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HANDWRITTEN NOTES

PRE+ MAINS

General Study paper - 2

Part -1 Polity, Constitution and Governance



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**UNION PUBLIC SERVICE
COMMISSION (U.P.S.C.)**

GENERAL STUDY PAPER – 2

**Part – 1 Polity, Constitution and
Governance**

PREFACE

Dear Aspirants, Presented Notes "**UPSC – CSE (PRE + MAINS)**" have been prepared by a team of teachers, colleagues and toppers who are expert in various subjects.

These notes will help the Aspirants to the fullest extent possible in the examination Of Civil Services conducted by the **UNION PUBLIC SERVICE COMMISSION (UPSC)**.

Finally, despite careful efforts, there may be chances of some shortcomings and errors in the notes / So your suggestions are cordially invited in Infusion notes.

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INDIAN POLITY

CHAPTER 1

COMPARISON SCHEME

Comparison of the Indian constitution scheme with that of other countries would centre around two main pivots:

1.) Brief knowledge of the constitution of the various countries, deemed important owing to the current status of the Indian constitution draws implicitly or explicitly from them.

2.) The comparison is drawn vis-a-vis features of the constitution (for example fundamental rights, DPSPs, Federalism etc.)

2. British Constitution

2.1 Salient features

2.1.1. Unwritten

One of the important features of the British constitution is its Unwritten character. There is no codified or structured document which may be called the British constitution unlike in India, which is codified into various parts and schedules. Nevertheless, many sources of the constitutional law are written and these together with conventions and political tradition form the British constitution.

Indian constitution in comparison is the lengthiest written constitution in the world.

2.1.2 Evolutionary

The British constitution is a specimen of evolutionary development. It was never framed by any constituent assembly. It has an unbroken continuity of development over more than a thousand years. It is said that

the British constitution is a product of wisdom and chance.

The Indian constitution has certain Similarities as well as differences in its particular aspect. It differs from the British

Constitution to the extent that it is a written document and has well-defined provisions.

However, it too is open to evolution, given that the provision of amendment is kept such. To allow for the constitution to evolve according to the need and sensibilities of the time.

Flexibility:

The British Constitution is a classic example of a flexible constitution. It can be passed, amended and repealed by a Simple Majority (50% of the members present and voting) of the Parliament, since no distinction is made between constitutional law and ordinary law. Both constitutional law and ordinary law are treated alike. The element of flexibility has provided the virtue of adaptability and adjustability to the British Constitution. This quality has enabled it to grow with the needs of time.

The Indian Constitution, in contrast, is both flexible as well as rigid. This complements the basic ideology of the Indian Constitution quite well, wherein certain features like Sovereignty, Secularism, Republic etc. have been held sacrosanct, but otherwise the Constitution lends itself to amenability.

2.1.4. Unitary vs. Federal Features:

The British Constitution has a unitary character as opposed to a federal one. All powers of the government are vested in the British Parliament, which is a sovereign body. Executive organs of the state are subordinate to the Parliament, exercise delegated powers

and are answerable to it. There is only one legislature. England, Scotland, Wales etc. are administrative units and not politically autonomous units.

The Indian constitution on the other hand is federal.

Unitary	Federal	Confederation
All power lies with the centre	Power is shared by the National and the State Government	Units come together and form the state. It is the opposite to the unitary system.
Center delegates power to the provincial government	Power for the provincial government comes from the constitution.	Real power with the units.
Example: Britain	Example: India	Example: EU , USA

2.1.5. Parliamentary Executive:

This is one important similarity between the British and the Indian Constitution.

Britain has a Parliamentary form of government. The King, who is sovereign, has been deprived of all his powers and authority. The real functionaries are Ministers, who belong to the majority

party in the Parliament and remain in office as long as they retain its confidence.

The Prime Minister and his Ministers are responsible to the legislature for their acts and policies. Parliamentary system is based on the principle of collaboration and cooperation between the executive and legislative organs. The executive in Britain has individual legal responsibility whereas in India there is no legal responsibility.

2.1.6. Sovereignty of Parliament

The term Sovereignty means Supreme Power. A very important feature of the British

Constitution is sovereignty of the British Parliament (a written constitution being absent).

The British Parliament is the only legislative body in the country with unfettered power of legislation. It can make, amend or repeal any law.

Though in India's case, we have legislature at state level too, yet the law-making power of the

Indian Parliament roughly corresponds to that of the British Parliament.

The courts have no power to question the validity of the laws passed by the British Parliament. The British Parliament may amend the constitution on its own authority, like an ordinary law of the land. It can make illegal what is legal and legalize what is illegal.

Here, there is a marked difference, vis-à-vis the power of the Indian Judiciary to keep a tab on the legality of the law framed. Also, the 'Basic Structure doctrine, lends the

Indian Judiciary further power to question the legality of the law (Judicial Review), in light of the fact that the Supreme Court of India is the highest interpreter of the Constitution of India.

2.1.7. Role of Conventions:

Conventions are known as unwritten maxims (rules) of the Constitution. They provide flexibility and avoid amendments.

Most constitutions of the world have conventions. A necessary corollary to the unwritten character of the British constitution is that conventions play a very vital role in the British political system. For example, while the Queen has the prerogative to refuse assent to a measure passed by the British Parliament, but by convention, she doesn't do so and the same has become a principle of the constitution itself.

However, the legal status of conventions is subordinate to the written law.

Even in India conventions play a vital role in the functioning of Parliament. For instance: the position of Deputy Speaker is offered to opposition parties in India, etc.

