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Regulating Act of 1773

Significance

- British decided to regulate East India Company
- demarcated the Political and Administrative functions of Company
- laid foundations for central administration in India

Features

- Governor of Bengal was designated as Governor general of Bengal
- Governors of Bombay and Madras became subordinate to Governor general
- Executive council of 4 members was formed to assist Governor general
- Officers were prohibited from private trade

Pitts India Act 1784

Features

demarcated the political and commercial functions of the company

Commercial affairs to be managed by Court of Directors

Political affairs to be managed by a newly formed Board of control

Board of control can supervise the operations of government and revenue

British government got complete control over company's affairs

Charter Act 1833

Features

Governor general of Bengal was designated as Governor general of India

Bombay and Madras presidencies lost their legislative powers

Governor general got complete control over civil and military affairs

Law member was added as fourth member to the Governor General's Council

Law Commission was constituted

laws made from these act were named as acts

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previously called as regulations

East India company has to end its commercial activities

It merely became an Administrative body

First Governor general of India: Lord William Bentick

Charter Act 1853

Features

A separate governor was appointed for Bengal

Extended the company's rule to possess Indian territories

no specification of tenure

Separated the legislative and executive functions of Governor General's council

Open competition was introduced to recruit for civil services

Macaulay committee was appointed in 1854

Number of court directors were reduced from 24 to 18



Legislation became a separate entity

Central Legislative Council was formed

Six legislative members

Local representation for the first time in Legislative council

4 members from local provincial governments

2 members appointed by British

Madras

Bombay

Bengal

Agra

it functioned as mini-parliament in making laws

Government of India Act 1858

Features

East India company was abolished

Court of Directors and Board of control were abolished

Governor General of India was designated as Viceroy of India

Office of the "Secretary of state" was formed

secretary was the member of British cabinet

A 15 member council was formed as an advisory body with Secretary of state as Chairman

Facts

Also called as "Act for the good government of India"

First viceroy of India

Lord Canning

direct representative of British crown

Indian Councils Act 1861

Features

Legislative powers of Bombay and Madras were restored

Viceroy can appoint Indians as non-official members of his council

new legislative councils were established at

Bengal 1862

NWFP 1866

Punjab 1897

Viceroy was empowered to make rules and orders

Viceroy can issue ordinances during emergency

no need for support from legislative council

valid for 6 months from promulgation

Maharaja of Patiala

Indian Council Act 1892

Features

increased the number of members in non-official council

legislative members can discuss budget and ask questions

nomination system for non-official members

Viceroy can appoint non-official members for Central Legislative council

Governors can appoint non-official members for Provincial Legislative council

Central legislative council was expanded from 16 to 60 members

Members count in Provincial assembly was not constant

Members in councils were empowered to ask Supplementary questions and move resolutions on budget

Indian Councils Act 1909

Features

- Central legislative council was expanded from 16 to 60 members
- Members count in Provincial assembly was not constant
- Members in councils were empowered to ask Supplementary questions and move resolutions on budget
- Provincial legislative councils was allowed to have non-official majority
- Indian were admitted in executive councils of Viceroy and Governor
- System of communal representation was introduced
 - Separate electorate system
 - Muslims can vote only for Muslims
 - also provided for local bodies and Zamindars
 - Introduced by Lord Minto
 - Became the "Father of Communal electorate"

Facts

This act is also called as Morley-Minto reforms

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Lord Morley - Secretary of state

Lord Minto - Viceroy of India

Government of India Act 1919

Facts

Also known as Montagu-Chelmsford reforms

Montagu - Secretary of state
Chelmsford - Viceroy of India

British declared the act as "introduction of responsible government in India"



Provincial subjects were divided into two

1) Reserved subjects

Administered by governor along with his executive council
not responsible to the legislative council

2) Transferred subjects

Administered by governor with the aid of ministers
ministers are responsible to the legislative council

Central and Provincial legislatures were authorized to make laws on their respective subjects

This system is popularly known as "Dyarchy"

Budget

Provincial budgets were separated from Central budget

Provincial legislatures were empowered to enact their budgets

Simon Commission

Commission

Statutory Commission

7 members

Constituted to report the impact of new constitution on India

Chairman: Sir John Simon

Submission of report: 1930

Recommendations

Abolition of Dyarchy

Continuation of communal electorate

Establishment of federation of British India and Provinces

Communal Award

Features

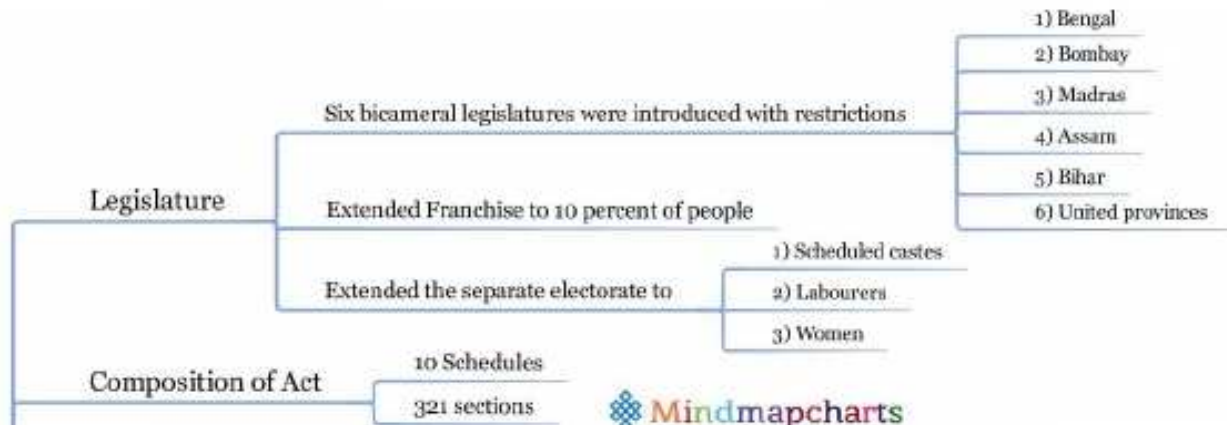
Scheme for Representation of minorities

Announced by Ramsay MacDonald(British PM)

Separate electorates were extended to Scheduled castes

Gandhiji's fast led to Poona pact

Hindus to have Joint electorate
reserved seats for Scheduled castes



Indian
Independence Act
1947

Features

Provisioned for Partition of India

British dropped its title "Emperor of India"

abolished the

office of viceroy

office of secretary of state

Governor general was given powers to assent or Veto the Bill

Discontinued the appointment of members for civil services

Ended British rule in India and India became a Sovereign state

Provisioned for governance of India by Government of India act 1935 at will

Granted freedom to Princely states to either join or remain independent

Background

First proposed by M. N. Roy in 1934

Indian National Congress demanded for Constituent assembly in 1935

Demand was accepted in principle in August offer of 1940

Cripps proposals were rejected due to territorial ambitions of Muslim League

Cabinet mission plan proposed a scheme acceptable by both parties

First meeting: 9-Dec-1946

Muslim league boycotted

Legislative body

Chaired by G V Mavlankar

to prepare constitution for free India

Composition of
constituent
assembly

Total strength of the Assembly - 389

296 - British India

93 - Princely states

292 - provinces

4 - Chief commissioner's provinces



Seats were allotted in proportion to the population

Elections were conducted by proportional representation by means of single transferable vote

Representatives of princely states were nominated by their respective heads of princely states

Seats were decided among the three principal communities

General (Other than Sikhs and Muslims)

