

# CONSTITUTION OF INDIA

For Third Semester BBA9General) Course

OPEN ELECTIVE PAPER

(As per the Syllabus of Bengaluru North  
University)

## CONSTITUTION OF INDIA

<b>Ability Enhancement Compulsory Courses(AECC) III Sem B.Com/BBA and IV Sem BA/B.SC/BCA/BHM/BSW and other Courses</b>	
<b>Course Title: CONSTITUTION OF INDIA</b>	
Total Contact Hours:24	Course Credits:2
No. of Teaching Hours/Week:2	Duration of ESA/Exam:1Hours
Formative Assessment Marks:20	Summative Assessment Marks:30+20=50

### Course Objective:

The purpose of the course is to familiarize the students with the key elements of Indian constitution. The course has been designed to cover the journey of the India from its emergence as a Republic. This will enable the students to understand various political Institutions that are operationalised under the Indian Constitution.

### Learning Outcomes:

After completing this course students will be able to-

- Understand the philosophy of the Constitution and its structure.
- Measure the powers and functions of various offices under the Constitution.
- Appreciate the role of Constitution in a Democracy

Unit	Contents of Course:	24Hours
Unit-I	<b>Chapter- 1 Making of Indian Constitution</b> : Constituent Assembly-Composition, Objectives, Preamble and Salient features of the Indian Constitution.  <b>Chapter-2</b> Fundamental Rights, Fundamental Duties, Directive Principles.	<b>8Hours</b>
Unit-II	<b>Chapter-3 Union Government</b> -President, Prime Minister and Council of Ministers  <b>Chapter-4 State Government</b> -Governor, Chief Minister and Council of Ministers	<b>8Hours</b>

<b>Unit- III</b>	<b>Chapter- 5 Judiciary-Supreme Court and High Court: Composition, Powers and Functions and Judicial Review.</b>	<b>8Hours</b>
	<b>Chapter-6 Electoral Process: Election Commission-Composition, Powers and Functions, Electoral Reforms.</b>	

## UNIT -1

### CHAPTER 1. MAKING OF INDIAN CONSTITUTION

#### COMPOSITION OF INDIAN CONSTITUTION:

- ❖ Jurisdiction - **India**
- ❖ Ratified -**26 November 1949; 73** years ago
- ❖ Date effective -**26 January 1950; 72** years ago
- ❖ Contain : **395 articles in 22 parts, 12 schedules and 94 amendments,**
- ❖ System -**Federal Parliamentary Constitutional Republic**
- ❖ Branches -**Three (Executive, Legislature and Judiciary)**
- ❖ Chambers :**Two (Rajya Sabha and Lok Sabha)**
- ❖ Executive :**Prime minister**–led cabinet responsible to the lower house of the parliament
- ❖ Judiciary :**Supreme court, high courts and district courts**
- ❖ Last amended: **10 August 2021 (105th)**
- ❖ Location: **Parliament House, New Delhi, India**
- ❖ Author(s): **B. R. Ambedkar** (Chairman of the Drafting Committee)
- ❖ **B. N. Rau:** (Constitutional Advisor to the Constituent Assembly)
- ❖ **Surendra Nath Mukherjee:** (Chief Draftsman of the Constituent Assembly)[2]
- ❖ Signatories: **284 members** of the Constituent Assembly
- ❖ Supersedes: **Government of India Act 1935 Indian Independence Act 1947**

#### HISTORY: INDIAN CONSTITUTION

- **6 December 1946: Formation of the Constitution** Assembly (in accordance with French practice).
- **9 December 1946:** The **first meeting** was held in the constitution hall (now the Central Hall of Parliament House).
- **11 December 1946:** The Assembly appointed **Rajendra Prasad** as its president, **H. C. Mukherjee** as its vice-chairman and **B. N. Rau** as constitutional legal adviser)
- **13 December 1946:** An "**Objective Resolution**" was presented by **Jawaharlal Nehru**, laying down the underlying principles of the constitution. This later became the Preamble of the Constitution.
- **22 January 1947:** Objective resolution unanimously adopted.
- **22 July 1947: National flag** adopted.
- **15 August 1947: Achieved independence.** India split into the Dominion of India and the Dominion of Pakistan.
- **29 August 1947:** Drafting Committee appointed with **B. R. Ambedkar as its Chairman.**The other six members of committee were Munshi, Muhammed Sadulla, Alladi Krishnaswamy Iyer, N. Gopalaswami Aiyana, Khaitan and Mitter.
- **16 July 1948:** Along with **Harendra Coomar Mookerjee, V. T. Krishnamachari** was also elected as second vice-president of Constituent Assembly.
- **26 November 1949:** The **Constitution of India was passed and adopted** by the assembly. ➤
- **24 January 1950: Last meeting of Constituent Assembly.** The Constitution was signed and

accepted (with 395 Articles, 8 Schedules, and 22 Parts).

- **26 January 1950:** The Constitution came into force. (The process took 2 years, 11 months and 18 days—at a total expenditure of ₹6.4 million to finish.)
- **G. V. Mavlankar** was the **first Speaker of the Lok Sabha** (the lower house of Parliament) after India turned into a republic.

### **OBJECTIVES OF CONSTITUTION:**

- ✓ Recognize the significance of the Constitution as the fundamental law of the land; ✓ Describe the composition of the Constituent Assembly and the role of the Drafting Committee and the objectives of the Constituent Assembly;
- ✓ Describe the Preamble to the Constitution and its relevance;
- ✓ Identify the basic principles of Preamble and their reflection in the constitutional provisions;
- ✓ Identify the main features of the Constitution of India;
- ✓ Distinguish between a written and an unwritten, as well as a rigid and a flexible constitution;
- ✓ Analyse the nature of the Indian Constitution;
- ✓ Establish the importance of Fundamental Rights, Fundamental Duties and Directive Principles of State policy; and
- ✓ Recognize the special features that distinguish the Indian Constitution from other Constitutions of the world

### **SALIENT FEATURES OF INDIAN CONSTITUTION:**

#### **1. Longest Written Constitution**

- Constitutions are classified into written, like the American Constitution, or unwritten, like the British Constitution.
- The Constitution of India has the distinction of being the longest and detailed Constitutional document the world has so far produced. In other words, the Constitution of India is the longest of all the written constitutions of the world.
- It is a very comprehensive, elaborate and detailed document.
- The factors that contributed to the elephantine size of the Indian Constitution are: • **Geographical factors**, that is, the vastness of the country and its diversity.
- **Historical factors**, for instance, the influence of the Government of India Act of 1935, which was bulky.
- **Single constitution** for both the Centre and the states.
- The dominance of legal luminaries in the Constituent Assembly.
- The Constitution of India contains not only the fundamental principles of governance but also detailed administrative provisions.
- Both justiciable and non-justiciable rights are included in the Constitution.

#### **2. Drawn from Various Sources**

- The Constitution of India has borrowed most of its provisions from the constitutions of various other countries as well as from the Government of India Act of 1935 [About 250 provisions of the 1935 Act have been included in the Constitution].
- Dr B R Ambedkar proudly acclaimed that the Constitution of India has been framed after 'ransacking all the known Constitutions of the world'.
- The structural part of the Constitution is, to a large extent, derived from the Government of India Act of 1935.

- The philosophical part of the Constitution (Fundamental Rights and the Directive Principles of State Policy) derive their inspiration from the American and Irish Constitutions respectively.
- The political part of the Constitution (the principle of Cabinet government and the relations between the executive and the legislature) have been largely drawn from the British Constitution

### **3. Blend of Rigidity and Flexibility**

- Constitutions are classified into rigid and flexible.
- A rigid constitution is one that requires a special procedure for its amendment, as for example, the American Constitution.
- A flexible constitution is one that can be amended in the same manner as the ordinary laws are made, as for example, the British Constitution.
- The Indian Constitution is a unique example of the combination of rigidity and flexibility.
- A constitution may be called rigid or flexible on the basis of its amending procedure.
- The Indian Constitution provides for three types of amendments ranging from simple to most difficult procedures depending on the
  - Constitutional Amendment Process in India
  - Important Amendments in Indian Constitution

### **4. Federal System with Unitary Bias**

- The Constitution of India establishes a federal system of government.
- It contains all the usual features of a federation, such as two governments, division of powers, written constitution, the supremacy of the constitution, the rigidity of the Constitution, independent judiciary and bicameralism.
- However, the Indian Constitution also contains a large number of unitary or non-federal features, such as a strong Centre, single Constitution, appointment of state governor by the Centre, all-India services, integrated judiciary, and so on.
- Moreover, the term 'Federation' has nowhere been used in the Constitution.
- Article 1, describes India as a 'Union of States' which implies two things:
  - Indian Federation is not the result of an agreement by the states.
  - No state has the right to secede from the federation.