2.1.8. Rule of Law:

Another important feature of the British Constitution is the Rule of Law. Constitutionalism or limited government is the essence of Rule of Law. This checks the arbitrary action on part of the Executive. According to Dicey, there are three principles of Rule of Law, found in Britain:

- Protection from arbitrary arrest and the opportunity to defend oneself.
- Equality before Law which means that all persons are equal before law, irrespective of their position or rank it is different from the concept of Administrative Law, which gives immunity of various types to public servants.

In the absence of the Constitution and Fundamental Rights in Britain, the judiciary protects this law. So this system is called the Principle of Common Laws. In *Maneka Gandhi vs Union of India* case (1978) SC held that the procedure established by law within the meaning of Article 21 must be 'right and just and fair and not arbitrary, fanciful or oppressive otherwise, it would be no procedure at all and the requirement of Article 21 would not be satisfied. Thus, the 'procedure established by law has acquired the same significance in India as the 'due process of law' clause in America.

- The rights of people in Britain are guaranteed by the judiciary. The Judiciary gives recognition to the common laws. Thus, the people in Britain enjoy rights, even in the absence of a Bill of Rights or Fundamental Rights. The Constitution is the result of rights of the individuals protected by the courts in the British Constitution whereas in India, the Constitution is the source of the individual rights.

2.1.9. Independence of Judiciary:

The Rule of Law in Britain is safeguarded by the provision that judges can only be removed from office for serious misbehavior and according to a procedure established according to which the consent of both the Houses of Parliament is required. So, the judges are able to give their judgments without any fear or favour.

The same has been adopted in India, where independence of the Judiciary is hailed as an unmistakable part of the Constitution (one of the features of the 'Basic Structure' doctrine).

2.2. Organs of the State

2.2.1. Executive

PM as moon among stars:

This statement gives a more realistic view of the position of PM. In practice, the PM gains prominence and he is not simply the first among equals. Both formal and informal factors are responsible for this.

- **Formal Factors:** He/She is the link between the Parliament and the King, and ministers are appointed/removed on his/her advice etc.
- **Informal Factors:** Personality factors, position of his/her party, external/internal emergency like situation.

Difference between the British and Indian PM:

Constitutional position of the Indian PM is modeled on the British PM, with one difference. In India, the PM can be a member of either house of Parliament, i.e. Lok Sabha or Rajya Sabha.

However, this is not so in Britain. By convention in Britain that the PM will always be a member of the lower House (House of Commons) only.

Privy Council:

The Privy Council is descended from the Curia Regis, which was made up of the king's tenants in chief, household officials, and other advisers. This group performed all the functions of government in either small groups, which became the king's council, or large groups, which grew into the great council and Parliament.

Permanent Civil Servants/British

Bureaucrats

Indian bureaucracy is modeled on the British bureaucracy.

Some features:

- Bureaucracy in Britain is generalist.
- They are expected to be politically neutral
- They are recruited through the competitive exams.
- They enjoy a lot of immunities
- It is said that the British bureaucracy is not representative and is still elitist in nature.
- Bureaucrats are known as New Despots.
- It is said that the Bureaucracy thrives behind the cloak of ministerial responsibility
- It has also been compared with Frankenstein's monster (overpowering the Ministers).

Legislature:

Essential differences between the two systems:

There is a natural tendency to compare the Parliament of India with the British Parliament. But our Parliament and Parliamentary Institutions and procedures are not a copy of the Westminster system.

There are fundamental differences between the two systems.

The British Parliament has grown through some three hundred years of history. In Britain, the Parliament can be said to be the only institution, which exercises sovereign powers and on which there are no limits because there is no written constitution.

India, on the other hand, has a written constitution. Powers and authorities of every organ of the Government and every functionary are only as defined and delimited by the constitutional document.

The power of Parliament itself is also clearly defined and delimited by the

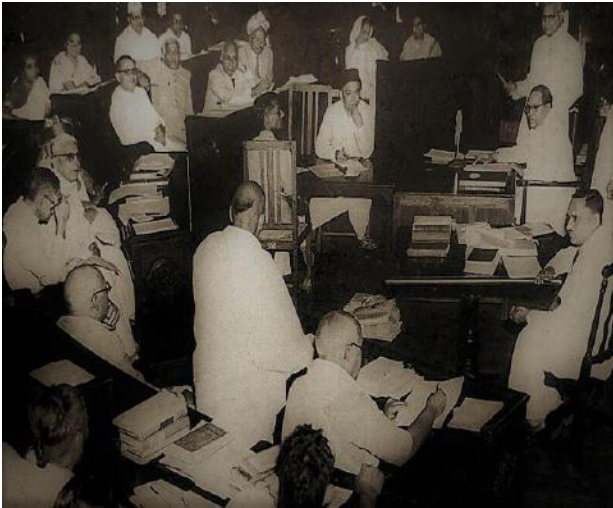
Constitution. However, within its own sphere, the Parliament is supreme.

- Cabinet includes the official name for this body of high-ranking advisers and the method for selection of members.
- Elections include the nature of the election process or accession to power, date of the last election, and date of the next election. Election results include the percent of vote for each candidate in the last election.

