **Discretionary** : the freedom to decide what should be done in a particular situation.
- ❖ **Portfolio** : the position and duties of a Minister or Secretary of State.
- ❖ **Bifurcate** : divide into two branches or forks.
- ❖ **Trifurcate** : divide into three branches or forks.
- ❖ **Amalgamate** : combine or unite to form one organization or structure.
- ❖ **Spokesperson** : a person who makes statements on behalf of a group or individual.
- ❖ **Realm** : a kingdom or a sovereign state.
- ❖ **Unanimous** : fully in agreement.
- ❖ **Crisis** : time of intense difficulty or danger.
- ❖ **Proclaim** : announce officially or publicly.





- ❖ **Dissolution** : the action of formally ending or dismissing an assembly, partnership or official body.
- ❖ **Adjourning** : break off with the intention of resuming it later.
- ❖ **Lieutenant** : a deputy or substitute acting for a superior.
- ❖ **Assent** : the expression of approval or agreement.
- ❖ **Aggression** : the action of attacking without provocation.
- ❖ **Rebellion** : an act of armed resistance to an established government or leader.
- ❖ **Prominent** : important.

## ( Evaluation )

### I. Choose the correct answer

1. The President of India is
  - a. the real ruler of India
  - b. the constitutional head of the state
  - c. the head of the state as well as the government
  - d. the leader of the majority party which forms the government
2. The President of India can be removed from his office before the expiry of his term by
  - a. the Chief Justice of India
  - b. the Parliament and State Legislatures jointly
  - c. the two Houses of the Parliament
  - d. the Supreme Court of India
3. On the death of the President, the Vice President succeeds him as President for
  - a. the unexpired term
  - b. a maximum period of six months
  - c. a maximum period of one year
  - d. a maximum period of three years
4. Who decides the disputes regarding the election of the Vice-President?
  - a. The Chief Justice of India
  - b. The Parliament
  - c. The President
  - d. The Supreme Court





5. Which one of the following categories of ministers are members of cabinet?
- Ministers with cabinet rank
  - Ministers of State
  - Deputy Ministers
  - All the above categories of Ministers.
6. The sole channel of communication between the President and the Council of Ministers is
- the Speaker of Lok Sabha
  - the Prime Minister
  - the opposition leader
  - the Vice-President
2. Proportional representation is NOT necessary in a country where
- there are no reserved constituencies
  - a two-party system has developed
  - the first-past-post system prevails
  - there is a fusion of Presidential and Parliamentary forms of government
8. The Commander-in-Chief of the defence forces is
- the Defence Minister
  - the President of India
  - the Prime Minister
  - none of the above
9. The presiding officer of the Rajya Sabha is known as
- the Speaker
  - the Chairman
  - the President
  - presiding officer
10. The maximum strength of Rajya Sabha is
- 200 members
  - 250 members
  - 280 members
  - 300 members
11. Under the Indian Constitution, the Lok Sabha enjoys
- an inferior position
  - a superior position
  - an equal position with Rajya Sabha
  - none of the above





12. Which one of the following categories of emergency has not been declared so far?
- National emergency
  - Emergency due to breakdown of constitutional machinery
  - Financial emergency
  - All the three equal number of times
13. The President nominates the members of Rajya Sabha from amongst persons who
- have taken part in India's freedom struggle
  - have retired from active politics
  - have rendered meritorious service to the country
  - have distinguished themselves in fine arts, literature, social service, etc
14. The Prime Minister is the head of
- State
  - Government
  - Both State and Government
  - Neither State nor Government
15. The members of the Council of Ministers are collectively responsible to
- the Lok Sabha
  - the Rajya Sabha
  - both Lok Sabha and Rajya Sabha
  - Lok Sabha, Rajya Sabha and the President

**II. Answer the following questions very shortly:**

16. Define Executive and state the two important organs of the union government.
17. How is the electoral quota calculated?
18. Write a short note on State Cabinet.
19. What do you mean by the President's rule?
20. Distinguish between Lok Sabha and Rajya Sabha.
21. What are the essential qualifications to be elected as the Vice-President of India?
22. What does the President swear in his oath upon entering his office?

**III. Answer the following questions shortly:**

23. What are the conditions, emoluments and allowances of the President's office?
24. State the functions and duties of the Vice-President.



25. How is the President elected? Brief about electoral quota.
26. Write a note on the collective and individual responsibility of the council of ministers.
27. What are the powers and functions of the Chief Minister?
28. Write a note on the State Council of Ministers.
29. Write a brief note on the appointment, term of office and position of the Governor.

#### **IV. Answer the following questions in detail:**

30. What are the functions and powers of the President?
31. Explain in detail the functions and position of the Prime Minister.
32. What are the functions of the Prime Minister's Office?
33. Elaborate on the powers and functions of the Governor.
34. Write a detailed note on the Union Cabinet.

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## ICT Corner

### Executive

Through this activity you will learn Name of Chief minister's of other states



#### Procedure:

- Step - 1** Open GOOGLE and type Chief Ministers of India -Quiz (or) Scan the QR Code.
- Step - 2** Click PLAY QUIZ
- Step - 3** Click the correct name of the Chief Minister (Eg.TAMIL NADU)



Step 1



Step 2



Step 3

#### URL:

<https://www.sporcle.com/games/staarmaan/chief-ministers-of-india>

\*Pictures are indicative



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### Learning Objectives



- ❖ To discuss the nature and significance of Indian Judiciary.
- ❖ To trace the evolution of Indian Judiciary.
- ❖ To examine the features of the Indian Judiciary.
- ❖ To evaluate the role of the judiciary as the interpreter of the constitution.
- ❖ To discuss the factors promoting the independence of judiciary.
- ❖ To explain the nature and significance of judicial review, public interest litigation and judicial activism.
- ❖ To know light on the nature of constitutional law, administrative law and Indian Penal Code.
- ❖ To explain the organization, power and functions of the Supreme Court of India.
- ❖ To know light on the organization, powers and functions of the High Courts and Subordinate Courts.



What does the judiciary exactly do? I see people trusting the judiciary more than the legislature and the executive.. Whenever their rights are violated, they look up to the judiciary and are so confident that their rights and privileges will be safeguarded..

### Supreme Court of India



“The Supreme Court, an all-India Court, will stand firm and aloof from party politics and political theories. It is unconcerned with the changes in the Government. The Court stands to administer the law for the time being in force, has goodwill and sympathy for all, but is allied to none”- Hon’ble Sri Harilal J. Kania, First Chief Justice of India.

The judiciary is one of the three organs of the government, the other two being the Legislature and the Executive. The judiciary is engaged in the interpretation of law and serves as a protector of the constitution. It guarantees the administration of justice and protects the individual from encroachments of rights and privileges by the government and the other individuals. The establishment of an independent and impartial judiciary is a pre-requisite for the functioning of a civilized state. The judiciary assumes greater importance in a

## Thirukkural



### 1. Recite Thirukkural verses for bail

In February, a Tamil Nadu court reportedly ordered three college students, arrested in an assault case, to recite 100 verses of Thirukkural treatise by poet-saint Thiruvalluvar daily for 10 days as a condition for granting bail.

The court in Mettupalayam ordered the students, who were charged with assaulting a person, to appear before a Tamil teacher in the Government Boys High School in the area to recite the verses.

The court also asked the head of the school to issue a certificate to the students at the end of the 10th day.

### 2. Madurai Bench paves way for in-depth study of Tirukkural



One of the most significant contribution of the Madurai Bench of the Madras High Court towards promoting the cause of Tamil is a direction issued to School Education Department in 2017 to make 108 out of the 133 chapters of Tirukkural a part of school syllabus. The Madurai Bench direction led to passing of a G.O. for teaching 1050 couplets to students from the academic year 2017-18. It also ensure that students from Class VI to XII get to learn the couplets and their intended meaning in depth and not just superficially as was being done all these years.

Tirukkural is perhaps the only ancient secular text from India that has been translated into 60 languages the world over.

federal polity such as India as it also acts as a protector of the federation resolving the conflicts of jurisdiction between the Centre and the States.

### Group Activity



#### What Do You Think?

After carefully reading three case studies read the qualification of a judge given in this chapter.

What kind of a person makes a good judge? Discuss with your team members. Write a paragraph not more than 250 words on what your team would look for in a person before appointing him or her as a judge.

Each group consists of 5 members. Display your group work in the classroom Notice Board.

## 4.1 Evolution of Indian Judiciary

### Judicial System in Ancient India

India has been a Sub – Continent of different races, different cultures, different languages and a multitude of political and social systems. In ancient times, as well as in the medieval times, none of the Indian states was segregating judicial functions from the executive. During the Vedic period, the authority of the head of the family (Kulapa or Kulapato) was insulated from royal interferences; Similarly the clannish or tribal bodies like Grama, Gopa, Vishaya, Jana and Gana enjoyed autonomous powers. In the ancient Indian monarchical orders, the king was considered to be the highest judicial authority. As king's will was the law, his word was the highest and absolute verdict in disputes.

However most of the disputes were settled and disposed of at the local level through caste bodies or local administrative bodies. Extreme cases like treason were tried in the king's court. There was no regular system of jurisprudence or judicial procedures. Most often the accused was to prove his innocence either through evidences and witnesses or through subjection to different kinds of ordeals such as ordeal by fire, ordeal by water and ordeal by poison.

Punishments (penal system) was severe and even barbaric System if blood money was in vogue (less was to be replaced with material compensation) Whipping, flogging, amputation of limbs, impalement, rigorous imprisonment, enslavement, banishment, confiscation of property, beheading, hanging and trampling by elephants were some of the punishments meted out to the culprits. In kingdoms which came under Brahmanical influence, smritis were invoked in trial as well as in awarding punishments.

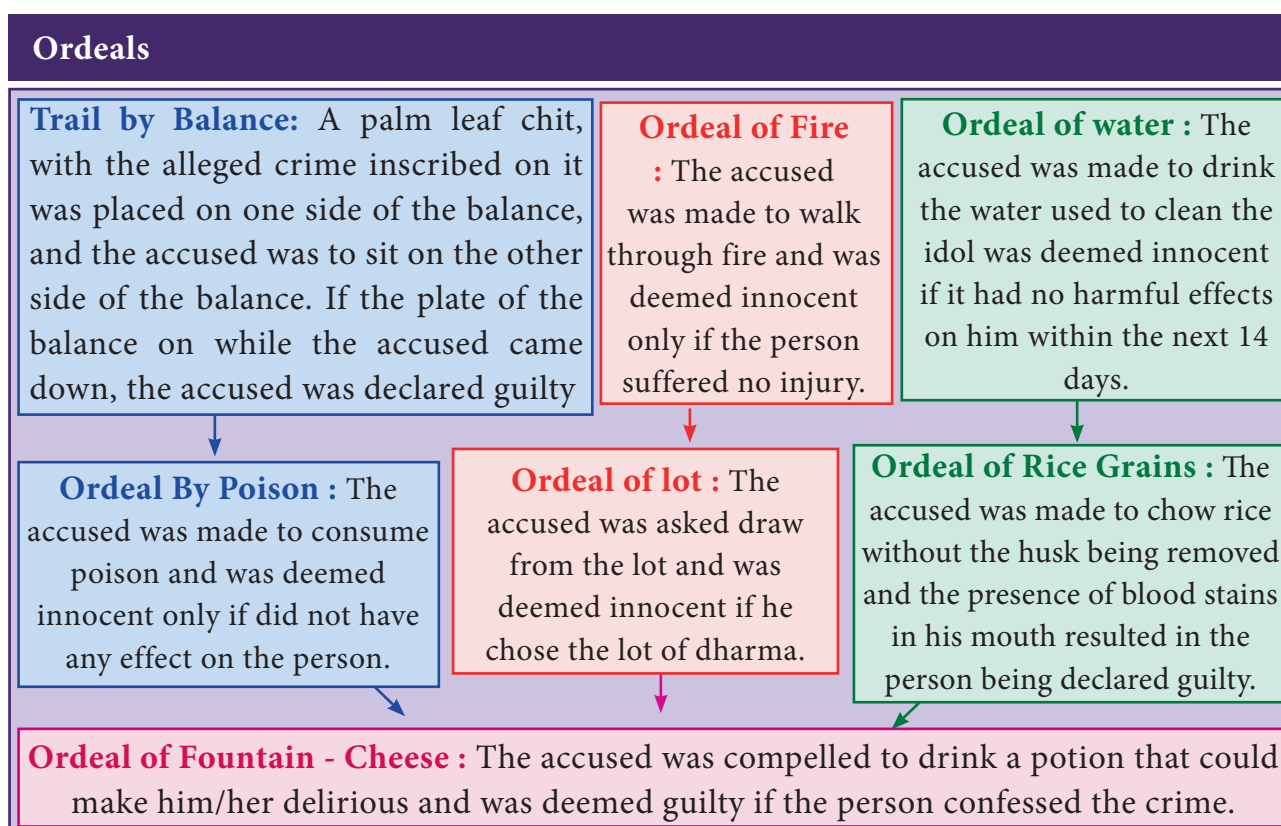
There were a number of smritis such as Manusmrits, Narada Smriti, and Yagnavakya Smritis : of which manu Smriti was held as a core Smriti, other smritis had certain variations. The Smritis generally upheld the graded varna – Jati social order. There was no 'equality before law' Concept. Brahmins were mostly insulated from regular procedures and regular punishments, on any account, Brahmins, even if they committed the most heinous crimes, were to be exempted from physical torture, amputation, impalement or capital punishment. On the other hand the depressed castes were subjected to

severe ordeals and extreme punishments; changing of caste based occupations was treated (Varna Sangraha) as a serious crime.

Arthasra suggests disproportionate punishments for restricting instances of crimes; penalties levied on culprits, and confiscation of properties as a major source of royal income. The smritis treated women as inferior humans, and were prejudiced against them even in matters of inheritance. The Sudras, and Panchamas were ineligible for a fair trial and fair punishment. Trade disputes were mostly settled through guilds (SRENIS), Similarly each artisan group had its own guild to resolve disputes within. The Mahasabhas of the Pallava – Pandya-Chola empires insulated Brahmins from regular system of justice. The Mahasabha's varyiam (Dharma variam, Nyaya vasiam) settled issues within the mahasabhas. The

local bodies like Ur, Urar, Nadu, Nattar and Nagarathar had their own judicial arrangements.

The Buddhist kingdoms (like that of Asoka) mostly disregarded smritis and enforced some sort of equal treatment to various social groups in matters of judicial disputes. Asoka removed cruel punishments, and even instructed his official to be more humane and compassionate towards prisoners. The episode involving Kovalan's execution in Silappadikaram reveals the defects in the system of judicial procedure. Though high moral stature of the adjudicating officials were insisted in literature, we very often found arbitrariness in judicial trial and in awarding exemptions or punishments. There was no rule of law but rule of the powerful authorities that we find in ancient India.





In medieval India, the Muslim rulers had faced a peculiar situation, where the majority of their subjects were Non-Muslims. While they applied Islamic law in cases where Muslims and Muslim interests were involved, they preferred a policy of Non-intervention in the socio-religious affairs of the Non-Muslims, hence allowed the traditional system of justice in the rural areas. The Muslim rulers made a clear distinction between civil and criminal disputes and assigned deferent system for each of them. However, in cases of blasphemy extreme punishment were awarded to the accused.

## 4.2 Judicial System in Medieval India

In Medieval India, the Sultan/Sultana was the supreme authority administering justice in his/her kingdom. He / She administered justice in the following capacities namely Diwan-e-Qaza (Arbitrator), Diwan-e-Mazalim (Head of Bureaucracy) and Diwan-e-Riyasat (Commander-in-Chief). There existed a systematic classification and organization of courts in Medieval India. The administrative divisions were the basis for judicial organization. The jurisdiction of courts at the Capital, Provinces, Districts, Parganas and Villages were clearly demarcated. Generally, at the Capital of Sultanate, the following six courts were established.

- ❖ The King's Court
- ❖ Diwan-Al-Mazalim
- ❖ Diwan-e-Rialat
- ❖ Sadre Jahan's Court
- ❖ Chief Justice's Court
- ❖ Diwan-e-Riyasat

The King's Court was presided over by the Sultan and the Court had both original and appellate jurisdiction. It was the highest court of appeal and in the administration of justice, the Sultan was assisted by Muftis (legal experts). Diwan-Al-Mazalim and Diwan-e-Risalat are the highest courts of appeal in criminal and civil matters respectively. Though these Courts were to be officially presided over by the Sultan, he seldom attended the sessions of the Courts. In the absence of the Sultan, the courts were presided over by Qazi-ul-Quzat, the highest judicial officer of the State. But later, the post of Sadre Jahan was created making him the de-facto head of the judiciary. The Sadre Jahan's Court and the Chief Justice's Court remained separate for long until amalgamated later by AlauddinKhilji. The Chief Justice's Court dealt with both civil and criminal cases and the Chief Justice was assisted by judges who were men of ability and integrity and were greatly respected. Mufti, Pandit, Mohtasib (in charge of prosecutions) and Dadbak (administrative officer) were the officers attached to the Chief Justice's Court. The Diwan-e-Siyasat was primarily a court dealing with cases of high treason.

## 4.3 Judicial System in Modern India

The East India Company was incorporated in 1601 by the Charter of Queen Elizabeth I. The Charter granted recognition and authority to the Company to facilitate the regulation of trade. With regard to the administration in Madras, the Charter of 1661 led to the appointment of Governor and the Council in each of its



settlement. Once the company became a territorial power, especially at Madras, it introduced an adhoc system of judicial administration, in which the existing native systems were accommodated, as the company preferred a policy of non-intervention in native affairs. The Governor and the Council were empowered to decide on both civil and criminal cases in accordance with the law of England. However, in disputes involving only the natives the native traditions were continued. The year 1665 was of great significance as it witnessed the first trial by jury in Madras in the case of Mrs. Ascentia Dawas during the Governorship of Fox Croft. The appointment of Streynsham Master as the Governor in 1678 resulted in the reorganization of the judicial system of Madras. The Court of the Governor and Council came to be known as the High Court of Judicature and English was declared as the court language. The Charter of 1683 led to the Company establishing Courts of Admiralty to try traders committing various crimes on high seas. The Charter of 1687 authorized the Company to create the Corporation of Madras and the Mayor's Court was attached to it. It functioned as a court of record for the Madras town.

### Activity

Read more about the case of Mrs. Ascentia Dawas, the first trial by jury in Madras.

With regard to the administration of justice in Bombay, the Charter of 1668 authorized the Company to exercise judicial

authority over Bombay. The proclamation of 1672 introduced English Law in Bombay and the Court of Judicature and the new central court was established. The application of English law was confined to cases involving Europeans and European interests. The court exercised jurisdiction over civil, criminal and testamentary cases. Further, Justices of Peace were appointed to administer criminal law. After examining the witnesses and making an initial enquiry, the cases were moved to the Court of Judicature. However, the invasion of Sidi Yakub, the Mughal Admiral led to the dissolution of courts in Bombay in 1690. After 12 years, in 1718, the Court of Judicature was revived. The court had jurisdiction over civil and criminal matters. Though the court met only once a week, it was highly regarded for its speedy trial and impartial decisions.

With regard to the Calcutta Presidency, the Governor and the Council were endowed with judicial powers. In the case of civil and criminal matters, the Company followed the already existing Mughal system of judicial administration. The Faujdari Court presided over by the English Collector decided on the criminal cases and the civil cases were referred to an arbitrator by the Collector. The Collector played a very important role in the judicial administration of Calcutta and the office dealt with civil, criminal and revenue cases.

Thus, the Charter of 1687 applied only to Madras while the Charter of 1726 constituted a Mayor's Court in each of the three Presidencies. The Charter of 1753 further reformed certain judicial

provisions of the Charter of 1726. It also set up five courts namely the Court of Requests, the Mayor's Court, the Courts of the President and the Council, and the King-in-Council. Another landmark in the evolution of Indian judiciary was the Warren Hasting's Plan of 1772. It regulated the system of judicial administration. In 1780, he also reorganized the Provincial Adalats.

One of the major development in the field of judiciary during the colonial period was the codification of native laws.



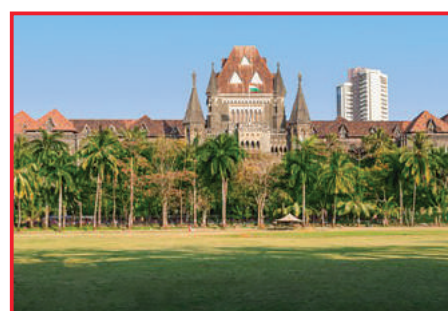
**Warren Hasting**

**cornwalli's**

The first Governor General Warren Hasting caused the codification at Hindu Law, and Cornwallis's code was another major contribution. Similarly the Islamic law was also codified and adopted in courts.

The Regulating Act of 1773 empowered the Crown to establish the Supreme Court of Judicature in Calcutta and the Charter of 1774 expounded on the jurisdiction of the court. However, the Supreme Courts were not established at Bombay and Madras during the same period. The Supreme Courts were established in Madras and Bombay in the years 1801 and 1824 respectively. In 1793, Lord Cornwallis prepared "A Set of Regulations" popularly known as the

Cornwallis Code and it dealt with both civil and criminal justice. He reorganized civil courts, abolished court fees and reformed criminal courts. Lord Minto after being appointed as the Governor-General of Bengal in 1807 increased the powers and jurisdiction of the various courts. Lord Hastings who became Governor General in 1813, introduced many reforms in the civil and criminal judicature of the country. Efforts were taken to curb red-tapism in the administration of justice. He was



**Calcutta High Court**



**Bombay High Court**



**Madras High Court**

succeeded by Lord Bentinck who reorganized and consolidated the whole system of judicial administration in India. He abolished the Provincial Courts of

Appeal and their functions were transferred to District Diwani Adalats. Between 1834 and 1861, the King's Court and the Company's Court formed the dual system of courts with separate jurisdictions. The Indian High Courts Act of 1861 empowered the Crown to establish the High Courts of Judicature at Calcutta, Madras and Bombay and this also led to the abolition of Supreme Courts. This was considered a landmark in the evolution of High Courts in India. Later, the Government of India Act of 1935 effected considerable changes in the nature and jurisdiction of the High Courts. Between independence and the enforcement of the Constitution, seven High Courts at Punjab, Assam, Orissa, Rajasthan, Travancore, Mysore and Jammu and Kashmir were established. The other High Courts were established later. The Constitution of India after being enforced recognized all the existing High Courts and empowered the Parliament to establish High Courts for all the States or combined High Courts for two or more States and Union Territories. The 42<sup>nd</sup> Constitutional Amendment Act, 1976 brought in drastic changes in the jurisdiction of the High Courts.

Thus, in the very beginning, there were only the three High Courts of Calcutta, Madras and Bombay. The Acts and regulations prior to independence brought in remarkable changes in their organization and jurisdiction, thereby ensuring their independence and impartiality. After the enforcement of the Constitution, their positions have been strengthened and apart from their original and appellate jurisdiction in civil and

criminal cases they also act as the protector and interpreter of the Constitution.

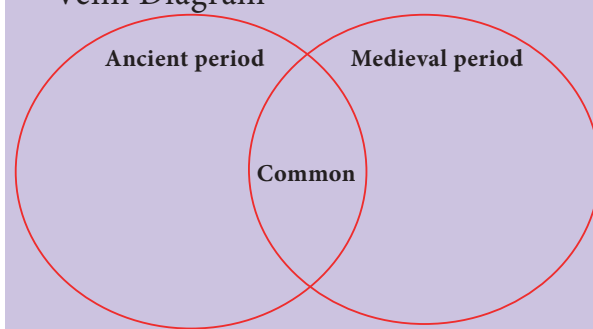
**Source:** Sumeet Malik, V.D. Kulshreshtha's Landmarks in Indian Legal and Constitutional History, EBC Publishing Private Ltd, Lucknow, 2017.

## Activity



### Compare And Contrast

1. Comparing Judicial System in ancient and medieval period. Refer the topics in your text book and complete the Venn Diagram



With respect to the establishment of the Supreme Court of India, the Government of India Act, 1935 is a landmark legislation. The Act attempted to change the structure of the Indian government. There was a shift from a 'unitary' to a 'federal' type of government necessitating the need of a Federal Court. Thus, the Act made specific provision in this regard and the Federal Court was inaugurated in the year 1937. It consisted of a Chief Justice and six judges. In 1950, the Federal Court of India was succeeded by the Supreme Court of India. The Federal Court in its short span of 12 years left an indelible impact on the legal history of India. It was the first court with a national jurisdiction. It was from this Federal Court that its successor inherited

the traditions of independence, integrity and impartiality. Also, between 1726 and 1833, the role of the Privy Council requires special mention. It contributed immensely to the judicial system of India, laying down the fundamental principles of Indian law that serve as a beacon to the Indian Courts even today.

## Activity



### A landmark verdict

In a blow to both the Chhattisgarh government and the Centre, the Supreme Court has declared as illegal and unconstitutional the deployment of tribal youths as Special Police Officers - either as 'Koya Commandos', SalwaJudum or any other force - in the fight against the Maoist insurgency and ordered their immediate disarming. The ruling - issued by Justice B. Sudershan Reddy and Justice S.S. Nijjar on the writ petition filed by social anthropologist Prof. Nandini Sundar and others - strongly indicted the State for violating Constitutional principles in arming youth who had passed only fifth standard and conferring on them the powers of police.



*Courtesy : The Hindu, 10.3.2005.*

Writing the order, Justice Reddy directed the State of Chhattisgarh to immediately cease and desist from using SPOs in any manner or form in any activities, directly or indirectly, aimed at controlling, countering, mitigating or otherwise eliminating Maoist/Naxalite activities in the State of Chhattisgarh. The Bench made it clear that the State of Chhattisgarh should take all appropriate measures to prevent the operation of any group, including but not limited to SalwaJudum and Koya commandos, that in any manner or form seek to take law into private hands, act unconstitutionally or otherwise violate the human rights of any person. The Bench said "The primordial value is that it is the responsibility of every organ of the State to function within the four corners of constitutional responsibility. That is the ultimate rule of law."

**Courtesy : The Hindu, 3.8.2011.**

### Group Discussion

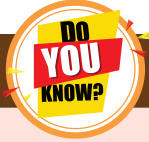
Teacher can organise a Group Discussion about the landmark judgement of the Supreme Court of India. Time allotted : 20 minutes

## Activity



Read more about the Privy Council and have a discussion in class about its significance in the evolution of judicial administration in India.

## Sir Hari Singh Gour



In 1921, Sir Hari Singh Gour was the first person in the legal history of India to realize the necessity of establishing an All-India Court of Final Appeal in place of the Privy Council.



The Indian Independence Act, 1947 resulted in the transfer of political power and this necessitated the establishment of a separate and independent judicial body. With this objective, the jurisdiction of the Federal Court was enlarged and the Abolition of the Privy Council Jurisdiction Act, 1949 was passed making the Federal Court of India the highest judicial body in the country. With the enforcement of the Constitution on 26 January 1950, Article 124 provided for the establishment of the Supreme Court of India. Thus, there has been a slow and steady evolution of the Indian judicial system and it has proven to be better and wiser with time.

### 4.4 Supreme court of India

#### Uniqueness – sources of Law – Jurisdiction and powers – Organization

The Constitution of India provides for a three - tier judicial system:

(1). The supreme court of India

- (2). The High courts in the constituent states and
- (3). The District and Sessions Courts in the judicial districts in every state/



## Activity



### Newspaper Follow-Up

Follow the newspaper for one month and collect news items related to civil cases in the District and Session court, High court and Supreme Court of our country. Write the headlines of the news in the Chart. Display the chart in the notice board or present your collections in the classroom.

The constitution also provides for an independent judiciary i.e. independence of the Executive and the legislature. In a democratic federal polity like India. The Supreme Court assumes a much bigger note as the guardian of the constitution, as an arbitrator in disputes between States and the union Government and in disputes among the States, and as the highest appellate Courts in all civil and criminal cases. It is endowed with the onerous responsibility of safeguarding and enforcing the fundamental rights and freedoms of all citizens of India/ However, unlike the federal system in the USA, the constitution of India of India does not provide for two sets of judiciary (one as

federal, another for states). India has only a unitary judiciary system, with the Supreme Court as the apex Court, with authority over all other Courts in India.

**The Sources of Law :** The Constitution becomes the fountain source of law in India. Statutes enacted by legislatures of the union, State or Union Territories become another sources of law as long as these are in conformity the basics of the Constitution. Besides the subordinate legislations in the form of rules, regulations as well as by – laws of any administrative body, unless and until negated by the judiciary constitute the third source of law.

### Integrated Judiciary

“The Indian Federation, though a dual polity, has no dual judiciary at all. The High Courts and The Supreme Court constitute one single integrated judiciary having jurisdiction and providing remedies in all cases under the constitutional law, The Civil law or the criminal law. This is done to eliminate all diversities in a remedial procedure”

-Dr. B. R. Ambedkar

**Jurisdiction and powers on the Supreme Court:** The Supreme Court has original, appellate and advisory jurisdiction. The original jurisdiction of the Supreme court extends to all cases which can originate in the Supreme court. These include disputes between the Government of India and one or more States, or between two or more States. In disputes involving fundamental rights, the Supreme Courts has both

original and appellate jurisdiction. It can issue writs of Habeas Corpus, Writ of Mandamus, writ of prohibition, writ of Certiorari and the writ of Quo warranto.

The Supreme Court is the highest or Apex appellate Court in India, where appeals against judgments of High Courts can be made; ( in both civil and criminal cases)

### Debate



#### Topic : Justice delayed is justice denied

##### Justice comes slowly in smaller courts, with 2.91 crore cases pending

- ❖ With more than 8 lakh cases pending in district and subordinate courts, Uttar Pradesh tops the list of states with the highest number of decade-old-court cases.
- ❖ As per the National Judicial Data Grid, there are 2.91 crore cases pending in district and subordinate courts, out of which 21.90 lakh cases are pending for more than 10 years.
- ❖ Uttar Pradesh is followed by Bihar, with more than 3 lakh pending cases, and Maharashtra with over 2 lakh cases. Sikkim and Andaman and Nicobar are at the bottom with two and no pending cases, respectively.
- ❖ Teacher can organise a Critical Debate on “Justice delayed is justice denied”. Learners can be divided into two groups. One group may justify the topic and another group may disagree.

The Supreme Court of India has also been vested with certain advisory powers.

The president can seek its advice on any legislative measure. However the advice of the Supreme Court is not binding on the president (Article - 143).

The Supreme Court functions as the guardian of the constitution; It is the final authority to interpret the constitutional law, and has the authority to declare any law or executive action, or judgments of lower Courts 'null and void' if the Supreme court find them against the letter and spirit of the constitution. It is also the apex agency to safeguard the fundamental rights listed out in the Constitution.

### Organization of the Supreme Court

The Supreme Court of India has been established by part V, Chapter IV of the Constitution of India. Articles 124 to 147 of the Constitution lays down the composition and jurisdiction of the supreme Court of India. Originally the Constitution provided for the chief Justice and seven lower ranking Judges. The Constitution enables the Parliament to increase this number. By 2008 the number of judge have been increased (from eight) to 30.

As to the appointment of the Supreme Court judges, The Chief Jostle of India should consult a "Collegium" of four senior most judges of the Supreme court, The Collegium makes the decision in consensus. Every Judge of the supreme Court is appointed by the President after consultation with the cabinet and the Judges of the Supreme court, and such Judges shall hold office until they attain the age of sixty five years. If any of the

judges wants to lay down office, he can do so through an hand written signed resignation letter to the president; the Parliament can remove a Judge through an impeachment. To be considered for the office of Judge, one must be a citizen of India and his qualification is per the Parliament's decision, and the should have been judge of High court at least for a period of 5 years; or an advocates of a high court or of two or more such courts in succession for at least 10 years or the person must be, in the opinion of the president, a distinguished jurist.

### Impeachment

A Judge of the supreme Court try an order of the president, after an address by each House of the Parliament supported by a majority of the total membership of that house and by a majority of not less than two thirds of the members of the house present and voting in the same session.

### Appointments are generally made on the basis of seniority



Justice K.G. Balakrishnan in 2000 became the first judge from the depressed class. In 2007 he became the first Dalit Chief Justice of the Supreme Court.

The Supreme Court of India under the present Constitution commenced functioning on January 28, 1950. It was placed then in the Chamber of Princes in the Parliament. It moved to the present building in 1958.



Harilal J. Kania was the first Chief Justice of the Supreme Court. The other judges who assumed office along with him were Justices Sayid Faze Ali, M. Patanjali Sastri, Mehar Chand Mahajan, Bijan Kumar, Mukherjea and S.R.Das.

## High Courts



The High Court is the head of a State's judicial administration every constituent state is expected to have a high Court. However, at present four high courts have jurisdiction over more than one state. Among the union territories Delhi alone has a high court of its own. Other six union Territories come under the Jurisdiction of nearby state high Courts. Each High court comprises of a Chief Justice and such other Judges as the president may from time to time, appoint. The Chief Justice of the High court is appointed by the President in consultation with the Chief Justice of India and the Governor of the State. In appointing other judges, the Chief Justice of that High court is also consulted. The Judges of the High courts hold office until the age of 62 years and are removable in the same manner as a Judge of the Supreme court. To be considered for appointment

as a Judge one must be a citizen of India and have held a Judicial office in India for 10 years or must have practiced as an advocate of high court.

The High Court's too have original and appellate jurisdictions, in cases arising within the territories of the State. Each High court has powers of Super intendant over all courts within its jurisdiction. Though the High courts are the party of single and integrated judicial system, yet they are completely independent judicial institutions. The Supreme court has no direct administrative control over them, has they are in any way controlled try either the legislature or executive of the State. But the Judge may be transferred from one High court to another by the president his consultation with the chief Justice of India.

The High Court too has the power to issue writ in cases involving 'Fundamental Rights'.

## Legal Remedies for Safeguarding Fundamental Rights

Both the Supreme court and High court have the power to issue writs with a view to ensure quicker justice and early relief to persons whose rights are violated. There are five such writs.

- 1. Habeas Corpus:** Literally means a demand to produce the person in body. It applies in cases where a person is alleged to have been illegally detained. This writ safeguards personal liberty of every individual.
- 2. Mandamus** is a command to act law fully and to resist from penetrating an unlawful act, It is meant to direct

any authority to perform its legal duty. Mandamus may be issued against any authority, Officers, Government or even judicial bodies that fail or refuse to perform a public duty and discharge a legal obligation.

3. **Prohibition** is issued by a higher Court to a lower court or tribunal for prohibiting it from exceeding its jurisdiction. Writ of Prohibition is issued only against a judicial or quasi-judicial body.
4. **Certiorari** too lies against judicial or quasi-judicial authorities, and it means 'to be informed'. The writ of certiorari is issued to quash illegal orders of judicial or quasi-judicial bodies
5. **Quo - Warranto** is a question asking 'with what authority or warrant'. This is meant to ascertain the legal position in regard to claim of a person to hold a public office.

Besides these writs, the High Court's under Article 226 may issue other directions and orders in the interests of justice to the people.

#### 4.5 Judicial Review, Public Interest Litigation And Judicial Activism

##### Judicial Review

To safeguard the liberty and rights of individuals, the judicial review power enshrined in the constitution of India becomes important. The supreme court and the high courts in India are entrusted with the power of judicial review which extends to adjudicating upon the constitutionality of legislations as well as the legality of executive action.

Parliamentary and state legislations which contravened constitutional requirements have been struck down. The most daring and controversial exercise of judicial review was the invalidation by the supreme court of Bank Nationalization legislation. Legislations which infringed the rights of the minorities to establish and administer their educational institutions have been struck down.

Judicial review has been extended to review ability of constitutional amendments by evolving the doctrine of the basic structure of the constitution according to which a constitutional amendment which destroys or damages an essential feature of the constitution, for example secularism, democracy and federalism, would be unconstitutional.

In the administration of law, judicial review in India has been very active. Article 13(2) of the Indian constitution believed that countrywide shall not create any regulation, those abbreviates or takes away the rights as deliberated in part 3 of the constitution. If any rule was created against this clause of the constitution, it will come within the purview of infringement and will be declared as null and void.

However, but in 2007 the supreme court ruled laws included in this schedule after April 24, 1973 or now open to judicial review cannot be conducted in respect of the laws incorporated in the 9<sup>th</sup> schedule of the constitution. Judicial review applies only to the questions of law. It cannot be exercised in respect to political issues. The supreme court does not use the power of judicial review of its own. It can only

use it when any law or rule is specifically challenged before it.

### Public interest Litigation

Any citizen of India can approach the courts for public case (upon the interest of the public) by filing a petition under (a) the supreme court by article 32, (b) in the high court under article 226 and (c) in the magistrate court under section 133 of the CRPC. The guidelines provide that Public interest Litigations can be filed under the following categories: 1. Bonded labour matters, 2. Neglected children, 3. Non- payment of minimum wages, 4. Petitions from jails complaining of harassment, death in jail, speedy trial as a fundamental right etc. 5. Petitions against police for refusing to register a case, harassment of Bride, Bride burning, rape, murder, kidnapping etc. 6. Petitions complaining harassment or torture of persons belonging to scheduled caste and scheduled tribes. 7. Petitions pertaining to environmental pollution.

The Public interest Litigation jurisdiction forged by the supreme court is an extension of its jurisdiction under article 32 of the constitution. Public interest Litigation is not in the nature of adversary litigation, but it is a challenge and an opportunity to the government and its officers to make such issues as human rights meaningful to the deprived and vulnerable sections of the society and to assure them socio-economic justice which is the signature tune of the constitution. A Public interest Litigation may be filed against state and central government, municipal authority, but not against any private party.

Recently in India, many cases from the area of Public interest Litigation has come into picture which has been filed in the court of law. As in 2005 a case was decided by the supreme court named Common cause society Vs. Union of India. In this Public interest Litigation, the petitioner filed a Public interest Litigation praying to the court to enact a road safety act in view of the numerous road accidents. Secondly, in the Sangammal Pandey Vs. State of UP case the Lucknow bench of the high court stayed construction activities near Kanshiram memorial up to a specific date.

