



**SSC GK**

# PARMAR'S GK BATCH

**TOPIC**

**Making of Indian Constitution**

**Lecture :- 1**

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- Constitution → • set of written rules
- accepted by all

→ of India

- partly rigid; partly flexible

- Democratic → • all countries have constitution
- open to all → source/means of production

### Extras

- Communist → source/means of production – govt.
- Oligarchic → govt. by few – ex: China, Russia
- Monarchic → govt. by few – ex: Korea
- Totalitarian → Total control over lives of people



Officially demanded by -

- Congress, 1935
- By Nehru, 1936

Congress Session, Lucknow

### Constituent Assembly

1934 -

- Demand for C.A. by MN Roy

(founder of CP Communist party)

August offer, 1940 -

- Demand for C.A. accepted
- Rejected later by -

Congress

Muslim League

Vice Roy: Linlithgow

1946 -

### Cabinet Mission Plan

- Congress League ✓
  - Muslim League ✓
  - Pakistan Demand ✗
- to have separate Nation

AV Alexandar

Stafford Cripps

Patrick Lawrence (Chair.)

Individual Satyagrah against it

Acharya Vinoba Bhave

Nehru

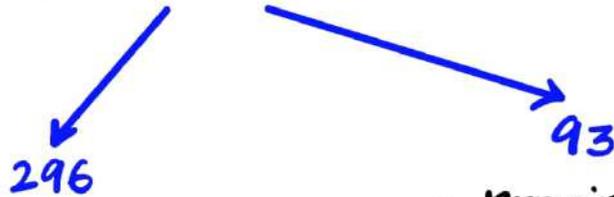
Cripps Mission, 1942

- by Stafford Cripps
- Dominion status, 299
- Reject → Quit India Movement

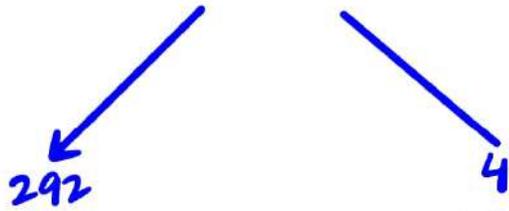
## Provisions of Cabinet Mission Plan



• Total seats — 389

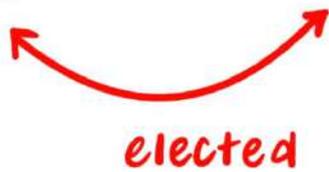


• British India



• Governors province

• Chief comm. provinces



→ Indirectly elected

• Communities — 3

- Muslim
- Sikh
- General

\* 10 Lakh — 1 seat

• Provinces/ Princely States

→ Nominated

Elections — July — Aug  
1946

• Maj. → Congress (INC)  
• seat — 208

• Muslim → 73  
League

• Independent → 15

• After boycott of ML  
→ remaining seats —  
299

## Meeting and Drafting of C.A

• 1st meeting — 9 Dec 1946 (211 members)

|

13 Dec 1946 → Objective Resolution moved by Nehru



22<sup>nd</sup> Jan 1947 → Objective Resolution adopted by C.A

→ Committees → major (8)  
→ minor (13)

\*\*  
• Drafting Committee → set up on: 29<sup>th</sup> Aug 1947

• Total members - 7

- \*\*
- Chairman - Bhim Rao Ambedkar (Modern manuh)
  - Alladi Krishnaswamy Ayyar
  - N. Gopalaswami Ayyangar
  - Muhammed Saadulah
  - B.L. Mittar (replaced by N. Madhav Rau)
  - D.P. Khaitan (replaced by T.T. Krishnamachari)
  - K.M. Munshi

• Total sessions - 11/165 days

• Total time - 2 yrs 11 months 17/18 days (Constitution made)

• Imp drafts

• 1<sup>st</sup> draft → 9-23<sup>rd</sup> Dec



• 10th draft → 6-7 Oct

• 11th draft → 14-26 Nov. 1949 \*

• Final draft → by B. R. Ambedkar - 4th Nov

↓  
presented before  
public

From Bengal Constituency

→ **Adopted** - 26 Nov 1949 -  
Constitution  
Day

→ **Enforced** - 26 Jan 1950

↳ provisions

• citizenship

• elections

• provisional parlia-  
ment

## • Functions of Constituent Assembly

Law-making  
body

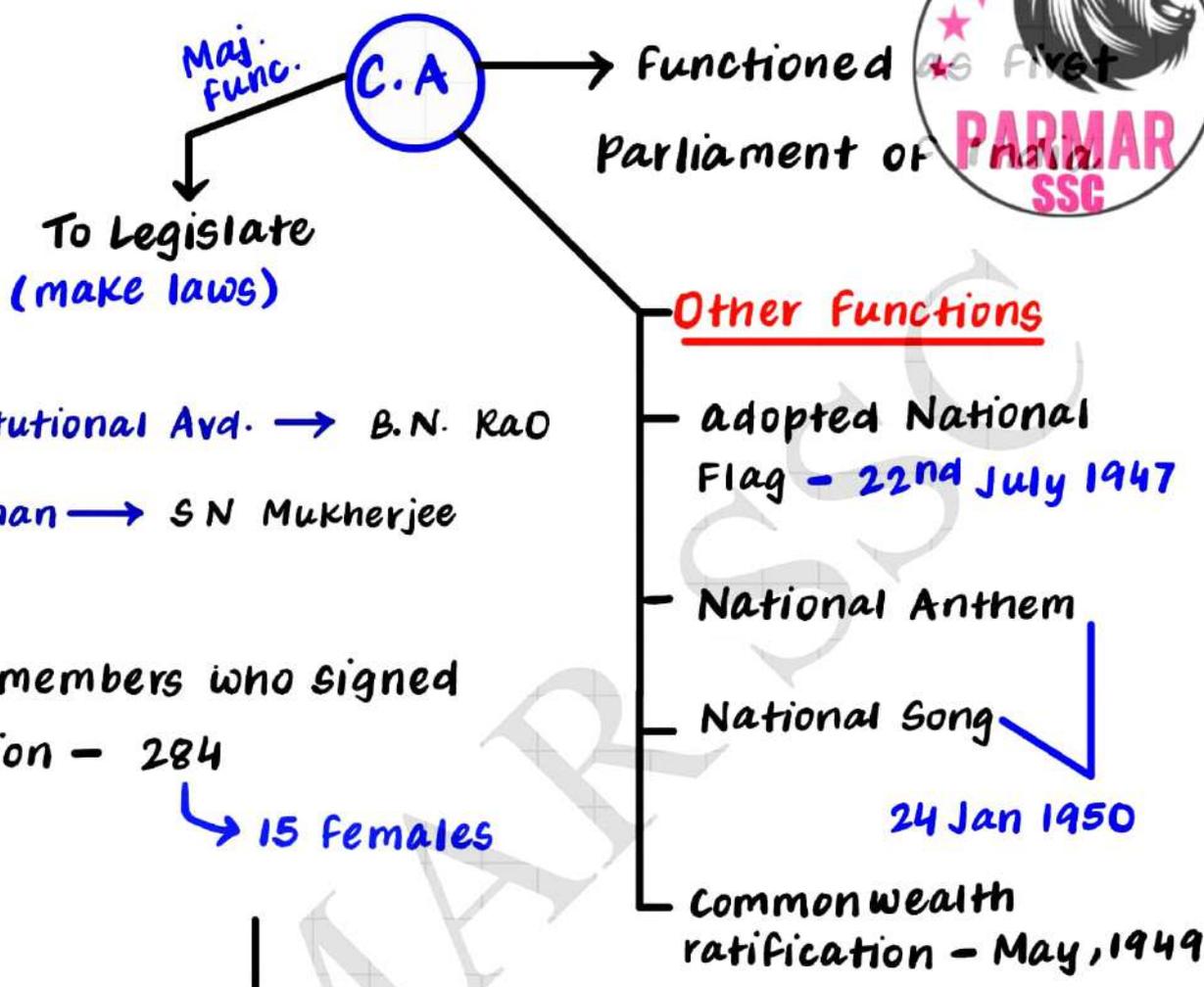
→ Head: G. V. Mavalan-  
kar (First  
speaker of Lok Sabha)

(C.A)

→ Constitution maker

↳ President: Rajendra  
Prasad

↳ Tempo.  
President: Sachchid-  
ananda  
Sinha



- Legal/ Constitutional Adv. → B.N. Rao
- Chief Draftsman → S N Mukherjee
- No. of C.A members who signed constitution - 284  
    ↳ 15 Females

• Extras

Imp Female members of

C.A :

- Raj Kumari Amritkaur (1st health minister)
- Sucheta Kriplani (1st Female CM of UP)
- Sarojini Naidu (Governor Rajyapal, UP)

• Last sitting of C.A - 24 Jan 1950

↳ 1st President of India (on this day) - Rajendra Prasad

- Handwritten Const. (Calligraphy)
  - ↳ Prem Bihari Narain Raizada (English)
  - ↳ Vasant Kumar Vaidya

• Constitution decorated by — • Nand Lal Bose

• Beohar Ram Manohar Sinha



• Language of Constitution — English and Hindi

• Symbol — Elephant

• First country to make constitution — USA (4<sup>th</sup> July 1948) (written)

• Nehru (chairman) and eight other Congress leaders

draft a constitution for India — 1928

• Extras

Nehru report



13 points by Jinha

• Chairman of C.A of India Major

Minor

COMMITTEES	CHAIRMAN	COMMITTEES	CHAIRMAN
1. Union Power Committee	Jawaharlal Nehru	1. Committee on the Functions of the Constituent Assembly	G.V Mavalankar
2. Rules of Procedure Committee	Dr Rajendra Prasad	2. Ad-hoc Committee on citizenship	S Varadachari
3. Provincial Constitution Committee	Sardar Patel	3. Press Gallery Committee	Usha Nath Sen
4. Steering Committee	Dr Rajendra Prasad	4. Credentials Committee	Alladi Krishnaswamy Ayyar
5. Drafting Committee	Dr B.R Ambedkar	5. Order of Business Committee	Dr K.M. Munshi
6. Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Sardar Patel	6. Finance and Staff Committee	Dr Rajendra Prasad
7. Union Constitution Committee	Jawaharlal Nehru	7. Committee on Chief Commissioners' Provinces	B. Pattabhi Sitaramayya
8. States Committee	Jawaharlal Nehru	8. House Committee	B. Pattabhi Sitaramayya
		9. Ad-hoc Committee on the Supreme Court	S. Varadachari
		10. Expert Committee on Financial Provisions	Nalini Ranjan Sarkar

• Linguistic provinces comm. → S.K. Dhar

• Ad hoc Comm. (Flag) → Rajendra Prasad



• Capitalist State → Industrialists

• Plutocratic → gov. by rich people

• Mixed economy → India

Democracy → For the people  
Democracy → by the people  
Democracy → of the people

• Ceremony that marks the end of Republic Day Celebration → Beating Retreat Ceremony

Independence Day → PM: hoist Indian flag in Red fort

Republic Day → President: Flag unfurling in Kartavya Path

• UK → unwritten Constitution

## Written Const.

- compiled and structured in system form by few members
- ex: India
- formally constituted
- Not easy to amend

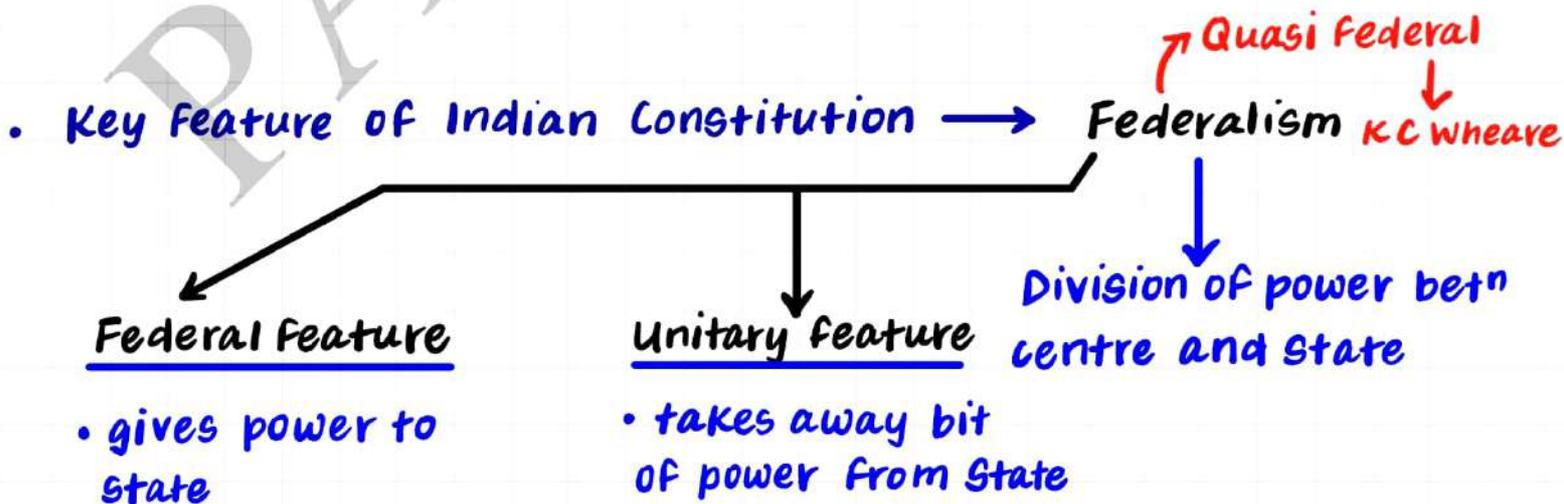
## Unwritten Const.

- not structured
- ex: UK
- not formally constituted
- easy to amend



- more than one level of govt. in Indian constitution
- Radicalism → Change in someone's general pattern of thinking

ex: Naxalism, NE Insurgency





## 6. What Is The constitution of India?

Both features are listed below:-

### Federal Features-

1. Supremacy of the Constitution,
2. Division of power between the Union (central Governments) and State, and
3. The existence of an independent judiciary in the Indian Constitution.

### Unitary Features-

1. Single Citizenship
2. Single Constitution
3. Power of union to override on the state matters
4. During emergency the system became virtually unitary
5. Changes in the names and boundaries of the states by the Parliament
6. Integrated Judiciary System
7. Centre appoints the Governors
8. Dependence of states on the centre for economic assistance and grants.

• Bicameralism → Federal

LS

RS

• Judiciary → integrated

• IAG/IPS/IFS → Unitary Feature

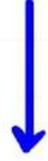
- Dept. of personal and training
- controlled by Centre
- Art. 312



• Unitary system of govt. posses → Strong state

• India has → Parliamentary system of govt.

↳ taken from UK



essential Features

- executive accountable to legislature

• Form of govt.

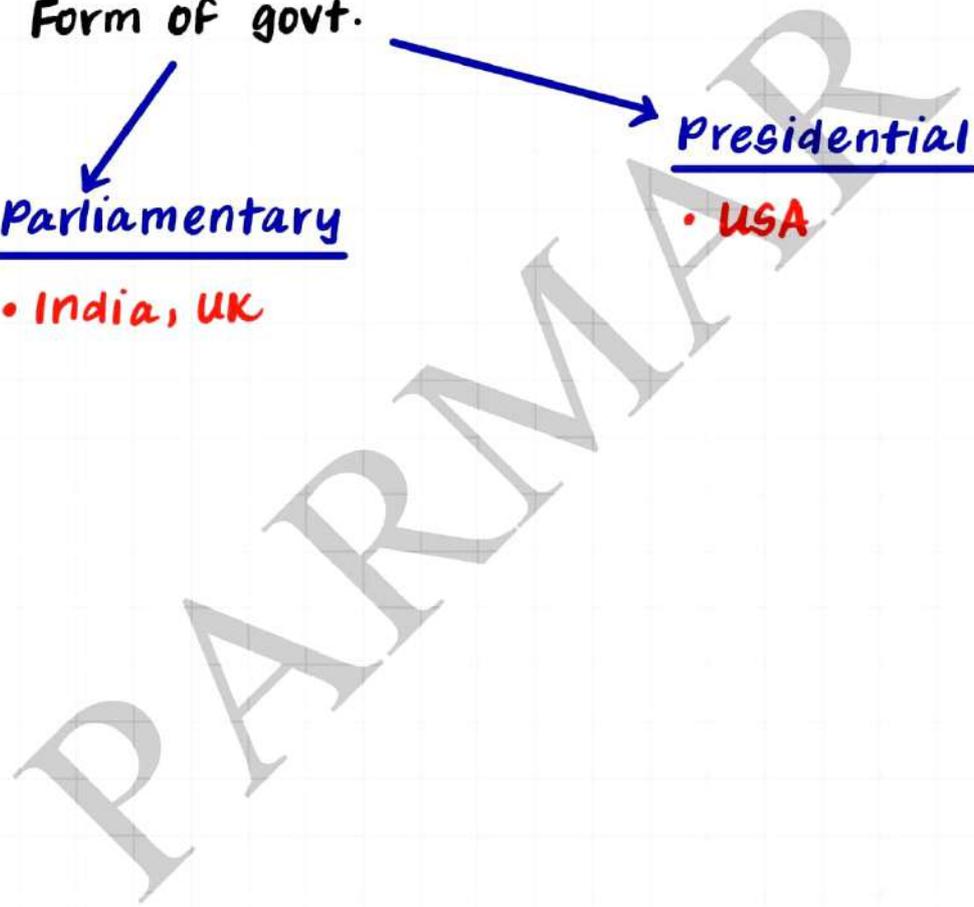


Parliamentary

- India, UK

Presidential

- USA





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**TOPIC**

**Preamble, Schedules & Sources of Constitution**

**Lecture :- 2**

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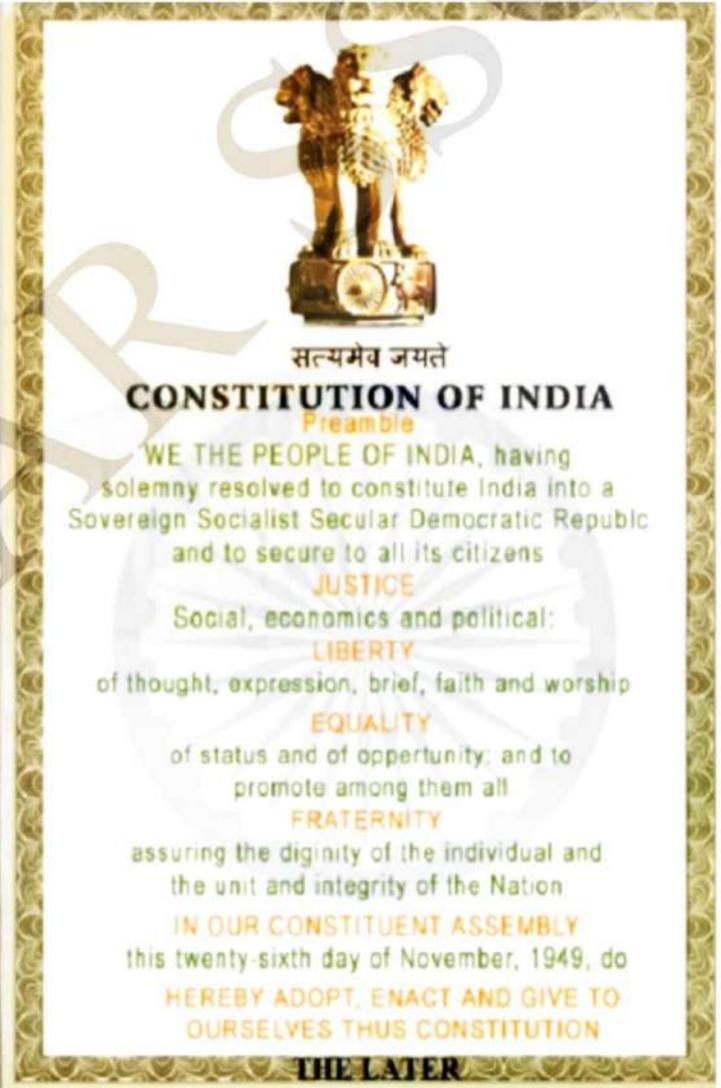
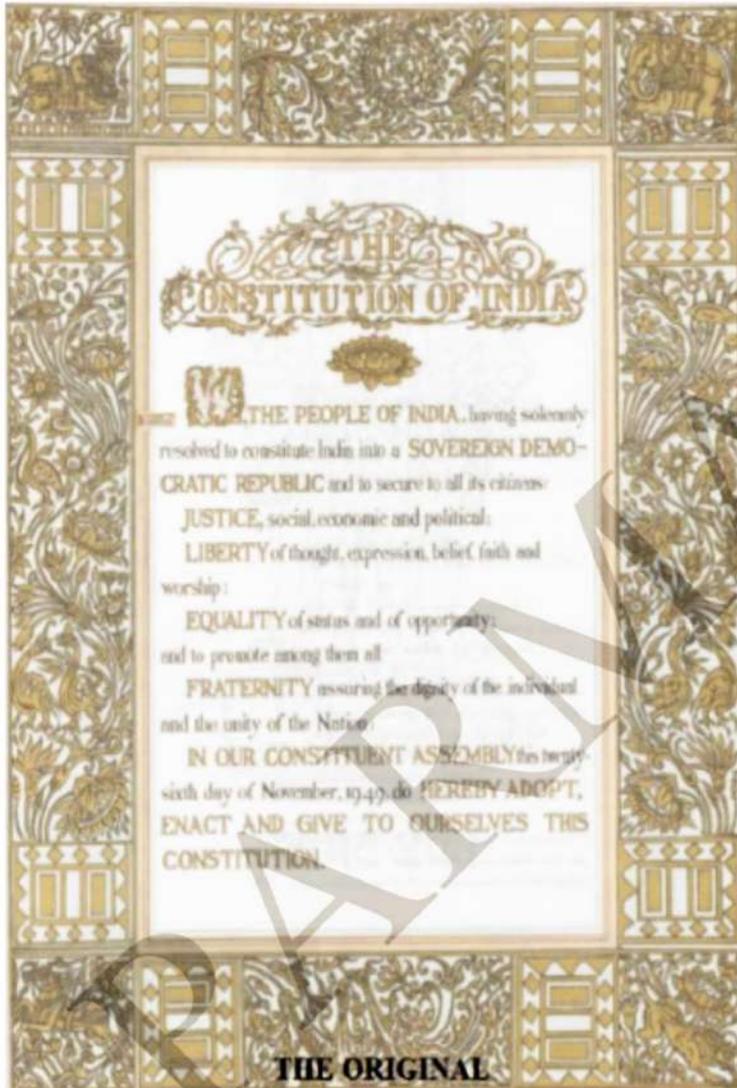


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# Preamble





- Preamble - Prastavna "We the people of India..."

Nehru - Objective Resolution: 13 Dec 1946



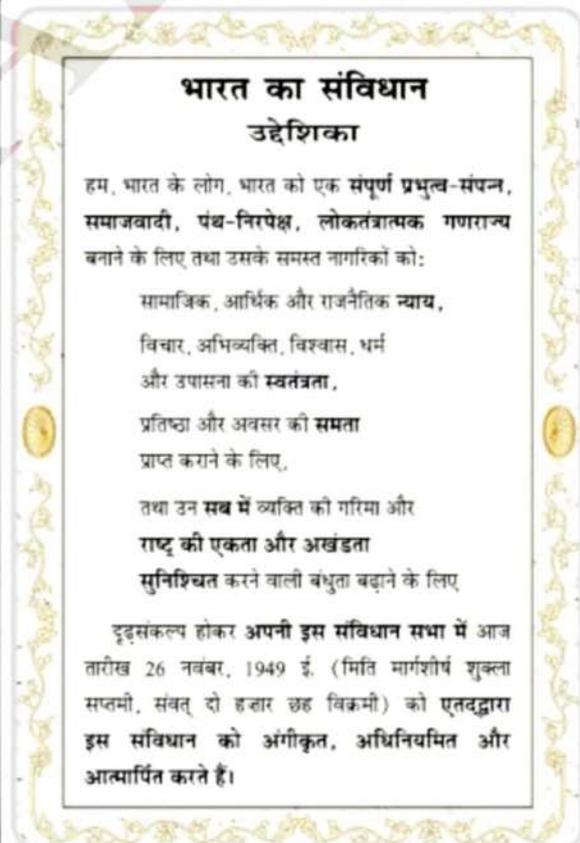
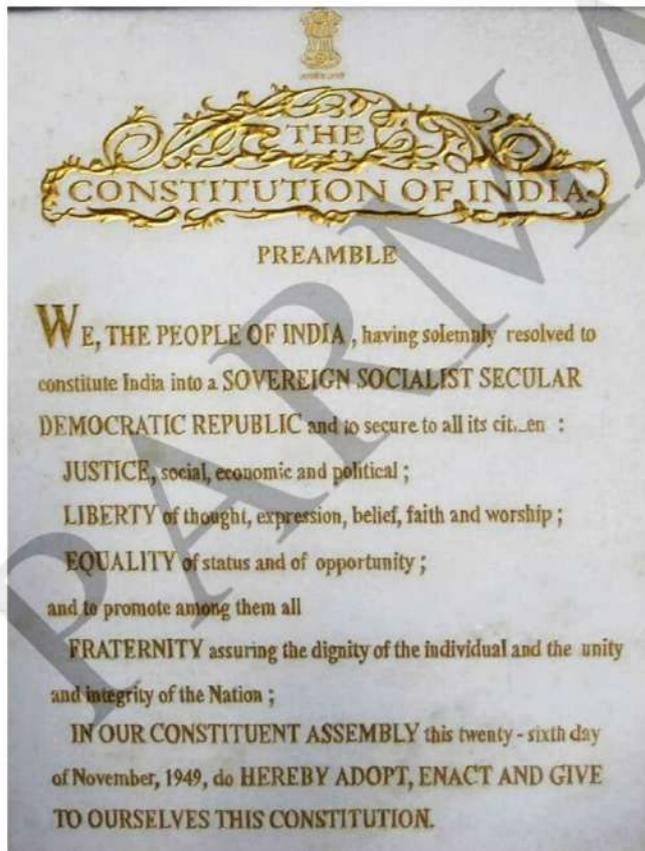
Modified form

Preamble



22 Jan 1947

- preamble made after completion of Constitution



- Justice - Nyaan, ghar ki daat

- Liberty - Azaadi



- Equality — Doston and Samaj main samanta

- Fraternity — Bhaichara, Friends banna

- Borrowed — • USA → concept

- Australia → language

- Statements passed

- ID Card of Constitution — N.A Palkivala

- Horoscope — K.M Munshi

Const. Ka bada  
View

- member of Drafting committee

- Business Advisory committee  
(Chairman)

Remarks

- Keynote of Const. — Ernst Barker

- Ingredients

- source of authority of Const. → People of India

- nature → sovereign, socialist, secular, democratic, republic

- objective → Justice, liberty, equality, Fraternity

- Date of Adoption → 26th Nov. 1949

Date of enforcement-

26 Jan 1950



- **Justice** - 3
  - social - No discrimination in caste, creed, gender
  - economic - No discrimination in economical Status
  - political - equal rights for const. position
- **Liberty** - 5
  - thought
  - expression
  - worship
  - belief
  - faith

} - Absence of restraint  
- opportunity to develop oneself
- **Equality** - 2
  - status
  - opportunity

} - Absence of special privilege  
exception: MP/MLAs/President/Governors
- **Fraternity** - 1 → Fraternity - common brotherhood
- **Sovereign** - No authority above India

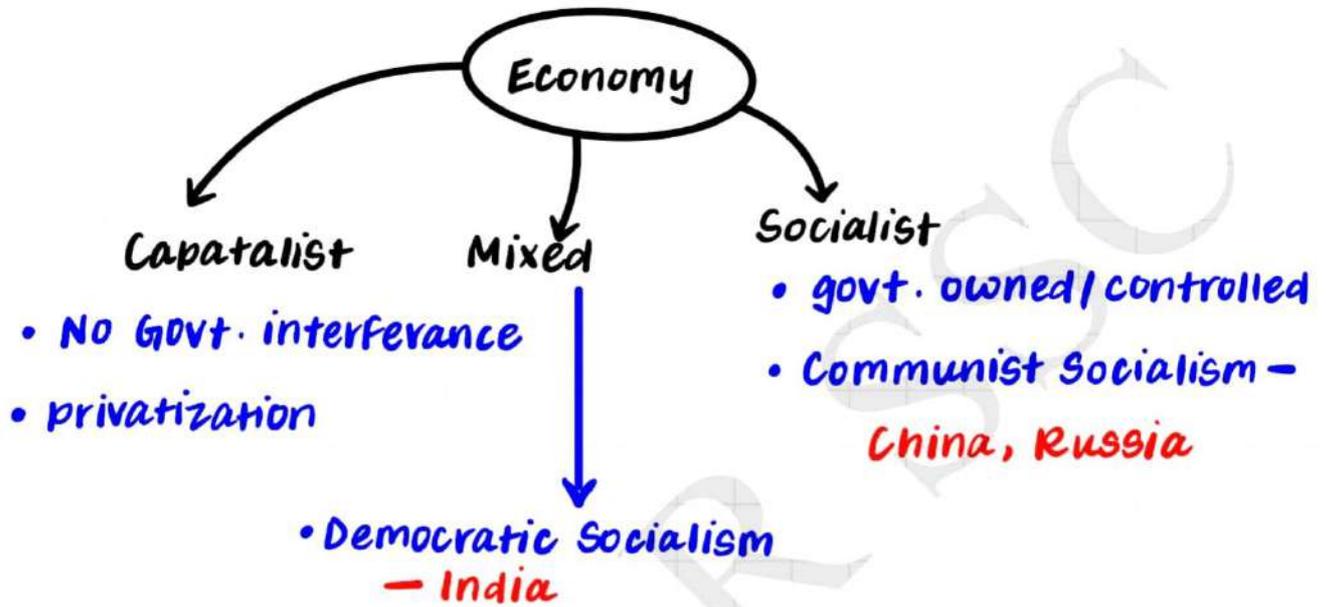
#### • Remarks

24 Jan 1950

- Hand written const.
- National Song
- National Anthem
- Last Sitting
- 1st president -  
Rajendra Prasad



• Socialist —



• Secular — • No single Religion

• all religion — equal status

**Negative** — • No interference From State

**Positive** — • Govt. interference

ex: India



• Democracy — • of the people

• by the people

• for the people

— Direct — people directly participate  
in law making

ex: Switzerland

— Indirect — do not participate directly  
in law making

ex: India

Bill → Lok Sabha → President  
Rajya Sabha

• Republic — Head of country is elected

ex: USA, India ✓

UK ✗  
↪ head of country — Prince/Queen



- Can preamble be Amended? → is non-justiciable → Nyan nahi milegi
- Is preamble a part of Constitution? } Yes

Amended only once → Integrity (SIS)  
• 42nd CA, 1976 → Socialist  
• Mini constitution → Secular

## History

- Berubari Union Case - 1960 → No, according to above to ques.
- Kesavnanda Bharti Case - 1973 → Yes, above two ques.
- LIC case - confirmed Kesavnanda Bharti Case

→ SC/HC can reverse their decision

- requires more bench of judges

- in this case: 13 judges (highest)

- 7 ✓
- 6 ✗

- Preamble is neither a source to power of govt. nor a prohibition



• Which of the following was originally not mentioned in Const.?