Comparison Between Indian Parliamentary System & British Parliamentary System:

Indian Parliamentary System	British Parliamentary System
The parliamentary system of government has the following merits:	The Parliamentary System of Britain has the following merits:
<p>1. Harmony Between Legislature and Executive The greatest advantage of the parliamentary system is that it ensures harmonious relationship and cooperation between the legislative and executive organs of the government. The executive is a part of the legislature and both are interdependent at work. As a result, there is less scope for disputes and conflicts between the two organs.</p>	<p>1. The responsibility of the Executive and Legislature—The most characteristic feature of the parliamentary form of government is the responsibility of the Executive to the Legislature.</p>
<p>2. Responsible Government By its very nature, the parliamentary system establishes a responsible government. The ministers are responsible to the Parliament for all their acts of omission and commission. The Parliament exercises control over the ministers through various devices like question hour, discussions, adjournment motion, no-confidence motion, etc.</p>	<p>2. Cabinet and Monarch— The Cabinet as the head of the Executive is answerable to the Parliament for its acts of omissions and commissions. The Monarch is the nominal head of the State. He/she acts on the advice of the ministers, who are responsible to the Parliament.</p>
<p>3. Prevents Despotism Under this system, the executive authority is vested in a group of individuals (council of ministers) and not in a single person. This dispersal of authority checks the dictatorial tendencies of the executive. Moreover, the executive is responsible to the Parliament and can be removed by a no confidence motion.</p>	<p>3. Confidence of the House of Commons— The Cabinet remains in power as long as it enjoys the confidence of the House of Commons. Whenever the Cabinet loses the support of the majority members, it resigns or advises the King to dissolve the House of Commons in order to have a fresh election; In the new election, if the Cabinet gets the majority it continues in office; otherwise it</p>

• Constitution: Why and How



Before 1947, India was divided into two main entities – The British India which consisted of 11 provinces and the Princely states ruled by Indian princes under subsidiary alliance policy. The two entities merged together to form the Indian Union, but many of the legacy systems in British India are followed even now. The historical underpinnings and evolution of the India Constitution can be traced to many regulations and acts passed before Indian Independence.

Indian System of Administration:

Indian democracy is a Parliamentary form of democracy where the executive is responsible to the Parliament. The Parliament has two houses – Lok Sabha and Rajya Sabha. Also, the type of governance is Federal, i.e. there is separate executive and legislature at Center and States. We also have self-governance at local government levels. All these systems owe their legacy to the British administration. Let us see the historical background of the Indian Constitution and its development through the years.

Regulating Act of 1773:

- The first step was taken by the British Parliament to control and regulate the affairs of the East India Company in India.
- It designated the Governor of Bengal (Fort William) as the Governor-General (of Bengal).
- Warren Hastings became the first Governor-General of Bengal.
- The Executive Council of the Governor-General was established (Four members). There was no separate legislative council.
- It subordinated the Governors of Bombay and Madras to the Governor-General of Bengal.
- The Supreme Court was established at Fort William (Calcutta) as the Apex Court in 1774.
- It prohibited servants of the company from engaging in any private trade or accepting bribes from the natives.
- The Court of Directors (the governing body of the company) should report its revenue.

Pitt's India Act of 1784:

- Distinguished between commercial and political functions of the company.
- Court of Directors for Commercial functions and Board of Control for political affairs.
- Reduced the strength of the Governor General's council to three members.
- Placed the Indian affairs under the direct control of the British Government.
- The company's territories in India were called "the British possession in India".
- Governor's councils were established in Madras and Bombay.

Charter Act of 1813:

- The Company's monopoly over Indian trade terminated; Trade with India open to all British subjects.

CHAPTER - 4

CITIZENSHIP OF INDIA - PART II

(ARTICLES 5-11)

Citizenship Of India

(Articles 5 to 11) - (Part II) of the Constitution - deals with the provisions of Citizenship. The term citizenship entails the enjoyment of full membership of any State in which a citizen has civil and political rights.

The Constitution confers the following rights and privileges on the citizens of India (and denies the same to aliens):

- Right against discrimination on grounds of religion, race, caste, sex, or place of birth (Article 15).
- Right to equality of opportunity in the matter of public employment (Article 16).
- Right to freedom of speech and expression, assembly, association, movement, residence, and profession (Article 19).
- Cultural and educational rights (Articles 29 and 30).
- Right to vote in elections to the Lok Sabha and state legislative assembly.
- The right to contest for the membership of the Parliament and the state legislature.
- Eligibility to hold certain public offices, that is, President of India, Vice-President of India, judges of the Supreme Court and the high courts, governor of states, the attorney general of India and advocate general of states.

(In India both citizens by birth as well as a naturalized citizen are eligible for the office of President.)

Along with the above rights, the citizens also owe certain duties towards the Indian State, as for example, paying taxes, respecting the national flag and national anthem, defending the country, and so on.

Some important facts:

- The Constitution deals with citizenship from Articles 5 to 11.
- However, it only identifies the persons who became citizens of India at its commencement (i.e., on January 26, 1950).
- It does not deal with the problem of acquisition or loss of citizenship subsequent to its commencement.
- It empowers the Parliament to enact a law to provide for such matters and any other matter relating to citizenship. Accordingly, the Parliament has enacted the Citizenship Act.

Therefore we should know about (Articles 5 to 11) and (Citizenship Act)

According to the Constitution, the following four categories of persons became the citizens of India at its commencement i.e., on 26 January 1950:

ARTICLE 5 : CITIZENSHIP AT THE COMMENCEMENT OF THE CONSTITUTION:

1. (Article 5): A person who had his domicile in India and also fulfilled any one of the three conditions, viz.,

- if he was born in India; or
- if either of his parents was born in India; or
- if he has been ordinarily resident in India for five years immediately before the commencement of the Constitution became a citizen of India.

Articles 6 and 7 deal with two categories of persons, namely, those who were residents in India but had migrated to Pakistan and those who were residents in Pakistan but had migrated to India. Those who migrated from Pakistan to India were divided into two categories:

- those who came before July 19, 1948, and
- those who came after that date.

ARTICLE 6: RIGHTS OF CITIZENSHIP OF CERTAIN PERSONS WHO HAVE MIGRATED TO INDIA FROM PAKISTAN:

2. (Article 6): A person who migrated to India from Pakistan became an Indian citizen if he or either of his parents or any of his grandparents was born in undivided India and also fulfilled any one of the two conditions viz., in case he migrated to India before July 19, 1948, he had been ordinarily resident in India since the date of his migration; or in case he migrated to India on or after July 19, 1948, he had been registered as a citizen of India. But, a person could be registered only if he had been resident in India for six months preceding the date of his application for registration.