In the Peoples union for democratic rights Vs. Union of India case, the supreme court permitted Public interest Litigations at the instance of 'public spirited citizens' for the enforcement of constitutional and legal rights of any person or group of persons who because of their socially or economically disadvantaged position are unable to approach the courts for relief. Public interest Litigation is a part of the process of 'participate justice' and standing in civil litigation, of that pattern which has liberal reception at the judicial doorsteps.



Parmanand Katara

In the Parmanand Katara vs. Union of India case the supreme court held in the Public interest Litigation filed by a human rights activist fighting for general public interest, that it is a paramount obligation of every member of the medical profession to give medical aid to every injured citizen as soon as possible without waiting for any procedural formalities.

## Judicial Activism

Judicial activism as a dynamic process of judicial outlook in a changing society. Arthur Schlesinger Jr. introduced the term judicial activism in 1947, in America in an article titled 'The Supreme court; 1947'. According to Black's law dictionary judicial activism is a judicial philosophy which motivates judges to depart from the traditional precedents in favour of new progressive social policies.



In recent years law making has assumed new dimensions through judicial activism of the courts. The judiciary has adopted a healthy trend of interpreting law in social context. Judicial activism describes judicial rulings suspected of being based on personal or political considerations rather than on existing law. The question of judicial activism is closely related to constitutional interpretation, statutory constructions and separation of powers.

from the Irish constitution. These modern principles and institutions were borrowed from the west and imposed from above on a semi-feudal, semi backward society of India. But these feathers are meant to facilitate transformation in every field, instead of protecting the 'status quo'

The Indian judiciary, being a wing of the State has thus played a more activist role than its US counterpart in seeking to transform Indian society into a modern one, by enforcing the modern principles and ideas in the constitution through court verdicts. Article 21 of the constitution has been called up frequently in the Supreme court. Judgments upon this article suggest the trends of judicial activism.

### Activity



Do you as an Indian citizen have the right to disagree with judicial opinion? How will you express your opinion?

In group of three, discuss and make comments for class discussion on:

- Criticizing the Judgment of the court
- Consequences of the criticism

The Indian constitution, promulgated in 1950, largely borrowed its principles from western models like Parliamentary democracy and an independent judiciary from England, the fundamental rights from the bill of rights and federalism from the federal structure in the US constitution, and the directive principles of state policy

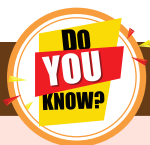


In the A.K. Gopalan vs. State of Madras case, the supreme court rejected the argument that to deprive a person of his life or liberty, not only the procedure prescribed by law for doing so must be fair, but reasonable and just. However, subsequently in Menaka Gandhi vs. Union of India case this requirement of substantive due process was introduced into article 21 by judicial interpretation. Thus the due process clause,

which was consciously and deliberately avoided by the constitution makers, was introduced by judicial activism of the supreme court.

In subsequent decisions, the Supreme Court has upheld death sentences in cases such as Bagwan Dass vs. state of Delhi case which involved honour killing of a man and woman for marrying outside their caste.

### Australia



In Australia, the highest court is known as the High Court of Australia while the State Courts are known as the Supreme Court.

## 4.6 Constitutional Law, Administrative Law And Indian Penal Code

### Constitutional Law

It is known that everything man people do is governed by rules. For example there are rules for games and social clubs. Rules of morality and customs also play an important role to establish our day to day life. Rules that are made by legislatures, for the nation are called 'laws'. Laws in society are a must so our society can regulate its work properly. They are designed to safeguard our property and safeguard us and to ensure that every one in society behaves in a proper manner.

Essentially, the Constitutional law is the supreme law. All other laws have to conform to the Constitutional law. Constitutional law contains laws concerning the government and its people.

Constitutional law is a body of laws which defines the role, powers, and structures of different entities of the State, namely, the legislature, the executive and the judiciary, as well as the basic rights of citizens and, the relationship between the central government and state governments.

Constitutional law is a set of rules which can either be imposing or directive. It provides a way to regulate the nation by proposing a set of laws which shall be abided by the citizens of the country. It leads the country in the right direction without fail. It includes various fundamental rights, fundamental duties and directive principles. We need constitutional laws to regulate the system that prevails in the country. It acts as an obligation on the citizens where they cannot go beyond its fundamental rights, which is a must so as to monitor the whole nation at a time.

### Activity



#### Think-Pair-Share

The Constitution represents people's hopes and objectives. The Legislature, an elected body, represents the people. With your partner, work on the following tasks:

- Who should have more power –The Executive, the Legislature or the Judiciary?
- Give reasons for your answer with examples.

Constitutional law creates a sense of equality amongst the citizens. It is like a parent to a child who imposes certain

conditions but its sole purpose is the well being of the child. The same way Constitutional law acts for its citizens. Constitutional laws provide to some people who can either be elected or nominated for law making depending upon the nation's Constitutional provisions. Constitutional law facilitates the head of the State to administer the whole country which is large, culturally and linguistically diverse.

### **Rule of Law**

The colonial regime introduced the English concept of 'Rule of Law' in India. The three major features of the Rule of Law are

1. All are equal before law
2. Nobody is above law and
3. The same law is applicable to all.

The Rule of law ensures 'equality of all citizens in the judicial process and reduces the scope of nepotism, favoritism, arbitrariness, unhealthy executive interferences in the judicial process. Rule of Law provides an effective check to the abuse of authority by executives and administrators. The procedural laws and constitutionally guaranteed fundamental rights ensure enforcement of Rule of Law.

### **Administrative Law**

Administrative law is the law that governs the administrative actions. As per Ivor Jennings the administrative law is the law relating to administration. It determines the organization, powers and duties of administrative authorities. It includes law relating to the rule making power of the administrative bodies, the

quasi-judicial function of administrative agencies, legal liabilities of public authorities and power of the ordinary courts to supervise administrative authorities. It governs the executive and ensures that the executive treats the public fairly.

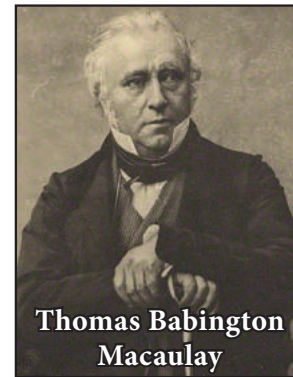
Administrative law is a branch of public law. It deals with the relationship of individuals and government. It determines the organization and power structure of administrative and quasi-judicial authorities to enforce the law. It is primarily concerned with official actions and procedures and puts in place a control mechanism by which administrative agencies stay within bounds. There are a few reasons for the development of administrative law in India.

Firstly, India is a 'Welfare State'. Government activities have increased and thus the need to regulate the same. Therefore, this branch of administrative law was developed. Secondly, there is the inadequacy of the legislatures. The legislatures have no time to legislate upon the ever changing needs of the society. Even if it does, the lengthy and time taking legislation procedure would render the rule so legislated of no use as the needs would have changed by the time the rule is implemented.

Thirdly, there is judicial delay in India. The judicial procedure of adjudicating matters is very slow, costly complex and formal. Furthermore, there are so many cases already lined up that speedy disposal of suites is not possible. Hence, the need for administrative tribunals arose.

Fourthly, as administrative law is not a codified law there is a scope of modifying it as per the requirement of the State machinery. Hence, it is more flexible. The rigid legislating procedures need not be followed again and again. There is a basic difference between constitutional law and administrative law. A constitutional law is the supreme law of the land. No law is above the constitutional laws and hence must satisfy its provisions and not be in its violation. Administrative law is therefore subordinate to constitutional law. Constitutional law deals with the structure of the State and its various organs. Administrative laws deal only with the administration. Administrative authorities should first follow the constitutional laws and then work as per administrative law.

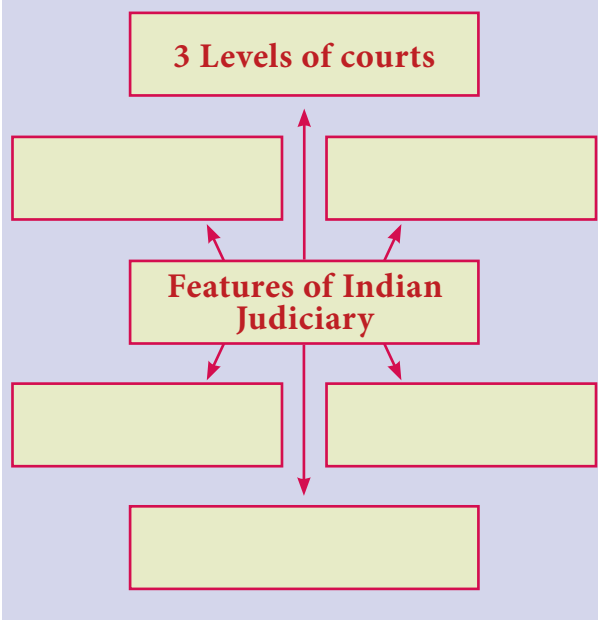
### Indian Penal Code



The Indian Penal Code is the criminal code of India. It is a comprehensive code intended to cover all substantive aspects of criminal law. The code was drafted in 1860 on the recommendation of the first law commission of India established in 1834. It came into force in British India during the early British Raj period of 1862. The objective of this act is to provide a general penal code for India.

#### Activity

Write a few features of Judiciary.



The Indian Penal Code has a basic format, it is a document that lists all the cases and punishments that a person committing any crimes is liable to be charged. It covers any person of Indian citizenship. The exceptions are the military and other armed forces, they cannot be charged based on the Indian Penal Code. They have a different set of laws under the Indian Penal Code as well. The Indian judicial system is one that has evolved into a stable and fair system of detention and penalizing, after being tested well for several years.



The most important feature of the Indian Penal Code is the impartial nature of judgments promoted by the document. The Indian Penal Code does not include any special favours for any special person at some position. Thus, the code stands alike for government employees, as for common man, and even for a judicial officer. This builds up the faith of the common citizens in the law making and enforcing bodies in the country and prevents any sort of corruption or misuse on the part of the people in power.

The Indian Penal Code includes all the relevant criminal offences dealing with offences against the State, offences in public, offences for armed forces, kidnapping, murder and rape. It also deals with offences related to religion, offences against property and it has an important section for offences for marriage, cruelty from husbands or relatives, defamation and so forth. Indian Penal Code also provides for group liabilities that is, group liability under section 34 in the form of a rule of evidence making each member of the group liable for the final act if he has in any manner participated in action in furtherance of the common intention of all members of the group irrespective of his individual contribution which may have been very small.

Group liability under section 149 is envisaged making the members of the unlawful assembly vicariously liable for the criminal act which is in furtherance of the common object or what members of the unlawful assembly ought to have known is likely to be committed in given circumstances besides making each of

them liable for punishment for being member of an unlawful assembly. The code also makes punishable what are described as inchoate crimes that is, amendment, attempt and criminal conspiracy etc.

The Indian Penal Code has been amended numerous times according to the emerging needs. Concepts like sedition which were outside the purview of the Indian Penal Code was included into it after amendments. The need to revamp the criminal justice system was felt for quite sometimes as it has come under severe stress and strain due to changing aspirations of the citizens and the resulting social transformation. The process of criminal investigation, prosecution and adjudication necessarily warrants changes and transformation in tune with the developments in science and technology.

The information age has ushered in modern methods of criminal activities which needs new methods of investigation and prosecution. For these, new criminal laws are needed. In view of this the Indian government set up the V.S Malimath committee in 2000 to consider measures for revamping the criminal justice system in the country. The committee submitted its report in 2003. This report has been examined at various levels to consider the various measures recommend by it for revamping the criminal justice system. Some of the recommendations of the committee have been accepted by the government and have been incorporated in the criminal law of the land substantive and procedural.





## Glossary



- ❖ **Constitution:** It body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed.
- ❖ **Judiciary:** It is the system of courts that interprets and applies the law in the name of the state.
- ❖ **Federation:** It is a political entity characterized by a union of partially self-governing provinces, states, or other regions under a central federal government.
- ❖ **Fundamental Rights:** They are a group of rights that have been recognized by the Supreme Court as requiring a high degree of protection from government encroachment. These rights are specifically identified in the Constitution.
- ❖ **Trial:** It is a formal meeting in a law court, at which a judge and jury listen to evidence and decide whether a person is guilty of a crime.
- ❖ **Trial by Jury:** It is a lawful proceeding in which a jury makes a decision or findings of fact. It is distinguished from a bench trial in which a judge or panel of judges makes all decisions.
- ❖ **Judicial Review:** It is a process under which executive or legislative actions are subject to review by the judiciary.
- ❖ **Judicial Restraint:** It is a theory of judicial interpretation that encourages judges to limit the exercise of their own power.
- ❖ **Judicial Activism:** It is a philosophy of judicial decision making whereby judges allow their person views about public policy, among other factors, to guide their decisions.
- ❖ **Public Interest Litigation:** It is the litigation for the protection of the public interest. It is litigation introduced in a court of law, not by the aggrieved party but by the court itself or by any other private party.
- ❖ **Original Jurisdiction:** It is a court's authority to hear a case for the first time.
- ❖ **Appellate Jurisdiction:** It is the power of an appellate court to review, amend and overrule decisions of a trial court or other lower tribunal.
- ❖ **Advisory Jurisdiction:** It is when a lower court or any constitutional body seeks the advice of the Supreme Court in a matter of law.
- ❖ **Administrative Courts:** It is a type of court specializing in administrative law, particularly disputes concerning the exercise of public power.
- ❖ **Public Law:** It is that part of law which governs relationships between individuals and the government, and those relationships between individuals which are of direct concern to society.



**I. Choose the correct answer**



1. Which of the following is not an organ of the government?  
(a) Legislature                      (b) Bureaucracy  
(c) Executive                        (d) Judiciary
2. Which of the following is described as the protector of the federation?  
(a) Legislature                      (b) Executive  
(c) Judiciary                         (d) Cabinet
3. Who among the following was considered 'the fountain of justice' in Ancient India?  
(a) Monarch                         (b) Senapathi  
(c) Chief Minister                 (d) Chief Justice
4. Who among the following was the supreme judicial authority in Medieval India?  
(a) Sultan                            (b) Qazi-ul-Quzat  
(c) Chief Justice                    (d) Mufti
5. Which of the following was the Department of Justice established during the Mughal era?  
(a) Nazim-e-Subah                (b) Mahukma-e-Adalat  
(c) Diwan-e-Subah                (d) Qazi-e-Pargana
6. Which of the following punishments was imposed for cases relating to homicide?  
(a) Hadd                             (b) Qisas  
(c) Tazir                              (d) None of the Above
7. Which of the following Charter authorized the East India Company to exercise judicial authority over Bombay?  
(a) Charter of 1661                (b) Charter of 1813  
(c) Charter of 1688                (d) Charter of 1853
8. Who among the following Charter applied only to the Madras Presidency with regard to the establishment of a Mayor's Court?  
(a) Charter of 1687                (b) Charter of 1726  
(c) Charter of 1813                (d) Charter of 1661

9. Which of the following empowered the Crown to establish the Supreme Court of Judicature in Calcutta?

- (a) Charter of 1774                      (b) Regulating Act of 1773  
(c) Cornwallis Code                      (d) Charter of 1726

10. In which year was the Federal Court inaugurated?

- (a) 1937                                      (b) 1936  
(c) 1935                                      (d) 1932

11. Which of the following refers to a theory of judgement that takes into account the spirit of the law and the changing times?

- (a) Judicial Review                      (b) Judicial Activism  
(c) Judicial Restraint                      (d) None of the Above

12. Which of the following is an alternative dispute resolution mechanism in India?

- (a) Supreme Court                      (b) High Court  
(c) District Courts                      (d) Lok Adalats

13. Which of the following Articles empowers the High Courts to issue writs?

- (a) Article 226                              (b) Article 227  
(c) Article 228                              (d) Article 229

**II - Answer the following questions very shortly:**

14. What is Arthasastra?  
15. What were the six courts capital of sultanate?  
16. What was the primary function of the Privy Council?  
17. Define Judicial Review.  
18. What is Public Interest Litigation?  
19. Define Judicial Activism.  
20. What is Administrative Law?  
21. What is Constitutional Law?  
22. What is the Indian Penal Code?

**III - Answer the following questions shortly:**

23. Write a short note on judiciary as the interpreter of the constitution.  
24. Briefly discuss the factors promoting the independence of judiciary.  
25. "All the rights secured to the citizens under the constitution are worth nothing and a mere bubble except guaranteed to them by an independent and virtuous judiciary"- Andrew Jackson- Comment.

26. Briefly discuss the significance of Public Interest Litigations.
27. Give a brief account of the nature and significance of Administrative Law.
28. Write a short note on Lok Adalats.

#### IV - Answer the following questions detail:

29. Trace the evolution of Indian Judiciary.
30. Examine the salient features of the Indian Judiciary.
31. Give a detailed account of the working of subordinate courts.
32. Discuss the organization, powers and functions of the Supreme Court of India.
33. Discuss the organization, powers and functions of the High Courts.

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#### Web links



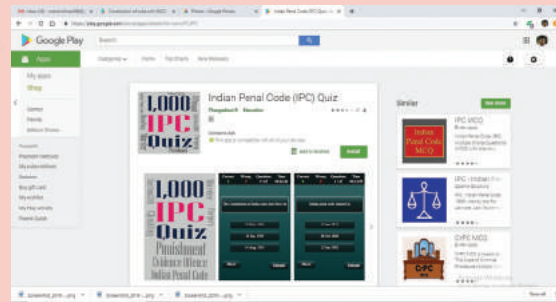
- ❖ Supreme Court of India, <https://www.sci.gov.in/>
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## ICT Corner

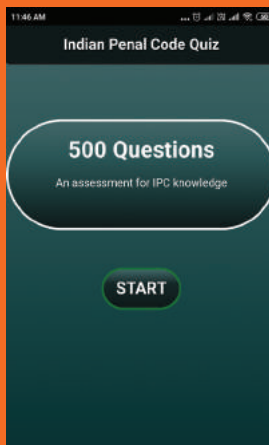
### Indian Judiciary-Ipc

Through this app you will learn more about The Indian Penal Code.

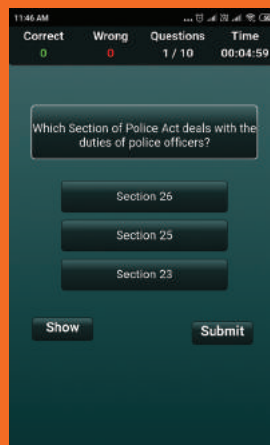


#### Procedure:

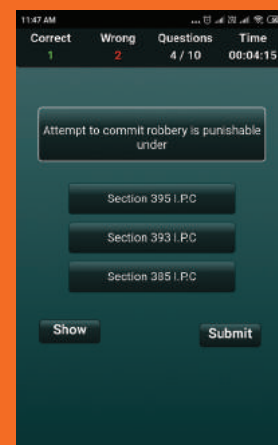
- Step - 1 Open Play Store and type Indian Penal Code quiz (or) Scan the QR Code.
- Step - 2 Click START button to open quiz
- Step - 3 Click the correct answer then you will find your Score.



Step 1



Step 2



Step 3

#### URL:

<https://play.google.com/store/apps/details?id=com.IPC.IPC>



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\*Pictures are indicative



### Learning Objectives

- ❖ To understand the meaning, evolution and the concept of federalism
- ❖ To evaluate the federal and unitary features of Indian constitution and to fathom out how far our constitution provides and promotes federalism
- ❖ To examine the distribution of Center State Powers in the Legislative, Executive and Financial domains in Indian Polity
- ❖ To know and evaluate the Cooperative Federalism provided in the constitution
- ❖ To study the major issues and demands in the centre state relationship conspicuously found in our political system
- ❖ To read and discuss the recommendations of various commissions in the domain of centre state relations in India
- ❖ To examine and evaluate the interstate river water dispute settlement mechanism provided in our political system

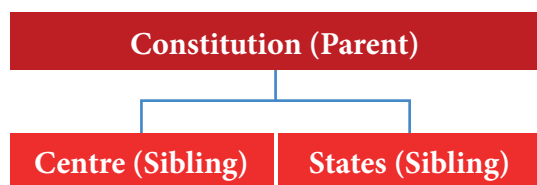
### 5.1 Meaning of Federalism

Federalism refers to a political system that possess constitutionally provided and guaranteed distribution of powers between a national government and several regional governments. The mere existence of regional governments does not mean that the system follows federalism. The fundamental attribute of a federal constitution is the constitutionally created and protected state or regional governments. Usually in countries where there is diversity of people federalism will be followed. If regions in a country are distinct in terms of ethnicity, language,

religion etc the ideal form of government will be the federal system. Democratic federalism is the best instrument to ensure 'Unity in diversity'. The constituent states retain and safeguard their distinct linguistic, religious or cultural identity, without compromising the unity of the federated nation. In fact the constituent states enjoy quasi sovereignty, where as the federal state enjoys ultimate sovereignty. This federal system is based an distribution of powers between the federal or central or union government and the constituent states. This distribution is determined by the constitution, in clear written terms. Hence

in any federal system, the constitution becomes the supreme authority.

### Meaning of Federalism



### Evolution of Federalism

The thirteen British colonies in America revolted and liberated themselves from the British yoke. Thereafter they constituted themselves into a federal state. Thus in the modern world, the United States of America became the first federal state. Thereafter British colonies in Australia and Canada were also granted self governments and they too adopted federal forms of government. The trilingual Switzerland similarly adopted a federal form of government. The European Union today another example of federal formation on a voluntary basis.

### Rise of Federalism in India

The beginnings of federalism in modern India could be traced in the Regulating Act of 1773, which brought the three regions in India under East India Company's authority (Madras, Calcutta and Bombay) under the supervisory control of the governor general at Calcutta. The Indian National Movement recognized the plural character of colonial India and if was inspired by the already existing federal democracies in the USA, Switzerland, Australia and Canada; the last two had been British colonies. The Government of India Act 1919, introduced partial autonomy (Dyarchy) in

the Presidencies, white the Government of India Act 1935, granted provincial autonomy at the presidencies and proposed a Dyarchical form of government at the centre. The Nehru Committee Report in 1928 and Pandit Jawaharlal Nehru's first proposals of a constitution favoured a federal structure with more powers for the constituent states. However the creation of Pakistan and consequent human tragedies changed the views of the constituent Assembly resulting in weak state governments and an over centralized union government, but the whole of the Princely state of Jammu and Kashmir became a district state within the Indian Union. The constitution of independent India establishes federalism through its Part VI provisions. The Seventh Schedule of the constitution contains the three lists relating to the distribution of powers between the centre and states.

### Federal features of Indian Constitution

**Indian constitution possesses several federal features**

#### 1. Written Constitution

Federalism requires a written constitution. There are many governments in any federal system and for their smooth and friction free functioning their powers must be stated in crystal clear terms. There are twenty nine state governments and one national government at present operating in Indian federalism and therefore their powers and functions must be clearly defined.

## 2. Supremacy of Constitution

The constitution must be the supreme political document in the country. All governments must follow the terms, conditions, provisions and procedures contained in the constitution. No government can claim powers over and above the constitution.

## 3. Distribution of Powers

The distribution of powers between centre and states is the cardinal principle of any federal system. Indian constitution distributes powers between the two levels of governments in a comprehensive scheme. There are three lists of power distribution unlike in the classical federalism of American constitution where there is only a single mode of distribution.

## 4. Bicameralism

The federal constitutions provide for bicameralism. It refers to parliaments having two houses. Indian Parliament is bicameral as it consists of two houses. The upper house is called Rajya Sabha or Council of States while the lower house is known as Lok Sabha or House of the People. The Council of States is the guardian of state rights and it consists of the representatives of the states. All over the world the upper house is deemed to be the protector of state rights and interests.

## 5. Rigidity of Constitution

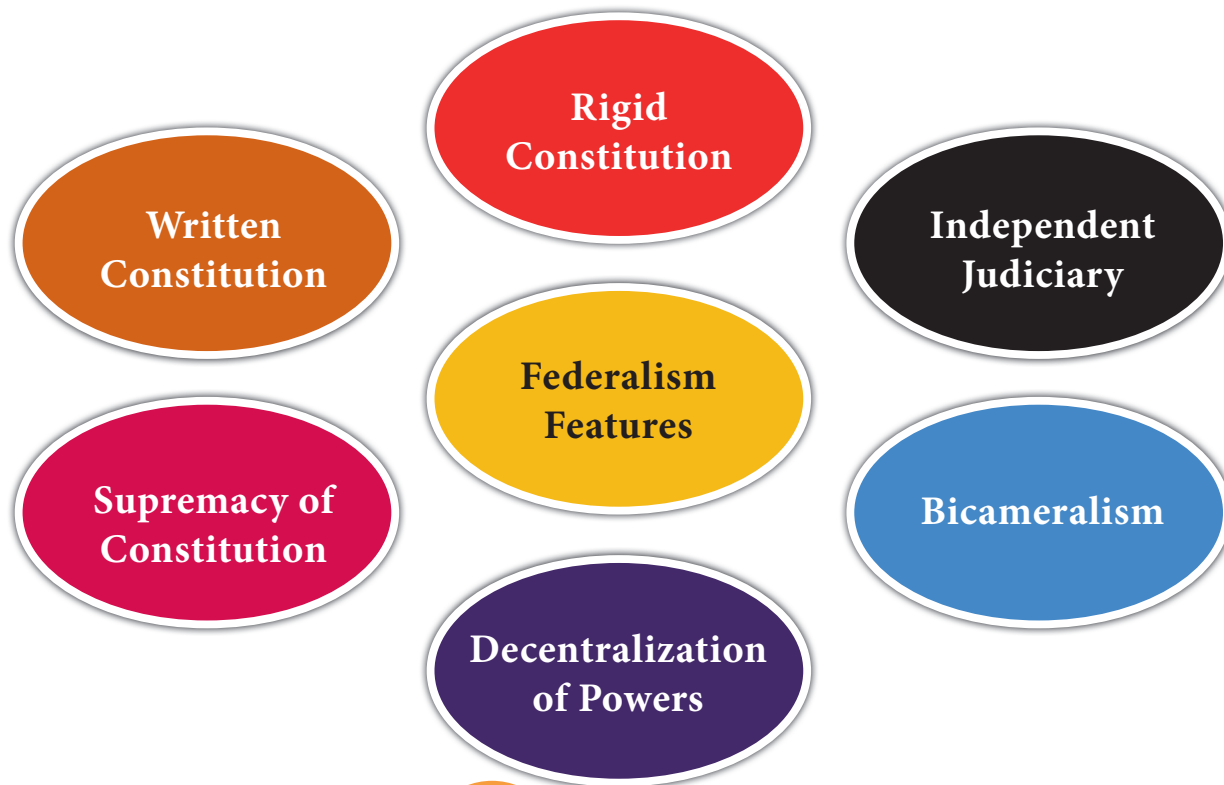
A constitution will be called a rigid constitution if its provisions can be amended only through a special process

of constitutional amendment or through a separate amendment body and not through ordinary legislative process. Federal constitutions do not permit constitutional changes through ordinary legislative process. They prescribe a tougher, rigid process of amendment like greater majority. The rationale behind this rigidity is the desire to protect state rights. If the federal constitution can be amended through ordinary process the union government may be tempted to change constitutional provisions to increase its powers at the cost of the state rights. The article 368 in Part XX Indian constitution provides a separate amendment procedure for amending constitutional provisions and therefore our constitution is rigid to some extent protecting the states.

## 6. Supreme Court

Indian Supreme Court acts as the umpire of the federal system and protector of the constitution. It possess powers of interpretation and adjudication. If any disagreement or contradiction arises among the central and state governments the Supreme Court resolves them. The constitution endows the Supreme Court with Original Jurisdiction. It means that the Supreme Court alone possesses the exclusive powers to resolve any federal dispute between union government and state governments or among state governments. If a problem arises between Tamil Nadu and union government or between Tamil Nadu and any other state only Supreme Court has powers to resolve it.

Indian Constitution is described to be a federal one on the grounds of the aforementioned factors



## Territory of India

There are important differences between Union of States and Territory of India. Union of State refers to the twenty nine states and central government. Territory of India means:

1. Twenty Nine States
2. Seven Union Territories
3. Acquired Territory (Any territory acquired by India like Pondicherry, Daman Diu after they became part of India and before they were made Union Territories)

## Unitary or Non-Federal Features of Indian Constitution

A number of critics have analyzed the unitary or non-federal features of our constitution and have argued that Indian constitution differs greatly from

the concept of federalism as followed in the classical federal constitutions like the United States

### 1. Single Constitution

India possesses only one national constitution that caters to the needs of administration both in the centre and states. There is no concept of state constitutions though the state of Jammu and Kashmir has its own constitution due to historical circumstances. In classical federal countries like the United States the individual states possess their own constitution in addition to the national constitution.

### 2. Single Citizenship

There is only one citizenship, national citizenship in India. The individual states do not possess their own citizenship. In

the United States the citizens are endowed with both national and state citizenships, for example a person in the United States has both American citizenship and the citizenship of the state where he lives.

### 3. Flexibility of Constitution

A constitution is called a flexible one if it prescribes ordinary legislative process not only for making laws but also for amending the constitution. The constitution of United Kingdom is a flexible constitution. Indian Constitution is partially flexible. Some of the provisions of the constitution can be carried out by a simple majority in the Parliament, and such amendment are not referred to approval of States legislatures

### 4. No Right to existence for States

Our constitution doesn't recognize the right of the states to name and existence. The union parliament can change the nomenclature and territorial identity of the states through an ordinary law. The articles 3 and 4 of the constitution provide the procedure for the creation of new states and abolition of the existing states. The President of India refers to the concerned state legislature the proposal to change the name or territory of the states for eliciting its opinion. But it is not mandatory for him to implement the opinion of the legislature. An ordinary bill is introduced in either House of the Parliament for creating a new state or changing the name on the recommendation of the President. The bill is discussed and passed in Parliament leading to the creation of new states. A simple majority in Parliament is the requirement for reshaping the identity of the states.

In contrast the Supreme Court of the United States has delivered a judgment stating that the states there have a fundamental right to existence. It has described the American federation as "the indestructible Union Composed of Indestructible States". The states cannot destroy the Union and similarly the national government cannot destroy the states in the United States

As the union Parliament has power to rename and reshape the states in India the critics have said that the Indian states do not have a fundamental and inalienable right to existence and therefore have characterized Indian federalism as unitary one.

### Activity



Do you know that Sikkim was once called an Associate State of India?

### 5. Anti-Federal nature of Rajyasabha

The upper House of the Parliament in any federal constitution is positioned as the protector of the state rights. The RajyaSabha is known in English as the Council of States. It contains the representatives of the states and functions as the protector of the state rights. But there are three reasons and areas where critics have criticized it as being against the state rights and federal spirit of the constitution

There is no equality principle followed in the distribution of seats in the Council of States. The seats are distributed on the basis of population of the individual states. The most populous state of Uttar Pradesh has 31 seats whereas

the smaller states like Nagaland have only one seat. But in any ideal federalism there should be equality of seat distribution in the upper house as seen in the United States where all the fifty state have two seats each in the upper House the Senate of the Congress( Parliament)

### **Tamil Nadu has 18 Seats in the Rajyasabha**

Article 243 of the constitution enables the Rajya Sabha to transfer a subject from the State List to Union list for the purpose of legislation by parliament on grounds of national interest. It says that the Council of States can pass a resolution for the transfer of power from state to centre supported by a special majority, that is two third majority of members present and voting and a simple majority of the total membership of the House. The transfer is valid for only one year. The Rajya Sabha can again pass the resolution if the same circumstances continue. Many critics and states have criticized this article as violative of state rights.

Article 312 of the constitution provides power to Rajya Sabha to create new All India Services by passing a resolution supported by a two third majority of the members present and voting and a simple majority of the total membership of the House. All India Services are recruited by the union government but deployed in the states. The ultimate control over the officers of the All India Service rests with the union government.

Many state governments resent the All India services as infringing upon the rights of the states.

The Council of States is criticized to be against state rights on the basis of the aforementioned factors

The important All India Services are the Indian Administrative Service (IAS), Indian Police Service (IPS), Indian Forests Service (IFS).

### **6. Imbalanced Distribution of Powers**



As the distribution of powers is the fulcrum of any federal system the state governments have complained that there is intrinsic imbalance and bias in favor of the central government in our constitution. The union government is endowed with comparatively greater powers both in terms of quantity and quality. Most of the lucrative sources of revenue have been allotted to the union government and the states have been rendered financially weaker and forever dependent of central government. The Union List has more subjects than the State List and in the Concurrent List ultimately the union power over states will prevail. The residuary powers are given to the union government and not granted to the states as in federal countries like the United States

## 7. Emergencies

The articles 352 to 360 in Part XIII of our constitution provide for three kinds of emergencies in India. The President of India under article 352 of the constitution can proclaim National Emergency on grounds of War, External Aggression and Armed Rebellion if the security and unity of India as a whole or any of its parts is endangered. Under article 356 of the constitution the President can impose emergency in any state on the grounds of the breakdown of constitutional machinery in the state. Under article 360 of the constitution the President can declare Financial Emergency in India if the financial stability or credit of India is endangered. Whenever the emergencies are in operation the federal framework of the constitution will be suspended or modified and state rights will be undermined

## 8. Integrated Judiciary

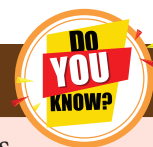
Indian constitution envisages distribution of powers only in legislative and administrative domains and it establishes a single, integrated and hierarchical judiciary. The Supreme Court is the apex judicial institution and the High Courts and the Subordinate Courts function under its supervision and power. There is no federalism in judiciary in India. In contrast the classical federalism of the United States we see federalism even in not only legislative, administrative fields but also in judiciary.

## 9. Election Commission

The National Election Commission conducts elections not only to Parliament

but also to the state legislatures. There is unified election machinery in charge of both Parliament and state legislature elections. The Chief Electoral Officer under the control of the Election Commission conducts the elections to the state legislatures. In the ideal federal systems there is a separate election machinery for conducting elections to the state legislature.

### State Election Commission



State Election Commission is not part of the federal system in India. It conducts elections to Panchayat Bodies and Urban Local Bodies in accordance with 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments.

## 10. Unified Auditing

India follows a unified auditing system for both the centre and state governments. The Comptroller and Auditor-General as mentioned in article 148 of the constitution controls the entire financial system of the country and there is no specific or separate auditing mechanism for states in Indian federalism.



❖ “Though the country and the people may be divided into different states for convenience of administration, the country is one integral whole, its people a single people living under a single imperium derived from a single source.”

❖ Dr. B.R. Ambedkar, Chairman, Drafting Committee of the Constitution of India.

## Conclusion

Indian federalism is designed to be in tune with political, historical, economic and social realities of our nation. The Constituent Assembly that formulated the constitution of India after exhaustive deliberations had recognized the indispensability of federalism in the quintessentially plural Indian society. At the same time the Constituent Assembly acknowledged the imperative of providing for a strong central government so as to curb the fissiparous tendencies in the country. The country faced enormous death and destruction in the aftermath of partition on the eve of independence in 1947 and the Indian political leadership was very determined to protect the nation from any future disintegration. Firstly National Unity and secondly regional identity are the twin objectives of India federalism. In spite of federalism the national unity ought to prevail is the motto of Indian federalism.

Prof. Wheare had described Indian federalism as “a system of Government which is quasi-federal... a Unitary State with subsidiary federal features rather than a Federal State with subsidiary unitary features”.

The Russian expert on constitutionalism Prof Alexandrowicz described that “India is a case sui generis” meaning Indian federalism is one of its own kind.

## 5.2. Centre State Relations

The Centre State Relations revolve around the fulcrum of distribution of Powers between Centre and States.

Distribution of powers is the foundation feature of federalism and in federal constitutions there are three types of distributions they are

1. Legislative Power Distribution
2. Executive Power Distribution
3. Financial Power Distribution

### 5.2.1 Legislative Relations

There are two aspects to the distribution of legislative powers between the Centre and States in our constitution. They are

- a) Territorial Distribution
- b) Subject Distribution

#### a) Territorial Distribution of Powers

The powers are distributed between the union and state governments territorially. The union government possess the powers over the entire territory of India while the states have jurisdiction over their own territories. The central government has extra territorial jurisdiction that means that its laws govern not only persons and property within India but also Indian citizens and their properties located in any corner of the world. In contrast the state legislatures do not possess jurisdiction outside their own territory. The territorial jurisdiction of Parliament of course, is subject to certain limitations imposed by the constitution especially with regard to union territories and scheduled areas

#### b) Subject Distribution

The constitution distributes the legislative subjects between the union

government and states in an elaborate scheme. There are three Lists of distribution.

**List I (Union List)** contains the subjects and powers exclusively allotted to the union parliament. There are 100 subjects here including defense, foreign affairs, banking, currency

**List II (State List)** contains the subjects that are exclusively allotted to the state governments. There are 59 items including public order, and police, public health, local government, agriculture, forests, fisheries

**List III (Concurrent List)** contains 52 items including Criminal law and procedure, Civil Procedure, marriage, education. This list is called as Concurrent List. Both the union and state governments have powers over these subjects. But when there occurs a clash between the union and state governments the law of the parliament will prevail

There is also another category called residuary powers. Any subject not mentioned in the above three lists will automatically come under the jurisdiction of the union government. Our constitution broadly follows the legislative distribution of powers provided in the Government of India Act 1935 enacted during the British colonial era.

### Exceptions

The above scheme of legislative power distribution will be normally followed. But under exceptional circumstances the scheme will be suspended. The power of

the Union Parliament will be expanded and concomitantly the powers of the state legislatures will be diminished.

### a) National Emergency

When the President of India declares National Emergency the union parliament acquires the powers to legislate over the subjects in the State List. The emergency is declared by the president to tackle problems like war, external aggression and armed rebellion that pose a danger to the existence of our nation. Therefore to tackle the challenges successfully and effectively these challenges the union government gains control over state legislature powers too.