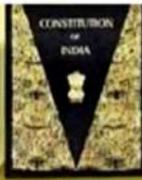
- a. Democratic
- b. Sovereign
- c. Socialist ✓
- d. Republic

order:

Sovereign, Socialist, Secular,  
Democratic, Republic

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# Schedules of Indian Constitution



## SCHEDULES OF INDIAN CONSTITUTION

SCHEDULE	DETAIL
FIRST	The list of states and union territories with territorial demarcations
SECOND	Provisions of the President, Governors of States, Speaker and the Deputy Speaker of the House of the People and the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the Legislative Assembly and the Chairman and the Deputy Chairman of the Legislative Council of a State, the Judges of the Supreme Court and of the High Courts and the Comptroller and Auditor-General of India.
THIRD	The Forms of Oaths or Affirmations.
FOURTH	Provisions as to the allocation of seats in the Council of States.
FIFTH	Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes.
SIXTH	Provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram.
SEVENTH	The Union list, State list and the concurrent list.
EIGHTH	The list of recognized languages.
NINTH	Provisions as to validation of certain Acts & Regulations.
TENTH	Provisions as to disqualification on ground of defection.
ELEVENTH	The powers, authority and responsibilities of Panchayats.
TWELTH	The powers, authority and responsibilities of Municipalities

## 12 Schedules of Indian Constitution



Schedules	Details
Schedule 1	State and Union Territories Name and their Boundary details
Schedule 2	Special Powers and Salary details of President, Governors of state, Speakers and Deputy speakers of Rajiya sabha and Lok sabha, Supreme court and High Court Judges.
Schedule 3	Oath and Promises of All authority except President, and vice president.
Schedule 4	Rajiya Sabha MP count of state and Union Territories
Schedule 5	Scheduled Area and scheduled Tribes Administration and control Law Details
Schedule 6	States of Assam, Meghalaya, Tripura and Mizoram Tribal areas Administration and control law details
Schedule 7	Detailed List about Union and State Government Power and Concurrent List
Schedule 8	Official Languages
Schedule 9	Validation of certain Acts and Regulations.
Schedule 10	Details about Party changes and disqualification of MP/MLA
Schedule 11	Responsibilities and Powers of Panchayat
Schedule 12	Responsibilities and Powers of Municipalities

## भारतीय संविधान की अनुसूचियाँ

अनुसूचियाँ 1 - 12

**प्रथम अनुसूची** राज्यों और संघ राज्य क्षेत्रों का वर्णन

**दूसरी अनुसूची** राष्ट्रपति, राज्यों के राज्यपाल, लोकसभा के अध्यक्ष तथा उपाध्यक्ष, राज्य सभा के सभापति तथा उप-सभापति, विधान सभा के अध्यक्ष तथा उपाध्यक्ष, विधान परिषद के सभापति तथा उप-सभापति, उच्चतम तथा उच्च न्यायालयों के न्यायाधीशों एवं भारत के नियंत्रक महालेखापरीक्षक के सम्बंध में उपबंध

**तीसरी अनुसूची** शपथ या प्रतिज्ञान के प्ररूप ।

**चौथी अनुसूची** राज्य सभा में सीटों का आबंटन ।

**पांचवीं अनुसूची** अनुसूचित क्षेत्रों और अनुसूचित जनजातियों के प्रशासन और नियंत्रण के बारे में उपबंध ।

**छठी अनुसूची** असम, मेघालय, त्रिपुरा और मिजोरम राज्यों में जनजातीय क्षेत्रों के प्रशासन के बारे में उपबंध ।

**सातवीं अनुसूची** संघ सूची, राज्य सूची और समवर्ती सूची ।

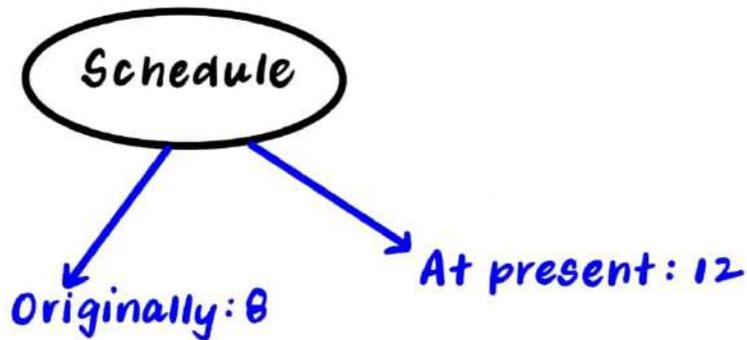
**आठवीं अनुसूची** मान्यता प्राप्त भाषाओं की सूची ।

**नौवीं अनुसूची** विशिष्ट अधिनियमों और विनियमों के सत्यापन के प्रावधान ।

**दसवीं अनुसूची** दल परिवर्तन के आधार पर निरर्हता के बारे में उपबंध ।

**ग्यारहवीं अनुसूची** पंचायतों के अधिकार, अधिकार और दायित्व ।

**बारहवीं अनुसूची** नगरपालिकाओं की के अधिकार, अधिकार और दायित्व ।



### TRICK

- **T** — Name of States & UTs
- **E** — Emoluments of President, V.P, Judge, Speaker, Governor, CAG, chairman
- **A** — Affirmation & oath → Judges, Ministers (Union + State),  
MPs, MLAs, CAG
- **R** — Rajya Sabha seats
- **S** — Administration of Scheduled areas → NE, Chattisgarh, etc
- **O** — Other Scheduled areas (tribal areas) → Assam  
Meghalaya
- **F** — Federal provision → Union  
State  
Concurrent
- **O** — Official languages → originally: 14  
at present: 22
- **L** — Land Reforms → 1st CA → Zamindari system  
judicial review on new law
- **D** — Disqualification due to defection → 1985 (52nd Amend)
- **P** — Panchayats → 1992 (73rd Amend)  
• 29 subjects
- **M** — Municipalities → 1993 (74th Amend)  
• 18 subjects



- 73<sup>rd</sup> Amend - 1993
- 74<sup>th</sup> Govt. - P.V Narsima Rao

### • Official languages

- originally - 14
- at present - 22
- 21<sup>st</sup> CA - Sindhi
- 71<sup>st</sup> CA - Konkani, Manipuri, Nepali
- 92<sup>nd</sup> CA - Bodo, Dogri, Maithli, Santhali
- 96<sup>th</sup> CA - Oriya

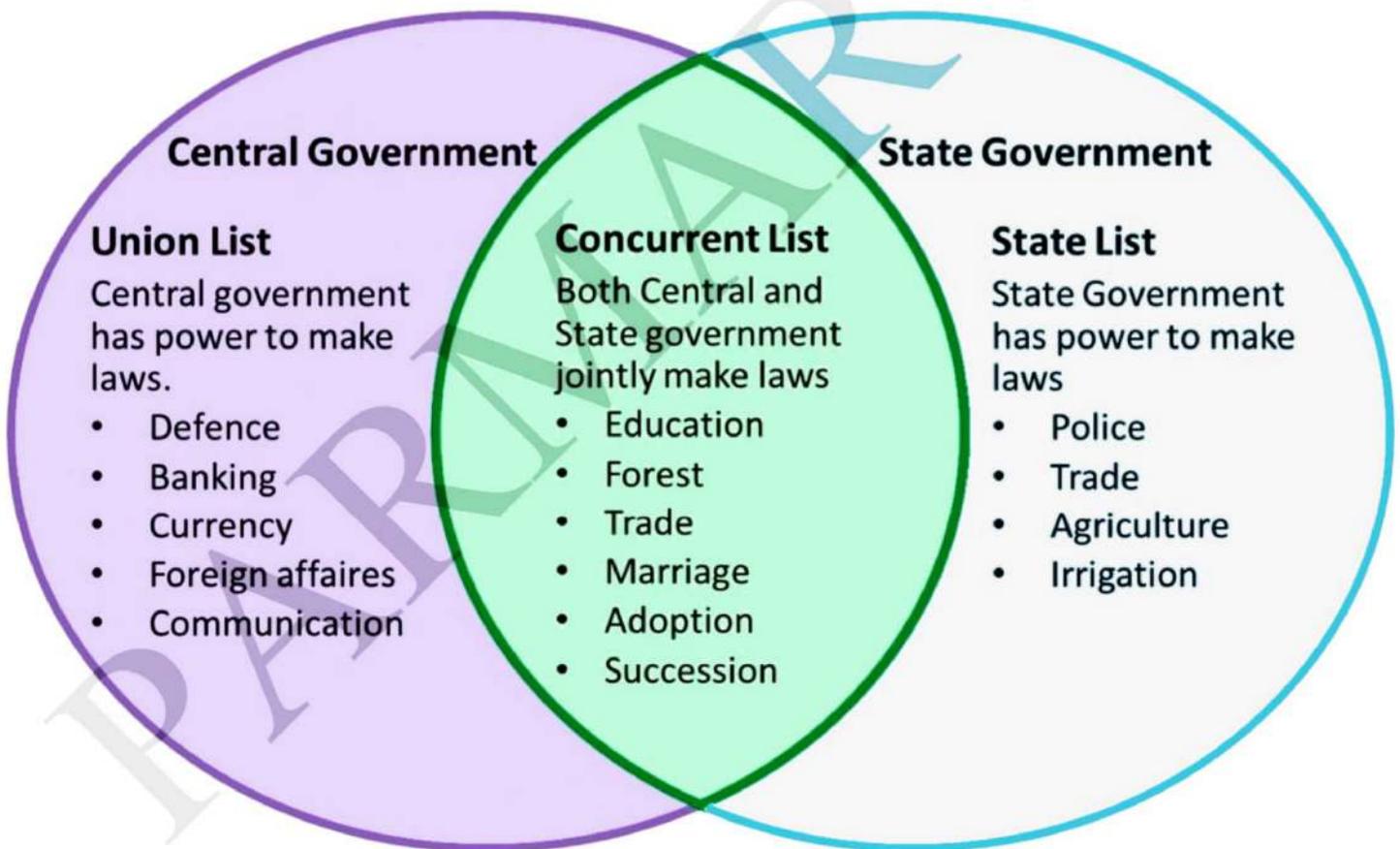
### • Classical Languages - 6

- TRICK -
- तू - Tamil
  - शूरु - Sanskrit
  - ती - Telugu
  - कर - Kannada
  - मै - Malayalam
  - अरिया - Oriya

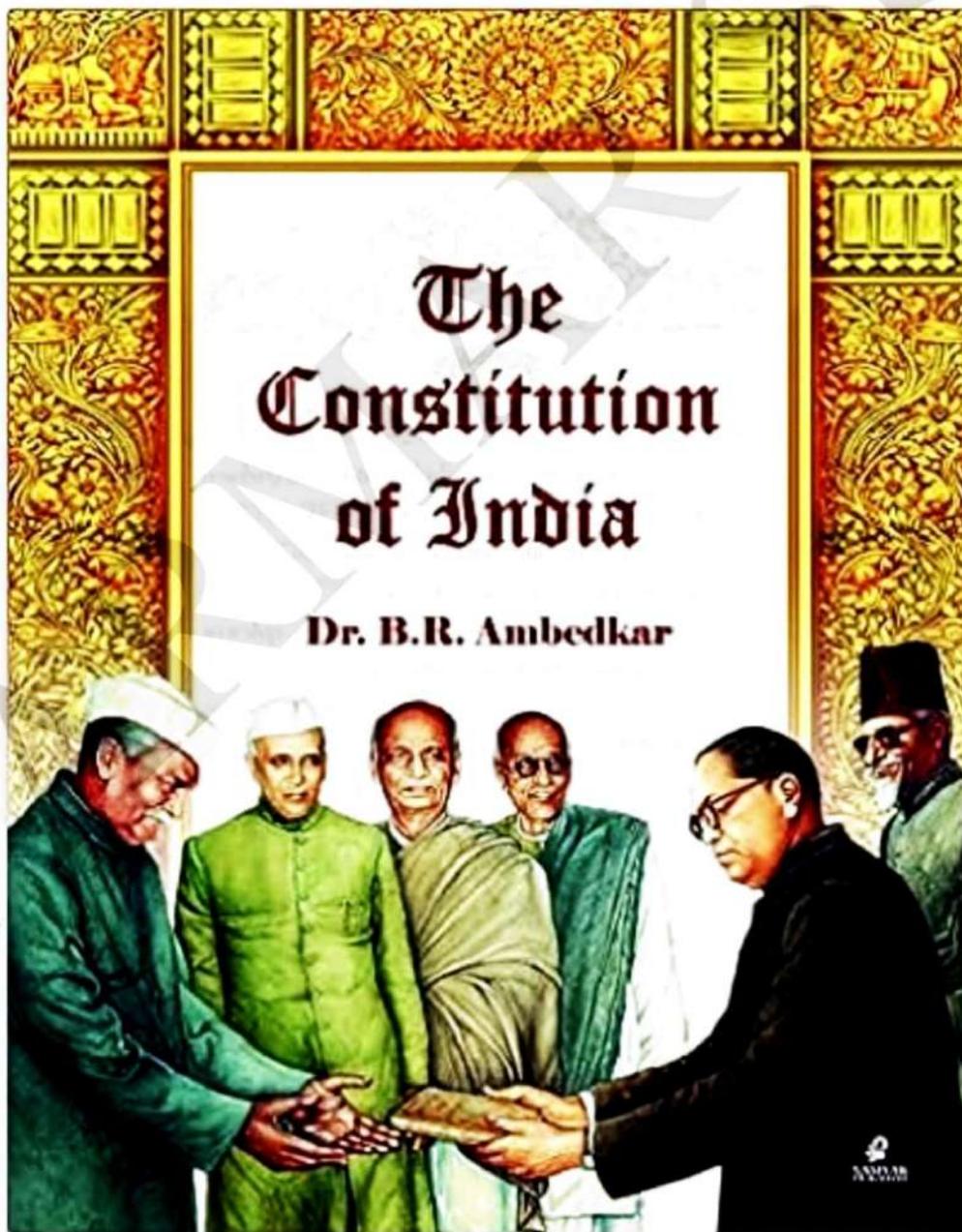


- Subject of livestock and animal husbandary  
→ State List

- Residuary List – • Union/State/Concurrent ✗
  - Parliament has law making power (union)



# Sources of Indian Constitution





## • Government of India Act, 1933

- most influenced Indian constitution
- Emergency provision
- SC establishment
- PCS
- Office of governor
- Federal scheme

→ Independence of SC: USA

## • United Kingdom

- Parliamentary form of govt.
- Parliamentary privileges
- Single citizenship
- Rule of Law
- Writs → powers of court
- Legislative procedure



→ Dual Citizenship: USA

→ Kanoon sabse upar

## • United States of America

- Fundamental Rights



- Preamble
- Separation of Power
- Supremacy of Constitution
- Independence judiciary
- Judicial review
- Equal protection of law
- Election of head of State
- Impeachment of President
- Post of V. President
- Financial emergency

Not from USA  
Integrated judiciary  
HC  
SC

## • Canada

- Federalism
  - Centre appoints governor of state
  - Residuary power
  - Advisory jurisdiction of SC
- Unitary  
President takes advice of SC

## • Australia

- Concurrent list



- Freedom of trade and commerce
- joint sitting - two houses



### • Ireland

• DPSP

• Nomination - Rajya Sabha

• election of President

TRICK - I R E L A N D

RED

• Indirect election - South Africa

• Amending Const. - "

### • Germany

• President's power - emergency

• suspension of FRs - "

### • USSR

• Fundamental duties

• ideals of Justice

• Five-year Plans



- France
  - liberty, equality, Fraternity
- Japan
  - procedure established by law → Art 21
    - Rights cannot be snatched
- Government of India Act, 1935
  - many institutional details — Constitution of India
  - office of Governor

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**TOPIC**

**Part 1 and 2 of Indian Constitution**

**Lecture :- 3**

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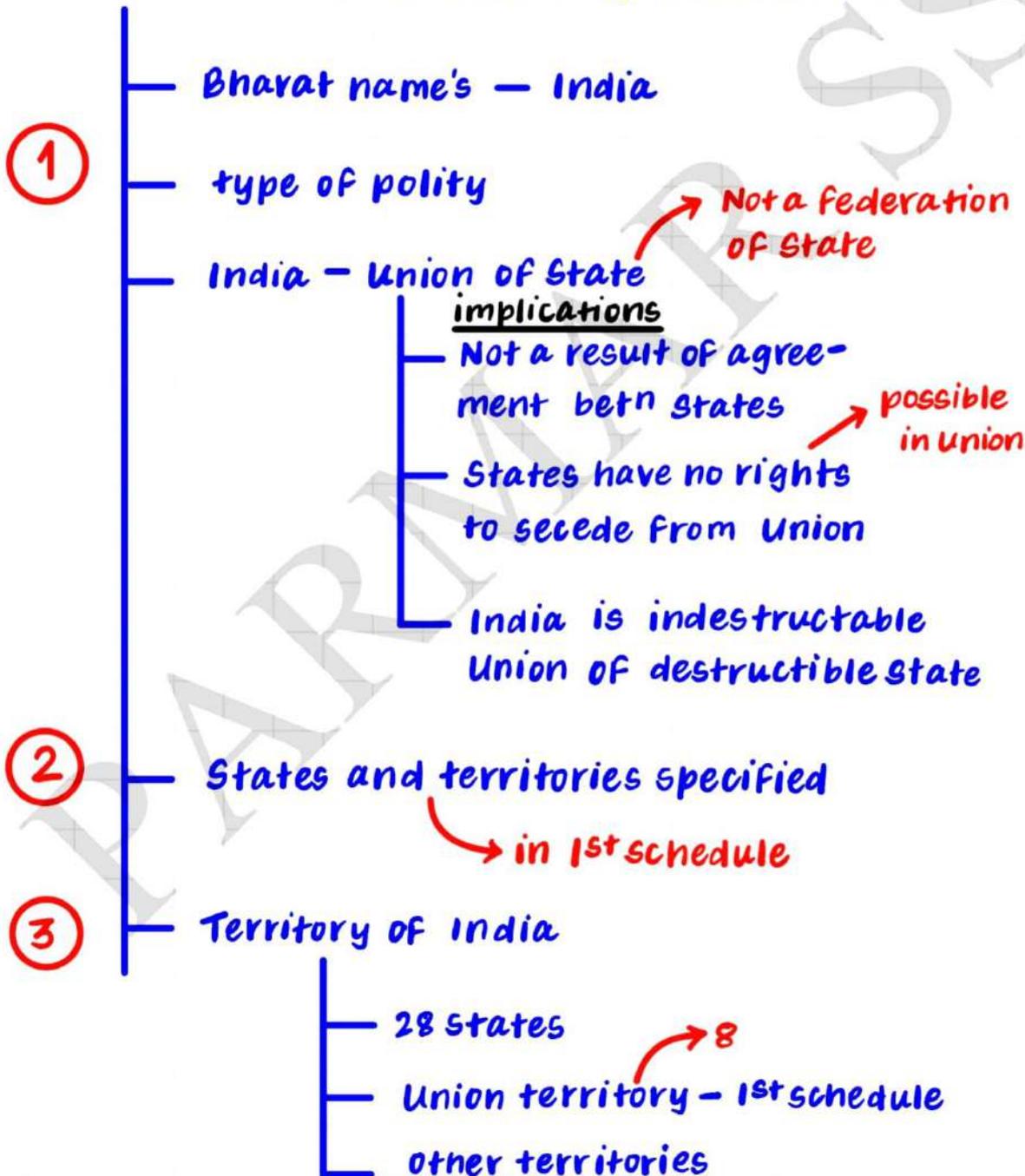


# Part 1 & 2 of Constitution



## • Part 1 - Union and its territory

### Art 1 - Name and territory of the union





## Art 2 - Establishment of new States

IF Parliaments wants to admit new territory - Art 2 admissible

## Art 3 - Formation of new states, alteration of areas, boundaries or names of existing states

form a new State

by seperating territory / by uniting any part

increase in area - State

decrease in area

alteration of boundary

name of State



provision - No bill to be introduced

in either house of Parliament unless with recommendation of President

Not binding

• No delay in bills

• gives to particular

State for suggestion

↳ governor

State recomm.

Not binding X



Art 4 - Any law made under Art 2 & 3 - to provide amendment for 1st and 4th schedule

changes in Art 2 and 3

↳ amendment of 1st and 4th schedule  
↳ seats in RS

Art 368 X

but by simple majority (साधारण बहुमत)  
↳  $\frac{2}{3}$  members present + voting

• 1959 - Berubari Union Case

↓  
India territory if has to be given to foreign territory

↳ Art 368 ✓  
• with special majority

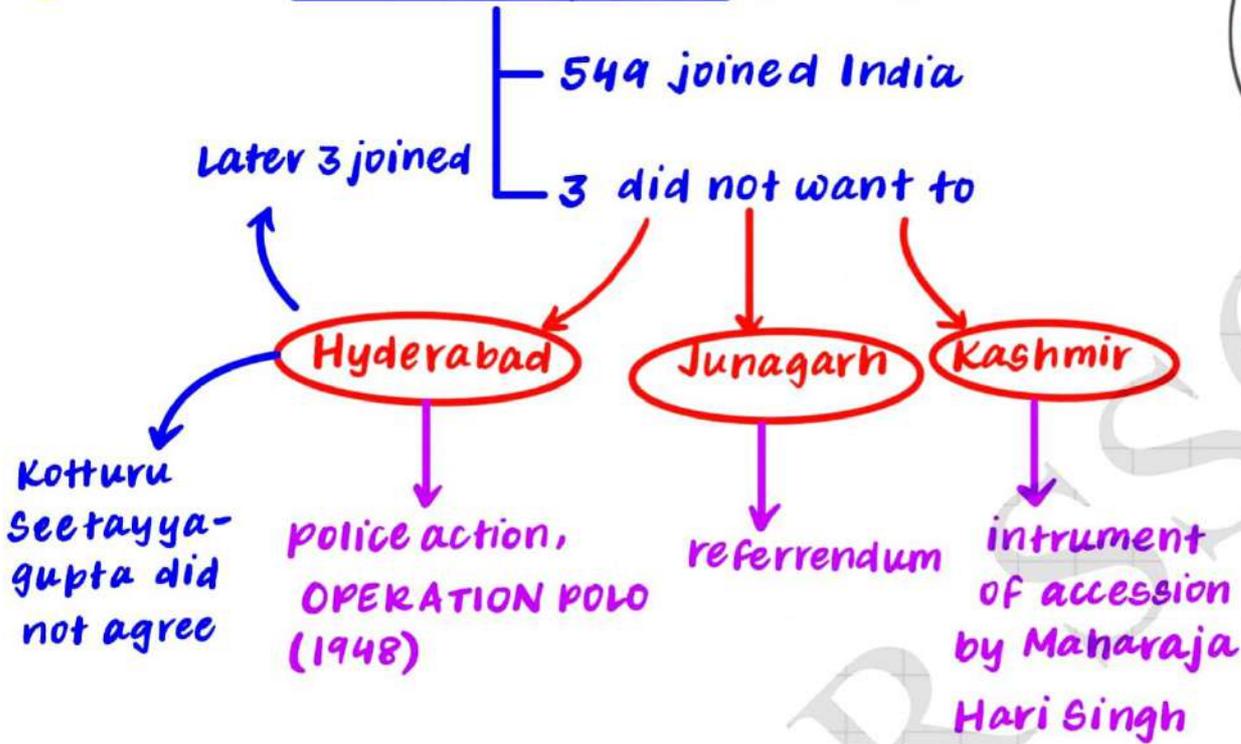
• 2014 - India and Bangladesh boundary dispute

↓  
100th CA

↳ Indo-Bangladesh agreement  
• India's few parts - Bangladesh  
• Bangladesh few parts - India



• 1947 - 552 Princely State (Total)



• 1950s - 4 fold classification



Linguistic Provisison Commission

• S K Dhar Commission, 1948

Linguistic basis model - X

- states to be organised on the basis of 'Administrative convinience'



- JVP Committee, 1948

- States should not be formed on linguistic basis

- 1953 — Potti Sriramulu

- fast unto death
- after his death — 1st linguistic state Formed → **Andhra Pradesh (1953)**  
→ Sep/Oct

- States Reorganisation Commission / Fazal Ali Commission (Dec)

- 3 members
  - Fazal Ali (chairman)
  - K M Pannikar
  - HN Kunzru

- Recommendations

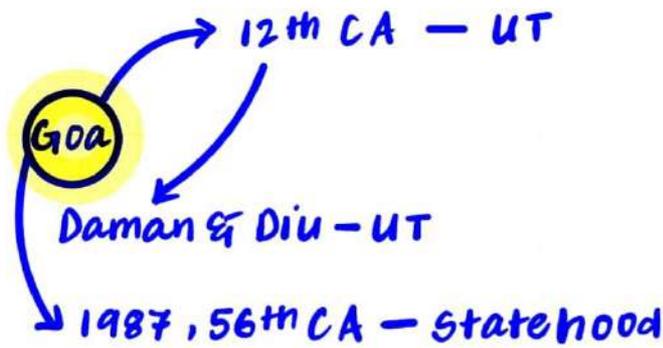
- rejected the theory of 'One language One State'

- accepted the linguistic basis of formation of State

- State Reorganisation Act, 1950

- Part A, B, C and D X

— 7th CA, 1956



Dadra and Nagar Haveli - 10th CA - UT

→ now merged with  
Daman and Diu

### Formation of States

TRICK अम - अ - Andhra Pradesh

• 1 Nov 1956 → Full Fledged

म - Maharashtra, 1968

गुजराट - गु - Gujrat, 1968

ना - Nagaland, 1963

ह - Haryana, 1966

हि - Himachal Pradesh, 1966

मेम - मे - Meghalaya, 1972

म - Manipur, 1972



तुसी - तु - Tripura, 1972

सी - Sikkim, 1975

गओ - Goa

1987 - UT

56th CA - State

Special Case

Chogyal  
Dynasty

Ruled by

Associate State,

Art 2A - 35th CA, 1976

Complete Statehood -

36th CA, 1975

TRICK

N

A

M

A

A

Article	Subject - matter
• Art 371	Special powers to MH & NL
• Art 371 A	" " to NL
• Art 371 B	" " to AS
• Art 371 C	" " to MN
• Art 371 D	" " to AP / Telangana
• Art 371 E	Centra University estalishment - AP

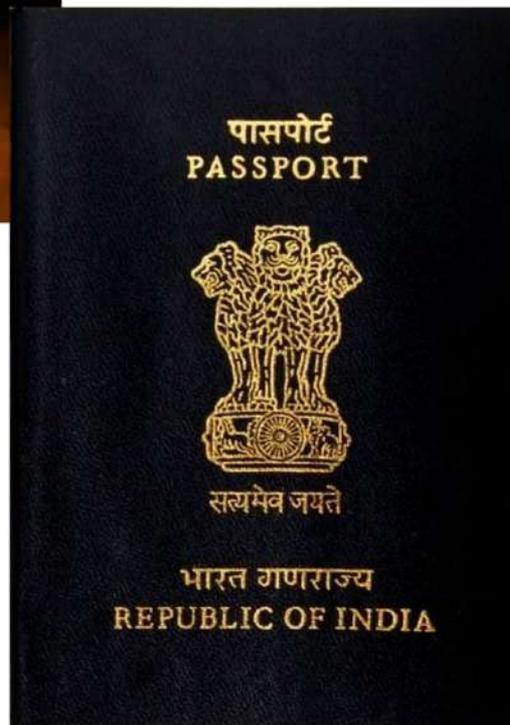


<b>S</b>	• Art 371 F	"	"	to	SK
<b>M</b>	• Art 371 G	"	"	to	MZ
<b>A</b>	• Art 371 H	"	"	to	AK
<b>G</b>	• Art 371 I	"	"	to	GA
<b>K</b>	• Art 371 J	"	"	to	KA

Article No.	Subject-matter
371	Special provision with respect to the states of Maharashtra and Gujarat.
371 – A.	Special provision with respect to the state of Nagaland.
371 – B.	Special provision with respect to the state of Assam
371 – C.	Special provision with respect to the state of Manipur
371 – D.	Special provisions with respect to the state of Andhra Pradesh or the state of Telangana
371 – E.	Establishment of Central University in Andhra Pradesh
371 – F.	Special provisions with respect to the state of Sikkim
371 – G.	Special provision with respect to the state of Mizoram
371 – H.	Special provision with respect to the state of Arunachal Pradesh
371 – I.	Special provision with respect to the state of Goa
371 – J.	Special provisions with respect to the state of Karnataka



# Citizenship





• Part II - Citizenship (नागरिकता)

↳ Art 5-11

→ regulated by Parliament

• Single citizenship → UK

USA → dual citizenship



Before the commencement of Constitution

After 26 Jan 1950

• Citizenship Act 1955

• 26 Jan 1950

Art 5-8

Art 5 - should have a domicile in India

→ Niwaas

- Born in India
- Either of Parent are born in India
- Ordinary resident for atleast 5yrs