ARTICLE 7: RIGHTS OF CITIZENSHIP OF CERTAIN MIGRANTS TO PAKISTAN:

Notwithstanding anything in articles 5 and 6, a person who has after the first day of March 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India:

Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return issued by or under the

authority of any law and every such person shall for the purposes of clause (b) of Article 6 be deemed to have migrated to the territory of India after the nineteenth day of July, 1948

ARTICLE 8: RIGHTS OF CITIZENSHIP OF CERTAIN PERSONS OF INDIAN ORIGIN RESIDING OUTSIDE INDIA:

Notwithstanding anything in article 5, any person who or either of whose parents or any of whose grandparents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefore to such diplomatic or consular representative, whether before or after the commencement of this Constitution, in the form and manner prescribed by the Government of the Dominion of India or the Government of India.

To sum up, these provisions deal with the citizenship of –

- (a) Persons domiciled in India;
- (b) Persons migrated from Pakistan;
- (c) Persons migrated to Pakistan but later returned; and
- (d) Persons of Indian origin residing outside India.

ARTICLE 9: PERSONS VOLUNTARILY ACQUIRING CITIZENSHIP OF A FOREIGN STATE NOT TO BE CITIZENS:

No person shall be a citizen of India by virtue of article 5 or be deemed to be a citizen of India by virtue of article 6 or article 8 if he

Act, a person has to surrender his Indian passport if he acquires citizenship of another country, it is a punishable offense under the act if he fails to surrender the passport.

- **Persons of Indian Origin (PIO) Card:** A PIO card applicant has to be a person of Indian origin who is a citizen of any country, other than **Pakistan, Bangladesh, Sri Lanka, Bhutan, Afghanistan, China and Nepal**; or a person who has held an Indian passport at any time or is the spouse of an Indian citizen or a person of Indian origin;
- **Overseas Citizen of India (OCI) card:** OCI Card is for foreign nationals who were eligible to become a citizen of India on 26.01.1950 or were a citizen of India on or after that date. Applications from citizens of Bangladesh and Pakistan are not allowed.
- **Overseas Indian Card:** A new Bill is pending in Parliament [The Citizenship (Amendment) Bill], which seeks to do away with the existing overseas citizen of India (OCI) card and the person of Indian origin (PIO) card, and replace them with a new overseas Indian card.
- While PIO cardholders do not require a separate visa and can enter India with multiple entry facility for 15 years; the OCI card is multiple entries, multi-purpose lifelong visa for visiting India. OCI cardholders have parity with non-resident Indians in respect of economic, financial and educational matters except in acquiring agricultural land.
- A PIO cardholder is required to register with local Police authorities for any stay exceeding 180 days in India on any single visit.
 - OCI is not dual citizenship. There are no voting rights for an OCI cardholder.
 - **The President of India is termed the first Citizen of India.**

The Citizenship Act, 1955:

A comprehensive law dealing with citizens was passed by Parliament in 1955 in accordance with the powers vested in it by Article 11 of the Constitution.

The provisions of the Act may be broadly divided into three parts, acquisition of citizenship, termination of citizenship, and supplemental provisions.

Acquisition of Citizenship:

The Act provides five modes of acquiring the citizenship of India. These are:

- Citizenship by birth
- Citizenship by descent
- Citizenship by registration
- Citizenship by naturalization
- By incorporation of territory (by the Government of India).

(1) By Birth:

- Every person born in India on or after January 26, 1950, but before June 30, 1987, shall be a citizen of India by birth.
- A person is a citizen of India by birth if he/she is born in India on or after July 1, 1987, but at the time of the birth, either of his parents was a citizen of India.
- Note: The children of foreign diplomats posted in India and enemy aliens cannot acquire Indian citizenship by birth.

(2) By Descent:

- A person born outside India on or after January 26, 1950, shall be a citizen of India by descent if his father or mother is a citizen of India at the time of his birth.
- Children of those who are citizens of India by descent, as also children of noncitizens who are in service under a government in India, may also take advantage of this

provision and become Indian citizens by descent, if they so desire, through registration.

(3) By Registration:

- Any person who is not already an Indian citizen by virtue of the provisions of the Constitution or those of this Act can acquire citizenship by registration if that person belongs to any one of the following five categories :
- Persons of Indian origin who are ordinarily resident in India and who have been so resident for at least six months immediately before making an application for registration.
- Persons of Indian origin who are ordinarily resident in any country or place outside undivided India;
- Women who are, or have been, married to citizens of India;
- Minor children of persons who are citizens of India; and
- Persons of full age and capacity who are citizens of the Commonwealth countries or the Republic of Ireland.

(4) By Naturalisation:

Any person who does not come under any of the categories mentioned above can acquire Indian citizenship by naturalisation if his application for the same has been accepted by the Government of India and certificate is granted to him to that effect

An applicant for a naturalisation certificate has to satisfy the following conditions:

- He is not a citizen of a country which prohibits Indians from becoming citizens of that country by naturalization;
- He has renounced the citizenship of the country to which he belonged;
- He has either resided in India or has been in the service of a government in India,

normally, for one year immediately prior to the date of application;

- During the seven years preceding the above mentioned one year, he has resided in India or been in the service of a government in India for a period amounting in the aggregate to not less than four years;
- He is of good character;
- He has adequate knowledge of a language specified in the Constitution;
- If granted a certificate, he intends to reside in India or enter into, or continue in service under a government in India.

The Act provides, however, for a conspicuous exemption under which any or all of the above conditions may be waived in favor of a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally.