Muslims

Major committees



Union powers committee: Jawaharlal Nehru

Union Constitution committee: Jawaharlal Nehru

States committee: Jawaharlal Nehru

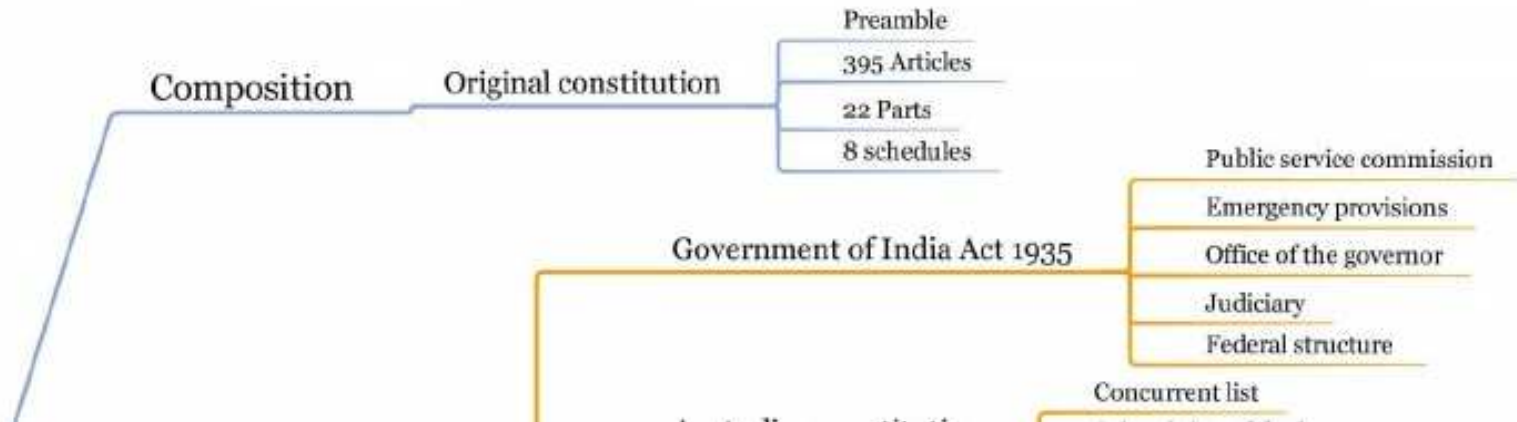
Drafting committee: Dr. Ambedkar

Rules of procedure committee: Dr. Rajendra prasad

Steering Committee: Dr. Rajendra prasad

Provincial Constitution committee: Sardar Patel

Advisory committee on Fundamental rights and minorities: Sardar Patel



Preamble

Background

Literally means "Preface of the constitution"

Created based on the 'objectives resolution' by Pandit Nehru



Important facts

Preamble is non-Justiciable(not enforceable in any court)

Elements in Preamble cannot be altered under article 368

As per supreme court Preamble is a part of constitution

42nd constitutional amendment act of 1976 added three words to the preamble

Socialist

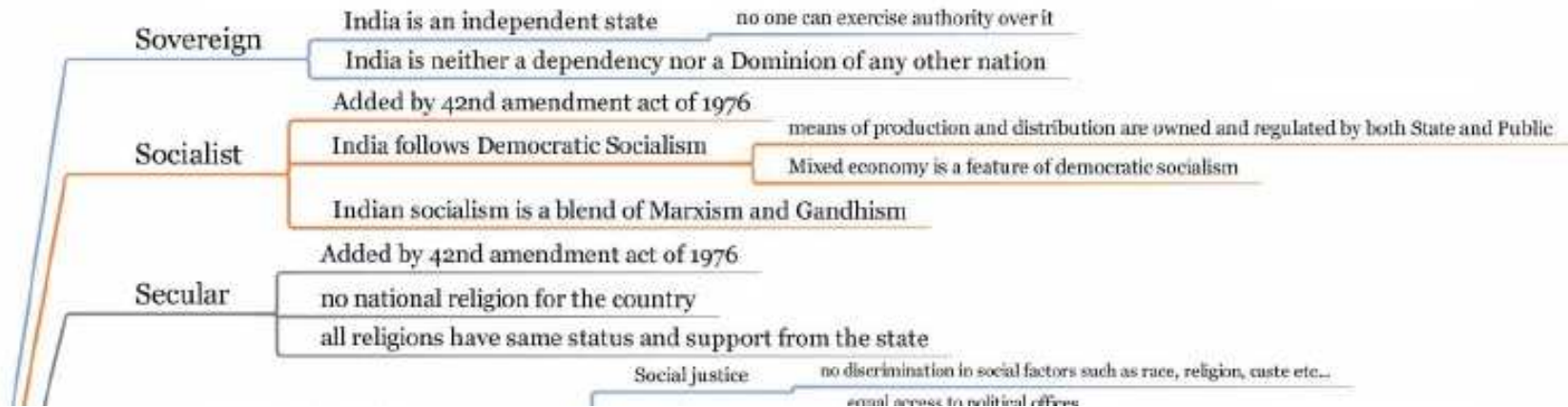
Secular

Integrity

Sovereign

India is an independent state

no one can exercise authority over it



Union and its Territory

Article 1

"India, that is Bharat, shall be a Union of States."

States have no right to secede from the union

Classification of Indian territories

1) Territories of states

2) Union territories

3) Territories acquired by India

specified in the First Schedule

Article 2

Parliament can admit or establish new states

form a new State by

uniting two or more States or parts of States

separation of territory from any State

Commissions on



Dhar Commission

Linguistic Provinces Commission 1948

Chairman: S K Dhar

to find possibilities to reorganize the states on linguistic basis

Report recommended to reorganize the states based on ease of administration

JVP committee

Linguistic Provinces committee 1948

to find possibilities to reorganize the states on linguistic basis

Members

Jawaharlal Nehru

Vallabhbhai Patel

Citizenship Part II

Article 5

Every person domiciled in Indian territory are citizens of India if

- a) born in the territory of India
- b) either of his parents was born in the territory of India
- c) ordinarily resident in the territory of India for not less than five years

Persons migrated from Pakistan to territory of India are citizens of India if

Article 6

- a) he or either of his parents or any of his grandparents was born in India
- b) migrated before 19 July, 1948 and an ordinarily citizen from migration
- c) migrated on or after 19 July, 1948 and registered as a citizen of India by a Government officer

Article 7

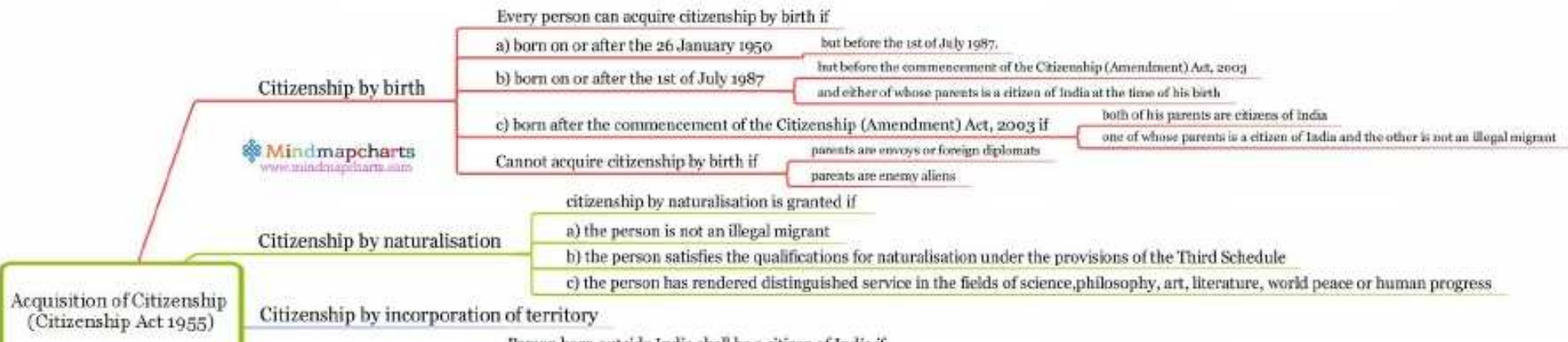
A person is not a citizen of India if _____ migrated to Pakistan after the first day of March, 1947

Article 8

Persons ordinarily residing in any country outside India are citizens of India if _____ he has been registered as a citizen of India by the diplomatic or consular representative of India

Article 9

A person is not a citizen of India if _____ he has voluntarily acquired the citizenship of any foreign State