↳ After comm. of Constitution

Art 6 - Those who are migrated to India from Pak

Art 7 - India → Pak → India

→ moving

→ After participation



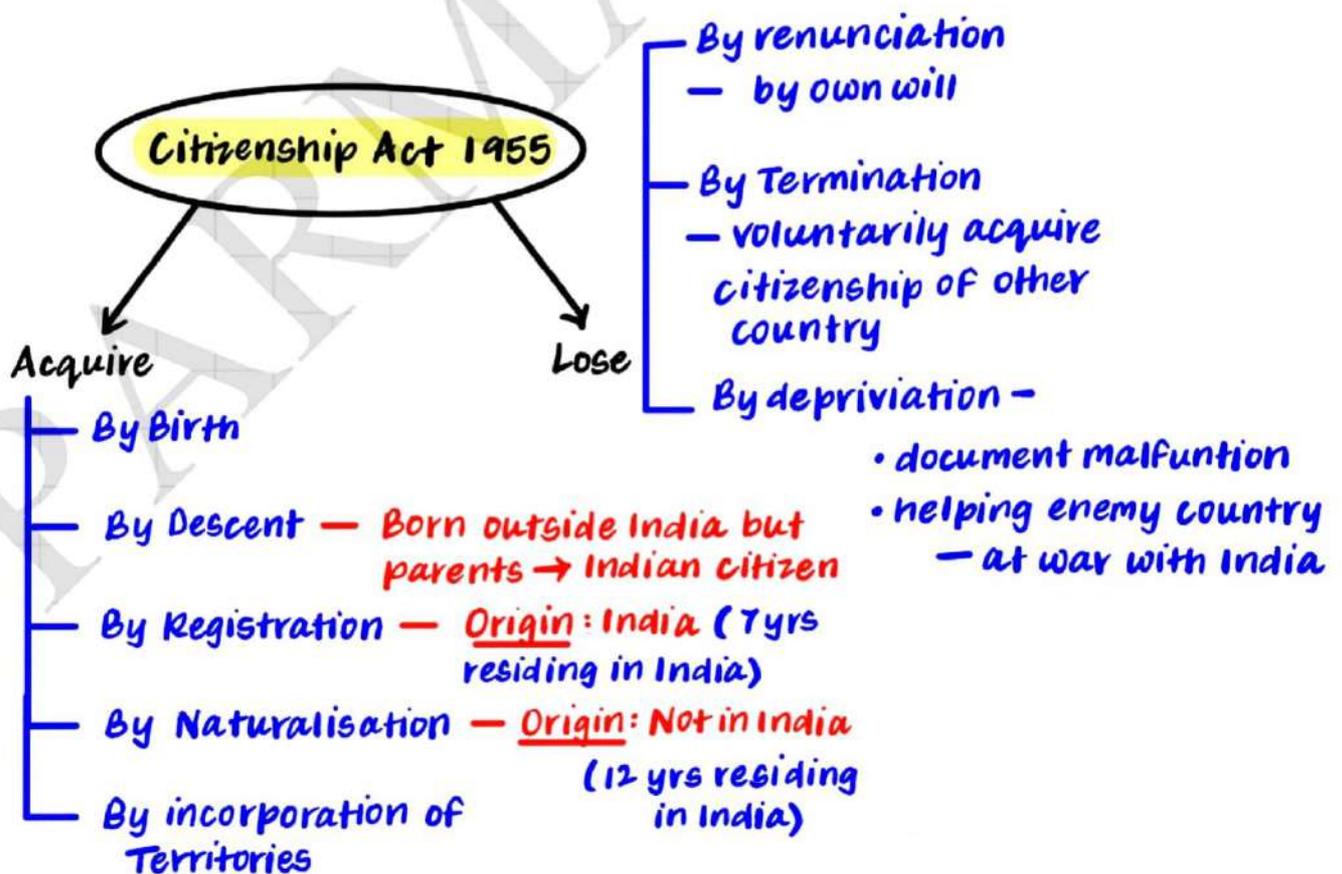
Art 8 - Citizenship of Indian origins residing outside India

Art 9 - Person voluntarily acquiring citizenship of a foreign country loses Indian citizenship

→ Dual citizenship X

Art 10 - Continuance of rights of Citizenship

Art 11 - Power of Parliament to legislate w.r.t citizenship





- must know any one Indian language

- CA, 1955 <sup>recent</sup> → Amendment 2019

6 communities from 3 countries — some relaxation through Naturalisation

Bangladesh, Pak, Afghanistan

- Hindu, Sikh, Parsi, Jain, Christian, Buddhist

due to injustice on these communities

- has to live in India for 6 yrs

Chaos caused due to — Muslims not included



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**TOPIC**

**Fundamental Rights**

**Lecture :- 4**

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# Fundamental Rights



## FUNDAMENTAL RIGHTS

 <p><b>RIGHT TO EQUALITY</b></p>	 <p><b>RIGHT TO EQUALITY BEFORE THE LAW</b> ARTICLE 14</p>	 <p><b>PROHIBITION OF DISCRIMINATION GENDER/RELIGION CASTE/BIRTH PLACE</b> ARTICLE 15</p>	 <p><b>EQUALITY IN MATTERS OF PUBLIC EMPLOYMENT</b> ARTICLE 16</p>	 <p><b>ABOLISHING UNTOUCHABILITY MAKING IT A PUNISHABLE OFFENCE</b> ARTICLE 17</p>	 <p><b>ABOLISHMENT OF TITLES OFFICE OF PROFIT OR FROM FOREIGN STATE</b> ARTICLE 18</p>
 <p><b>RIGHT TO FREEDOM</b></p>	 <p><b>FREEDOM OF SPEECH &amp; EXPRESSION</b> ARTICLE 19</p>	 <p><b>PROTECTION WITH REGARDS TO CONDITIONS OF OFFENSES COMMITTED</b> ARTICLE 20</p>	 <p><b>PROTECTION OF LIFE AND PERSONAL LIBERTY</b> ARTICLE 21</p>	 <p><b>RIGHT OF CHILDREN TO FREE EDUCATION</b> ARTICLE 21A</p>	 <p><b>PROTECT AGAINST ARRESTS DETENTIONS</b> ARTICLE 22</p>
 <p><b>RIGHT AGAINST EXPLOITATION</b></p>	 <p><b>PROHIBITION OF HUMAN TRAFFICKING &amp; FORCED LABOUR</b> ARTICLE 23</p>	 <p><b>NO CHILD BELOW 14 TO BE EMPLOYED</b> ARTICLE 24</p>	 <p><b>RIGHT TO FREEDOM OF RELIGION</b></p>	 <p><b>FREEDOM TO PRACTISE AND PROPAGATE ANY RELIGION</b> ARTICLE 25</p>	
 <p><b>ESTABLISH RELIGIOUS EDUCATIONAL INSTITUTES</b> ARTICLE 30</p>	 <p><b>PROTECT INTERESTS OF MINORITIES</b> ARTICLE 29</p>	 <p><b>CULTURAL &amp; EDUCATIONAL RIGHTS</b></p>	 <p><b>EDUCATIONAL CAMPUS TO NOT COMPEL RELIGIOUS INSTRUCTIONS</b> ARTICLE 28</p>	 <p><b>FREEDOM FROM FORCED TAX FOR RELIGIOUS PROMOTIONS</b> ARTICLE 27</p>	 <p><b>FREEDOM TO MANAGE RELIGIOUS AFFAIRS</b> ARTICLE 26</p>
 <p><b>PARLIAMENT, NOT STATE LEGISLATURE, TO MAKE LAWS</b> ARTICLE 35</p>	 <p><b>RESTRICTION OF RIGHTS WHEN MARTIAL LAW IMPOSED</b> ARTICLE 34</p>	 <p><b>POWER OF PARLIAMENT TO MODIFY RIGHTS</b> ARTICLE 33</p>	 <p><b>REMEDIES FOR ENFORCEMENT OF RIGHTS</b> ARTICLE 32</p>	 <p><b>RIGHT TO CONSTITUTIONAL REMEDIES</b></p>	

Prof. Freddy Singaraj



## Part III - Fundamental Rights

↓  
**Art 12-35**

- borrowed from USA → Magna Carta
- our FRs → more comprehensive

### Provisions

- FRs are not absolute but qualified
  - limit hai → unless encroaching other's rights
- " " " **sancrosact**
  - are not permanent → cheena ja sakta hai parliament ke dwara
- " " " **justiciable**
  - Nyanyogya → inke virudh nyan milega

### Remarks

#### Abbreviated terms in notes:

- FRs - Fundamental rights
- FD - Fundamental duty
- SC - Supreme Court
- HC - High Court



# SIX FUNDAMENTAL RIGHTS IN INDIA



## 1 RIGHT TO EQUALITY

Right to equality (Article 14 to 18) prohibits the inequality on the basis of caste, religion, place of birth, race and gender. It ensures equal rights for all citizens.



## 2 RIGHT TO FREEDOM

These rights (Article 19, 20, 21 A, 22) are freedom of speech, freedom of expression, freedom of movement throughout the territory of our country, freedom to practice any profession, freedom to reside in any part of the country. However, these rights have their own restrictions.



## 3 RIGHT AGAINST EXPLOITATION

Right against Exploitation (Article 23 and 24) condemns human trafficking, child labor, forced labor making it an offense punishable by law.



## 4 RIGHT TO FREEDOM OF RELIGION

(Article 25 to 28) It guarantees religious freedom and ensures secular states in India. All people have freedom of conscience and right to preach, practice and propagate any religion of their choice.



## 5 CULTURAL AND EDUCATIONAL RIGHTS

(Article 29 and 30) Cultural Rights protects the rights of cultural, religious and linguistic minorities by enabling them to conserve their heritage and protecting them against discrimination. Educational rights ensure education for everyone irrespective of their caste, gender, religion, etc.



## 6 RIGHT TO CONSTITUTIONAL REMEDIES

Right to constitutional remedies (Articles 32 to 35) empowers the citizens to move to a court of law in case of any denial of the fundamental rights.

• originally – 7 fundamental rights



At present – 6 fundamental rights

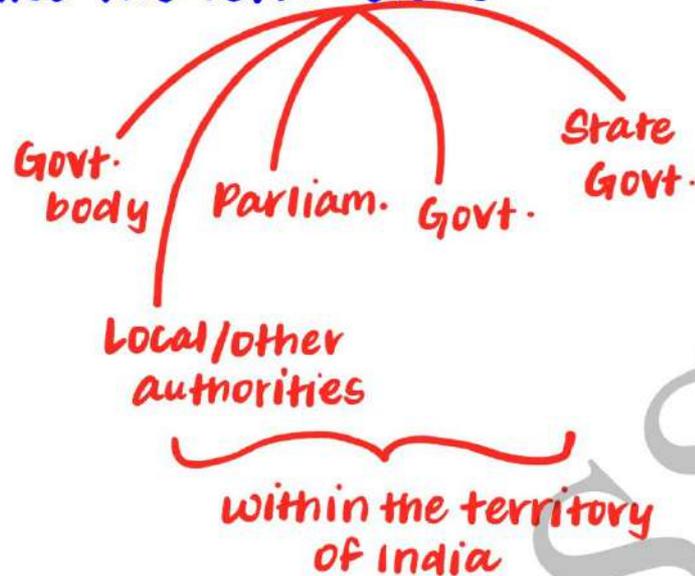
• Right to property – hata

diya → under 44<sup>th</sup> CA, 1978

PM: Moraji Desai (1926)

→ Now Art 300 A → a legal right

Art 12 — Defines the term 'State'



Art 13 — Any law which is in inconsistency/controversial with FRs → court can declare Null & Void

→ includes - ordinance, order, bye-law (temporary law), regulations.

Constitutional Amendment is not a law

exception → Kesavnanda Bharti Case (1973)

↓  
Basic structure if destroyed → treated Null & Void



Art 14 — Right to Equality

equality before law

— Kanun ke samne sab saman hai

→ concept: UK

equal protection of the law

— like should be treated alike

→ concept: USA

ex: Subsidy by Govt. to socially backward community

Art 15 — Equality to Status / Right against discrimination

gender / race / caste / sex / religion / place of birth only → Discrimination X

• use of wells, tanks, bathing ghats, restaurants, etc.



Art 16 — Equality to public employment

gender/race/caste/sex/  
religion/place of birth/  
descent → Discrimination X

Art 16 (4) — Promotion and Reservation  
in appointment

→ not a violation of  
Right to Equality

Cases

- Balaji Vs State of Mysore
- Devdasan Vs Union of India Case
- Indira Sawhney Case (1993)

9 bench judges

• 6:3 ratio

• Reservation → Social basis ✓

• promotion ≠ No  
Reservation →  
↪ Not exceeding 50%

Economic basis X

also known

Mandal Commission  
(2nd backward class)

— Reservation to OBC (27%)

↳ V. P Singh govt  
aane ke baad



Art 17 - Untouchability nahi

Art 18 - Abolition of Title

State cannot provide title  
ex: Maharaja, Diwaan, etc

exception - Educational  
Military ✓  
Excellency

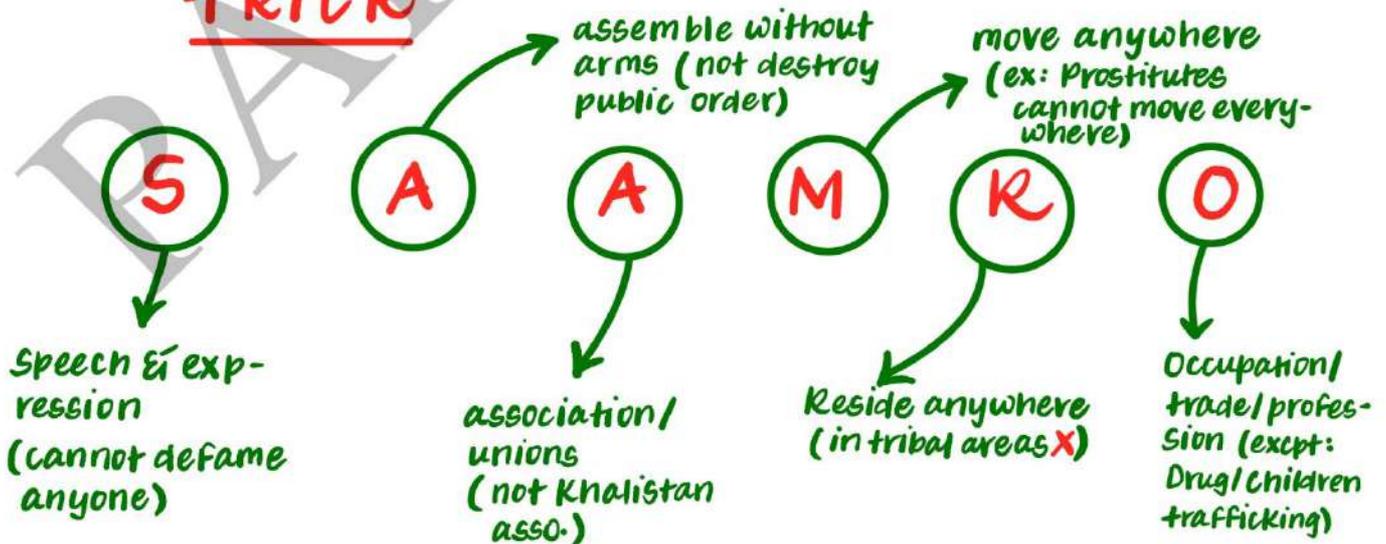
Art 19-22 - Right to Freedom

under reasonable restriction

a, b, c, d, e, ~~x~~, g

hata diya hai  
under 44th CA

TRICK



## Right to Freedom Art 19-22

- Article 19. Protection of certain rights regarding freedom of speech etc. The six Freedoms
- 19(1) All citizens shall have the right
  - ✓ (a) to freedom of speech and expression
  - ✓ (b) to assemble peacefully and without arms;
  - ✓ (c) to form associations or unions;
  - ✓ (d) to move freely throughout the territory of India;
  - ✓ (e) to reside and settle in any part of the territory of India;

(f) The right to hold and dispose of property  
(omitted by Constitution (44<sup>th</sup> amendment) Act, 1978)

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



## Art 20 — Protection in respect of Conviction for offences

No ex-post-facto law

— jo Kanun aaj bana hua hai, ussi ke hisab se sajah milegi

except: Criminal Law ✓  
Civil Law X

No double-jeopardy

— EK crime ke liye dubara sajah nahi milegi

No self-incrimination

— Aapko aapke khilaf gawah nahi bana sakte



Most Fundamental

Art 21 — Right to Life

Saari  
Utpatang  
rights iss  
Art ke under

- No one can be deprived from life → but by procedure established by law

Gopalan Case

- Narrow Stance
- right to life ✓

Menaka Gandhi Case

- Wide Stance
- SC overtuned Gopalan Case → Videsh jake waapas aa sakte hai

Art 21 (A) — Right to primary education



Art 22 — Protection against arrest & detention

Punitive detention

- suchit Kiya jayega - Kyun arrest Kiya hai?
- 24 ghante ke andar Magistrate ke samne prastoot
- Legal waqil milega

Preventive detention

Crime kar sakta hai → rokna



Art 23-24 — Right against Exploitation

Art 23 — Human trafficking & forced labour  
→ prohibited

Art 24 — Child labour —  
Prohibited →  
below 14 yrs  
cannot be employed  
in hazardous place

Art 25-28 — Freedom of Religion

Art 25 — Freedom of Conscience  
↳ individual

Art 26 — Collective rights of group  
→ to manage religious  
affairs

Art 27 — Dharm ke naam pe tax

Art 28 — Dharmic instruction →  
Not allowed in govt.  
aided schools



Art 29 - 30 - Cultural and Educational rights

Art 29 - Right to protect language, script, culture of every citizen

Art 30 - Establishment of religious educational institutes → only for minorities

Art 32 - 35 - Right to Constitutional Remedies (right to maulik adhikar)

use karke SC jaa sakta hai  
↓  
when violated

Art 32 - "Heart and Soul of Indian Constitution" → B. R Ambedkar

• Art 226 - HC jaa sakta hai when rights violated



## Writs vs Jurisdiction

- SC cannot refuse to issue writ but HC can.
- HC writ jurisdiction is wider than SC writ jurisdiction.

→ SC can issue writs for FRs only but HC can issue it for both FR + Legal rights

**JVs** [www.jatinverma.org](http://www.jatinverma.org)

### WRITS UNDER ARTICLE 32

<b>01</b> Habeas corpus	"To bring a person arrested to the court" • Against individual as well as state	→ to have a body of • arrested person ko leke aao
<b>02</b> Mandamus	"A command to perform its duty" • Against officers, public servants & govt • Also against lower court • Not against president or governor. • Also issued to instruct govt to not enforce an unconstitutional law.	→ we command • agar mandatory Kaam nahi ho raha
<b>03</b> Prohibition	• Only to a lower court. • To keep them in their jurisdiction. • Against judicial and quasi-judicial bodies.	→ To be certified of • HC → Distric court → orders quased
<b>04</b> Mandamus	• Judicial & quasi-judicial bodies. • Administrative authorities. • Quashes the other of lower court • and pulls the case to itself. Not against legislative bodies	→ To forbid • HC → LC ko bol sakta hai apne jurisdic- Hon main raho
<b>05</b> Quo Warranto	• Substantive public office of permanent character. • Enquire the legality of claims of a person to a public office. • Not against a ministerial office. • Anyone & not just the person aggrieved can seek this writ.	→ By what authority of? • public office hold Karna jiska entitled na ho



Art 33 — Parliament power to restrict FRs of armed personnels

Art 34 — Restriction on FRs while Martial Law is in force

→ only in particular area

Art 35 — Power to make laws to give effect to FRs → Vested only on Parliament

• Rights available to citizens → Not to foreigners

15, 16, 19, 29, 30

TRICK

→ Art 14

**LAW creates doubt SAMRO**

→ Art 15

→ Titles

→ Art 16

→ Art 17

→ discussed already

**CLEARLY**

→ Art 21

→ Art 22

→ Art 23 & 24

→ Art 20

→ Art 21 A

## Art 18 – Bharat Ratna and Padma Awards



- Imp. rights → Art 21 and Art 19
- Under Art 21, the right to livelihood as a part of right to life was retained due to →  
*Olga Tellies Vs Bombay Municipal Corporation Case*

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**TOPIC**

**DPSP & Fundamental Duties**

**Lecture :- 5**

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# DPSP AND FUNDAMENTAL DUTIES





Part IV - Directive Principle of State Policy

later added

Rajya ko nirdesh

- logo ko kaam dena, atchi wage dena, etc.

Used to check constitutional value of any law

Art 36 - Art 51

Taken From - Ireland

Art 36 - Meaning of State

Rajya

- everything (same as Art 12)  
ex: govt bodies, central gov, etc.

Art 37 - They are non-jusciabile

court nahi jaa sakte

- Instrument of Instruction - DPSP - GOI Act 1935, (resembles) governor general ko instruction diye gaye the
- Novel feature of Constitution - B.R. Ambedkar
- Cooperative Federalism (India) - Grainville Austin  
called 'DPSP' —  
Conscience of the Constitution  
India Ka federalism  
Quasi-federal hai - K C Wheare



- DPSP seek to establish a **welfare-state**

Lok-Kalyan  
Ka path

- Establishes **Social and Economic democracy**

**Fundamental Rights - Political democracy**

Art 39  
Welfare

Art 39  
LDC PHC

Art 39A  
Free legal aid

Art 40  
Panchayat

Art 43  
Living wages

• just & humane conditions  
• maternity leaves  
Art 42

Right to Work  
Art 41

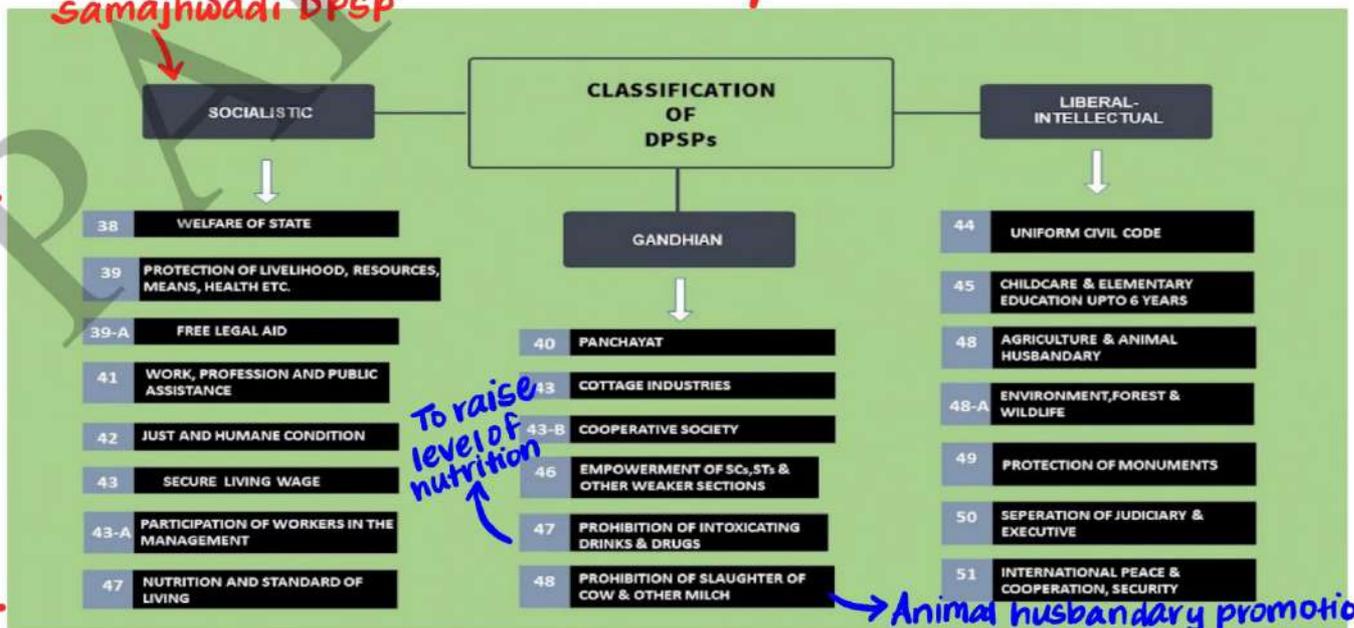
Participation of workers in the management of Industries

Art 43A

samajhwadi DPSP

Classification not given in Constitution

Not in Order



To raise level of nutrition

Animal husbandary promotion



## Art 39

- **L**ivelihood - L → *equally*
- Material resources **d**istribution - D
- **C**oncentration - C
- **P**ay for equal work for both sexes - P
- **H**ealth and strength of workers - H
- **C**hildren - C

Art 44 - Uniform Civil Code  
- *sabke liye samanta*

Art 45 - Early childhood care (0-6yrs)

Art 46 - SC/ST

Art 49 - Monuments

Art 47 - Intoxicants

Art 50 - Separation of Judiciary & Executive

Art 48 - Slaughtering of Cows

Art 51 - International Peace & Cooperation

Art 48A - To protect environment



## Amendments

- 42<sup>nd</sup> —
- poor — free legal aid to poor — 39A
  - worker — participation of workers — 43A
  - child — opportunities for their healthy development — 39
  - environment — 48A

44<sup>th</sup> — to minimise inequality in income status facility and opportunities — Art 38

86<sup>th</sup> — brought by Art 21 A ; Art 45

- FR
- DPSP (changes made),
- FD

→ early childhood care — 0-6 yrs (State)

Art 51 A (K) → guardians duty to provide education  
6-14 yrs

97<sup>th</sup> — Cooperative Society — Art 43B

## Fundamental Rights Vs DPSP

- Champakam Dorairajan Case — SC said — (1951)
- FR would prevail over DPSP
- FR are amendment



• Golaknath Case (1967) -

Parliament cannot  
take away FR

By Parliament

24<sup>th</sup> CA - Parliament can  
amend FR

25<sup>th</sup> CA → No law which  
seek to impliment Art 39  
(b) (c) shall be declared  
Null & Void on the grounds  
of Art 14 and Art 19

- No such law shall be  
questioned in any quote

• Kesavnanda Bharti Case (1973) - 13 bench judges case

Parliament can amend FR  
however must no disturb  
the Basic Structure of Const-  
itution (24<sup>th</sup> CA)

25<sup>th</sup> CA - 1<sup>st</sup> provision ✓  
- 2<sup>nd</sup> provision - unconstitution

• Minerval Mill Case - Indian Const. is found on the  
bedrock of the balance betn  
FR & DPSP



- Directive Principle of State Policy are like check on Bank payable at convenience of the bank → Prof. K T Shah

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• Sardar Swaran Singh - USSR

• 8 → Recommened → Total 10 duties

↓  
42nd CA, 1976

- only applicable to Indians and not foreigners
- FD were not originally part of Constitution
- Part IV A (Art 51)

Last FD → 51A (K) was added through 86th CA

→ at present - 11 FD

**FUNDAMENTAL DUTIES**  
The Constitution of India  
Article 51A

It shall be the duty of every citizen of India

- to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem ;
- to cherish and follow the noble ideals which inspired our national struggle for freedom ;
- to uphold and protect the sovereignty, unity and integrity of India ;
- to defend the country and render national service when called upon to do so ;
- to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities ; to renounce practices derogatory to the dignity of women ;
- to value and preserve the rich heritage of our composite culture ;
- to protect and improve the natural environment including forests, lakes, rivers, wild life and to have compassion for living creatures ;
- to develop the scientific temper, humanism and the spirit of inquiry and reform ;
- to safeguard public property and to abjure violence ;
- 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 ;

51A (K) → guardians duty to provide education to 6-14 yrs

- 51A
- abide
- b - Bhagat Singh
- c - 3 duties
- d - to defend
- e - panch - to promote equality
- f - fort
- g - greenary
- h - humanism
- i - eye - Non-voilence  
• eye for an eye -
- j - jeddu - Jadeja MK Gandhi (all rounder)



- FD have economical , social & economic significance

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**TOPIC**

**President and Vice-President**

**Lecture :- 6**

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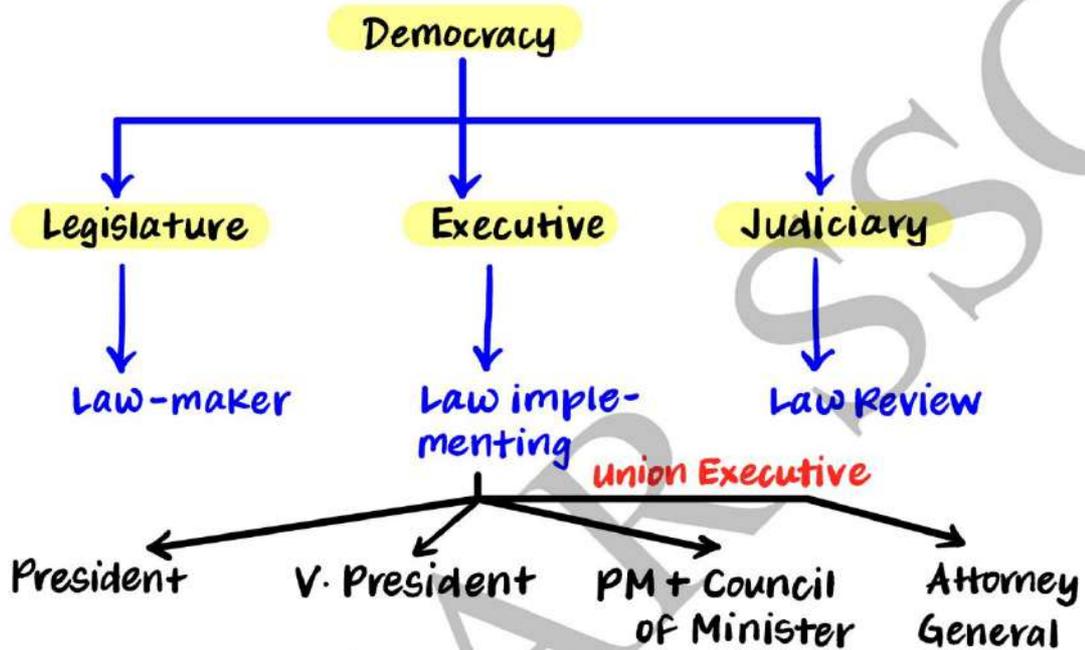