### b) Agreement between States

When two or more states agree that their mutual interests will be served better if there is common law on a particular subject and request the union government to enact the needed law, the Parliament can enact a common law for the desiring states on that subject even if it falls in the List II (State List).

c) The Parliament will have powers of enactment on a state subject for the purpose of implementing an international agreement.

b) After the declaration of article 356 emergency in a state the President can declare that the parliament will enact on state list subjects for that state

## 5.2.2 Executive Relations

Our constitution distributes executive powers between the union and state governments. The distribution

is co-terminous with legislative power distribution to a great extent. The union government possesses executive powers over the subjects that are included in the List I namely the Union List. The states have executive powers over the subjects that are included in the List II namely the State List. The executive power of the union government extends over the territory of India while the executive power of the state governments extend over their own territories. The distribution of executive powers over the List I and List II is based on the simple principle that they are coterminous with legislative powers of the union and state governments.

The distribution of the executive powers over the List III namely the Concurrent List is based on a slightly complicated scheme. Succinctly it can be stated that the executive powers over the subjects in the Concurrent List is ordinarily with the state governments. Nevertheless, the union government retains powers to issue directions to the state governments in the execution of executive functions both in normal times and during emergencies.

Another feature in the executive powers distribution scheme in the constitution relates to mutual delegation of functions between the union and state governments. The union government can entrust its functions to the state government after getting the consent of the concerned state government. Conversely the state government can entrust its executive functions to the union government after getting the consent of the union government. Moreover the union

government even without the getting the consent of the state government can entrust its executive function to the state government but with the consent of the parliament.

### 5.2.3 Financial Relations

Finances are very fundamental in the successful operation of federal system. Indian constitution distributes financial powers between the union and states in a comprehensive arrangement that is broadly modeled on the 1935 Government of India Act. There are two sources of revenue distributed by the constitution namely Tax Revenue and Non-tax Revenue.

#### a) Tax Revenue Distribution

There are five important ways in which the tax revenues are distributed between the union and state governments.

1. Certain taxes like Corporation tax and Custom tax are exclusively allotted to the central government
2. Certain taxes like sales tax are exclusively allotted to the states
3. Certain taxes are levied by the Union but collected and appropriated by the concerned states and the examples are stamp duties on Bills of Exchange and Excise duties on medicinal and toilet preparations containing alcohol
4. Certain taxes are levied and collected by the union government but the proceeds are assigned to the states in which they are levied like the taxes on the sale of advertisements in newspapers.

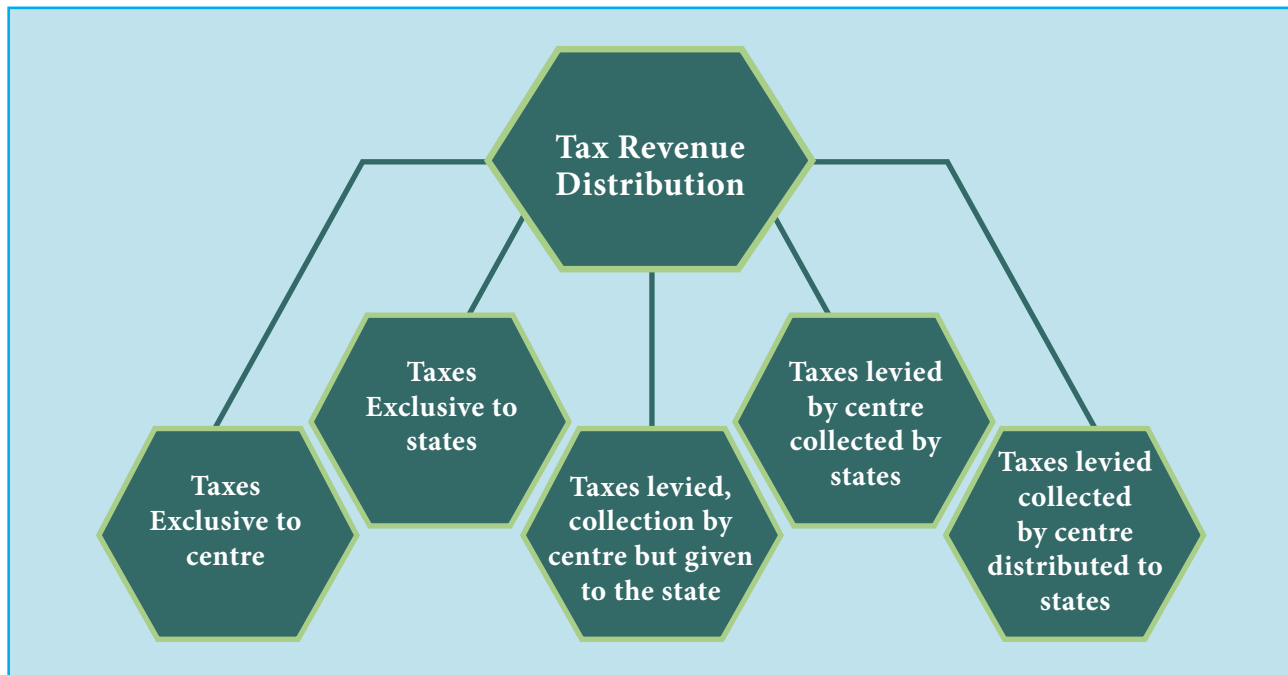
5. Certain taxes are levied and collected by the state governments and are distributed between the union and state governments in a certain proportion like the tax on income other than an agricultural income

### b) Non-tax Revenue Distribution

Both the union and state governments are provided with non-tax revenue sources. The union government gets its revenue from the receipts from

commercial and industrial undertakings relating to central subjects like Industrial Finance Corporation. It gets its revenue from Railways, Posts and Telegraphs, Broadcasting etc

The state governments get revenue from the receipts of commercial enterprises and industrial undertakings allotted to them. The sources among others include forests, irrigation, electricity, road transport.



The constitution understands the greater financial needs of certain states and therefore the article 275 asks the union government to provide Grants-in-Aid to states especially the state of Assam keeping in mind the imperative of the development and welfare of the tribal population.

### Finance Commission

The president of India will constitute a Finance Commission once in five

years. The article 280 of the constitution describes the composition of the Finance Commission. It will have one Chairman and four other members. The Chairman will be a person with experience in public affairs and the members will have experience in financial administration, special knowledge of economics, special knowledge of public accounts and government finances, and one member will have experience of a High Court judge.

### **Finance Commission will provide recommendations in the following manner**

1. for the distribution of net proceeds of taxes between the centre and states
2. Principles governing grants-in-aid
3. Measures needed to increase the Consolidated Fund of India or states to supplement the resources the Panchayat Bodies
4. measures needed to increase the Consolidated Fund of India or states to supplement the resources the Urban Local Bodies

Any other matter referred by the president

So far fourteen Finance Commissions have been constituted once in every five years

### **5.3 Co-operative Federalism**

The American Constitutional expert Granville Austin described Indian federal system as Cooperative Federalism designed to promote cooperation between the centre and states. The concepts of co-operative federalism applies to those federal governments like the USA where the states have more or adequate powers and the formation of the union is based on “the indestructible union composed of indestructible states”. In a quasi federal state like India, the Union Government can very easily pull down any constituent state for non-cooperation or non-compliance or defiance of union government’s will through constitutional provisions, especially through the emergency powers

assigned to the President. The constitution does not permit states defiance to centre.

There are many provisions, institutions and bodies created in Indian political system to promote the co-ordinative functioning of the central and state governments in India. They can be classified into constitutional, statutory and Political bodies and provisions.

### **Constitutional Provisions and Institutions**

The constitution itself has created a number of devices to promote cooperation and co-ordination.

#### **I) Inter State Council**

The article 263 of the constitution says that the President of India can establish the Inter-State Council to serve public interests. There are three functions and duties assigned to the Inter State Council

- a) To enquire into and advise upon disputes among the states
- b) To investigate and discuss the subjects that are common to the union and state governments
- c) To make recommendations to the President for better co-ordination on any particular subjects among the state governments.

A number of councils have been created to promote cooperation on specific subjects in the past like the Central Council of Health, Transport Development Council, and Central Council of Local Self- Government.



The holistic Inter State Council was established in early nineties to deal with general cooperation among the units of Indian federal system on the recommendation of the Sarkaria Commission. The Prime Minister functions as the chairperson of the council. The Chief Ministers of all the states and Union Territories with Legislative Assemblies, six cabinet ministers of the union government, administrators of the Union Territories without Legislative Assemblies and Governors of states under President's Rule. A Standing Committee consisting of the with union Home Minister, five other cabinet ministers and nine Chief Ministers also works as part of the Inter State Council to promote cooperation among the members of the federal system.

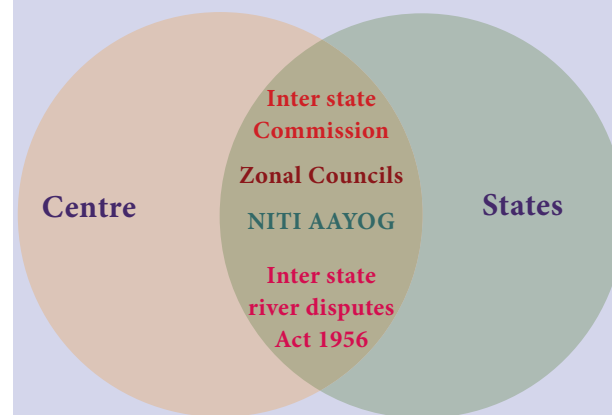
### Statutory Bodies

There are certain bodies created through the statue of the parliament but not mentioned in the constitution that function to promote cooperative federalism.

#### 1. Zonal Councils

The Zonal Councils were established by the States Reorganization Act in 1956 to achieve cooperation and co-ordination among states. They were created in the backdrop of linguistic reorganization of India and the first Prime Minister of India Jawaharlal Nehru described their objective as to “develop the habit of co-operative working” Originally five Zonal Councils were created and later on in

## Cooperative Federalism



1971 one more Zonal Council was established for the North Eastern States. They are

1. Northern Zonal Council
2. Southern Zonal Council
3. Eastern Zonal Council
4. Western Zonal Council
5. Central Zonal Council
6. North Eastern Zonal Council

The Union Home Minister will be the common Chairperson of all the Zonal Councils. Additionally each Zonal Council will consist of the Chief Minister and two other Ministers of the each state and the Administrator of the Union Territory in the zone.

The Zonal Councils will discuss and suggest measures to promote cooperation among the members in areas like economic and social planning, border disputes, inert-state transport etc.

#### 2. River Board

The River Boards Act, 1956 establishes River Boards to provide advice



to the concerned governments for the regulation of an interstate river or river valley.

### **3. Water disputes Tribunal**

The inter State Water Disputes Act 1956 was enacted in accordance with the article 262 of the constitution that mandated that all interstate river disputes should be resolved through negotiations. The act provides for the formation of ad hoc tribunals for resolving interstate water disputes if repeated negotiations prove to be futile in resolving the issue.

### **Political or Resolution Bodies**

#### **NITI AYOOG**

The union government created the National Commission for Transforming India after dissolving the Planning Commission in 2015. The Prime Minister is the ex officio chairman and the permanent members of the governing council are all the Chief Ministers of all the states, Chief Ministers of the Union Territories of Delhi and Puducherry and the Lieutenant Governor of Andaman and Nicobar Islands. One of the primary objectives of the commission is to “foster cooperative federalism through structured support initiatives and mechanisms with the states on a continuous basis”. It recognizes that strong states will make strong nation. But, without constitutionally empowering more the constituent states and adequate devolution of revenue resources, the states continue to remain over dependent on the Union Government, even in matters relating to tackling of natural calamities.

### **5.4. Inter – State River Water Dispute**

Inter State River Water Disputes play a crucial role in the evolution of federalism in Indian politics. There are a large number of such disputes in our country. The Cauvery dispute involving Tamil Nadu, Karnataka, Kerala and Puducherry Union Territory, Vamsadara River dispute involving Andhra Pradesh and Odisha, Sutlej dispute involving Punjab, Haryana, Mahadayi river dispute involving Goa, Maharashtra and Karnataka are the major ones. We have a following dispute settlement mechanism in Indian federalism to solve them.

#### **1. Constitution and Inter – State River Water Disputes**

The article 262 of the constitution empowers the parliament to enact a law providing for the adjudication of any dispute, complaint relating to the use, distribution and control of any inter – state river or river valley. It also provides that parliament can exclude the Supreme Court or any other court from exercising any jurisdiction over inter-state river water disputes. For this purpose parliament is empowered to enact a law overriding any provision of the constitution. The logic of this provision is that inter – state river water disputes contain emotional and economic implications affecting the lives and livelihood of millions of people. Judicial adjudication of the disputes may create social and economic problems. Therefore the national legislature must have competence to evolve a mechanism for resolution of these disputes through negotiations and direct dialogue.

## 2. Inter-state river water disputes act, 1956

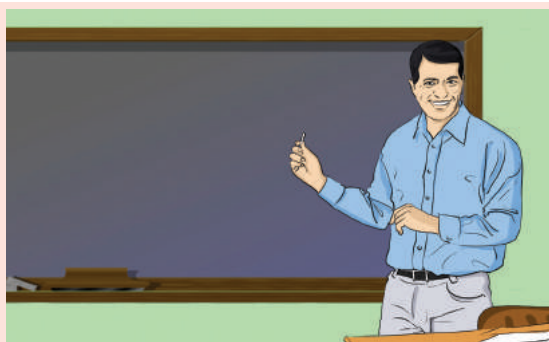
Empowered by the article 262 of the constitution the parliament enacted inter – state river water dispute act, 1956. This act enables the union govt. to establish a Tribunal for the adjudication of an inter-state river water dispute. The Indian constitutional and legal consensus is that all inter-state river water disputes must be resolved through peaceful negotiations. If no fruitful decisions can be reached through negotiations the concerned states can approach the union for the constitution of a Tribunal on ad hoc basis for resolving that issue.

When the union govt. decides to constitute a Tribunal the Chief Justice of Supreme Court of India will nominate a person to head it. The Tribunal will always consist of one person only. Later on this provision was amended to include

more members. The Chief Justice will choose from the sitting or retired Judge of the Supreme Court and High Courts. The decision of the Tribunal shall be published in the in the official Gazette and there after that decision shall be final and binding on the parties to the dispute. Neither the Supreme Court nor any other court shall have jurisdiction over any inter-state water dispute referred to a tribunal under the act. No tribunal can be constituted for any dispute that has been placed for arbitration under the river water board act – 1955.

Succinctly we can say that our constitutional, legal and political strategy advocates a dual strategy to resolve inter-state river water disputes. It advocates negotiated settlement as the first choice and as and when sincere negotiations fail to resolve the issues, ad hoc tribunal based adjudication should be established.

### Activity: Conversation on Cauvery Dispute



**Student:** Sir, can you please explain us the Cauvery dispute?

**Teacher:** Cauvery dispute is an interstate water dispute. It involves the states of Tamil Nadu, Karnataka, Kerala and Union Territory of Puducherry.

**Student:** what is the history behind the issue?

**Teacher:** The history of the issue is a long one. The Madras Presidency and the Princely Sate of Mysore signed an agreement in 1924 for sharing the waters. After being in operation for fifty years the agreement lapsed in 1974.



**Student:** Did the disputants hold negotiations thereafter?

**Teacher:** Yes, many rounds of negotiations were conducted for nearly two decades but no solution was reached. As we learnt earlier in the class the Inter State River Water Disputes Act 1956 allows for the formation of a tribunal for resolving the river water disputes. The Cauvery River Water Tribunal was established in 1991 to solve the issue.

**Student:** Did the Tribunal deliver its Award? What are the features of its Award?

**Teacher:** Yes. The Tribunal gave the final Award in 2007. It stipulated a monthly release of water from Karnataka to Tamil Nadu across the border in Biligundlu. It fixed the share of each state from Cauvery River. It provided a distress formula to share the waters in years when rainfall is low allowing for proportionate sharing of the available water.

**Student:** what is the Cauvery management Board?

**Teacher:** The Tribunal provided a Cauvery Water Management Board to manage the tricky problem of sharing the water

**Student:** Has it been formed?

**Teacher:** After many years of litigation the Supreme Court delivered the final verdict and directed the union government to constitute the mechanism to implement the Award. The Cauvery Water Management Authority and the Cauvery Water Regulation Committee were established in 2018 to implement the Award of the Tribunal as modified by the Supreme Court. At present Tamil Nadu is entitled to get 177.25 tmcft of water from Karnataka as measured in Biligundlu border. The total share for Cauvery water allotted to Tamil Nadu is 404.25 tmcft. Karnataka is entitled to get 284.25 tmcft. Kerala's share is 30 tmcft and the fourth disputant Puducherry will get 7 tmcft.

## 5.5 Issues and Demands in Indian Federalism

There are many issues in Indian federalism that create disturbances in the centre state relations. We will focus on the major problems in this section

### Appointment and Role of the Governor

The very office of the Governor as an agent of the central government to monitor the state government imperils the sovereignty of the constituent States.



Arignar Anna, a  
Champion of State Rights

The Raja Mannar Committee Report was highly critical of the office and role of governor. It is often pointed out that the union Government to arm-twist the state executive.

The Dravidian parties, since the days of C.N. Annadurai, have been demanding 'genuine autonomy for the states, by



divesting the Governor's power of interfering with the state executive and state legislature.

The regional parties have deprecated the practice of appointing politically active and partisan persons as governors. They have frequently demanded that the governor should be appointed in consultation with the state government. Many political commentators and commissions have argued for the appointment of eminent persons who have contributed to India's development in diverse fields as governors.

The attitude of the Governor towards the opposition ruled state governments is another major tension area in centre state relations. Whenever there is a split in a ruling state party or hung assembly, the role of the Governor becomes very crucial and in many instances the regional and opposition parties have agitated against the decisions of the incumbents in gubernatorial office.

### Activity



Prepare a project report on the role of the Governor in the evolution of state politics in India.

### Education

There is a popular demand that the subject of education must be restored to the List II or State List in which originally it was located. The Parliament in 1976 enacted the Forty Second Constitutional Amendment Act that transferred the subject of education to the List III or Concurrent List. The state governments exclusively had authority over education

when it was in State List and the union government came to acquire joint jurisdiction over education after this transfer. As we learnt earlier when a contradiction arises between the states and the central government in the Concurrent List the authority of the central government or Parliament will prevail. Many political parties in states like Tamil Nadu are demanding the transfer of education back to the State List.

#### State autonomy issues

Transfer of education

Appointment of governors

Article 356

Reservation of bills

All India services

### Reservation of State Bills for Presidential Consideration

The Governor of a state has discretionary power to reserve a bill of the state legislature for the consideration of the President. Whenever a money bill of the state legislature is reserved by the Governor the President may either declare or withhold his assent. In case of other bills he can declare or withhold his assent. He can also direct the Governor to send the bill for reconsideration to the concerned legislature. Even if the bill is again passed by the state legislature it is not obligatory for President to declare his assent. This provision was incorporated in the constitution to protect the unity and integrity of India

But many state governments have criticized the Governors for reserving the duly passed state bills for the consideration of the President as there were alleged to have been motivated by political considerations to suppress the state governments and to further the interests of the ruling party or coalition at the centre.

### Activity



Organize a debate in the class on the state autonomy demands in India.

### Improper use of Article 356

The article 356 in Part XIII of the constitution provides for the proclamation of Emergency by the President in any state where there is a breakdown of constitutional machinery either based on the report of the Governor or even otherwise. The article emphasizes on the supremacy of the constitution and national unity and integrity. The state governments ruled by the opposition parties have complained against the frequent and improper use of this article by the ruling party or coalition at the centre. More than a hundred times the article has been used to impose emergency in states and in many instances there was a huge complaint that political and party considerations have led to the imposition of the President's Rule. Many regional parties have demanded the abolition of this article.

### All India Services

All India Services are created under article 312 of the constitution. The officers to these services are recruited by the union government and posted in the states. The

state governments have powers of posting, transfer while the central government alone has powers to dismiss them. As the ultimate control over the All India Services are with the central government the state governments have sought changes in the system and the Rajamannar Commission of Tamil Nadu government suggested a complete revamping in the structure and position of All India Services

### 5.5.1 Administrative Reforms Commission

There were two Administrative Reforms Commissions that were established in the past to provide recommendations for reviewing and reforming the administrative system of the country. The First Administrative Reforms Commission was formed in 1966 initially under the leadership of Morarji Desai and later on K.Hanumanthaiah. It submitted twenty reports including one in which extensive suggestions were provided in the domain of centre state relations. The Second Administrative Reforms Commission was constituted in the new millennium in 2005 under the chairmanship of initially Veerappa Moily and later on V.Ramachandran.

Commissions on centre state Relation

1. Administration Reforms Commission
2. Rajamannar Commission
3. Sarkaria Commission
4. Punchhi Commission
5. Venkatachaliah Commission

## 5.5.2 Rajamannar Committee



The Tamil Nadu government established the Rajamannar committee to analyze and provide recommendations for restructuring the centre-state relations in our constitution. The committee consisted of the retired Chief Justice of Madras High Court Justice. P.V.Rajamannar, former Vice- Chancellor of the University of Madras, Dr A Lakshmanaswamy and a former Chief Justice of Andhra, Dr P. Chandra Reddy. It submitted its report to the government in 1971 marking a great milestone in the history of autonomy debate in the country. The major suggestions of the committee include

1. The article 263 of the constitution should be implemented and Inter-State Commission should be formed to promote cooperation among central and state governments. The proposed council must consist of the Chief Ministers of the states or their nominees as members and the Prime Minister as the Chairperson. It should be endowed with far reaching powers and all the major bills of the Parliament and decisions of the union government that affect the interests of one or more states must be placed and discussed in the council and its opinion should be considered in the decision making process. The committee made consultation with the Inter State Council

mandatory in all matters barring those related to the two subjects of defense and foreign affairs

2. The committee argued that the present scheme of centre state relations in the constitution favors centre's supremacy and erodes state autonomy and therefore recommended the elimination of articles 256, 257, 339(2) from our constitution. The committee was against specifically these articles as they enable the centre to issue instructions to the state governments
3. It favored the shifting of the residuary powers of legislation and taxation from the union government to the state governments to empower the states.
4. As article 356 in Part XVIII of the constitution should be diligently used by the union government only as a measure of last resort in the event of a complete breakdown of the constitutional machinery in the state and not in a mere law and order breakdown situation
5. The committee wanted to introduce far reaching changes in All India Services. It opined that there should be only two kinds of services, central services devoted to needs of union administration and state services looking after the state administration. It suggested the abolition of All India Services including the elite Indian Administrative Service as they are against the spirit of federalism and state autonomy. It highlighted the concerns of opposition parties ruled states about the All India Services acting as agents of the union government.

6. In the domain of financial resources the committee recommended greater devolution of powers and resources to the states. For the purpose of expanding the financial capacity of the states it suggested changes in certain taxes like corporation tax, customs and export taxes. The committee recognized the finances as the fulcrum of state rights and balanced federalism and therefore recommended the transfer of many items from Union List and Concurrent List to State List in the seventh schedule of the constitution. It argued for making the Finance Commission a permanent, impartial body devoted to the priorities of national unity, development and state rights and identities.

### 5.5.3 Sarkaria Commission



Justice R.S. Sarkaria

The union government in the backdrop of many reform demands in federal domain to review the centre state relations constituted a commission under the chairmanship of Justice R.S. Sarkaria in 1983. There were two more members B. Sivaraman and Dr. R.S. Sen in the commission. It submitted a comprehensive report containing 247 recommendations five years later.

#### Inter State Council

It recommended that the Interstate Council must have the functions laid down in article 263 (b) and (c) that is to investigate subjects where many states have common interest and to make recommendation for better co-ordination of policy in that subject. The commission

argued against article 263(a) stating the Inter State Commission should not have powers to enquire and advise on interstate disputes. The commission also suggested the establishment of an independent, permanent secretariat for Interstate Council to make the body more effective

#### Article 356

It suggested that the article 356 must be imposed only sparingly, as a measure of last resort and when there is a complete breakdown of constitutional machinery in a state. All available and possible alternatives should be explored before the imposition of the article 356 Emergency in the concerned state.

#### Governor

The commission rejected the demand and suggestion of some political parties and states that the office of governor must be abolished or the concerned state government must be consulted before the appointment of state governors. On the contrary for smoother functioning of federalism it suggested that the politically active persons and leaders should not be appointed as governors. Only eminent persons must be appointed as governors. When differing parties are ruling at the centre and states the leader belonging the ruling party at the centre must not be appointed as the governor of a state ruled by an opposition party

#### Language

It recommended the strict adherence to the tri language formula to strengthen the unity and integrity of the country.

#### 5.5.4. Punchhi Commission



**Justice Madan  
Mohan Punchhi**

The union government constituted a commission under the leadership of Justice Madan Mohan Punchhi, the former Chief Justice of the Supreme Court in 2007. The commission also had three more members and a Secretary and presented its report in 2010. It recommended that the governors of the states must have fixed tenure and

they should be removed only through impeachment process akin to the President of India. It wanted to introduce changes in articles 355 and 356 so that insurgency or problem afflicted areas or districts in a state rather than the entire state can be brought under emergency as a strategy to localize emergency and efficiently handle insurgency or troubles. The commission also suggested that the union government must have power and authority for the suo motu deployment of central forces without the consent of the concerned states in areas affected by communal violence.

#### Activity



Organize a group discussion in the class on the argument that the big states must be bifurcated into small states so as to promote development.

#### Activity: Case study



#### Supreme Court Judgment in S.R.Bommai case

Somappa Rayappa Bommai (6 June 1924 to 10 October 2007) was the 11th Chief Minister of Karnataka. He was also the Human Resource Development Minister in the United Front Government from 1996 to 1998 and served with both the Prime Ministers H. D. Deve Gowda and I. K. Gujral



The Supreme Court delivered a landmark judgment in the S.R.Bommai versus Union of India Case in 1994 that has protected the rights of the states greatly. S.R. Bommai was the Chief Minister of Karnataka and his government was dismissed in 1994 by the central government leading to the filing of the case in the Supreme Court. The judgment protected the states from the arbitrary dismissal at the hands of the hostile central government. The main features of the judgment are

Article 356 is an exceptional power to the union government and it should be used only occasionally to meet the exigencies of special occasions.



Emergency under this article can be imposed only certain grounds signifying constitutional breakdown. For example after the Legislative Assembly elections no party or coalition is able to generate majority support resulting in a hung Assembly. Constitutional directions from the central government are disregarded by the state government. State government actively assists in internal subversion

Emergency cannot be imposed on certain grounds as they do not constitute constitutional breakdown. For example a mere law and order problem exists in the state. The ruling party in the state has lost heavily in the Parliamentary Elections

The Governor's report on the breakdown of the constitutional machinery in the state must be placed in Parliament. The report should be a thorough one like a speaking document detailing the exceptional situation in the state

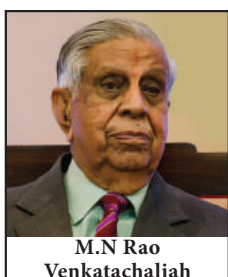
The Legislative Assembly of a state cannot be dissolved before the proclamation of the president is approved by both Houses of the Parliament

The court has power to determine the validity of the imposition of emergency under article 356 of the constitution. If the court finds the grounds of imposition unconstitutional it can and will nullify the proclamation and restore the dismissed state government to life. Succinctly to state the Supreme Court possesses the power of Judicial Review

Ever since the judgment was delivered by the Supreme Court the state governments ruled by opposition parties have been protected from arbitrary dismissal by the central government with a different ruling party

Dr. Ambedkar called this article as a dead letter to the Constitution as it neglects the federal characters of the Indian Political System and the popular sovereignty of an elected government.

### 5.5.5 Venkatachaliah Commission



M.N Rao  
Venkatachaliah

The National Commission to review the working of the Constitution (NCRWC) also known as Justice Manepalli Narayana Rao Venkatachaliah Commission was set up by a resolution of the NDA Government of India led by Atal Bihari Vajpayee on 22 February 2000 for suggesting possible amendments to the Constitution of India.

### Glossary



- ❖ **Federalism:** A political system in which powers are distributed between the central and state governments through the constitution
- ❖ **Rigid Constitution:** A constitution that can be changed only through a special or greater majority based amendment process in Parliament or by a Constituent Assembly. It cannot be changed easily





- ❖ **Flexible Constitution:** A constitution that can be changed through an ordinary legislative process. It can be changed easily
- ❖ **Distribution of Powers:** The powers or subjects of governance will be constitutionally divided between the central and state governments in federal system.
- ❖ **Single Citizenship:** There is only one citizenship that is national citizenship. Usually the unitary constitutions provide single citizenship.
- ❖ **Bicameralism:** It refers to a Parliament having two Houses. Federalism requires bicameralism where the upper House will be House of the States and the lower House will be the House of the people.
- ❖ **Cooperative Federalism:** Granville Austin, the noted constitutional scholar described the federalism of our constitution as Co-operative Federalism. It promotes cooperation between the centre and the states.
- ❖ **Union List:** The List I in the Seventh Schedule of the constitution contains the subjects that are exclusively allotted to the union government
- ❖ **State List:** The List II in the Seventh Schedule of the constitution contains the subjects that are exclusively allotted to the states
- ❖ **Concurrent List:** The List III contains the subjects that are allotted to the joint jurisdiction of the central and state governments. If there is a contradiction between the central and state governments the law of the union government will prevail.
- ❖ **Residuary List:** Any subject that is not mentioned in the Union List ( List I) State List(List II) and Concurrent List(List III) will come under this category. The union government will have jurisdiction
- ❖ **All India Services:** The officers to these services are recruited by the central government and allotted to the state governments. Any new All India Service can be created by a special majority, two third majority based resolution of the Council of the States as per the article 312 of the constitution
- ❖ **Anandpur Sahib Resolution:** The regional party of Punjab Akali Dal passed the State autonomy Resolution in 1973 in a place called Anadpur Sahib demanding a new federal system where the central government will be left with a very few powers and the states will enjoy a wide ranging autonomy
- ❖ **Raja Mannar Commission:** This commission on centre state relations was established by the Tamil Nadu government in 1968 whose report is an important landmark in the political history of state rights.
- ❖ **Sarkaria Commission:** The central government constituted in 1983 the Sarkaria Commission to provide recommendations on centre state relations





- ❖ **NCRWC:** The National Commission to Review the Working of the Constitution otherwise known as the Venkatachaliah Commission was established by the union government in 2000 to study the centre state relations.
- ❖ **Unitary Constitution:** The constitution that recognizes only one set of government (National government). There is no constitutional recognition to the state or regional governments in this system
- ❖ **Judicial Review:** The power of the Supreme Court to review the constitutional validity of the laws of the Parliament and other legislature

and acts of the Executive. It emerged in the constitution of the United States and our constitution provides limited Judicial Review powers to the Judiciary

- ❖ **Tribunals:** The constitution provides for the establishment of tribunals for the resolution of interstate water disputes. Tribunal means a body established to settle certain kinds of disputes.
- ❖ **Sui generis:** It means one of its own kind and not comparable to any other entity. The Russian expert on Constitutionalism Alexandrowicz described Indian federalism as sui generis.

## ( Evaluation )

### I. Choose the correct answer

1. The first federal constitution in the world belonged to
 

A) United States	B) United Kingdom
C) India	D) Australia
2. Federalism was demanded in India for the first time by
 

A) Mountbatten Plan	B) Nehru Report
C) Cabinet Delegation	D) Rajaji Plan
3. When was federalism officially accepted by the Colonial government?
 

A) Minto Morley Reforms 1909	B) Mont Ford Reforms 1919
C) 1935 Government of India Act	D) Cabinet Delegation
4. Bicameralism refers to the Parliament having
 

A) Three Houses	B) One House
C) Four Houses	D) Two Houses





5. The most important feature of a federal constitution is
- A) Regional Governments                      B) National Governments  
C) Decentralization of Powers              D) Political Parties
6. The disputes between central government and state governments are adjudicated by
- A) Parliament                                      B) Supreme Court  
C) High Court                                        D) President
7. Who described Indian Constitution as Cooperative Federalism?
- A) Granville Austin                              B) Dr. Ambedkar  
C) Jawaharlal Nehru                              D) Wheare
8. Article 262 of the constitution deals with
- A) Inter State River Water Disputes      B) Inter State Disputes  
C) Centre-state Disputes                      D) International Disputes
9. Find out the correctly matched pair
- A) Union List ----- List II                      B) State List ----- List I  
C) Residuary List ----- List I                      D) Concurrent List ----- List III
10. Match the following
- |                              |                     |
|------------------------------|---------------------|
| 1) Sarkaria Commission       | a. Tamilnadu Govt.  |
| 2) Rajamannar Commission     | b. Akali Dal        |
| 3) Anandpur Sahib Resolution | c. Supreme Court    |
| 4) Bommai Judgement          | d. Union Government |
- A) 1-a 2-b 3-c 4-d                              B) 1-d 2-a 3-b 4-c  
C) 1-a 2-d 3-c 4-b                              D) 1-c 2-b 3-d 4-a
11. What is false about the process of creation of the new states in India?
- A) President must recommend the bill for creating new states  
B) President will refer the bill to the concerned state  
C) Parliament will pass a Constitutional Amendment Act for creating the new state
12. The commission that recommended the abolition of All India Services like Indian Administrative Service (IAS) is
- A) Punchhi Commission                      B) Sarkaria Commission  
C) Venkatachaliah Commission              D) Rajamannar Commission



13. Match the following

1. First Administrative Reforms Commission - a. Verrappa Moily.
2. Second Administrative Commission - b. Morarji Desai
3. Article 312 - c. Transfer of Subject to Concurrent List
4. Article 249 - d. All India Services

- A) 1-a 2-b 3-c 4-d                      B) 1-d 2-a 3-b 4-c  
C) 1-a 2-d 3-c 4-b                      D) 1-b 2-a 3-d 4-c

14. The following question consists of two statements, one labeled the Assertion (A) and the other labeled as the Reason (R). You are asked to examine the two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason is a correct explanation of the Assertion. Select your answer to the question using the codes given below and mark your answer sheet accordingly;

**Assertion (A):** The constitution excludes the Inter State River Water Disputes from the jurisdiction of the Supreme Court and entrust them to article 262.

**Reason (R):** River Water disputes affect the livelihood of millions of people and therefore they should be settled through negotiations among the concerned states.

**Codes;**

- A) Both A and R are true and R is the correct explanation of A
- B) Both A and R are true but R is not a correct explanation of A
- C) A is true, but R is false
- D) A is false, but R is true

## II. Answer the following questions very shortly

1. Explain the meaning of Bicameralism
2. What is the meaning of the Rigid Constitution?
3. What do you mean by Territorial Distribution of Powers?
4. How are All India Services affecting federalism?
5. Write a brief note on Administrative Reform Commission.
6. Write briefly on Punchhi Commission.
7. Explain the term 'Union of States' found in our constitution.