Citizenship act 1955

Background

An Act to provide for the acquisition and determination of Indian citizenship

The act has been amended four times during 1986, 1992, 2003 and 2005

Acquisition of Citizenship

Citizenship by birth

Citizenship by descent

Citizenship by naturalisation

Citizenship by registration

Citizenship by incorporation of territory

Termination of Citizenship

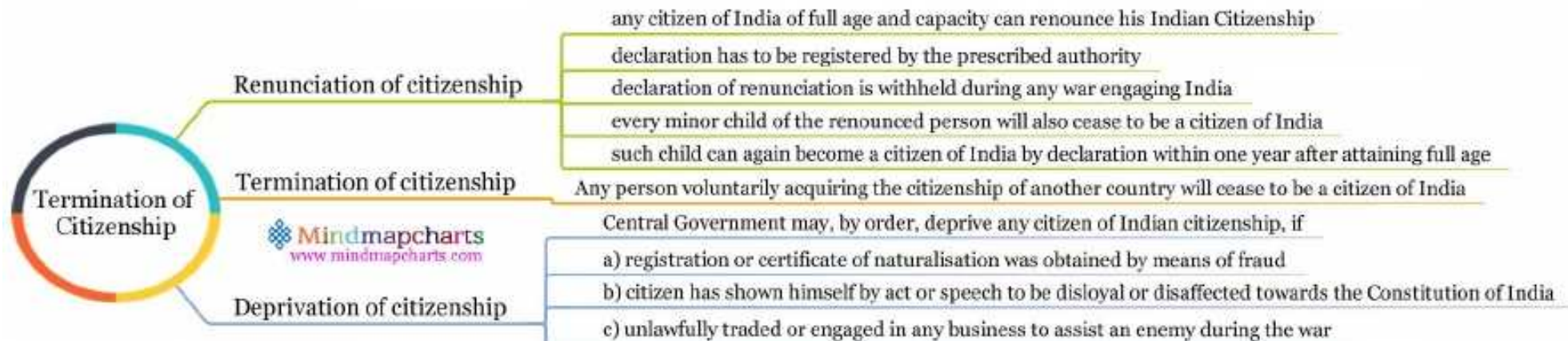
Renunciation of citizenship

Termination of citizenship

Deprivation of citizenship

Minor

person who has not attained the age of 18 years



Fundamental rights

Composition



Part III

Articles 12 to 35

Initially 7 articles

At present 6 articles

'Article 31 - Right to property' has been removed

44th amendment act 1978

it is now a legal right under article 300A of Part XII

Article 12

Definition of state

Article 13

Laws inconsistent with or in derogation of the fundamental rights

Articles 14 to 18

Right to Equality

Articles 19 to 22

Right to freedom

Articles 23 & 24

Rights against exploitation

Article 25 to 28

Right to freedom of Religion

Articles

Characteristics of Fundamental Rights

Fundamental rights are not absolute rights

they are qualified in nature

State can impose restrictions as per court standards

Fundamental rights are not permanent

they can be amended by constitutional amendment

Fundamental rights can be suspended during emergency



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Fundamental rights are Justiciable

People can move the courts in case of violation

Guaranteed by Supreme court

aggrieved person can approach the Supreme court directly

no need to appeal to the subordinate courts

Article 12
"the State"

The term "State" comprises of

Government and Parliament of India

Government and the Legislature of each of the States

all local or other authorities within the territory of India

all local or other authorities under the control of the Government of India.

Laws inconsistent with fundamental rights

laws inconsistent with the provisions of Part III are deemed to be void

any "law" made by State which takes away or abridges the rights under Part III are void

Article 13

Laws inconsistent with fundamental rights

laws inconsistent with the provisions of Part III are deemed to be void

any "law" made by State which takes away or abridges the rights under Part III are void



the term "Law" includes

Ordinances

An authoritative order

Orders

a written direction of a court or judge

bye-laws

a regulation made by a local authority or corporation.

Rules

Regulations

A rule or directive made and maintained by an authority

Notifications

Custom laws

laws established by or based on custom rather than common law or statute.

Right to Equality
Articles 14 to 18

Article 14 - Equality before law

State shall not deny to any person equality before the law
State shall not deny to any person equal protection of the laws

Article 15 - Prohibition of discrimination

State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth

No citizen shall, on grounds only of religion, race, caste, sex or place of birth is restricted

i) to access shops, public restaurants, hotels and places of public entertainment

ii) to use of wells, tanks, bathing ghats, roads and places of public resort maintained out of State funds

Special case: State is not prohibited from making

special provisions for advancement of socially and economically backward classes

special provisions for women and children

Article 16 - Equality of opportunity

No citizen shall, on grounds only of religion, race, caste, sex or place of birth is discriminated for employment

all citizens must have equal opportunity for employment to any office under the State.

Special case

State is not prohibited from making special provisions for reservation or promotions of backward classes

State cannot impose restrictions on religious institutions regarding election of their official from same religion

Article 19

All citizens have the right to

- a) freedom of speech and expression
- b) assemble peaceably and without arms
- c) form associations or unions
- d) move freely throughout the territory of India
- e) reside and settle in any part of the territory of India
- g) practise any profession, or to carry on any occupation, trade or business

Exceptions

Rights 19(d) and 19(e) can be restricted for the protection of Scheduled Tribes

right under article 19(g) doesn't prevent State from making any law

to demand professional or technical qualifications for practising any profession or occupation, trade or business

to control any trade, business, industry or service, whether to the exclusion, complete or partial by the State



Protection in respect of conviction for offences.

Article 20

1) No person shall be

convicted of any offence except for violation of a law in force at the time of the commission of the Act charged as an offence

subjected to a penalty greater than the crime inflicted under the law in force at the time of the commission of the offence.

2) No person shall be prosecuted and punished for the same offence more than once

3) No person accused of any offence shall be compelled to be a witness against himself

Right against
Exploitation
Articles 23 & 24

Article 23

"Prohibition of traffic in human beings and forced labour."

Traffic in human beings, beggary and other similar forms of forced labour are prohibited

Exception

State can impose compulsory service for public purposes

Article 24

Prohibition of employment of children in factories, etc.

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment

Article 25

Freedom of conscience and free profession, practice and propagation of religion.

(1) all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion

(2) this article does not prevent the State from making laws to

a) regulate or restrict any economic, financial, political or secular activities associated with religious practices

(b) provide for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Right to Freedom of Religion
Articles 25 to 28

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Article 26

Religious denominations have rights

(a) to establish and maintain institutions for religious and charitable purposes

(b) to manage its own affairs in matters of religion

(c) to own and acquire movable and immovable property

(d) to administer such property in accordance with law.

Article 27

No person shall be compelled to pay any taxes for the promotion or maintenance of any particular religion or religious denomination

(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

(2) Educational institutions administered by the State but established under any endowment or trust shall impart religious instruction

Cultural and Educational Rights
Articles 29 & 30

Article 29

1) right to conserve the

Distinct language

Script

Culture

(2) Educational institutions maintained or aided out of state funds cannot deny admission on grounds of

religion

race

caste

language

Article 30

(1) Minorities have right to establish and administer educational institutions based on religion or language.

(2) State shall not discriminate any minority educational institutions based on religion or language.

Article 15

Right against discrimination



Article 15

Right against discrimination

Article 16

Right to equality in public employment

Article 19

Right to freedom

Right to contest in elections

Right to vote in Assembly and Parliament elections

Rights not applicable to foreign nationals



→ Right to language, script or culture

Right to Constitutional Remedies

Article 32

- (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights is guaranteed.
- (2) The Supreme Court can issue directions or orders or writs for the enforcement of rights.
- (3) Parliament may by law empower any other court to exercise all or any of the powers exercisable by the Supreme Court under clause (2).
- (4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

Writs

habeas corpus
mandamus
prohibition
quo warrant
certiorari



Article 32

these principles are fundamental in the governance of the country

Article 37

Directive principles are not enforceable by any court

these principles are fundamental in the governance of the country
the State shall apply these principles in making laws.

Article 38

(1) The State shall strive to promote the welfare of the people by securing and promoting a social order

(2) The State shall strive to minimise the inequalities in income and eliminate inequalities in status, facilities and opportunities

Certain principles of policy to be followed by the State.