# President and Vice-President





Part V - Union Executive  
• Art 52-78



Union Executive

President

Art 52 - There shall be a President of India, who shall be the Head of Union Executive

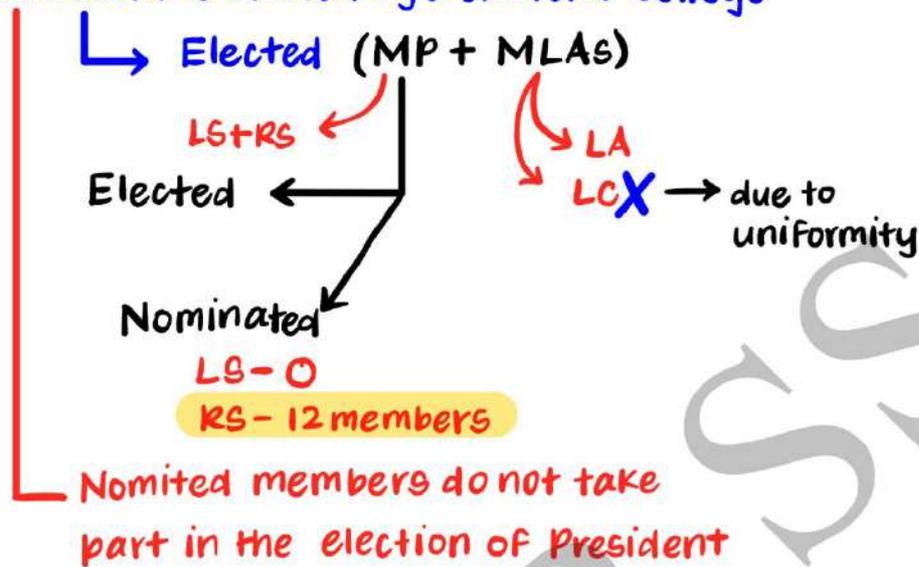
Art 53 - Executive power of Union shall vest in President + Supreme Commander of all the defence forces

→ Army, Navy, Airforce

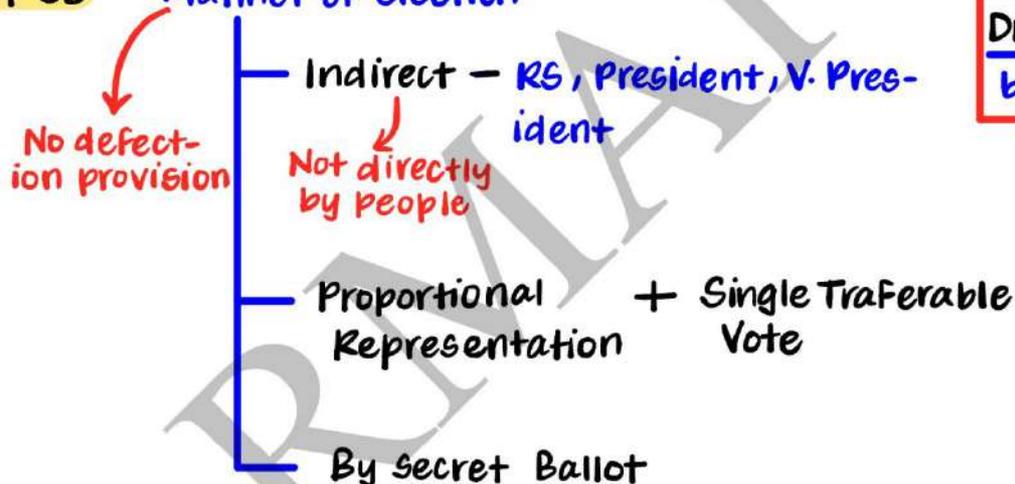
President is the head of the country  
1st citizen of India  
2nd " " " →  
V. President



**Art 54** - President is elected by a electoral college



**Art 55** - Manner of election



**Direct - Directly by people**

• 50 proposers + 50 seconders - President elections

• Quota =  $\frac{\text{Total votes}}{\text{No. of Candidates} + 1} + 1$

• Value of vote of all MLAs =  $\frac{\text{Total population of State}}{\text{No. of elected MLA}} \times \frac{1}{1000}$

• Value of vote of MP =  $\frac{\text{Total value of votes of all MLAs}}{\text{Total no. of elected MPs}}$



**Art 56** - Term of President : 5 yrs  
Resignation  $\xrightarrow{\text{to}}$  V. President

**Art 57** - Re-election of President : any no. of times

Naturalized citizen can become President

Max. serving President : Dr. Rajendra Prasad

Max. " V. President : Dr. Sarvapalli Radhakrishnan

USA  
↓  
Max: 2 yrs  
↓  
No naturalized citizen can become President

**Art 58** - Qualification

- ① Citizen of India
- ② Age : Min. 35 yrs
- \* ③ Should be qualified to be appointed as a member of Lok Sabha
- ④ should not hold office of profit

Not defined in Constitution

President  
V. President  
Minister  
PM

**Art 59** - Condition of Office of President

President shall not be member of the house of Parliament & state legislature

↳ if a member - should deemed to vacate his seat before being appointed as President



Emoluments & allowances shall not be diminished during his term

Art 60 - Oath of President  $\xrightarrow{\text{by}}$  CJI

IF not present then  
↓  
Senior most judge

Art 61 - For violation of Constitution - Impeachment

How? ↓  
All MPs  
(elected + nominated)

Resolution

- 14 days prior notice
- either in LS / RS ↙
- signed by not less than  $\frac{1}{4}$ th of the total members of the house

How? ↓  
Special Majority:  $\frac{2}{3}$  of the total membership of the house  
↓  
2nd house - Special Majority

↑ 1st house

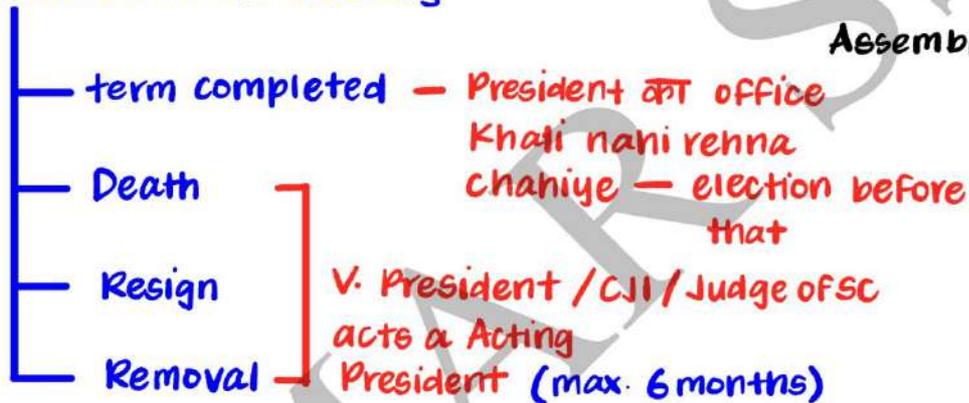
↓  
President gets impeached

Quasi Judicial

## Difference

- MLAs participate in President's election but not in impeachment
- Nominated MPs do not take in election but participate in impeachment

### Art 53 - Election to fill vacancy



2UTs have Legislative  
Assembly → Delhi  
→ Puducherry

## TRICK - Pr E E M T Re Q C Ome In T

### Articles Related to President

Article 52	The President of India	→	Pr
Article 53	Executive power of the Union	→	E
Article 54	Election of President	→	E
Article 55	Manner of election of President	→	M
Article 56	Term of office of President	→	T
Article 57	Eligibility for re-election	→	Re
Article 58	Qualifications for election as President	→	Q
Article 59	Conditions of President's office	→	C
Article 60	Oath or affirmation by the President	→	Ome
Article 61	Procedure for impeachment of the President	→	In
Article 62	Time of holding election to fill vacancy in the office of president	→	T

# Vice President

• Art 63-71



14<sup>th</sup>: Jagdeep Dhankar

1<sup>st</sup>: Sarvapalli  
Radhakrishnan

Art 63 - There shall be a Vice President of India

seeking election?  
- security deposit - Rs 15,000/-

Art 64 - V.P shall be ex officio chairman of Constitution of state [RS]

Art 65 - V.P to act as President during casual vacancies

Art 66 - Election of V.P

① [ electoral collage - All MPs  
manner of election - Proportional + STV  
representation  
Voting through secret ballot

② V.P shall not be member of the house of Parliament & state legislature (Same as President)

③ Eligibility ————  
    | ———— Citizen of India  
    | ———— Age: 35 yrs  
    | ———— He should be qualified to be elected as a member of **Rajya Sabha**

④ Should not hold any office of profit

**Art 67** - Term : 5yrs

① Resignation  $\xrightarrow{\text{to}}$  President

② Removal  $\rightarrow$  Resolution can initiate in RS  $\rightarrow$  Majority of all the then members  
    ↓  
    14 days prior notice  
    ↓  
    effective majority

③ will be present until being replaced by another (new) V.P. and agreed by LS.



**Art 68** - Time of holding election to fill  
vacancy - 60 days **Ke andar**

**Art 69** - Oath **by** → President

**Art 70** - Discharge of President's function in other  
contingencies

**Art 71** - All election doubts and disputes in the  
case of election  
↳ President and V-President  
shall be inquired and  
decided by SC only  
Jo bhi kaam kiya hai inke dwara -  
responsibilities carried on and before  
till the time is **'Valid'**

### Proportional Representation + Single Transferable Vote

President

RS

V.P

• A person who votes - has power of multiple

Candidate vote →	A	B	C	D
4	1	3	2	4
1	3	4	1	3
2	4	1	3	2
.	.	.	.	.

- 20 proposers + 20 electors  
as proposers

→ Preference based

1st preference  
Kisko mili hai?

→ Quota?  
- Winner ✓



Art 72 - Pardoning Power of President

can pardon  
Death Sentence

Difference

- Governor cannot pardon Death Sentences
- Governor cannot pardon Court Martial

Art 161 - Pardoning power of Governor

• Longest serving V.P - Hamid Ansari

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# PARMAR'S GK BATCH

**TOPIC**

**Prime Minister & Council of Ministers**

**Lecture :- 7**

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# Prime Minister And Council of Ministers , Governor





- Part V - The PM + COMs
- Part VI - The Governor



Classifications of different ministers not mentioned in Constitution

## Prime Minister

## Council of Minister

Art 74 - Council of Ministers to aid & advise President (1)

\* Advise by CoMs  $\rightarrow$  President (Pehle binding thi, Indira Gandhi ke time pe)  
44th CA - Advise by CoMs to President - pehli baar lautaya ja sakta hai  
42nd CA - 'binding' hai (re-consider) but 2nd time

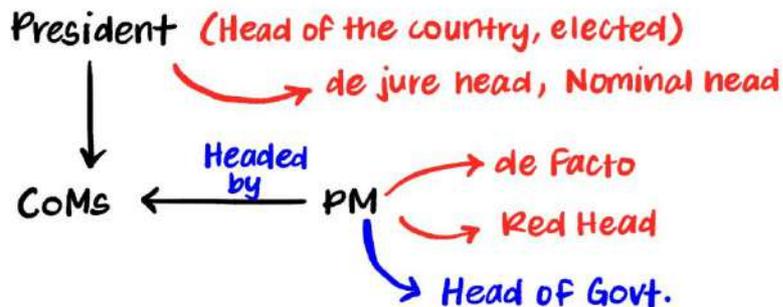
(State Legislature)

State ke case main

Art 163(1)

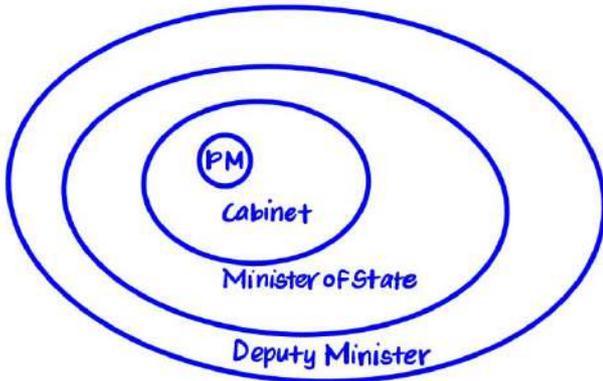
PM Kijagan CM  
President Kijagan  
Governor (baaki-same)

\* Governor ke case main - its not binding (can return anytime)



Parliamentary  
↓  
UK

Presidential  
↓  
USA



Not originally mentioned in Const. → **Art 352(3)**  
 ↓  
**Cabinet**  
 ↓  
**44th CA, 1978**

**(State Legislature)**

**Art 163(2)**  
 President ki jagah  
 Governor

**Art 164**  
 ① CM → Governor  
 Other minister → Governor on advice of CM

①A 15% Limit → Max. Legislative Assembly  
 ↳ Min - 12% in case of LA only

①B Same as Union

Art 74(2)  
 • Kya advise diya CoMs ne President? ②  
 ↳ court nahi ja sakte

**Art 75 - Other Provisions as to Ministers**

① Appointing authority  
 PM **by** → President  
 CoMs **by** → President (on advice of PM)  
 ↳ Head of any party in majority in ↑ LS  
 ↳ part of

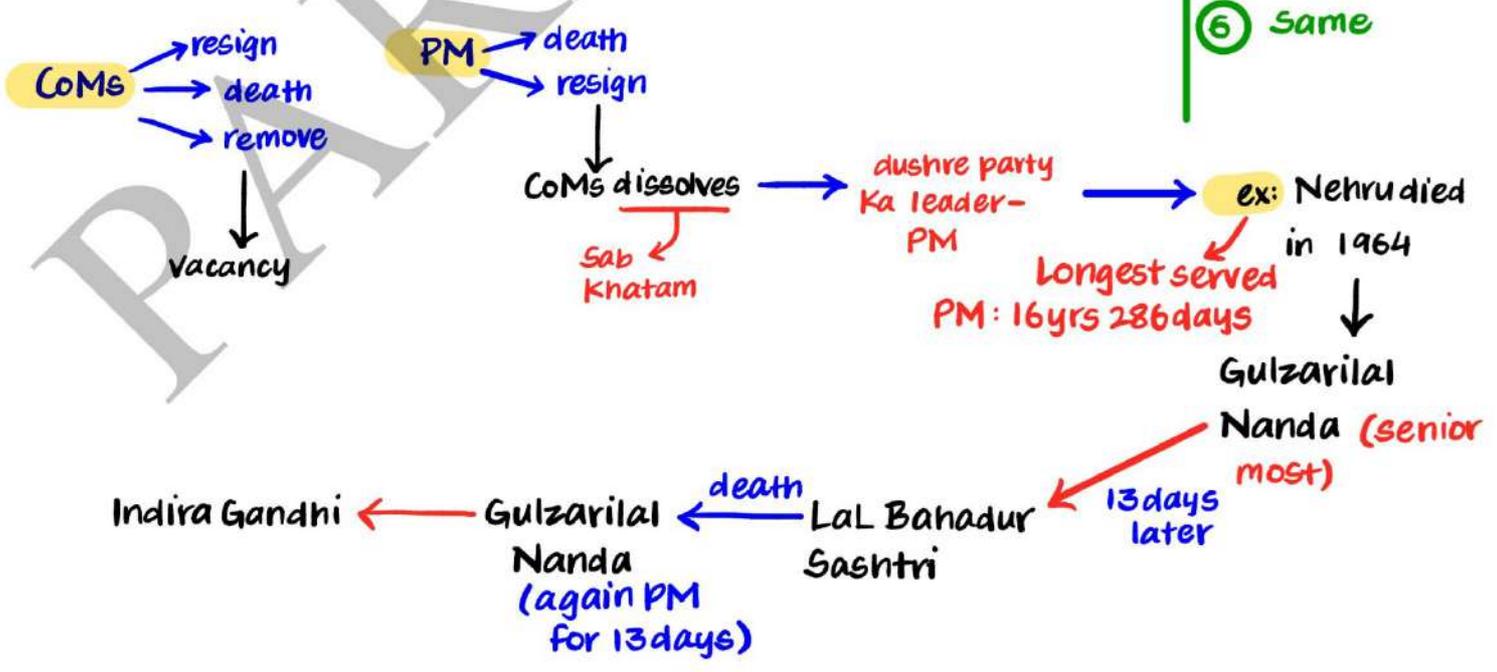
①A 91st CA  
 • CoMs + PM strength - shall not increase 15%  
 ↳ Agar Kisiko bhi majority nahi mili → Coalition govt.  
 ↳ 1 month ke liye leader - has to proof confidence  
 ↳ total no. of members of house of people

①B 91st CA  
 • agar koi bhi member disqualifies on the grounds of deflection - cannot become Minister  
 ↳ Dalbadal



- ② Ministers are **individually responsible** to President (State Legislature)
- ③ CoMs are **collectively responsible** to House of People Lok Sabha
- ④ Oath **by** President
- ⑤ Kisi outside member Ko PM or any minister banaya jaa sakta hai — but has to membership of any house within 6 months  
\* PM can be a member of either house of Parliament (RS/LS)  
*Kisi house a member nahi*
- ⑥ Salary & allowances - decided by Parliament

- ② President ki jagah Governor
- ③ CoMs collectively responsible to LA
- ④ Oath — Governor
- ⑤ same — PM ki jagah CM
- membership of LA not LS in case of State
- ⑥ same





Leader - Monitor  
Presiding Officer - Class Teacher  
↳ Lok Sabha

**Art 77 - Conduct of business of Govt. of India**

- ① Jo bhi Kaam hoga Govt. of India woh President Ke naam pe Kiya jata hai
- ② order bhi President Ke naam pe
- ③ allocation of work to CoMs by President

PM is the linchpin of govt. - Nehru  
**Art 78 - Duties of PM**



Acting as linkage

communicate with President  
for all decisions taken by  
CoMs

**Art 165 - Advocate General**

**Art 166**

- ①
- ② Sab same bas President ki jagah
- ③ Governor

**Art 167 - Duties of CM**



### Union Executive

President \_\_\_\_\_  
PM \_\_\_\_\_  
CoMs \_\_\_\_\_  
AG \_\_\_\_\_  
V.P \_\_\_\_\_

### State Executive

Governor \_\_\_\_\_  
CM \_\_\_\_\_  
CoMs \_\_\_\_\_  
Adv. General \_\_\_\_\_  
X

Kuch binding nahi hai - Clause 1

Art 163

Art 74 \_\_\_\_\_  
Art 75 \_\_\_\_\_  
Art 76 \_\_\_\_\_  
Art 77 \_\_\_\_\_  
Art 78 \_\_\_\_\_

Art 163  
Art 164  
Art 165  
Art 166  
Art 167

CM → Part VI

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# Governor

## Part VI - State Legislature

Same as President

- Art 153 - There shall be Governor of the State
  - Art 154 - Executive Power of State
  - Art 155 - Appointed by President
  - Art 156 - Term of Governor - 5 yrs
- Art 52  
Art 53  
Art 54+Art55  
Art 56

Serves until the pleasure of President

- Art 157 - Qualification of Governor
    - Citizen of India
    - 35 yrs of age
- Art 58

\* Any person can be appointed as Governor of two or more States - 7th CA, 1956

- Art 158 - Condition of Governor's office
    - provisions same as President
- Art 59

- Art 159 - Oath  $\xrightarrow{\text{by}}$  Chief Justice of HC
- Art 60

\* no removal of Governor



**Art 160** - Discharge of Functions of Governor in some exigencies

**Art 161** - Pardoning power of Governor

**Art 162** - Extent of executive power of State

Art 72

Governor



- Titular Head of the State
- Nominee of Central govt. / Agent of Central govt.
- SC - Governor of a State is not a employment under Central govt.
- Entitled to such emoluments <sup>as</sup> → decided by Parliament

PM of India without becoming a Union of Cabinet Minister

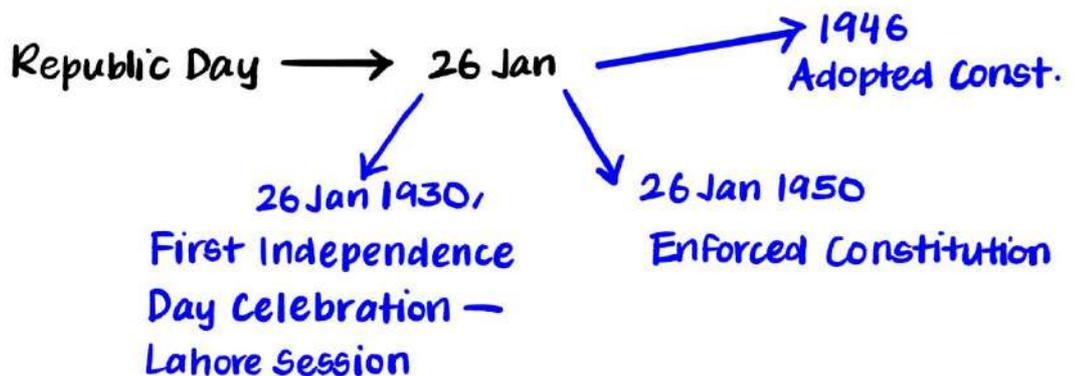


HD Deve Gowda

Raising of National Flag at Red Fort on Independence Day



PM





Atal Bihari Vajpayee → Served as PM for 13 days

→ No confidence motion raised

Green Ministry → Ministry of New & Renewable Energy

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# PARMAR'S GK BATCH

**TOPIC**

**Parliament and State  
Legislature (PART- 1)**

**Lecture :- 8**

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Lecture - 1

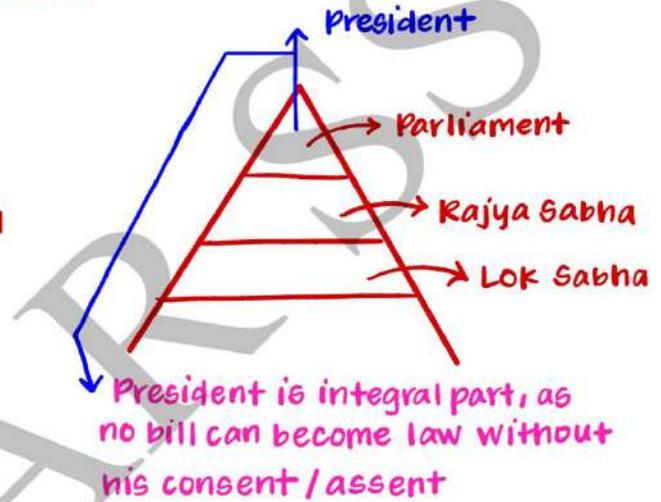
# Parliament and State Legislature



- Part V - Parliament (Art 79-88/122)
- Part VI - The State Legislature (Art 168-177)

### Art 79 - Constitution of Parliament

- **LOK Sabha** - Lower house
- Min age - 25 yrs
- First chamber
- house of people, 1954
- ↳ directly elected by people



- **Rajya Sabha** - Upper house
- Min age - 30 yrs
- Second chamber
- Council of States, 1954
- ↳ Representatives of States
- house of elders (also padhe-likhe log)

In 1954, LOK and Rajya Sabha were adopted

↓  
Not always

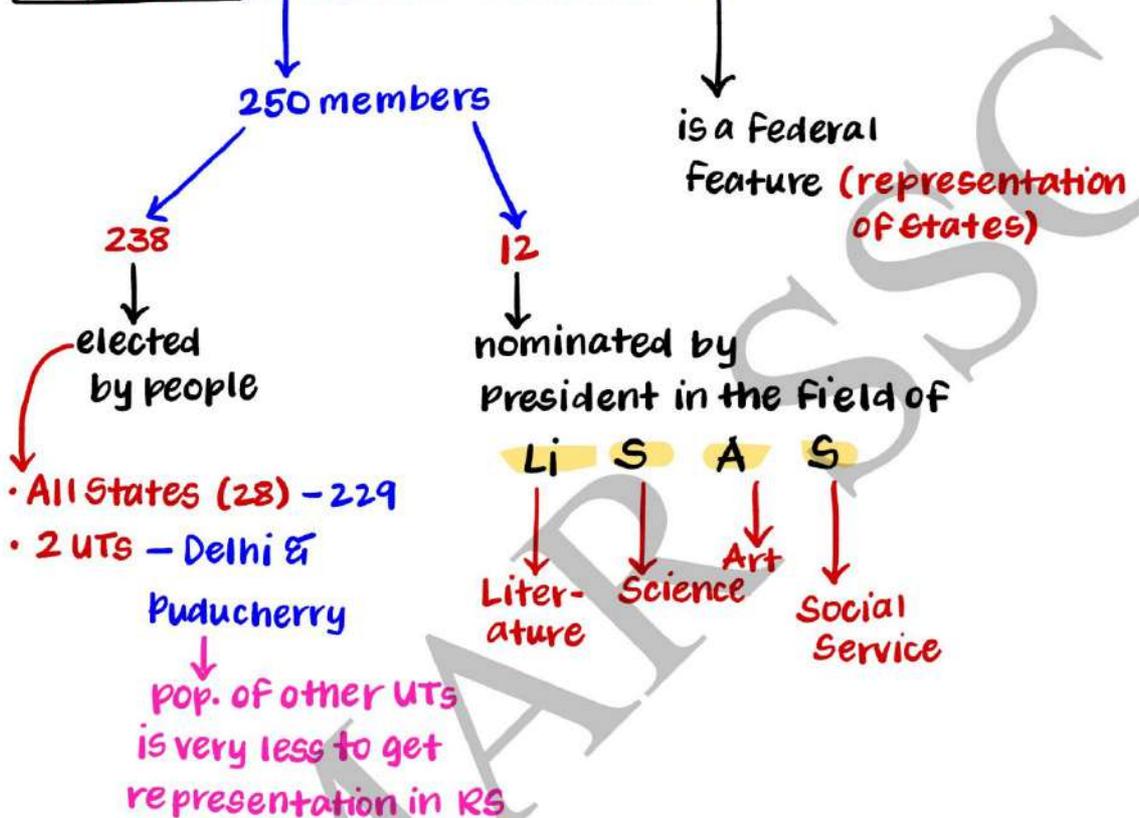
#### First sitting

- Lok Sabha - 17 Apr 1952
- Rajya Sabha - 13 May 1952



4th schedule  
• RS seats allocation

## Art 80 - Composition of Council of States - RS



is a Federal Feature (representation of States)

### Representation

Indirect

Proportional - in RS

STV

At present - 245

5 vacant → POK, Akshai Chini, etc.

• 229 states filled } baki nominated  
• 9 UTs → 4 }

• PT Usha → recently nominated

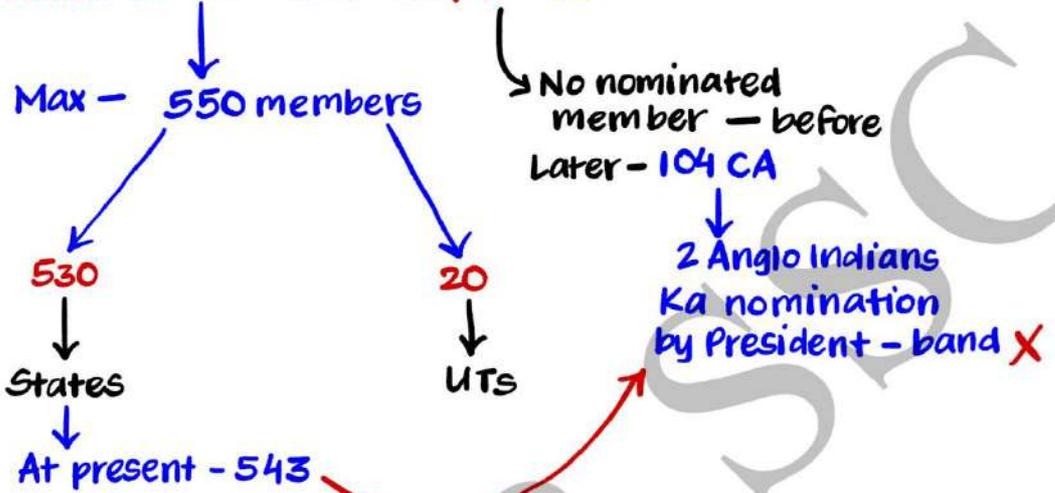
↳ 'Payyoli Express'

in what ground?

• Social Service - Desh Ka naam roshan kiya hai



## Art 81 - Composition of House of People - LS



## Election and Representations

- 28 states - Parity among Inter & Intra-States
- Direct election

## Art 82 - Readjustment after each census



• First - 1952

46th CA - till 2000, seats fixed on basis of population

Later

84th CA - extended till 2026 (No Delimitation Comm.)