### **III. Answer the following questions shortly**

1. Identify the main criteria in the distribution of financial powers in Indian federalism
2. How does article 356 of our constitution affect our federalism?
3. Provide a detailed account on Venkatachaliah Commission
4. Detail the main features of Bommai case Judgment of the Supreme Court
5. Explore the argument that Indian constitution is quasi federal.
6. What are Zonal Councils? How do they promote federalism?
7. Enumerate the main recommendations of Rajamannar Commission

### **IV. Answer the following questions in detail**

1. Analyze the scheme of centre state relations in Indian constitution
2. Examine the dispute settlement approach to Inter State River Water Disputes in India
3. Describe the salient features of Sarkaria Commission Recommendations
4. Provide a detailed account on Cooperative Federalism of Indian constitution
5. Discuss the main issues and demands in the Indian federalism

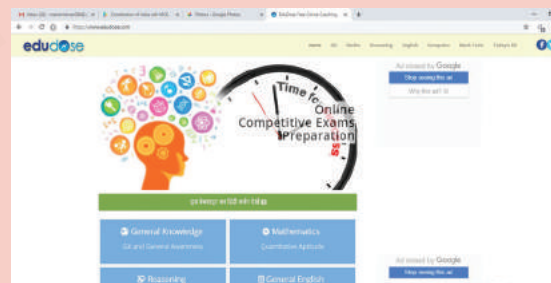




## ICT Corner

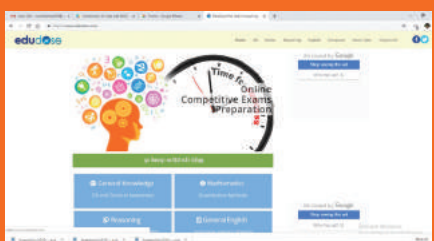
### Federalism In India-Indian Constitution Online Quiz

Through this activity you will learn more about The Indian constitution

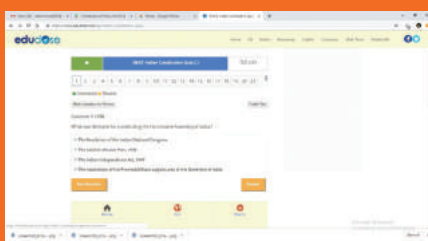


#### Procedure:

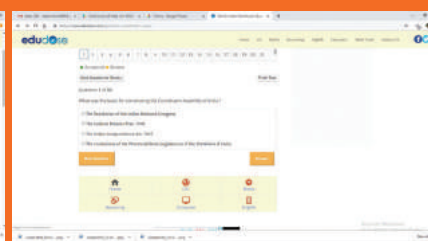
- Step - 1** Open the Browser and type Indian Constitution online Quiz (or) Scan the QR Code.
- Step - 2** Read the Question and click the answer then click the “ANSWER” box to find the right answer.
- Step - 3** Click “Next Question” you will get more Questions. Then click “FinishTest”



Step 1



Step 2



Step 3

#### URL:

<https://www.edudose.com/gk/indian-constitution-quiz/>

\*Pictures are indicative



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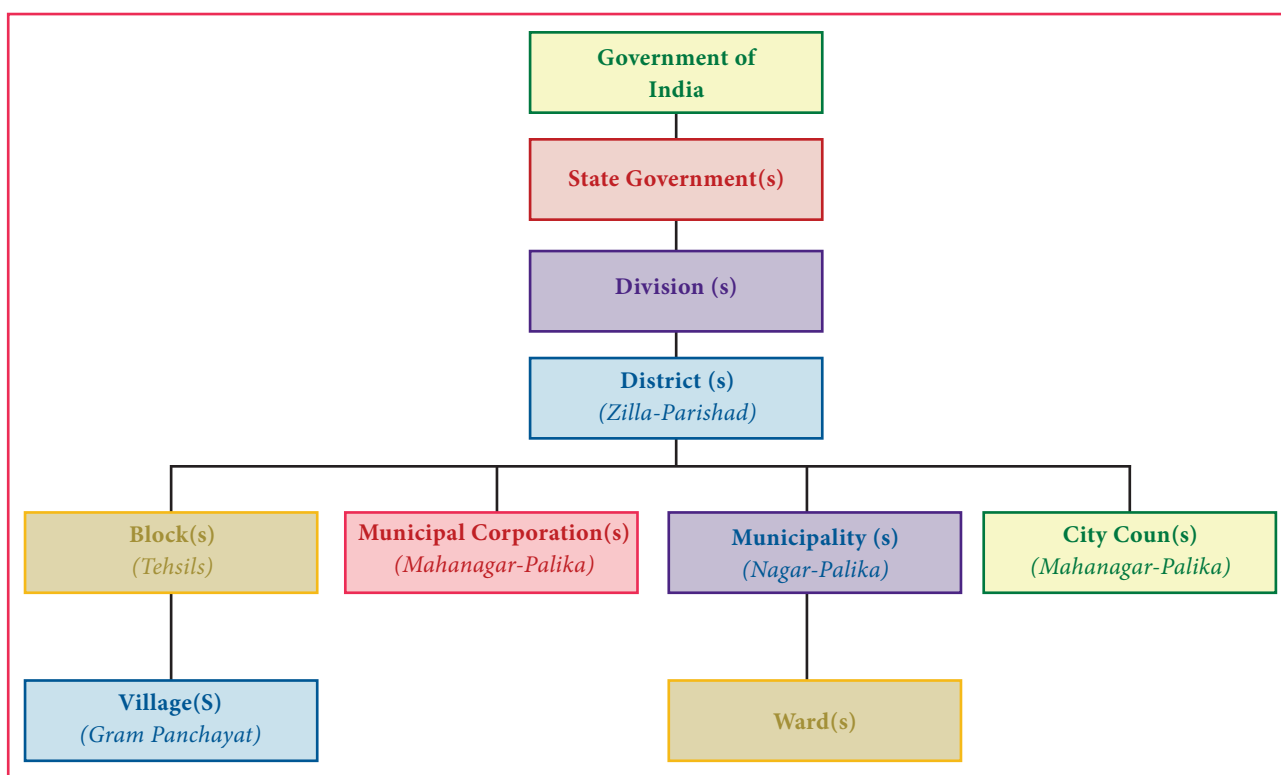


### Learning Objectives



- ❖ Importing the knowledge, skill and rates necessary to affectively lead public service organizations
- ❖ Providing students with opportunities to explore and identify career choices and achieve public service goals.
- ❖ Helps to understand Administrative machinery in India.
- ❖ Acquaint with the functioning of the Indian administration, at central levels and the responses of these systems in addressing the concerns of the people
- ❖ To appreciate the emerging issues in Indian Administration in the context of changing role of state, market and civil society
- ❖ To understand the historical evolution and socioeconomic, political, cultural and global context of Indian Administration.

## 6.1 Framework of Indian Administration



## Evolution of Indian Administrative System since Independence

Modern India's administrative system had its beginnings in the colonial era. Until 1773, There was no regular system of administration in company's newly acquired territories in India. In theory the East India company acted as the agents of the Mughal Emperor, or the Nawabs. They managed the revenue affairs with nominated officials and traditional native sub staff. They gave priorities to military and policing requirements. Most of the Company's officers were ill educated, in experienced and untrained.

As the foreign officers had no respect and sympathy for the native people, and as they were not accountable to any legislature, mal administration and corruption became order of the day. English parliamentarians like Edmund Burke brought such issues to the notice of the parliament. Such parliamentary criticisms resulted in the introduction of the regulating Act 1773 and the successive Charter Acts, through which the Company's Indian administration was brought under the surveillance of the British Parliament. The Court of Directors and the Board of Control in England war subordinated to the parliament and the British Cabinet. Thus the administration of Company's territories was systematized, regularized and made accountable to parliament.

Thereafter the English officials to India were trained at Hailey bury College. The selected officers of the Superior cadre were known as the members of the Covenanted Service. They assisted the

Governor Generals and Governors in administration. Indian were appointed for middle level and interior services. As the company was unwilling to interface in nature traditions, and as it was desirous of winning the support of the influential. And traditional classes and caste for the colonial regime, They mostly accommodated people from such classes and castes in the middle level or lower level administrative assignments. There was no regular system for appointments in the middle and lower level offices.

Persian was retained as official language till 1840: As such the English people were having a monopolistic hold over the superior services and native elites cornered all lower level offices. Gradually there emerged a demand for accommodating Indians in superior services. The introduction of European model of education and English medium prompted the Indians educated in the Macaulay on system to plead with the colonial authorities for throwing open the higher servicer to Indians. After the Crown took over the Indian administration in 1858. The administrative system was revised, and the Indian civil Service (ICS) organized. Offices to highest administrative and judicial positions were to be chosen through a competitive (ICS) examination and training. The elite Indians wanted age relaxations for Indians, and also insisted simultaneous ICS examinations in India too. These because the early demands in the Indian national movement.

Until the 1919 Government of India Act, Indians could not occupy the

highest executive posts. The Dyarchy, under the said Act, provided the 'transferred departments' to be entrusted to the Indian ministers, chosen from the elected members of the legislature. But the Executive officials continued to be under the control of the Governors. It was during this period, the adhere appointments to lesser services was protested and a regular public service commission was contemplated. After India's independence, the existing services were reformed: ICS was replaced with Indian Administrative Service(IAS) thus the administrative system was totally India missed and recruitment through Public Service Commission because the basic feature.

### **Indian Administrative System in the post Independent era:**

The functions and responsibilities of the Indian administration had to undergo significant changes in the Independent India. It is made accountable to the legislature and executive. As the Government of India preferred a welfare state, the responsibilities of the administrative agencies increased manifold.

The new Government under Jawaharlal Nehru. Opted for 'democratic Socialism' and introduced a planned economy to achieve modernization, equalization, and faster growth. 'Mixed economy' was chosen to ensure the combination of democracy and socialism. Basic industries ( Like steel and iron) were developed through Government sector. While the private sector was allowed to involve in medium industries, transport,

aviation etc. The administrative system had to exert more to achieve the goals in each plan. The first three ' Five year plans' yielded tremendous results. But thereafter the Indian economy had to confront several crises. Capitalism in Its 'Corporate' facade triumphed, the fall of the Soviet union, and other socialist countries. Creation a new challenge By 1990, India has fallen in line with the trend of Globalization – Privatization – Liberalization. The Indian administrative system adopted itself admirably to the Changing conditions. Corruption is a serious issue, but Corruption at highest level involving highest administrative officers is nothing to do with the economic order that the nation Chooses from time to time, as we found similar corruption in pre – Nehru era, as well as in the current economic order. There were corruptions and corrupt officials in every order, but for that reason, we ought not condemn the whole democratic system.

While the Colonial regime introduced modern administrative devices like Survey, Census, Creation of a number of departments to deal with exclusive issues, the post – colonial era regimes in India successfully segregated judicial functions for executive functions, and introduced a number of measures for the welfare of the people in the eradication of diseases extension of education massive irrigation schemes, electrification, for health and hygiene, in improving and expanding roads and railways.

In every scheme of the parliamentary executive the administrative system plays a pivotal role. But for the trained,

experienced and motivated administrative system, none of the developmental plans could have been materialized.

There are now efforts to further democratize, modernize and humanize the Indian Administrative System So as to make them adequately relevant to the changing time. In a democratic system the officialdom ought not to be insulated from criticisms and responsible and lawful interventions. At the same time the officialdom cannot be degenerated as the wings of unethical and unlawful political activism. 'Checks and balances' would ensure a better administrative system. It has to be and has to be guarded against pressures from extra-national and transnational forces.

Our present constitution provide for a centralized administrative system. The personnel's in the State categories are subjected to twin masters, the state executive and the union executive. The administrative services created by the states are also subjected to union's supremacy. Liberalization does not mean that the bureaucracy is being relieved from excess burden, but it means reducing government's regulatory control over private sector. In the same way we now found a trend towards more centralization in policy making and policy enforcement. The Indian administrative system, which worked for the democratic socialist economy and planned economy earlier is now given the task of more privatization and more centralized taxation system. This new arrangement now known as new public Management (NPM) movement in public administration.

The Indian administrative system has to cope up with the enforced new economic order. It has to strive for opening domestic markets to new investors, i.e. Corporate from both India and abroad. Now the administrative system has to work for disinvestment, desubsidization, liberalizing and centralizing the tax – system in favour of trade and investors. Mining, ports, petroleum, airways are systematically being corporatized. Labour laws being revised. The Indian bureaucracy has to carry out the guidelines of transnational or globe bodies like world Bank, world Trade Organization, International monetary Fund in the domestic arena.

The formation of regulators like IRDA, TRAI, CCI, PFRDA, SEBI, etc. have been a step in the same direction, further the idea of extending this concept to other areas is also being mooted, viz., in the infrastructure and mining sector. These reform proposals were also followed by reforms in the tax administration in the form of introduction of the VAT regime, introduction of a low and uniform tax rate regime, which is seen as the precursor to the uniform Goods and Services tax (GST). In all, these measures were received well by the industry and the markets and the numbers of economic growth started showing signs of increase and so much so that it is believed that the process of economic reform in India has been instrumental in pulling out more than 300 million out of poverty in India in a period of 20 years. Now-a-days the bureaucracy enjoys enormous powers not because it has a greed for power but because the need of the modern technological civilization

has demanded this delegation. In recent times, there has been accelerated change globally brought about by technological advances, greater decentralization and social activism. The ramifications of these changes are being felt by government in the form of increasing expectations for better governance through effective service delivery, transparency, accountability and rule of law. But the public perception about the members of the civil services, who function at cutting edge and higher coordination and policy making levels, is that they are 'burdensome low-performers' heading a highly bloated bureaucracy which is often perceived to be corrupt and inefficient in governing the country. The introduction of right to Information (RTI) Act, citizen charters and Social audit makes the administration more responsive and accountable to the public.

## 6.2 Ministry, Department, Boards and Commissions

### Union Government Ministries/ Department

The main policy making institution in the Union government is the central secretariat which comprises all the ministries and departments which in turn characterized by certain patterns of structural arrangements and functional specifications.

#### Structure of a Ministry

Ministry of Central Government has a three tier structure consisting of

1. Political Head, who is a cabinet minister assisted by minister of state and deputy minister. Sometimes a minister of

state may also be a political head of a ministry/department holding an independent charge.

2. Secretariat organization headed by a secretary who is a career civil servant. He is assisted by Joint secretaries, Deputy Secretaries, Undersecretaries and office establishment.
3. Executive organization under a head of the department who is known by various designations like Director, Director-Genera, Commissioner, Inspector-General, Chief Controller etc...

A ministry is primarily divided into departments. Each department is divided into wings. Each wing is in turn divided into divisions which are further divided into branches. Each branch is divided into sections. A section is the lowest level and smallest organizational unit of a ministry/department.

**Department (Secretary)**  
**Wing (Additional/Joint Secretary)**  
**Division (Deputy Secretary)**  
**Branch (Under Secretary)**  
**Section (Section Officer)**

Under the Government of India, Rules of Business, 1961, the ministries departments in the Government of India were as follows

#### Central Secretariat

The central secretariat comprises of all the ministries and departments of the central Government. Article 77 of the Indian Constitution authorizes the President of India to make rules for more convenient transaction of business of

Central Government and for allocation of such business among the ministries.

### Role and Functions

The Central Secretariat is a policy making body of the government and is not, to undertake work of execution, unless necessitated by the lack of official agencies to perform certain tasks. The Central Secretariat normally performs the following functions:

- (1) Assisting the minister in the discharge of his policy making and parliamentary responsibilities.
- (2) Framing legislation, rules and principles of procedure.
- (3) Sectoral planning and programme formulation.
- (4) Budgeting and control of expenditure in respect of activities of the Ministry/ department.
- (5) Supervision and control over the execution of policies and programmes.
- (6) Initiating steps to develop greater personnel and organizational competence both in the ministry/ department and its executive agencies.
- (7) Coordination and interpretation of policies, assisting other branches of government and maintaining contact with state administration.

## Union Government Ministries/Department

1

### » Ministry of Agriculture and Farmers Welfare

- ❖ Department of Agricultural Research and Education (DARE)
- ❖ Department of Agriculture, Cooperation and Farmers Welfare
- ❖ Department of Animal Husbandry, Dairying and Fisheries

3

### » Ministry of Civil Aviation » Ministry of Coal » Ministry of Commerce and Industry

- ❖ Department of Commerce
- ❖ Department of Industrial Policy and Promotion

5

### » Ministry of Consumer Affairs, Food and Public Distribution

- ❖ Department of Consumer Affairs
- ❖ Department of Food and Public Distribution

2

### » Ministry of AYUSH » Ministry of Chemicals and Fertilizers

- ❖ Department of Chemicals and Petrochemicals
- ❖ Department of Fertilizers
- ❖ Department of Pharmaceuticals

4

### » Ministry of Communications

- ❖ Department of Posts
- ❖ Department of Telecommunications (DOT)

6

### » Ministry of Corporate Affairs » Ministry of Culture » Ministry of Defence

- ❖ Department of Defence
- ❖ Department of Defence Production
- ❖ Department of Defence Research & Development
- ❖ Department of Ex-Servicemen Welfare

**7** » **Ministry of Development of North Eastern Region**  
**Ministry of Drinking Water and Sanitation**

**Ministry of Earth Sciences**

- ❖ India Meteorological Department (IMD)

**9** » **Ministry of Electronics and Information Technology**  
**Ministry of Environment, Forest and Climate Change**

**Ministry of External Affairs**

**Ministry of Finance**

- ❖ Department of Economic Affairs
- ❖ Department of Expenditure
- ❖ Department of Financial Services
- ❖ Department of Investment and Public Asset Management
- ❖ Department of Revenue

**11** » **Ministry of Heavy Industries and Public Enterprises**

- ❖ Department of Heavy Industry
- ❖ Department of Public Enterprises

**12** » **Department of Atomic Energy**  
**Department of Space**

[http://goirectory.nic.in/ministries\\_departments\\_view.php](http://goirectory.nic.in/ministries_departments_view.php)

**13** » **Ministry of Information and Broadcasting**  
**Ministry of Labour and Employment**

**Ministry of Law and Justice**

- ❖ Department of Chemicals and Petrochemicals
- ❖ Department of Fertilizers
- ❖ Department of Pharmaceuticals

**14** » **Ministry of Petroleum and Natural Gas**  
**Ministry of Power**  
**Ministry of Railways**  
**Ministry of Road Transport and Highways**  
**Ministry of Rural Development**

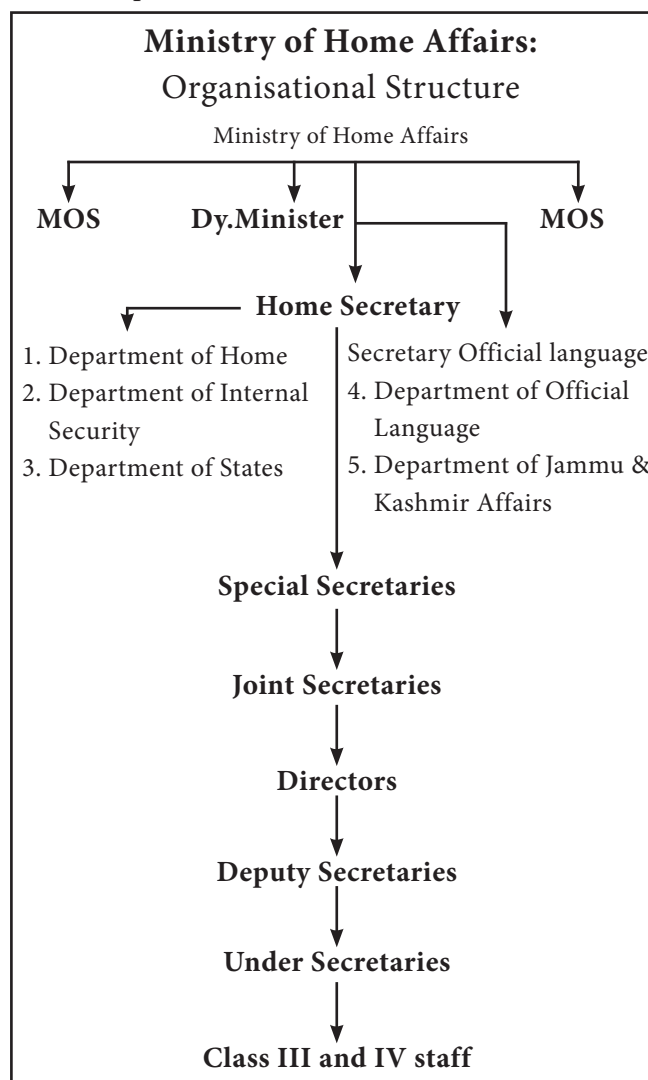
- ❖ Department of Land Resources (DLR)
- ❖ Department of Rural Development (DRD)

**8** » **Ministry of Food Processing Industries**  
**Ministry of Health and Family Welfare**

- ❖ Department of Health and Family Welfare
- ❖ Department of Health Research, Ministry of Health & Family Welfare

**10** » **Ministry of Consumer Affairs, Food and Public Distribution**

- ❖ Central Armed Police Forces
- ❖ Central Police Organisation
- ❖ Department of Border Management
- ❖ Department of Home
- ❖ Department of Internal Security
- ❖ Department of Jammu & Kashmir (J & K) Affairs
- ❖ Department of Official Language
- ❖ Department of States



15

» Ministry of Micro, Small and Medium Enterprises  
Ministry of Mines  
Ministry of New and Renewable Energy  
Ministry of Panchayati Raj  
Ministry of Parliamentary Affairs  
Ministry of Personnel, Public Grievances and Pensions

- ❖ Department of Administrative Reforms and Public Grievances (DARPG)
- ❖ Department of Pension & Pensioner's Welfare
- ❖ Department of Personnel and Training

17

» Ministry of Shipping  
Ministry of Skill Development and Entrepreneurship  
Ministry of Social Justice and Empowerment

- ❖ Department of Empowerment of Persons with Disabilities
- ❖ Department of Social Justice and Empowerment

19

» Ministry of Housing and Urban Affairs  
Ministry of Human Resource Development

- ❖ Department of Higher Education
- ❖ Department of School Education and Literacy

16

» Ministry of Science and Technology

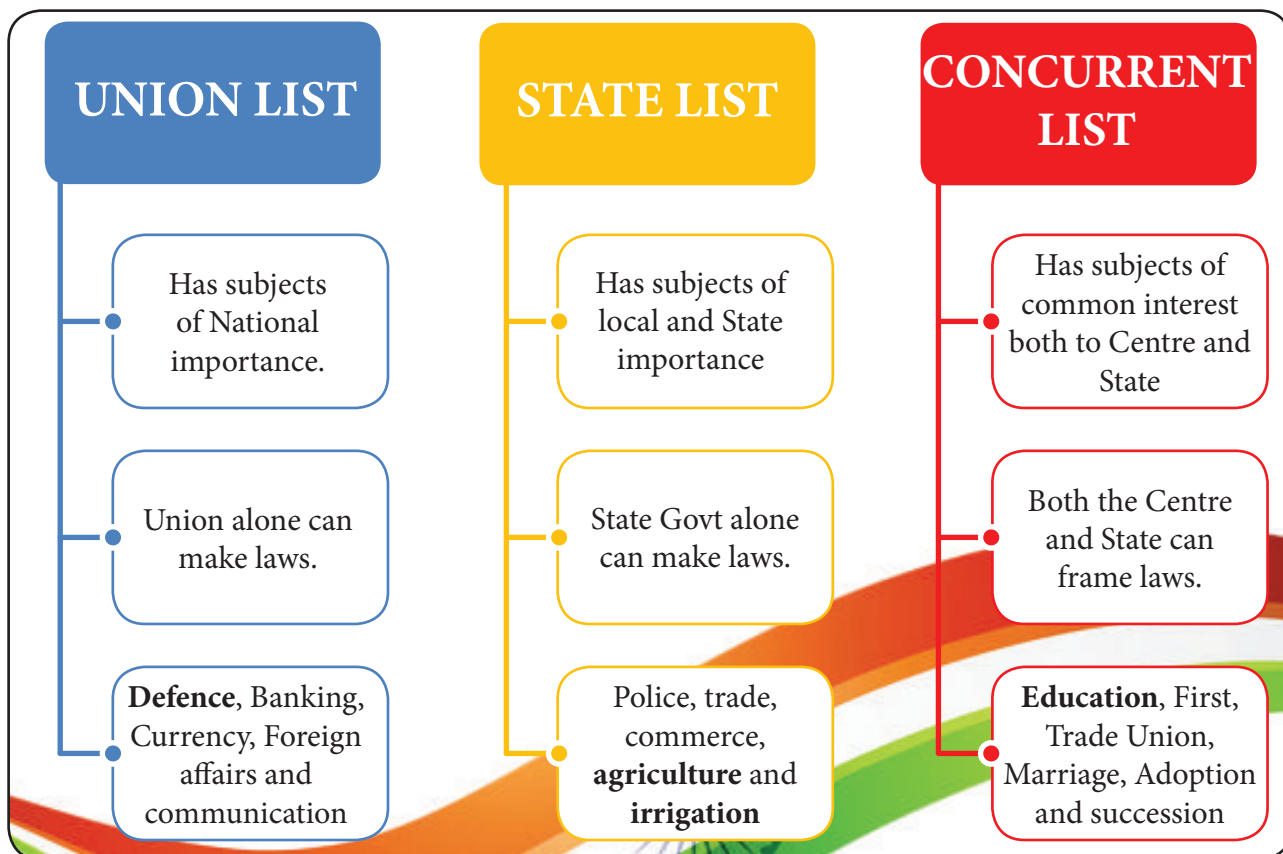
- ❖ Department of Biotechnology (DBT), Government of India
- ❖ Department of Science and Technology (DST)
- ❖ Department of Scientific and Industrial Research (DSIR)

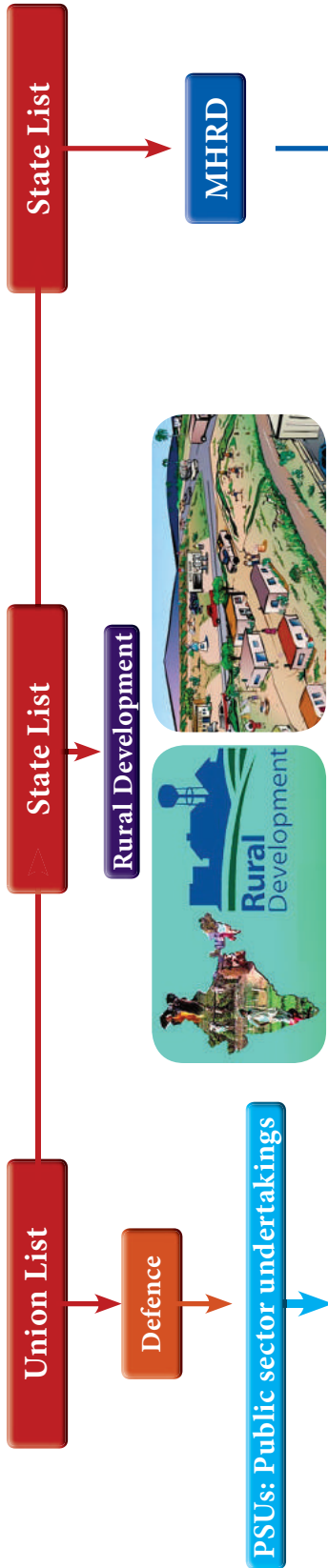
18

» Ministry of Statistics and Programme Implementation  
Ministry of Steel  
Ministry of Textiles

Ministry of Tourism  
Ministry of Tribal Affairs  
Ministry of Water Resources, River Development and Ganga Rejuvenation  
Ministry of Women and Child Development  
Ministry of Youth Affairs and Sports

- ❖ Department of Sports
- ❖ Department of Youth Affairs





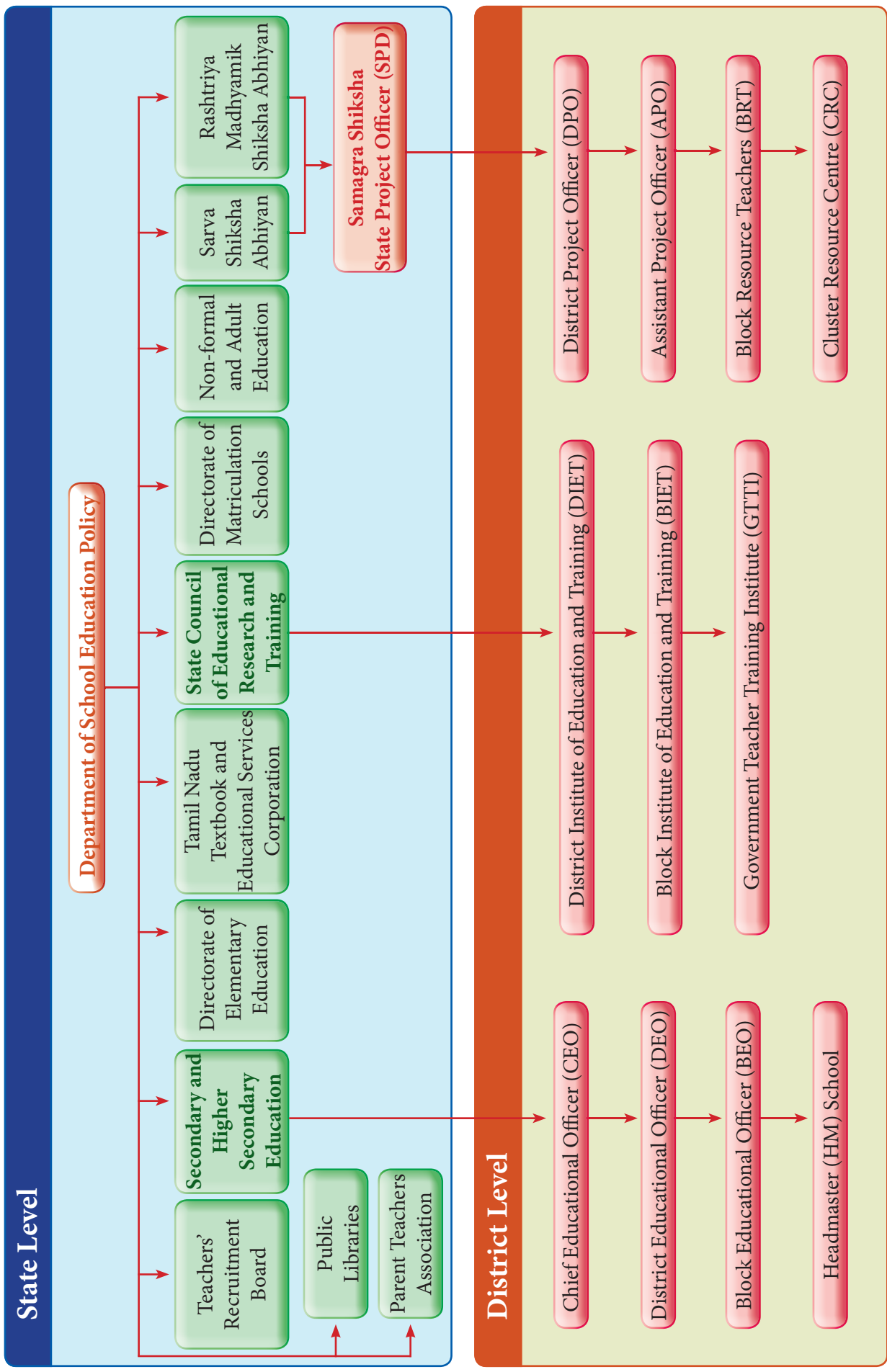
### Past Forward: The Four Phases of Indian PSUs

	<p><b>Phase 1: 1950-69</b> With a fledging private sector, PSUs were seeded to help build modern India with a strong industrial base and an indigenous capital goods sector</p>
	<p><b>Phase 2: 1969-1984</b> PSUs dominated the economy as private firms were nationalized. This was a controlled era with licensing, MRTP and import curbs stifling the economy</p>
	<p><b>Phase 3: 1984 - to- present</b> Efforts were made to overhaul PSUs, especially after 1991. Pushing for efficiency, many PSUs were privatized or got listed. Also, PSU domains were opened up to private sector</p>
	<p><b>Phase 4: The future</b> Rethink India's PSUs, their presence, operations and management. Explore and strategic areas like manufacturing, defence, nuclear</p>

### National Level

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    graph TD
      MHRD[Ministry of Human Resource Development (MHRD): policies] --> NCERT[National Council of Educational Research and Training (NCERT): NCF, syllabi, textbooks in-service teacher trainings]
      NCERT --> CSE[Indian Certificate of Secondary Education (CSE)]
      CSE --> CBSE[Central Board of Secondary Education (CBSE)]
  
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## Cabinet Secretariat

### Functions

The Cabinet Secretariat functions directly under the Prime Minister. The administrative head of the Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board. The business allocated to Cabinet Secretariat under Government of India (Allocation of Business) Rules, 1961 includes (i) Secretarial assistance to the Cabinet and Cabinet Committees; and (ii) Rules of Business.

### Organisation of Cabinet Secretariat

#### The Cabinet Secretariat has three wings

- ❖ Civil wing
- ❖ Military wing
- ❖ Intelligence wing

**Civil wing** - It is the main wing and provides aid, advice and assistance to the Union cabinet.

**Military wing** - provides secretarial assistance to the defence committee of the cabinet, the military affairs committee etc.

**Intelligence wing** - it deals with the matters pertaining to the joint intelligence committee of the cabinet.

Other organizations are - RAW, Director General of Security, SPG, Joint intelligence group, DG public grievances (1988), National Authority, Chemical Weapons Convention.

The Cabinet Secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules,

1961 and Government of India (Allocation of Business) Rules, The Secretariat assists in decision-making in Government by ensuring Inter-Ministerial coordination, ironing out differences amongst Ministries/Departments and evolving consensus through the instrumentality of the standing/adhoc Committees of Secretaries. Management of major crisis situations in the country and coordinating activities of various ministries in such a situation is also one of the functions of the Cabinet Secretariat.

### Support to Cabinet Committees

The secretarial assistance, provided by Cabinet Secretariat to the Cabinet and Cabinet committees, includes

- ❖ Convening of the meetings of the Cabinet & its Committees on the orders of the Prime Minister.
- ❖ Preparation and circulation of the agenda.
- ❖ Circulation of papers related to the cases on the agenda.
- ❖ Preparation of record of discussions.
- ❖ Circulation of the record of discussions after obtaining the approval of the Prime Minister.
- ❖ Monitoring implementation of decisions taken by the Cabinet and its Committees.
- ❖ The Cabinet Secretariat is the custodian of the papers of the Cabinet meetings.

### Cabinet Secretary

The office of cabinet secretary was created in India in 1950. The first Cabinet secretary was N.R.Pillai. The Cabinet

secretary is the head of the Cabinet Secretariat. He is given a top place among the civil servants. Thus he is the senior most civil servant in India.

### Union Government -Apex Bodies

- ❖ President of India
- ❖ Vice President of India
- ❖ Cabinet Secretariat
- ❖ Election Commission of India
- ❖ Union Public Service Commission (UPSC)
- ❖ National Human Rights Commission (NHRC), India
- ❖ Comptroller and Auditor General (CAG) of India,
- ❖ Indian Audit and Accounts Department
- ❖ NITI Aayog - National Institution for Transforming India
- ❖ National Commission for Women (NCW)
- ❖ National Commission for Scheduled Tribes (NCST)
- ❖ Fifteenth Finance Commission of India
- ❖ National Commission for Minorities(NCM)
- ❖ Insurance Regulatory and Development Authority (IRDA)
- ❖ Office of the Principal Scientific Adviser

### The Prime Minister's Office (PMO)

The Prime Minister's Office (PMO) consists of the immediate staff of the Prime Minister of India, as well as multiple levels of support staff reporting to the Prime Minister. The PMO is headed by

the Principal Secretary, The PMO was originally called the Prime Minister's Secretariat until 1977, when it was renamed during the Morarji Desai ministry.

### Office of Principal Scientific Adviser

The Office of the Principal Scientific Adviser to the Government of India (O/o of PSA) was set-up in November, 1999, primarily to:

- ❖ Evolve policies, strategies and missions for the generation of innovations and support systems for multiple applications,
- ❖ Generate science and technology tasks in critical infrastructure, economic and social sectors in partnership with Government departments, institutions and industry,
- ❖ Office of PSA also services the Prime Minister's Science, Technology and Innovation Advisory Council (PM-STIAC)
- ❖ Office of PSA has been placed administratively under the Cabinet Secretariat in August, 2018.

The PMO provides secretarial assistance to the Prime Minister. It is headed by the Principal Secretary to the Prime Minister. The PMO includes the anti-corruption unit and the public wing dealing with grievances. The office houses the Prime Minister and few selected officers of Indian Civil Service who work with him to manage and coordinate government and his office. The Prime Minister through his office coordinates with all ministers in the central union

cabinet, minister of independent charges and governors and ministers of state government.

## 6.3 Personnel Administration

### Concept of Personnel Administration

The tasks of government are increasing every day. Development and welfare orientations have led to the expansion of government and its administrative machinery. As the tasks, responsibilities and activities of organisations whether public or private multiply, the demands on personnel, at every level, in terms of efficient discharge of their duties also rise. Thus the task of personnel administration is to, assure a steady source of people who can contribute to the success of an organization and meet the growing demands of development. To understand the concept of personnel administration, it is very essential to first understand the meaning and nature of the term.

#### Thus personnel administration aims at:

- ❖ Effective utilisation of human resources
- ❖ Desirable working relations among all members of the organisation
- ❖ Maximum development
- ❖ Meeting the organisation's social and legal responsibilities.

#### Scope of Personnel Administration

Personnel administration incorporates all aspects of management of persons in organization. The primary objective of personnel administration, is to ensure effective utilization of human

resources in pursuit of organizational goals. The personnel administration departments should design and establish an effective working relationship among all the members of an organization by division of organizational tasks into jobs, defining clearly the responsibility and authority for each job and its relation with other jobs in the organization. Personnel administration must try to enthuse among the employees feelings of commitment, Involvement and loyalty to the organization. The aim is to create cordial relations among the employees and do away with frictional situations arising out of personal jealousies, rivalries and prejudices. Personnel administration also has to curbun favorable practices like favoritism and nepotism in an organization.

#### Functions of personnel administration

Some of the important functions of personnel administration are :

- a) Manpower Planning
- b) Recruitment
- c) Training
- d) Promotion
- e) Salary structuring
- f) Employees' welfare

#### 6.3.1 Civil Services – meaning and features

Advantages of having an independent, permanent and impartial civil service are as follows:

- i) The spoils system has the propensity to degenerate into a system of patronage,

nepotism and corruption. Having a credible recruitment process through an impartial agency provides a defense against such abuse.

- ii) Public policy today has become a complex exercise requiring in-depth knowledge and expertise in public affairs. A permanent civil service provides continuity and develops expertise as well as institutional memory for effective policy making.
- iii) A permanent and impartial civil service is more likely to assess the long-term social payoffs of any policy whereas the political executive may have a tendency to look for short term political gain.
- iv) A permanent civil service helps to ensure uniformity in public administration and also acts as a unifying force particularly in vast and culturally diverse nations.
- v) A permanent civil service like any other reputable profession is likely to evolve over time an ethical basis for its functioning.

### **Citizen and Bureaucracy**

At the heart of democracy lies the citizen. In the ancient state, the purpose of state was only threefold - defending the realm from external aggression, maintaining internal order, and rendering rough and ready justice. The bureaucracy was limited, and the might of the sword prevailed. In the medieval state, land relations were critical, and a somewhat larger bureaucracy was necessary in

addition to the armed forces. In modern times, the state's role in creating common infrastructure and services became critical, and the bureaucracy's role expanded. In the 20th century state, helping the citizen fulfill her potential and eliminating avoidable suffering became the norm of Notes of a civilized state. Dignity, opportunity and justice became the new watchwords, and the role of bureaucracy vastly expanded.

But despite democracy, we still have a highly centralized state. For a country of over a billion people, India has possibly the smallest number of final decision-makers in the public realm. The PM-CM-DM syndrome still dominates both our psyche and system. There is a near complete divorce between the vote and public good as a remote, centralized government has neither the will nor the capacity to address matters of real significance to the citizen - drinking water, sanitation, schooling, health care, electricity, roads, transport, agricultural productivity, market linkage, value addition, skill promotion and myriad other needs.

The district magistrate has become the embodiment of state power. As a result, the periodic change of governments has not altered the outcomes or quality of services. Politics has become a power game and power the source of private fortunes. The vote has become a purchasable commodity, or a means of transient assertion without real consequences. Democracy is reduced to electoral competition for power and elections about the fortunes of those who contest and not about the citizen and voter. The

tax payer has no clue about the utilization of resources, nor any voice in demanding, and role in getting, better services. The remote-controlled bureaucracy is totally unaccountable to the local people whom it is supposed to serve.