Article 39

The State shall direct its policy to secure

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood

(b) the even distribution and control of material resources of the community to subserve the common good

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment

(d) that there is equal pay for equal work for both men and women

(e) the men, women and children from being abused or forced by economic necessity to enter a vocation unsuited to their age or strength

(f) that children are

given opportunities and facilities to develop in a healthy manner

provided with freedom and dignity

protected against exploitation and against moral and material abandonment

Fundamental Duties
Part IV A
Article 51 A



It is 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 common **brotherhood** amongst all the people of India transcending religious, linguistic and regional or sectional diversities
 - 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 wild life and 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**,

Article 52 There shall be a President of India.

Article 52

There shall be a President of India.

Executive power of the Union.

Article 53

(1) The executive power of the Union

shall be vested in the President

shall be exercised by him either directly or through officers subordinate to him in accordance with the Constitution.

(2) Supreme command of the Defence Forces of the Union is vested in the President

Election of President

Article 54

President is elected by the members of an electoral college

electoral college consists of

(b) elected members of the Legislative Assemblies of the States.

(a) elected members of both Houses of Parliament

Process of election

Article 55

(1) States are represented uniformly in the election of the President.

(2) Vote calculation

by the system of "proportional representation by means of the single transferable vote"

Impeachment of President

Article 61

Procedure for impeachment of the President.

(1) the charge for president's impeachment shall be preferred by either House of Parliament.

(2) No such charge shall be preferred unless

(a) resolution is moved after at least fourteen days' notice in writing signed by not less than one-fourth of the total number of members of the House

(b) such resolution has been passed by a majority of not less than two-thirds of the total membership of the House

(3) President has the right to appear and to be represented at the investigation initiated by either of the house.

(4) majority of not less than two-thirds of the total membership of the House (which investigated the case) is required to remove the President from his office

Article 64

Vice-President shall be ex-officio Chairman of the Council of States.

Vice-President shall not

hold any other office of profit

perform the duties of the office of Chairman of the Council of States while acting as President

be entitled to any salary or allowance payable to the Chairman of the Council of States while acting as president

Article 65

(1) If the vacancy in the office of the President is due to his death, resignation or removal, or otherwise, Vice-President shall act as President until the election of new President.

(2) Vice-President shall discharge President's functions owing to his absence, illness or any other cause.

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(2) Vice-President shall discharge President's functions owing to his absence, illness or any other cause.

(3) Vice-President while acting as President

have all the powers and immunities of the President

is entitled to such emoluments, allowances and privileges of the president

Election of Vice-President.

(1) The Vice-President is elected

through electoral college consisting of the members of both Houses of Parliament

by the system of proportional representation by means of the single transferable vote

by voting in secret ballot.

(2) The Vice-President shall

not be a member of either House of Parliament

not be a member of a House of the Legislature of any State

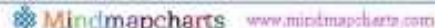
vacate his seat (if he is a member of either of the House) on the date on which he enters upon his office as Vice-President.

Election rules for President and Vice-President

Article 71

(1) disputes arising out in connection with election of a President or Vice-President

is inquired and decided by the Supreme Court



(2) If the President or Vice-President election is declared void by the Supreme Court

decisions taken by the supreme court is final

acts done by him during his tenure shall not be invalidated by that declaration

(3) Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President.

(4) Vacancy among the members of the electoral college does not effect the president or Vice presidential election

Article 74

(1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President

President shall, in the exercise of his functions, act in accordance with advice of council of ministers

President may require the Council of Ministers to reconsider such advice

President shall act in accordance with the advice tendered after such reconsideration

(2) advice tendered by Ministers to the President shall not be inquired into in any court.

(1) The Prime Minister is appointed by the President and the other Ministers are appointed by the President on the advice of the Prime Minister.

(1A) The total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent of the total number of members of the House of the People.

(2) The Ministers shall hold office during the pleasure of the President. President can remove the minister on the advice of Prime minister

All ministers are responsible to the house of people for their acts

(3) The Council of Ministers are collectively responsible to the House of the People

Council of Ministers

Article 74

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President shall, in the exercise of his functions, act in accordance with advice of council of ministers

President may require the Council of Ministers to reconsider such advice

President shall act in accordance with the advice tendered after such reconsideration

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(3) The Council of Ministers are collectively responsible to the House of the People. All ministers are responsible to the house of people for their acts

Any minister not abiding the Cabinet decisions should resign

Article 75

(4) The President administers the oaths of office and of secrecy to Prime minister as per Third Schedule.

(5) Any Minister who is not a member in either House of Parliament for a period of six consecutive months ceases to be a Minister.

A person who is not a member of either house of parliament can be appointed as Prime minister for 6 months

Within this period of 6 months, the Prime minister must become a member of either house of the parliament.

(6) The salaries and allowances of Ministers is specified in the Second Schedule.

Attorney-General for India

Article 76

(1) Appointment

Attorney-General for India is appointed by the President.

Qualifications

a person should have qualifications to be appointed as a Judge of the Supreme Court

(2) Duties of the Attorney-General

to aid and advice the Government of India upon such legal matters assigned to him by the President,

to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force.

(3) Audience in courts

In the performance of his duties the Attorney-General shall have right of audience in all courts in the territory of India.

(4) The Attorney-General

shall hold office during the pleasure of the President

shall receive such remuneration as the President may determine.

a) Prime minister has to communicate to the President

all decisions of the Council of Ministers relating to the administration of the affairs of the Union

all decisions of the Council of Ministers relating to the proposals for legislation

Duties of the Prime Minister

Article 78

a) Prime minister has to communicate to the President

all decisions of the Council of Ministers relating to the administration of the affairs of the Union

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all decisions of the Council of Ministers relating to the proposals for legislation

b) Upon Presidents' call, Prime minister has to furnish

the information relating to the administration of the affairs of the Union

the information relating to the proposals for legislation

(c) President can require a Minister to submit his decision on any matter, which has not yet been considered by the Council.

Article 79

Constitution of Parliament

Parliament consists of

1) President

2) Council of States or Upper house or Rajya sabha

3) House of the People or Lower house or Lok sabha

Composition of the Council of States Max: $238 + 12 = 250$

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(a) 12 persons nominated by president, having special knowledge or practical experience in

Literature

Science

Art

PARLIAMENT

Article 79

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Parliament consists of

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- 3) House of the People or Lower house or Lok sabha

Composition of the Council of States Max: $238 + 12 = 250$



Article 80

Council of States consists of

- (a) 12 persons nominated by president, having special knowledge or practical experience in
- (b) not more than 238 representatives of the States and Union territories.

Literature

Science

Art

Social service

The representatives of states are

elected by the elected members of the Legislative Assembly of the State

elected in accordance with the system of proportional representation by means of single transferable vote.

The representatives of the Union territories

shall be chosen in such manner as Parliament may by law prescribe.

Seats for representatives of the States and Union territories are allocated in accordance with the Fourth Schedule.

Composition of the House of the People Max: $530 + 20 + 2 = 552$

Readjustment after each census.

Article 82

Upon the completion of each census

allocation of seats in the House of the People to the States are readjusted

division of each State into territorial constituencies is readjusted

Until the census to be taken in the year 2026

(i) the allocation of seats in the House of People to the States will be readjusted on the basis of the 1971 census.

(ii) the division of each State into territorial constituencies will be readjusted on the basis of 2001 census.

Duration of Houses of Parliament

Article 83

(1) Duration of Council of states

The Council of States or Rajya sabha shall not be subject to dissolution

One-third of the members retire on the expiration of every second year

The House of people or Lok sabha can be dissolved

(2) Duration of House of the People

Lok sabha has the term of 5 years from the date of its first meeting

Duration of Houses of Parliament

Article 83

(1) Duration of Council of states

The Council of States or Rajya sabha shall not be subject to dissolution

One-third of the members retire on the expiration of every second year

(2) Duration of House of the People

The House of people or Lok sabha can be dissolved

Lok sabha has the term of 5 years from the date of its first meeting

Exception

Duration may be extended by Parliament by law in case of Emergency in operation

Parliament by law can extend the period not exceeding one year at a time

cannot extend beyond a period of six months after the cease of proclamation

Qualifications for membership of Parliament.