### **5. Parliamentary Form of Government**

- The Constitution of India has opted for the British Parliamentary System of Government rather than the American Presidential system of government.
- The parliamentary system is based on the principle of cooperation and coordination between the legislative and executive organs while the presidential system is based on the doctrine of separation of powers between the two organs.
- The parliamentary system is also known as the 'Westminster' model of government, responsible government and cabinet government.
  - The Constitution establishes the parliamentary system not only at the Centre but also in States.
- In a parliamentary system, the role of the Prime Minister has become so significant, and therefore it is called a 'Prime Ministerial Government'.

### **6. Synthesis of Parliamentary Sovereignty and Judicial Supremacy**

- The doctrine of the sovereignty of Parliament is associated with the British Parliament while the principle of judicial supremacy with that of the American Supreme Court.
- Just as the Indian parliamentary system differs from the British system, the scope of judicial

review power of the Supreme court in India is narrower than that of what exists in the US. • This is because the American Constitution provides for 'due process of law' against that of 'procedure established by law' contained in the Indian Constitution (Article 21). • Therefore, the framers of the Indian Constitution have preferred a proper synthesis between the British principle of parliamentary sovereignty and the American principle of Judicial supremacy.

- The Supreme Court can declare the parliamentary laws as unconstitutional through its power of judicial review.
- The Parliament can amend the major portion of the Constitution through its constituent power.

## **7. Rule Of Law**

- According to this axiom, people are ruled by law but not by men, that is, the basic truism that no man is infallible. The axiom is vital to a democracy.
- More important is the meaning that law is the sovereign in democracy.
- The chief ingredient of law is custom which is nothing but the habitual practices and beliefs of common people over a long number of years.
- In the final analysis, rule of law means the sovereignty of the common man's collective wisdom. • Apart from this crucial meaning, rule of law means a few more things like
  - There is no room for arbitrariness
  - Each individual enjoys some fundamental rights, and
  - The highest judiciary is the final authority in maintaining the sanctity of the law of the land.

## **8. Integrated and Independent Judiciary**

- India has a single integrated judicial system.
- Also, the Indian Constitution establishes Independent Judiciary by enabling the Indian judiciary to be free from the influence of the executive and the legislature.
- The Supreme Court stands as the apex court of the judicial system. Below the Supreme Court are the High Courts at the state level.
- Under a high court, there is a hierarchy of subordinate courts, that is district courts and the other lower courts.
- The Supreme Court is a federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and the guardian of the Constitution. Hence, the Constitution has made various provisions to ensure its independence.

## **9. Fundamental Rights**

- Part III of the Indian Constitution guarantees six fundamental rights to all Citizens.
- Fundamental Rights are one of the important features of the Indian Constitution. • The Constitution contains the basic principle that every individual is entitled to enjoy certain rights as a human being and the enjoyment of such rights does not depend upon the will of any majority or minority.
- No majority has the right to abrogate such rights.
- The fundamental rights are meant for promoting the idea of political democracy. • They operate as limitations on the tyranny of the executive and arbitrary laws of the legislature. • They are justiciable in nature, that is, enforceable by the courts for their violation.

## **10. Directive Principles of State Policy**

- According to Dr B R Ambedkar, the Directive Principles of State Policy is a 'novel feature' of the

Indian Constitution.

- They are enumerated in Part IV of the Constitution.
- The Directive Principles were included in our Constitution in order to provide social and economic justice to our people.
- Directive Principles aim at establishing a welfare state in India where there will be no concentration of wealth in the hands of a few.

### **11. Fundamental Duties**

- The original constitution did not provide for the fundamental duties of the citizens. • Fundamental Duties were added to our Constitution by the 42nd Amendment Act of 1976 on the recommendation of the Swaran Singh Committee.
- It lays down a list of ten Fundamental Duties for all citizens of India.
- Later, the 86th Constitutional Amendment Act of 2002 added one more fundamental duty. • While the rights are given as guarantees to the people, the duties are obligations that every citizen is expected to perform.

### **12. Indian Secularism**

- The Constitution of India stands for a secular state.
- Hence, it does not uphold any particular religion as the official religion of the Indian State. • The distinguishing features of a secular democracy contemplated by the Constitution of India • The State will not identify itself with or be controlled by any religion;
- While the State guarantees to everyone the right to profess whatever religion one chooses to follow (which includes also the right to be an antagonist or an atheist), it will not accord preferential treatment to any of them;
- No discrimination will be shown by the State against any person on account of his religion or faith; and

### **13. Universal Adult Franchise**

- Indian democracy functions on the basis of 'one person one vote'.
- Every citizen of India who is 18 years of age or above is entitled to vote in the elections irrespective of caste, sex, race, religion or status.
- The Indian Constitution establishes political equality in India through the method of universal adult franchise.

### **14. Single Citizenship**

- In a federal state usually, the citizens enjoy double citizenship as is the case in the USA. • In India, there is only single citizenship.
- It means that every Indian is a citizen of India, irrespective of the place of his/her residence or place of birth.
- He/she is not a citizen of the Constituent State like Jharkhand, Uttaranchal or Chattisgarh to which he/she may belong but remains a citizen
- All the citizens of India can secure employment anywhere in the country and enjoy all the rights equally in all the parts of India.
- The Constitution makers deliberately opted for single citizenship to eliminate regionalism and other disintegrating tendencies.

### **15. Independent Bodies**

- The Indian constitution not only provides for the legislative, executive and judicial organs of the government (Central and state) but also establishes certain independent bodies. • They are envisaged by the Constitution as the bulwarks of the democratic system of Government in India.
- The candidates can read about some of the Independent Bodies in detail from the links below:

## **16. Emergency Provisions**

- The Constitution makers also foresaw that there could be situations when the government could not be run as in ordinary times.
- To cope with such situations, the Constitution elaborates on emergency provisions. • There are three types of emergency
- Emergency caused by war, external aggression or armed rebellion [Article 352] • Emergency arising out of the failure of constitutional machinery in states [Article 356 & 365] • Financial emergency [Article 360].

## **17. Three-tier Government**

- Originally, the Indian Constitution provided for a dual polity and contained provisions with regard to the organisation and powers of the Centre and the States.
- Later, the 73rd and 74th Constitutional Amendment Acts (1992) have added a third-tier of government (that is, Local Government), which is not found in any other Constitution of the world.
- The 73rd Amendment Act of 1992 gave constitutional recognition to the panchayats (rural local governments) by adding a new Part IX and a new schedule 11 to the Constitution. • Similarly, the 74th Amendment Act of 1992 gave constitutional recognition to the municipalities (urban local government) by adding a new Part IX-A and a new schedule 12 to the Constitution.

## **18. Co-operative Societies**

- The 97th Constitutional Amendment Act of 2011 gave a constitutional status and protection of cooperative societies.
- In this context, it made the following three changes in the Constitution:
- It made the right to form cooperative societies a fundamental right (Article 19).
- It included a new Directive Principles of State Policy on the promotion of cooperative societies (Article 43-B).
- It added a new Part IX-B in the Constitution which is entitled “The Co-operative Societies” [Articles 243-ZH to 243-ZT].

## **PREAMBLE OF INDIAN CONSTITUTION:**

# THE CONSTITUTION OF INDIA

## PREAMBLE

**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.**

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Sovereign Democratic Republic" (w.e.f. 3.1.1977)
2. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Unity of the Nation" (w.e.f. 3.1.1977)

## CHAPTER-2

### FUNDAMENTAL RIGHTS:

#### **Right to equality (Article 14–18)**

- 14 -Equality Before Law
- 15 -Prohibition of Discrimination
- 16-Equality of Opportunity in Public Employment
- 17- Abolition of Untouchability
- 18 -Abolition of Titles

#### **Right to freedom (Article 19–22)**

- 19 -Protection of 6 Rights
  - ✓ Right to freedom of speech and expression.
  - ✓ Right to assemble peaceably and without arms.
  - ✓ Right to form associations or unions or co-operative societies.