Every person to whom a certificate of naturalization is granted has to take an oath of allegiance solemnly affirming that he will bear true faith and allegiance to the Constitution of India as by law established and that he will faithfully observe the laws of India and fulfill his duties as a citizen of India.

(5) By Incorporation of Territory:

If any territory becomes part of India, the Government of India, by order, may specify the persons who shall be citizens of India by reason of their connection with that territory.

Termination of Citizenship:

The Act envisages three situations under which a citizen of India may lose his Indian nationality. These are:

government has decided to do away with the process.

- The government has decided that since the categories Overseas Citizen of India (OCI) and the Persons of Indian Origin (PIO) were merged a few years back, the OCI card will suffice to enter the country and hence would require no visa.
- In other words, both OCI and PIO don't need a visa to enter the country, only an OCI card will suffice.
- Carrying a passport will, however, be mandatory (Check and read recent news for more updates on PIO and OCI)

The Citizenship (Amendment) Bill, 2019

The amendment proposes to permit members of six communities — **Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Pakistan, Bangladesh and Afghanistan** — to continue to live in India if they entered India before December 14, 2014.

- It also reduces the requirement for citizenship from 11 years to just 6 years.
- Two notifications also exempted these migrants from the Passport Act and Foreigners Act.
- A large number of organizations in Assam protested against this Bill as it may grant citizenship to Bangladeshi Hindu illegal migrants.
- The justification given for the bill is that Hindus and Buddhists are minorities in Bangladesh, and fled to India to avoid religious persecution, but Muslims are a majority in Bangladesh and so the same cannot be said about them.
- **Different scenario in Assam:**
Assam witnessed large-scale illegal migration from erstwhile East Pakistan and, after 1971, from present-day Bangladesh.

This led to the six-year-long Assam movement from 1979 to 1985, for deporting illegal migrants.

The All Assam Students' Union (AASU) led the movement that demanded the updating of the NRC and the deportation of all illegal migrants who had entered Assam after 1951.

The Assam Movement against illegal immigration eventually led to the historic Assam Accord of 1985, signed by the Movement leaders and the Rajiv Gandhi government.

It set March 25, 1971, as the cut-off date for the deportation of illegal migrants.

Since the cut-off date prescribed under articles 5 and 6 of the Constitution was July 19, 1949 - to give force to the new date, an amendment was made to the Citizenship Act, 1955, and a new section (6A) was introduced.

Section 6A:

- The section was made applicable only to Assam.
- It laid down that all persons of Indian origin who entered Assam before January 1, 1966 and have been ordinary residents will be deemed Indian citizens.
- Those who came after 1 January, 1966 but before March 25, 1971, and have been ordinary residents, will get citizenship at the expiry of 10 years from their detection as a foreigner.
- During this interim period, they will not have the right to vote but can get an Indian passport.
- In Assam Sanmilita Mahasangha (2014) where the constitutionality of the 1986 amendment was challenged (the Mahasangha argues that the cutoff year for Assam should be 1951 instead of 1971), the court referred the matter to the Constitution Bench.

नोट - प्रिय IAS उम्मीदवारों, यहाँ हमने इस टॉपिक का मात्र SAMPLE ही दिया है, पूरा टॉपिक नहीं दिया है / यदि आपको हमारे नोट्स के सैंपल अच्छे लगे हों तो कम्पलीट नोट्स खरीदने के लिए नीचे दिए गये हमारे संपर्क नंबर पर कॉल कीजिए या लिंक पर क्लिक करें / दोस्तों, हमें पूर्ण विश्वास है कि ये नोट्स आपकी “UPSC IAS (PRE. & MAINS)” की परीक्षा में पूर्ण संभव मदद करेंगे और आप “INFUSION NOTES” के साथ IAS की परीक्षा में जरूर सफल होंगे, धन्यवाद /

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प्रिय दोस्तों, अब तक हमारे विभिन्न नोट्स में से विभिन्न परीक्षाओं में आये हुए प्रश्नों के परिणाम -

<u>EXAM (परीक्षा)</u>	<u>EXAM DATE</u>	<u>हमारे नोट्स में से आये हुए प्रश्न</u>
RAS PRE. 2021	27 अक्तूबर 2021	74 प्रश्न (150 में से) CUT OFF - 64
UPSC - IAS PRE. (2022)	05 JUNE 2022	69 (100 में से)
SSC GD 2021	16 नवम्बर	68 (100 में से)
SSC GD 2021	01 दिसम्बर	65 (100 में से)
SSC GD 2021	08 दिसम्बर	67 (100 में से)
राजस्थान S.I. 2021	13 सितम्बर	113 (200 में से)
राजस्थान S.I. 2021	14 सितम्बर	119 (200 में से)

राजस्थान S.I. 2021	15 सितम्बर	126 (200 में से)
RAJASTHAN PATWARI 2021	23 अक्तूबर (1st शिफ्ट)	79 (150 में से)
RAJASTHAN PATWARI 2021	23 अक्तूबर (2nd शिफ्ट)	103 (150 में से)
RAJASTHAN PATWARI 2021	24 अक्तूबर (1st शिफ्ट)	95 (150 में से)
RAJASTHAN PATWARI 2021	24 अक्तूबर (2nd शिफ्ट)	91 (150 में से)
RAJASTHAN VDO 2021	27 दिसंबर (1st शिफ्ट)	59 (100 में से)
RAJASTHAN VDO 2021	27 दिसंबर (2nd शिफ्ट)	61 (100 में से)
RAJASTHAN VDO 2021	28 दिसंबर (1st शिफ्ट)	56 (100 में से)
RAJASTHAN VDO 2021	28 दिसंबर (2nd शिफ्ट)	57 (100 में से)
U.P. SI 2021	14 नवम्बर 2021 1st शिफ्ट	91 (160 में से)
U.P. SI 2021	21 नवम्बर 2021 (1st शिफ्ट)	89 (160 में से)

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VDO PRE. - <https://www.youtube.com/watch?v=gXdAk856Wl8&t=202s>

Patwari - <https://www.youtube.com/watch?v=X6mKGdtXyu4&t=103s>

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Part -1 Polity, Constitution and Governance

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Part - 1 Economics Part - 1

Part - 2 Economics Part - 2

Part - 3 Science and Technology

Part - 4 Environment, Ecology and Biodiversity

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CHAPTER - 9

THE PRESIDENT OF INDIA

(ARTICLES 52-62)

Part V of the Constitution (The Union) under Chapter I (The Executive) lists out the qualification, election and impeachment of the President of India.