↳ Freezed till 2026

- According to 2001 Census → Seats Ka batwara

Upper House  
USA - House of Senate  
- Har state se 2 seats

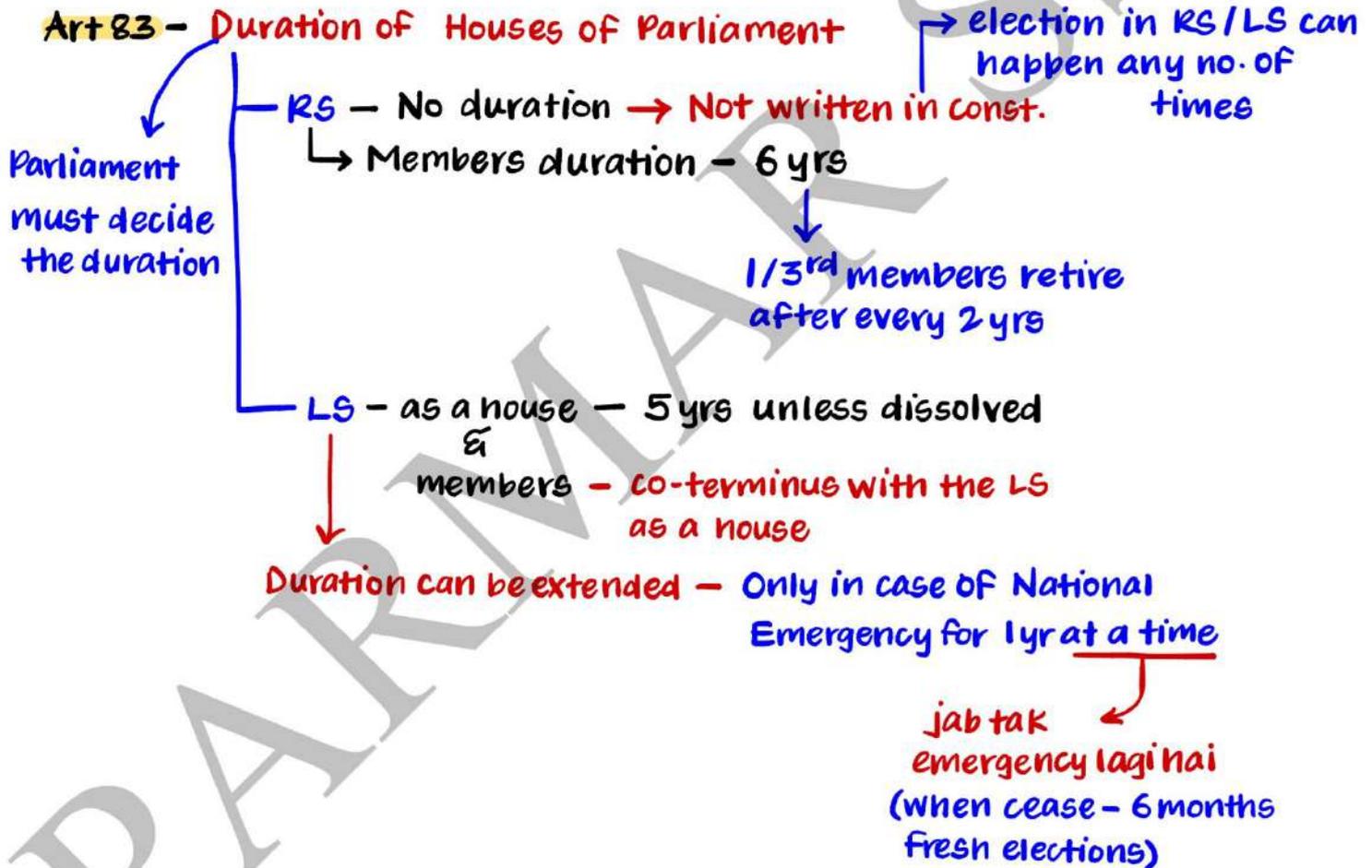
pichla census - 2011

↳ due to COVID no Census yet



- Delimitation Commission in J & K on basis of 2011 Census — Accordance to Part V of J & K Act, 2019 (34 of 2019)

Set up on 6<sup>th</sup> March, 2020 — Headed by Justice Ranjana Prakash Desai

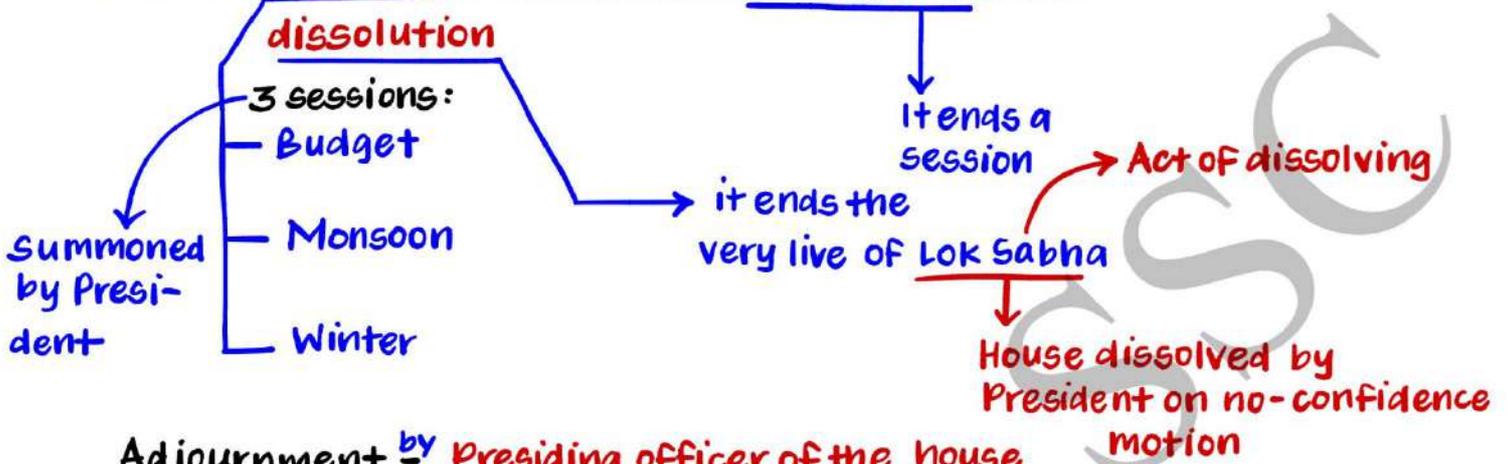


**Art 84 - Qualification of members of Parliament**

- Citizen of India and takes Oath → 3<sup>rd</sup> schedule
- Any other qualification which Parliament may determine
- Age: RS — 30 yrs
- LS — 25 yrs

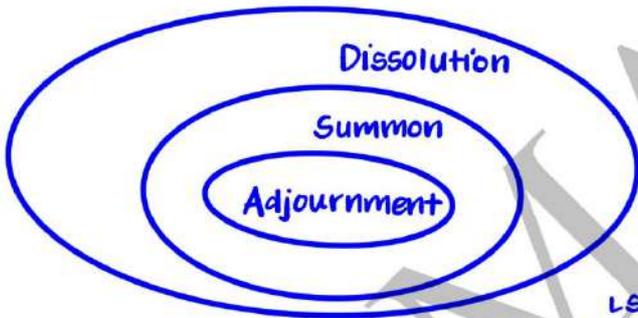


## Art 85 - Sessions of Parliament, prorogation and



## Adjournment by Presiding officer of the house

↳ it ends a sitting / meeting



↳ At 11 am starts 1 day → meeting

Pre-lunch

2 sitting

• 11am - 12pm - Question hour

1st hour of every meeting

LS main - Speaker

RS main - Vice President / Chairman

• 12 - 1pm - Zero hour

Post-lunch

to decide agenda of the day

### 3 types of Questions

• Starred - Oral ques - ans

• Supplementary

• Unstarred - Written

• Short notice - 10 days notice prior

## Adjournment Sine die : Presiding officer

ends the meeting without providing a date

just before the Prorogation

signal deta hai President Ko - white flag dikhake

LS Speaker - OM Birla

RS Speaker - Jagdeep Dhankar



**Art 86 - Right of President to address and send messages to the House**

President  
↓  
House ko bula sakta hai for any message

**Art 87 - Special Address by the President**

Motion of thanks

At the commencement of 1st session after each general election

↳ LS

1st session of each fiscal year

Collectively address by President

↓  
financial year - 1st April - 31st March

- Policies need to be passed from both the houses separately
- Session adjourned, summon - RS
- Dissolved - LG

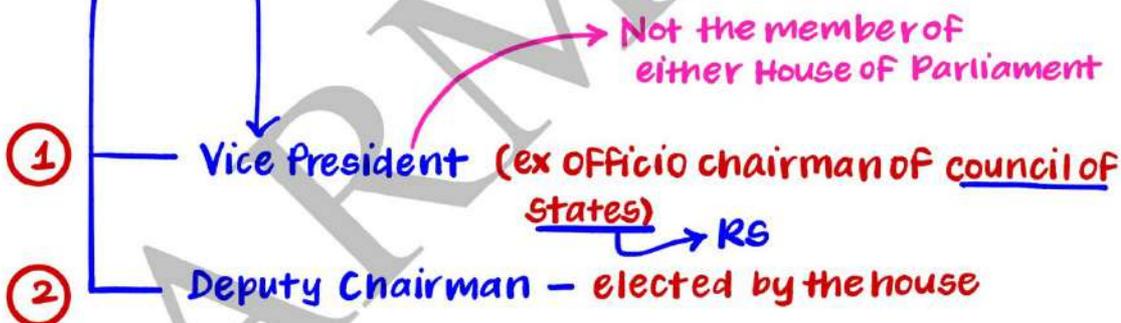


## Art 88 - Rights of Ministers and Attorney General as respects Houses

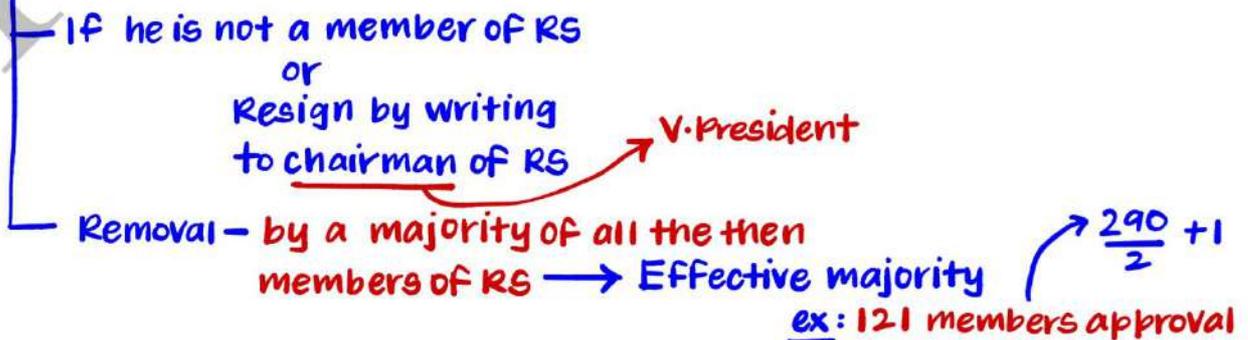


## Officers in Parliament

### Art 89 - Chairman & Deputy Chairman of the Council of States (DC)



### Art 90 - Vacation and resignation of, and removal



**Art 91 - Power/duty of DC**

When Chairman and DC absent?

- appoints 10 members as a panel of chairperson

Not mentioned in const.

one member from here — Presides house

Difference

When seats vacant — No one can preside

↳ when death of both/ chairman resigns/removal

President appoints someone as Chairman

Act as

- Panel of Chairman in RS — PT Usha

any member of the house when Chairman is presiding in the house

**Art 92 - Chairman and DC not to preside while in a resolution for his removal**

② — Right to vote

Voting at first instance

60

40

↳ maj. votes counted

Casting vote — equality of votes

DC X  
Chairman ✓

→ why?

• He is not a member of RS/parliament +1

50

50

Presiding officer is given casting vote



## Art 93 - Speaker and Deputy Speaker

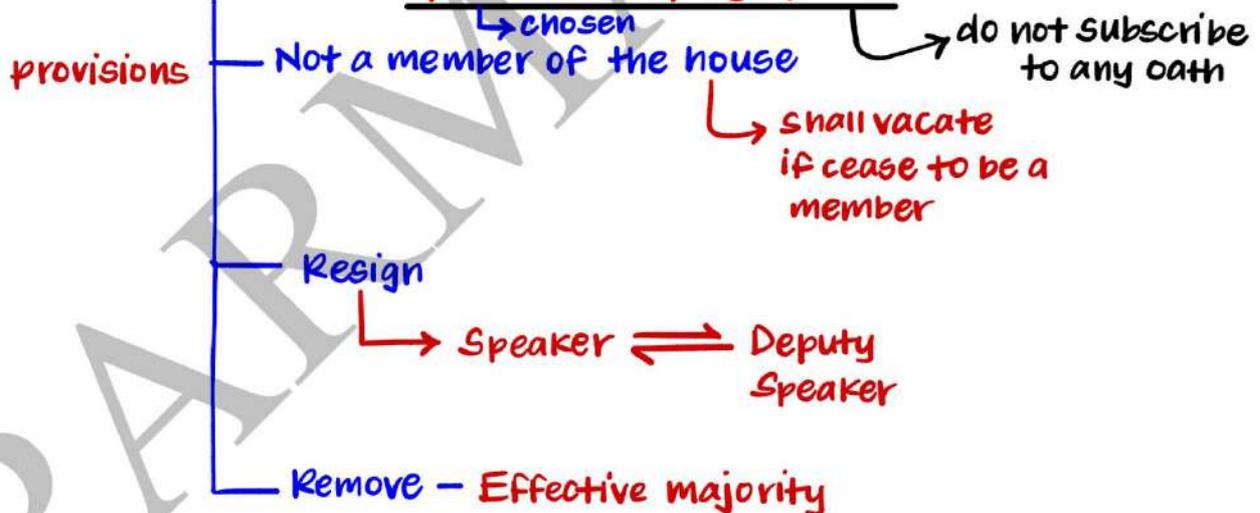
1st speaker  
of LS - Ganesh Mavlankar

- present in Lok Sabha
- both chosen by house within themselves

Convention ]

- Speaker - Ruling party
- Deputy Speaker - Opposition party

## Art 94 - Vacation & resignation of, and removal from, the offices of Speaker + Deputy Speaker



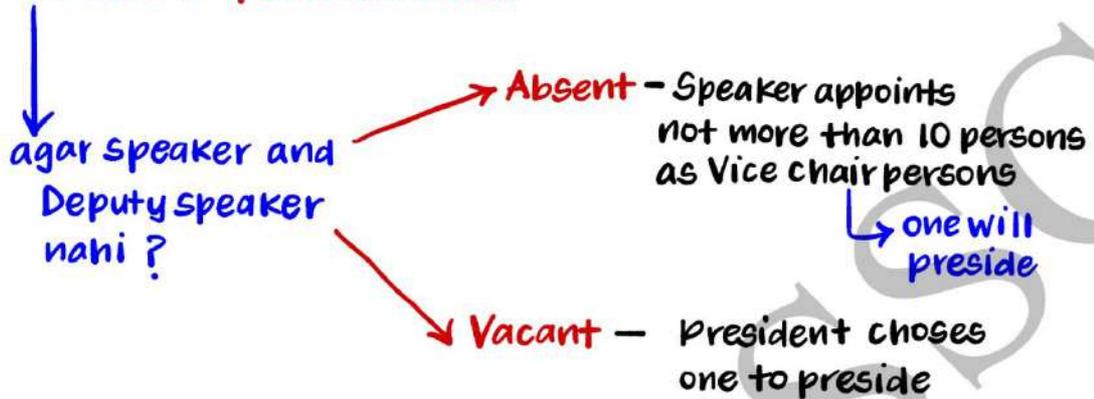
- Speaker shall not vacate his office until immediately before the 1st meeting of the house

Speaker cannot leave even if Lok Sabha dissolved - can leave after new one

New Speaker



## Art 95 - Powers to perform duties



## Art 96 - Speaker and Deputy Speaker not to preside while in a resolution for his removal



## Art 97 - Salary and Allowances

## Art 98 - Secretariat of Parliament





## Art 99 - Oath or affirmation

↳ by President or some person appointed in that behalf by President

↓  
Appoints Protem Speaker

↓  
Temporary Speaker (Senior most) — Oath dilata hai to newly elected members

## Art 100 - Voting in Houses & quorum

↳ at first instance

↳ casting vote

③ — Quorum — Min. no. of members to carry on the proceedings of the house

④ — If the Quorum is not met — Presiding officer suspends the meeting



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# PARMAR'S GK BATCH

**TOPIC**

**Parliament and State  
Legislature (PART- 2)**

**Lecture :- 9**

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• Types of Majority

Simple Majority: 50% of present + voting

Removal of Vice-President in LS, election of speaker and Deputy Chairman

Absolute Majority: 50% of total membership

Effective Majority: Majority of (Total strength - Vacancy)

Special Majority: 50% of total strength +  $\frac{2}{3}$ rd present voting

Removal of judges / CEC

• Art 61: Impeachment of President

From USA

$\frac{2}{3}$ rd of total strength

in general

• (Union List main State nahi bana sakta) and state main Union nahi bana sakta

• Art 249:  $\frac{2}{3}$ rd members present + voting (RS)

only in extreme case

Removal of Vice-President in RS, removal of Speaker, Deputy Chairman

• Art 101 - Vacation of seats

① No person shall be a member of both the members of the Parliament / State Legislature

disqualification

Resign - by writing to 'Presiding Officer'

- at the same time from two seats
- at the same time from two houses

vacate

IF a member is absent for 60 days without the permission of house

• **Art 102 - Disqualification of membership**

- (a) — not holding an office of profit
- (b) — unsound mind
- (c) — undischarged solvent (वित्तलिया)
- (d) — not a citizen of India

RPA — People Representation Act, 1951

2 saal se jada jail main →  
not written in constitution disqualification

91<sup>st</sup> CA — disqualification on the grounds of defection

• Decision with regard to disqualification under defection

Presiding Officer

Kihoto Hollohan vs Zachillu Case — judiciary can review the final

• 10<sup>th</sup> schedule, 52<sup>nd</sup> CA on grounds of:

- Independent members joins any political party
- Nominated member joins the political party after 6 months from date of his nomination
- Whip ke direction ko follow nahi kiya
- if any MP joins any other party

exception:

Merger —  $\frac{2}{3}$ rd members leave and joins other political party



- **Art 103** - Decision on disqualifications of members

↓  
President on the advice of ECI

- **Art 104** - Penalty for sitting and voting before making oath or affirmation under Art 99 or when not qualified or disqualified

↓  
disqualified to sit on the house — Penalty of 500Rs per day  
fir bhi voting kar rane hai or baith rane hai

Not to President  
(no criminal proceeding against him)

except

→ are also extended those who are entitled to speak in parliament

↳ Attorney General

- **Art 105** - Power and Privileges

Freedom of speech in Parliament

→ No interference from judiciary

No MP shall be liable to any proceedings in any court w.r.t anything said / vote in Parliament

Not in criminal proceedings

MP cannot be arrested in any civil proceedings during a session — 40 days before / after the session

• **Art 106** - Salaries and allowances of members

determined by Parliament  
time to time

• **Art 107** - Provisions as to introduction and passing of Bills

a bill may originate in either house of the Parliament

exception:

✓ LS — ✓ RS — ✓ President's assent — dissolution — will not lapse

Lapse → will not lapse due to Prorogation/ Adjournment

will only lapse in case of Dissolution

↳ LS

**Bill**

→ Constitutional Amendment Bill

→ Financial

→ Ordinary

→ Money

Public member bill

• 1 week prior notice

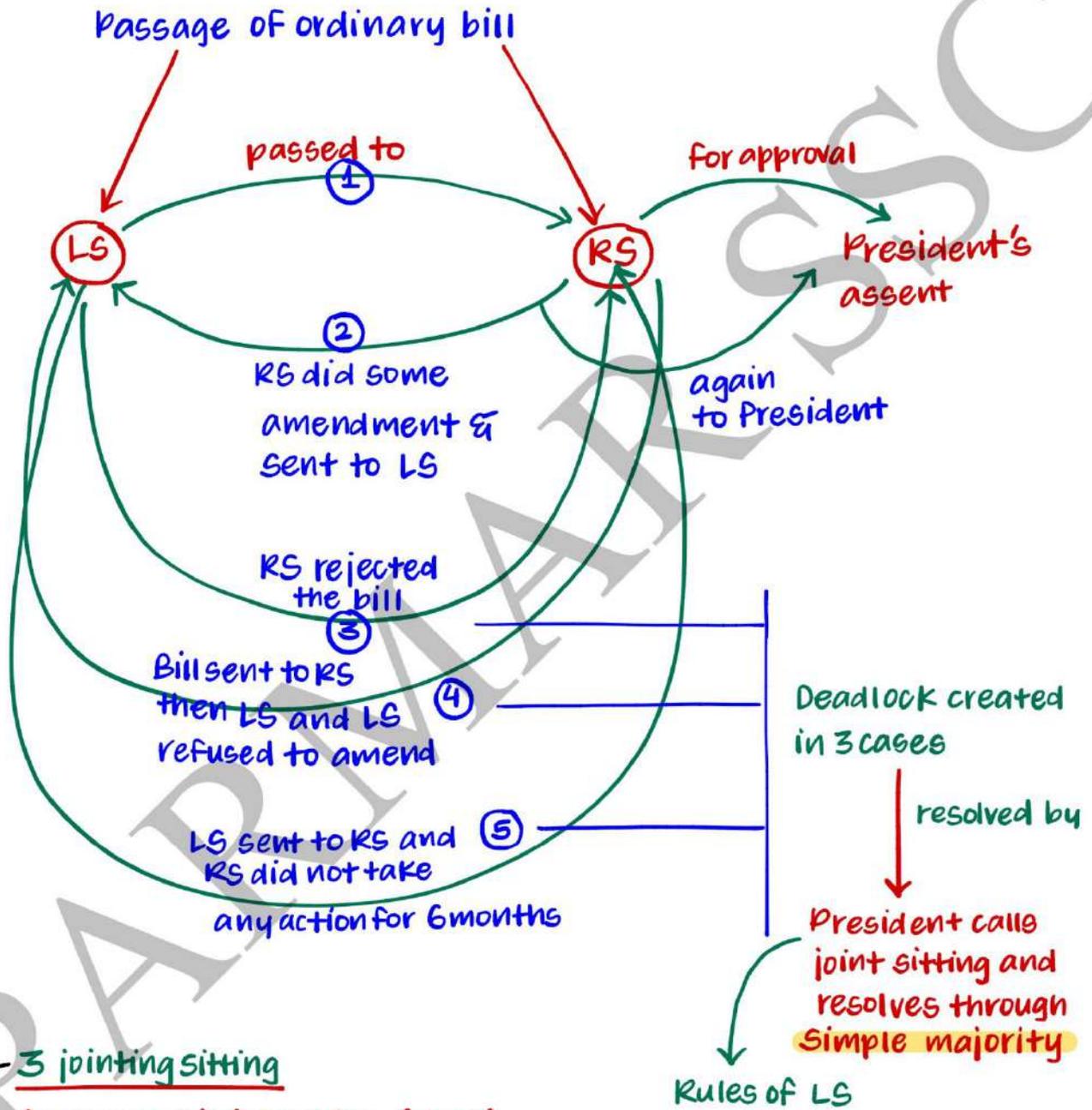
Private Bill

• private member - not a minister

↳ No ministry given

• 1 month prior notice

• Art 108 - Joint sitting of both Houses



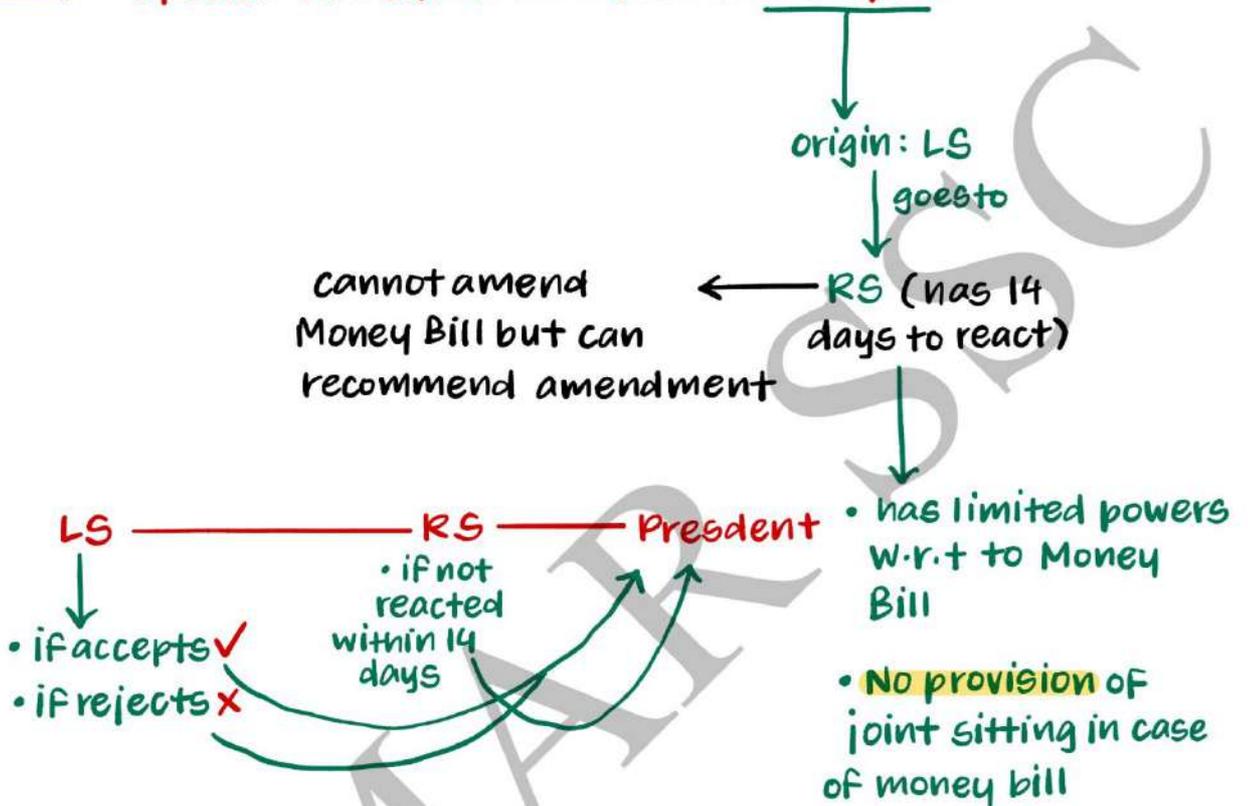
3 jointing sitting

- Dowry prohibition bill (1960)
- Banking Services Comm. bill (1977)
- Prevention of Terrorism Bill (2002)

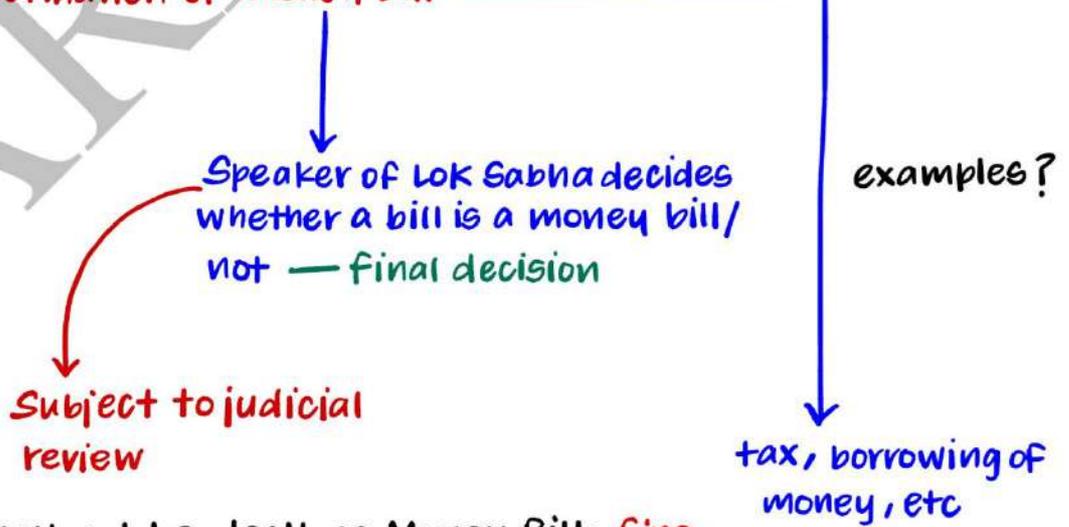
presided by Speaker of LS / Deputy Speaker of LS / Deputy Chairman of RS

- chairman of RS can never preside joint sitting, why?  
- Not a member of any house

• **Art 109** - Special Procedure in respect to Money Bill

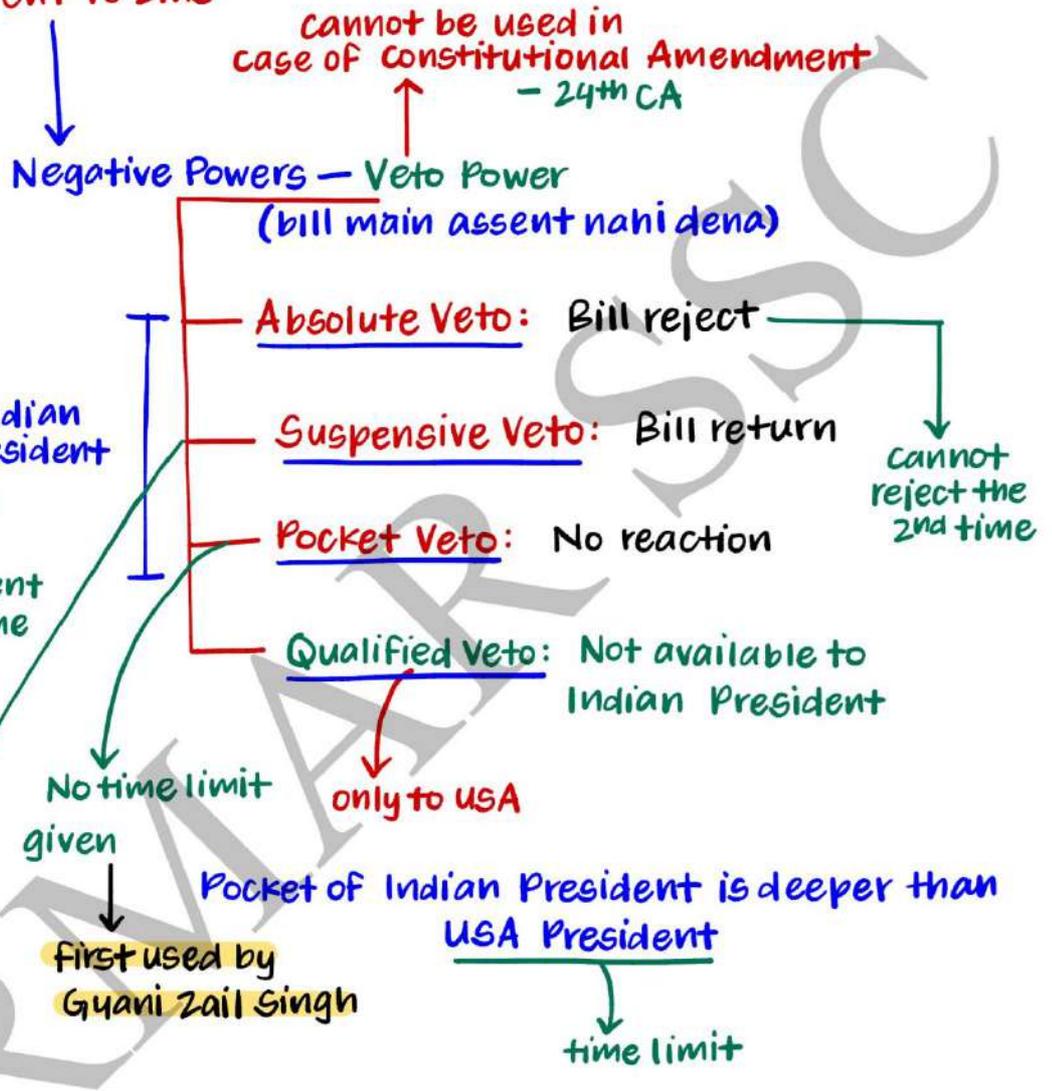


• **Art 110** - Definition of 'Money Bill'