- ✓ Right to move freely throughout the territory of India.
- ✓ Right to reside and settle in any part of the territory of India.
- ✓ Right to practice any profession or to carry on any occupation, trade or business.
- 20- Protection in Respect of Conviction for Offences
- 21- Protection of Life and Personal Liberty
- 21-A -Right to Education
- 22 -Protection Against Arrest and Detention

#### **Right against exploitation (Article 23–24)**

- 23 -Prohibition of Human Trafficking and Forced Labour
- 24 -Prohibition of Child Labour

#### **Right to freedom of religion (Article 25–28)**

- 25 - Freedom of Conscience, Profession, Practice and Propagation •
- 26 - Freedom to Manage Religious Affairs
- 27 - Freedom from Taxation for Promotion of a Religion
- 28 - Freedom from Attending Religious Instruction

#### **Cultural and educational rights (Article 29–30)**

- 29 - Protection of Interests of Minorities
- 30 - Right of Minorities to Establish and Administer Educational Institutions

#### **Right to constitutional remedies (Article 32)**

- 32 -Right to remedies for the enforcement of the fundamental rights using five writs:
  - ✓ **Habeas Corpus** - to direct the release of a person detained unlawfully. ✓
  - Mandamus** - to direct a public authority to do its duty.
  - ✓ **Quo Warranto** - to direct a person to vacate an office assumed wrongfully.
  - ✓ **Prohibition** - to prohibit a lower court from proceeding on a case.
  - ✓ **Certiorari** - the power of the higher court to remove a proceeding from a lower court and bring it before itself.
- 33 -Empowers the Parliament to restrict or abrogate the fundamental rights of the 'Members of the Armed Forces, paramilitary forces, police forces, intelligence agencies and analogous forces • 34 -Provides for the restrictions on fundamental rights while martial law(military rule) is in force • 35 - Empowers the Parliament to make laws on Fundamental Rights

#### **FUNDAMENTAL DUTIES:**

- Fundamental Duties in India - **Article 51A - 42nd Amendment Act of 1976** added 10 Fundamental Duties to the Indian Constitution. **86th Amendment Act 2002** later added **11th Fundamental Duty to the list. Swaran Singh Committee in 1976** recommended Fundamental Duties, the necessity of which was felt during the internal emergency of 1975-77.
1. Abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem
  2. Cherish and follow the noble ideals that inspired the national struggle for freedom
  3. Uphold and protect the sovereignty, unity and integrity of India

4. Defend the country and render national service when called upon to do so
5. Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women
6. Value and preserve the rich heritage of the country's composite culture
7. Protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures
8. Develop scientific temper, humanism and the spirit of inquiry and reform
9. Safeguard public property and to abjure violence
10. Strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement
11. Provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002

#### **DIRECTIVE PRINCIPLES OF INDIAN CONSTITUTION:**

#### **Directive Principles of State Policy( DPSPs )– Classification**

- **Socialistic Principles,**
- **Gandhian Principles and,**
- **Liberal-Intellectual Principles.**

#### **DPSP – Socialistic Principles**

- **Definition:** They are the principles that aim at providing social and economic justice and set the path towards the welfare state. Under various articles, they direct the state to:
  - **Article 38** - Promote the welfare of the people by securing a social order through justice—social, economic and political—and to minimise inequalities in income, status, facilities and opportunities
  - **Article 39 - Secure citizens:**
    - ✓ Right to adequate means of livelihood for all citizens
    - ✓ Equitable distribution of material resources of the community for the common good
    - ✓ Prevention of concentration of wealth and means of production
    - ✓ Equal pay for equal work for men and women
    - ✓ Preservation of the health and strength of workers and children against forcible abuse
    - ✓ Opportunities for the healthy development of children
  - **Article 39A**- Promote equal justice and free legal aid to the poor
  - **Article 41** - In cases of unemployment, old age, sickness and disablement, secure citizens:
    - ✓ Right to work
    - ✓ Right to education
    - ✓ Right to public assistance
  - **Article 42** - Make provision for just and humane conditions of work and maternity relief ▪ **Article 43** - Secure a living wage, a decent standard of living and social and cultural opportunities for all workers
  - **Article 43A**- Take steps to secure the participation of workers in the management of industries ▪ **Article 47** - Raise level of nutrition and standard of living of people and improve public health

### DPSP – Gandhian Principles:

- **Definition:** These principles are based on Gandhian ideology used to represent the programme of reconstruction enunciated by Gandhi during the national movement. Under various articles, they direct the state to:
  - **Article 40** - Organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government
  - **Article 43**- Promote cottage industries on an individual or co-operation basis in rural areas ▪ **Article 43B**- Promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies
  - **Article 46**- Promote the educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation ▪ **Article 47**- Prohibit the consumption of intoxicating drinks and drugs which are injurious to health
  - **Article 48**- Prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds

### DPSP – Liberal-Intellectual Principles:

- **Definition:** These principles reflect the ideology of liberalism. Under various articles, they direct the state to:
  - **Article 44**- Secure for all citizens a uniform civil code throughout the country
  - **Article 45**- Provide early childhood care and education for all children until they complete the age of six years. (Note: 86th Amendment Act of 2002 changed the subject matter of this article and made elementary education a fundamental right under Article 21 A.)
  - **Article 48**- Organise agriculture and animal husbandry on modern and scientific lines ▪ **Article 49**- Protect monuments, places and objects of artistic or historic interest which are declared to be of national importance
  - **Article 50**- Separate the judiciary from the executive in the public services of the State ▪ **Article 51**- Promote international peace and security and maintain just and honourable relations between nations
    - ✓ Foster respect for international law and treaty obligations
    - ✓ Encourage settlement of international disputes by arbitration

## UNIT- 2

### CHAPTER 3 UNION GOVERNMENT

#### PRESIDENT OF INDIA:

- The **Indian President** is the **head of the state**. He is the **first citizen of India** and is a symbol of solidarity, unity, and integrity of the nation. He is a part of Union Executive along with the Vice President, Prime Minister, Council of Ministers, and Attorney-General of India.

#### **President elected:**

- There is no direct election for the Indian President. An electoral college elects him. The electoral college responsible for President's elections comprises elected members of:
  - **Lok Sabha and Rajya Sabha**
  - **Legislative Assemblies of the states (Legislative Councils have no role)**
  - **Legislative Assemblies of the Union Territories of Delhi and Puducherry**

## Who does not take part in the President's elections

- **Nominated Members of Rajya Sabha (12)**
- **Nominated Members of State Legislative Assemblies**
- **Members of Legislative Councils (Both elected and nominated) in bicameral legislatures**
- **Nominated Members of union territories of Delhi and Puducherry**

## Term of President's office

- ✓ Once President is elected, he holds office for **five years**.
- ✓ He sits in the office even after the completion of five years given no new election has taken place or no **new President** has been elected till then.
- ✓ He can also be **re-elected** and there is no cap on his re-election.

## Qualifications President:

- He should be an Indian Citizen
- His age should be a minimum of 35 years
- He should qualify the conditions to be elected as a member of the Lok Sabha
- He should not hold any office of profit under the central government, state government, or any public authority

## Conditions of President's office:

- ✓ He cannot be a member of Lok Sabha and Rajya Sabha. If he has been a member of either of the house, he should vacate the seat on his first day as President in the office
- ✓ He should not hold any office of profit
- ✓ For his residence, Rashtrapati Bhavan is provided to him without the payment of rent
- ✓ Parliament decides his emoluments, allowances and privileges
  - ✓ Parliament cannot diminish his emoluments and allowances during his term of office
- ✓ He is given immunity from any criminal proceedings, even in respect of his personal acts
- ✓ Arrest or imprisonment of the President cannot take place. Only civil proceedings can be initiated for his personal acts that too after giving two months' of prior notice.

