

INDIAN POLITY

TNPSC GR I, II, II (A), IV

3RD
EDITION

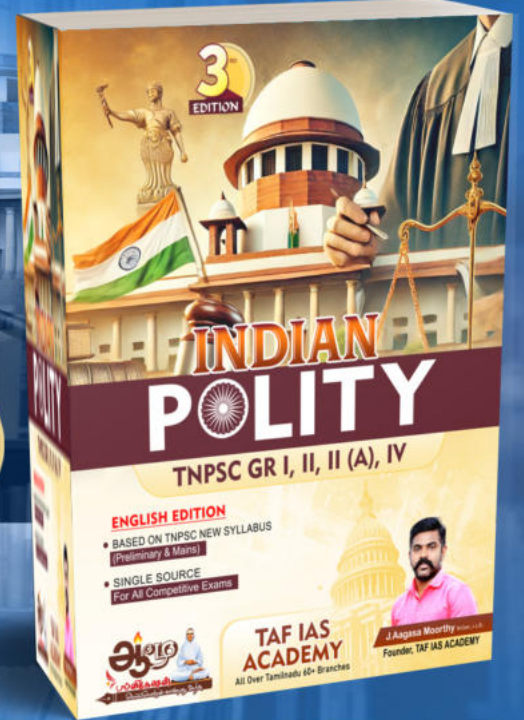
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tafiasacademyho@gmail.com www.tafiasacademy.in TAF IAS ACADEMY / TAF POLICE

Head Office : **TENKASI**

9597587300 TAF IAS ACADEMY

Dr. J. Suresh Kumar M.Com., LL.B.,
Founder, TAF IAS ACADEMY

Dr. M. Maniyanthirani M.Com.,
Branch Manager, TAF IAS ACADEMY

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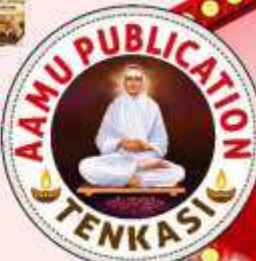

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INDIAN POLITY SYLLABUS

TNPSC (GROUP – I, II, IIA, IV)

- i. Constitution of India - Preamble to the Constitution – Salient features of the Constitution - Union, State and Union Territory.**
- ii. Citizenship, Fundamental Rights, Fundamental Duties, Directive Principles of State Policy.**
- iii. Union Executive, Union Legislature – State Executive, State Legislature - Local Governments, Panchayat Raj.**
- iv. Spirit of Federalism: Centre - State Relationships.**
- v. Election - Judiciary in India – Rule of Law.**
- vi. Corruption in Public Life – Anti-corruption measures – Lokpal and Lok Ayukta - Right to Information - Empowerment of Women – Consumer Protection Forums, Human Rights Charter.**
- vii. Political parties and political system in India; Current affairs.**



01

INDIAN POLITY

HISTORICAL EVOLUTION INDIAN CONSTITUTION

- ★ Key aspects of the Indian polity and constitution trace back to the time of **British administration**.
- ★ The legal basis for the structure and operation of the **government and administration** in British India was established by a number of events during the British colonial era.
- ★ The Constitution is a fundamental law of a country which reflects the **fundamental principles** on which the government of the country is based.
- ★ It lays down the framework and principal functions of various organs of the government, as well as the **modalities of interaction between the government and its citizens**.
- ★ These events have greatly influenced **our constitution and polity**.



BRITISH RULE IN INDIA

The Company rule 1773 - 1858

1. The Regulating Act of 1773
2. Pitt's Indian Act of 1784
3. The Charter Act of 1793
4. The Charter Act of 1813
5. The Charter Act of 1833
6. The Charter Act of 1853

The Crown rule 1858 - 1947

1. The Government of India Act 1858
2. Indian Councils Act of 1861
3. Indian Councils Act of 1892
4. Indian Councils Act of 1909
5. The Government of India Act of 1919
6. The Government of India Act of 1935
7. Indian Independence Act of 1947



THE COMPANY RULE:

THE REGULATING ACT OF 1773

- ★ The first step taken by the British Government to control and regulate the affairs of the East India Company in India.
- ★ It designated the **Governor of Bengal as the Governor – General of Bengal** and created an executive council of four members to assist him.

The first Governor - General of Bengal was Lord Warren Hastings

- ★ It provided for the establishment of the **Supreme Court at Calcutta (1774)** comprising **one chief justice and three other judges**.
- ★ The first Chief Justice was **Elija Impey** and other Judges were **Chambers, Laymester, Haidi**. This, act laid the foundations of **central administration** in India.
- ★ In 1781 this regulating act was amended
- ★ It was given **20 years' time period** for review.