The President of India is the head of state of the Republic of India. The President is the formal head of the executive, legislature and judiciary of India and is also the commander-in-chief of the Indian Armed Forces.

Although Article 53 of the Constitution of India states that the President can exercise his or her powers directly or by subordinate authority, with few exceptions, all of the executive authority vested in the President are, in practice, exercised by the Council of Ministers (CoM).

ARTICLE 52 : THE PRESIDENT OF INDIA

There shall be a President of India.

ARTICLE 53 : EXECUTIVE POWER OF THE UNION

- (1) The executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.
- (2) Without prejudice to the generality of the foregoing provision, the supreme command of the Defence Forces of the Union shall be vested in the President and

the exercise thereof shall be regulated by law.

- (3) Nothing in this article shall –
- (a) be deemed to transfer to the President any functions conferred by any existing law on the Government of any State or other authority; or
- (b) prevent Parliament from conferring by law functions on authorities other than the President.

ARTICLE 54 : ELECTION OF PRESIDENT

- The President shall be elected by the members of an electoral college consisting of –
- (a) the elected members of both Houses of Parliament; and
- (b) the elected members of the Legislative Assemblies of the States. Explanation: In this article and in article 55, "State" includes the National Capital Territory of Delhi and the Union territory of Pondicherry.

ARTICLE 55 : MANNER OF ELECTION OF PRESIDENT

- (1) As far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the President.
- (2) For the purpose of securing such uniformity among the States inter se as well as parity between the States as a whole and the Union, the number of votes which each elected member of Parliament and of the legislative Assembly of each state is entitled to cast at such election shall be determined in the following manner; –
- (a) every elected member of the Legislative Assembly of a State shall have as many votes as there are multiples of one thousand

in the quotient obtained by dividing the population of the State by the total number of the elected members of the Assembly;

- (b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) shall be further increased by one;
- (c) each elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislative Assemblies of the States under sub-clauses (a) and (b) by the total number of the elected members of both Houses of Parliament, fractions exceeding one-half being counted as one and other fractions being disregarded.
- (3) The election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.
- Explanation: In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

ARTICLE 56 : TERM OF OFFICE OF PRESIDENT

- (1) The President shall hold office for a term of five years from the date on which he enters upon his office;
- Provided that – (a) the President may, by writing under his hand addressed to the Vice-President, resign his office;
- (b) the President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in article 61.
- (c) the President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.
- (2) Any resignation addressed to the Vice-President under clause (a) of the proviso to clause (1) shall forthwith be communicated by him to the Speaker of the House of the People.

ARTICLE 57 : ELIGIBILITY FOR RE-ELECTION

A person who holds, or who has held, office as President shall, subject to the other provisions of this Constitution be eligible for re-election to that office.

ARTICLE 58 : QUALIFICATIONS FOR ELECTION AS PRESIDENT

- (1) No person shall be eligible for election as President unless he –
 - (a) is a citizen of India;
 - (b) has completed the age of thirty-five years, and
 - (c) is qualified for election as a member of the House of the People.
- (2) 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

shall have the right to appear and to be represented at such investigation.

- (4) If as a result of the investigation a resolution is passed by a majority of not less than two-thirds of the total membership of the House by which the charge was investigated or caused to be investigated, declaring that the charge preferred against the President has been sustained, such resolution shall have the effect of removing the President from his office as from the date on which the resolution is so passed.

ARTICLE 62 : TIME OF HOLDING ELECTION TO FILL VACANCY IN THE OFFICE OF PRESIDENT AND THE TERM OF OFFICE OR PERSON ELECTED TO FILL CASUAL VACANCY

- (1) An election to fill a vacancy caused by the expiration of the term of office of President shall be completed before the expiration of the term.
- (2) An election to fill a vacancy in the office of President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than six months from, the date of occurrence of the vacancy; and the person elected to fill the vacancy shall, subject to the provisions of article 56, be entitled to hold office for the full term of five years from the date on which he enters upon his office.

Info-Bits Related to the President of India



- Salary of an Indian President is Rs.5 lakh. Until 2017, the President used to get Rs 1.50 lakh per month. In Budget 2018, it was increased to Rs 5 lakh per month.
- In addition to the salary, the President receives many other allowances and free facilities which include free medical, housing, and treatment facilities (whole life).
- The Government of India spends around Rs.2.25 crore rupees annually on other expenses like the President's housing, staff, food and hosting of guests.
- Indian President's salary is $7000\$ \times 12 = 84,000\$$, which is much lower when compared to the US President's salary of 4,00,000\$.
- The president of the United States of America is also indirectly elected by the people through the Electoral College, but to a four-year term. He is one of only two nationally elected federal officers, the other being the Vice President of the United States. (In total, there are 538 electors, corresponding to the 435 members of the

House of Representatives, 100 senators, and the three additional electors from the District of Columbia.)