## President's office be vacant:

- When the President of India completes his term of five years in the office
- If the President resigns by putting forward his resignation to the Vice-President of India
- If Lok Sabha/Rajya Sabha initiates an impeachment charge and they stand valid, he is removed
- If he dies in the office
- If the Supreme Court declares his election invalid

## POWERS AND FUNCTIONS OF PRESIDENT OF INDIA:

### Executive Powers of President

- ✓ For every executive action that the Indian government takes, is to be taken in his name
- ✓ He may/may not make rules to simplify the transaction of business of the central government
- ✓ He appoints the attorney general of India and determines his remuneration
- ✓ He appoints the following people:

- Comptroller and Auditor General of India (CAG)
- Chief Election Commissioner and other Election Commissioners
- Chairman and members of the Union Public Service Commission
- State Governors

- Finance Commission of India chairman and members
- ✓ He seeks administrative information from the Union government
- ✓ He requires PM to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council ✓ He appoints National Commissions of:
  - **Scheduled Castes** (Read about National Commission for Scheduled Castes in the linked article.)
  - **Scheduled Tribes** Read about (National Commission for Scheduled Tribes in the linked article.)
  - **Other Backward Classes** (Read about National Commission for Backward Classes in the linked article.)
- ✓ He appoints inter-state council
- ✓ He appoints administrators of union territories
- ✓ He can declare any area as a scheduled area and has powers with respect to the administration of scheduled areas and tribal areas

### **Legislative Powers of President**

- ✓ He summons or prorogues Parliament and dissolve the Lok Sabha
- ✓ He summons a joint sitting of Lok Sabha and Rajya Sabha in case of deadlock ✓ He addresses the Indian Parliament at the commencement of the first session after every general election
- ✓ He appoints speaker, deputy speaker of Lok Sabha, and chairman/deputy chairman of Rajya Sabha when the seats fall vacant (to know the difference between Lok Sabha and Rajya Sabha check the linked article.)
- ✓ He nominates 12 members of the Rajya Sabha
- ✓ He can nominate two members to the Lok Sabha from the Anglo-Indian Community ✓ He consults the Election Commission of India on questions of disqualifications of MPs. ✓ He recommends/ permits the introduction of certain types of bills (to read on how a bill is passed in the Indian Parliament, check the linked article.)
- ✓ He promulgates ordinances
- ✓ He lays the following reports before the Parliament:
  - Comptroller and Auditor General
  - Union Public Service Commission
  - Finance Commission, etc.

### **Financial Powers of President**

- ✓ To introduce the money bill, his prior recommendation is a must
- ✓ He causes Union Budget to be laid before the Parliament
- ✓ To make a demand for grants, his recommendation is a pre-requisite
- ✓ Contingency Fund of India is under his control
- ✓ He constitutes the Finance Commission every five years

### **Judicial Powers of President**

- ✓ Appointment of Chief Justice and Supreme Court/High Court Judges are on him ✓ He takes advice from the Supreme Court, however, the advice is not binding on him ✓ He has pardoning power: Under article 72, he has been conferred with power to grant pardon against punishment for an offence against union law, punishment by a martial court, or death

sentence.

### Diplomatic Powers of President

- ✓ International Treaties and agreements that are approved by the Parliament are negotiated and concluded in his name
- ✓ He is the representative of India in international forums and affairs

### Military Powers of President

- ✓ He is the commander of the defence forces of India. He appoints:
  - ✓ Chief of the Army
  - ✓ Chief of the Navy
  - ✓ Chief of the Air Force

### Emergency Powers of President

- ✓ He deals with three types of emergencies given in the Indian Constitution:
  - ✓ National Emergency (Article 352)
  - ✓ President's Rule (Article 356 & 365)
  - ✓ Financial Emergency (Article 360)

### PRESIDENT LIST OF INDIA:



Name	Starting date	Closing date	Profiles
1. Dr. Rajendra Prasad	January 26th, 1950	May 13th, 1962	He was first of republic POI
2. Dr Sarvepalli Radhakrishnan	May 13th, 1962	May 13th, 1967	He was the 2 <sup>nd</sup> POI.
3. Dr Zakir Hussain	May 13th, 1967	May 3rd, 1969	He was the 3rd POI.
4. Varahagiri Venkata Giri	May 3rd, 1969	July 20th, 1969	He was acting President because of Hussain's death.

5. Mohammad Hidayatullah	July 20th, 1969	August 24th, 1969	He was acting President till Giri's presidency.
6. Varahagiri Venkata Giri	August 24th, 1969	August 24th, 1974	He was the 4thPOI.
7. Fakhruddin Ali Ahmed	August 24th, 1974	February 11th, 1977	He was the 5thPOI.

8. Basappa Danappa Jatti	February 11th, 1977	July 25th, 1977	He was a CM of the Mysore but got elected as President, After the death of Ahmed.
9. Neelam Sanjiva Reddy	July 25th, 1977	July 25th, 1982	Reddy was the 6thPOI.
10. Giani Zail Singh	July 25th, 1982	July 25th, 1987	He was the 7th POI and was a member Congress party.
11. Ramaswamy Venkataraman	July 25th, 1987	July 25th, 1992	He was the 8th President of India. He was also a lawyer and a professional politician.
12. Shankar Dayal Sharma	July 25th, 1992	July 25th, 1997	He was the 9th President of India, and he was also a member of the National Congress party of India.
13. Kocheril Raman Narayanan	July 25th, 1997	July 25th, 2002	He was the 10 <sup>th</sup> POI
14. Dr. A.P.J. Abdul Kalam	July 25th, 2002	July 25th, 2007	He was the 11th President of India, and he was a great scientist. He worked in ISRO and DRDO organizations.
15. Pratibha Patil	July 25th, 2007	July 25th, 2012	She was the 12th President of India, and she was the first woman POI
16. Pranab Mukherjee	July 25th, 2012	July 25th, 2017	He was the 13th President of India, and he was also a senior leader of the National Congress party.

17. Shri Ram Nath Kovind	July 25th, 2017	July 21st, 2022	He is the 14th President of India, and he is also ex governor Of Bihar.
18. Droupadi Murmu	July 21st, 2022	Present Working	She is the 15th President of India and was a member of the Bharatiya Janata Party

### PRIME MINISTER OF INDIA:

- The **Prime Minister of India** is the head of the **government of the Republic of India**. In the parliamentary form of government established by the constitution, the Prime Minister is the actual executive power (de facto executive), while the President serves as the de facto executive authority (de jure executive).
- According to **Article 75 of the Indian Constitution**, the Prime Minister of the nation shall be chosen by the **Indian people in general elections** and shall be **appointed by the President**

### Prime Minister Of India

- ✓ In the parliamentary system of government provided by the constitution, the President is the nominal executive authority (de jure executive) and Prime Minister is the real executive authority (de facto executive).
- ✓ In other words, the President is the head of the State while the Prime Minister is the head of the government.
- ✓ The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister.
- ✓ **Article 75** says only that the Prime Minister shall be appointed by the President. ✓ The Prime Minister presides over the Cabinet. At the Center, he and the Council of Ministers comprise the executive power.
- ✓ The **salary and allowances** of the Prime Minister are determined by the Parliament from time to time.
- ✓ He/she gets the salary and allowances that are payable to a **member of Parliament**. ✓ According to the Constitution, the Prime Minister may serve in either of the **two Houses of Parliament**.

### Qualification:

- He should be qualified to get elected to the **Lok Sabha or Rajya Sabha**.

### Tenure of Prime Minister

- ✓ The Prime Minister's term is not fixed.
- ✓ The Prime Minister's complete tenure is five years, which corresponds to the usual life of the Lok Sabha.
- ✓ However, if he loses the vote of confidence in the Lower House, his term might expire sooner.
- ✓ As a result, he may be regarded to be in power as long as the Lok Sabha has faith in him. ✓ He can resign in writing to the President as well. The Prime Minister's position has no term limitations. There is no formal retirement age either.

## **Powers And Functions Of The Prime Minister Council of Ministers**

- The Prime Minister enjoys the following powers as head of the Union council of ministers: • The Prime Minister enjoys the following powers as head of the Union council of ministers: • He/she recommends persons who can be appointed as ministers by the president. The President can appoint only those persons as ministers who are recommended by the Prime Minister.
- He/she allocates and reshuffles various portfolios among the ministers.
- He/she can ask a minister to resign or advise the President to dismiss him in case of a difference of opinion.
- He/she presides over the meeting of the council of ministers and influences its decisions. • He/she guides, directs, controls, and coordinates the activities of all the ministers.
- He/she can bring about the collapse of the council of ministers by resigning from office. • The resignation or death of an Prime Minister automatically dissolves the council of ministers and thereby generates a vacuum while the resignation or death of any other minister, on the other hand, merely creates a vacancy which the Prime Minister may or may not like to fill.