Qualified if

(a) he is a citizen of India

(b) he is

in the case of a seat in the Council of States, not less than 30 years of age

Qualification for membership of Parliament.

Article 84

Qualifications for membership of Parliament.

Qualified, if

(a) he is a citizen of India

(b) he is

in the case of a seat in the Council of States, not less than 30 years of age

in the case of a seat in the House of the People, not less than twenty-five years of age

(c) he possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

Not qualified, if

(a) he holds any office of profit under government

(b) he is of unsound mind and stands so declared by a court

(c) he is a undischarged insolvent

(d) he is disqualified under a law made by the Parliament

(e) he is disqualified under Anti-defection law of Tenth schedule

Special address
by the President

Article 87

The President addresses both Houses of Parliament assembled together

President addresses joint assembly at the commencement of

first session of each year

first session after each general election

Article 88

Rights of Ministers and Attorney-General as respects Houses.

Ministers and the Attorney-Generals have right to speak



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any joint sitting of the Houses

They can take part in the proceedings of

either House

any committee of Parliament being its member

Officers of Parliament

Council of states

Chairman and Deputy Chairman

Article 89

(1) The Vice-President of India is the ex-officio Chairman of the Council of States,

(2) The Council of States shall choose a member of the Council to be Deputy Chairman

Vacation and resignation of, and removal from, the office of Deputy Chairman.

Article 90

Deputy Chairman

(a) shall vacate his office if he ceases to be a member of the Council

(b) may at any time, by writing under his hand addressed to the Chairman, resign his office

(c) may be removed from his office by a resolution of the Council passed by a majority of all the then members of the Council

Article 91

Deputy Chairman acts as chairman

When the office of Chairman is vacant

during any period when the Vice-President is acting as President

Article 92

The Chairman or the Deputy Chairman cannot preside or vote while a resolution for his removal from office is under consideration.

Speaker and Deputy Speaker

Article 93

House of the People shall choose the Speaker and Deputy Speaker

Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker.

(a) shall vacate his office if he ceases to be a member of the House of the People

Conduct of Business in Parliament

Article 100

(1) all questions at any sitting of the Houses shall be determined by a majority of votes of the members present and voting

The Chairman or Speaker, or person acting as such shall not vote in the first instance
can only exercise a casting vote in the case of an equality of votes.

(2) Either House of Parliament have power to act irrespective of the vacancy in the membership.

(3) one-tenth of the total number of members of the House(quorum) is required to constitute a meeting in either House of Parliament.

(4) Chairman or Speaker, or person acting as such can either adjourn the House or suspend the meeting until there is a quorum

Article 101

Vacation of seats

No person shall be a member of

both Houses of Parliament

both Parliament and House of the Legislature of a State

Disqualifications of Members of Parliament

Article 101

Vacation of seats

No person shall be a member of

both Houses of Parliament

both Parliament and House of the Legislature of a State

A seat becomes vacant if

he is disqualified under article 102

the member resigns by writing under his hand addressed to the chairman or Speaker

the member is absent for sixty days without permission of the House

Article 102

Disqualifications for membership

A member of either House of Parliament shall be disqualified

(a) if he holds any office of profit

(b) if he is of unsound mind and stands so declared by a competent court

(c) if he is an undischarged insolvent

(d) if he

is not a citizen of India

has voluntarily acquired the citizenship of a foreign State

is under any acknowledgment of allegiance or adherence to a foreign State

Powers, Privileges and Immunities of Parliament and its Members

Article 105

(1) there shall be freedom of speech in Parliament.

(2) No member of Parliament shall be

liable to any proceedings in any court

in respect of anything said in Parliament or any committee

for any vote given by him in Parliament or any committee

liable for the publications of Parliament of any report, paper, votes or proceedings.

Article 107

Provisions as to introduction and passing of Bills.

Subject to the provisions of articles 109 and 117, a Bill may originate in either House of Parliament.

A Bill

pending in Parliament shall not lapse by reason of the prorogation of the Houses.

pending in the Council of States which has not been passed by the House of the People shall not lapse on a dissolution of the House of the People.

lapses on dissolution of the House of the People, if

the bill is pending in the House of the People

the bill is already passed by the House of the People but remains in the Council of States

Article 107

Provisions as to introduction and passing of Bills.

Subject to the provisions of articles 109 and 117, a Bill may originate in either House of Parliament.

A Bill

pending in Parliament shall not lapse by reason of the prorogation of the Houses.

pending in the Council of States which has not been passed by the House of the People shall not lapse on a dissolution of the House of the People.

lapses on dissolution of the House of the People, if

the bill is pending in the House of the People

the bill is already passed by the House of the People but pending in the Council of States

Article 108

Joint sitting of both Houses in certain cases.

President may summon for a joint sitting, If

the Bill is passed by one House but rejected by the other House

the bill is passed by one House but the other House has disagreed as to the amendments to be made in the Bill

the Bill is passed by one House but not passed in the other house for more than six months from the date of the reception of the Bill

nothing in this clause shall apply to a Money Bill.

If President intends of summoning a joint sitting, neither House shall proceed further with the Bill

Special procedure in respect of Money Bills.

A Money Bill shall not be introduced in the Council of States.

Article 112

Annual financial statement

(1) Every financial year, the President lays the Annual Financial Statement before both the Houses of Parliament

(2) The estimates of expenditure constitutes

(a) expenditure charged upon the Consolidated Fund of India

(b) expenditure proposed to be made from the Consolidated Fund of India

(3) Expenditure charged on the Consolidated Fund of India

(a) the emoluments and allowances of the President

(b) the salaries and allowances of

the Chairman and the Deputy Chairman of the Council of States

(c) Debt charges of Government

the Speaker and the Deputy Speaker of the House of the People

(d)

salaries, allowances and pensions of Judges of the Supreme Court

salary, allowances and pensions of the Comptroller and Auditor-General

Pensions to the Judges of High Court

Procedure in Parliament with respect to estimates

(1) expenditure charged upon the Consolidated Fund of India

shall not be submitted to the vote of Parliament

shall be discussed by the parliament

Procedures of Parliament

Article 118

Rules of procedure

Each House of Parliament may make rules for conduct of its business.

President makes rules for conduct of joint sittings in consultation with the heads of both the houses of parliament

Joint sittings of the two Houses are presided by the Speaker of the House of the People

Article 120

Business in Parliament shall be transacted in Hindi or in English

Any member who cannot adequately express himself in Hindi or in English can address the House in his mother-tongue

Article 121

Restriction on discussion in Parliament.

No discussion shall take place in Parliament regarding the conduct of any Judge of Supreme Court or High Court

Courts not to inquire into proceedings of Parliament.

Article 122

(1) The validity of proceedings in Parliament cannot be questioned on the grounds of irregularity of procedure.

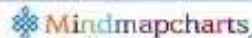
Legislative
powers of the
President

Article 123

Power of President to promulgate Ordinances during recess of Parliament.

(1) When both Houses of Parliament are not in session, President may promulgate Ordinances as the circumstances appear to him to require

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament



such Ordinances

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must be laid before both Houses of Parliament

cease to operate at the expiration of six weeks from the reassembly of Parliament

may be withdrawn at any time by the President.

Establishment and constitution of Supreme Court

Supreme Court of India shall be constituted with a Chief Justice and not more than seven other Judges.

Judges of the Supreme Court are appointed by President in consultation with the Judges of the Supreme Court and of the High Courts in the States.

Judge shall hold the office until he attains the age of sixty-five years

Removal of Judges a Judge may, by writing under his hand addressed to the President, resign his office

Establishment and constitution of Supreme Court

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Judge shall hold the office until he attains the age of sixty-five years

Removal of Judges a Judge may, by writing under his hand addressed to the President, resign his office

Chief Justice of India must be consulted in the case of appointment of a Judge other than the Chief Justice

Article 124

A person is qualified for appointment as a Judge of the Supreme Court, if

he is a citizen of India

he has been for at least five years a Judge of a High Court or of two or more such Courts in succession

has been for at least ten years an advocate of a High Court or of two or more such Courts in succession

he is, in the opinion of the President, a distinguished jurist.