- Any bill shall not be dealt as Money Bill: **fine, penalty, fee, tax for local purpose**

• **Art 111** - Assent to Bills



- Money Bill are brought prior recommendation to President

• **Art 112** - Annual Financial Statement

Budget → the term nowhere mentioned in the Constitution

- President shall cause to be laid before both the houses of the Parliament a statement of estimated receipts of expenditure

matlab  
income

President ke naam  
pe budget - govt. ke  
financial expenses,  
revenues — Annual Financial Statement

- This annual financial statement expenditure shall be shown in two types

Charged on  
consolidated  
fund of India

- not votable

↓  
due to salary  
of President, HC  
judges, etc

Made from  
consolidated  
fund of India  
- Votable

Demand for Fund in name of  
President → Voting → grant

- **Art 113** — Procedure in Parliament with respect to estimates

- RS has no power to vote on budget

\* No demand for a grant shall be made except on recommendation of President

Voting in Consolidated Fund of India and only in LS — LS has power to vote



• **Art 114 - Appropriation Bills**

↓  
Demand for grant

- without passing this bill the govt. cannot take out money from related fund of India - No voting is allowed

- Voting ke time pe Parliamentarians can pass 'Cut motion'

- ↳ Sarkar Ki bejatti
- To reject
  - Policy Cut - reduced to Rs 1
  - Token Cut - reduced to Rs 100
  - Economy Cut - reduced by specified amount

• **Art 115 - Supplementary additional or excess grants**

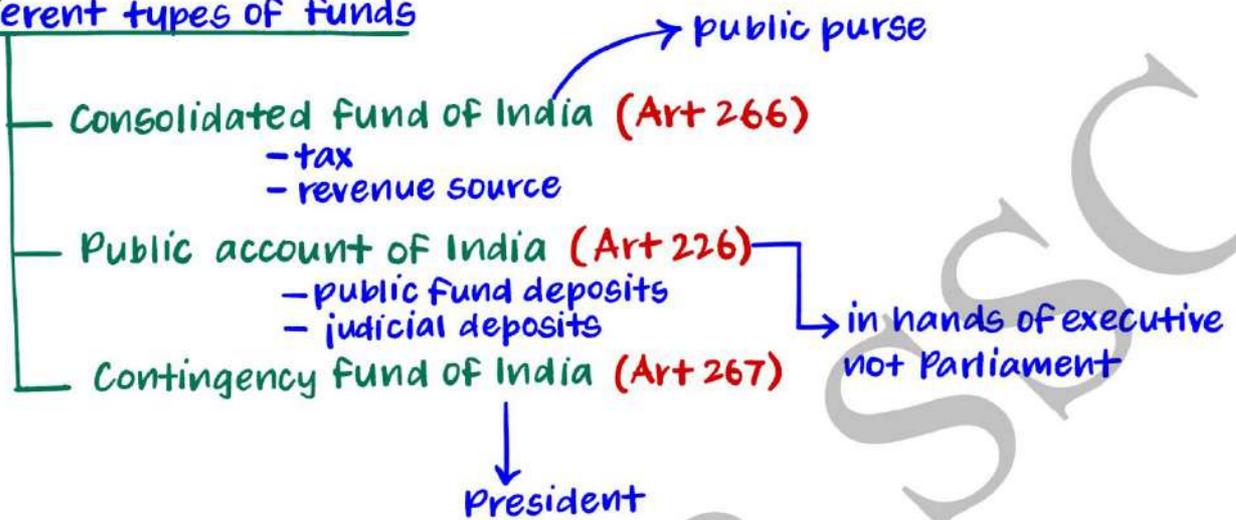
↓  
additional grants chahiye

Budget session  
↓  
Feb-May

• **Art 116 - Vote on account, votes of credit and exceptional grants**

↓  
same as Art 115

## Different types of funds



## • Art 117 - Special provisions to financial bills

- all money bills are financial bill but vice versa not true

- ① prior recommendation of President, brought in LS
- ② same as ordinary bill

Money is subcomponent

## • Art 118 - Rules of procedure

each house of Parliament may make rules for regulating its procedure and conduct of its business

- **Art 119** – Regulation of Law of procedure in Parliament in relation to financial business

↓  
Money related

- **Art 120** – Language to be used in Parliament

business of Parliament shall be transacted in English and Hindi

→ shall be removed after 15 yrs — however still continuing

Presiding Officer may permit any member to express himself in mother tongue

- **Art 121** – Restriction on discussion in Parliament

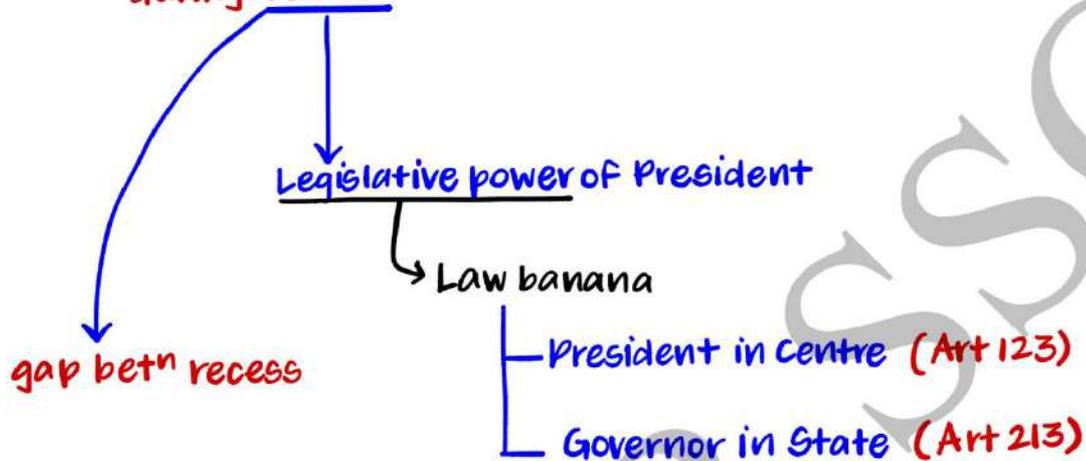
↓  
in the courts (SC or HC)

- No discussion regarding the conduct of judges shall be done in Parliament

- **Art 122** – Court not to inquire into proceedings of Parliament

↓  
ulta hai Art 121 ka

- **Art 123** – Power of President to promulgate Ordinances during recess



- can ordinance be promulgated when only one house is not in session?

- Yes, a bill can become Act when passed from both the houses and with the assent of President, if both houses are not there than no Act; however in case of either of one house not in session, ordinance can be brought

- Max Life of Ordinance?

Approve

Disapprove

No reaction

(6 months & 6 weeks), How?

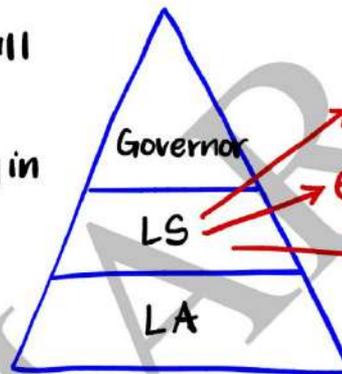
- Max gap between → break bet<sup>n</sup> session – 6 months two houses
- when no action is taken – 6 weeks

- case regarding Ordinance – DC Wadhwa Case

## State Legislature

- Part VI – Art 168-212

- **Legislative Assembly** – in all States & UTs
- **Legislative Council** – only in 6 States



Permanent house

6yrs tenure

can be abolished

- K - Karnataka
- A - Andhra
- B - Bihar
- U - UP
- T - Telangana
- M - Maharashtra

Jaha bhi LS+LA hai →  
Bicameralism hai (6 States)

LA → Max. 500  
Min. 60

exception: Arunachal  
Sikkim | 30  
Goa  
Mizoram  
Nagaland | 40

LC → Max. strength –  $\frac{1}{3}$ rd of total strength of LA

Min. 40

- Actual strength is determined by Parliament



- Power to create or abolish LC — Parliament
- special majority by L.A → Simple majority

### LC Strength

$\frac{1}{3}$ rd → elected by MLA

$\frac{1}{3}$ rd → elected by local bodies

$\frac{1}{12}$ th → " " graduates of 3 yrs

$\frac{1}{12}$ th → " " by teachers "

$\frac{1}{6}$ th → Nominated by Governor — 12 members

- Literature
- Science
- Arts
- Social Services
- Cooperative Societies

Art 104 — Reservation of  
SC / ST has been  
extended

### Qualification:

LA — 25 yrs

LC — 30 yrs

Oath — Governor / any person

appointed by Governor

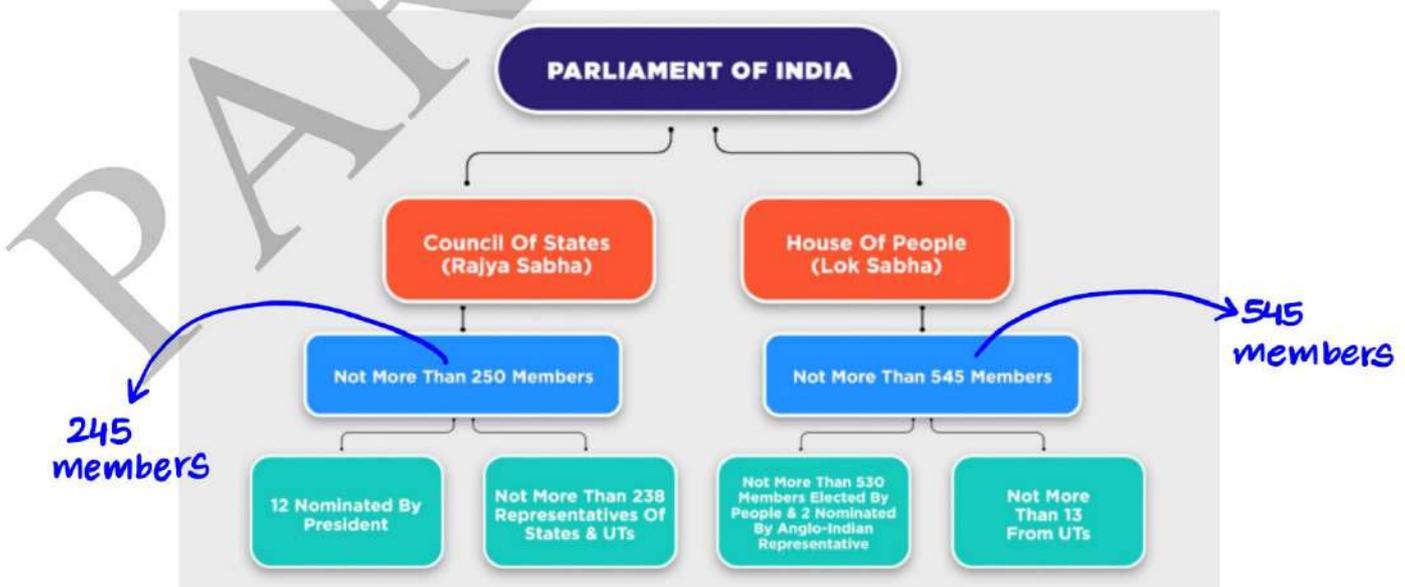
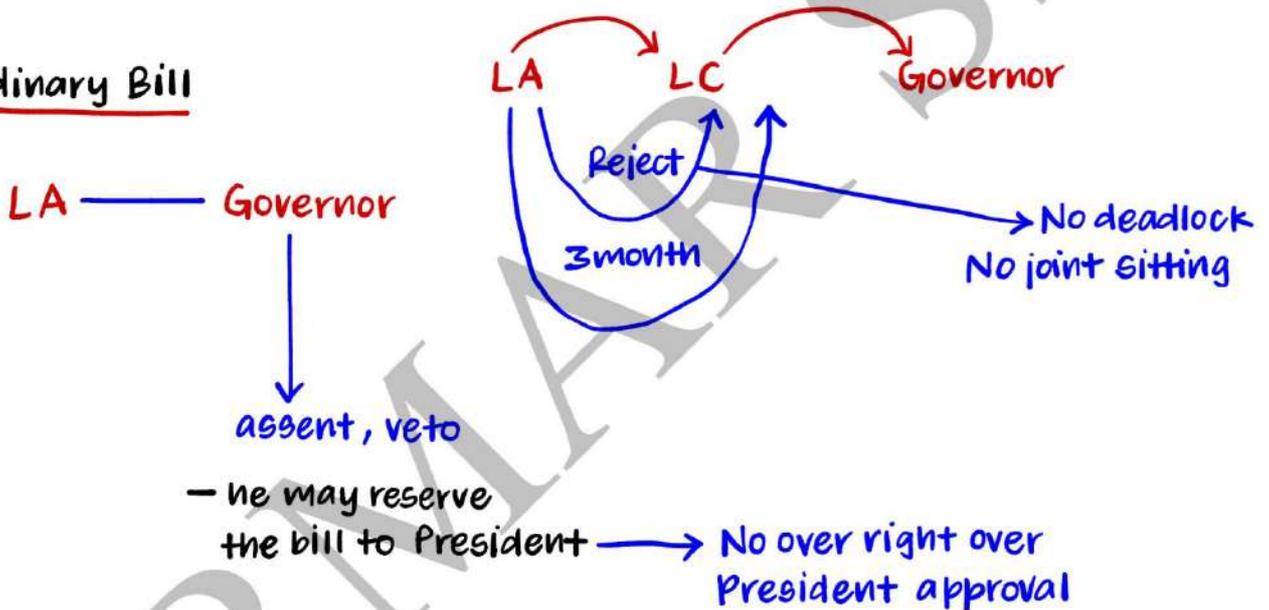
Vacation – Same as RS/LS

Summon/Prorogue/Dissolve – Governor

Adjourned – President Officer

\* Rest same

Ordinary Bill





**SSC GK**

# PARMAR'S GK BATCH

**TOPIC**

**Parliamentary  
Committee & Emergency**

**Lecture :- 10**

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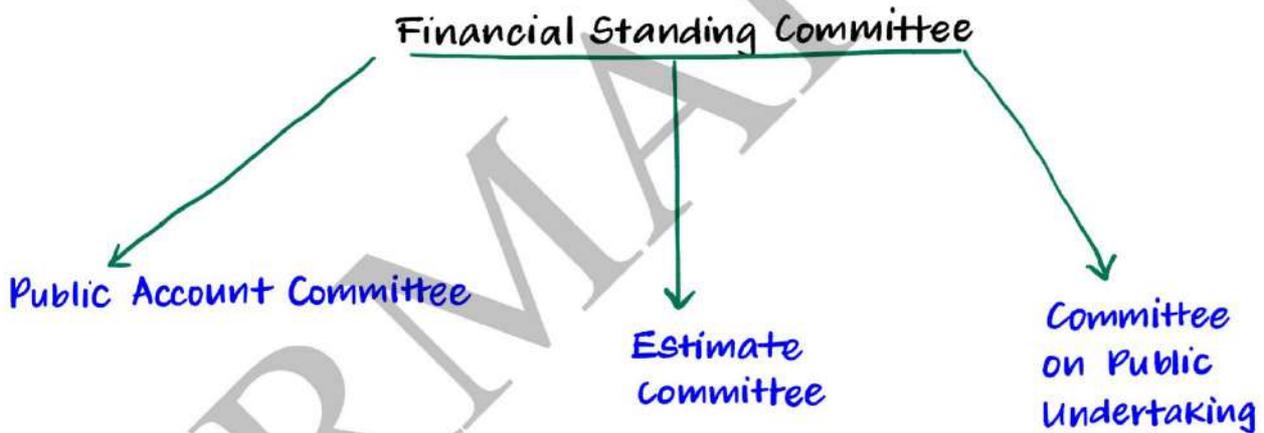
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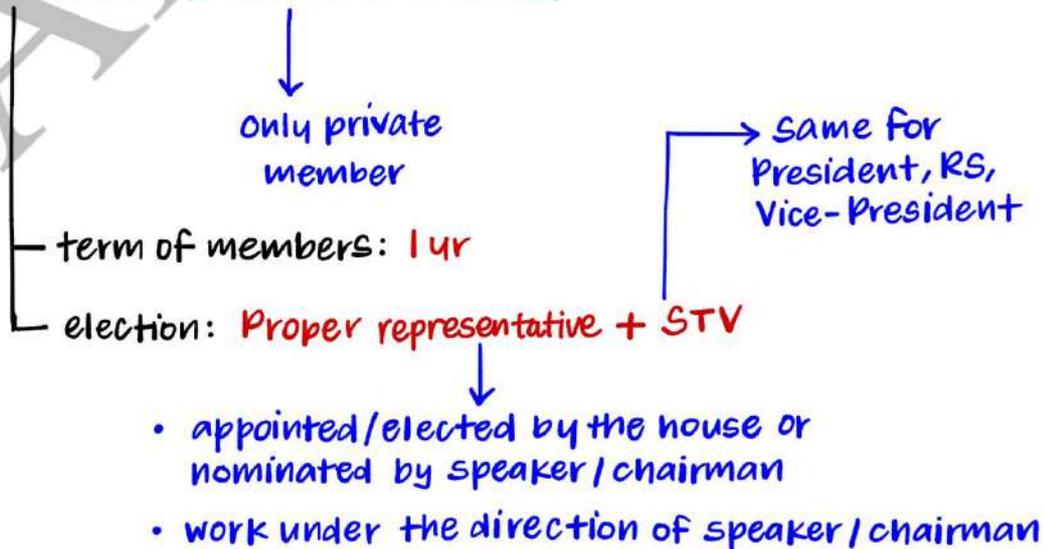


## Parliamentary Committee

• Parliament Ke Kaam dikhna



Similarity: No minister can be a member



## Differences

PAC

- GOI Act 1919, 1921
- strength: 22 → 15 (LS)  
↓  
7 (RS)
- function: to examine the audit reports of CAG

EC

- was formed on recommendation of **John Mathai**
- constituted in 1950
- strength: 30 members + all from LS
- RS has no representation
- function: to examine estimates included in the budget
- chairman is from LS only

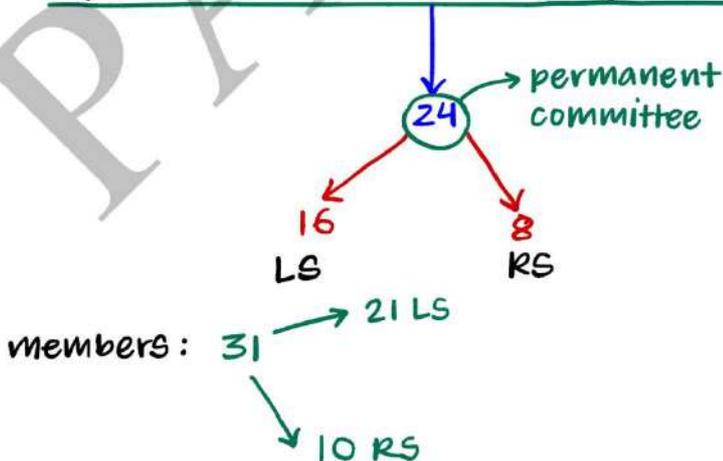
PU

- established / created on 1964
- on the recommendation of **Krishna Menon**
- strength: 22 → 15 (LS)  
↓  
7 (RS)  
15 → 22 (1974)
- chairman is from LS only
- function: to examine reports and accounts of PU

25 → 1956 → 1930

15 → 1974 → 22

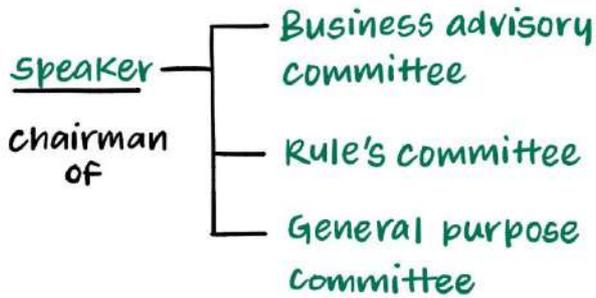
## Departmental Related Standing Committees





## Private members bill

chairman: Deputy speaker of LS



- Parliamentary Committee has not been set up for?  
- Government Assurance

- Official Language Act, 1963

↓  
Official Language Committee, 1976

members:

30

20 (LS)

10 (RS)

## Constitutional Amendment

- Amendment: Part 20  
Art 368

- Parliament can amend anything except Basic structure of Constitution

↓  
No mentioned in  
Constitution



## Procedure:

Introduction: The Constitutional Amendment Bill can be introduced in either house of the Parliament **but not** in State Legislature

It can be introduced by a Minister or private member

it does not need prior permission of President for introduction

the bill needs to be passed by Special Majority

no joint sitting is possible

→ summon: President

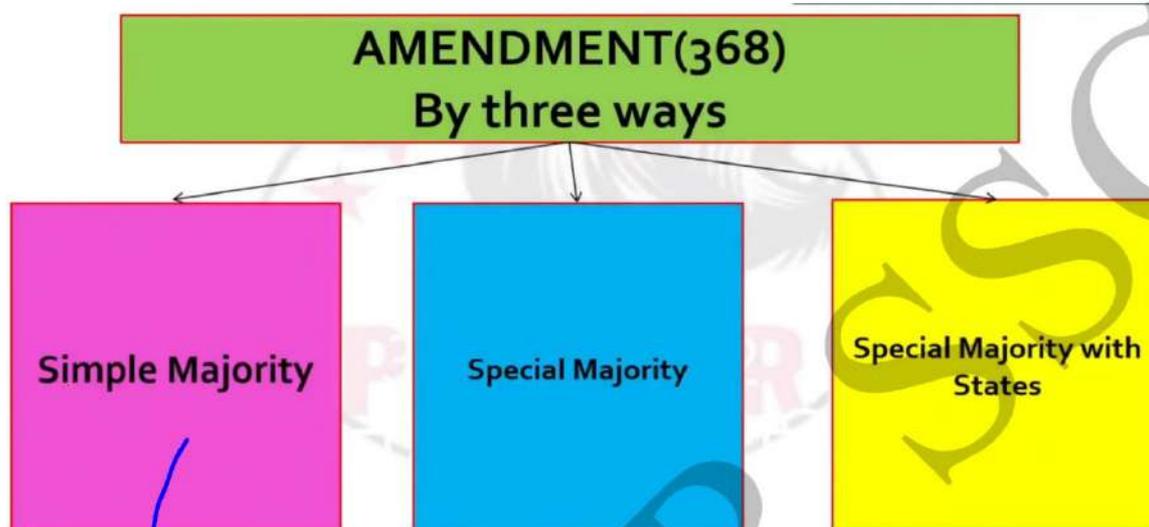
→ preside: LS speaker

President must give his/her assent to Constitutional Amendment Bill — No VETO power can be used

↓  
24<sup>th</sup> CA

KC Wheare: said the Constitutional Amendment of India strikes a good balance bet<sup>n</sup> rigidity and flexibility

- Constitutional Amendment is neither as difficult as in USA nor as easy as in UK



Not dealt as an  
CA under Art 368

Art 4

### All through Simple majority

1. Admission or establishment of new states.
2. Formation of new states and alteration of areas, boundaries or names of existing states.
3. Abolition or creation of legislative councils in states.
4. Second Schedule—emoluments, allowances, privileges and so on of the president, the governors, the Speakers, judges, etc.
5. Quorum in Parliament.
6. Salaries and allowances of the members of Parliament.
7. Rules of procedure in Parliament.
8. Privileges of the Parliament, its members and its committees.

9. Use of English language in Parliament.
10. Number of puisne judges in the Supreme Court.
11. Conferment of more jurisdiction on the Supreme Court.
12. Use of official language.
13. Citizenship—acquisition and termination.
14. Elections to Parliament and state legislatures.
15. Delimitation of constituencies.
16. Union territories.
17. Fifth Schedule—administration of scheduled areas and scheduled tribes.
18. Sixth Schedule—administration of tribal areas.

Special Majority

- FRs
- DPSK

Special Majority + Ratification  
of atleast half of the state

- election of President and its manner
- any list in 7th Schedule and its manner
- Representation of States in Parliament — RS or LS
- SC or HC
- Distribution of LS powers
- Art 368

MLA + State participate

Subjects

73rd CA

- Part IX: Panchayat
- Part IX A: Municipality
- Part IX B: Cooperative Society
- Part 10: Administrative of SC/Tribal Areas

Goa and Daman and Diu

UT, 12th CA

Statehood: 56th CA

• Pranab Mukherjee: 100th CA

Land Boundary agreement betn India and Bangladesh

By special majority

Berubari Union Case



• Amendment to Hindu Succession Act, 1956 *passed on* → 2005

- 7th Amendment
- State Reorganization Act, 1956
- Part IX-A — Municipality (74<sup>th</sup> Amendment)

The 60<sup>th</sup> Amendment to the Constitution of India increased the Ceiling of Profession Tax from ₹250 p.a. to \_\_\_ p.a.

भारत के संविधान में 60वें संशोधन ने व्यवसाय कर की सीमा को ₹250 प्रति वर्ष से बढ़ा दिया। से \_\_\_ p.a.

Rs 250 p.a. to Rs 25,00 ←

- (a) ₹8,000
- (b) ₹5,000
- (c) ₹1,000
- ✓ (d) ₹25,00

The \_\_\_ Amendment Act of the Constitution of India introduced the Goods and Service Tax (GST) in India.

भारत के संविधान के \_\_\_ संशोधन अधिनियम ने भारत में वस्तु एवं सेवा कर (जीएसटी) की शुरुआत की।

- |                                   |                  |
|-----------------------------------|------------------|
| (a) 104 <sup>th</sup> Amendment   | a) 104वां संशोधन |
| (b) 92 <sup>nd</sup> Amendment    | b) 92वां संशोधन  |
| (c) 98 <sup>th</sup> Amendment    | c) 98वां संशोधन  |
| ✓ (d) 101 <sup>th</sup> Amendment | d) 101वां संशोधन |

→ 101<sup>th</sup> Amendment

Which amendment to the Constitution of India added a new subject in the Union List Called 'Taxes on services'?

भारत के संविधान में किस संशोधन द्वारा संघ सूची में 'सेवाओं पर कर' नामक एक नया विषय जोड़ा गया?