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

- He proposes the names of the members of his political party to President for appointment as Ministers.
- He decides the distribution of charge to various ministers and can reshuffle their cabinet also. • He presides over the meetings of Cabinet and can change the decisions taken therein. • He can suggest the President of India about the resignation or removal of any Minister from his Cabinet.
- He also controls and directs the functioning of Ministers in the Cabinet.
- He can resign anytime and can suggest the President of India to dissolve the Cabinet. He can suggest the President to dissolve Lok Sabha and to organize fresh elections.

### **a. Rights and powers with regard to Appointments:**

- Comptroller and Auditor General of India
- Attorney General of India
- Advocate General of India
- Chairman and members of UPSC
- Selection of Election Commissioners
- Members and chairman of Finance Commission

### **b. Rights/Powers with regard to Parliament of India:**

- He decides the foreign policy of the country.
- He is the speaker of the Central Government.
- He is the leader of the ruling party in the Parliament.
- He is the chairman of NITI Aayog National Development Council, National Integration Council, Inter-state Council, National Water Resources Council.
- He is the head of disaster management team during emergency at political level. • He is the political head of all the forces.

## **LIST OF PRIME MINISTER OF INDIA:**

# PRIME MINISTERS



## 1. Jawaharlal Nehru

Served: August 15, 1947 - May 27, 1964

Political Party: Indian National Congress

Elected From: Phulpur, Uttar Pradesh



## 2. Gulzarilal Nanda

Served: May 27, 1964 - June 9, 1964

Political Party: Indian National Congress

Elected From: Sabarkantha, Gujarat



## 3. Lal Bahadur Shastri

Served: June 9, 1964 - January 11, 1966

Political Party: Indian National Congress

Elected From: Allahabad, Uttar Pradesh



## 4. Gulzarilal Nanda

Served: January 11, 1966 - January 24, 1966

Political Party: Indian National Congress

Elected From: Sabarkantha, Gujarat



## 5. Indira Gandhi

Served: January 24, 1966 - March 24, 1977

Political Party: Indian National Congress

Elected From: Rae Bareilly, Uttar Pradesh



## 6. Morarji Desai

Served: March 24, 1977 - July 28, 1979

Political Party: Janata Party

Elected From: Surat, Gujarat



## 7. Ch. Charan Singh

Served: July 28, 1979 - January 14, 1980

Political Party: Janata Party (Secular)

Elected From: Baghpat, Uttar Pradesh



## 8. Indira Gandhi

Served: January 14, 1980 - October 31, 1984

Political Party: Indian National Congress

Elected From: Medak, Telangana



## 9. Rajiv Gandhi

Served: October 31, 1984 - December 2, 1985

Political Party: Indian National Congress

Elected From: Amethi, Uttar Pradesh



## 10. VP Singh

Served: December 2, 1989 - November 10, 1990

Political Party: Janata Dal (National Front)

Elected From: Fatehpur, Uttar Pradesh



## 11. Chandra Shekhar

Served: November 10, 1990 - June 21, 1991

Political Party: Samajwadi Janata Party

Elected From: Ballia, Uttar Pradesh



## 12. PV Narasimha Rao

Served: June 21, 1991 - May 16, 1996

Political Party: Indian National Congress

Elected From: Nandyal, Andhra Pradesh



## 13. AB Vajpayee

Served: May 16, 1996 - June 1, 1996

Political Party: Bharatiya Janata Party

Elected From: Lucknow, Uttar Pradesh



## 14. HD Deve Gowda

Served: June 1, 1996 - April 21, 1997

Political Party: Janata Dal (United Front)

Elected From: Rajya Sabha MP (Karnataka)



## 15. IK Gujral

Served: April 21, 1997 - March 19, 1998

Political Party: Janata Dal (United Front)

Elected From: Rajya Sabha MP (Bihar)



## 16. A B Vajpayee

Served: March 19, 1998 - May 22, 2004

Political Party: Bharatiya Janata Party

Elected From: Lucknow, Uttar Pradesh



## 17. Manmohan Singh

Served: May 22, 2004 - May 26, 2014

Political Party: Indian National Congress

Elected From: Rajya Sabha MP (Assam)



## 18. Narendra Modi

Served: 26 May 2014 - Till Date

Political Party: Bharatiya Janata Party

Elected From: Varanasi, Uttar Pradesh



## Do You Know?

Gulzarilal Nanda became Acting Prime Minister for 13 days in 1964 after death of Jawaharlal Nehru and he again became Acting Prime Minister for 13 days in 1966 after death of Lal Bahadur Shastri.



As per the Constitution of India, the total strength of the Council of Ministers **cannot exceed 15%** of the total number of **Lok Sabha MPs**. The current strength of the **17th Lok Sabha is 543 members** and hence the Council of Ministers cannot be more than 81.

### **Cabinet Ministers Portfolio**

1. **Shri Raj Nath Singh**: Minister of Defence
2. **Shri Amit Shah**: Minister of Home Affairs; and Minister of Cooperation
3. **Shri Nitin Jairam Gadkari**: Minister of Road Transport and Highways
4. **Smt. Nirmala Sitharaman**: Minister of Finance; and Minister of Corporate Affairs
5. **Shri Narendra Singh Tomar**: Minister of Agriculture and Farmers Welfare
6. **Dr. Subrahmanyam Jaishankar**: Minister of External Affairs
7. **Shri Arjun Munda**: Minister of Tribal Affairs
8. **Smt. Smriti Zubin Irani**: Minister of Women and Child Development
9. **Shri Piyush Goyal**: Minister of Commerce and Industry; Consumer Affairs, Food and Public Distribution; and Minister of Textiles
10. **Shri Dharmendra Pradhan**: Minister of Education; and Skill Development and Entrepreneurship
11. **Shri Pralhad Joshi**: Minister of Parliamentary Affairs; Minister of Coal; and Minister of Mines
12. **Shri Narayan Tatu Rane**: Minister of Micro, Small and Medium Enterprises
13. **Shri Sarbananda Sonowal**: Minister of AYUSH
14. **Shri Mukhtar Abbas Naqvi**: Minister of Minority Affairs
15. **Dr. Virendra Kumar**: Minister of Social Justice and Empowerment
16. **Shri Giriraj Singh**: Minister of Rural Development; and Minister of Panchayati Raj
17. **Shri Jyotiraditya M. Scindia**: Minister of Civil Aviation
18. **Shri Ramchandra Prasad Singh**: Minister of Steel and Ministry of Steel
19. **Shri Ashwini Vaishnaw**: Minister of Railways; Minister of Communications; and Minister of Electronics and Information Technology
20. **Shri Pashu Pati Kumar Paras**: Minister of Food Processing Industries
21. **Shri Gajendra Singh Shekhawat**: Minister of Jal Shakti
22. **Shri Kiren Rijiju**: Minister of Law and Justice
23. **Shri Raj Kumar Singh**: Minister of Power; and Minister of New and Renewable Energy
24. **Shri Hardeep Singh Puri**: Minister of Petroleum and Natural Gas; and Minister of Housing and Urban Affairs
25. **Shri Mansukh Mandaviya**: Minister of Health and Family Welfare; and
26. Minister of Chemicals and Fertilizers
27. **Shri Bhupender Yadav**: Minister of Environment, Forest and Climate Change; and Minister of Labour and Employment
28. **Dr. Mahendra Nath Pandey**: Minister of Heavy Industries
29. **Shri Parshottam Rupala**: Minister of Fisheries, Animal Husbandry and Dairying
30. **Shri G. Kishan Reddy**: Minister of Culture; Minister of Tourism; and
31. Minister of Development of North Eastern Region
32. **Shri Anurag Singh Thakur**: Minister of Information and Broadcasting; and
33. Minister of Youth Affairs and Sports

### **CHAPTER-4 STATE GOVERNMENT**

#### **GOVERNOR:**

- It is the Governor who heads the state government and acts as the constitutional head and the agent of the center.

### **Governor Appointed In India**

- It is the President of India who appoints the Governor for each state of the country by warrant under his hand and seal.
- The responsibility for appointing a governor for each state lies within the Central Government.

### **It is to be noted that:**

- No direct or indirect elections are held in the country for appointing the governor. ➤ The governor's office is not a part of the union executive. Rather it is an independent constitutional office. Therefore, the governor neither serves the union government nor is the subordinate to it.