A Judge of the Supreme Court can only be removed by an order of the President on the ground of proved misbehaviour or incapacity.

No person who has held office as a Judge of the Supreme Court shall plead or act in any court or before any authority within the territory of India.

Article 125

Salaries of the Judges of the Supreme Court is specified in the Second Schedule.

Comptroller and Auditor-General

Article 148

Comptroller and Auditor-General of India is appointed by the President

salaries and allowances of the Comptroller and Auditor-General are specified in the Second Schedule

Removal

In the manner similar to the removal of Judge of the Supreme Court.

The Comptroller and Auditor-General is not eligible for further office under the Government after retirement

Administrative expenses of the office of the CAG are charged upon the Consolidated Fund of India.

Article 149

Duties and powers of the Comptroller and Auditor-General.

the Union

The Comptroller and Auditor-General deals with the accounts of

the States

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any other authority or body prescribed by Parliament

Article 150

The accounts of the Union and of the States are kept in the form as prescribed by the President, on the advice of CAG

Audit reports

Article 151

The reports of the CAG on the accounts of the Union are submitted to the President who in turn lays them before each House of Parliament

Article 153

There shall be a Governor for each State

Same person can be appointed as the Governor for two or more States

Article 154

Executive power of State.

Executive power of the State is vested in the Governor

Article 155

Appointment of Governor.

Governor of a State is appointed by the President

Article 156

Term of office of Governor.

The Governor holds office during the pleasure of the President.

Governor may resign his office by addressing his resignation to the President

Council of Ministers of State

Article 163

Council of Ministers to aid and advise Governor.

Council of Ministers with the Chief Minister at the head, aid and advise the Governor in the exercise of his functions

Validity of Governor's acts under his discretionary powers cannot be questioned

Advice tendered by Ministers to the Governor cannot be inquired into in any court.

Other provisions as to Ministers



Appointments

Chief Minister is appointed by the Governor

Other Ministers are appointed by the Governor on the advice of Chief Minister

Ministers hold office during the pleasure of Governor

The total number of Ministers in a State cannot exceed 15% of the total number of members of Legislative Assembly

Number of Ministers, including the Chief Minister in a State shall not be less than twelve

Article 164

Advocate-General

Article 165

Appointment and other conditions of Advocate General

Governor of each State appoints a person to be Advocate-General for the State.

Advocate General should have qualifications to be appointed a Judge of a High Court

Duty of the Advocate-General is to advise the Government of State on legal matters
to perform the legal duties referred or assigned to him by the Governor

Advocate-General holds his office during the pleasure of the Governor

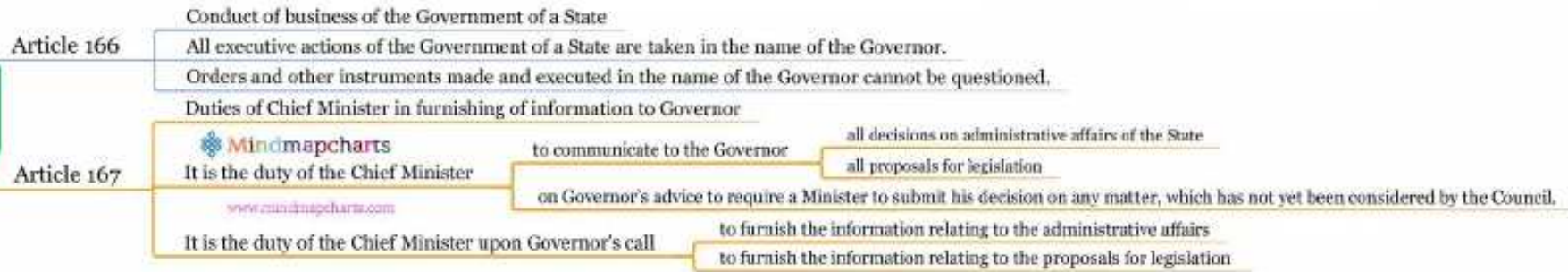
Advocate General receives his remuneration as the Governor may determine.

Conduct of business of the Government of a State

Article 166

All executive actions of the Government of a State are taken in the name of the Governor.

Conduct of Government Business of State





Officers of the State
Legislature

Legislative Assembly

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The Speaker and Deputy Speaker of the Legislative Assembly

Article 178

Legislative Assembly shall choose the Speaker and Deputy Speaker

Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker.

Article 179

Speaker or Deputy Speaker

(a) shall vacate his office if he ceases to be a member of the Legislative assembly

(b) may at any time, by writing under his hand addressed

if such member is the Speaker, to the Deputy Speaker

if such member is the Deputy Speaker, to the Speaker, resign his office

(c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly

whenever the Legislative assembly is dissolved, the Speaker shall not vacate his office until immediately before its next meeting

Article 180

Powers of the Deputy Speaker or other person to perform the duties of the office of, or to act as, Speaker.

While the office of Speaker is vacant

Deputy Speaker acts as speaker

Governor may appoint another person for the purpose in the absence of deputy speaker

Article 181

The Speaker or the Deputy Speaker cannot preside while a resolution for his removal from office is under consideration.

The Speaker shall take part in the proceedings and he is entitled to vote only in the first instance but not in the case of an equality of votes.

Chairman and Deputy Chairman

Conduct of Business in Legislature

Article 189

All questions at any sitting of the Houses shall be determined by a majority of votes of the members present and voting

The Chairman or Speaker, or person acting as such shall not vote in the first instance
can only exercise a casting vote in the case of an equality of votes.

Either House of Legislature have power to act irrespective of the vacancy in the membership.

Quorum to constitute a meeting in either House of Legislature One-tenth of the total number of members of the House
or Ten members of the House, whichever is greater

Chairman or Speaker, or person acting as such can either adjourn the House or suspend the meeting until there is a quorum

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Article 190

Vacation of seats

No person shall be a member of both Houses of State Legislature
Legislatures of two or more States

Disqualifications of Members in State Legislature

Article 190

Vacation of seats

No person shall be a member of

both Houses of State Legislature

Legislatures of two or more States

A seat becomes vacant if

the member resigns by writing under his hand addressed to the chairman or Speaker

the member is absent for sixty days without permission of the House

Article 191

Disqualifications for membership

A member of either House of State Legislature shall be disqualified

if he holds any office of profit as specified in the first schedule

if he is of unsound mind and stands so declared by a competent court


if he is an undischarged insolvent

if he is not a citizen of India

has voluntarily acquired the citizenship of a foreign State

is under any acknowledgment of allegiance or adherence to a foreign State

If he is disqualified under the Tenth Schedule

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Decision on questions as to disqualifications of members.

Legislative
Procedure of

Article 196

Provisions as to introduction and passing of Bills.

a Bill may originate in either House of the Legislature of a State which has a Legislative Council

A Bill pending in the Legislature of a State shall not lapse by reason of the prorogation of the House

A Bill pending in the Legislative Council of a State which has not been passed by the Legislative Assembly shall not lapse on a dissolution of the Assembly.

A Bill pending or passed in the Legislative Assembly of a State but pending in the Legislative Council, shall lapse on a dissolution of the Assembly

Restriction on powers of Legislative Council as to Bills other than Money Bills

(1) A Bill passed by the Legislative Assembly of a State is transmitted to the Legislative Council

If Legislative Council

(a) rejects the Bill

(b) three months elapse without the Bill being passed

(c) passes the Bill with amendments to which the Legislative Assembly does not agree

Article 197

the Legislative Assembly may, pass the Bill again in the same or in any subsequent session with or without such amendments

Legislative assembly then transmits the Bill as so passed to the Legislative Council

Assent to Bills in State Legislature

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Article 200

Assent to Bills

Any Bill passed by the Legislature of the state is sent to the Governor for his assent

Governor may

assent the bill at the first instance

or return the Bill, if it is not a Money Bill

or reserve the Bill for the consideration of the President

A bill

returned by Governor can be passed by the houses with or without amendment

so passed is presented to the Governor for assent, the Governor shall not withhold assent therefrom.