PITT'S INDIA ACT OF 1784

- ★ Prime Minister Pitt, the younger introduced this Bill (Act) in the **British Parliament**.
- ★ The act is named after **William Pitt** the Younger, Britain's Prime Minister when the act was passed.
- ★ It was also called the **Act of settlement**.
- ★ The Pitt's India Act, 1784 was passed by the British Parliament to correct the defects of the **Regulating Act of 1773**.
- ★ This act continued in effect until **1858**
- ★ It distinguished between the **commercial and political functions** of the company.
 - ✍ Court of Directors – **Commercial affairs**
 - ✍ Board of Control – **Political affairs**.
- ★ Thus, the act was significant for **two reasons**:
 - ✍ The company's territories in India were for the first time called the '**British possessions in India**';
 - ✍ The British Government was given the supreme control over **Company's affairs and three members**.
 - ✍ The **Governor-General's council's** strength was reduced to three members.
 - ✍ One of the three would be the **Commander-in-Chief of the British Crown's army** in India.
 - ✍ The Governor-General was given the **right of veto**.



**INTRODUCTION:**

- * The administration of a state is challenging without a constitution.
- * It is crucial that these rules be recognized in every state, whether it be a democratic or autocratic one, in order to determine the function and structure of political institutions and prevent social unrest. The constitution is a **fundamental law** of a country that reflects the fundamental principles on which the government of the country is based.
- * It lays down the framework and primary functions of various organs of the government as well as the **modalities** of interaction between the government and its citizens.
- * In modern states, these rules are expressed in the form of a constitution.
- * It includes all rules which directly or indirectly affect the distribution or the exercise of sovereign power in the state. The political philosophy of the people and their time are reflected through the constitution. With the change in the philosophy of the people the constitution also changes.

MEANING AND DEFINITION OF CONSTITUTION:

- * A constitution is a fundamental framework that deals with the structure and authority of the government. It also covers the obligations and rights of citizens.
- * The term "constitution" is frequently **mistakenly** interpreted to denote a written and approved document from a certain period of time.
- * Constitutions can be written or unwritten, and they can sometimes be found in a body of accepted laws, **maxims, customs**, and practices that control how a country's government is positioned and how its powers are exercised.
- * It may be a written instrument, a **precise text** or series of text enacted at a given time by a sovereign power or it may be a **more or less** definite result of a series of **legislative** acts, ordinances, judicial decisions, precedents and **customs of diverse** origin and of **unequal and importance**.
- * We can say that a constitution is
 - ✍ The fundamental law of the land
 - ✍ May be written or unwritten
 - ✍ Deals with the composition and power of the government.
 - ✍ Deals with the rights of citizens.
 - ✍ Deals with the relationship between the **government and governed**
 - ✍ The supreme law that must be followed



DEFINITION OF CONSTITUTION:

- ✱ **Aristotle:** - “constitution is the way by which all citizens or constituent parts of the state are organized in relation to each other”.
- ✱ **George Cornwell Lewis:** - “system and distribution of sovereign power as community or government.”
- ✱ **Leacock:** - “Constitution is the form of government.
- ✱ **Austin:** - “It fixes the structure of supreme government”.

NEED FOR A CONSTITUTION:

- ✱ Since the days of the American Revolution (1776), the idea of a constitution as an essential and important instrument was firmly rooted in every country.
- ✱ Every nation state has a constitution for the purpose of operating its major institutions according to some fundamental set of norms. In that sense, the only alternative to a **constitution is a jungle life or a condition of anarchy.**
- ✱ The constitution is the basic law that expresses both the wishes of the people and the powers and duties of the state. Every country should have a constitution since it assists and directs in the operation of a country. History shows that since the origin of countries there have been some type of rules and regulations to maintain order and harmony.
- ✱ In order to prevent social turmoil, regulations must be imposed in every nation, whether it is democratic or dictatorial. These norms will then outline the role and structure of political institutions. And these rules now assume the shape of a constitution in contemporary countries. A constitution is needed for a variety of reasons.
 - ✍ To curb the powers of the government by fundamental law.
 - ✍ To protect the rights of individuals
 - ✍ To establish the principle of ‘**rule of law**’.
 - ✍ To save the **state from anarchy.**
 - ✍ To define the operation of the sovereign power of the state.
 - ✍ To limit the **vagaries** of present and future generations. Essentials of a good constitution.
- ✱ It depends on the social and economic set of the country.
- ✱ Every state has the right to decide and decide its constitution. According to the definition of constitution, good constitution should have the following qualities

CLARITY OR DEFINITENESS:

- ✱ Every sentence or clause written in the constitution should be in simple language. The meaning of each clause should be express clearly without leaving any scope for confusion.