- (a) 56<sup>th</sup>
- (b) 62<sup>nd</sup>
- (c) 85<sup>th</sup>
- ✓ (d) 88<sup>th</sup>

42<sup>nd</sup> CA

- education
- forest and wildlife
- administrative of justice
- weights and measurement

all transferred from state to concurrent list

→ 88<sup>th</sup> CA



- 61<sup>st</sup> CA: Reduced the age for voting from 21 to 18 yrs

↓  
1988

- 1989: Election Commission of India became a multimembered body

- Mini Constitution of India: 24<sup>th</sup> CA

↓  
During National Emergency, 1986

- Anti-Defection Provisions: 52<sup>th</sup> CA

↓  
10<sup>th</sup> schedule

↓ further amendment

↓  
91<sup>st</sup> CA

- most controversial amendment passed during the emergency was:  
42<sup>nd</sup>

### Emergency Provisions

- Part XVIII - Art 352-360

\* State Emergency not written in Court

### • National Emergency

- Art 352

- grounds: War, external aggression, armed rebellion

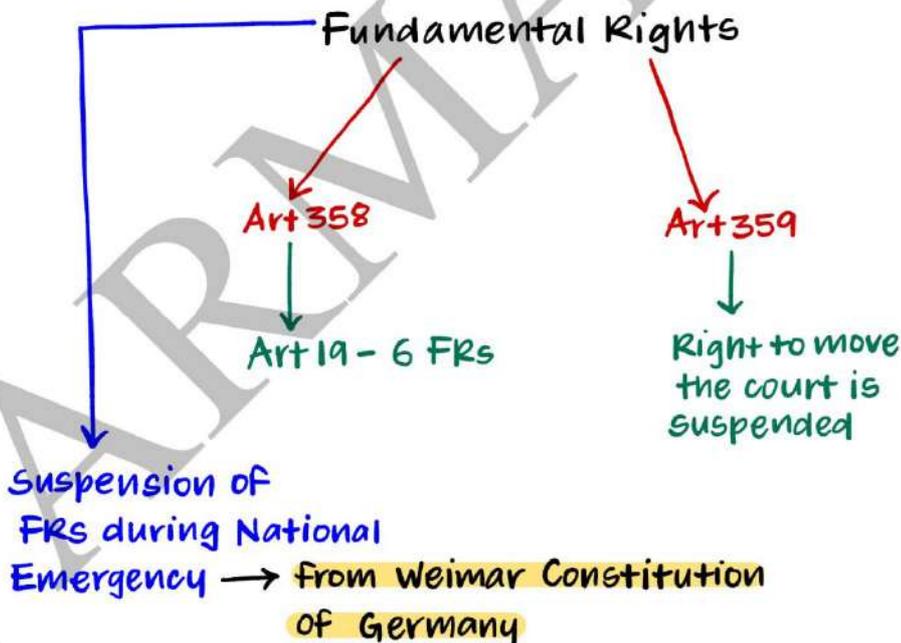


- approval: 1 month by **special majority** if approved by President, it continues for 6 months

re-approved - 44th CA

- revoked by: • President
  - if LS revokes National Emergency - by **Simple majority**

- effects:



- proclaim: President takes Cabinet's approval - 44th CA

term introduced: Art 352



- Rights under Art 20, 21 can never be suspended
- Rights under Art 19 cannot be suspended when National Emergency is imposed on grounds of Armed Forces

Armed Rebellion - 44<sup>th</sup> CA

Not beyond  
Judicial  
review

The term Internal disturbance changed to 44<sup>th</sup> CA → Armed rebellion

### • Executive

- Centre can give direction to State on any matter

### • Legislature

- Parliament can make a law on any subject of State list

Indefinite time ——— 6 months

### • Legislative Council Life

- 1 year extended

↓  
approval every year

Max. time: Indefinite period

### • Minerva Mill Case

- Imposition of NE is subjected to Judicial Review

### National Emergency in India

1962  
China War

1971  
Pakistan War

1975  
Internal Disturbance  
↓  
Indira Gandhi



Art 355 - Duty to Centre to ensure that the govt. of every State is run in accordance with provision of Constitution

Art 356 - President's Rule

↓  
State Emergency in case of failure of Constitutional Emergency

- grounds: 356 - empowers President, if govt. of State cannot be carried in accordance with provisions of Constitution
  - 365 - When the state fails to comply with any direction from centre
- proclaim: President of India
- approval: from Parliament → 2 months + simple majority
  - if approved: 6 months
  - max. time: 3 yrs
- revocation: any time by President, no need of Parliamentary approval



• effects:

- No effects on FR
- Councils of Ministers are suspended
- State Legislature is suspended/dissolved

↓  
Case

LA ↙

- Bommai Case

- 1st time: Punjab
- Max. time: Manipur (10)  
UP (9)

• Financial Emergency

- Art 360
- Never imposed

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# PARMAR'S GK BATCH

**TOPIC**

 **Supreme Court and High Court** 

**Lecture :- 11**

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## Supreme Court

- Art 124 - 147
- Part VI

### Art 124

① Strength of judges

originally: Constitution decision  
on SC strength = 1+7 → 8

② President appoints every judge of SC

at present: 30

└─ appointment  
└─ max age

### Appointment

Chief Justice of India  
• appointed by President

other judges  
• recommendation of CJI is mandatory

② Max age: 65 yrs

\* there is no min. age for the appointment of judges

Nowhere mentioned in constitution

### ① Collegium System

• group of judges who's recommendation President takes while appointing a judge / Chief Justice of SC / Chief Justice of HC

Argument bet Parliament and judges

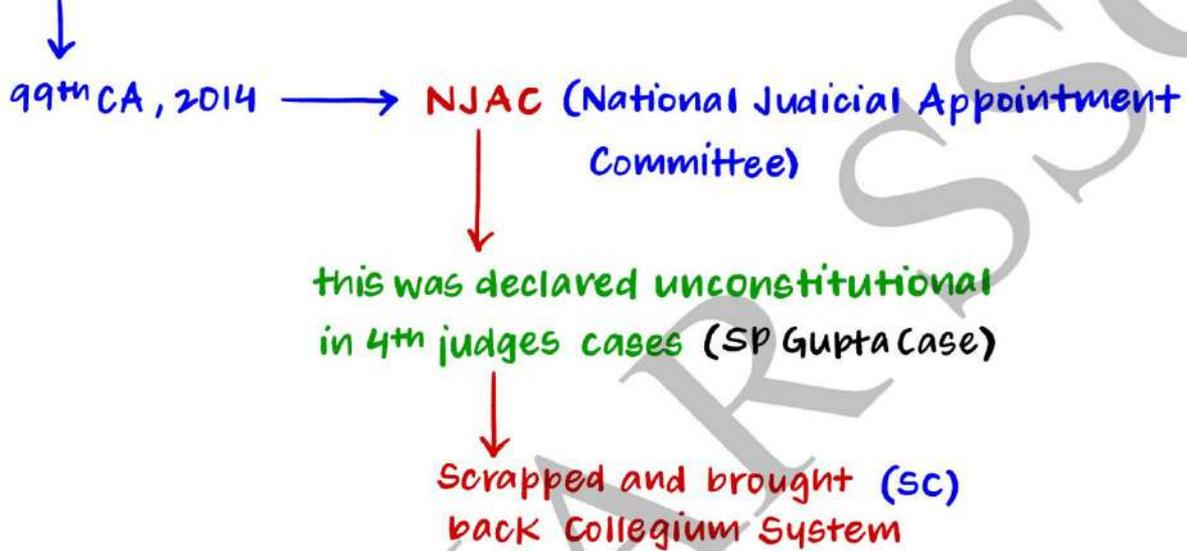
Cases: Judges Case (4 cases total)

① President must take recommendation - 1982 HC  
from CJI of India (Not his sole decision)



- ② Recommendation of CJ1 + 2 more judges - 1993
- ③ " " CJ1 + 4 " - 1998

By Parliament



Art 124

Resignation in written to President

Judges to be removed in manner provided in clause (4)

③ Qualification

5 yrs - Judge of any HC

OR

10 yrs - Advocate "

OR

He should be a distinguished jurist in the opinion of President

Citizen of India



- ④ Removal of a judge  
manner of removal:  
removal by President on the basis of a resolution passed by Parliament

Judges Inquiry Act, 1968

Lok Sabha: 100 members

Rajya Sabha: 50 members

then presented to Presiding Officer

3 membered commission

• if passed then removal of judges happen → Special Majority

On grounds of:

- proved misbehaviour
- incapacity

⑤ they take Oath before the President

⑥ cannot do private practice once has been placed as a judge of SC

Art 125

Salaries – determined by President

Law on privileges and salaries – by Parliament



## Art 126

Appointment of acting Chief Justice

## Art 127

Appointment of Ad Hoc judges

President may appoint acting Chief Justice

Difference

Vacancy

• Chief Justice

← When he is seat not there (vacant)

• Ad Hoc

When the office/judge is absent

CJI after taking advice from President may appoint some Ad Hoc judges from High court

## Art 128

Attendance of retired judges at sittings of SC

↓  
on advice of President

## Art 129

SC to be court of record

↓  
jo SC bolega uska record rakha jayega



## Art 130

Seat of Supreme Court

↓  
Constitution declares  
Delhi as a seat of SC

\* if CJI wants to declare  
any other seat of SC other  
than Delhi → has to take  
President's permission

## Art 131

Original jurisdiction of SC → Also exclusive  
(No other court can deal)

↓  
directly approach SC not necessarily  
by the way of appeal

## Disputes

- bet<sup>n</sup> GOI and one or more States
- bet<sup>n</sup> GOI and any State or State one side or one or more state on other side
- bet<sup>n</sup> two or more State

## Art 132

↙ in constitutional  
matters

Appellate Jurisdiction of SC by way of appeal from HC in  
certain case



### Art 133

Appellate jurisdiction of SC in civil matters

→ Property, marriage, divorce

### Art 134

Appellate jurisdiction of SC in criminal matters

→ theft, murder, charges

### Art 135

→ Jurisdiction and powers of the Federal Court under existing law to be exercisable by the Supreme Court. / मौजूदा कानून के तहत संघीय न्यायालय का क्षेत्राधिकार और शक्तियां सर्वोच्च न्यायालय द्वारा प्रयोग की जाएंगी।

→ Not of that importance

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### Art 136

Special leave to appeal by SC

Not a privilege

a person can approach SC  
if no proper justice granted  
in lower court

### Art 137

Review of judgements or orders by SC

SC has power to  
review his own orders  
or bench of judges birth  
sakta hai

### Art 138

Parliament by law can enlarge the jurisdiction of SC

### Art 139

SC can issue writs on cases of violation of FRs and in cases  
when wants to issue writs other than that, must take  
permission of Parliament

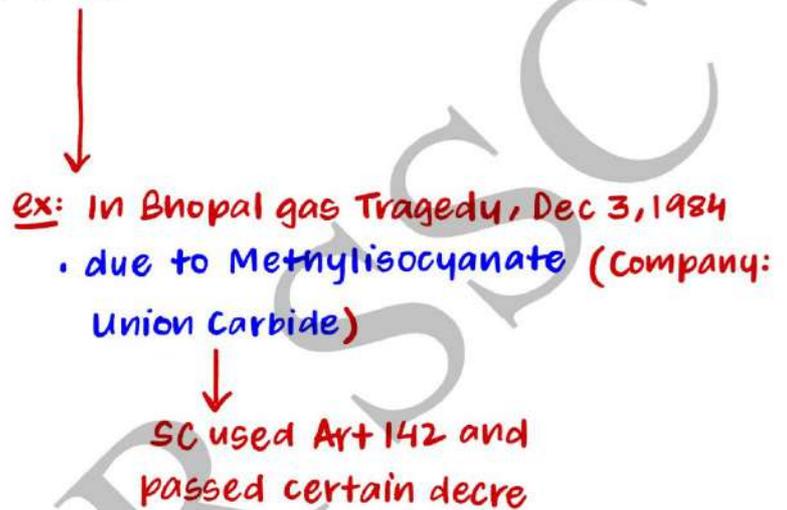
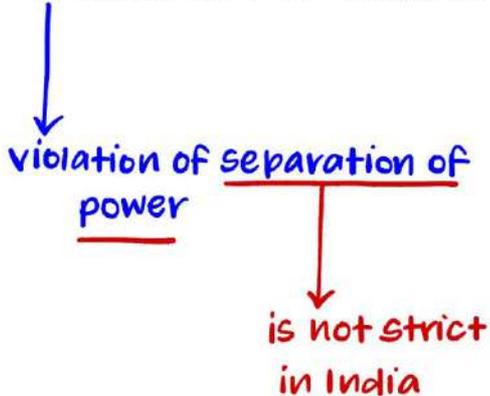
### Art 140

Ancillary powers of SC

can support or help  
Legislature to make law better

## Art 141

enforcement of decrees and orders of SC



judicial activism: jab judiciary apne jurisdiction se bahar nikal ke kaam karti hai

## Art 143

Power of President to consult SC

↓

Advisory jurisdiction

### President can go to SC:

- if pre-constitutional matter
- if matter of general importance

↓

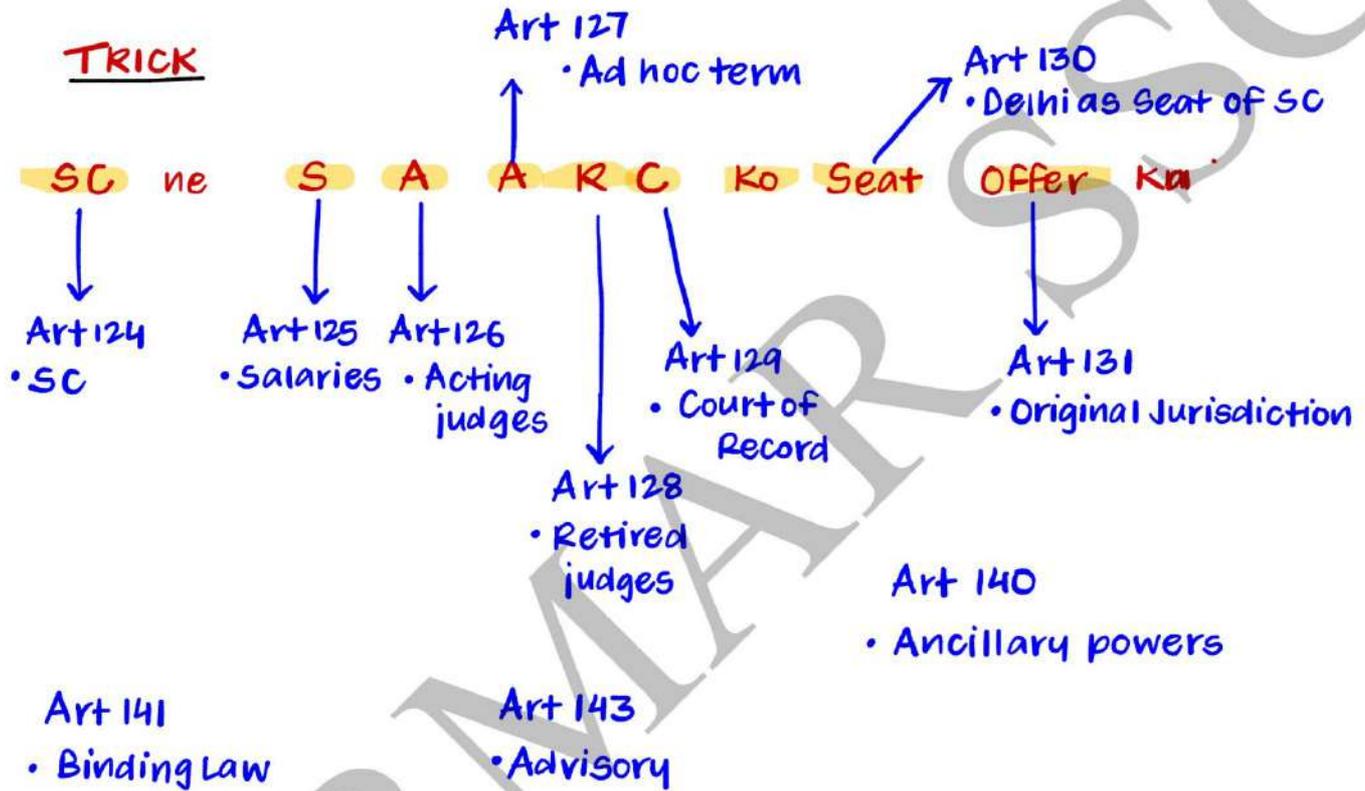
SC advice not binding

↓

SC advice is mandatory but not binding on President

## Art 144

Civil and judicial authorities to act on aid of SC





## High Court

- Part VI
- Art 214-237

Art 214 - Establishment of HC

Art 215 - HC to be court of record

Art 216 - Constitution of HC

↳ 1 chief judges and other such judges as parliament may decide

Art 217 - Appointment of Judges

↳ done by President consultation, such other judges as President may feel necessary — Collegium

— Resignation — President

— Removal — Same as a judge of SC → proved misbehavior  
→ incapacity

— Qualification — • 10 yrs advocate of HC

• has he held judicial office for 10 yrs

→ No provision of distinguished jurist

Art 218 - Application of certain provisions

↳ provisions both in SC and HC

Art 219 - Oath and affirmation → Governor

Art 220 - Restriction on practice after being a permanent judge



→ Pension: Consolidated Fund of India

Art 221 - Salaries - Consolidated Fund of States

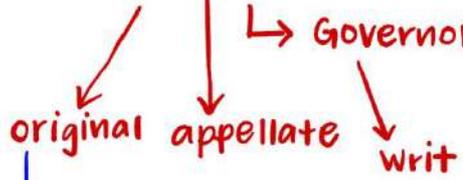
Art 222 - Transfer of Judges

↳ by President after consultation of CJ

Art 223 - Appointment of acting Chief judges

Art 225 - Jurisdiction

↳ Governor does not need advice



election of  
dispute MPs/MLAs  
- by HC

HC's appellate jurisdiction uske  
original jurisdiction se wide hai

Art 226 - Writ Jurisdiction of HC

↳ wider than SC (HC can issue writs on legal + FRs rights)

HC may refuse to issue  
writs but SC cannot

Art 227 - Power of jurisdiction over all other courts

Art 228 - X

Art 229 - X

Art 230 - Extension of Jurisdiction of HC to Union Territories

- Andaman & Nicobar - Calcutta HC
- Lakshadweep - Kochi (Kerala HC)
- Dadra/Daman - Maharashtra HC
- Puducherry - Madras HC



7<sup>th</sup> CA

Art 231 - Establishment of a common HC for two or more States

ex: Maharashtra and Goa have same HC in Maharashtra

Subordinate Court - Part VI

Art 233 - Appointment of distinct judges



Governor - after consulting HC

Art 234 - Recruitment of persons other than judges

TRICK

N - X  
H - 214 - Estd. of HC  
R - 215 - Court of Record  
C - 216 - Constitution  
A - 217 - Appointment  
A - 218 - Application of certain power  
O - 219 - Oath  
R - 220 - Restriction  
E - X  
S - 221 - Salary  
T - 221 - Transfer

• Inaugural session of Supreme Court - 28<sup>th</sup> Jan 1950



**SSC GK**

# PARMAR'S GK BATCH

**TOPIC**

**Constitutional Bodies**

**Lecture :- 12**

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## • Constitutional Bodies

Jo bodies ka koi bhi articles mentioned nahi hota

<u>Constitutional Bodies</u>	<u>Article</u>
1. Attorney General of India	76
2. Comptroller and Auditor General of India	148
3. Advocate General of State	165
4. State Finance Commission	243-I
5. State Election Commission	243-K
6. Inter - State Council	263
7. Finance Commission	280
8. Goods and Service Tax Council	279A
9. UPSC Public Service Commission	315-323
10. State Public Service Commission	315-323
11. Election Commission of India	324
12. National Commission for Schedule Castes	338
13. National Commission for Backward Classes	338B
14. Scheduled Area and Scheduled Tribes Commission	339
15. Backward Classes Commission	340
16. Special Officer for Linguistic Minorities	350B

more\*  
imp

## • Non-Constitutional bodies

Statutory

Non-statutory

OR

Executive

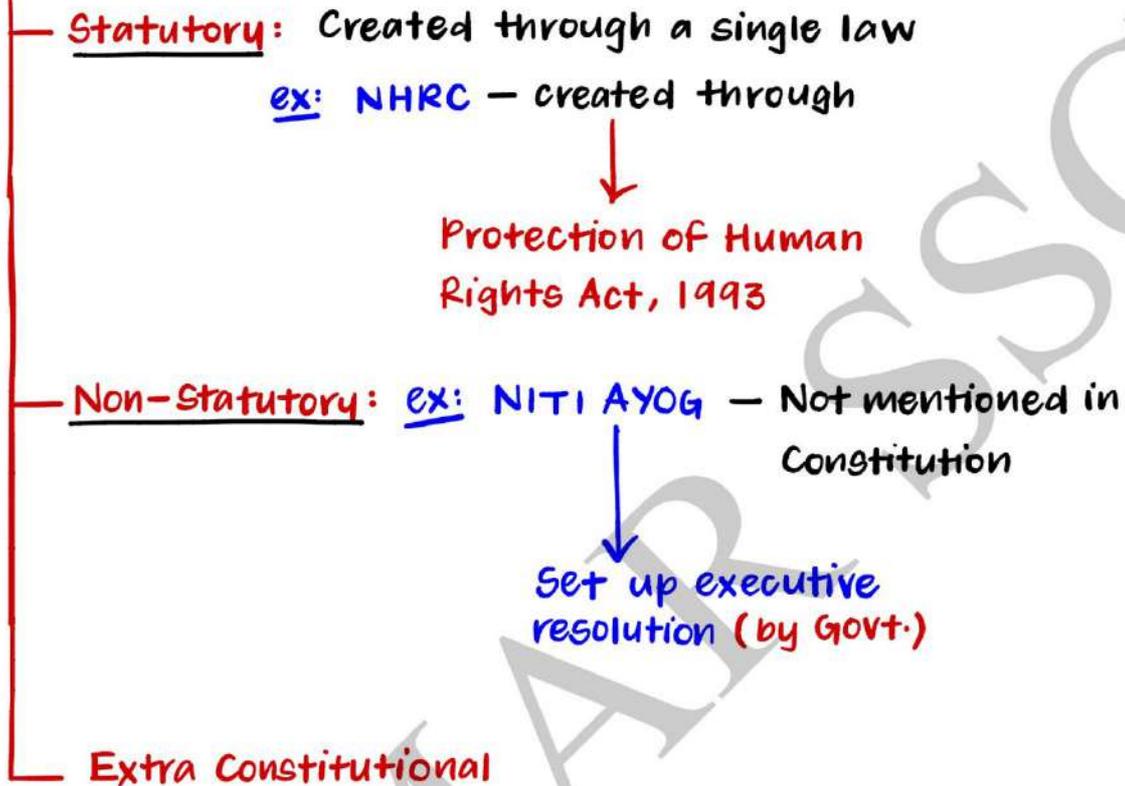
OR

Extra Constitutional

## NON CONSTITUTIONAL BODIES

1. National Human Rights Commission
2. National Consumer Disputes Redressal Commission
3. Competition Commission of India
4. Income Tax Appellate Tribunal
5. National Company Law Tribunal
6. Appellate Tribunal for Electricity
7. Railway Claims Tribunal
8. Intellectual Property Appellate Tribunal
9. Banking Ombudsman
10. National Green Tribunal
11. Central Information Commission
12. SEBI
13. RBI

## Non-Constitutional

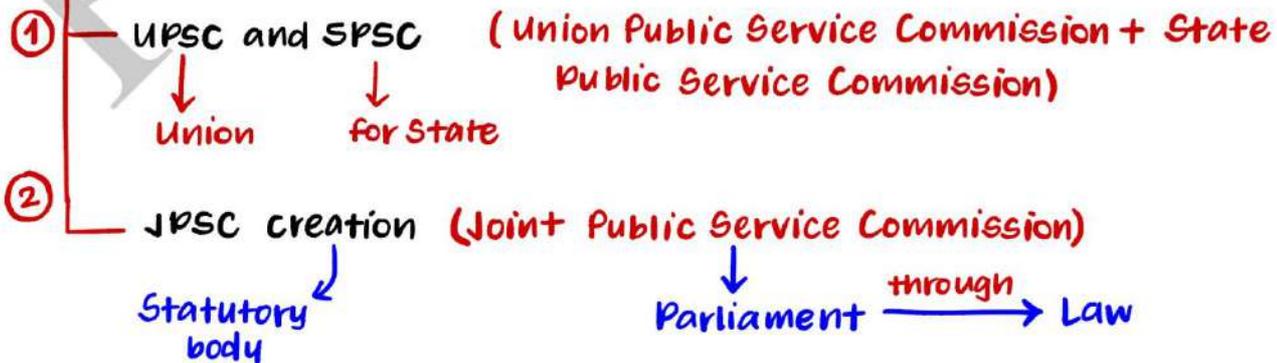


## Part 14

- Article 315-323
- UPSC, SPSC, JPSC

### ARTICLE - 315

→ Public Service Commissions for the Union and for the States.  
 संघ और राज्यों के लिए लोक सेवा आयोग।



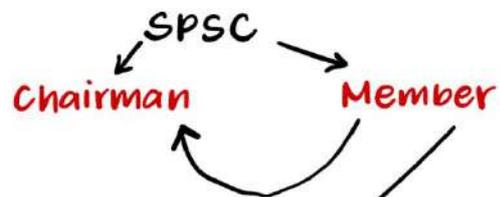
**ARTICLE - 316**

→ Appointment and term of office of members.  
सदस्यों की नियुक्ति एवं कार्यकाल.

- ① — UPSC and JPSC appointment — President  
SPSC — Governor
- ② — Tenure: 6/65 yrs — UPSC  
6/62 yrs — SPSC/JPSC
  - ②A — Resignation:
    - UPSC, JPSC — President
    - SPSC — Governor
- ③ — Re-appointment ineligibility



↓  
cannot become a member again



-why?

• UPSC above SPSC

### ARTICLE - 317

- Removal and suspension of a member of a Public Service Commission.  
लोक सेवा आयोग के किसी सदस्य को हटाया जाना और निलंबित किया जाना।

#### Removing Authority — President

— How?

- if he's an insolvent → bankrupt
- if he's engaged in paid employment
- if he's of unsound mind → written in Constitution
- on grounds of misbehaviour

↳ Presidents conveys to SC → Committee  
Removal ← formation

### ARTICLE - 318

- Power to make regulations as to conditions of service of members and staff of the Commission. // आयोग के सदस्यों और कर्मचारियों की सेवा शर्तों के संबंध में नियम बनाने की शक्ति।

#### Rules of Condition of Service

- UPSC — President
- JPSC — President
- SPSC — Governor

**ARTICLE - 319**

- Prohibition as to the holding of offices by members of Commission on ceasing to be such members. // ऐसे सदस्य न रहने पर आयोग के सदस्यों द्वारा पद धारण करने पर प्रतिषेध।



Koi bhi office hold nahi kar sakte hai  
under Govt. of India and Govt. of any  
State

**ARTICLE - 320**

- Functions of Public Service Commissions.  
लोक सेवा आयोगों के कार्य.



exams karwana — CSE, CDS, CAPF AC, NDA  
UPSC

**ARTICLE - 321**

- Power to extend functions of Public Service Commissions.  
लोक सेवा आयोगों के कार्यों का विस्तार करने की शक्ति।



Power to extend functions — Parliament through act/law — UPSC  
or  
State Legislature — SPSC

### ARTICLE - 322

→ Expenses of Public Service Commissions.  
लोक सेवा आयोगों के व्यय.

↓  
will be charged on: • Consolidated fund of India – **UPSC**  
• Consolidated fund of State – **SPSC**

### ARTICLE - 323

→ Reports of Public Service Commissions.  
लोक सेवा आयोगों की रिपोर्ट।

↓  
**UPSC** – President  
**SPSC** – Governor  
**JPSC** – Governor

### Part XIV A – about Tribunals

### Part XV

- Election Commission of India
- Art 324 – 329

• Art 324 – Election of Parliament, State Legislature, President and Vice President

↓  
Superintendence, Direction, and Control of Elections

LS, RS

LA, LC

↗ Not done by State election

• Art 325

Composition

- shall be determined by the President
- Appointment: President
- Condition of service by President

earlier only one Chief Election Commissioner (CEC)

Multimembered body

• ECI - 1989

why?

1988, 61<sup>st</sup> CA - Voting age from 21 to 18

increase in strength

Universal Adult Suffrage

Composition: 1 + 2

CEC

other ECs

current: Rajiv Kumar

1<sup>st</sup>: Sukumar Sen

Term

- 6 yrs or 65 yrs, whichever is earlier

Removal

- Same as SC judge

Removal:

others ECs

- after the recommendation of CEC, then President can remove

Points to be noted

- No Qualification prescribed in the Constitution
- Constitution has not debarred the retiring EC for any further

appointment by govt.

in case of difference of opinion bet<sup>n</sup> CEC and other ECs — matter decided by the majority

### Finance Commission

• Art 280

— Quasi Judicial body

— Constituted by President

— Composition: 1 + 4  
(by Parliament)

— eligible for re-appointment

— Parliament determines their Qualifications

\* — Chairman having experience in Public Affairs

— 4 other members:

— a judge of HC / one qualified to be appointed

— a person having specialized knowledge in finance and accounts

— " " " " " in economics

— " " " " " in financial matters

every 5 yrs; however last Finance Commission was formed on 2017-2022

15<sup>th</sup> — chairman: NK Singh  
till now no Finance Comm.

Functions — recommendation to President (The recommendation is not binding on President)

— Distribution of net proceeds of taxes bet<sup>n</sup> Centre and States



How the grants will be aided to States by Centre -  
bina wapas lautne ke  
umeed se

States consolidated fund and changes made to  
them - for equal distribution of resources bet<sup>n</sup>  
Panchayat and Municipalities

- 1<sup>st</sup> FC Chairman: K.C. Neogy
- 15<sup>th</sup> FC Chairman: N.K. Singh

- Art 324 - Superintendence, Direction, and Control of Elections
- Art 325 - No person to be ineligible for inclusion in electoral  
rule only on ground of religious, race, caste, sex
- Art 326 - Election to LS and LA
- Art 327 - Power of Parliament to make provisions w.r.t to  
elections to legislature
- Art 328 - Power of Legislature of a State to make provisions  
w.r.t to elections to such legislature
- Art 329 - Bar to interference by courts in electoral matters

Comptroller Auditor General (CAG)

1<sup>st</sup> CAG: V Narhari Rao  
current CAG: GC Murmu

↓  
single-membered body

Art 148

- Head of Indian Audit and Accounts Dept.
- Guardian of Public Purse

→ jaha public ka paisa aata hai wahi paise  
ko expose karta hai

- Appointment: By President
- Term: 6 yrs / 65 yrs
- Removal: Same manner as a judge of SC
- Not eligible for reappointment
- Salary: Determined by Parliament

Art 149- Parliament can prescribe duties and powers of CAG

- (a) - Audits the accounts related to all expenditure from the consolidated fund of India and Contingency fund of India
- (b) - Ascertains and certifies the net process of any tax and duty
- (c) - Compiles and maintains the accounts of State govt.

1976- removed from maintenance of accounts of Union Govt.

Art 150- Accounts of Union and States shall be kept in such form as President may on the advice of CAG may prescribe



## Art 151 – Audit reports to President

can participate in debate  
of LOK Sabha

Attorney General of India

assisted by  
Solicitor Generals (not a  
Constitutional body)

• Art 76, Part V

advocate of Central govt.

Highest law officer in the country

Appointment: By President

Qualification: Qualified to be appointed as SC judge

Holds office during the pleasure of President

Salary and Condition of Service: Determined by President

appears on behalf of GOI in SC/HC  
↳ to advice GOI on legal matters

1st AGI: MC Setalvad

Current: R Venkatramini

Should not: • hold a brief against govt.  
• defend an accused person

also 1st law commissioner  
Post-Independence

Not a full-time counsel of govt. — can be removed anytime by  
President

Not debarred from private legal practice

## Advocate General

highest law officer in a State

Qualification: Qualified to be appointed as HC judge

Appointment: Governor



## Constitutional bodies

### National Commission for Scheduled Caste and National Commission for Scheduled Tribes (NCSC and NCST)

• 65<sup>th</sup> CA → Officers → to → Commission

• 89<sup>th</sup> CA, 2003 → Separated → NCSC - Art 338

↓  
NCST - Art 338A  
Created

#### Functions:

- SC/ST Ke rights Ko preserve Karna

• 102<sup>nd</sup> CA, 2018 - status to National Commission for Backward Classes (NCBC) - Art 338 B

#### Composition: (NCSC and NCST)

- chairman + Vice Chairman + 3 other members

#### Special officer for linguistic minorities

- Part XVII
- Art 350 B

## Non-Constitutional Bodies

### Statutory

• National Human Rights Commission

• created for: Protection of Human Rights Act, 1993

• Composition: Chairman + 5 other members

↓  
Should be  
retired Chief Justice

1<sup>st</sup> chairman: Ranganath Mishra

at present: Arun Kuman Mishra



Term: 3yrs / 70yrs of age

• Central Vigilance Commission → Statutory body

- Job: To stop corruption
- Establishment: 1964, as an Executive body

↓  
2003, CVC Act: Now a statutory Act

- Composition: Chairman + 2 other members
- Term: 4 yrs / 65 yrs

formed on recommendation of Santhanam Committee

- Appointment: by President, on the recommendation of a committee

— PM  
— Home Minister  
— Opposition in Lok Sabha

- Not eligible for further appointment under GOI / Govt. of State

### Sub-body

• Central Bureau of Investigation (CBI)

- Establishment: 1963 on recommendation of Santhanam Committee

- Motto: Industry, Impartiality and Integrity

- is an executive body

- it derives its powers from Delhi Special Police Establishment Act, 1946

- Director: 2 yrs



## Statutory

- Lokpak and Lokayukta → inspired by Ombudsman from Sweden

↓  
for centre

↓  
for different states,  
its different

- Functions: An anti-corruption authority → for PM + Group A, B, C, D

- Composition: 2013, Lokpal and Lokayukta Act

↓  
1 chairman + 8 others members

↙  
50% members

- Shall be judicials members

↘  
50% members

- From SC/ST/OBCs/minorities

- appointment: President on the basis of recommendation of a committee

1<sup>st</sup> Lokpal: Pinaki Chandra Ghosh

1<sup>st</sup> state to bring Lokayukta: Maharashtra

## NITI AAYOG (National Institute for Transforming India)

— executive body

— Establishment: 1<sup>st</sup> Jan 2015

— replaced planning commission of India

— composition: Chairman + Vice chairman + CEO

↓  
PM

↓  
Suman Bery

↓  
BVR Subramanyam



• 1st Attorney General : KK Venugopal

• Art 263 - **Establishment of Inter-State Council**

on recommendation of

Chairman: PM

Sarkaria Commission, June 1983  
regarding Centre-State relations  
by President

Zonal Council : **States Reorganization Act, 1956**

Statutory

Chairman: Home Minister

• 5 zonal council + NE Zonal  
Council is different

— North  
— South  
— East  
— West  
— North East (NE)

Act of 1972

members: CM of  
all the states + 6  
ministers of Cabinet  
rank to be nominated  
by PM

CEC - removed by Special Majority from both the houses  
of Parliament

By President

• 1<sup>st</sup> Women CEC of India : Rama Devi, 1990

• GST of India - 101<sup>st</sup> CA

↳ Chairman: Finance Minister

• NITI/Planning Commission /NIC /NDC /NDMA /ISC -  
 chairman: PM

50.