### **Qualifications of Governor:**

- The candidate to become a Governor of Article 157 and Article 158 and these are: •  
The candidate must be an Indian citizen and reside in the country.
- The candidate must attain an age of minimum 35 years.
- The candidate must not be a member of both houses of the parliament and the house of the state legislature.
- The candidate must not hold any office for generating profit.

### **POWERS AND FUNCTIONS OF GOVERNOR:**

#### **Executive Powers Of The Indian Governor:**

- Every executive action can be taken by the state government only in the name of the governor. ▪ The rules for authenticating the executive decision taken by the state government are specified by the governor.
- It is in his power to make the rules to simplify the business transactions of the state government.
- It is the governor who appoints the Chief Minister and other ministers of the state. ▪ It is the governor who appoints the advocate general of the state and also determines his remuneration.
- It is the governor who appoints the State Election Commissioner, Chairman and Members of the state Public Service Commission, and Vice-Chancellors of the state's universities.

#### **Legislative Powers Of The Indian Governor:**

- It is the governor who has the power to prorogue the state legislature and dissolve the legislative assemblies of the state.
- The state legislature is addressed by the governor at the first session of each year. ▪ It is in the governor's power to or not to send the pending bill to the state legislature. ▪ In case both Speaker and Deputy Speaker of the legislative assembly are absent then the governor has the power to appoint a person to preside over the session.
- The President appoints 12 members in Rajya Sabha and the Governor has the power to appoint 1/6th of the total members of the legislative council from the fields- Science, Literature, art, Social Service, and Cooperative Movement.
- The President appoints 2 members in the Lok Sabha, and the Governor, from the Anglo-Indian Community, appoints 1 member in the state legislative assembly.
- The bill introduced in the state legislature can be either passed, withheld, returned, or reserved for the consideration of the President by the Governor.

#### **Financial Powers Of The Indian Governor:**

- The governor has the power to look over the budget of the state laid down in the state legislature.
- Having the recommendation of the governor is a must for introducing the money bill in the state legislature.
- It is the governor who recommends the demand for grants which otherwise can't be given. ▪ The Contingency Fund of State is under the governor and he has the right to make advances out of this fund to meet unforeseen expenditure.
- It is the governor who appoints the State Finance Commission every five years.

#### **Judicial Powers Of The Indian Governor:**

- The pardoning powers that a governor has against the punishment are pardon, reprieve, respite, remit, and commute.
- It is the Governor with whom the Indian President consults before appointing the judges of the High Court.
- It is the Governor who by consulting with the State High Court makes appointments, postings, and promotions of the district judges.

#### **LIST OF GOVERNERS KARNATAKA:**

- 1 **Jayachamaraja Wodeyar:** 1 November 1956 TO 4 May 1964
- 2 **S M Srinagesh:** 4 May 1964 to 2 April 1965
- 3 **V. V. Giri:** 2 April 1965 to 13 May 1967
- 4 **Gopal Swarup Pathak:**13 May 1967 to 30 August 1969
- 5 **Dharma Vira:** 23 October 1969 to 1 February 1972
- 6 **Mohanlal Sukhadia:** 1 February 1972 to 10 January 1976
- 7 **Uma Shankar Dikshit:** 10 January 1976 to 2 August 1977
- 8 **Govind Narain:** 2 August 1977 to 15 April 1983
- 9 **Ashoknath Banerji:** 16 April 1983 to 25 February 1989
- 10 **Pendekanti Venkatasubbaiah:**26 February 1988 to 5 February 1990
- 11 **Bhanu Pratap Singh:** 8 May 1990 to 6 January 1991
- 12 **Khurshed Alam Khan:** 6 January 1991to 2 December 1999
- 13 **V. S. Ramadevi :**2 December 1999 to 20 August 2002
- 14 **T. N. Chaturvedi:** 21 August 2002 to 20 August 2007
- 15 **Rameshwar Thakur:**21 August 2007 to 24 June 2009
- 16 **H. R. Bhardwaj:**24 June 2009 to 29 June 2014
- 17 **Dr. K. Rosaiah:** 29 June 2014 to 31 August 2014
- 18 **Vajubhai Rudabhai Vala:** 1 September 2014 to July 6, 2021
- 19 **Thawarchand Gehlot:** July 6, 2021 to Present

#### **CHIEF MINISTER OF KARANATKA:**

- Chief Minister is called the **head of the government**.
- He is assisted by his council of ministers who are a part of state executive along with Governor and Advocate-General of State.

### **Term of Chief Minister's office**

- Term of Chief Minister is not fixed and he holds his office during the pleasure of the governor.

### **Note:**

- Governor cannot remove him any time.
- Governor cannot even dismiss him till the time he enjoys the support of the majority of the house.
- When CM loses his majority support, he has to resign and Governor dismisses him then.

### **FUNCTIONS OF CHIEF MINISTER:**

#### **Functions of State Legislature:**

- ✓ He chairs the State Planning Board
- ✓ He is a vice-chairperson of the concerned zonal council by rotation, holding that office for a period of one year at a time
- ✓ He is a member of Inter-State Council and National Development Council which are headed by the Prime Minister.

#### **Functions Council Ministers:**

- ✓ The Chief Minister is the head of state council of ministers. He performs the following functions:
- ✓ He recommends to the governor on who to appoint as ministers
- ✓ He designates or reshuffles the portfolios of the ministers
- ✓ He can ask a minister to resign
- ✓ Meeting of the council of ministers is headed by him
- ✓ All activities of the ministers are guided and controlled by the Chief Minister
- ✓ If he resigns, the entire council of ministers collapses.

#### **Functions of Governor**

- ✓ In relation to the governor, the Chief Minister performs the following functions: ✓ All the activities, decisions that are taken up by the council of ministers are communicated to the governor by the chief minister
- ✓ To report to the governor, information about the administrative affairs if and when asked by the governor
- ✓ If any minister has decided on any issue, the same has to be reported to the Governor by the Chief Minister when the same has not been considered by the council.
- ✓ He gives his advice to the governor for the appointment of the following persons:

#### **Functions of Advocate-General:**

- ✓ Chairman of state public service commission
- ✓ The state election commission, etc.
- ✓ In Relation to the State Legislature
- ✓ He is the leader of the house and holding this position, he performs the following functions:
- ✓ Before a governor prorogues and summons the sessions of the state legislature, the Chief Minister's advice is a must

- ✓ Legislative Assembly can be dissolved at any time on his recommendation to the governor
- ✓ All government policies are announced by him on the floor of the house.

**LIST OF COUNCIL MINISTERS KARNATKA:**

# ಕರ್ನಾಟಕದ ಮುಖ್ಯಮಂತ್ರಿಗಳ

 ಕೆ. ಬೆಂಗಳೂರಾಯ ರೆಡ್ಡಿ 1947-1952	 ಕೆ.ಹನುಮಂತಮ್ಮ 1952-1956	 ಕಡವಾರಾಳ್ ಹುಮಂಠಪ್ಪ 1956-1956	 ಎನ್. ನಿಜಲಿಂಗಪ್ಪ 1956-1958	 ಬಿ.ಡಿ. ಭಟ್ಟ 1958-1962
 ಎನ್. ಆರ್. ಕಂಠಿ 1962-1962	 ಎನ್. ನಿಜಲಿಂಗಪ್ಪ 1978-1980	 ಡಿ. ದೇವರಾಜ್ ಪಾಟೀಲ್ 1968-1971	 ಡಿ. ದೇವರಾಜ್ ಆರಾಸ್ 1972-1977	 ಡಿ. ದೇವರಾಜ್ ಆರಾಸ್ 1978-1980
 ಆರ್. ಹುಮಂಠಪ್ಪ 1980-1983	 ರಾಮಕೃಷ್ಣ ಹೆಗಡೆ 1983-1988	 ಎನ್.ಆರ್.ಬೊಮ್ಮಾಯಿ 1988-1989	 ಡಿ.ದೇವರಾಜ್ ಪಾಟೀಲ್ 1989-1990	 ಎನ್. ಬಂಗಾರಪ್ಪ 1990-1992
 ಎಂ. ನೀಲಪ್ಪ ಪೊಯ್ಯ 1992-1994	 ಹೆಚ್.ಡಿ.ದೇವೇಗೌಡ 1994-1996	 ಹೆ. ಹೆಚ್. ಪಾಟೀಲ್ 1996-1999	 ಎನ್.ಎಂ.ಕೃಷ್ಣ 1999-2004	 ಧರಂ ಸಿಂಗ್ 2004-2006
 ಹೆಚ್.ಡಿ.ಕುಮಾರಸ್ವಾಮಿ 2006-2007	 ಬಿ.ಎನ್. ಯಡಿಯೂರಪ್ಪ 2007-2007	 ಬಿ.ಎನ್. ಯಡಿಯೂರಪ್ಪ 2008-2011	 ಡಿ. ವಿ. ಸದಾನಂದ ಗೌಡ 2011-2012	 ಜಗದೀಶ್ ಕೆಟ್ಟರ್ 2012-2013
 ಸಿದ್ದಲಾಹಿಯ್ಯ 2013-2018	 ಬಿ.ಎನ್ ಯಡಿಯೂರಪ್ಪ 2018-2018 (55 ಗಂಟೆ)	 ಹೆಚ್. ಡಿ ಕುಮಾರಸ್ವಾಮಿ 2018-2019	 ಬಿ.ಎನ್ ಯಡಿಯೂರಪ್ಪ 2019-2021	 ಬಸವರಾಜ ಬೊಮ್ಮಾಯಿ ಐಕ್ಯ 28 2021