**PARLIAMENTARY SYSTEM:**

- ★ The parliamentary government is also known as **cabinet government or responsible government or Westminster model of government** and is prevalent in Britain, Japan, Canada, India among others.
- ★ The presidential government, on the other hand, is also known as non-responsible or non-parliamentary or fixed executive system of government and is prevalent in USA, Brazil, Russian, Sri Lanka among others. The Indian Constitution establishes a parliamentary system of government at the federal level and in the states.
- ★ The parliamentary system at the Center is covered by **Articles 74 and 75**, while the states are covered by **Articles 163 and 164**. Based on the dynamics between the executive and legislative branches of government, modern democracies are divided into parliamentary and presidential forms of government.
- ★ The executive is answerable to the legislature for its policies and acts under the parliamentary form of government.
- ★ The presidential system of government, on the other hand, is one in which the executive is not responsible to the legislature for its policies and acts, and is constitutionally independent of the legislature in respect of its term of office.

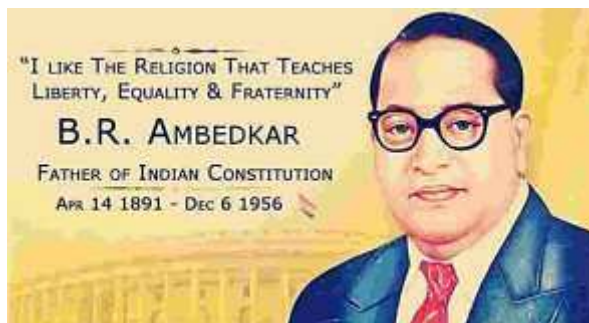
IMPORTANT FEATURES OF PARLIAMENTARY GOVERNMENT:

- ★ **Nominal and Real Executives:** The President is the nominal executive (de jure executive or titular executive) while the Prime Minister is the real executive (de facto executive). Thus, the **president is head of the state**, while the **Prime Minister is head of the government**. **Articles 74** provides for a council of ministers headed by the Prime Minister to aid and advise the President in the exercise of his functions. The advice so tendered is binding on the president.
- ★ **Majority Party Rule:** The political party which secures majority seats in the Lok Sabha forms the government. The leader of the party is appointed as the Prime Minister by the President; other ministers are appointed by the President on the advice of the prime minister.
- ★ **Collective Responsibility:** This is the bedrock principle of parliamentary government. The ministers are collectively responsible to the parliament in general and to the Lok Sabha in particular (**Articles 75**).



PREAMBLE OF THE CONSTITUTION

- ★ The term “**Preamble**” refers to the introduction or preface to the Constitution.
- ★ It contains the summary or essence of the Constitution.
- ★ **N.A. Palkhivala**, an eminent jurist and constitutional expert, called the Preamble as the “identity card of the Constitution”.
- ★ The Preamble to the Indian Constitution is based on the “Objectives Resolution”, drafted and moved by Pandit Nehru, and adopted by the Constituent Assembly.
- ★ It has been amended by the **42nd Constitutional Amendment Act (1976)**, which added three new words—**Socialist, Secular and Integrity**.



TEXT OF THE PREAMBLE:

- ★ The Preamble in its present form reads:
- ★ “We, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:
 - ✎ **JUSTICE**, Social, Economic and Political;
 - ✎ **LIBERTY** of thought, expression, belief, faith and worship;
 - ✎ **EQUALITY** of status and of opportunity; and to promote among them all;
 - ✎ **FRATERNITY** assuring the dignity of the individual and the unity and integrity of the Nation;
- ★ IN OUR CONSTITUENT ASSEMBLY this **twenty-sixth day of November, 1949**, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION”.

**AMENDMENT:**

Reconciliation of a written Constitution and parliamentary sovereignty.

- Jawaharlal Nehru

- ★ The Indian Constitution is neither flexible nor rigid but a synthesis of both.
- ★ **Article 368 (Part XX)** of the Constitution deals with the powers of parliament to amend the Constitution and its procedure.
- ★ It states that the parliament may, in exercise of its Constitutional power, amend by way of addition, variation or repeal any provision of the Constitution in accordance with the procedure laid down for the purpose.
- ★ However the parliament cannot amend the “basic structure” of the Constitution.
- ★ This was ruled by the Supreme Court in the **Kesavananda Bharati Case (1973)**.

PROCEDURE FOR AMENDMENT

- ★ Introduction of a bill for the purpose in either house of parliament and not in the state legislatures.
- ★ The bill can be introduced either by a minister or by a private member and does not require prior permission of the President.
- ★ The bill must be passed in each house by a special majority that is a majority of the total membership of the house and a majority of 2/3 of the members of the house present and voting.
- ★ If the bill seeks to amend the federal provision of the Constitution it must also be ratified by the legislature of half of the states by a simple majority that is a majority of the members of the house present and voting.