- Under The Presidential and Vice-Presidential Elections Act, 1952, a candidate, to be nominated for the office of president of India needs 50 electors as proposers and 50 electors as seconders for his or her name to appear on the ballot.
- The general principle in Indian Presidential elections is that the total number of votes cast by Members of Parliament equals the total number of votes cast by State Legislators.
- There are a total of 776 voters in both the Houses of Parliament. The Electoral College also consisted of 4120 MLAs in the states.
- The formula to determine the value of the vote of an MLA = $\text{Population of the state} \div (\text{No. of M.L.A.s in the state} \times 1000)$.
- The formula to determine the value of the vote of an MP = $\frac{\text{Total value votes assigned to all the M.L.A.s}}{\text{Total number of MPs}}$.
- Each MP had a vote value of 708 in the Presidential Election 2012.
- Legislators from larger states cast more votes than those from smaller states.
- If a state has few legislators, then each legislator has more votes; if a state has many legislators, then each legislator has fewer votes.
- JFYI: The President of India moves around in a custom built heavily armoured Mercedes Benz S600 Pullman Guard (which costs around Rs. 12 Crore).
- Nominated members cannot vote in the Presidential election. But they can participate in the President's impeachment.
- PS: Nominated members can participate in Vice-President's election and removal.
- MLAs are involved in the Presidential election, but they have no role in the

President's impeachment. The President's impeachment resolution requires a special majority of both houses of the parliament to pass.

Powers of Indian President

Powers of the Indian President can be broadly classified under 8 headings. They are:

- Legislative
- Executive or Appointment powers
- Judicial powers
- Financial powers
- Diplomatic powers
- Military powers
- Pardoning Powers
- Emergency powers

There are articles outside Chapter I of Part V related to powers of the President of India like Article 72 and Articles 352-360.

Article 72: Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases

(1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any persons convicted of any offence – (a) in all cases where the punishment of sentence is by a Court Martial;

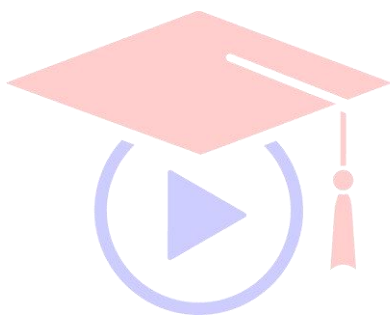
(b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;

(c) in all cases where the sentence is a sentence of death.

also hold additional charges of other Ministries, where no other Cabinet minister is appointed.

- **Minister of State (Independent Charges):** with no overseeing Union cabinet minister for that portfolio.
- **Minister of State (MoS):** junior minister to oversee cabinet ministers, usually tasked with a specific responsibility in that ministry. For instance, an MoS in the Finance Ministry may only handle taxation.

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CHAPTER - 12

PARLIAMENT OF INDIA: LOK SABHA & RAJYA SABHA

Though **Article 79-122** deals with **Chapter II (Parliament) of Part V (Union)**, we shall break the topic into sub-sections. In this post, we are covering only articles 79-88, which deals with the General provisions regarding the Parliament. Parliament consists of the President of India, Lok Sabha and Rajya Sabha. Normally, three Sessions of Parliament are held in a year: **(i) Budget Session (February-May); (ii) Monsoon Session (July-August); and (iii) Winter Session (November-December).**

ARTICLE 79 : CONSTITUTION OF PARLIAMENT

There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.

ARTICLE 80 : COMPOSITION OF THE COUNCIL OF STATES -

(1) The Council of States shall consists of -

(a) twelve members to be nominated by the President in accordance with the provisions of clause **(3)**; and

(b) not more than two hundred and thirty-eight representatives of the States and of the Union territories.

(2) The allocation of seats in the Council of States to be filled by representatives of the States and of the Union territories shall be

in accordance with the provisions in that behalf contained in the Fourth Schedule.

(3) The members to be nominated by the President under sub-clause (a) and clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely: –
Literature, science, art and social service.

(4) The representatives of each State in the Council of States shall be elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.

(5) The representatives of the Union territories in the Council of States shall be chosen in such manner as Parliament may by law prescribe.

ARTICLE 81 : COMPOSITION OF THE HOUSE OF THE PEOPLE:

(1) Subject to the provisions of article 331, the House of the People shall consist of –
(a) not more than five hundred and thirty members chosen by direct election from territorial constituencies in the States, and

(b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.

(2) For the purposes of sub-clause (a) of clause (1), –

(a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States; and

(b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State:

Provided that the provisions of sub-clause (a) of this clause shall not be applicable for the purpose of allotment of seats in the House of the People to any State so long as the population of that State does not exceed six millions.

(3) In this article, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this clause to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

ARTICLE 82 : READJUSTMENT AFTER EACH CENSUS

Upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each state into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House:

Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election

ARTICLE 87 : SPECIAL ADDRESS BY THE PRESIDENT

(1) At the commencement of the first session after each general election to the House of the People and at the commencement of the first session of each year the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.

(2) Provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such address.

ARTICLE 88 : RIGHTS OF MINISTERS AND ATTORNEY-GENERAL AS RESPECTS HOUSES:

Every Minister and the Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of, either House, any joint sitting of the Houses, and any committee of Parliament of which he may be named a member, but shall not by virtue of this article be entitled to vote.

Info- Bits related with Parliament:

- The total elective membership is distributed among the States in such a way that the ratio between the number of seats allotted to each State and the population of the State is, so far as practicable, the same for all States.
- The Council of States is designed to maintain the federal character of the country. The number of members from a state depends on the population of the state (e.g. 31 from Uttar Pradesh and one from Nagaland).
- The Supreme Court can strike down certain provisions/amendments of the Indian Constitution, if it feels that the provisions are unconstitutional or alter the

basic structure of the constitution. But striking down does not take away the provisions from the Constitution. To take away the provisions, Parliament has to present a Constitution Amendment bill to repeal the provisions.