### **Core Principles for making civil services Citizen Centric are:**

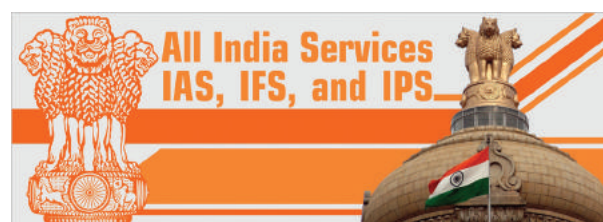
1. Rule of Law
2. Making Institutions Responsive and Accountable
3. Active Citizens' Participation - Decentralization and Delegation
4. Transparency
5. Civil Service Reforms
6. Ethics in Governance
7. Periodical Reforms

### **6.3.2 All India services, Central Services and State Services**

A unique feature of the Indian Administration system, is the creation of certain services common to both - the Centre and the States, namely, the All India Services. These are composed of officers who are in the exclusive employment of neither Centre nor the States, and may at any time be at the disposal of either. The officers of these Services are recruited on an all-India basis with common qualifications and uniform scales of pay, and notwithstanding their division among the States, each of them forms a single service with a common status and a common standard of rights and remuneration.

Like other federal polities the Centre and the constituent states, under the Indian Constitution, have their separate public services to administer their respective affairs. Thus, there are Central or Union Services to administer Union subjects, like defence, income tax, customs, posts and telegraphs, railways, etc. The officers of these Services are exclusively in the employment of the Union Government. Similarly, the states have their own separate and independent services.

### **All India services**



The Constitution provides for the creation of All India Services (AIS) common to the Union and the States. The All India Services Act, 1951 provides that the Central Government may make rules for regulating the recruitment and the conditions of service of persons appointed to the All India Services. Presently only the IAS, the IPS and the IFS (Indian Forest Service) have been constituted as All India Services. Recruitment to these services is made under the corresponding AIS Recruitment Rules and may be done by Direct Recruitment (through Competitive Examinations) and by promotion from the State Service. The AIS Branch is concerned with the latter mode of recruitment which is governed by the respective IAS/IPS/IFS Promotion Regulations.

## What are the different modes of recruitment to the All India Services?

There are two modes of recruitment to the All India Services;

- (i) Direct Recruitment: Through the Civil Services Examination for IAS and IPS and the Indian Forest Service Examination for the IFS. These Examinations are conducted by UPSC.
- (ii) Promotion/Selection: By way of promotion of the SCS/SPS/SFS officers to the respective All India Service and by way of selection of Non-State Civil Services (NSCS) Officers to the IAS.

## Indian Administrative Service

The Indian Administrative Service (IAS) is the direct descendant of the old Indian Civil Service. As an all India service, it is under the ultimate control of the Union Government, but is divided into State cadres, each under the immediate control of a State Government. The salary and the pension of these officers are met by the States. But the disciplinary control and imposition of penalties rest with the Central Government which is guided, in this respect, by the advice of the Union Public Service Commission. On appointment, the officers are posted to different State cadres. The strength of each State cadre, however, is so fixed as to include a number of officers who can be deputed for service under the Union Government for one or more 'tenures' of three, four or five years before they return to the State cadre. The majority of individual officers have an opportunity of serving at least one spell of duty under the

Union Government; many have more than one such spell. The practice of rotating senior officers in and out of the Secretariat position is known in official parlance as the tenure system.

Another distinctive feature of this Service is its multi-purpose character. It is composed of 'generalist administrators' who are expected, from time to time, to hold posts involving a wide variety of duties and functions; for example, maintenance of law and order, collection of revenue, regulation of trade, commerce and industry, welfare activities development and extension work, etc. In brief, the IAS is intended to serve all the purposes formerly served by the ICS except providing officers for the judiciary. Thus, this Service is a kind of generalist service, and its officers are liable for posting in almost any branch, of the administration.

## Indian Police Service

The Indian Police Service is an original all India Service (it had pre-independence origins) which differs from the IAS in two ways: (i) most of the officers in this service work only in the state since there are only a few police posts at the Centre and (ii) its pay scale and status are lower than those of the IAS. The officers of the IPS are recruited from the same unified All India Civil Service examination which recruits all members of the IAS, IFS and other Central Civil Services. Recruits to the IPS are first given a five months foundational training and later special training at the Sardar Patel National Police Academy, Hyderabad. The subjects of study and the training is drill, handling of weapons, etc., which

have a direct bearing on the normal work of a police officer. The syllabus of training includes studies of crime psychology, scientific aids in detection of crime, methods of combating corruption and emergency relief. After completing a year's training, the probationer passes an examination conducted by the UPSC. He is, then appointed as an Assistant Superintendent of Police. But, before this appointment he has to undergo a year's programme of training; he is given practical training which requires him to do the work of various subordinate officers. It is only after this that he is appointed an Assistant Superintendent of Police.

As an all India Service it is under the ultimate control of the Union Government, but is divided into state cadres, each under the immediate control of a state government. The Indian Police Service is managed by the Ministry of Home Affairs, though the general policies relating to its personnel are determined by the Department of Personnel and Administrative Reforms.

### **Indian Forest Service**

The Indian Forest Service is the only all India Service that has been set up after independence. It became operational by an Act of Parliament in 1963. Its pay scale and status is lower than that of the two original all India Services - the IAS and the IPS. Its recruits are chosen from an exclusive examination conducted by the Union Public Service Commission which consists of a written test and interview. Though it is an All India Service, its nature is not that of a generalized civil service, but is specialized and functional. It is

managed by the Department of Personnel and Administrative Reforms which is in charge of making rules of recruitment, discipline and conditions of service regarding all India Services.

After selection the appointees undergo a foundational course lasting three months along with successful candidates of the other all India and Central Services. After the foundation course, the probationers move to their own Academy (Indian Forest Institute) at Dehradun for a rigorous two year training course, the end of which they have to pass an examination before final posting. The Indian Forest Service is cadre-based as in the case of other All India Services. Like all other All India Services, a member of this Service can come to the Centre on deputation but has to go back to his cadre after the period of deputation is over.

Unlike the all India services, the Central Civil Services are under the exclusive control of the Central Government, its member positions only in the Central Government. The Civil Services of the Central Government comprise established services known as central civil service as well as civil posts created outside the established services, which constitute the general central service. Both the established central civil services and the civil posts are classified in the descending order of importance into Class I, Class 11, Class 111 and Class IV.

It has often been pointed out that since the appointing authority is the same, there is no justification for classifying

the services into the all India and central services. Though the appointing authority is the same, yet there is a significant difference between the two. Officers of all India services are employed to serve under the central as well as the state governments. Further, the members of IAS can be appointed to any office calling for duties of a general supervisory nature, while the officers of the central services are employed in jobs of specialized nature. Therefore, the distinction can be said to be justified.

### Recruitment

Recruitment to the Central Services Class I and II are made by the Union Public Service Commission on the basis of the unified all India Civil Service Examination.

### The Indian Foreign Service (IFS)

The Indian Foreign Service comes under Central Civil Service - Class I and was created after Independence. It is under the exclusive control of the Central Government and its members are recruited from the top few positions of the All India Civil Services examination. Among the Central Civil Services it is the top most in prestige, status, pay and emoluments and its recruits are asked, to serve in Indian mission and embassies

abroad. It is managed by the Ministry of External

Affairs. Also, involved in the management of the IFS are the Department of Personnel which determines the conditions of service and the Ministry of Finance which is concerned with the pay scales and other financial aspects of conditions of service. In matters of allowances the members of the 1Gian Foreign Service are more fortunate compared to other services. They are entitled to foreign allowance which are fixed with reference to: (a) local cost of living, (b) other expenditure

which an officer serving abroad necessarily incurs either at home or abroad, over and above that an officer of corresponding grade serving in India, (c) representational expenditure, i.e., expenditure which while optional for a private individual is obligatory for a member of the service resident, by virtue of his official position.

The recruit of the IFS undergoes a training programme which covers a period of three years. He is attached to a district for some time to enable him to pick up contact with practical work, he also undergoes a period of secretariat training.

#### Present Pattern of Civil Services Examination

The competitive examination comprises three successive stages:

- (a) Civil Services (Preliminary) examination,
- (b) Civil Services (Main) Examination, and
- (c) Interview.

#### A. Preliminary Examination:

The Examination shall comprise of two compulsory Papers of 200 marks each.

- (i) Both the question papers will be of the objective type (multiple choice questions) and each will be of two hours duration.

(ii) CSAT of the Civil Services (Preliminary) Examination will be a qualifying paper with minimum qualifying marks fixed at 33%.

(iii) The question papers will be set both in Hindi and English.

**B. Main Examination:** The written examination will consist of the following papers :— Qualifying Papers:

#### **Paper-A**

(One of the Indian Language to be selected by the candidate from the Languages included in the

Eighth Schedule to the Constitution). 300 Marks

#### **Paper-B**

- ❖ English 300 Marks
- ❖ Papers to be counted for merit

#### **Paper-I**

- ❖ Essay 250 Marks

#### **Paper-II**

- ❖ General Studies-I 250 Marks (Indian Heritage and Culture, History and Geography of the World and Society)

#### **Paper-III**

- ❖ General Studies -II 250 Marks (Governance, Constitution, Polity, Social Justice and International relations)

#### **Paper-IV**

- ❖ General Studies -III 250 Marks (Technology, Economic Development, Bio-diversity, Environment, Security and Disaster Management)

#### **Paper-V**

- ❖ General Studies -IV 250 Marks (Ethics, Integrity and Aptitude)

#### **Paper-VI**

- ❖ Optional Subject - Paper 1 250 Marks

#### **Paper-VII**

- ❖ Optional Subject - Paper 2 250 Marks
- ❖ Sub Total (Written test) 1750 Marks
- ❖ Personality Test 275 Marks
- ❖ Grand Total 2025 Marks
- ❖ Central Services

### **6.3.3 UPSC- Organization, Powers, Functions and Role**



#### **Historical Perspective**

The origin of the Public Service Commission in India is found in the First Dispatch of the Government of India on the Indian Constitutional Reforms on the 5th March, 1919 which referred to the need for setting up some permanent office charged with the regulation of service matters. This concept of a body intended to be charged primarily with

the regulation of service matters, found a somewhat more practical shape in the Government of India Act, 1919. Section 96(C) of the Act provided for the establishment in India of a Public Service Commission which should “discharge, in regard to recruitment and control of the Public Services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council”.

After passing of the Government of India Act, 1919, in spite of a prolonged correspondence among various levels on the functions and machinery of the body to be set up, no decision was taken on setting up of the body. The subject was then referred to the Royal Commission on the Superior Civil Services in India (also known as Lee Commission). The Lee Commission, in their report in the year 1924, recommended that the statutory Public Service Commission contemplated by the Government of India Act, 1919 should be established without delay.

Subsequent to the provisions of Section 96(C) of the Government of India Act, 1919 and the strong recommendations made by the Lee Commission in 1924 for the early establishment of a Public Service Commission, it was on October 1, 1926 that the Public Service Commission was set up in India for the first time. It consisted of four Members in addition to the Chairman. Sir Ross Barker, a member of the Home Civil Service of the United Kingdom was the first Chairman of the Commission.

The functions of the Public Service Commission were not laid down in the Government of India Act, 1919, but

were regulated by the Public Service Commission (Functions) Rules, 1926 framed under sub-section (2) of Section 96(C) of the Government of India Act, 1919. Further, the Government of India Act, 1935 envisaged a Public Service Commission for the Federation and a Provincial Public Service Commission for each Province or group of Provinces. Therefore, in terms of the provisions of the Government of India Act, 1935 and with its coming into effect on 1st April, 1937, the Public Service Commission became the Federal Public Service Commission.

With the inauguration of the Constitution of India in January 26, 1950, the Federal Public Service Commission came to be known as the Union Public Service Commission, and the Chairman and Members of the Federal Public Service Commission became Chairman and Members of the Union Public Service Commission by virtue of Clause (1) of Article 378 of the Constitution.

The Union Public Service Commission is a Constitutional Body established under Article 315 of the Constitution of India. The Commission consists of a Chairman and ten Members.

Union Public Service Commission is a Constitutional Body, which has been mandated the responsibilities of making recruitment by conduct of competitive examinations as well as selection through interviews, advising on the suitability of officers for appointment on promotion and transfer-on-deputation, advising the Government on all matters relating to methods of recruitment to various services, framing & amendment of

Recruitment Rules, disciplinary cases relating to various Civil Services, miscellaneous matters relating to grant of extra-ordinary pensions, reimbursement of legal expenses etc, advising the Government on any matter referred to the Commission by the President of India and on the request of the Governor of a State, to serve all or any of the needs of a State relating to recruitment, with the approval of the President.

In order to fulfill its constitutional obligations, the Commission is supported by Officers/Staff broadly known as Secretariat of the Commission, headed by the Secretary. The Administration Branch of the Commission is entrusted with the functions of administering the Secretariat of the Commission as well as looking after the personal matters of Hon'ble Chairman/ Hon'ble Members and other Officers/ Staff of the Commission.

## **The Mandate of Union Public Service Commission**

**The Mandate of Union Public Service Commission Under Article 320 and 321 of the Constitution of India, includes:**

1. Recruitment by conduct of competitive examinations;
2. Recruitment by Selection through Interviews;
3. Advising on the suitability of officers for appointment on promotion as well as transfer-on-deputation;
4. Advising the Government on all matters relating to methods of Recruitment to various services and posts; framing and amendment of Recruitment Rules;

5. Disciplinary cases relating to different civil services;
6. Miscellaneous matters relating to grant of extraordinary pensions, reimbursement of legal expenses, etc.
7. Advising the Government on any matter referred to the Commission by the President of India.
8. On the request of the Governor of a State, to serve all or any of the needs of a State relating to recruitment, with the approval of the President.

**Methods of Recruitment is made by one of the following four methods:**

1. Direct Recruitment
2. Promotion
3. Deputation/absorption; and
4. Composite Method (Deputation + Promotion)

### **Direct Recruitment**

Direct Recruitment is conducted broadly under the following two methods:

1. Recruitment by Competitive Examination; and
2. Recruitment by Selection. Recruitment Through Examination The Commission conducts following examinations on a regular basis at various Centers located throughout the country for appointment to various Civil/Defense services/posts:
  1. Civil Services (Preliminary) Examination;
  2. Civil Services (Main) Examination;
  3. Engineering Services Examination;
  4. Combined Medical Services Examination;

5. Indian Forest Service Examination;
6. Geologists' Examination;
7. Indian Economic Service/ Indian Statistical Service Examination;
8. Special Class Railway Apprentices' Examination [Held every alternate year];
9. Combined Defense Services Examination [Held twice a year];
10. National Defense Academy and Naval Academy Examination [Held twice a year];
11. Central Police Forces (Assistant Commandants) Examination;
12. Section Officers/ Stenographers (Grade-B/Grade-I) Ltd. Departmental Competitive Examination;

a) A Calendar of examinations is published in the Employment News / Rozgar Samachar, stating name of examination, date of notification, date of receipt of application & date of commencement of examination, well in advance normally in October of the preceding year and also displayed on the website [www.upsc.gov.in](http://www.upsc.gov.in)

### Exemption for payment of fees for female candidates

In accordance with the instructions issued vide DOPT letter No. 39020/03/2009- Estt (B) dated 15th July, 2009, all female candidates have been exempted from payment of fees for Commission's Examination

## Constitutional Provisions

Article-315	Public Service Commissions for the Union and for the States.
Article-316	Appointment and term of office of members.
Article-317	Removal and suspension of a member of a Public Service Commission.
Article-318	Power to make regulations as to conditions of service of members and staff of the Commission.
Article-319	Prohibition as to the holding of offices by members of Commission on ceasing to be such members.
Article-320	Functions of Public Service Commissions.
Article-321	Power to extend functions of Public Service Commissions.
Article-322	Expenses of Public Service Commissions.
Article-323	Reports of Public Service Commissions.

## Functions

Under Article 320 of the Constitution of India, the Commission is, inter-alia, required to be consulted on all matters relating to recruitment to civil services and posts. The functions of the Commission under Article 320 of the

### Constitution are:

- ❖ Conduct examinations for appointment to the services of the Union.
- ❖ Direct recruitment by selection through interviews.
- ❖ Appointment of officers on promotion / deputation / absorption.
- ❖ Framing and amendment of Recruitment Rules for various services and posts under the Government.
- ❖ Disciplinary cases relating to different Civil Services.
- ❖ Advising the Government on any matter referred to the Commission by the President of India.

### 6.3.4 State Public Service Commission



Parallel to the Union Public Service Commission (UPSC) at the Centre, there is a State Public Service Commission (State Public Service Commission) in a state. The same set of Articles (i.e., 315 to 323 in Part XIV) of the Constitution also deal with the composition, appointment

and removal of members, power and functions and independence of a State Public Service Commission.

### Composition

A State Public Service Commission consists of a chairman and other members appointed by the governor of the state. The Constitution does not specify the strength of the Commission but has left the matter to the discretion of the Governor. Further, no qualifications are prescribed for the commission's membership except that one-half of the members of the commission should be such persons who have held office for at least ten years either under the government of India or under the Government of a state. The Constitution also authorizes the governor to determine the conditions of service of the chairman and members of the Commission.

The chairman and members of the Commission hold office for a term of six years or until they attain the age of 62 years, whichever is earlier (in the case of UPSC, the age limit is 65 years). However, they can relinquish their offices at any time by addressing their resignation to the governor.

The governor can appoint one of the members of the State Public Service Commission as an acting chairman in the following two circumstances:

- a) When the office of the chairman falls vacant; or
- b) When the chairman is unable to perform his functions due to absence or some other reason.

The acting chairman functions till the person appointed as chairman enters on the duties of the office or till the chairman is able to resume his duties.

### Removal

Although the chairman and members of a State Public Service Commission are appointed by the governor, they can be removed only by the president (and not by the governor). The president can remove them on the same grounds and in the same manner as he can remove a chairman or a member of the UPSC. Thus, he can remove him under the following circumstances:

- a) If he is adjudged an insolvent (i.e., has gone bankrupt); or
- b) If he engages, during his term of office, in any paid employment outside the duties of his office; or
- c) If he is, in the opinion of the president, unfit to continue in office by reason of infirmity of mind or body.

In addition to these, the president can also remove the chairman or any other member of State Public Service Commission for misbehavior. However, in this case, the president has to refer the matter to the Supreme Court for an enquiry. If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, the president can remove the chairman or a member. Under the provisions of the Constitution, the advise tendered by the Supreme Court in this regard is binding on the president. However, during the course of enquiry by the Supreme Court, the governor can suspend the concerned chairman or member, pending the final

removal order of the president on receipt of the report of the Supreme Court.

Further, the Constitution has also defined the term 'misbehaviour' in this context. The Constitution states that the chairman or any other member of a State Public Service Commission is deemed to be guilty of misbehavior. If he (a) is concerned or interested in any contract or agreement made by the Government of India or the government of a state, or (b) participates in any way in the profit of such contract or agreement or in any benefit there from otherwise than as a member and in common with other members of an incorporated company.

### Independence

As in the case of UPSC, the Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of a State Public Service Commission:

- a) The chairman or a member of a State Public Service Commission can be removed from office by the president only in the manner and on the grounds mentioned in the Constitution. Therefore, they enjoy the security of tenure.
- b) The conditions of service of the chairman or a member, though determined by the governor, cannot be varied to his disadvantage after his appointment.
- c) The entire expense including the salaries, allowances and pensions of the chairman and members of a State Public Service Commission are charged

on the consolidated fund of the state. Thus, they are not subject to vote of the state legislature.

- d) The chairman of a State Public Service Commission (on ceasing to hold office) is eligible for appointment as the chairman or a member of UPSC or as the chairman of any other State Public Service Commission, but not for any other employment under the Government of India or a state.
- e) A member of a State Public Service Commission (on ceasing to hold office) is eligible for appointment as the chairman or a member of the UPSC, or as the chairman of that State Public Service Commission or any other State Public Service Commission, but not for any other employment under the Government of India or a state.
- f) The chairman or a member of a State Public Service Commission is (after having completed his first term) not eligible for reappointment to that office (that is, not eligible for second term)

### Functions

A State Public Service Commission performs all those functions in respect of the state services as the UPSC does in relation to the Central services:

- a) It conducts examinations for appointments in the services of the state.
- b) It is consulted on the following matters related to personnel management:
- i) All matters relating to methods of recruitment to civil services and for civil posts.

ii) The principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another.

iii) The suitability of candidates for appointments to civil services and posts; for to another; and transfers from one service to another; and appointments by transfer or deputation. The concerned departments make recommendations for promotions and request the State Public Service Commission to ratify them.

iv) All disciplinary matters affecting a person serving under the government of the state in a civil capacity including memorials or petitions relating to such matters. These include:

- ❖ Censure (severe disapproval)
- ❖ Withholding of increments
- ❖ Withholding of promotions
- ❖ Recovery of pecuniary loss
- ❖ Reduction to lower service or rank (demotion)
- ❖ Compulsory retirement
- ❖ Removal from service
- ❖ Dismissal from service

v) Any Claim for reimbursement of legal expenses incurred by a civil servant in defending legal proceedings instituted against him in respect of acts done in the execution of his official duties.

vi) Any claim for the award of a pension in respect of injuries sustained by a person while serving under the government of the state and any question as to the amount of any such award.

vii) Any other matter related to the personnel management.

The Supreme Court has held that if the government fails to consult the State Public Service Commission in these matters, the aggrieved public servant has no remedy in a court. In other words, the court held that any irregularity in consultation with the State Public Service Commission or acting without consultation does not invalidate the decision of the government. Thus, the provision is directory and not mandatory. Similarly, the court held that a selection by the State Public Service Commission does not confer any right to the post upon the candidate. However, the government is to act fairly and without arbitrariness or malafides.

The additional functions relating to the services of the state can be conferred on State Public Service Commission by the state legislature. It can also place the personnel system of any local authority, corporate body or public institution within the jurisdiction of the State Public Service Commission. Hence, the jurisdiction of State Public Service Commission can be extended by an Act made by the state legislature.

The State Public Service Commission presents; annually, to the governor a report on its performance. The governor places this report before both the Houses of the state legislature, along with a memorandum explaining the cases where the advice of the Commission was not accepted and the reasons for such non-acceptance.

### Limitations

The following matters are kept outside the functional jurisdiction of the State Public Service Commission. In other words, the State Public Service Commission is not consulted on the following matters:

- a) While making reservations of appointments or posts in favour of any backward class of citizens.
- b) While taking into consideration the claims of scheduled castes and scheduled tribes in making appointments to services and posts.

The governor can exclude posts, services and matters from the purview of the State Public Service Commission. The Constitution states that the governor, in respect to the state services and posts may make regulations specifying the matters in which, it shall not be necessary for State Public Service Commission to be consulted. But all such regulations made by the governor shall be laid before each House of the state legislature for at least 14 days. The state legislature can amend or repeal them.

### Role

The Constitution visualizes the State Public Service Commission to be the 'watchdog of merit system' in the state. It is concerned with the recruitment to the state services and advises the government, when consulted, on promotion and disciplinary matters. It is not concerned with the classification of services, pay and service conditions, cadre management, training and so on. These matters are handled by the Department of

Personnel or the General Administration Department. Therefore, the State Public Service Commission is only a central recruiting agency in the state while the Department of Personnel or the General Administration Department is the central personnel agency in the state.

The role of State Public Service Commission is not only limited, but also recommendations made by it are only of advisory nature and hence, not binding on the government. It is up to the state government to accept or reject that advice. The only safeguard is the answerability of the government to the state legislature for departing from the recommendation of the Commission. Further, the government can also make rules which regulated the scope of the advisory functions of State Public Service Commission.

Also, the emergence of State Vigilance Commission (SVC) in 1964 affected the role of State Public Service Commission in disciplinary matters. This is because both are consulted by the government

while taking disciplinary action against a civil servant. The problem arises when the two bodies tender conflicting advice. However, the State Public Service Commission, being an independent constitutional body, has an edge over the SVC.

Finally, the State Public Service Commission is consulted by the governor while framing rules for appointment to judiciary service of the state other than the posts of district judges. In this regard, the concerned state high court is also consulted.

### 6.3.5 Staff Selection Commission



#### Function of Commission

1. To make recruitment to (i) all Group "B" posts in the various Ministries/Departments of the Govt. of India and their Attached and Subordinate Offices which are in the pay scales the maximum of which is ₹ 10,500 or below and (ii) all non-technical Group "C" posts in the various Ministries/Departments of the Govt. of India and their Attached and Subordinate Offices, except those posts which are specifically exempt from the purview of the Staff Selection Commission.
2. To conduct examinations and/or interviews, whenever required for recruitment to the posts within its purview. The examinations would be held as far as possible at different centres and successful candidates posted, to the extent possible, to their home State/Region.
3. In particular, to hold Open Competitive Examinations for recruitment to the posts of:



- i) Lower Division Clerks in the various Ministries/Departments, Attached and Subordinate Offices of the Government of India including those participating in the Central Secretariat Clerical Service /Indian Foreign Service (B), Railway Board Secretariat Clerical Service and the Armed Forces Headquarters Clerical Service;
  - ii) Grade “C” and Grade ‘D” Stenographers of the Central Secretariat Stenographers Service and equivalent Grades of Indian Foreign Service (B) Railway Board Secretariat Stenographers Service/Armed Forces Head quarters Stenographers Service and to the posts of Stenographers in other Departments including Attached and Subordinate Offices of the Government of India not participating in the aforesaid Services;
  - iii) Assistants in the various Ministries/Departments including Attached and Subordinate Offices of the Government of India including those participating in the Central Secretariat Service/ IFS (B)/ Railway Board Secretariat Service/Armed Forces Headquarters Civil Service;
  - iv) Inspectors of Central Excise in different Collectorates of Central Excise, Inspectors of Income-Tax in different charges of the Commissioners of Income-Tax, Preventive Officers and Examiners in different Custom Houses, Assistant Enforcement Officers in Directorate of Enforcement;
  - v) Sub-Inspectors in, Central Bureau of Investigation and Central Police Organisations;
  - vi) Divisional Accountants, Auditors and Accountants under the Office of Comptroller and Auditor General of India and other Accounts Departments and Upper Division Clerks in Attached and Subordinate Offices of the Government of India.
  - vii) Junior Engineer (Civil & Electrical) in CPWD, a Group ‘C’ Non-Gazetted, Non-Ministerial, General Central Services (Technical) post.
  - viii) Statistical Investigators, Grade IV of Subordinate Statistical Service (SSC), a Group ‘C’ non-gazetted, non-ministerial post in the Ministry of Statistics and Programme Implementation
  - ix) Tax Assistant (a Group C non – Gazetted Ministerial post in various Commissionerates of Central Board of Direct Taxes ( CBDT) and Central Board of Excise and Customs )
  - x) Section Officer ( Commercial Audit), a Group “B” Non-gazetted post in the Indian Audit and Accounts Department
  - xi) Section Officer (Audit) , a Group B Non-Gazetted post in the Office of the Comptroller and Auditor General
4. The Commission also holds Departmental Examination for promotion from: Group “D” to Lower Division Clerk Grade of the Central Secretariat Clerical Service and equivalent grades in Indian Foreign Service (B)/Railway Board Secretariat Clerical Service/Armed Force Hqrs. Clerical Service;
- i) Lower Divisional Clerks to Upper Divisional Clerks Grade of the Central Secretariat Clerical Service and equivalent Indian Foreign Service (B)/Railway Board Secretariat Clerical Service/Armed Forces Hqrs. Clerical Service;



ii) Stenographers Grade “D” to Stenographers Grade “C” of the Central Secretariat Stenographers Service and equivalent grades in Indian Foreign Service (B)/Railway Board Secretariat Stenographers Service/Armed Forces Hqrs. Stenographers Service.

5. The Commission conducts periodical Typewriting Tests in English and Hindi.

6. The Commission prepares schemes for recruitment to all Group “B” posts which are in the pay scale of Rs 9300 to 34800 with a grade pay of Rs 42000 or below and Group “C” non-technical posts in the Ministries/Departmental of the Govt. of India including its Attached and Subordinate Offices in consultation with the Departments concerned.

7. The Commission conducts examinations/selections for recruitment to all Group “B” posts which are in the pay scales the maximum of which is Rs.10, 500 or below and all Group “C” non-technical posts in the Ministries/Departments of the Govt. from time to time.

8. The Commission performs such other functions as may be entrusted to it by the Central Govt. from time to time.

#### 6.4. Election Commission



The Election Commission is a permanent and an independent body established by the Constitution of India directly to ensure free and fair elections in the country. Article 324 of the Constitution provides that the powers of superintendence, direction and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India shall be vested in the election commission. Thus, the Election Commission is an all-India body in the sense that it is common to

both the Central government and the state governments.

It must be noted here that the election commission is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate State Election Commission.

#### 6.5 Comptroller and Auditor General of India

The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). He is the head of the Indian



Audit and Accounts Department. He is the guardian of the public purse and controls the entire financial system of the country at both the levels the Centre and the state. His duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration. This is the reason why Dr. B.R. Ambedkar said that the CAG shall be the most important Officer under the Constitution of India. He is one of the bulwarks of the democratic system of government in India; the others being the Supreme Court, the Election Commission and the Union Public Service Commission.

## 6.6. Financial Administration

### Financial Administration : Objectives

The vagaries of the market in the developed countries, have led to an enlarged scope of financial administration which is characterised by deficit budgets, massive public debt and deficit financing. Similarly, in the developing countries, where governments have assumed the role of a facilitator of development, fiscal policies and administration reflect a set of multiple objectives such as stability, development, self-reliance, reduction of interpersonal inequalities in income and wealth, and balanced regional development. Interestingly these countries also utilize the same instruments of action. Even though political ideologies, or economic doctrines are of crucial importance in the management of the affairs of the state, there are certain fundamental objectives of financial administration which transcend, politico-economic compulsions.

These are as follows:

- 1) Management of the finances of public household
- 2) Implementation of projects and programmes
- 3) Provision for public goods and social services
- 4) Growth, Employment and Price Stability
- 5) Capital formation
- 6) Productive deployment of national funds
- 7) Facilitating smooth flow of parliamentary processes
- 8) Achieving equity and equality.

### Principles of Financial Administration

**The following may be listed as some of the important principles of financial administration**

- 1) The principle of primacy of public interest, public choice and public policy
- 2) The principle of political direction and control
- 3) The principle of correspondence
- 4) The principle of unity of organisation and management
- 5) The principle of stability and balance
- 6) The principle of simplicity and flexibility
- 7) The principle of conduct, discipline and regularity
- 8) The principle of public trust and accountability.

## Four Distinct Phases- Financial Administrative History of India

**Period I (1765-1858)** - Creation of structure and concretisation.

**Period II (1860-1919)** - Development of systems and Procedures.

**Period III (1919-1947)** - Democratisation and Decentralisation

**Period IV (1950-till date)** - Development orientation.

## New Emerging Trends - Financial Administration in India

- 1) Regulation and control of fiscal deficit
- 2) Cutback on non-development expenditure
- 3) Development of zero base perspective
- 4) De-emphasised public sector
- 5) Non-bureaucratic delivery of public goods and services
- 6) Focus on decentralized responsibility for financing development plans
- 7) Towards deregulation and liberalization

### 6.6.1 Enactment and Execution of Budget

#### Budgetary Cycle

In order to allow time for the executive and legislative processes to go through, budgeting is geared to a cycle. The process of approval is very significant in all possible forms of government.

#### The cycle consists of four phases:

- Preparation and submission;
- Approval;
- Execution; and Audit

At any given point of time, several cycles would be in operation and would be overlapping. Nevertheless, various segments of a cycle have different operational life.

#### Budget Preparation

In India, budget preparation formally begins on the receipt of a circular from the Ministry of Finance sometime during September/October, that is, about six months before the budget presentation. The circular prescribes the time-schedule for sending final estimates separately for plan and non-plan, and the guidelines to be followed in the examination of budget estimates to be prepared by the department concerned. The general rule is that the person who spends money should also prepare the budget estimates. Budget proposals normally contain the following information:

- i) Accounts classification
- ii) Budget estimates of the current year
- iii) Revised estimates of the current year
- iv) Actuals for the previous year; and
- v) Proposed estimates for the next financial year.

#### Financial Year

When the first modern budget was presented in 1860, the financial year adopted by the government was from 1st May to 30th April. Beginning with the year 1866, however, the financial year was changed to 1<sup>st</sup> April to 31<sup>st</sup> March, in conformity with the practice in England.

## Everything you wanted to know about the Sen-Bhagwati debate

The debate on economic policy has never been as riveting as it is today, with two giants from the world of academic economics, Amartya Sen and Jagdish Bhagwati, tackling each other on what India's governance priorities should be.



The debate between two of the finest Indian economists Amartya Sen and Jagdish Bhagwati reflects the deeper question facing India's political leaders

The debate on economic policy has never been as riveting as it is today, with two giants from the world of academic economics, Amartya Sen and Jagdish Bhagwati, tackling each other on what India's governance priorities should be. Sen is a Nobel Prize winner in economics and a professor of economics and philosophy at Harvard University. Bhagwati is a Columbia University professor of economics, who has been nominated for the top honour several times. Along with Sen and Avinash Dixit, he is considered to be among the three greatest Indian economists ever.

While Sen believes that India should invest more in its social infrastructure to

boost the productivity of its people and thereby raise growth, Bhagwati argues that only a focus on growth can yield enough resources for investing in social sector schemes. Investing in health and education to improve human capabilities is central to Sen's scheme of things. Without such investments, inequality will widen and the growth process itself will falter, Sen believes. Bhagwati argues that growth may raise inequality initially but sustained growth will eventually raise enough resources for the state to redistribute and mitigate the effects of the initial inequality.

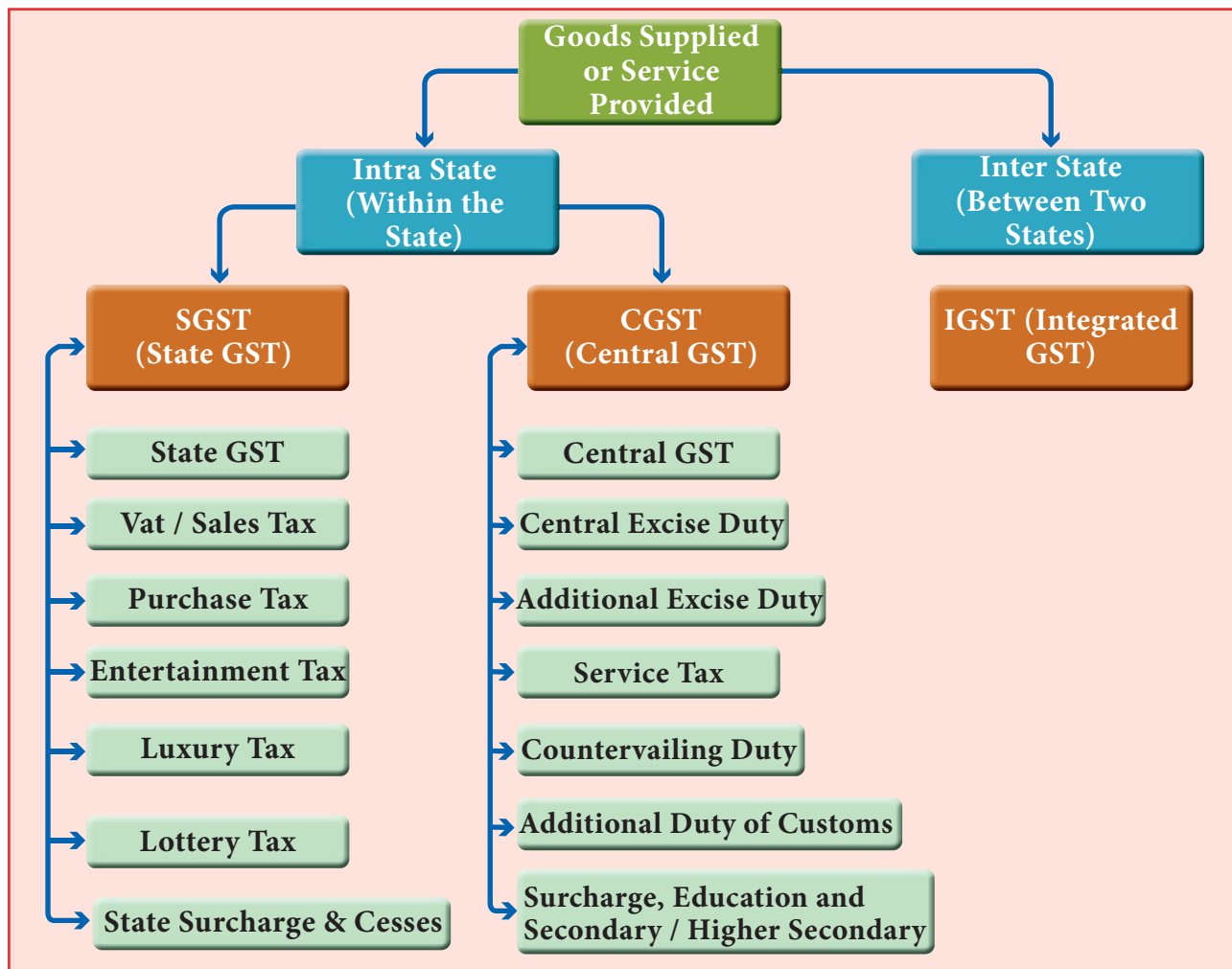
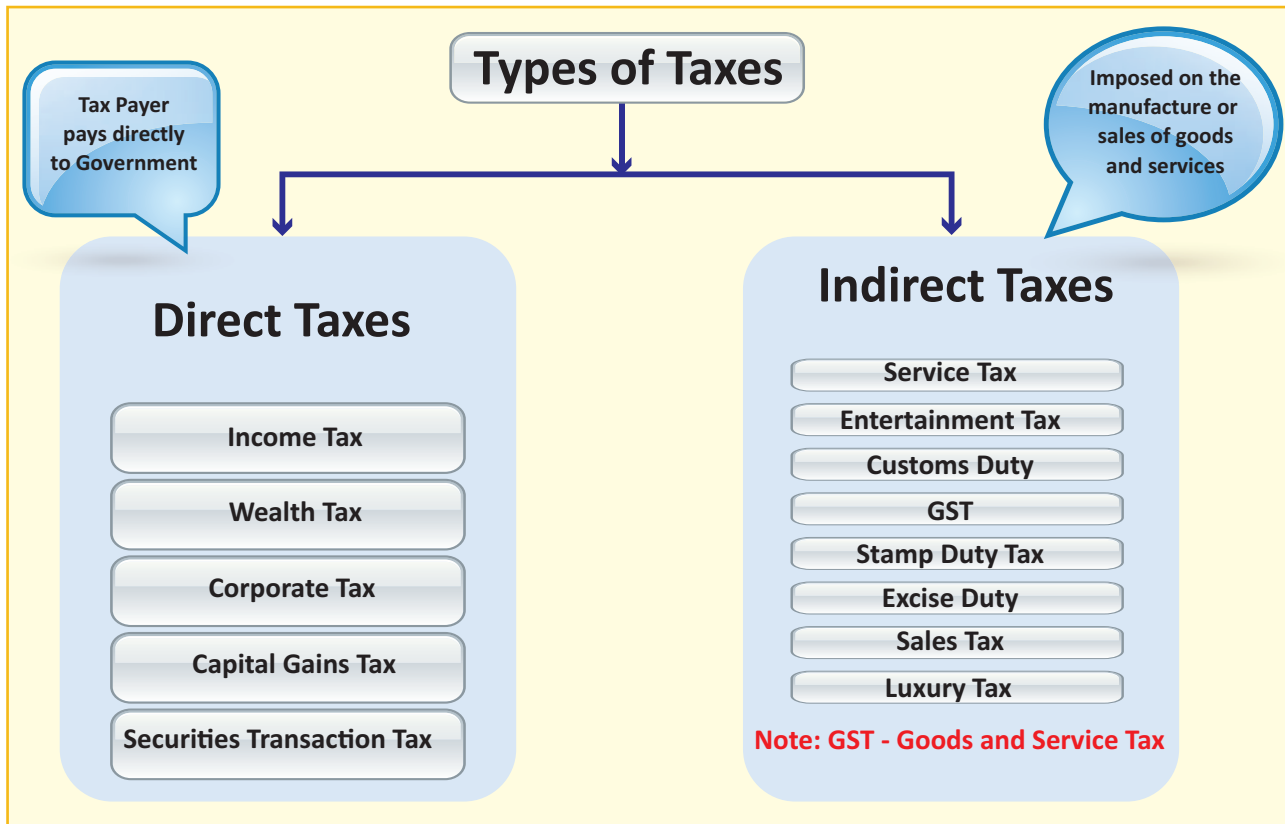
The debate on economic policy has never been as riveting as it is today, with two giants from the world of academic economics, Amartya Sen and Jagdish Bhagwati, tackling each other on what India's governance priorities should be.