In case of a disagreement between the two houses, there is no provision for Joint sitting for Amendment Bill and its passage (**Article 108**).

- ★ The President must give his assent to the bill (**the 24th Amendment Act of 1971**).



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INDIAN POLITY

CENTRE - STATE RELATIONS

- ★ The Constitution of India, being federal in structure, divides all powers (legislative, executive and financial) between the Centre and the states.
- ★ However, there is no division of judicial power as the Constitution has established an integrated judicial system to enforce both the Central laws as well as state laws.
- ★ The Constitution contains elaborate provisions to regulate the various dimensions of the relations between the Centre and the states.

The Centre-state relations can be studied under three heads:

1. **Legislative relations.**
2. **Administrative relations.**
3. **Financial relations.**



LEGISLATIVE RELATIONS:

- ★ Articles 245 to 255 in Part XI of the Constitution deal with the legislative relations between the Centre and the states.
- ★ Besides these, there are some other articles dealing with the same subject.

1. TERRITORIAL EXTENT OF CENTRAL AND STATE LEGISLATION

- ★ The Constitution defines the territorial limits of the legislative powers vested in the Centre and the states in the following way:
- ★ The Parliament can make laws for the whole or any part of the territory of India. The territory of India includes the states, the union territories, and any other area for the time being included in the territory of India.
- ★ A state legislature can make laws for the whole or any part of the state. The laws made by a state legislature are not applicable outside the state, except when there is a sufficient nexus between the state and the object.
- ★ The Parliament alone can make 'extra territorial legislation'. Thus, the laws of the Parliament are also applicable to the Indian citizens and their property in any part of the world.

**PRESIDENT**

- ★ **Articles 52 to 78 in Part V** of the Constitution deal with the Union executive.
- ★ The Union executive consists of the **President, the Vice President, the Prime Minister, the council of ministers and the attorney general of India.**
- ★ *The president is the **nominal head of the executive**, the first citizen of the country, as well as **the supreme commander of the Indian Armed Forces.***
- ★ He acts as the **symbol of unity, integrity and solidarity of the nation.**

ELECTION OF THE PRESIDENT (ARTICLE 54)

- ★ The President is elected not directly by the people but by members of **electoral college** consisting of:
 - ✎ the elected members of **both Houses of Parliament**
 - ✎ the elected members of **the Legislative Assemblies of all the States**
 - ✎ the elected members of the **Legislative Assemblies of NCT of Delhi and the Union Territory of Puducherry.**
- ★ Thus, the nominated members of both of Houses of Parliament, the nominated members of the state legislative assemblies, the members (both elected and nominated) of the state legislative councils (in case of the bicameral legislature) and the nominated members of the Legislative Assemblies of Delhi and Puducherry do not participate in the election of the President.
- ★ Where an assembly is dissolved, the members cease to be qualified to vote in presidential election, even if fresh elections to the dissolved assembly are not held before the presidential election.

WHAT IS THE VALUE OF EACH VOTE AND HOW IS IT CALCULATED?

- ✎ Value of the vote of an MLA = $(\text{Total population of state} / \text{Total number of elected members in the state legislative assembly}) \times (1/1000)$.
- ★ Uttar Pradesh has the highest vote value for each of its MLAs (208). The value of one MLA's vote in Maharashtra is 175, while that in Arunachal Pradesh is just 8.



- ★ As per the Constitution (**Eighty-fourth Amendment**) Act 2001, currently, the population of States is taken from the figures of the 1971 Census. This will change when the figures of the Census taken after the year 2026 are published.
 - ✎ Value of the vote of an MP= (Total value of votes of all MLAs of all states/Total number of elected members of Parliament).
- ★ In 2022, the value of a Member of Parliament's (MP) vote in the presidential poll was 700 (before the abrogation of Article 370 and abolishing the legislative assembly in Jammu and Kashmir, it was 708).

What is required to secure a victory?

- ★ A nominated candidate **does not secure victory based on a simple majority** but through a system of bagging a specific quota of votes. While counting, the EC totals up all the valid votes cast by the electoral college through paper ballots **and to win, the candidate must secure 50% of the total votes cast + 1.**
- ★ Unlike general elections, where electors vote for a single party's candidate, **the voters of the electoral college write the names of candidates on the ballot paper in the order of preference.**
- ★ The President's election is **held in accordance with the system of proportional representation by means of the single transferable vote** and the voting is **by secret ballot**. All doubts and disputes in connection with election of the President are inquired into and decided by the Supreme Court whose decision is final.
- ★ The election of a person as President cannot be challenged on the ground that the electoral college was incomplete (i.e, existence of any vacancy among the members of electoral college).
- ★ If the election of a person as President is declared void by the Supreme Court, acts done by him before the date of such declaration of the Supreme Court are not invalidated and continue to remain in force.