Governor shall reserve the bill for consideration of the President, if it became law, so derogate powers of the High Court

Bills reserved for consideration

Article 201

When a Bill is reserved by a Governor for the President, the President shall

assent to the Bill

direct the Governor to return the Bill to the House

Article 202

(1) Every financial year, the Governor lays the Annual Financial Statement before the Legislature of state

Annual financial statement

(2) The estimates of expenditure constitutes

(a) expenditure charged upon the Consolidated Fund of India

(b) expenditure proposed to be made from the Consolidated Fund of India

(3) Expenditure charged on the Consolidated Fund of India

the emoluments and allowances of the Governor

the salaries and allowances of

the Chairman and the Deputy Chairman of the Legislative Council

the Speaker and the Deputy Speaker of Legislative Assembly

Debt charges of Government

salaries, allowances and pensions of Judges of the High Court

any sum required to satisfy any judgment, decree or award of any court or arbitrary tribunal



Procedure in Legislature with respect to estimates

Expenditure charged upon the Consolidated Fund of India

shall not be submitted to the vote of Legislative assembly

shall be discussed by the Legislative assembly

Other expenditure charged from consolidated fund of India are submitted in the form of demands for grants to the Legislative assembly

Article 203



Legislative power of the governor

Article 213

Power of Governor to promulgate Ordinances during recess of Legislature.

When both Houses of the Legislature of state is not in session, Governor may promulgate Ordinances in following circumstances

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Legislature of the State assented to by the Governor



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such Ordinances

must be laid before the Legislature of state

cease to operate at the expiration of six weeks from the reassembly of the Legislature of state

cease to operate, if before the expiration of the period, a resolution disapproving it is passed by the Legislative Assembly

may be withdrawn at any time by the Governor

Article 214

There shall be a High Court for each State

Article 215

High Courts to be courts of record

It has all the powers to fine or imprison persons for contempt

Article 216

Chief justice and Judges of the High Court are appointed by president

Article 214 There shall be a High Court for each State

Article 215 High Courts to be courts of record

It has all the powers to fine or imprison persons for contempt

Article 216 Chief justice and Judges of the High Court are appointed by president

In case of Appointment of chief justice, President consults

Chief Justice of India

Governor of the State

In the case of appointment of a Judge other than the Chief Justice, President consults

Chief Justice of the High Court

Article 217 Judges can hold the office until he attains the age of sixty two years

A person is qualified for appointment as a Judge of the High Court, if

he is a citizen of India

has for at least ten years held a judicial office in the territory of India

has for at least ten years been an advocate of a High Court

Subordinate
courts

Article 233

Appointment of district judges.

District judges are appointed by the Governor of the State in consultation with the High Court

Eligibility

Practiced for seven years as advocate

and recommended by the High Court for appointment

UNION TERRITORIES

Article 239

Administration of Union territories

Union territories are administered by the President through an administrator

Administrators are appointed by the President with such designation as he may specify.

President may appoint the Governor of a State as the administrator of an adjoining Union territory

Article 243A

Gram Sabha

Powers and functions of Gram Sabha are determined by the Legislature of a State

Article 243B

Constitution of Panchayats.

village level

Article 243A

Gram Sabha

Powers and functions of Gram Sabha are determined by the Legislature of a State

Article 243B

Constitution of Panchayats.

There shall be constituted in every State, Panchayats at

village level

intermediate level

district level

Article 243C

Composition of Panchayats

Reservation of seats.

Seats are reserved for

(a) the Scheduled Castes

(b) the Scheduled Tribes

Article 243D

One-third of the total number of seats are reserved for women (includes the SC and ST reservation)

One-third of the total number of seats are reserved for women belonging to the SC or ST

Offices of the Chairpersons in the Panchayats are reserved for SC, ST and women

Article 243Q

Constitution of Municipalities

There shall be constituted in every State

- (a) a Nagar Panchayat for a transitional area
- (b) a Municipal Council for a smaller urban area
- (c) a Municipal Corporation for a larger urban area

Composition of Municipalities

Seats in the Municipalities are filled through direct election from the territorial constituencies

Article 243R

Municipal areas are divided into territorial constituencies known as wards

Members represented by state legislature for municipality include

- (i) persons having special knowledge or experience in Municipal administration (not have the right to vote in the meetings)
- (ii) the members of the House of the People and the members of the Legislative Assembly of the State
- (iii) the members of the Council of States and the members of the Legislative Council of the State

Article 243 S

Constitution and composition of Wards Committees, etc.

Wards Committees are constituted in the territorial area of a Municipality having a population of three lakhs or more.

Reservation of seats

Seats are reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality

THE SCHEDULED AND TRIBAL AREAS PART X

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Article 244

Administration of Scheduled Areas and Tribal Areas.

The provisions of the Fifth Schedule doesn't apply to the States of Assam , Meghalaya, Tripura and Mizoram

The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram

Article 245

Extent of laws made by Parliament and by the Legislatures of States.

Parliament may make laws for the whole or any part of the territory of India

Legislature of a State may make laws for the whole or any part of the State.

No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.

Subject-matter of laws made by Parliament and by the Legislatures of States.

Parliament has exclusive power to make laws in Union List(List I in the Seventh Schedule).

Legislative relations

Article 245

Extent of laws made by Parliament and by the Legislatures of States.

Parliament may make laws for the whole or any part of the territory of India

Legislature of a State may make laws for the whole or any part of the State.

No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.

Article 246

Subject-matter of laws made by Parliament and by the Legislatures of States.

Parliament has exclusive power to make laws in Union List(List I in the Seventh Schedule).

Legislature of any State has exclusive power to make laws in the "State List"(List II in the Seventh Schedule).

Parliament and Legislature of any State, have power to make laws in Concurrent List(List III in the Seventh Schedule)

Article 247

Power of Parliament to provide for the establishment of certain additional courts.

Parliament may by law provide for the establishment of any additional courts

Article 248

Residuary powers of legislation

Parliament has exclusive power of making laws on subjects not mentioned in Government List or State List

Administrative
relations between
Union and States



Article 265

No tax shall be levied or collected except by authority of law.

Consolidated Funds and public accounts of India and of the States.

Article 266

Consolidated Fund of India Comprises

all revenues received by the Government of India

all loans raised by the Government by the issue of treasury bills

loans or ways and means advances and all moneys received by the Government in repayment of loans

Consolidated Fund of the State comprises

all revenues received by the Government of a State

all loans raised by that Government by the issue of treasury bills

loans or ways and means advances and all moneys received by that Government in repayment of loans

All other public moneys received by or on behalf of the Government of India or the Government of a State belongs to Public account of India or the public account of the State

Article 267

Contingency Fund of India

Contingency Fund of India is established by the Parliament by law.

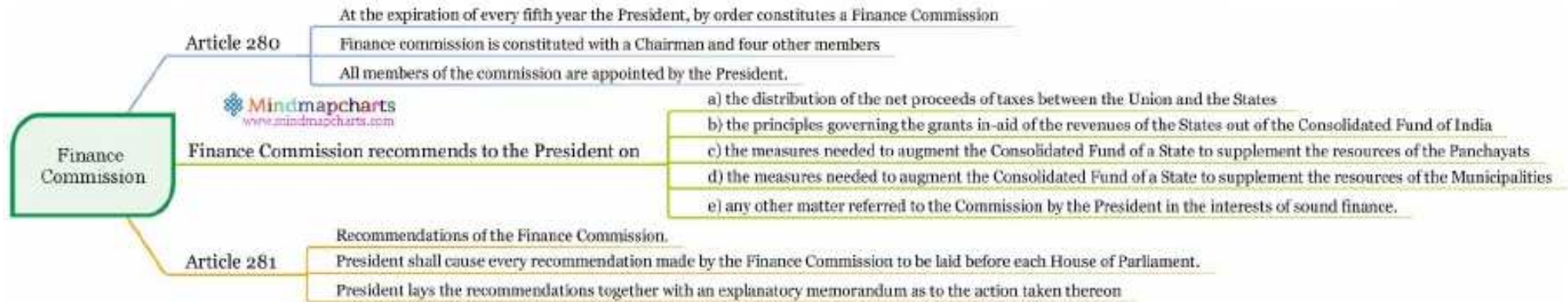
It is established to meet any unforeseen expenditure pending authorisation by Parliament by law under article 115 or article 116.