**LIST OF CABINET MINISTERS OF KARNATKA:2022**

1. **Sri BASAVARAJ BOMMAI** :CM ,DPAR, Finance Department, Intelligence from Home Department, Cabinet Affairs, Bangalore Development, Rural Development and Panchayat Raj Department,Forest, Food, Civil Supplies and Consumers Affairs Department and all unallocated portfolios.
2. **Sri GOVINDA MAKTHAPPA KARAJOL** :Major and Medium irrigation.
3. **Sri R. ASHOKA** :Revenue Department excluding Muzrai.
4. **Sri B. SREERAMULU**: Transport Department, ST Welfare.
5. **Sri V. SOMANNA**: Housing, Infrastructure Development.
6. **Sri S ANGARA**: Fisheries, Port and Inland Transport Department
7. **Sri J.C. MADHU SWAMY**: Minor Irrigation, law, Parliamentary Affairs and Legislation.
8. **Sri ARAGA JNANENDRA**: Home Department excluding Intelligence.
9. **Dr. ASHWATH NARAYAN C.N.**: Higher Education, IT & BT, Science and Technology, Skill Development.
10. **Sri CHANDRAKANTAGOUDA CHANNAPPAGOUDA PATIL**: Public Works Department.
11. **Sri ANAND SINGH**: Tourism Department ,Environment and Ecology Department. 12. **Sri KOTA SHRINIVAS POOJARI**: Social Welfare, Backward Classes Welfare Department. 13. **Sri PRABHU CHAUHAN**: Animal Husbandry Department.
14. **Sri MURAGESH RUDRAPPA NIRANI**: Large & Medium Scale Industries.
15. **Sri ARABAIL HEBBAR SHIVARAM** :Labour Department.
16. **Sri S.T. SOMASHEKAR**: Co-operation Department.
17. **Sri B.C. PATIL**: Agriculture Department.
18. **Sri B.A. BASAVARAJA (BYRATI)** :Urban Development Department (including KUWSDB & KUIDFC, Excluding Bangalore Development, BBMP, BDA, BWSSB, BMRDA, BMRCCL Directorate of Town Planning from Urban Development)
19. **Dr. K. SUDHAKAR**:Health & Family Welfare, Medical Education Department
20. **Sri K. GGOPALIAH** Excise from Finance Department
21. **Smt JOLLE SHASHIKALA ANNASAHEB** :Muzrai, Haj and Wakf Department.
22. **Sri N. NAGARAJ (MTB)**: Municipal Administration, Small Scale Industries, Public Sector Industries.
23. **Sri NARAYANA GOWDA**: Sericulture,Youth Empowerment and Sports Department
24. **Sri B.C. NNAGESH** Primary & Secondary Education and Sakala.
25. **Sri V. SUNIL KUMAR**: Energy, Kannada and Culture Department.
26. **Sri ACHAR HALAPPA BASAPPA**: Mines and Geology from Commerce and Industries Department, Women and Child Development, Empowerment of differently Abled and Senior Citizens Department.
27. **Sri SHANKAR B. PATIL MUNENAKOPPA**:Handloom and Textile Department from Commerce & Industries Department,Sugarcane Development and Directorate of Sugar.
28. **Sri MUNIRATHNA**: Horticulture and Planning, Programme Monitoring Statistics Department.

### **UNIT -3**

#### **CHAPTER-5 JUDICIARY**

##### **SUPREME COURT OF INDIA:**

- The Supreme Court of India is the country's **highest judicial court**. It is the final court of appeal •
- Established: **1 October 1937** (as **Federal Court of India**) **28 January 1950** (as **Supreme Court of India**)
- Location: **Tilak Marg, New Delhi**
- Motto: **Yato Dharmastato Jayah (Where there is Dharma, there will be victory)** •

Composition method: **Collegium of the Supreme Court of India**

- Authorized by: **Constitution of India**
- Judge term length: **Mandatory retirement at 65 years of age**
- Chief Justice of India: **D.Y. Chandrachud**
- **D.Y. Chandrachud** will take oath as the **50th Chief Justice of India**.

### Supreme Court History:

✓ The Federal Court of India was created as per the Government of India Act 1935. ✓ This court settled disputes between provinces and federal states and heard appeals against judgements of the high courts.

✓ After independence, the Federal Court and the Judicial Committee of the Privy Council were replaced by the Supreme Court of India, which came into being in January 1950. ✓ The Constitution of 1950 envisaged a Supreme Court with one Chief Justice and 7 puisne Judges. ✓ The number of SC judges was increased by the Parliament and currently, there are 34 judges including the Chief Justice of India (CJI).

### Supreme Court of India – Functions

- It takes up appeals against the verdicts of the High Courts, other courts and tribunals. ○ It settles disputes between various government authorities, between state governments, and between the centre and any state government.
- It also hears matters which the President refers to it, in its advisory role.
- The SC can also take up cases suo moto (on its own).
- The law that SC declares is binding on all the courts in India and on the Union as well as the state governments.

### Powers of the Supreme Court

- Power to punish for contempt (civil or criminal) of court with simple imprisonment for 6 months or **fine up to Rs. 2000**.
- Judicial review to examine the constitutionality of **legislative enactments and executive orders**. • Deciding authority regarding the **election of President and Vice President**.
- **Enquiring authority** in the conduct and behaviour of **UPSC members**.
- **Withdraw cases pending before High Courts** and dispose of them themselves. • **Appointment of ad hoc judges**- Article 127 states that if at any time there is a lack of quorum of Judges of Supreme Court,
- **Appointment of retired judges of the Supreme Court or High Court** - Article 128 states that the CJI at any time with the previous consent of the President
- **Appointment of acting Chief Justice**- Article 126 states that when the office of CJI is vacant or when the Chief Justice is by reason of absence
- **Revisory Jurisdiction**- The Supreme Court under Article 137 is empowered to review any judgment
- **Supreme Court as a Court of Record**- The Supreme Court is a court of record as its decisions are of evidentiary value and cannot be questioned in any court.

### Supreme Court Jurisdiction

- ❖ The jurisdiction of the SC is of three types:
- ❖ **Original** – Read in detail about Original Jurisdiction of the Supreme Court in the linked article. ❖
- Advisory** – Notes on Advisory Jurisdiction of the Supreme Court are given in the linked article. ❖

## **Appellate**

### **Supreme Court Composition**

- Including the CJI, there are 34 judges in the Supreme Court.
- The judges sit in benches of 2 or 3 (called a Division Bench) or in benches of 5 or more (called a Constitutional Bench) when there are matters of fundamental questions of the law to be decided.

### **SC Judge Eligibility:**

- ✓ Qualifications for the judges of the Supreme Court of India:
- ✓ The conditions to become the judge of the Supreme Court are given under Article 124(3) of the Indian constitution.
- ✓ He must be a citizen of India. A person who is not a citizen of India cannot appear as a candidate for the judge of the Supreme Court of India.
- ✓ If he is an eminent jurist.
- ✓ The person must be the judge of a high court for at least five years or more. ✓ He has practised as an advocate in a high court of India or as an advocate of two or more High Court for at least 10 years.
- ✓ As per Article 124, an Indian citizen who is below 65 years of age is eligible to be recommended for appointment as a judge of the SC if:
  - ✓ he/she has been a judge of one or more High Courts, for at least 5 years, or ✓ he/she has been an advocate in one or more High Courts for at least 10 years, or ✓ he/she is in the opinion of the President, a distinguished jurist.