QUALIFICATIONS FOR ELECTION AS PRESIDENT (ARTICLE 58).

- ★ No person shall be eligible for election as President unless he-
 - ✎ is a citizen of India,
 - ✎ has completed the age of **thirty-five years**, and
 - ✎ is qualified for election as a member of the House of the People.
- ★ A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.





PARLIAMENT

- ★ The Parliament is the legislative organ of the Union government. It occupies a pre - eminent and central position in the Indian democratic political system due to adoption of the parliamentary form of government, also known as 'Westminster' model of government.
- ★ **Article 79 to 122 in Part V of the Constitution deal** with the organization, composition, duration, officers, procedures, privileges, powers and so on of the Parliament.

ROLE OF INDIAN PARLIAMENT IN DEMOCRACY

- ★ Parliament is the **legislative organ** of the union government, the other two are Executive and Judiciary.
- ★ Adoption of "**Parliamentary form of government**" gives a pivotal position to parliament in the Indian democratic system.
- ★ A genuine democracy is inconceivable without a **representative, efficient and effective legislature**.
- ★ The legislature also helps people in holding the **representatives accountable**. This is indeed, the very basis of representative democracy.
- ★ **Law-making** is just one of the functions of the legislature. It is at the **center of all democratic political processes**.
- ★ Legislature is the most representative of all organs of government.
- ★ The sheer presence of members of diverse social backgrounds makes the legislatures more representative and potentially more responsive to people's expectations.

STRUCTURE AND FUNCTIONING OF THE INDIAN PARLIAMENT

- ★ The Parliament of India consists of three parts: the **PRESIDENT OF INDIA**, the Council of States and the House of the People.
- ★ President, although integral part of parliament but not a member of either house of parliament. The President does not sit in parliament.



- ★ In 1954, the Hindi names 'Rajya Sabha' and 'Lok Sabha' were adopted by the Council of States and the House of People respectively.
- ★ The Lok Sabha is the Lower House (**First Chamber/Popular House**), Represents the People of India as a whole.
- ★ The Rajya Sabha is the Upper House (**Second Chamber/House of Elders**), Represents the States and UTs of the Indian Union.
- ★ Unlike Britain and India, American president is not an integral part of the legislature.
- ★ The President performs the following functions relating to parliament.
 - ✎ Summon both houses.
 - ✎ Prorogue both houses.
 - ✎ Addressing both the houses.
 - ✎ Dissolves the Lok Sabha on recommendation of cabinet.
 - ✎ Issues ordinances when houses are not in session
- ★ In this aspect, the Indian Constitution follows the British pattern rather than the American pattern.

COMPOSITION OF THE TWO HOUSES

COMPOSITION OF RAJYA SABHA



- ★ The Rajya Sabha can hold a maximum of 250 members, of whom 238 are to be representatives of states and union territories elected indirectly, and 12 are nominated by the President.
- ★ The Constitution's Fourth Schedule addresses how the states and union territories are assigned seats in the Rajya Sabha.
- ★ Current strength of the house is 245, 229 members represent the states, 4 members represent the UTs and 12 are nominated by the president. (**Art – 80(3)**)

Representation of States in the Indian Parliament's Rajya Sabha

- ★ Representatives of states in the Rajya Sabha are elected by the elected members of state legislative assemblies.
- ★ Method of Election: System of proportional representation by means of the single transferable vote.
- ★ The seats are allotted to the states in the Rajya Sabha on the basis of population.
- ★ India does not have equal representation to the states in Rajya Sabha.
- ★ In The USA all states are given equal representation in the Senate irrespective of their population.





SUPREME COURT OF INDIA

- ★ The Supreme Court of India is the apex judicial body under the Constitution of India. **Article 124** of the Constitution states that “**There shall be a Supreme Court of India.**”
- ★ The Supreme Court came into existence on **26 January 1950** with the coming into force of the Constitution.
- ★ The Supreme Court initially functioned from the old Parliament House till it moved to the present building located on Tilak Marg, New Delhi in 1958.
- ★ On **28 January 1950**, two days after India became a Sovereign Democratic Republic, the Supreme Court was inaugurated.
- ★ The inauguration took place in the Chamber of Princes in the old Parliament building where the Federal Court of India sat for 12 years from 1937 to 1950.
- ★ The Supreme Court of India's roots trace back to the Regulating Act of 1773, which established the Supreme Court of Judicature at Calcutta.
- ★ It was a Court of Record with the authority to handle criminal and civil cases in Bengal, Bihar, and Orissa.
- ★ King George III established the Supreme Courts at Madras (1800) and Bombay (1823), which were replaced by High Courts in 1861 under the India High Courts Act.
 - ✎ These High Courts served as the highest judicial bodies until the Federal Court of India was created in 1935 to resolve provincial disputes and hear appeals.