When was the Backward and Minority Communities Employees Federation (BAMCEF) established in India?

भारत में पिछड़ा एवं अल्पसंख्यक समुदाय कर्मचारी महासंघ (BAMCEF) की स्थापना कब हुई थी?

- (a) 1979
- (b) 1980
- ✓ (c) 1978
- (d) 1989

56.

Who was the first Chairperson of National Human Rights Commission of India?

भारत के राष्ट्रीय मानवाधिकार आयोग के पहले अध्यक्ष कौन थे?

- |                                |                            |
|--------------------------------|----------------------------|
| (a) Justice A S Anand          | a) न्यायमूर्ति ए एस आनंद   |
| ✓ (b) Justice Ranganath Mishra | b) जस्टिस रंगनाथ मिश्रा    |
| (c) Justice K G Balakrishnan   | c) जस्टिस के जी बालाकृष्णन |
| (d) None of the above          | d) इनमें से कोई भी नहीं    |

57.

The Securities and Exchange Board of India (SEBI) became an autonomous body in \_\_\_\_\_

भारतीय प्रतिभूति और विनियम बोर्ड (SEBI) \_\_\_\_\_ में एक स्वायत्त निकाय बन गया

- (a) 1988
- ✓ (b) 1993
- (c) 2001
- (d) 1992

→ Estd. - 12<sup>th</sup> April 1988

↓  
 executive body  
 but later

1992, SEBI Act - Statutory  
 body



**SSC GK**

**PARMAR'S GK BATCH**

**TOPIC**

**Local Self Government**

**Lecture :- 13**

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# Panchayat and Municipalities





## Local Self Government

### Panchayat Formation Committees

- \* Balwant Rai Mehta Committee, 1957

Recommendation: 3-tier system



Art 40: DPSP (non-justiciable)

↓  
First State to follow Panchayat Raj:  
Rajasthan, Nagaur on 2<sup>nd</sup> Oct 1959  
and Andhra Pradesh-  
11 Oct 1959

↓  
But this wasn't at first

Now, justiciable by 73<sup>rd</sup> CA

- Ashok Mehta Committee, 1977

Recommendation: 2-tier system ————— Greater emphasis on Gram Sabha  
• No need of intermediate level

- L M Singhvi Committee, 1986

On revitalisation of Panchayati Raj system

- Thungon Committee

- Gadgil Committee

National Voters Day: 25<sup>th</sup> Jan

↓  
ECI establishment

Part IX A added

73<sup>rd</sup> CA: 1992 (11<sup>th</sup> schedule)

Enforced: 24 April 1993

29 subjects

↓  
Panchayati Raj Diwas, 2010

↓  
Part IX added

74<sup>rd</sup> CA: Urban Local Government  
(12<sup>th</sup> schedule) - Art 243P-243ZG

↓  
18 subjects

Municipalities (Nagar Palika)

PM: PV Narasimha Rao

### ARTICLE - 243

#### → Definition / परिभाषा

"Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level.

"ग्राम सभा" का अर्थ है ग्राम स्तर पर पंचायत के क्षेत्र में शामिल गांव से संबंधित मतदाता सूची में पंजीकृत व्यक्तियों से बनी एक संस्था।

Defines "**Gram Sabha**" and people registered in electoral rolls

### ARTICLE - 243-A

#### → Gram Sabha / ग्राम सभा

A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

एक ग्राम सभा ऐसी शक्तियों का प्रयोग कर सकती है और ग्राम स्तर पर ऐसे कार्य कर सकती है जो राज्य का विधानमंडल कानून द्वारा प्रदान कर सकता है।

Power and functions determined by State Legislature

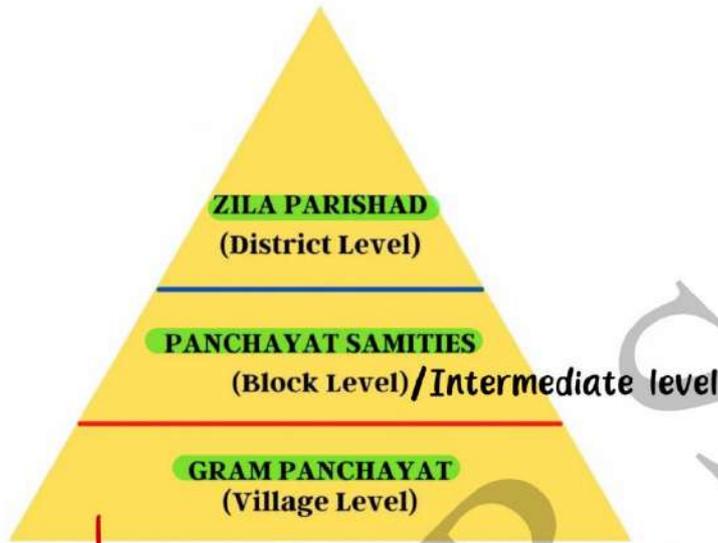
### ARTICLE - 243-B

#### → Constitution of Panchayats / पंचायतों का गठन

There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

इस भाग के प्रावधानों के अनुसार प्रत्येक राज्य में ग्राम, मध्यवर्ती और जिला स्तर पर पंचायतों का गठन किया जाएगा।

→ Constitution of Panchayat Implementation of 3-tier Panchayati Raj System



This 3-tier system is not mandatory in every state i.e. population <20 lakhs will run on 2-tier system

<2 million

Intermediate wala nahi rahega  
ex: Sikkim

**ARTICLE - 243-C**

→ **Composition of Panchayats / पंचायतों की संरचना**

1. All the seats in a Panchayat shall be filled by persons chosen by direct election
2. The Chairperson of a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide

1. पंचायत की सभी सीटें प्रत्यक्ष चुनाव द्वारा चुने गए व्यक्तियों से भरी जाएंगी
2. ग्राम स्तर पर पंचायत के अध्यक्ष का चुनाव उस तरीके से किया जाएगा जैसा राज्य का विधानमंडल कानून द्वारा प्रदान करेगा

Village Level

Direct and Indirect election, determined by State Legislature

District and Intermediary level

Saari seats direct election se bharengi except chairman seats: Indirect election

**ARTICLE - 243-D**

→ Reservation of seats / सीटों का आरक्षण

**1**

Seats shall be reserved for -

- a) the Scheduled Castes
- b) the Scheduled Tribes, in every Panchayat proportion to the total number of seats to be filled by direct election in that Panchayat.

सीटें इनके लिए आरक्षित होंगी -

- a) अनुसूचित जाति
- b) प्रत्येक पंचायत में अनुसूचित जनजातियों को उस पंचायत में प्रत्यक्ष चुनाव द्वारा भरी जाने वाली सीटों की कुल संख्या के अनुपात में रखा जाता है।

Seats Reservation

- Scheduled Tribes
- Scheduled Caste

Population ke proportion main reservation

Reservation on chairperson level

**ARTICLE - 243-D**

→ Reservation of seats / सीटों का आरक्षण

**2**

Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women.

प्रत्येक पंचायत में प्रत्यक्ष चुनाव द्वारा भरी जाने वाली सीटों की कुल संख्या में से कम से कम एक तिहाई (अनुसूचित जाति और अनुसूचित जनजाति की महिलाओं के लिए आरक्षित सीटों की संख्या सहित) महिलाओं के लिए आरक्षित होगी।

Seats Reservation

- Women — 1/3rd everywhere

Reservation on chairperson level

**ARTICLE - 243-E**

→ Duration of Panchayats, etc. / पंचायतों की अवधि, आदि।

**1**

Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

प्रत्येक पंचायत, जब तक कि उस समय लागू किसी कानून के तहत जल्द ही भंग न हो जाए, अपनी पहली बैठक के लिए नियुक्त तिथि से पांच साल तक बनी रहेगी और उससे अधिक नहीं।

Duration: 5 yrs

ex:

1 Jan 2020 ————— 1 Jan 2025

20 Nov 2024: Less than 6 months — Election not mandatory  
(Dissolution)

1 Jan 2024: More than 6 months — Election mandatory  
(Dissolution)

Dissolving power: Zilla Parishad

New Panchayat formed: will serve remainder of the term

State govt. can dissolve Zilla Parishad

**ARTICLE - 243-F**

→ Disqualifications for membership / सदस्यता के लिए अयोग्यताएँ

**1**

A person shall be disqualified for being chosen as, and for being, a member of a Panchayat

एक व्यक्ति को पंचायत के सदस्य के रूप में चुने जाने और होने के लिए अयोग्य ठहराया जाएगा

Disqualification provisions

**ARTICLE – 243-F**

→ Disqualifications for membership / सदस्यता के लिए अयोग्यताएँ

**1-a**

If he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned: Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years

यदि वह संबंधित राज्य के विधानमंडल के चुनावों के प्रयोजनों के लिए उस समय लागू किसी कानून द्वारा या उसके तहत अयोग्य घोषित किया गया है: बशर्ते कि कोई भी व्यक्ति इस आधार पर अयोग्य नहीं ठहराया जाएगा कि वह पच्चीस वर्ष से कम उम्र का है, यदि वह इक्कीस वर्ष की आयु प्राप्त कर चुका है

↓  
Law made by State Legislature can cause disqualification

↳ Min age: 21 yrs (cannot be disqualified if he is <25 yrs)

**ARTICLE – 243-F**

→ Disqualifications for membership / सदस्यता के लिए अयोग्यताएँ

**1-b**

If he is so disqualified by or under any law made by the Legislature of the State.

यदि वह राज्य के विधानमंडल द्वारा बनाए गए किसी कानून के तहत या उसके तहत अयोग्य है।

\* High Court: Election disputes of MP/ MLAs

State Legislature



Has all powers of Panchayat

- Disqualification is decided by such authority as determined by State Legislature
- Election: State Election Commission

### ARTICLE - 243-G

→ Powers, authority and responsibilities of Panchayats  
पंचायतों की शक्तियाँ, प्राधिकार एवं उत्तरदायित्व

Legislature of a State may, by law, endow the Panchayats with such powers and authority and may be necessary to enable them to function as institutions of self-government .

किसी राज्य का विधानमंडल, कानून द्वारा, पंचायतों को ऐसी शक्तियाँ और अधिकार प्रदान कर सकता है और उन्हें स्व-शासन की संस्थाओं के रूप में कार्य करने में सक्षम बनाने के लिए आवश्यक हो सकता है।

State Legislature power de sakta hai Panchayat ko to function as a Self-government

### ARTICLE - 243-H

→ Powers to impose taxes by, and Funds of, the Panchayats  
पंचायतों द्वारा और उनकी निधियों पर कर लगाने की शक्तियाँ

Panchayat ko power dena to add tax, funds

### ARTICLE - 243-I

→ Constitution of Finance Commission to review financial position  
वित्तीय स्थिति की समीक्षा हेतु वित्त आयोग का गठन

The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor

किसी राज्य का राज्यपाल, संविधान (तिहत्तरवां संशोधन) अधिनियम, 1992 के प्रारंभ होने से एक वर्ष के भीतर, और उसके बाद हर पांचवें वर्ष की समाप्ति पर, वित्तीय स्थिति की समीक्षा के लिए एक वित्त आयोग का गठन करेगा। पंचायतों की नियुक्ति और राज्यपाल को सिफारिशें करना

Constitution of Finance Commission

State Finance Comm. removal

- Proved misbehaviour
- Incapacity

Establishment by: Governor → Under 73<sup>rd</sup> CA, 1992  
(Not binding) • Every 5 yrs

**ARTICLE - 243-J**

→ Audit of accounts of Panchayats / पंचायतों के खातों की लेखापरीक्षा

**ARTICLE - 243-K**

→ Elections to the Panchayats / पंचायतों के चुनाव

Elections: State Legislature

Appointment: Governor

Removal: Same as a judge of HC

**ARTICLE - 243-L**

→ Application to Union territories / केंद्र शासित प्रदेशों के लिए आवेदन

**ARTICLE - 243-M**

→ Part not to apply to certain areas / भाग का कतिपय क्षेत्रों पर लागू न होना

Scheduled areas main apply nahi honge, only possible with certain modifications

**PESA Act, 1996**

↓  
**Panchayat Extension to scheduled areas**

ex: North-East areas

- Nagaland, Meghalaya, Mizoram (Panchayati Raj system do not exists)
- Also, in all UTs except in Delhi where it does not exists

**ARTICLE - 243-N**

- Continuanee of existing laws and Panchayats  
मौजूदा कानूनों और पंचायतों का जारी रहना

**ARTICLE - 243-O**

- Bar to interference by courts in electoral matters  
चुनावी मामलों में अदालतों के हस्तक्षेप पर रोक



Electoral matters main courts interfere nahi kar sakte

**TRICK**

1 Article 243 (Definitions)	
1.1 Article 243A (Gram Sabha) <b>Assembly</b>	Direct
1.2 Article 243B (Constitution of Panchayats) <b>Kaise banegi Panchayat?</b>	
1.3 Article 243C (Composition of Panchayats) <b>Composition</b>	Indirect
1.4 Article 243D (Reservation of seats) <b>Dalit</b> — <b>Reservation</b>	
1.5 Article 243E (Duration of Panchayats, etc.) <b>Duration</b> — <b>5 yrs (letter E: 5)</b>	
1.6 Article 243F (Disqualifications for membership) <b>Fail</b> — <b>Disqualification</b>	
1.7 Article 243G (Powers, authority and responsibilities of Panchayats) <b>Goli khate power, responsibility</b>	
1.8 Article 243H (Powers to impose taxes by, and Funds of, the Panchayats) <b>House tax</b>	
1.9 Article 243I (Constitution of Finance Commission to review financial position) <b>Income</b> — <b>Finance Comm.</b>	
1.10 Article 243J (Audit of accounts of Panchayats)	
1.11 Article 243K (Elections to the Panchayats)	
1.12 Article 243L (Application to Union territories) <b>Lieutenant Governor in UTs</b>	
1.13 Article 243M (Part not to apply to certain areas) <b>Modifications</b>	
1.14 Article 243N (Continuance of existing laws and Panchayats)	
1.15 Article 243O (Bar to interference by courts in electoral matters)	



## Municipalities

- Art 243P-243ZG
- Part IX A

Decentralization: Centre ko saari power se Dena and bringing it to grassroot level

Viceroy: Mayo, 1870

↓  
Mayo's Resolution — Financial Decentralization

Ripon's Resolution of 1882

↓  
Magna Carta of local self govt.

↓  
Father of Local self govt.

- First Municipal Corporation: Madra, 1988
- Second: Bombay and Calcutta, 1726

Local Self Govt. — GOI 1935 → Provisional subjects

Urban local govt.

8 types

- Municipal Corporation
- Municipality — Nagar Panchayat  
— Municipal Council  
— Municipal Corporation
- Notified Area Committee
- Town Area Committee
- Cantonment Board — Ministry of Defence
- Township
- Port Trust — Ministry of Home Affairs
- Special Purpose Agency

→ Under Ministry of Housing and Urban Development



**SSC GK**

# PARMAR'S GK BATCH

**TOPIC**

**Different Acts of Constitution**

**Lecture :- 14**

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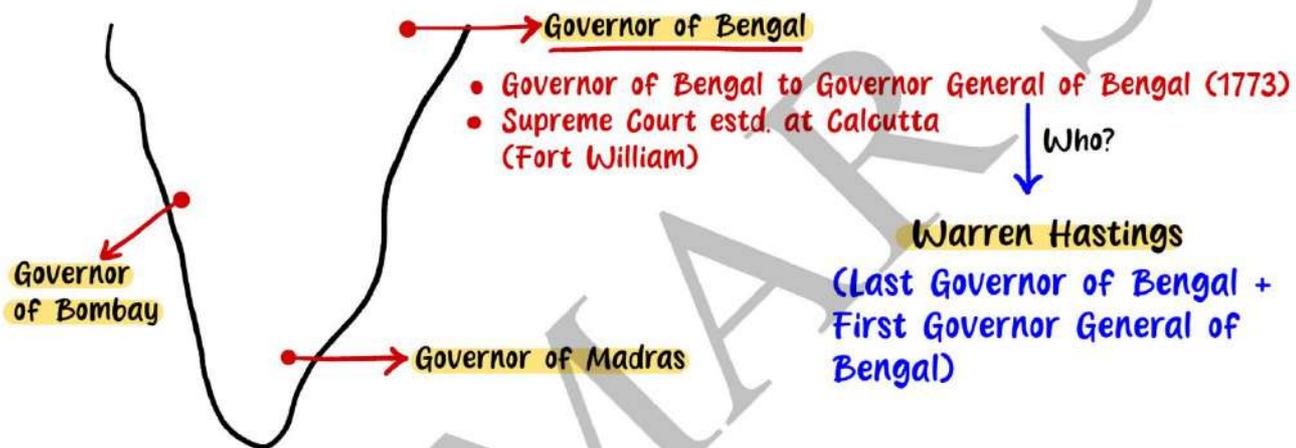
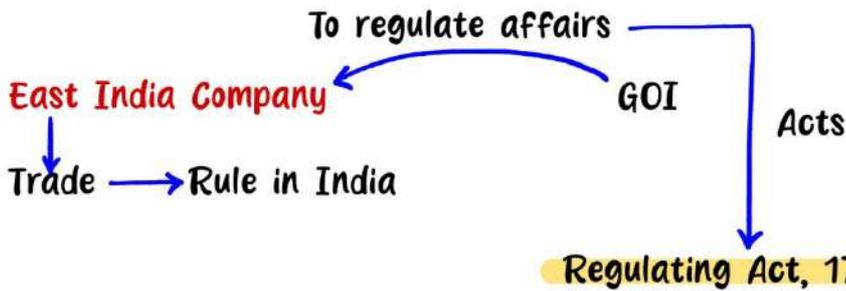
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## Different Acts of Constitution





- Pitts India Act, 1784

Started Dual Govt. System

Court of Director + Board of Governor

Commercial functions

Administrative functions

India's first Municipal Corporation: Madras (1688)

Government of India Act of 1858

Abolition of East India Company

Background

- **Revolt of 1857**: First War of Independence (V D Savarkar)

Also known as Queen's proclamation — Direct Crown Rule

- **Governor General of India to Viceroy**
- **New Post: Secretary of State**

To assist: 15 membered Council given

British MP

(Takes report from Viceroy and presents it to British Parliament)

Also abolished, Court of Directors and Board of Directors

- **Charter Act 1793** → gave trade privileges to British East India Company
- **1813**:
  - Trade privileges of East India Company were ended exception trade in tea and trade in China
  - 1 Lakh will be spend on Indian Education everywhere
  - Christian Missionary sent to India → To promote Christianity

→ Also known as "Saint Helena Act"

- 1833: • It ended the commercial functions of East India Company and it became purely an administrative body (lost monopoly of trade with China)

- Governor General of Bengal → Governor General of India

→ William Bentinck

attempted to introduce open competition of Indian Civil Services

— Last GG of Bengal

— First GG of India

- First Governor of Bengal → Robert Clive

- British Act that introduce Indian Civil Services as an open competition → Charter Act of 1853

- GOI Act 1909/Morley Minto Reforms → Father of Indian Communalism

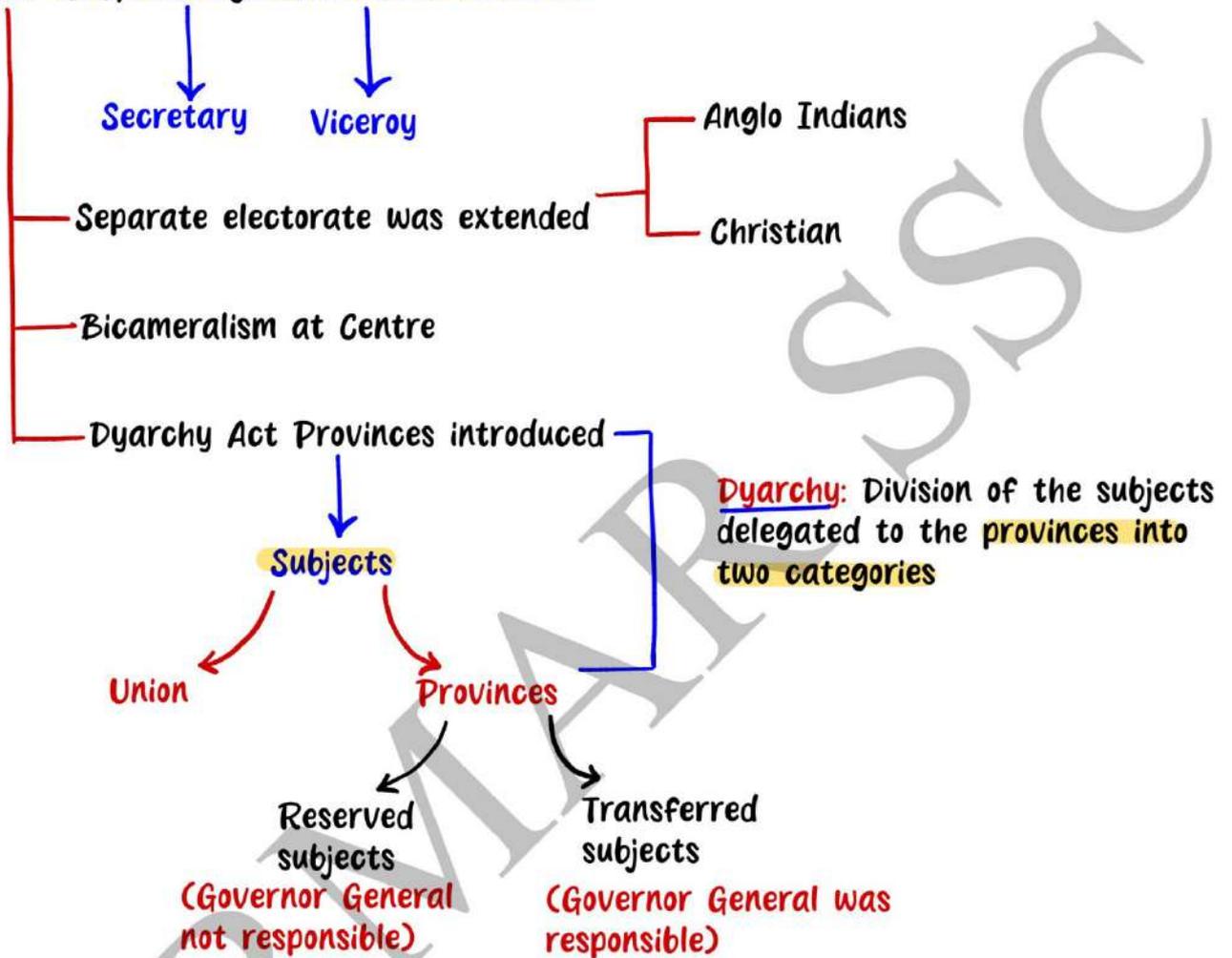
↓ Secretary viceroy

— Separate Electorate to Muslims

— Viceroy Executive Council — First Indian to be associated with

↓ Satyendra Prasad Sinha

• **GOI Act 1919/Montagu Chelmsford Reforms**



• **GOI Act 1935 — Major role in Indian Constitution**

- Dyarchy → Centre
- Provinces → Autonomy and bicameralism in provinces
- Principle of Constitutional Autocracy
- Federal Court estd. on 1937
- Residuary powers given to Governor General

- Members of Constituent Assembly who drafted the Constitution were elected by Legislative assemblies of various provinces

- Indian Council Act 1892:** Power to discuss the budget

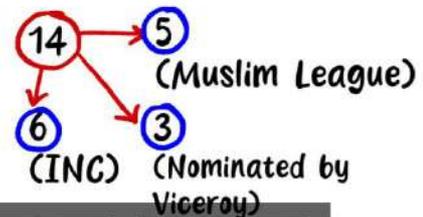
- The proposal for framing of the Constitution of India by an elected Constituent Assembly was made by → **British Cabinet Delegation**

- A V Alexander
- Stafford Cripps
- Pethick Lawrence (chairman)

The interim government formed in 1946, the Vice President of Executive Council was → **Jawaharlal Nehru**

**Initial Muslim League did not join it**

**India's First Cabinet, the interim govt. portfolios in September 1946**





Drafting Committee was setup on 29<sup>th</sup> August 1947

Under chairmanship of B R Ambedkar

+4 however from 7<sup>th</sup> CA  
1 was removed hence  
25 now

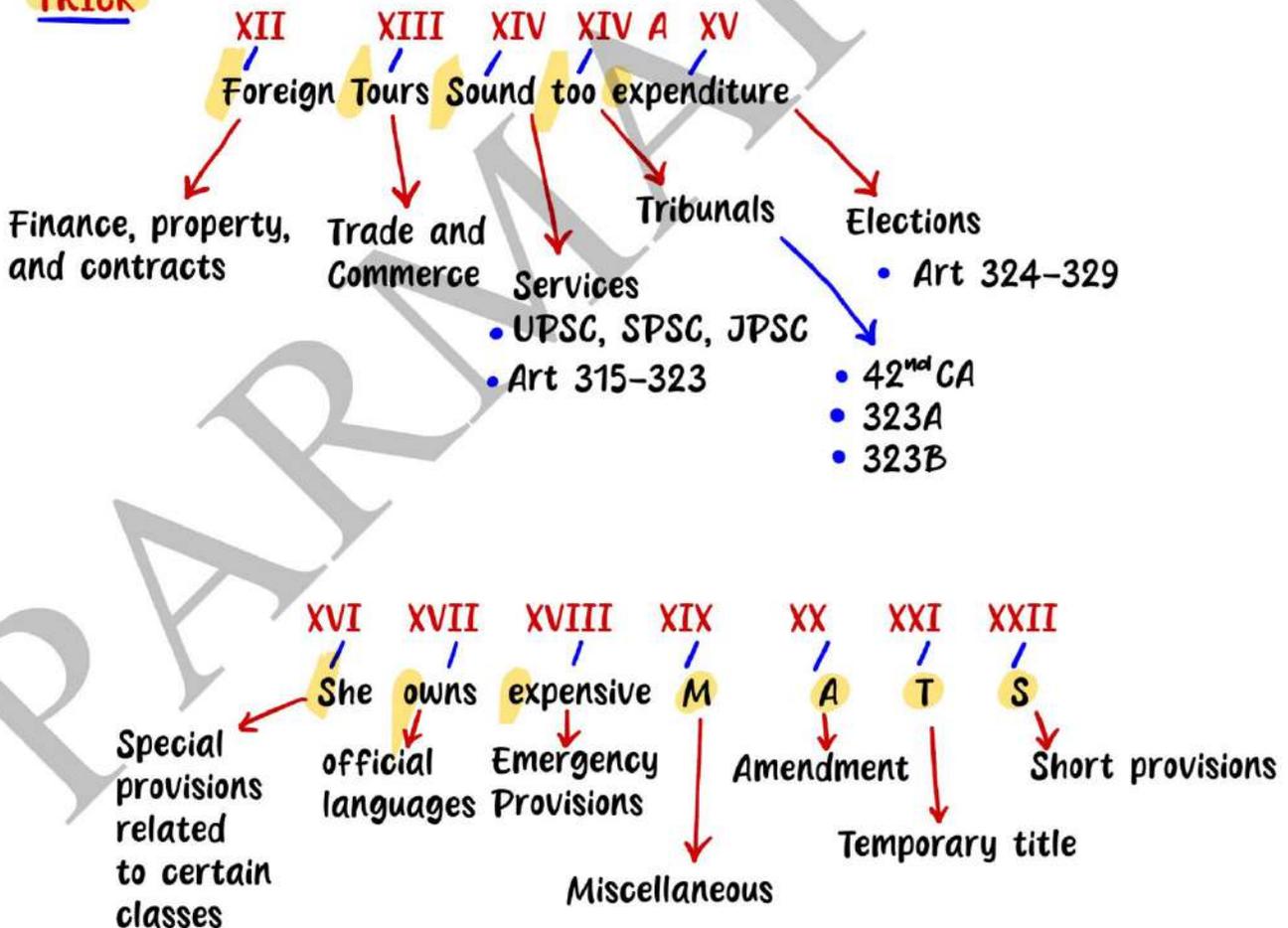
### Parts of Indian Constitution

Part XI A: Relations bet<sup>n</sup> Union and States

Originally: 22  
At present: 25

### Part XII

TRICK



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