Contingency Fund of India is placed at the disposal of the President

Contingency Fund of the State

Legislature of a State may by law establish a Contingency Fund

Contingency Fund of a state is placed at the disposal of the Governor of the state



Borrowing

Article 292

Borrowing by the Government of India.

Union has the executive power to borrow upon the security of the Consolidated Fund of India

Limits and Guarantees are fixed by the Parliament by law from time to time

Article 293

Borrowing by States



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State has the executive power to borrow within the territory of India upon the security of the Consolidated Fund of India

Limits and Guarantees are fixed by the Legislature of State by law from time to time

A State may not without the consent of the Government of India raise any loan if there is still outstanding any part of a loan which has been made to the State by the Government of India

Article 301

Trade, commerce and intercourse throughout the territory of India shall be free.

Article 302

Power of Parliament to impose restrictions on trade, commerce and intercourse

Parliament may by law impose restrictions on the freedom of trade, commerce or intercourse in the public interest

Trade, Commerce and Intercourse within the territory of India

Article 301

Trade, commerce and intercourse throughout the territory of India shall be free.

Article 302

Power of Parliament to impose restrictions on trade, commerce and intercourse

Parliament may by law impose restrictions on the freedom of trade, commerce or intercourse in the public interest.

Article 303

Restrictions on the legislative powers of the Union and of the States with regard to trade and commerce.

Parliament nor the Legislature of a State shall have power to make any law discriminating states in any of the Lists in the Seventh Schedule.

Parliament may make law in case of scarcity of goods in any part of the territory of India.



Article 304

Restrictions on trade, commerce and intercourse among States

Legislature of a State may by law impose any tax on goods imported from other States or Union territories to which similar goods produced in that State

Such bills shall not be introduced or moved in the Legislature of a State without the previous sanction of the President.

Article 315

Public Service Commissions for the Union and for the States.

There shall be a Public Service Commission for the Union and a Public Service Commission for each State.

Public Service Commissions for the Union and for the States.

Article 315

There shall be a Public Service Commission for the Union and a Public Service Commission for each State.

Two or more States may agree together to form Joint Public Service Commission

Public Service Commission for the Union, if requested so to do by the Governor of a State, may, with the approval of the President, agree to serve all or any of the needs of the State

Appointment and term of office of members.

The Chairman and other members of the Union or a Joint Public Service Commission are appointed by the President

The Chairman and other members of the State Public Service Commission are appointed by the Governor of the State

If the office of the Chairman of the Commission becomes vacant, his duties are performed by one of the other members of the Commission

Article 316

Tenure

Union Commission

six years from the date on which he enters upon his office

until he attains the age of sixty-five years

State or Joint Commission

six years from the date on which he enters upon his office

until he attains the age of sixty-two years

Resignation

Members of Union or Joint Commission resign by writing to the President

Members of the State Commission resign by writing to the Governor of the State

Tribunals



Article 323A

Administrative tribunals

Administrative tribunals may by law adjudicate or trial disputes related to recruitment and conditions of services of Public services

This article empowers to establish

administrative tribunal for the Union

administrative tribunal for each State or for two or more States

Article 323B

Tribunals for other matters

Tribunals may be established on following matters

(a) levy, assessment, collection and enforcement of any tax

(b) foreign exchange, import and export across customs frontiers

(c) industrial and labour disputes

(d) land reforms

(e) ceiling on urban areas

Article 324

Superintendence, direction and control of elections to be vested in an Election Commission.

Election commission conducts all elections to the

Parliament

Legislature of every State

offices of President and Vice-President

Composition of election commission

Chief Election Commissioner

Other Election Commissioners, if any, as the President may from time to time fix

Appointments

All appointments are made on behalf of Parliament by the President.

President may also appoint Regional Commissioners, after consultation with the Election Commission

Service conditions of Election Commissioners and Regional Commissioners are determined by the President

Chief Election Commissioner can only be removed in the manner similar to the removal of the Judge of the Supreme Court

Any other Election or Regional Commissioner shall be removed only on the recommendation of the Chief Election Commissioner.

Article 325

No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.

**National
Commission for
Scheduled Castes**

Article 338

There shall be a Commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.

Composition of commission

Chairperson

Vice-Chairperson

three other Members

Conditions of service and tenure of office are determined by the President by rule

The Chairperson, Vice-Chairperson and other Members of the Commission are appointed by the President

The Commission has the power to regulate its own procedure.



Duties of the Commission

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes

(d) to annually submit reports upon the working of the safeguards to the President

(e) to make recommendations to be taken by the Union or any State for effective implementation of safeguards

**National
Commission for
Scheduled Tribes.**

Article 338A

National Commission for Scheduled Tribes.

There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.

Composition of Commission

Chairperson

Vice-Chairperson

three other Members

Conditions of service and tenure of office are determined by the President by rule

The Chairperson, Vice-Chairperson and other Members of the Commission are appointed by the President

The Commission has the power to regulate its own procedure.



Duties of the Commission

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Tribes

(d) to annually submit reports upon the working of the safeguards to the President

Language of the Union.

Article 343

Official language of the Union.

Official language of the Union: Hindi in Devanagari script.

Form of numerals for official purposes: international form of Indian numerals.

Official language or languages of a State.

Article 345

Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as official language

Until the Legislature of the State otherwise provides by law, the English language shall continue to be used for official purposes within the State

Article 346

Official language for communication between one State and another or between a State and the Union.

Article 347

Special provision relating to language spoken by a section of the population of a State.

Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc.

Until Parliament by law otherwise provides, English will be used in

(a) all proceedings in the Supreme Court and in every High Court

(i) of all Bills to be introduced or amendments

Article 352

Proclamation of Emergency

President may proclaim emergency if he is satisfied that a grave emergency exists whereby the security of India is threatened by

War

External aggression

Armed rebellion

Proclamation under this article is commonly termed as "National emergency"

President may declare emergency in respect of the whole of India or a part of territory as may be specified in the Proclamation

Proclamation of emergency may be varied or revoked by a subsequent Proclamation.

The President cannot issue or vary a Proclamation unless Union Cabinet communicates such a Proclamation to him in writing.

Proclamation ceases to operate at the expiration of one month, unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament

Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution, if

a) Dissolution of the House of the People takes place during the period of one month

b) Proclamation is issued at a time when the House of the People has been dissolved

c) Resolution approving the Proclamation has been passed by the Council of States, but not passed by the House of the People

A Proclamation is valid for six months from the date of the passing of the second of the resolutions approving the Proclamation

If resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament the Proclamation shall continue in force for a further period of six months

Resolution are passed by either House of Parliament only 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.

Special sitting of the House is held if, one-tenth of the total number of members of the House of the People move a resolution for disapproving Proclamation

PART XIX

Article 361

Protection of President and Governors

President or Governor is not answerable to any court for the exercise and performance of the powers and duties of his office

Conduct of President may be brought under review by any court, tribunal or body by either House of Parliament for investigation of a charge under article 61

Criminal proceedings cannot be instituted or continued against the President or Governor, in any court during his term of office.

No process for the arrest or imprisonment of the President or Governor, shall issue from any court during his term of office.

No civil proceedings shall be instituted, until the expiration of two months next after notice in writing has been delivered to the President or Governor.

Article 361A

Protection of publication of proceedings of Parliament and State Legislatures.

No person is liable to any proceedings, civil or criminal for publication of any true proceedings of Parliament or Legislature of a State in a newspaper.

Proceedings of a secret sitting of Parliament or Legislature of a State cannot be published in newspaper.

Article 363A

Recognition granted to Rulers of Indian States to cease and privy purses to be abolished.

Effect of failure to comply with, or to give effect to, directions given by the Union.