### Activity



Assess Tamil Nadu's growth and social indicators improvement.

6.6.2 Tax Structure in India





## Glossary



- ❖ **Civil Service:** Those branches of public service that are not legislative, judicial, or military and in which employment is usually based on competitive examination. The entire body of persons employed by the civil branches of a government.
- ❖ **Appointment:** A non-elected government job. Most jurisdictions offer several kinds of appointments. A noncompetitive appointment is government employment obtained without competing with others, in the sense that is done without regard to civil service registers.
- ❖ **Civil Service Reform:** Civil service reform, which implies developing the capacity of the civil service to fulfill its mandate, defined to include issues of recruitment and promotion, pay, number of employees, performance appraisal and related matters.
- ❖ **Decentralization:** Decentralization is commonly regarded as a process through which powers, functions, responsibilities and resources are transferred from central to local governments and/or to other decentralized entities. In practical terms, decentralization is a process of striking a balance between the claims of the periphery and the demands of the centre.
- ❖ **E-democracy:** E-democracy is the utilization of electronic communications technologies, such as the Internet, to enhance democratic processes, including elections, forums and other participatory means. It is a relatively new political development, as well as the subject of much debate and activity within government, civic-oriented groups and societies around the world.
- ❖ **E-governance:** E-governance can be defined as the application of ICT tools in (1) the interaction between government and citizens and businesses, and (2) in internal government operations to simplify and improve democratic governance.
- ❖ **Globalization:** Globalization is increased global integration and interdependence. It has a multidimensional character: economic, political, social, and cultural. It is characterized by unprecedented rapid flows of goods and services: private capital, circulation of ideas and tendencies and the emergence of new social and political movements.
- ❖ **Good governance:** Good governance entails sound public sector management (efficiency, effectiveness and economy), accountability, exchange and free flow of information (transparency), and a legal framework for development (justice, respect for human rights and liberties) (World Bank).
- ❖ **Human resources:** Human resources is a term with which many organizations describe the combination of traditionally administrative personnel functions with performance, Employee Relations and resource planning. The field draws upon concepts developed in Industrial/Organizational Psychology.



Human resources has at least two related interpretations depending on context. The original usage derives from political economy and economics, where it was traditionally called labor, one of four factors of production. The more common usage within corporations and businesses refers to the individuals within the firm, and to the portion of the firm's organization that deals with hiring, firing, training, and other personnel issues.

- ❖ **Integrity:** In public administration, integrity refers to "honesty" or "trustworthiness" in the discharge of official duties, serving as an antithesis to "corruption" or "the abuse of office." Integrity is a key element that completes the notion of accountability and transparency. It can also be defined as incorruptibility, an unimpaired condition or soundness and is synonymous to honesty.
- ❖ **Public administration:** public administration is centrally concerned

with the organization of government policies and programmes as well as the behavior of officials (usually non-elected) formally responsible for their conduct.

- ❖ **Transparency:** Transparency refers to unfettered access by the public to timely and reliable information on decisions and performance in the public sector, as well as on governmental political and economic activities, procedures and decisions
- ❖ **Welfare State:** Political system based on the premise that the government has the responsibility for the wellbeing of its citizens, by ensuring that a minimum standard of living is within everyone's reach. This commitment is translated into provision of universal and free education, universal medical care, insurance against disability, sickness, and unemployment, family allowances for income supplement, and old age pensions.

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## ( Evaluation )

### I. Choose the correct answer

1. Who appoints the members of the All India Services?
  - a) The President
  - b) The Union Home Minister
  - c) The Chairman of the Union Public Service Commission
  - d) The Attorney General of India
  
2. The Union Public Service Commission, which is concerned with the recruitment of civil services at the Centre,
  - a) Was created through a presidential Ordinance in 1950
  - b) Was created by an executive resolution which was duly endorsed by the Parliament
  - c) Was provided in the Constitution
  - d) Was provided under the Indian Independence Act, 1947.





3. The Composition of the Union Public Service Commission has been
  - a) Laid down in the Constitution
  - b) Determined by the Parliament
  - c) Determined by the president
  - d) Determined by the Union Home Ministry
  
4. What is the chief function of the UPSC?
  - a) To conduct examinations for appointment to All India and Central Services
  - b) To advise the President regarding claims of civil servants for costs incurred in the course of execution of duties
  - c) to advise the President regarding disciplinary action against a civil servant
  - d) All the above
  
5. Members of the UPSC can be removed from office before the expiry of their term by
  - a) the Prime Minister
  - b) the Chairman of the UPSC
  - c) the President on the Recommendation of the Supreme court
  - d) The President on the recommendation of the Parliament
  
6. Which of the following has been wrongly listed at an All India Services?
  - a) India Police Service
  - b) Indian Administrative Service
  - c) Indian Foreign Service
  - d) Indian Economic Service
  
7. Which of the following is not a statutory functions of the UPSC?
  - a) To advise the government on the methods of recruitment, promotion and control of public services
  - b) To look after the interests and right of civil servants
  - c) To hear appeals from civil servants and redress their grievances
  - d) To act as a watchdog on the functioning of the state Public Service Commission
  
8. In India, new All India Services can be created
  - a) Through an amendment in the Constitution
  - b) By the Union Government in Consultation with the UPSC
  - c) By the Parliament
  - d) By the President on the Advice of the Union Council of Ministers





9. A member of a state Public Service Commission can be removed on the ground of misbehavior only after an enquiry has been conducted by
- A committee appointed by the President
  - The Supreme Court of India
  - The High Court of the State
  - A committee appointed by the governor of the state
10. Expenses incurred out of the Contingency Fund of India are
- Subsequently recouped by transferring savings from other heads of budget
  - recouped through supplementary, additional or excess grants by Parliament
  - not recouped till the whole fund is exhausted
  - recouped by collecting contributions from various states
11. Which one of the following motions is related with the Union Budget
- Adjournment motion
  - Cut motion
  - Censure motion
  - None of the above
12. Lok Sabha passes vote on account to
- meet the expenditure during the period between the introduction of Budget and its passage.
  - to meet expenditure on secret service
  - to enable the government to met unexpected expenditure
  - none of the above
13. Which one of the following sets of Bills is presented to the Parliament along with the Budget?
- contingency Bill and Appropriation Bill
  - Finance Bill and Appropriation Bill
  - Finance Bill and Appropriation Bill
  - Direct Taxes and Indirect Taxes Bill
14. Under the Constitution, the Central Government collect various types of taxes, which it has to share with the state governments. Which of the following enjoys Constitutional authority to decide the share of the states in the taxes?
- The Union Finance Minister
  - The Finance Commission
  - The Planning Commission
  - The Union Cabinet in consultation with the President





15. When an advance grant is made by the Parliament pending regular passage of the Budget, it is called
- Vote on Account
  - Token Grant
  - Supplementary Grant
  - Vote on Credit
16. The Parliament exercises control over finances through several methods. Which one of the following has been wrongly listed?
- It prepare and passes central Budget
  - It levies and collects the taxes
  - It sanctions the amounts spent out of the Consolidated Fund of India
17. The parliament of India generally holds three sessions. Which one of the following has been wrongly listed as a session of Parliament?
- Budget Session
  - Monsoon Session
  - Spring Session
  - Winter Session
18. The Lok Sabha is superior to the Rajya Sabha because
- it is a directly elected house
  - the Council of Ministers is accountable to it
  - it controls the budget
  - of all the above reasons
19. A Joint Public Service Commission for two or more states
- cannot be constituted under any circumstances
  - can be constituted by the Parliament on its own
  - can be constituted by the Parliament after a resolution to this effects is passed by the legislatures of the concerned states
  - can be constituted by the president on the recommendation of the Chairmen of the concerned State Public Service Commission
20. When was the Public Service Commission, a forerunner of Union Public Service Commission, was first of all set up in India?
- a) 1926      b) 1938      c) 1947      d) 1950



21. **Assertion(A):** A Secretary is the chief advisor to the minister on all aspects of policy and administrative affairs.

**Reason (B) :** Cabinet Secretary is head of the civil service.

- A) Both A and R are true and R is the correct explanation of A.
- B) Both A and R are true but R is not the correct explanation of A.
- C) A is true but R is false.
- D) A is false but R is true.

22. Match the following

- |                         |               |
|-------------------------|---------------|
| A. Additional Secretary | 1. Section    |
| B. Under Secretary      | 2. Division   |
| C. Deputy Secretary     | 3. Department |
| D. Secretary            | 4. Branch     |
|                         | 5. Wing       |

A B C D

- a) 5 4 2 3
- b) 1 2 3 5
- c) 2 1 3 5
- d) 3 4 5 2

22. **Assertion(A):** India adopted a model of development based on five year plans.

**Reason(R):** In all the five year plans the approach was to fix a goal and employ the bureaucracy to work towards achieving that goal

- A) Both A and R are true and R is the correct explanation of A.
- B) Both A and R are true but R is not the correct explanation of A.
- C) A is true but R is false.
- D) A is false but R is true.

## II - Answer the following questions very shortly:

1. Define Public Administration.
2. Ministry of External Affairs.
3. What is Personnel Administration?
4. IAS.
5. UPSC
6. SSC
7. Explain Financial Administration

### III - Answer the following questions shortly

1. Independent Regulatory Authority.
2. What is GST?
3. What is AYUSH?
4. What is Informal communication?
5. Write about the two modes of recruitment to the All India Services.

### IV - Answer the following questions detail

1. Explain the concept Rule of law.
2. Write about the importance of transparency in Administration.
3. Write about the functions of SSC.
4. Explain the objectives of financial Administration.
5. Describe the structure and functions of Ministry of Home Affairs.

#### Reference Books



- ❖ Ramesh K Arora, Rajini Goel,- Indian Public Administration Wishwa Prakashan Publications, January 2010.
- ❖ Laxmikanth M, Public Administration, TATA McGRAWHILL'S Publications, 2011.
- ❖ Shriram Maheshwari ,Indian Administration: An Historical Account, Published by Jawahar (1994).

#### Web links



- ❖ <https://upsc.gov.in/>
- ❖ <https://cabsec.gov.in/>
- ❖ <https://www.pmindia.gov.in/en/prime-ministers-office/>



### Learning Objectives



- ❖ To outline the emergence and the phase-out of Princely States from pre-independence through post-independence
- ❖ To explain the need for the integration of Princely States in order to consolidate administrative and political fragments
- ❖ To compare the reasons between the apprehension of the Indian government and the insistence of citizens to reorganise States based on linguistic factors
- ❖ To discuss the effectiveness of the changes India underwent after the integration of Princely States and linguistic reorganisation of States
- ❖ To review the different Commissions set up by the government and Acts passed by the Parliament towards reorganisation of States
- ❖ To interpret the social, economic, political, linguistic, and administrative challenges of nation building
- ❖ To illustrate elaborately the various pressing factors that influenced the creation of Tamil Nadu State, thereby establishing a strong foundation for linguistic, ethnic, and political autonomy

### Activity



James Mill was a Scottish economist and political theorist, philosopher, published a three-volume work called THE HISTORY OF BRITISH INDIA in 1817. He divided Indian history into three periods – Hindu, Muslim and British.

According to Mill, before the British came to India, the country was ruled by Hindu and Muslim autocrats, religious intolerance, caste taboos and superstitious dominated the social life in India. Mill felt that the British rule could civilize India by introducing British institutions, laws and manners in the country. According to him, British rule could bring enlightenment and help India to progress.

### Brain Storm

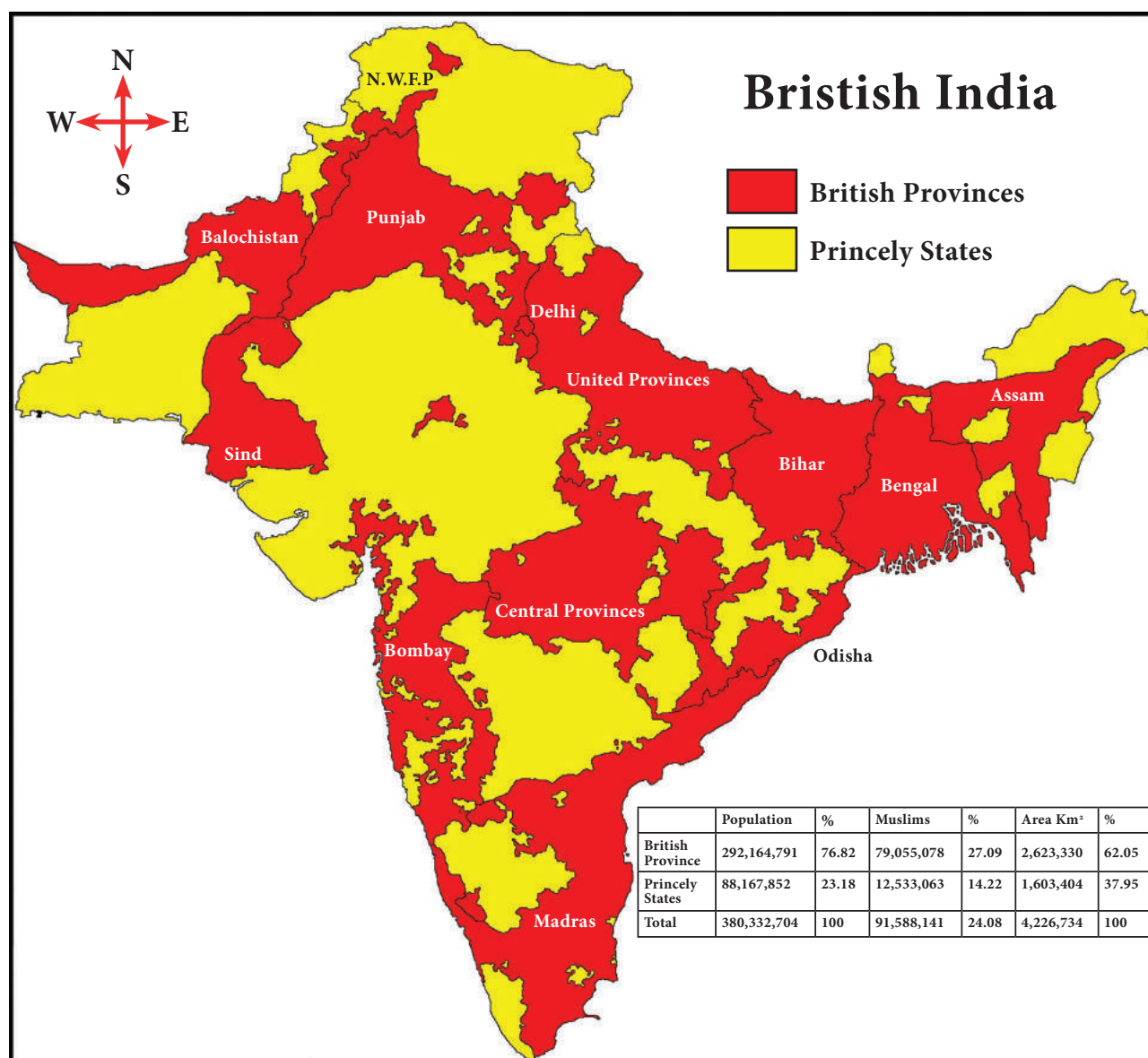
Do you agree with James Mill's periodization and his views on British rule in India?

## 7.1 Integration of Princely States

### Emergence of Princely States in India

A 'princely state' or a 'native state' is a political unit of a larger administrative province, which either is ruled directly by monarchic lineage or serves as a subsidiary coalition with a more powerful monarchic government. These smaller administrative pockets were based on the political, cultural, lingual, and geographical landscape. In the westerns and central India. Princely states came into existence with the entry of Rajputs into the Indian sub-continent who migrated from Central

Asia around 200 AD(CE). The word 'Rajput' means 'sons of kings'. Hence, princely states were established even before the Mughal and British colonial invasion. There were a number of non-Rajput princely states too some ruled by Nawabs and Nijams, some ruled by native dynasties like Mysore, Travancore and Pudukottai. All those monarchical states subordinated to the British India were termed as Princely States. However, the word 'princely' was deliberately retained during the British regime, to ascribe subordination of the rulers in the sub-continent to the British Crown.



## Attempts at Integrating Princely States

As mentioned earlier, the princely states were fragmented administrative pockets and the subject of integration of princely states in the phase preceding Indian independence has a long history even before the Colonial invasion. Many dynasties attempted to integrate the princely states starting from the Maghadan Kings, Bimbisara, and Ajatasatru belonging to sixth century BC(BCE). Then came the Mauryans, and Ashoka, and five centuries later Chandragupta and his son Samudragupta, all of them who almost managed to bring many smaller kingdoms together, but consolidating under one rule still remained a far cry. Many princely states asserted their autonomy while pledging their loyalty to a powerful neighbouring ruler, especially during the time of war. However, when the thirst for power, jealousy and frequent disagreements among kingdoms led to resentment and disunity, it paved way for Arab and Persian invasion, establishing the Moghul empire and eventually conquering the northern part of pre-independent India.

## Princely States under British Raj

### a) Gun Salute System:

Therefore, by the time European colonisation, i.e. the British, Portuguese, and French, started to take over, the disunity worked in their favour to establish their presence, initially through trade. Among the three, the British managed to institute sovereignty under the crown of many princely states but not all. There were 565 princely states in pre-independent India and, the 'gun salute'

system under the British rule was an open gesture to announce the level of affiliation of a princely state to the British East India Company. Therefore, there were two kinds of princely states: 'Salute Princely States' and 'Non- Salute Princely States'.

### b) Salute States

The 'Salute States' were States that had the British East India presence, and there were around 117 to 120 salute states. So, the heads, rulers, or princes of these states, were greeted with gun salutes. The number of guns used to salute a particular head of a State reflected the level of honour and prestige granted to a ruler. A 21-gun salute was the highest honour granted to a ruler and rulers of lesser ranks received a minimum of 9-gun salute. Some of the rulers who received the 21-gun salute include:

- ❖ His Highness the Maharaja Scindia of Gwalior
- ❖ His Highness the Maharaja Gaekwar of Baroda
- ❖ His Highness the Maharaja of Jammu and Kashmir
- ❖ His Highness the Maharaja of Mysore
- ❖ His Exalted Highness the Nizam of Hyderabad and Berar

Some of the rulers who received 9-gun salutes include:

- ❖ The Nawab of Sachin
- ❖ The Maharaja of Patna
- ❖ The Maharana of Wadhwan
- ❖ The Nawab of Loharu

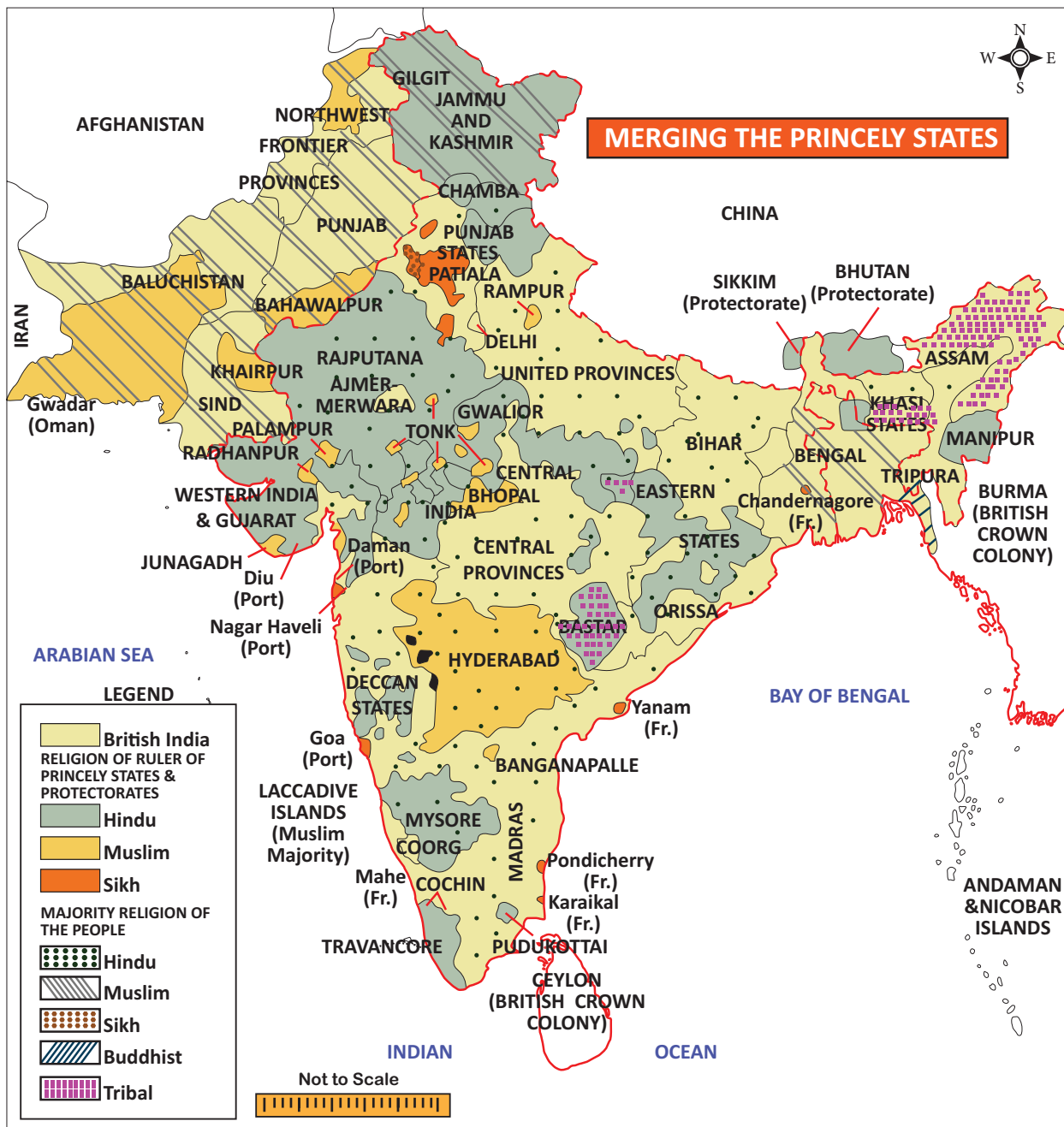
### c) Non-salute States

Among the 565 Princely States, only 117 to 120 were salute states, which implied there were many other States which were under the British rule or British Raj were non-salute states. The number of gun salutes or no gun salute actually had nothing to do with the relevance of the States, i.e. if the State was any less or more important than the rest.

Some heads of States did not receive any gun salute. Some of the reasons include:

- Some were not acknowledged as gun salute states
- Some princely states were considered of lower prestige
- Some princely states were obsolete but the rulers were permitted to their royal entitlements and even received pensions

### Merging the Princely States



## Princely States of India

During the pre-independence phase, many princely states enjoyed the patronage of the British rule and were not eager to part with their privileges when the integration of States was proposed. Some of the rulers were looking forward to establishing finally their own independent State, and assert their autonomy, post-independence. A unification of princely states meant the end of British rule, as well as the dissolving of the princely states, and provinces. In 1947, the unification process began amidst high politics, diplomatic negotiations, and violence. The then British Prime Minister

Clement Attlee when addressing the House of Commons on 15th March 1946 acknowledged the fight for freedom and the lives lost towards the struggle for an independent nation. He also put forth the challenges that India would face given its complex cultural heritage. He said, "I am well aware, when I speak of India, that I speak of a country containing a congeries of races, religions and languages, and I know well all the difficulties thereby created. But those difficulties can only be overcome by Indians. We are very mindful of the rights of minorities and minorities should be able to live free from fear."

### Activity

Identify the prominent personalities and discuss their contributions to our nation with your friend.





Nevertheless, the process towards nation building and negotiations to merge the States began in April 1947. Some of the problems faced towards nation building were communal riots, partition, and refugee crisis. Once India became independent Sardar Vallabhai Patel, took over as the Deputy Prime Minister and Minister of Home Affairs and the merging of 565 princely states began. He along with VP Menon, Patel's able Secretary, who did the groundwork, since he was formerly an Indian civil servant, who served the last three British viceroys, made political integration possible.

Sardar Patel and VP Menon convinced the heads of the Princely States to cooperate by joining the Indian Constituent Assembly. They were also promised that their personal assets and possessions would not be taken over by the government. Many princely states consented, except Junagadh, Kashmir, and Hyderabad who wanted to remain independent.

### Junagadh



The Nawab of Junagadh, or his Dewan, Shah Nawaz Bhutto, father of

Zulfikar Ali Bhutto, who later went on to become the President of Pakistan, both rejected the autocratic rule. Three States surrounding Junagadh, chose to be part of India, and the fourth side it is covered by the Arabian sea. The majority of the population were non-Muslims, nonetheless Dewan Bhutto joined Pakistan on 15<sup>th</sup> August 1947. People started to protest and insisted the Dewan to request the Indian government to take over the administration. By then, the Dewan had already flown with his family to Karachi, the then capital of Pakistan, along with the State's treasure.

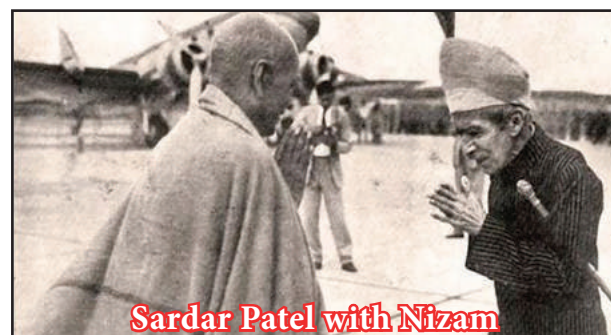


### Activity

#### Role Play

Organise an interview in the colonial period with various royal families, colonisers, and freedom fighters who are on the verge of merging States to establish a nation, 'India'. This activity requires four teams. Team 1 are members of the Royal Family, Team 2 are freedom fighters and politicians, Team 3 are Colonisers, and Team 4 are journalists.

### Hyderabad



The Nizam of Hyderabad was yet another ruler who headed a State with predominantly non-Muslim population.





However, Hyderabad was in the heart of India and anticipated independent status. There were lengthy debates on the issue between Hyderabad and Delhi but Lord Mountbatten informed that it cannot become a Dominion. A 'dominion' meant a self-governing nation in the British Commonwealth. In addition, it became known that the Nizam became a prisoner of a communal organisation, Ittehad-ul-Musilmeen led by Kasim Razvi, whose armed volunteers were called 'razakars'. The Nizam had initially encouraged them but later lost control over their activities. In addition, the Nizam had also lifted the ban on imposed on Communist Party in 1943. The collaborated activities of the Razakars and the Communist party resulted in violence. Trains passing through the State were attacked. With barely any help from the Nizam, the Indian troops were sent into the State in September 1948. The Nizam was offered a large portion of wealth and privileges once he declared that Hyderabad will be part of India.

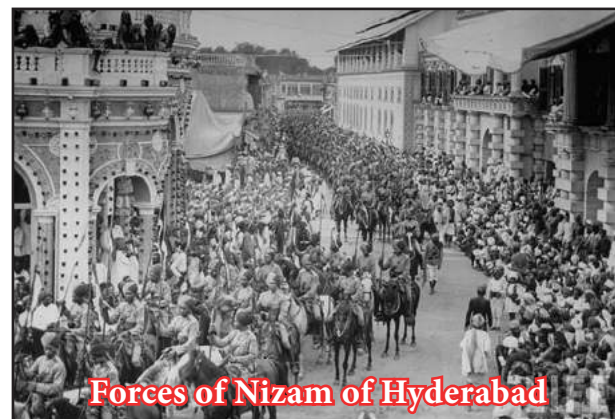
As a result of the Communist anti-landlord uprising in Telangana region of Hyderabad was the Bhoodan movement, meaning the 'gifting of land'. The Bhoodan movement was initiated by Vinobha Bhave, a disciple of Mahatma Gandhi, who promoted the voluntary redistribution of land favouring the landless.

Hyderabad, the largest princely state under Nizam Mir Osman Ali Khan Siddiqi, Asaf Jah VII, wanted to join neither India nor Pakistan. When the peasants of Telangana, who were mostly Hindus, revolted, he exerted violence using his

army to suppress the resistance and to fight against the Indian Union. Eventually, in September 1948, the Indian army under Operation Polo annexed Hyderabad and overthrew the Nizam, merging the State with the rest of the country.

### Jodhpur

Initially, Jodhpur had expressed their desire to join India, but when Maharaja Hanvant Singh took over as the ruler, he preferred joining Pakistan instead of India. Muhammed Ali Jinnah, allegedly offered Maharaja Hanvant Singh, free access to Karachi port, and arms manufacturing and importing them. Seeing the threat posed at the border, Patel made a better offer to Maharaja Hanvant Singh, by permitting importing of arms, rail connectivity between Jodhpur and Kathiawar and supply of grains to farmers during a famine. Fearing communal violence, because the population of Jodhpur were predominantly Hindus, Maharaja Hanvant Singh conceded to join India.



### Kashmir

The only Princely State left was Kashmir, which had a Hindu ruler Maharaja Hari Singh. Since the majority of the population were Muslims, Pakistan



assumed Kashmir belonged to them. Hence, on August 15th 1947, ruler Hari Singh proposed a standstill agreement allowing the mobility of people and goods. Pakistan consented but India refused, which provoked Pakistan to violate the Standstill agreement. When Hari Singh wanted military assistance from India,



**Lord Mountbatten**

Lord Mountbatten clarified that under the International law, India can send her military troops only if the State signs the instrument of accession, which Hari Singh promptly did, on 26<sup>th</sup> October 1954. On the very next day, 27<sup>th</sup> October 1954, the army was sent to Srinagar, ousting Pakistan from the Kashmir valley.

## 7.2 Linguistic Reorganisation of the State

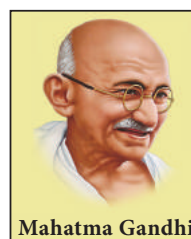
### Pre-Independence

Even before independence, the linguistic vibrancy of the land had a significant impact on mobilising movements and protests during the freedom struggle. Hence, the restructuring of the States based on vernacular languages was of strategic importance in integrating the States as one nation. In fact, when Annie Besant initiated the 'Home Rule Movement', there were more participants from the Southern region.

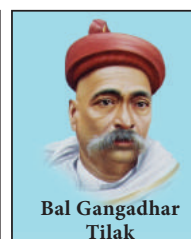
The plan for linguistic re-organisation began in 1917 by the Congress party; plans to redistribute the provinces on linguistic basis came to the fore and by the 1920s, there were expressions on the need to acknowledge vernacular languages for administration and formal education. In fact, many regional Congress members also insisted on linguistic provincials, especially the Andhra Provincial Congress Committee consolidated the Telugu speaking districts from the Madras Presidency in 1917. Noticing the rising demand for a linguistic assertion, the process of re-distribution of provinces began in 1927. After a long struggle that began in 1895, to separate from Bihar from the Odisha Province, Odisha became the first Indian State to be linguistically independent State in 1936. Prominent leaders such as Lokmanya Tilak, Annie Besant, and Mahatma Gandhi were all in favour of States reorganised on linguistic basis.



Annie Besant



Mahatma Gandhi



Bal Gangadhar Tilak

### At the Wake of Independence

Once, India became independent, Congress was apprehensive about separating the States based on vernacular languages fearing more unrest, similar to the religious conflicts that lead to the partition. Eventually, in 1948, the Constituent Assembly set up the first Linguistic Province Commission (LPC), to review the practicality of linguistic provinces under the headship of Justice SK

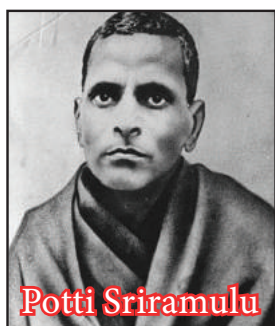
Dhar. This commission called, 'The Dhar Commission' did not favour the linguistic redistribution fearing threat to national unity and difficulty in the administrative process.

Such a decision did not go well with the citizens of the country, especially those in States with independent linguistic identity. Therefore, in 1948, Jawaharlal Nehru, Sardar Vallabhai Patel, and Pattabhi Sitaramayya, who was then the President of the Congress, set up the JVP Committee, to reconsider the demand of linguistic reorganisation.

### The JVP Committee

Initially, the committee adamantly continued to oppose the reorganisation of linguistic States, insisting on higher ideals like unity and development. With the growing demand for linguistic autonomy, a report was generated enabling the creation of linguistic States. Agitation and movements across the country continued until the 1960s.

### First Linguistic State



The first linguistic State was Andhra Pradesh comprising of Telugu speaking people established under pressure. Massive protests prevailed for a prolonged period, costing the life of Potti Sriramulu, who died on the 56th day of his hunger strike. Violent agitation followed all over Andhra Pradesh even after his death. When the protests by Vishalandhra

movement, meaning Greater Andhra, persisted, Nehru was forced to declare the State of Andhra Pradesh, after merging Telugu speaking Hyderabad State and Andhra State in 1956.

### State Reorganisation Commission

Heeding to the growing violent insistence for the creation of States based on linguistic factors from across the country, Jawaharlal Nehru appointed three members with Shri Saiyid Fazl Ali as the Chairman, Hridayanath Kunzru, and K.M. Panikkar as the members to set up the Fazl Commission, to review the demand for separate States. Finally, on 22nd December 1953, the Fazl Commission was in place. The Commission acknowledges four major criteria to consider for the reorganisation of the States based on languages, and the report was submitted in September 1955. The following were the recommendations in brief:

#### 1. Linguistic and Cultural Homogeneity

To reject the ideology of a State speaking only one language because there are States where people speak multiple languages, whereas there are independent multiple States where communities speak the same language. For example, Hindi is spoken across the North Indian States.

#### 2. Financial, Economic and Administrative Considerations

To ensure that the economic, political, and administrative functioning treats all sections of the society in a balanced manner because the Indian constitutions stand for equal rights and opportunities for all her citizens. To acknowledge that linguistic homogeneity

aids in administration. However, it cannot be considered as a unifying principle, ignoring other aspects such as administrative, financial, and political.

### 3. Preservation and Strengthening of the Unity and Security of the Nation

To promote deeper nationalism, unilingual States must realise that a singular language will instil particularistic empathy, which should be countered with more positive and pluralistic measures to ensure deeper content to national feeling.

4. Planning and promotion of the welfare of the people in each state as well as of the Nation as a whole to meet the communicational, educational, and cultural needs of various linguistic communities, who either live in unilingual or multilingual communities of a particular administrative unit.

Eventually, the Commission suggested the reorganisation of the county into sixteen States and three Union Territories. The Indian government accepted the report, though it made few modifications and constituted the State Reorganisation Act in 1956. After the Act was passed by the Parliament, and the Indian government implemented it leading to the creation of 14 States and 6 Union Territories came into existence in 1st November 1956.

The States were Andhra Pradesh, Assam, Bihar, Bombay, Jammu and Kashmir, Kerala, Madhya Pradesh, Madras, Mysore, Odisha, Punjab, Rajasthan, Uttar Pradesh and West Bengal. The six union territories were Andaman and Nicobar

Islands, Delhi, Himachal Pradesh, Laccadive, Minicoy and Amindivi Islands, Manipur and Tripura.