ABOUT SUPREME COURT (SC) OF INDIA

- ★ The Supreme Court of India is the apex court of India under the integrated judicial system established by the Constitution of India.
- ★ It has been envisaged as:
 - ✎ a Federal Court
 - ✎ The highest court of appeal in India
 - ✎ The guarantor of Fundamental Rights
 - ✎ The guardian of the Constitution of India and
 - ✎ The final interpreter of the Constitution of India.

**HIGH COURT:**

- * Judicial system in a state consists of a **high court** and a hierarchy of **subordinate courts**. The high court occupies the top position in the judicial administration of a state.
- * The institution of high court originated in India in **1862 when the high courts were set up at Calcutta, Bombay and Madras**.
- * **In 1866, a fourth high court was established at Allahabad**. In the course of time, each province in British India came to have its own high court.
- * After 1950, a high court existing in a province became the high court for the corresponding state.
- * The Constitution of India provides for a high court for each state, but **the Seventh Amendment Act of 1956** authorized the Parliament to establish a common high court for two or more states or for two or more states and a union territory.
- * The territorial jurisdiction of a high court is co-terminus with the territory of a state.
- * Similarly, the territorial jurisdiction of a common high court is co-terminus with the territories of the concerned states and union territory.
- * Articles **214 to 231 in Part VI** of the Constitution deal with the organization, independence, jurisdiction, powers, and procedures and so on of the high courts.

COMPOSITION AND APPOINTMENT

- * Every high court (whether exclusive or common) consists of a chief justice and such other judges as the president may from time to time deem necessary to appoint.
- * Thus, the Constitution does not specify the strength of a high court and leaves it to the discretion of the president. Accordingly, the President determines the strength of a high court from time to time depending upon its workload.

APPOINTMENT OF JUDGES

- * The judges of a high court are appointed by the President.
- * The chief justice is appointed by the President after consultation with the chief justice of India and the governor of the state concerned. For appointment of other judges, the chief justice of the concerned high court is also consulted.
- * In case of a common high court for two or more states, the governors of all the states concerned are consulted by the president.



- ★ The term *Panchayati Raj* in India signifies the system of rural local self-government.
- ★ It has been established in all the states of India by the Acts of the state legislatures to build democracy at the grass root level.
- ★ It is entrusted with rural development.
- ★ It was constitutionalized through the **73rd Constitutional Amendment Act of 1992. Part - IX, 11th Schedule**

EVOLUTION OF PANCHAYATI RAJ

HISTORICAL CONTEXT:

- ★ **Pre - independence** - The concept of panchayati raj dates back to ancient India, but it was formalized by the British through acts like the Indian Village Act 1886.
- ★ **Post independence** - the constitution of India initially did not emphasize local governance at the grass roots level, but article 40 of the directive principles of state policy directed the establishment of panchayat.
- ★ **73rd amendment act (1992)** - this act gave constitution us to panchayat and provided a uniform structure for Panchayati Raj Institutions (PRIs) across the country.

BALWANT RAI MEHTA COMMITTEE

- ★ In January 1957, the Government of India appointed a committee to examine the working of the **Community Development Programme (1952)** and the **National Extension Service (1953)** and to suggest measures for their better working.
- ★ The chairman of this committee was **Balwant Rai G Mehta**.
- ★ The committee submitted its report in **November 1957** and recommended the establishment of the scheme of '**Democratic decentralisation**', which ultimately came to be known as Panchayati Raj.



★ **The specific recommendations made by it are:**

- ✎ Establishment of a **three-tier panchayati raj system**—gram panchayat at the village level, panchayat samiti at the block level and zila parishad at the district level.
- ✎ These tiers should be organically linked through a device of indirect elections.
- ✎ The village panchayat should be constituted with directly elected representatives, whereas the panchayat samiti and zila parishad should be constituted with indirectly elected members.
- ✎ All planning and development activities should be entrusted to these bodies.
- ✎ The panchayat samiti should be the executive body while the zila parishad should be the advisory, coordinating and supervisory body.
- ✎ The district collector should be the chairman of the zila parishad.

★ **Rajasthan** was the first state to establish Panchayati Raj.

★ The scheme was inaugurated by the prime minister on **October 2, 1959**, in **Nagaur district**.

★ **Rajasthan** was followed by **Andhra Pradesh**, which also adopted the system in **1959**.

★ Thereafter, most of the states adopted the system.

★ Though most of the states created panchayati raj institutions by mid 1960s, there were differences from one state to another with regard to the number of tiers, relative position of samiti and parishad, their tenure, composition, functions, finances and so on.