### **Appointment of Judges**

- The judges of the Supreme Court are appointed by the President. The CJI is appointed by the President after consultation with such judges of the Supreme Court and high courts as he deems necessary

### **Salaries and Allowances :**

- The salaries, allowances, privileges, leave and pension of the judges of the Supreme Court are determined from time to time by the Parliament. They cannot be varied to their disadvantage after their appointment except during a financial emergency.
- In 2021, the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021 was introduced in Lok Sabha.
- The Bill seeks to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954, and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958

### **HIGH COURT OF KARNATAKA:**

- The High Court is composed of the **Chief Justice of Karnataka** and other **judges**.
- Judges are appointed by the **President of India**.
- Established :**1884 (138 years ago)**
- Jurisdiction: **Karnataka**
- Location :**Principal bench Bengaluru (main bench)**
- Additional benches: **Hubballi–Dharwad founded in 2008, became permanent in August 2013**  
**Kalaburagi, established in 2008, became permanent in August 2013**
- Composition method: **Presidential appointment on advice of the Chief Justice of India and the Governor of Karnataka.**

- Authorized by :**Constitution of India**
- Judge term length: **Mandatory retirement at age 62**
- Number of positions: **62**
- Language: **Kannada, English**
- Website: **karnatakajudiciary.kar.nic.in**
- Chief Justice: Currently **Prasanna B. Varale**

### **Composition of high court**

- Each state has one high court
- The high court is headed by the Chief Justice of high court
- The Chief Justice is assisted by the other high court judges.
- (if required, parliament can increase the number of high courts to solve pending cases)

### **Qualifications for appointment as judge of high court :**

- High court judge should be a citizen of India
- Judge of the high court held a judicial office for at least 10 years or worked as an advocate in a high court for at least 10 years.

### **Appointment :**

- ❖ Every judge is appointed by the president in consultation with the Chief Justice of SC and governor of the concerned state.
- ❖ In case of appointment for other high court judges, it is also done by the president in consultation with the Chief Justice of SC, Chief Justice of HC and governor of the state.

### **Removal of high court judges :**

- A judge of the high court can be removed by the president on the grounds of proved misbehaviour or incapacity.
- Approval of the 2/3rd majority of both the houses is also needed to go ahead with the impeachment of high court judges.
- Retirement: at the age of 62 years.

### **Transfer of high court judges**

- President can transfer high court judges from one high court to another only if
- It is done in consultation with the Chief Justice of the Supreme Court.
- In consultation with 4 senior most Supreme Court judges
- If approved by the Chief Justice of high court
- The high court judge, who is transferred to another high court, is entitled to get compensatory allowance in addition to his salary.

### **Jurisdiction :**

- ✓ Jurisdiction is the power that a court of law exercises to carry out judgements and enforce laws.
- ✓ Original jurisdiction
- ✓ Appellate jurisdiction
- ✓ Advisory jurisdiction
- ✓ Judicial review

### **Original jurisdiction**

- Original jurisdiction processes the power to control those cases that cannot be advanced in other courts other than high court.
- The original jurisdiction of the high court extends to the matters of admiralty, Will, matrimonial and contempt of court cases.

### Appellate jurisdiction

- This processes the power to control the cases of appeal against the judgement provided by any district courts or any subordinate courts in the country.
- The cases include: civil cases and the criminal cases

### Advisory jurisdiction

- Any government department, legislature or governor may mention and send a specific case for consideration to the high court if it has certain special arrangements; this power of the high court to control such cases is referred to as advisory jurisdiction.

### Judicial Review

- ✓ High court is authorised to review any judgment or order developed by any subordinate court, with a perception of reducing any kind of mistake or error that can crept in the judgement; it is referred as Judicial Review.
- ✓ This is done in cases of errors of law, wrong judgment and fragrant error in procedure.

### Subordinate courts

- Criminal court
- Court of revenue

### Salary of a judge in high court

- ❖ Under article 221, a judge of one high court is entitled to allowances and rights.
- ❖ The salary of a judge of a high court is 80,000 INR per month
- ❖ The salary of the Chief Justice of the high court is 90,000 INR per month.

## CHAPTER-6.

### ELECTROL COMMISSION

#### ELECTION COMMISSION OF INDIA:

- Constitution of India has established a permanent and independent body to ensure free and fair elections in the country known as the Election Commission.
- The commission is responsible for holding **Lok Sabha elections of India.**
- Formed: **25 January 1950; 72 years ago** (Later celebrated as National Voters' Day) •
- Jurisdiction: **Ministry of Law and Justice, Government of India**
- Headquarters: **Nirvachan Sadan, Ashoka Road, New Delhi**
- Constitutional Body executives; **Rajiv Kumar, IAS (Retd.), Chief Election Commissioner of India**  
**Anup Chandra Pandey, IAS, Election Commissioner of India**

#### Composition of Election Commission:

- Article 324 of the Constitution has made the following provisions with regard to the composition of the election commission:
- The President appoints the Chief Election Commissioner and other election commissioners. ➤

When any other EC is so appointed, the CEC acts as the Election Commission's Chairman. ➤ The President can also appoint regional commissioners to assist the Commission, if necessary after consulting with the Election Commission.

➤ The tenure of office and the conditions of service of all the commissioners shall be determined by the country's President.

### **Functions of Election Commission:**

- ✓ To direct and control the entire process of conducting elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.
- ✓ To decide the election schedules for the conduct of periodic and timely elections, whether general or bye-elections
- ✓ To decide on the location of polling stations, assignment of voters to the polling stations, location of counting centres, arrangements to be made in and around polling stations and counting centres and all allied matters
- ✓ To prepare electoral roll and issues Electronic Photo Identity Card (EPIC)
- ✓ To grant recognition to political parties & allot election symbols to them along with settling disputes related to it
- ✓ To sets limits of campaign expenditure per candidate to all the political parties, and also monitors the same
- ✓ To advise in the matter of post-election disqualification of sitting members of Parliament and State Legislatures.
- ✓ To issue the Model Code of Conduct in the election for political parties and candidates so that no one indulges in unfair practice or there is no arbitrary abuse of powers by those in power.

### **Importance of Election Commission for India:**

- The Election Commission has been successfully conducting national as well as state elections since 1952. Now, it plays an active role to ensure the greater participation of people.
- The Commission has brought discipline among the political parties with a threat of derecognizing if the parties failed in maintaining inner-party democracy.
- It supports the values preserved in the Constitution viz, equality, equity, impartiality, independence; and rule of law in superintendence, direction, and control over the electoral governance.
- ECI helps in conducting elections with the highest standard of credibility, fairness, transparency, integrity, accountability, autonomy and professionalism.
- In the electoral process, it ensures the participation of all eligible citizens in an inclusive voter centric and voter-friendly environment.
- The Election Commission of India engages with political parties and all stakeholders in the interest of the electoral process.
- It creates awareness about the electoral process and electoral governance amongst stakeholders (political parties, voters, election functionaries, candidates and people at large) to enhance and strengthen confidence and trust in the electoral system of this country.

### **Challenges faced by Election Commission**

- Increased violence and electoral malpractices under influence of money have resulted in political criminalization, which ECI is unable to arrest.
- Election Commission is not adequately equipped to regulate the political parties. It has no power in enforcing inner-party democracy and regulation of party finances.
- ECI is becoming lesser independent of the Executive which has impacted its image.
- Allegations

of EVMs malfunctioning, getting hacked and not registering votes, corrodes the trust of the general masses in ECI.

### **Important Articles related to Election Commission of India**

1. **Article 324**-Superintendence, direction and control of elections to be vested in an Election Commission.
2. **Article 325**-No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.
3. **Article 326**-Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.
4. **Article 327**-Power of Parliament to make provision with respect to elections to Legislatures. 5. **Article 328**- Power of Legislature of a State to make provision with respect to elections to such Legislature.
6. **Article 329**-:Bar to interference by courts in electoral matters