### Emergence of More States

The reorganisation of States continued even after 1956, and not particularly based on vernacular language, after careful consideration by the Parliament. Some of the States that emerged after 1956 include:

- ❖ Bombay Reorganisation Act, 1960: Formation of Gujarat
- ❖ State of Nagaland Act, 1962: State of Nagaland, separate from Assam
- ❖ Punjab Reorganisation Act, 1966: Formation of Haryana
- ❖ New State of Himachal Pradesh Act, 1970
- ❖ North Eastern Reorganisation act, 1971: Formation of Manipur, Tripura, Meghalaya, Mizoram and Union territories of Arunachal Pradesh & Mizoram
- ❖ New State of Sikkim Act in 1975
- ❖ State of Arunachal Pradesh Act, State of Mizoram act 1986: Formation of the States of Mizoram and Arunachal Pradesh
- ❖ State of Goa Act in 1987
- ❖ Reorganisation Act, 2000: Formation of Chhattisgarh
- ❖ Reorganisation Act, 2000: Formation of Uttarakhand
- ❖ Bihar Reorganisation Act, 2000: Formation of Jharkhand
- ❖ Andhra Pradesh Reorganisation Act,

2014: Formation of Telangana

### Pending States

The process of reorganisation of States continues with some of the localities demanding separate States:

1. Harith Pradesh (Western Uttar Pradesh)
2. Purvanchal (Eastern Uttar Pradesh)
3. Bodoland (Northern Assam)
4. Saurashtra (Southern Gujarat)
5. Gorkhaland (Northern West Bengal)
6. Vidarbha (Eastern Maharashtra)
7. Kosal (Odisha)

The formation of States remains a complex issue owing to various forms of diversity, such as culture, caste, religion, language, ethnicity, and even how a particular territory is geographically placed. Therefore, the undercurrent of the constant strife for a separate State lies in access to resources and more importantly asserting identity.

### Activity



Draft a Commission to explore suggestions other than linguistic diversity to be a reason to create States. How can it contribute to the progress of the country?

## 7.3 India after Reorganisation

### After 1947 – Independent India

During the British Colonial period, there were about 600 administrative units as the Princely States. Depending on

the geographical, cultural, and religious preferences, people were given a choice to either stay back in the new country India or equally new country Pakistan. Meanwhile, there were other countries that were formed such as Bhutan. The current administrative units were formed between 1947 and 1950. Some places retained their boundaries from British India such as Mysore, Hyderabad, and Bhopal.

Amidst religious tensions, post-independence witnessed two nations, India and Pakistan. The independence of India led to the close of colonial rule and in the reorganisation of States, which were mostly based on languages, and the rest based on a geographical and cultural basis. Hence, the new nation of India was restructured and reorganised, which instituted easier governance and administration. The reorganisation of the country maintained cultural diversity, linguistic vibrancy, and glorious heritage. One of the primary concerns for the Indian government was to instil sentiments of unity and a deep sense of belonging to the country. During the national movement, Congress did take notice of the impact vernacular languages had in mobilising powerful participation towards freedom.

Immediately after independence, the same vigour had to be translated by redrawing the map of India, which was now destined for self-governance, replacing the colonial mapping, which had completely negated the local lingual, historical, and cultural dynamics of the land. The reorganisation of the States and granting self-governance to the States meant, the central government and the



State government had to balance the powers. However, with the number of agitation that prevailed while restructuring the States based on language, made it clear, that the Centre was stronger than the States. Therefore, the process of nation-building was facing a new ordeal where the country was declared independent, but the States wanted a similar political consolidation based on ethnicity, geographical borders, language and more autonomy in local governance. The key leaders who paved the way for the restructuring include Jawaharlal Nehru and Sardar Vallabhai Patel. However, the pain of partition and circumstances under which the participation led to justifiable concerns for the two leaders. They did not want to divide the country any further because they had a vision a more pluralistic nation, a unified State than one that should be further divided based on any specific identity that differentiates people based on religion, language, or ethnicity. Hence, the apprehension to reorganise the States had its roots from past experiments and experiences. The former provinces and presidencies served the colonial administration, now the States had a specific cultural identity, linguistic individuality, economic viability, geographical placement, political improvement, and administrative convenience.



**Sardar Vallabhai Patel and  
Jawaharlal Nehru**

## Challenges and Negotiations

After the establishment of States, with few more pending to get independent status as a State, the political and administrative history of India is placed within the democratic representation of the States, by legalising their political autonomy constitutionally.

Following the creation of the States, distribution of resources and right to access to resources became the next priority. Some States were large, and some were small. Some States, irrespective of their size, wielded more power than the rest. Therefore, the Central government had to ensure a balance was maintained between the developed and the underdeveloped States. This was ensured through assigning impartial supply of capital, development projects, and labour opportunities. Since the size of the States differed, smaller States raised concerns that the larger States would have more control over resources thus, moderating, or even violating the access of the smaller States to access resources. The result of such sentiments, will lead to resentment, worsen the economic disparity, and assert hegemonic usurpation of resources.

Post-independence, the cultural, social, political, linguistic, and economic restructuring process was implemented for specific political reasons. Restructuring could not be done with the language being the only criterion, because it stood in the way of national integration. It gave certain languages more privilege over the others, which did not go well with States whose linguistic population was





lesser than other dominant languages. Therefore, structuring of States based on languages sparked a debate between national identity and linguistic-cultural identity. Some such communities include Bodos in Assam and the Coorgis in Karnataka. Even if two neighbouring States, spoke the same language, it still caused unrest concerning the assertion of national identity owing to caste, ethnic, and religious differences. Nevertheless, in 1950, 12 languages were recognised but later 22 languages were acknowledged, which shows the growing demand among linguistic-cultural communities aspiring for political identity.

### **Borders**

Prior to independence, the land was divided into Provinces, Princely States, and Presidencies. Once States were declared, the borders had to be negotiated especially between States such as Karnataka and Maharashtra, Maharashtra and Gujarat, Haryana and Punjab, Odisha and West Bengal, and between Andhra Pradesh and parts of Madras Presidency.

Apart from the other differences, the dominant linguistic communities asserted their specific regional and cultural forms of power and identity. These very specific cultural and linguistic identities received patronage from the State. Here again, the State had to accommodate the cultural-linguistic minorities who spoke languages other than the language of the dominant population.

As expected, the dominant population started to assert their power over the minorities, by imposing the language of

the dominant linguistic population in administration, education, employment, judiciary, and economy. To tackle the cultural autonomy, development issues, and regional inequalities. States had to strategise a standard agenda that ensured overall development of all linguistic communities. In spite of the efforts by the government to ensure uniformity, two cultures emerged, the elite and the mass.

### **Rise of Regional Political Parties**

The regional parties across States started to emerge because of region-based identity movements and loyalty towards one's own region. Most of the political parties were capitalised on the local bases of power. The economic inequality and regional disparities slowed down the development pace and in some cases stalled progress. When regional political parties began to emerge, it meant more challenge for the Centre because the problems at the grassroots were not the same throughout the country.

### **Formation of States**

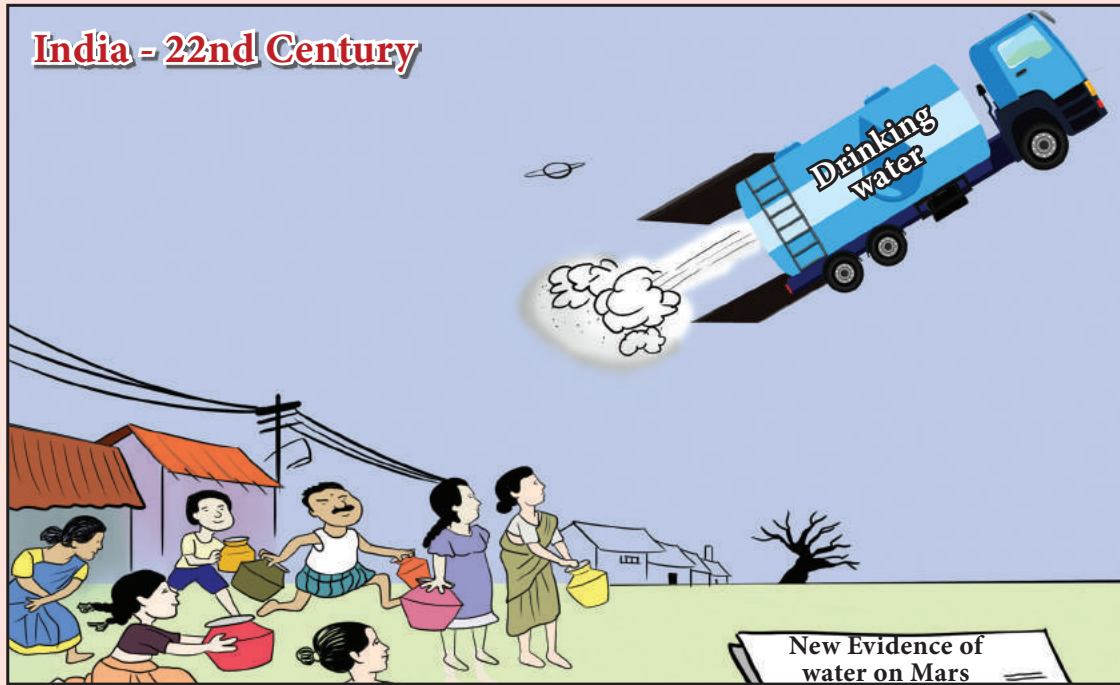
The Parliament in recent context can form a new State by removing a particular locality from any State. Therefore, a single State has the potential to be multiple States. At the same time, the Parliament has the power to increase or reduce the land to be allotted for a particular State. Other powers include changing the boundary and even the name of the State. However, for all these changes to be implemented, a bill will be drafted and referred by the President to the legislature of the State that is in question. The legislature of the State will be granted a certain period to express



Activity: Read the cartoon – identify the context



Can you explain what this cartoon is about?

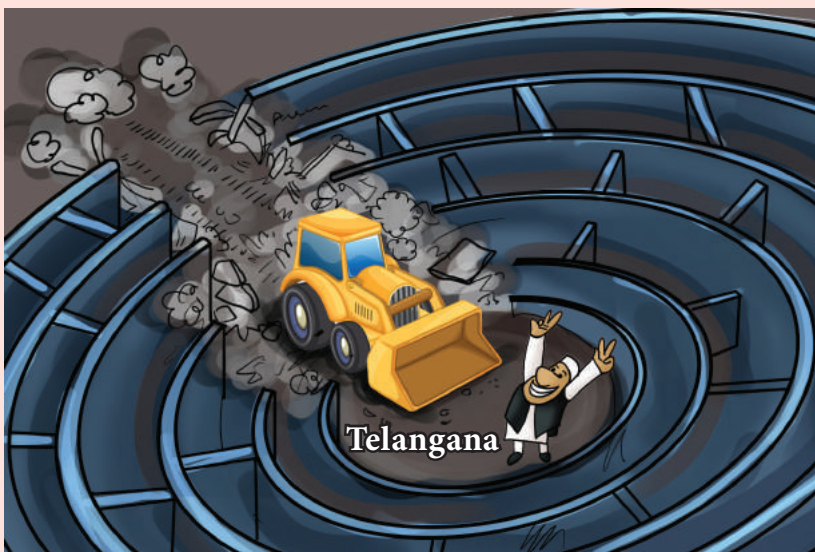


The Hindu - 26.12.2011

Activity: T-Chart (Graphic Organizer)



T-Charts are a type of graphic organizer in which a student lists and examines two facets of a topic, like the 'pros' and 'cons' associated with it, its advantages and disadvantages, facts vs. opinions, etc.



Courtesy: The Hindu - 19.2.2014

**Topic :** Andhra Pradesh was formally bifurcated by an Act of Parliament on June 2, 2014. The event marked the end of the decades-old movement demanding a separate state.



❖ Evaluating the pros and cons of bifurcation of Telangana.

Advantages	Disadvantages

### Activity: Group Discussion



**Topic :** After Right to Information and Right to Education, do you think that the time has come for a Right to Healthcare legislation given the poor state of public healthcare infrastructure in our country?

their views of the State government and then a resolution will be presented before the assembly.

If the State Assembly passes the bill, then the President recommends the introduction of a separate bill in the Parliament. If the Parliament passes the bill, then the President ratifies it and a new State comes into existence.

### Activity



#### Setting up a Political Party

Organise groups and ask them to set up political parties that adhere to the rules of the Indian Constitution. Explore the procedure from setting up a party, registering it with the election commission, to contesting in the elections.

## 7.4. Social, Economic and Political: Challenges of Nation Building

The difference between a State and a Nation must first be examined.

**The State:** A State exists where there is a territory, a people, a government and sovereignty, it may lack the feeling of nationality or of oneness among the people and yet remain a State. The sense of belonging together creates a readiness on the part of the members of a State to subordinate their differences to the common good.

**The Nation:** The word nation comes from the Latin and when first coined clearly conveyed the idea of common blood ties. It was derived the past participle of the verb nasci meaning to be born, and hence the Latin noun nationem connoting breed or race. The term 'nation' emphasises the consciousness of unity among its people and according to the older view, a nation need not necessarily be a State.

### Activity - Think-Pair-Share



**Topic:** Culture played an important role in creating the idea of the nation in India.



## Nationality

The idea of nationality is not easy to define, for there is not one single factor to which it can be traced. It is essentially a sentiment of unity, the resultant of many forces; a community of race and language, geographic unity, a community of religion, common political aspirations, and above all historical development. Ernest Renan (He is best known for his influential and pioneering on 28 February 1823 – 2 October 1892 political theories, especially concerning nationalism and national identity.) He rejects the statist concept of the nation in order to identify the nation as a form of morality. It is solidarity sustained by a distinctive historical consciousness.

The nation he declares is a daily plebiscite differentiating nations from races and tribes on the one hand and imperial states on the other.

He argues that a nation comes into existence only when several elements have come together, especially economic life, language, and territory. According to Ernest Renan, “a nation is a soul, a spiritual principle – only two things constitute this soul: one is in the past; the other is in the present”. One is the possession in common of a rich legacy of remembrances, and the other is the actual consent. The desire to live together, the will to continue to value the heritage, which holds in common, contributes to the feeling of nationality.

### Nehru's letter to Chief Ministers on Nationalism. In 1953, after the success of Everest expedition

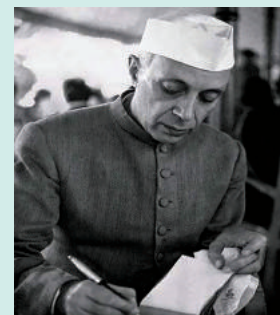
“The final ascent of Everest has been a great achievement in which all of us should take pride. Here again there has been great pettiness and the narrowest type of nationalism shown by some people.

Controversies have arisen as to whether Tenzing got there first or Hillary, and whether Tenzing is an Indian national or a Nepalese national. It does not make the slightest difference ... Neither could have done so without the help of the other.

Indeed, both of them could not have done so without the help of the whole party, ... and the whole party could not have done so without the accumulated experience, labour and sacrifice of all their predecessors who tried to reach the top of Everest.

Great human achievements are always the result of combined endeavours in which numerous people take part. It may be that one person takes the last step, but the other persons also count and should not be forgotten.

For us to show a narrow and deplorable nationalism in such matters is not to add to the credit of our country but to lead people to think that we are petty in outlook and suffering from some kind of inferiority complex.”



## Challenges

**Know-How:** The problem was not only increasing production but also reducing disparities. Pandit Jawaharlal Nehru preferred a planned and mixed economy to make India a self-reliant modern nation without compromising its democratic and federal bases. Five years plans ensured plenty of irrigation schemes, institution of basic industries, speedy electrification and extensions of infrastructure facilities India was able to eliminate diseases like malaria, to ensure self-sufficiency in food production, and to evolve and accelerate development of modern science and technologies.

However during the late 60th and early 70th there were signs of recessions. Leading to political disturbances. Wars with china and Pakistan added to her economic miseries. Nationalisation of bank by Indira Gandhi, electronic revolutions introduced by Rajiv Gandhi did contribute to some positive changes. By 1990 and India had come forward to adopt market oriented new economic policy, thus opening india to LPG (Liberalisation Privatisation & Globalisation)

**Agriculture:** The agriculture sector has been declining since the mid-1990s. There were several farmers suicides since 1990 and the export-oriented agriculture has ruined the farmers especially the cotton growing farmers in the Vidarbha region of Maharashtra.

India's agriculture sector, which houses more than 60 percent of the people, has grown at a rate of 1.65 percent between 1996/97 and 2004/05. This is cause for concern as it may produce India's

second agrarian crisis. (The first one was at the beginning of the 1960s) Subsidies to the rich and middle-income farmers like free power, price supports, free water, and free fertilizer have not been reduced but a public investment that uplifts all has come down.

US\$15 billion loan waiver for farmers announced in the populist Union budget of 2008/09 will not affect the majority of the marginal farmers. Eighty percent of the marginal farmers do not have access to formal loans. Drought proofing 60 million hectares of arable land with the same amount of money would have produced results that are more inclusive.

Mandal Commission recommended reservation for OBCs in Unions educational and employment avenues

**Industry:** The Industrial Disputes Act protects less than 10 percent of India's workforce, which means that more than 90 percent of the workers are in the unorganised sector. The public sector has unionised workers with greater bargaining power and the private sector keeps the workers from joining any union and from taking up any labour issues. Indian industry remains capital intensive, resulting in high-level unemployment in the formal sector. Unemployment is steadily rising resulting in informalisation and casualisation of work.

### Activity

Discussion on Rights To Information Act





## India's Toilet Story

The National Annual Rural Sanitation Survey of the Swachh Gram Mission conducted for 2018-19 has re-confirmed the Open Defecation Free (ODF) status of 90.7% of villages which were previously declared and verified as ODF by various districts and states



### Key Findings



96.5% rural households in India that have access to toilets and use them



90.7% number of villages declared ODF (Open Defecation Free)

92,040

households studied as part of the government's survey

6,136

villages were a part of the government's overarching survey



93.1% households had access to toilets during the survey period



96.5% people who had access to toilets used them

2014

the year Swachh Bharat Mission was launched

500

million people stopped defecating in public

50 million drop in those defecating in public as of today

5.5 lakh villages declared ODF following start of Centre's plan

615 districts declared ODF in the period

30 states and UTs declared ODF in the period

### Where The Survey Went

The working group presented their findings to the Expert Working Group (EWG) constituted for oversight of NARSS

The EWG comprises representatives from organizations including the World Bank, UNICEF, Water Aid, Bill & Melinda Gates Foundation, India Sanitation and Coalition, NITI Aayog, and Ministry of Statistics and Programme Implementation.

The EWG noted the satisfactory completion of the survey round 2 (last year also NARSS conducted a survey).

The survey used PPS (Probability Proportion to Size sampling methodology, which yields results within a confidence interval of 95%.)

**Interpretation of Infograph:** As a class, discuss what you already know or think about the following topic: a.



Land acquisition has become a major problem resulting in the displacement of tribals and their land. India's industrialisation is beginning to demand more and more land. Industrial land acquisition needed to be based on the consent of the local people. Acquisition needed to be preceded by compensation and welfare measures that rendered the acquisition of land for industrial purposes as a developmental endeavour. The current laws give the government substantial powers to acquire land. Forced land acquisition by the government has led to violent unrest in some parts of India.

**Political Challenges:** Interstate inequalities have increased in the post-1991 period. As the Central government's role in funding the State governments became less, the States needed to attract private investment. Some States have turned themselves a hub for foreign investment and some could not. This has resulted in the uneven development of States.

**Union- State Relations:** With more states in India coming under the influence of regional parties, the union-state relations have suffered a setback. Earlier the party in the centre and most of the states were same now the parties ruling the states are different and the regional parties are asking for more state autonomy and a greater role for the Inter-state council. They are also asking for more sharing of the finances from the centre (as the financial relations of the State are limited).

**Challenges in Economy:** Deaton and Dreze point out that the number of Indians

living at less than a dollar a day has come down, even though there is a substantial debate about the extent of decline in the poverty rate. According to one widely quoted estimate, between 1993/94 and 1999/2000, the number of Indians living at less than a dollar a day came down from 36 percent to 26 percent. This means that India has about 270 million absolutely poor people when the figure for China is about 110 million.

Human development in areas such as primary education and health leave a lot to be desired. The result is that even though there has been a decline in the number of people below the poverty line, a strategy of inclusive growth would have achieved poverty alleviation more rapidly.

A shift to LPG since 1990 also resulted in increasing disparities leading to extensive socio-political unrest in different parts of the country. The Dalit India, the tribal India in addition to the OBC India need to be given more attention so as to ensure social integration and National unity.

**Social Challenges:** India's public health record presents a dismal picture during the reform period. The infant mortality rate declined by 30 percent in the 1980s but the same declined by only 12.5 percent in the 1990s. India's (80/1000) infant mortality rate was lower than Bangladesh's (91/1000) in 1990. In 1999, India's infant mortality rate (71/1000) had overtaken Bangladesh's (61/1000).

**Communalism:** India has witnessed communal violence since the time of



partition. Political parties, movements with ulterior motives, fundamental groups spread the stories of hatred among the different communities. It is the 'narratives of hatred' spread by these groups that result in the communal clashes. Minorities are often victims of the communal clashes and their property and livelihood are greatly affected.

**Caste and Gender Discrimination:** Caste clashes and caste discrimination continues to be a major challenge for nation building. In spite of strict laws passed against untouchability, the practice continues in places where the caste system is pronounced. (dis)honour killing is a major blow to the inter-caste marriages in India.

Women are not treated equally to men is a reality and their representation in politics is abysmally low and Violence Against Women (VAW) is increasing. 33% reservation of seats for women in the parliament and assembly seats are yet to be materialised.

The major challenge for India's development is inclusive growth. Growth has unambiguously reduced poverty and improved the human condition in India. However, the gains of the middle and richer classes have been greater than those that went to the poorer sections of society. This is evident from the fact that reforms in areas such as telecommunications, banks, stock markets, airlines, trade and industrial policy have not been matched by agricultural and human development. India's industrialisation continues to be capital and knowledge-intensive at

a time when over 250 million people survive on less than a dollar a day. If India grows in this way it will take a longer time to eradicate poverty, illiteracy, and malnutrition. Moreover, slow progress in human development in areas such as education and health will make it tougher for India to grow in the long run.

The socio-economic and political challenges highlighted above are major challenges to Nation building.

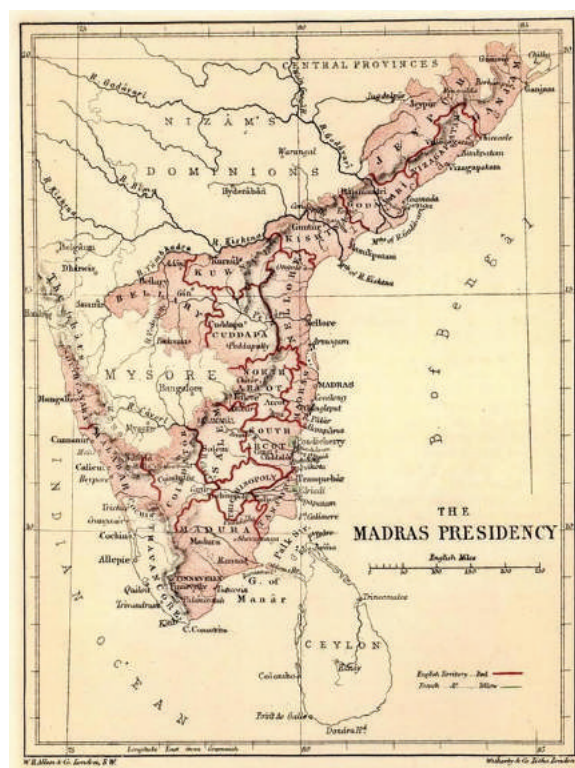
### Activity



#### Development Plans

Frame 4 development projects that are State specific. Two development projects should target rural areas and two development projects that target urban areas.

## 7.5 Formation of Tamil Nadu State



In the year 1802, Lord Wellesley created the Madras Presidency. Until

the second half of the 18th century, the different small Kingdoms ruled South India. The British conquest of South India led to the integration of different Kingdoms into one. This Madras Presidency was an administrative subdivision of British India. This administrative subdivision included the present day Tamil Nadu, Andhra Pradesh, some parts of Odisha, Kerala, Karnataka and the Lakshadweep. After the Independence Madras Presidency became the Madras State. Then due to the linguistically based reorganisation of Indian States on November 1, 1956, the new separate State for Tamil's was created that was formerly known as the Madras State. Later the name of Madras State was renamed as Tamil Nadu after the great political struggle of Tamil people.

### The Emergence of Linguistic Nationalism

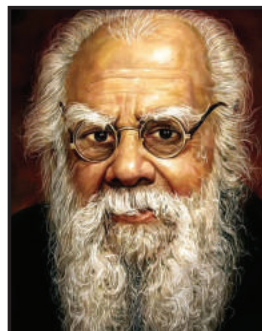
In the early 20th century along with the National consciousness, the linguistic regional consciousness also emerged in the different parts of India due to the influence of the vernacular press and regional political associations. The 'Indian Nation' imagined by the Indian National Congress, a leading body of Nationalist movement contained several problems. One of the problems was it gave the honoured position of national language to Hindi. This created the way for the emergence of Tamil linguistic sub-nationalism in the second decade of the 20th century. It witnessed the emergence of the non-Brahmin movement as a complex issue that included caste conflict, linguistic nationalism and class struggle. T. Madhavan, Tyagaraja, and other non-Brahmin leaders formed the South Indian Liberal Federation.



Tyagarajar



T. Madhavan



Periyar  
E.V. Ramaswamy



Sankaralinganar

Later it was popularly known as the 'Justice Party'. Justice Party was had contested in the provincial elections of Madras at 1920, and it emerged victoriously and formed the government. From 1920 to 1937, it formed four out of the five ministries. Finally, it lost to Congress in the 1937 election, it never recovered. Later emerged the leadership of Periyar E.V. Ramaswamy and his 'Self-respect Movement'. These movements created great influence in the Tamil people's cultural and political life. The consciousness of Tamil nationalism emerged in South India due to the impact of these movements.

### The Idea of Dravida Nadu

Indian National Congress strengthened its organisation in Tamil country through the Civil- Disobedience Movement. In 1937 Congress won the

Madras legislative assembly election and Rajaji became the Chief Minister. After



Maraimalai  
Adigal



Tiru.  
Vi.Kalyanasundaram

that he prioritised and implemented two public policies, first one was abolishing the untouchability and the second one was adopting of Hindi as the National language. Rajaji announcement that Hindi should be a compulsory subject in schools was perceived as an insult to the non-Brahmins pride as Dravidians/Tamilians. EVR Periyar and other Self-respect Movement members organised marches and massive anti-Hindi conferences. (Shiga Miwako and Karashima Noboru, Ed. 2014) Tamil scholars like Maraimalai Adigal, Tiru.Vi.Kalyanasundaram and others convened a lot of public meetings and created awareness among the people about the imposition of Hindi. EVR Periyar extended his wholehearted support to this agitation. He raised even a slogan, 'Tamil Nadu Tamilarukke' (Tamil State for Tamils). He organised the Dravida Nadu Conference in 1939 and demanded the separate Independent 'Dravida Nadu'.

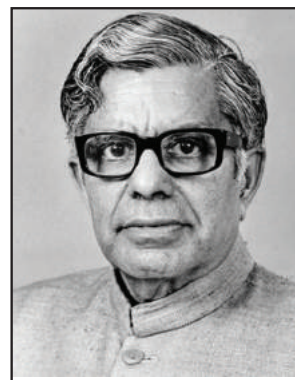
### Kamarajar and Rajaji

A consequence of this protests was the demand for the separated state for the non-Brahmin people, which also included the

Tamils, Telugus, Kannadigas, Malayalees. In 1944 E.V. Ramasamy reorganised the Justice Party into Dravidar Kazhagam in the Salem conference in order to streamline the voice of the Tamils upon the social cause and for the upliftment of the Tamils. Periyar's Salem Conference was noted for its militancy and mass arousing spirit. Now, the object of the Dravidar Kazhagam was to proclaim a sovereign independent Dravidian Republic, which would be federal in nature with four units corresponding to the linguistic divisions, each having residuary powers and autonomy of internal administration. However, the struggle for Dravida Nadu could not get the support outside the Tamil speaking territory.

### The Idea of the State of Dakshina Pradesh

Rajaji initiated the creation of a new concept of political state in South India. This initiation was to counter the Dravida movement. *Dakshina Pradesh* means the amalgamation of Tamil Nadu and Kerala. He spread his ideology through his



C.Subramaniam



Bhaktvatsalam

followers like C.Subramaniam, Bhaktvatsalam, and some others. Rajaji's political idea was vehemently opposed by most of the political parties of South India.



**Achutha Menon**



**N.Sreekantan**



**A.K.Gopalan**

Sreekantan of the Revolutionary Socialist Party, Achutha Menon of Cochin Communist Party and A.K.Gopalan leader of the Travancore Communist Party strongly opposed the idea of the State of Dakshina Pradesh. E.V. Ramasamy wrote an editorial column in the press, *Viduthalai* and requested all Tamils to send telegrams against the formation of Dakshina Pradesh to the Chief Minister of Madras Government. Meanwhile, the people of Karnataka also opposed the concept of Rajaji, particularly Sardar Sarana Gowda



**K.Kamaraj**



**Rajaji**

of Karnataka People's Party. However, Rajaji and his supporters once again raised the concept of Dakshina Pradesh at Amritsar Congress Conference in 1956. There, K.Kamaraj, Chief Minister of Madras State reflected people's resistance and stood against Dakshina Pradesh. He opposed the Dakshina Pradesh concept in all the public meetings and it had aroused a great spirit among the Tamils, who were ready to fight against the concept of Dakshina Pradesh.

### **Linguistic Reorganisation of Indian States after Independence**

The demand of States on linguistic basis was developed even before the independence of India under British rule. After independence, the first ten years of nation-building between 1947 and 1956 saw the issue play a decisive role again and prompted the formation of two major policy directions: one was the official language policy and other the reorganisation of States, that is, federal restructuring. (Yamada, Keiko, Karashima, Noboru (Ed),2014). The reorganisation of the States on the basis of language, a major aspect of national consolidation and integration, came to the force almost immediately after independence.

The boundaries of provinces in pre-1947 India had been drawn in a haphazard manner as the British conquest of India had proceeded for nearly a hundred years. No heed was paid to linguistic or cultural cohesion so most of the provinces were multilingual and multi-cultural. The case for linguistic States as administrative units was very strong. Language is closely related



to culture and therefore to the customs of people. Besides, the massive spread of education and the growth of mass literacy can occur through the medium of the mother tongue. Democracy can become real to the common people only when there is politics and administration or judicial activity unless a state is formed on the basis of such a predominant language. (Chandra, Bipan, Mukherjee, Mridula & Mukherjee Aditya,1999 )

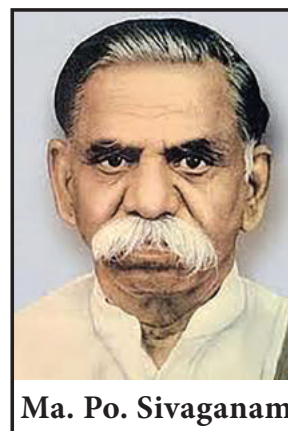
### Formation of Tamil Nadu

The formation of Tamil Nadu, based mainly on political trends and conceived after the linguistic status reorganisation, emerged as an offshoot of the freedom struggle of India. The trends and development in the socio-political scene of Madras-based on the Linguistic Movement. The glory and the antiquity of Tamil language touched the minds of Tamil scholars as well as Tamil people and unified them under the new political system of independent India. The States Reorganisation Commission submitted the final report in 1955. It recommended the creation of the States of Madras, Mysore, and Kerala. According to States Reorganisation Commission, the new Madras State came into existence on 1st November 1956. The States Reorganisation Act, 1956 was a major reform of the boundaries of India's States and territories, organising them along linguistic lines. The State Reorganisation Commission recommended on the basis of the percentage of the people speaking Tamil, in the four taluks namely Agasteeswaram, Thovalai, Kalkulam, and Vilavancode to Tamil Nadu from the State of Travancore.

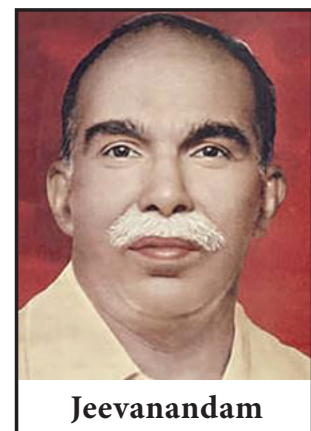
The same yardstick was applied for the transfer of Shenkotta taluk to Tamil Nadu. However , while dealing with Devikulam and Peermedu (Idukki), even though the majority was Tamil speaking people and the representatives to the State assembly were Tamils. The Commission used a different yardstick and recommended to retain in Travancore – Cochin State due to geographical reasons. For the first time in history Tamil Nadu has been created as a district linguistic State.

### Struggle for Renaming Madras State into Tamil Nadu

After the attainment of a separate State for Tamils, they were not fully satisfied since they wanted to change the name of the State from Madras to Tamil Nadu. The struggle for the renaming of Madras State into Tamil Nadu continued for more than a decade. The States Reorganisation Commission had not recommended for the adoption of the name Tamil Nadu for the reorganised Madras State. Ma.Po.Si, tireless efforts an all-party conference was convened on 27th January 1956 which called for a general hartal on 20th Feb 1956. A number



Ma. Po. Sivaganam

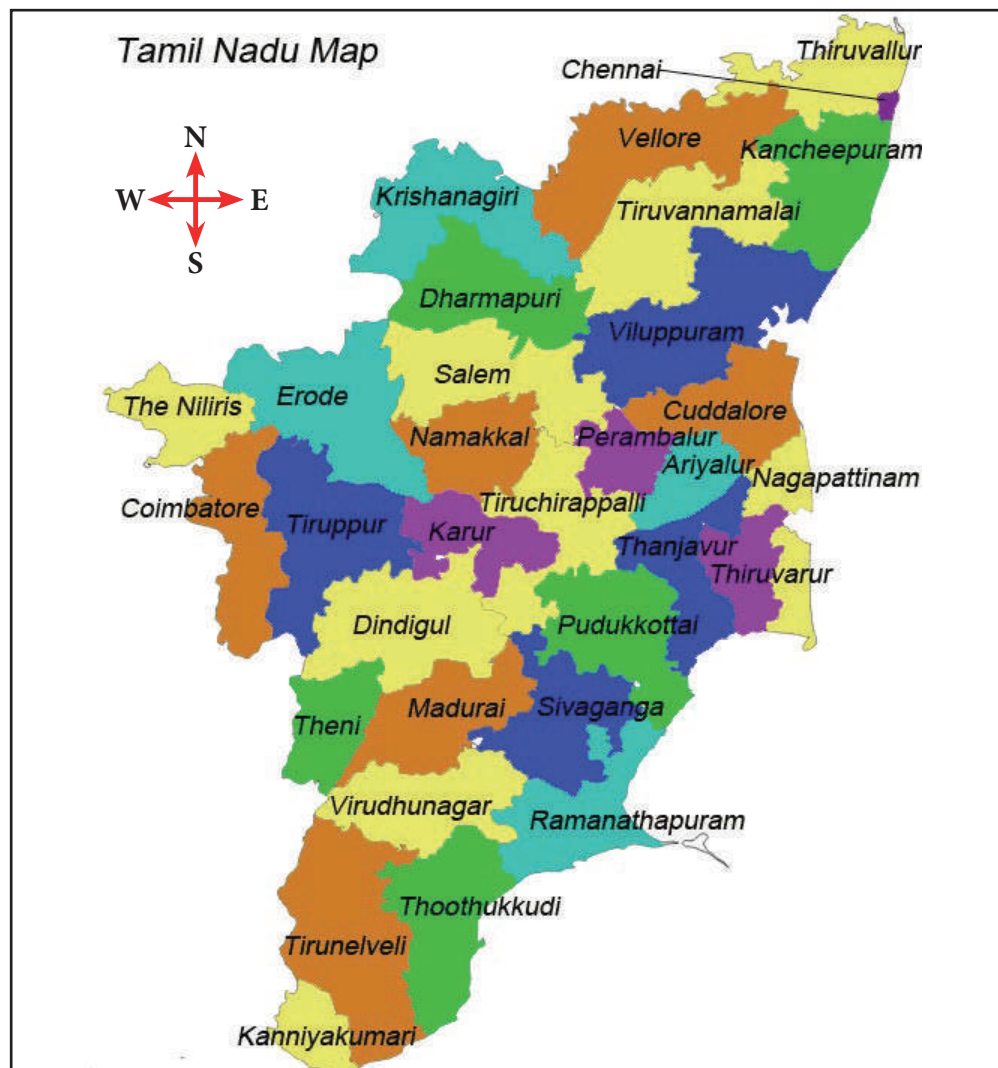


Jeevanandam

of protests and agitation took place in Madras State. Sankaralinganar, a freedom

fighter and one of the disciples of Gandhi who belonged to Virudhunager demanded to rename Madras State as Tamil Nadu. He observed fast unto his death from 27 July 1956 to his last breath on 13th October 1956. The death of Sankaralinganar created a mass struggle in Madras State. College students, labourers, women, and different organisations openly participated in the movements. Later this affected the

politics of Madras State. Owing to the influence of these movements, Congress lost its popularity among the people. Finally, it reflected in the 1967 general election, when Congress was totally swept away from Tamil Nadu and Dravida Munnetra Kazhagam (DMK) captured political power. DMK renamed the Madras State as 'Tamil Nadu'.



### Activity

Trace the various movements in different cities within Tamil Nadu during the formation of the State. What were the different rallies and protests other than the ones mentioned in the text organised across Tamil Nadu?