★ For example, **Rajasthan** adopted the **three-tier system** while **Tamil Nadu** adopted the **two-tier system**.



STUDY TEAMS AND COMMITTEES

- ★ Since 1960, many study teams, committees and working groups have been appointed to examine the various aspects of functioning of Panchayati Raj system. They are mentioned below in.

**ELECTION COMMISSION**

- ★ Election commission is a permanent and independent Organisation.

AIM :

- ★ To ensure free and fair elections in the country
- ★ Constitution - **Part XV, Article 324 - 329A**
- ★ Establishment - **January 25, 1950**
- ★ Headquarter - **New Delhi**
- ★ National voters day - **January 25 (It is celebrating from 2011)**

**COMPOSITION:**

- ★ Article 324 provides the composition of election commission
- ★ The Election Commission shall consist of the chief election commissioner and such number of other election commissioners, if any, as the president may fix from time to time.
- ★ Three member body
 - ✎ **Chief Election commissioner** - 1
 - ✎ **Election commissioners** - 2
- ★ The appointment of the chief election commissioner and other election commissioners shall be made by the president.
- ★ When any other election commissioner is so appointed, the chief election commissioner shall act as the chairman of the election commission.
- ★ The president may also appoint after consultation with the election commission such regional commissioners as he may consider necessary to assist the election commission.
- ★ The conditions of service and tenure of office of the election commissioners and the regional commissioners shall be determined by the president.
- ★ Since its inception in 1950 and till 15 October 1989, the election commission functioned as a single member body consisting of the Chief Election Commissioner.

**ELECTORAL SYSTEM:**

* Articles 324 to 329 in Part XV of the Constitution make the following provisions with regard to the electoral system in our country:

- ✍ The Constitution (**Article 324**) provides for an independent Election Commission in order to ensure free and fair elections in the country. The power of superintendence, direction and conduct of elections to the Parliament, the state legislatures, the office of the President and the office of the Vice President is vested in the Commission. At present, the commission consists of a **chief election commissioner** and **two election commissioners**.
- ✍ There is to be only one general electoral roll for every territorial constituency for election to the Parliament and the state legislatures. Thus, the Constitution has abolished the system of communal representation and separate electorates which led to the partition of the country.
- ✍ No person is to be ineligible for inclusion in the electoral roll on grounds only of **religion, race, caste, sex or any of them**.
- ✍ Further, no person can claim to be included in any **special electoral roll for any constituency** on grounds only of **religion, race, caste or sex or any of them**. Thus, the Constitution has accorded equality to every citizen in the matter of electoral franchise.
- ✍ The elections to the **Lok Sabha and the state assemblies** are to be on the basis of **adult franchise**. Thus, every person who is a citizen of India and who is **18 years of age**, is entitled to vote at the election provided he is not disqualified under the provisions of the Constitution or any law made by the appropriate legislature (**Parliament or state legislature**) on the ground of non-residence, unsound mind, crime or corrupt or illegal practice.
- ✍ Parliament may make provision with respect to all matters relating to elections to the Parliament and the state legislatures including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing their due constitution.
- ✍ The state legislatures can also make provision with respect to all matters relating to elections to the state legislatures including the preparation of electoral rolls and all other matters necessary for securing their due constitution.



HISTORICAL BACKGROUND:

- ✱ The right to information gained power when Universal Declaration of Human Rights was adopted in 1948 providing everyone the right to seek, receive, information and ideas through any media and regardless of frontiers.
- ✱ The International Covenant on Civil and Political rights 1966 states that everyone shall have the right to freedom of expression, the freedom to seek and impart information and ideas of all kinds.
- ✱ According to Thomas Jefferson "*Information is the currency of democracy*," and critical to the emergence and development of a vibrant civil society.
- ✱ However, with a view to set out a practical regime for the citizens to secure information as a matter of right, the Indian Parliament enacted the **Right to Information Act, 2005**.
- ✱ Genesis of RTI law started in 1986, through judgement of Supreme Court in Mr. Kulwal v/s Jaipur Municipal Corporation case, in which it directed that freedom of speech and expression provided under **Article 19** of the Constitution clearly implies Right to Information, as without information the freedom of speech and expression cannot be fully used by the citizens.

OBJECTIVES OF THE ACT

- ✱ To empower the citizens
- ✱ To promote transparency and accountability
- ✱ To contain corruption and
- ✱ To enhance people's participation in democratic process.

REASONS FOR ADOPTION OF INFORMATION ACT

THE FACTORS RESPONSIBLE FOR ADOPTION OF INFORMATION ACT ARE AS FOLLOWS-

- ✱ Corruption and scandals
- ✱ International pressure and activism
- ✱ Modernization and the information society



- * **The U.N.O defines Human rights as** “The right inherent to all human beings, regardless of race, gender, nationality, ethnicity, language, religion or any other status. Everyone is entitled to these rights without discrimination.”
- * The United Nations Organisation (U.N.O) was formed after the **Second World War**.
- * UNO was established in **1945**
- * The Universal Declaration of Human Rights (UDHR) has played a crucial role in promoting **human rights**.
- * **Apartheid** was the highest form of discrimination that existed in South Africa.
- * **In 1994**, a multiracial general election was held, in which Mandela led the African National Congress to victory and became President.
- * The Universal Declaration of Human Rights was proclaimed by the United Nations General Assembly in Paris on **10th December 1948**
- * **There are 30 articles** in the Universal Declaration of Human Rights
- * **The fundamental rights are :** Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Conscience and Religion, Cultural and Educational Rights for minorities & Right to Constitutional Remedies
- * **Right to Equality** refers to equality before law and equal protection of law.
- * **Right to Freedom** Six different types of freedom are mentioned in the Constitution.
- * They are:
 - ✍ Freedom of speech and expression.
 - ✍ Freedom to assemble peacefully without arms.
 - ✍ Freedom to form associations and unions.
 - ✍ Freedom to reside and settle in any part of India.
 - ✍ Freedom to move freely throughout the territory of India.
 - ✍ Freedom to practice any profession and carry on any occupation, trade or business.
- * **Right against Exploitation** is against the law to employ children below 14 years of age in mines, factories or other occupations.
- * **Right to Freedom of Conscience and Religion** This right gives the citizens freedom to follow and practice a religion of their choice.
- * **Cultural and Educational Rights** We have the right to open schools, associations and societies to preserve and promote our tradition and culture.

**PART I – UNION AND ITS TERRITORY**

1	Name and territory of the union
2	Admission or establishment of new states.
2A	Sikkim to be associated with the Union (Repealed)
3	Formation of new states and alteration of areas, boundaries or names of exiting states.
4	Laws made under Articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

PART II – CITIZENSHIP

5	Citizenship at the commencement of the Constitution
6	Rights of citizenship of certain persons who have migrated to India from Pakistan.
7	Rights of citizenship of certain migrants to Pakistan.
8	Rights of citizenship of certain persons of Indian origin residing outside India.
9	Persons voluntarily acquiring citizenship of a foreign state not to be citizens.
10	Continuance of the rights of citizenship
11	Parliament to regulate the right of citizenship by law

PART III – FUNDAMENTAL RIGHTS

12	Definition of state ✓
13	Laws inconsistent with or in derogation of the fundamental rights.
14	Equality before law
15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth – 15 (6) – special provision for the advancement of economically weaker sections of citizens – Added by 103 rd Amendment Act 2018
16	Equality of opportunity in matters of public employment. 16 (6) – Special provision for the reservation of appointments or posts in favour of economically weaker sections of citizens – Added by 103rd Amendment Act 2018
17	Abolition of untouchability
18	Abolition of titles
19	Protection of certain rights regarding freedom of speech, etc.
20	Protection in respect of conviction for offences



21	Protection of life and personal liberty
21A	Right to elementary education
22	Protection against arrest and detention in certain cases
23	Prohibition of traffic in human beings and forced labour
24	Prohibition of employment of children in factories , etc.
25	Freedom of conscience and free profession, practice and propagation of religion
26	Freedom to manage religion affairs
27	Freedom as to payment of taxes for promotion of any particular religion
28	Freedom as to attendance at religious instruction or religion worship in certain educational institutions.
29	Protection of interests of minorities
30	Right of minorities to establish and administer educational institutions.
31	Compulsory acquisition of property (Replaced)
31A	Saving of laws providing for acquisition of estates, etc.
31B	Validation of certain acts and regulation
31C	Saving of laws giving effect to certain directive principles.
31D	Saving of laws in respect of anti - national activities (Repealed)
32	Remedies for enforcement of fundamental rights including writs.
32A	Constitutional validity of state laws not to be considered in proceedings under articles 32 (Repealed)
33	Power of Parliament to modify the fundamental rights in their application to forces, etc.
34	Restriction on fundamental rights while martial laws in force in any area.
35	Legislation to give effect to some of the provisions of fundamental rights.
35A	Saving of Laws with respect to permanent residents and their (Repealed)
PART IV - DIRECTIVE PRINCIPLES OF STATE POLICY	
36	Definition of State
37	Application of the directive principles
38	State to secure a social order for the promotion of welfare of the people
39	Certain principles of policy to be followed by the State
39A	Equal justice and free legal aid
40	Organization of village Panchayat's
41	Rights to work, to education, and to public assistance in certain cases
42	Provision for just and humane conditions of work and maternity relief
43	Living wage, etc for workers