### Multi Culturalism, Diversity and Process of Nation Building

The new Indian nation evolved during the post-mutiny colonial period, through the national movement, was inspired by past experiences, and emerging

ideas of democracy, liberalism and federalism. The age of monarchies were gone forever, the era of religious states too were gone. In an age of liberal democracy, peoples' will, rights and their linguistic, cultural identities, and their economic development have to be the basis of nation building. The great nation builders of modern times like Mahatma Gandhi and Jawaharlal Nehru were against religious or cultural nationalism (Hindu Nationalism, Muslim Nationalism or Two-Nation Theory, they acknowledged the plural base of emerging new India, hence advocated a democratic liberal and federal India. However, many thinkers have pointed out that the constitution of our New India through called India a union of states did not provide adequate financial and political powers for the constituent states. Over centralization along with insistence on a single national-official language (i.e.Hindi) replacing English would erode into the cultural and linguistic identity of the constituent regions. Jawaharlal Nehru could see the perils involved in replacing English with Hindi, hence gave an assurance on the continuance of English as long as the non-Hindi people desired the same.

### Activity

Trace the various movements in different cities within Tamil Nadu during the formation of the State. What were the different rallies and protests other than the ones mentioned in the text organised across Tamil Nadu?

## Glossary



- ❖ **British Commonwealth** : An association of nations involving the United Kingdom and many former British colonies that later became independent states but continue to pledge allegiance to the British Crown are British Commonwealth.
- ❖ **Cultural Homogeneity** : A State promoted standardisation of culture that interconnects the States, based on the supposition of establishing an ideal unified community is Cultural Homogeneity.
- ❖ **Constituent Assembly** : A body of representatives, who are elected by popular vote, with the objective of creating, changing, or drafting a constitution, i.e. a legal system that determines the fundamental political principles of a government is a Constituent Assembly.
- ❖ **Dominion** : A self-governing nation in the British Commonwealth is Dominion.
- ❖ **Dravidar Kazhagam** : A revolutionary movement that aimed at streamlining the voice of the Tamils towards social cause and for the upliftment of the Tamils is Dravidar Kazhagam.
- ❖ **House of Commons** : The lower house of the Parliament of the United Kingdom, whose members are elected by people. These members are known as 'Members of Parliament'.
- ❖ **Inter-state Council** : A constitutional body set up to develop and encourage a support system between the Centre

and the State to improve the Inter-State coordination and cooperation in India is Inter-state Council.

- ❖ **Monarchic Government** : A kingdom or an empire ruled by king or a queen is monarchic government. However, in a constitutional monarchy, the powers of the monarch are limited but in absolute monarchy, the powers of the monarch are limitless.
- ❖ **Presidency** : A large administrative unit under the British Colonial rule that was governed by a Governor General, or Generals, appointed by Viceroys was called a Presidency. The three Presidencies under the British rule were the Bombay Presidency, the Calcutta Presidency, and the Madras Presidency.
- ❖ **Princely State** : Also known as a 'native state', a Princely State is a political unit of a larger administrative province that either is ruled directly by monarchic lineage (Indian royal family) or serves as a subsidiary coalition with a more powerful monarchic government (Colonial rulers).
- ❖ **Provinces** : A smaller administrative unit than a Presidency that was under the British Colonial rule was called a Province.
- ❖ **Taluk** : A tax or administrative district in some South Asian countries is a Taluk.
- ❖ **Union Budget** : The Union Budget also known as, the 'Annual Financial Statement' is the account or estimation of the Indian government's finances, i.e. receipts and expenditure for the fiscal (financial) year. The fiscal year begins from 1st April to 31st March. The Union Budget is of two types: Revenue Budget and Capital Budget.
- ❖ **Union Territories** : An administrative unit that comes under the governance of the Central government is a Union Territory. During the reorganisation of States, some administrative units were too weak, economically unstable, or were smaller in geographical area to be declared a State. Hence, these places were declared as Union Territories.
- ❖ **Viceroy** : An official of country, colony, or province, who rules as the representative of his or her king or sovereign is a Viceroy.



**I. Choose the correct answer**

1. What did the highest honour, the 21 gun salute granted to a royal member of a Princely State, indicate during the Colonial period?
  - a. The Princely State has the strongest armed forces
  - b. The Royal Member is the ruler of the largest Princely State
  - c. The Princely State actively collaborates with the East India Company
  
2. Who is the author of “India’s Struggle for Independence?”
  - a. Hridayanath Kunzru
  - b. Prof. Bipan Chandra
  - c. Pattabhi Sitaramayya
  
3. Choose the States that were formed once the State Reorganisation Act was passed by the Parliament in 1956
  - a. Andhra Pradesh, Punjab, Manipur, Tripura
  - b. Andhra Pradesh, West Bengal, Madhya Pradesh, Bihar
  - c. Andhra Pradesh, Laccadive, Odisha, West Bengal
  - d. Andhra Pradesh, Tripura, West Bengal, Madras
  
5. How should Industrial Land Acquisition be processed and compensated ?
  - a. Option A
    - i. Obtain the consent of the local people
    - ii. Compensate with welfare measures
  - b. Option B
    - i. Obtain approval from the government
    - ii. Compensate the displaced tribal people
  - c. Option C
    - i. Obtain consent to set up the industry from the government
    - ii. Compensate the government for providing land to set up the industry



6. Periyar E.V. Ramaswamy's 'Self-Respect Movement' triggered which of the following:

- a. Formation of the State of Tamil Nadu
- b. Abolition of Madras Presidency
- c. Inculcation of Tamil nationalism consciousness

7. What is the reason for State governments to seek foreign or private investment?  
Check more than one reason

- a. Private investments provide more funding
- b. Uneven distribution of funding among States by the Central government
- c. Increasing unemployment
- d. All of the above
- e. None of the above

8. In 1956, Jawaharlal Nehru was forced to declare Andhra Pradesh as an independent State on linguistic grounds, owing to mass protests turned violent after:

- a. Resistance by the Nizam of Hyderabad to concede to the demands of India
- b. Hunger strike by Potti Sriramulu resulting in his death
- c. Protests by Vishalandhra movement

9. In 1950, how many languages were recognised?

- a. 26
- b. 22
- c. 12

10. What were the offers made to Maharaja Hanvant Singh of Jodhpur to join either Pakistan or India? (Answer any two)

a. Sardar Vallabhai Patel

- i. Free access to Karachi port
- ii. Rail connectivity between Jodhpur and Kathiawar

b. Muhammed Ali Jinnah

- i. Arms manufacturing
- ii. Supply of grains to farmers during a famine

c. Sardar Vallabhai Patel

- i. Permission to import arms
- ii. Supply of grains to farmers during famine



d. Muhammed Ali Jinnah

- i. Free access to Karachi port
- ii. Arms manufacturing and importing them

**II - Answer the following questions very shortly:**

1. What did the Gun Salute system signify?
2. Define a Presidency and a Province
3. State the motivation of the Bhoodan movement.
4. Name the States that emerged from the former Madras Presidency.
5. List at least three Princely States along with their rulers who resisted merging with India after independence.

**III - Answer the following questions shortly:**

1. Distinguish between a Nation and a State.
2. Outline the reasons for communal violence.
3. How did the Dhar Commission respond to linguistic redistribution?
4. Why did Jawaharlal Nehru felt pressured to declare the first linguistic State?
5. Explain the role of VP Menon in merging the Princely States.

**IV - Answer the following questions detail:**

1. Discuss the emergence of regional political parties in the creation of linguistic States.
2. Describe the role of the Fazl Commission in linguistic State reorganisation.
3. Identify five major challenges in the process of Nation building in India.
4. Explain the Constitutional rule regarding land acquisition.
5. How significant is the 'Self-respect Movement' in shaping Tamil identity?

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## Annexure

### I. List of Constitutional Amendments of India (1<sup>st</sup> to 103<sup>rd</sup> Amendment)

Amendment	Year	Objectives
1 <sup>st</sup> Amendment Act	1951	Added Ninth Schedule to protect the land reform, Added three more grounds of restrictions on freedom of speech and expression, viz., public order, friendly relations with foreign states and incitement to an offence. Empowered the state to make special provisions for the advancement of socially and economically backward classes.
2 <sup>nd</sup> Amendment Act	1952	Readjusted the scale of representation in the Lok Sabha by providing that one member could represent even more than 7,50,000 persons.
3 <sup>rd</sup> Amendment Act	1954	Empowered the Parliament to control the production, supply and distribution of the food stuffs, cattle fodder, raw cotton, cotton seed and raw jute in the public interest.
4 <sup>th</sup> Amendment Act	1955	Made the scale of compensation given in lieu of compulsory acquisition of private property beyond the scrutiny of courts.
5 <sup>th</sup> Amendment Act	1955	Empowered the president to fix the time-limit for the state legislatures. Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a period of ten years (i.e. up to 1970)
6 <sup>th</sup> Amendment Act	1956	Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-state trade or commerce.
7 <sup>th</sup> Amendment Act	1956	State reorganization
8 <sup>th</sup> Amendment Act	1959	Abolition of Zamindaris
9 <sup>th</sup> Amendment Act	1960	Facilitated the cession of Indian territory of Berubari Union (located in West Bengal) to Pakistan as provided in the Indo-Pakistan Agreement (1958).





10 <sup>th</sup> Amendment Act	1961	Incorporated Dadra and Nagar Haveli in the Indian Union
11 <sup>th</sup> Amendment Act	1961	Changed the procedures of election of the vice-president by providing for an electoral college instead of a joint meeting of the two Houses of Parliament. Provided that the election of the president or vice-president cannot be challenged on the ground of any vacancy in the appropriate electoral college.
12 <sup>th</sup> Amendment Act	1962	Incorporated Goa, Daman and Diu in the Indian Union.
13 <sup>th</sup> Amendment Act	1962	Gave the status of a state to Nagaland and made special provisions for it.
14 <sup>th</sup> Amendment Act	1962	Incorporated Puducherry in the Indian Union.
15 <sup>th</sup> Amendment Act	1963	Increased the retirement age of high court judges from 60 to 62 years.
16 <sup>th</sup> Amendment Act	1963	Included sovereignty and integrity in the forms of oaths or affirmations to be subscribed by contestants to the legislatures, members of the legislatures, ministers, judges and CAG of India.
17 <sup>th</sup> Amendment Act	1964	Prohibited the acquisition of land under personal cultivation unless the market value of the land is paid as compensation.
18 <sup>th</sup> Amendment Act	1966	The power of Parliament to form a new state also includes a power to form a new state or union territory by uniting a part of a state or a union territory to another state or union territory.
19 <sup>th</sup> Amendment Act	1966	Abolished the system of Election Tribunals and vested the power to hear election.
20 <sup>th</sup> Amendment Act	1966	Validated certain appointments of district judges in the UP which were declared void by the Supreme Court
21 <sup>st</sup> Amendment Act	1967	Included Sindhi as the 15 <sup>th</sup> language in the Eight Schedule.
22 <sup>nd</sup> Amendment Act	1969	Facilitated the creation of a new autonomous State of Meghalaya within the State of Assam.





23 <sup>rd</sup> Amendment Act	1969	Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years (i.e. up to 1980)
24 <sup>th</sup> Amendment Act	1971	Affirmed the power of Parliament to amend any part of the constitution including fundamental rights. Made it compulsory for the president to give his assent to a Constitutional Amendment Bill
25 <sup>th</sup> Amendment Act	1971	Curtailed the fundamental right to property. Provided that any law made to give effect to the Directive Principles contained in Article 39 (b) or (c) cannot be challenged on the ground of violation of the rights guaranteed by Articles 14, 19 and 31.
26 <sup>th</sup> Amendment Act	1971	Abolished the privy purses and privileges of the former rulers of princely states.
27 <sup>th</sup> Amendment Act	1971	Empowered the administrators of certain union territories to promulgate ordinances.
28 <sup>th</sup> Amendment Act	1972	Abolished the special privileges of ICS officers and empowered the Parliament to determine their service conditions.
29 <sup>th</sup> Amendment Act	1972	Included two Kerala Acts on land reforms in the Ninth Schedule.
30 <sup>th</sup> Amendment Act	1972	Did away with the provisions which allowed an appeal to the Supreme Court in civil cases involving an amount of 20,000 and provided instead that an appeal can be filed in the Supreme Court only if the case involves a substantial question of law.
31 <sup>st</sup> Amendment Act	1972	Increased the number of Lok Sabha seats from 525 to 545
32 <sup>nd</sup> Amendment Act	1973	Made special provisions to satisfy the aspirations of the people of the Telangana region in Andhra Pradesh.
33 <sup>rd</sup> Amendment Act	1974	Provided that the resignation of the members of Parliament and the state legislatures may be accepted by the Speaker/Chairman only if he is satisfied that the resignation is voluntary or genuine.
34 <sup>th</sup> Amendment Act	1974	Included twenty more land tenure and land reforms acts of various states in the Ninth Schedule.





35 <sup>th</sup> Amendment Act	1974	Terminated the protectorate status of Sikkim and conferred on it the status of an associate state of the Indian Union. The Tenth Schedule was added laying down the terms and conditions of association of Sikkim with the Indian Union.
36 <sup>th</sup> Amendment Act	1975	Made Sikkim a full-fledged State of the Indian Union and omitted the Tenth Schedule.
37 <sup>th</sup> Amendment Act	1975	Provided legislative assembly and council of ministers for the Union Territory of Arunachal Pradesh.
38 <sup>th</sup> Amendment Act	1975	Empowered the president to declare different proclamation of national emergency on different grounds simultaneously.
39 <sup>th</sup> Amendment Act	1975	Placed the disputes relating to the president, vice-president, prime minister and speaker beyond the scope of the judiciary. They are to be decided such authority as may be determined by the Parliament.
40 <sup>th</sup> Amendment Act	1976	Empowered the Parliament to specify from time to time the limits of the territorial waters, the continental shelf, the exclusive economic zone (EEZ) and the maritime zones of India.
41 <sup>st</sup> Amendment Act	1976	Raised the retirement age of members of State Public Service Commission and Joint Public Service Commission from 60 to 62.
42 <sup>nd</sup> Amendment Act	1976	It is also known as Mini-Constitution. It was enacted to give effect to the recommendations of Swaran Singh Committee). Added three new words (i.e. socialist, secular and integrity) in the Preamble. Added Fundamental Duties by the citizens (new Part IVA). Made the president bound by the advice of the cabinet. Added three new Directive Principle viz., equal justice and free legal aid, the participation of workers in the management of industries. Shifted five subjects from the state list to be concurrent list, viz., education, forests, protection of wild animals and birds, weights and measures and administration of justice, constitution and organisation of all courts except the Supreme Court and the high courts. Empowered the Centre to deploy its armed forces in any state to deal with a grave situation of law and order.





43 <sup>rd</sup> Amendment Act	1977	Restored the jurisdiction of the Supreme Court and the high courts in respect of judicial review and issue of writs
44 <sup>th</sup> Amendment Act	1978	Empowered the president to send back once the advice of cabinet of reconsideration. However, the reconsidered advice is to be binding on the president, Replaced the term 'internal disturbance' by 'armed rebellion' in respect of national emergency. Made the President declare a national emergency only on the written recommendation of the cabinet. Deleted the right to property from the list of Fundamental Rights and made it only a legal right.
45 <sup>th</sup> Amendment Act	1980	Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indian in the Lok Sabha and the state legislative assemblies for a further period of ten. Facilitated the extension of President's rule in Punjab beyond one year without meeting the two special conditions for such extension.
46 <sup>th</sup> Amendment Act	1983	Interstate sale tax
47 <sup>th</sup> Amendment Act	1984	Land reforms enacted for the state of Assam, Bihar, Harayana, Tamil Nadu, Uttar Pradesh, and West Bengal.
48 <sup>th</sup> Amendment Act	1984	Continuation of force in Punjab.
49 <sup>th</sup> Amendment Act	1984	Gave a constitutional sanctity to the Autonomous District Council in Tripura.
50 <sup>th</sup> Amendment Act	1984	Empowered the Parliament to restrict the Fundamental Rights of persons employed in intelligence organisations and telecommunication systems set up for the armed forces or intelligence organisations.
51 <sup>st</sup> Amendment Act	1984	Provided for reservation of seats in the Lok Sabha for STs in Meghalaya, Arunachal Pradesh, Nagaland and Mizoram as well as in the Legislative Assemblies of Meghalaya and Nagaland.
52 <sup>nd</sup> Amendment Act	1985	This amendment is popularly known as Anti-Defection Law, Provided for disqualification of members of Parliament and state legislatures on the ground of defection and added a new Tenth Schedule containing the details in this regard.





53 <sup>rd</sup> Amendment Act	1986	Made special provisions in respect of Mizoram and fixed the strength of its Assembly at a minimum of 40 members.
54 <sup>th</sup> Amendment Act	1986	Increased the salaries of the Supreme Court and high court judges and enabled the Parliament to change them in the future by ordinary law.
55 <sup>th</sup> Amendment Act	1986	Made special provisions in respect of Arunachal Pradesh and fixed the strength of its Assembly at a minimum of 30 members.
56 <sup>th</sup> Amendment Act	1987	Fixed the strength of the Goa Legislative Assembly at a minimum of 30 members.
57 <sup>th</sup> Amendment Act	1987	Reserved seats for the STs in the legislative assemblies of the states of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland.
58 <sup>th</sup> Amendment Act	1987	Provided for an authoritative text of the Constitution in Hindi language and gave the same legal sanctity to the Hindi version of the Constitution.
59 <sup>th</sup> Amendment Act	1988	Provided for the declaration of national emergency in Punjab on the ground of internal disturbance.
60 <sup>th</sup> Amendment Act	1988	Increased the ceiling of taxes on professions, trades, callings and employments from Rs.250 per annum to Rs.2,500 per annum.
61 <sup>st</sup> Amendment Act	1989	Reduced the voting age from 21 years to 18 years for the Lok Sabha and state legislative assembly elections.
62 <sup>nd</sup> Amendment Act	1989	Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indian in the Lok Sabha and the state legislative assemblies for the further period of ten years (i.e., up to 2000)
63 <sup>rd</sup> Amendment Act	1989	Repealed the changes introduced by the 59th Amendment Act of 1988 concerning Punjab. In other words, Punjab was brought at par with the other states in respect of emergency provisions.
64 <sup>th</sup> Amendment Act	1990	Facilitated the extension of the President's rule in Punjab up to a total period of three years and six months.





65 <sup>th</sup> Amendment Act	1990	Provided for the establishment of a multi-member National Commission for SCs and STs in the place of a Special Officer for SCs and STs.
66 <sup>th</sup> Amendment Act	1990	Included 55 more land reforms Acts of various states in the Ninth Schedule.
67 <sup>th</sup> Amendment Act	1990	Facilitated the extension of the President's rule in Punjab up to a total period of four years.
68 <sup>th</sup> Amendment Act	1991	Facilitated the extension of the President's rule in Punjab up to a total period of five years.
69 <sup>th</sup> Amendment Act	1991	Accorded a special status to the Union Territory of Delhi by designing it as the National Capital Territory of Delhi.
70 <sup>th</sup> Amendment Act	1992	Provided for the inclusion of the members of the Legislative Assemblies of National Capital Territory of Delhi and the Union Territory of Puducherry in the Electoral College for the election of the president.
71 <sup>st</sup> Amendment Act	1992	Included Konkani, Manipuri, and Nepali languages in the Eighth Schedule. With this, the total number of scheduled languages increased to 18.
72 <sup>nd</sup> Amendment Act	1992	Provided for reservation of seats for the STs in the legislative assembly of Tripura
73 <sup>rd</sup> Amendment Act	1992	Granted constitutional status and protection to the Panchayati-raj institutions. For this purpose, the Amendment has added a new Part-IX entitled as 'the panchayats' and a new Eleventh Schedule containing 29 functional items of the panchayats.
74 <sup>th</sup> Amendment Act	1992	Granted constitutional status and protection to the urban local bodies. For this purpose, the Amendment has added a new Part IX-A entitled as 'the municipalities' and a new Twelfth Schedule containing 18 functional items of the municipalities.
75 <sup>th</sup> Amendment Act	1994	Provided for the establishment of rent tribunals for the adjudication of disputes concerning rent, its regulation and control and tenancy issues including the rights, title, and interest of landlords and tenants.





76 <sup>th</sup> Amendment Act	1994	Included the Tamil Nadu Reservation Act of 1994 (which provided for 69 percent reservation of seats in educational institutions and posts in state services) in the Ninth Schedule to protect it from judicial review. In 1992, the supreme court ruled that the total reservation should not exceed 50 percent.
77 <sup>th</sup> Amendment Act	1995	Provided for reservation in promotions in government jobs for SCs and STs.
78 <sup>th</sup> Amendment Act	1995	Included 27 more land reforms Acts of various states in the Ninth Schedule. With this, the total number of Acts in the Schedule increased to 282 But, the last entry is numbered 284.
79 <sup>th</sup> Amendment Act	1999	Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years (i.e., up to 2010)
80 <sup>th</sup> Amendment Act	2000	Provided for an 'alternative scheme of devolution' of revenue between the Centre and state
81 <sup>st</sup> Amendment Act	2000	Empowered the state to consider the unfilled reserved vacancies of a year as a separate class of vacancies to be filled up in any succeeding year or years
82 <sup>nd</sup> Amendment Act	2000	Provided for making of any provision in favour of the SCs and STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to the public services of the Centre and the states.
83 <sup>rd</sup> Amendment Act	2000	Provided that no reservation in panchayats need be made for SCs in Arunachal Pradesh
84 <sup>th</sup> Amendment Act	2001	Extended the ban on readjustment of seats in the Lok Sabha and the state legislative assemblies for another 25 years (i.e., up to 2026) with the same objectives of encouraging population limiting measures.
85 <sup>th</sup> Amendment Act	2001	Provided for 'consequential seniority' in the case of promotion under the rule of reservation for the government servants belonging to the SCs and STs with retrospective effect from June 1995





86 <sup>th</sup> Amendment Act	2002	Made elementary education a fundamental right. The newly added Article 21-A declares that 'the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may determine. 'Changed the subject matter of Article 45 in Directive Principles. Added a new fundamental duty under Article 51-A which reads – 'It shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years'.
87 <sup>th</sup> Amendment Act	2003	Provided for the readjustment and rationalization of territorial constituencies in the states by the population figures of 2001 census and not 1991 census as provided earlier by the 84th Amendment Act of 2001
88 <sup>th</sup> Amendment Act	2003	(Article 268-A) – The Centre levies taxes on services. However, their proceeds are collected as well as appropriated by both the Centre and the states.
89 <sup>th</sup> Amendment Act	2003	Bifurcated the erstwhile combined National Commission for Scheduled Castes and Scheduled Tribes into two separate bodies, namely, National Commission for Scheduled Castes (Article 338) and National Commission for Schedules Tribes (Article 338-A). Both the Commission consist of a Chairperson, a Vice-Chairperson and three other members. The President appoints them.
90 <sup>th</sup> Amendment Act	2003	Provided for maintaining the representation of the Scheduled Tribes and non Scheduled Tribes in the Assam legislative assembly from the Bodoland Territorial Areas District (Article 332 (6))
91 <sup>st</sup> Amendment Act	2003	The total number of ministers, including the Prime Minister, in the Central Council of Minister, shall not exceed 15% of the total strength of the Lok Sabha (Article 75 (1A)). The total number of ministers, including the Chief Minister, in the Council of Ministers in a state shall not exceed 15% of the total strength of the Legislative Assembly of the state. However, the number of ministers, including the Chief Minister, in a state shall not be less than 12 (Article 164 (1A)).





92 <sup>nd</sup> Amendment Act	2003	Included four more languages in the Eighth Schedule. They are Bodo, Dogri (Dongri), Maithili (Maithili) and Santhali. With this, the total number of constitutionally recognised languages increased to 22.
93 <sup>rd</sup> Amendment Act	2005	Empowered the state to make special provisions for the socially and educationally backward classes or the Scheduled Castes or the Scheduled Tribes in educational institutions including private educational institutions. This Amendment was enacted to nullify the Supreme Court judgment in the Inamdar case (2005) where the apex court ruled that the state cannot impose its reservation policy on minority and non-minority unaided private colleges, including professional colleges.
94 <sup>th</sup> Amendment Act	2006	Freed Bihar from the obligation of having a tribal welfare minister and extended the same provision to Jharkhand and Chhattisgarh. This provision will now apply to the two newly formed states and Madhya Pradesh and Orissa.
95 <sup>th</sup> Amendment Act	2009	Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years, i.e., up to 2020 (Article 334).
96 <sup>th</sup> Amendment Act	2011	Substituted 'Odia' for 'Oriya' Consequently, the 'Oriya' language in the Eighth Schedule shall be pronounced as 'Odia'.
97 <sup>th</sup> Amendment Act	2011	Gave a constitutional status and protection to co-operative societies. It made the right to form co-operative societies a fundamental right (Article 19). It included a new Directive Principle of State Policy on the promotion of co-operative societies (Article 43-B). It added a new Part IX-B in the constitution which is entitled as 'The Co-operative societies' (Articles 243-ZH to 243-ZT).
98 <sup>th</sup> Amendment Act	2013	To empower the Governor of Karnataka to take steps to develop the Hyderabad-Karnataka Region.



99 <sup>th</sup> Amendment Act	2014	It provided for the establishment of National judicial commission.
100 <sup>th</sup> Amendment Act	2014	This amendment is the Land Boundary Agreement (LBA) between India and Bangladesh.
101 <sup>st</sup> Amendment Act	2016	Goods and Service Tax (GST).
102 <sup>nd</sup> Amendment Act	2018	Constitutional status to National Commission of Backward Classes.
103 <sup>rd</sup> Amendment Act	2019	10% Reservation for Economically Weaker Section.



## II. High Courts in India

S. No	Name of the Court	Act	Jurisdiction	Seat	Benches
1	Allahabad High Court	High Courts Act, 1861	Uttar Pradesh	Allahabad	Lucknow
2	Bombay High Court	High Courts Act, 1861	Maharashtra, Goa, Daman and Diu, Dadra and Nagar Haveli	Mumbai	Nagpur, Panaji, Aurangabad
3	Calcutta High Court	High Courts Act, 1861	West Bengal, Andaman and Nicobar Islands	Kolkata	Port Blair
4	Chhattisgarh High Court	Madhya Pradesh Reorganization Act, 2000	Chhattisgarh	Bilaspur	
5	Delhi High Court	Delhi High Court Act, 1966	National Capital Territory of Delhi	New Delhi	



6	Guwahati High Court	Government of India Act, 1935	Arunachal Pradesh, Nagaland, Assam, Mizoram	Guwahati	Aizwal, Itanagar, Kohima
7	Gujarat High Court	Bombay Reorganization Act, 1960	Gujarat	Ahmedabad	
8	Himachal Pradesh High Court	State of Himachal Pradesh Act, 1970	Himachal Pradesh	Shimla	
9	Hyderabad High Court	Andhra State Act, 1953	Andhra Pradesh, Telangana	Hyderabad	
10	Jammu and Kashmir High Court	Letters Patent issued by the Maharaja of Kashmir	Jammu and Kashmir	Srinagar and Jammu	
11	Jharkhand High Court	Bihar Reorganization Act, 2000	Jharkhand	Ranchi	
12	Karnataka High Court	Mysore High Court Act, 1884	Karnataka	Bengaluru	Dharwad, Kalburgi
13	Kerala High Court	States Reorganization Act, 1956	Kerala, Lakshadweep	Kochi	
14	Madhya Pradesh High Court	Government of India Act, 1935	Madhya Pradesh	Jabalpur	Gwalior, Indore
15	Madras High Court	High Courts Act, 1861	Tamil Nadu, Puducherry	Chennai	Madurai
16	Manipur High Court	North-Eastern Areas and Other Related Laws Act, 2012	Manipur	Imphal	
17	Meghalaya High Court	North-Eastern Areas and Other Related Laws Act, 2012	Meghalaya	Shillong	





18	Orissa High Court	Orissa High Court Order, 1948	Odisha	Cuttack	
19	Patna High Court	Government of India Act, 1915	Bihar	Patna	
20	Punjab and Haryana High Court	High Court (Punjab) Order, 1947	Punjab and Haryana	Chandigarh	
21	Rajasthan High Court	Rajasthan High Court Ordinance, 1949	Rajasthan	Jodhpur	Jaipur
22	Sikkim High Court	36 <sup>th</sup> Constitutional Amendment Act, 1975	Sikkim	Gangtok	
23	Tripura High Court	North-Eastern Areas and Other Related Laws Act, 2012	Tripura	Agartala	
24	Uttarakhand High Court	Uttar Pradesh Reorganization Act, 2000	Uttarakhand	Nainital	



## Key Terms



Acquired Territories	-	வாங்கிய பிரதேசங்கள்
Administrative Reforms	-	நிர்வாக சீர்திருத்தங்கள்
Administrative Reforms Commission	-	நிர்வாக சீர்திருத்த ஆணையம்
All India Services	-	அகில இந்தியப் பணிகள்
Asserting Identity	-	அடையாளத்தை உறுதிப்படுத்துதல்
Ballot	-	வாக்குச் சீட்டு
Bicameralism	-	ஈரவை சட்டமன்றமுறை
Budget	-	வரவு செலவுத் திட்டம்
Burdensome	-	சுமையான
Bureaucracy	-	அதிகாரத்துவம்/ஆட்சிபணியர்
Business Advisory Committee	-	தொழில் ஆலோசனை குழு
Capitalism	-	முதலாளித்துவம்
Citizen	-	குடிமகன்
Colonial Regime	-	காலனித்துவ ஆட்சி
Committee of Privileges	-	உரிமைகள் குழு
Committee on Delegated Legislation	-	ஒப்படைப்புச் சட்டமியற்றலுக்கான குழு
Committee on Estimates	-	மதிப்பீட்டுக் குழு
Committee on Government Assurances	-	அரசாங்க உறுதிமொழிகள் குழு
Committee on Public Accounts	-	பொதுக் கணக்குக் குழு
Committee on Public Undertakings	-	பொதுத் துறை நிறுவனங்களுக்கான குழு
Committee on Rules	-	விதிமுறைகளுக்கான குழு
Committee stage	-	குழு நிலை
Communal Violence	-	வகுப்புவாத வன்முறை



Commutation	- தண்டனையைக் குறைத்தல்
Concurrent List	- பொதுப்பட்டியல்
Congeries of Races	- பந்தயங்களின் கூட்டாளிகள்
Consolidated Fund of India	- இந்தியாவின் நிரந்தர தொகுப்பு நிதி
Constitution	- அரசமைப்பு
Co-operative Federalism	- கூட்டுறவுக் கூட்டாட்சி
Coterminous	- சமஎல்லையுடையவை
Council of States	- மாநிலங்களவை
Covenanted Service	- உடன்படிக்கை சேவை
Criminal Law	- குற்றவியல் சட்டம்
Defacto	- நடைமுறை அதிகாரம் பெற்ற
Democratic	- மக்களாட்சியிலான
Democratic Federalism	- மக்களாட்சி கூட்டாட்சி
Democratic Socialism	- மக்களாட்சி பொதுதர்மம்
De-subsidization	- தள்ளுபடி
Distinctive Feature	- தனித்துவமான அம்சம்
Distribution of Powers	- அதிகாரப் பங்கீடு
District Magistrate	- மாவட்ட நீதவான்
Dual citizenship	- இரட்டைக் குடியரிமை
Dyarchy	- இரட்டையாட்சி
Economic Doctrines	- பொருளாதார கோட்பாடுகள்
Economic Viability	- பொருளாதார நம்பகத்தன்மை
Economy Disparity	- பொருளாதார ஏற்றத்தாழ்வு
Election Commission	- தேர்தல் ஆணையம்





Electoral College	-	வாக்காளர் தொகுதி முறைமை
Electors	-	வாக்காளர்கள்
Embassies Abroad	-	வெளிநாடுகளில் தூதரகங்கள்
Embodiment	-	வடிவமாகும்
Emergency	-	நெருக்கடிநிலை
Envisaged	-	சிந்தித்தவர்
European Colonization	-	ஐரோப்பிய குடியேற்றம்
Executive	-	ஆட்சித்துறை/செயலாட்சி
External Aggression	-	வெளிப்புற ஆக்கிரமிப்பு
Federalism	-	கூட்டாட்சி
Finance Commission	-	நிதி ஆணையம்
Flexible Constitution	-	நெகிழும்அரசமைப்பு
Gazette of India	-	இந்திய அரசுப் பதிவிதழ்
Geographical Landscape	-	புவியியல் இயற்கை
Globalization	-	உலகமயமாக்கல்
Good and Services Tax (GST)	-	சரக்கு மற்றும் சேவை வரி
Grants-in-Aid	-	நிதி நல்கைகள்/நிதியுதவி
Gun Salute	-	துப்பாக்கி வணக்கம்
Hegemonic Usurpation	-	மேலாதிக்க விரோதம்
Home Rule Movement	-	வீட்டில் ஆட்சி இயக்கம்
Homogeneity	-	ஒரினத்தன்மை
House of the people	-	மக்களவை
Impartial Civil Services	-	பாரபட்சமற்ற பொது சேவை
Impeachment	-	பதவி நீக்கம்





Indian Administrative Service (IAS)	- இந்திய குடிமைப் பணி
Infant Mortality	- குழந்தை இறப்பு
Institutional Memory	- நிறுவன நினைவகம்
Integrity	- நேர்மை
Inter-Alia	- மற்றவற்றிற்கிடையில்
International Monetary Fund	- சர்வதேச நாணய நிதியம்
Inter-State Council	- மாநிலங்களுக்கு இடையேயான குழு
Judicial Positions	- நீதித்துறை நிலைகள்
Judiciary	- நீதித்துறை
Jurisdiction	- அதிகாரவரம்பு
Justifiable Concerns	- நியாயமான கவலைகள்
Lawful Intervention	- சட்டரீதியான தலையீடு
Legislature	- சட்டமன்றம்
Legislature	- சட்டமன்றம்
Linguistic Vibrancy	- மொழியியல் அதிர்வு
Medieval State	- இடைக்கால அரசு
Mixed Economy	- கலப்புப் பொருளாதாரம்
Mobilising Movements	- இயக்கங்களை அணிதிரட்டுதல்
Monarchic Lineage	- முடியாட்சி மரபு
Money Bill	- நிதி முன்வரைவு
Monopolistic	- முற்றூரிமை/ ஏகபோகம்
Myriad	- எண்ணற்ற
Nation	- தேசம்
National Emergency	- தேசிய நெருக்கடிநிலை





Native Elites	- சொந்த உயரடுக்கு
Nepotism	- தகுதியாலன்றி (வேண்டியவருக்கு ஆதரவு)
NITI Aayog	- நிதி ஆயோக்
Non-Monetary Incentives	- பணம் அல்லாத ஊக்கங்கள்
Non-Money Bill	- நிதி சாரா முன்வரைவு
Non-tax Revenue	- வரி சாரா வருவாய்
Oath	- உறுதிமொழி
Official Parlance	- அதிகாரப்பூர்வ பேச்சு
Officialdom	- அதிகாரத்துவம்
Ordinances	- அவசரச்சட்டம்
Parliamentary Constituencies	- நாடாளுமன்றத் தொகுதிகள்
Particularistic Empathy	- தனித்துவமான பச்சாத்தாபம்
Patronage	- ஆதரவு
Permanent House	- நிரந்தர அவை
Pluralistic Nation	- பன்முக நாடு
Political Autonomy	- அரசியல் சுயாட்சி
Political Fragments	- அரசியல் துண்டுகள்
Portfolios	- துறைகள்
Poverty Alleviation	- வறுமை ஒழிப்பு
Prerogative	- தனிச்சிறப்புரிமை
President	- குடியரசுத்தலைவர்
Presidential executive	- குடியரசுத்தலைவரின் செயலாட்சி
Princely State	- சுதேச அரசு
Private Member Bill	- தனி நபர் மசோதா





Pro- tem	- இடைக்கால
Proclamation of Emergency	- நெருக்கடிநிலைப் பிரகடனம்
Proportional representation	- விகிதாச்சார பிரதிநிதித்துவம்
Provincial autonomy	- மாகாண சுயாட்சி
Quasi sovereignty	- ஓரளவிலான இறையாண்மை
Quota	- இட ஒதுக்கீடு
Ramification	- கிளைத்தல்
Republic	- குடியரசு
Reputable Profession	- மரியாதைக்குரிய தொழில்
Resentment	- சீற்றமாக
Revenue Affairs	- வருவாய் விவகாரங்கள்
Rigid constitution	- நெகிழா அரசமைப்பு
Royal Entitlements	- அரசு உரிமை
Salute States	- வணக்கமுறைமை சுதேச அரசுகள்
Scheduled and Tribal Areas	- அட்டவணை மற்றும் பழங்குடியினப் பகுதிகள்
Secular	- மதச்சார்பற்ற
Select Committee	- தேர்வுக் குழு
Social Transformation	- சமூக மாற்றம்
Socialist	- சமதர்மவாதி
Sovereign	- இறையாண்மையுள்ள
Sovereignty	- இறையாண்மை
Speaker	- அவைத்தலைவர்/ சபாநாயகர்
Standing Committee	- நிலைக்குழு
State	- அரசு





Statutory Bodies	- சட்டப்படியான அமைப்புகள்
Tax Revenue	- வரி வருவாய்
The Chief Electoral Officer	- தலைமை தேர்தல் அதிகாரி
Transient Assertion	- இடைநிலை வலியுறுத்தல்
Transnational Forces	- சர்வதேச சக்திகள்
Unethical	- நெறிமுறையற்ற
Unified State	- ஒன்றுபட்ட அரசு
Unifying Principle	- ஒன்றுபட்ட கொள்கை
Union Public Service Commission	- மத்திய அரசுப் பணியாளர் தேர்வாணையம்
Union territories	- ஒன்றியப் பிரதேசங்கள்
Unionised Organisation	- தொழிற்சங்க அமைப்பு
Unitary	- ஒற்றையாட்சி
Unlawful	- சட்டவிரோத
Vernacular Languages	- வட்டார மொழி
Veto	- ரத்து அதிகாரம்
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