India has a parliamentary system of government. The Parliament of India is considered as a bicameral structure. Parliament of India consists of three parts:

- **President**
- **Rajya Sabha** (Council of States) – Upper House (Second Chamber or House of Elders)
- **Lok Sabha** (House of the People) – Lower House (First Chamber or Popular House).

Parliament of India:



Article 79 to 122 – Part V – deals with the organization, composition, duration, officers, procedures, powers, and so on of the Parliament.

Article 79: There shall be a Parliament which shall consist of a President and two Houses to be known respectively as the Council of States and the House of the People.

Parliament is the legislative organ of the Union government or supreme legislative body in India.

President as part of Parliament:

- India's parliament is constituted on the basis of the principle of "**Bicameralism**", so it has two chambers. The two houses are Lok Sabha (LS) and Rajya Sabha (RS).
- In India, the Parliament comprises the President, Lok Sabha, and Rajya Sabha but the **President is NOT a part of the legislature**.
- This is in line with the British parliamentary system where the Parliament is composed of Monarch, House of Lords, and House of Commons.
- Though the President of India is not a member of either House of Parliament and does not sit in the Parliament to attend its meetings, he is an integral part of the Parliament.
- Note:** In American pattern, the President is not an integral part of the Legislature.

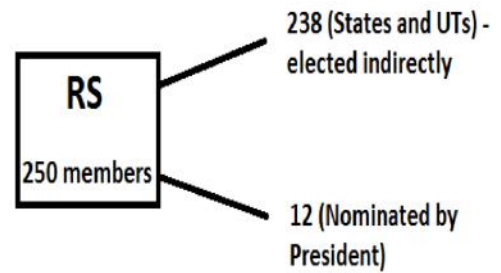
RAJYA SABHA: Composition of Rajya Sabha

Article 80 gives the details of the composition of the Rajya Sabha.

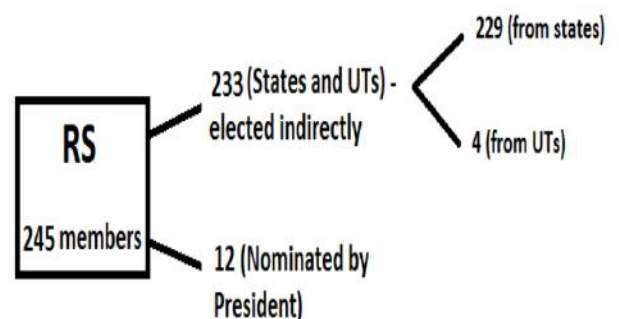
Rajya Sabha or Council of States is the Upper House of our parliament. The other term that is used is "**House of Elders**".

The Fourth Schedule of the Constitution deals with the allocation of seats in the Rajya Sabha to the states and union territories.

The maximum membership to Rajya Sabha is **limited to 250**. The 250 members are as follows:



- A maximum of **238 Members** elected by representatives of the States & Union Territories. The Original Constitution mentioned only states. UTs added by the 7th amendment.
- A maximum of **12 members** nominated by the President of India who excel in Literature, Science, Art, and Social Service.
- Representatives of the states are elected by the elected members of the Legislative Assembly of the state in accordance with the System of Proportional Representation by means of Single Transferable Vote. (**Indirect Election**)
- The present strength of the **Rajya Sabha is 245**, of whom **233** are representatives of the States/Union Territories and **12** are nominated by the President.



Election of the Rajya Sabha Members:

- 233 members** of the Present Rajya Sabha are elected by the various State Legislative Assemblies so the Council of States is an "**Indirectly Elected Body**".

Article 102 of the Constitution lays down that a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament –

- if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;
- if he is of unsound mind and stands so declared by a competent court;
- if he is an undischarged insolvent;
- if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
- if he is so disqualified by or under any law made by Parliament.

However, for the purpose of this clause, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he/ she is a Minister either for the Union or for such State.

The Parliament has laid down the following additional disqualifications in the Representation of People Act (1951):

- He must not have been found guilty of certain election offenses or corrupt practices in the elections.
- He must not have been convicted for any offense resulting in imprisonment for two or more years. But, the detention of a person under a preventive detention law is not a disqualification.
- He must not have failed to lodge an account of his election expenses within the time.
- He must not have any interest in government contracts, works, or services.

- He must not be a director or managing agent nor hold an office of profit in a corporation in which the government has at least 25 percent share.
- He must not have been dismissed from government service for corruption or disloyalty to the State.
- He must not have been convicted for promoting enmity between different groups or for the offense of bribery.

On the question of whether a member is subject to any of the above disqualifications, the president's decision is final. However, he should obtain the opinion of the election commission and act accordingly.

Disqualification on Ground of Defection:

The Constitution also lays down that a person shall be disqualified from being a member of Parliament if he is so disqualified on the ground of defection under the provisions of the **Tenth Schedule**.

A member incurs disqualification under the defection law:

- if he voluntarily gives up the membership of the political party on whose ticket he is elected to the House;
- if he votes or abstains from voting in the House contrary to any direction given by his political party;
- if any independently elected member joins any political party; and
- if any nominated member joins any political party after the expiry of six months.

The question of disqualification under the Tenth Schedule is decided by the Chairman in the case of Rajya Sabha and Speaker in the case of Lok Sabha (and not by the president of India). In 1992, the Supreme Court ruled that the decision of

the House and shall, notwithstanding anything in article 100, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

ARTICLE 97 : SALARIES AND ALLOWANCES OF THE CHAIRMAN AND DEPUTY CHAIRMAN AND THE SPEAKER AND DEPUTY SPEAKER

There shall be paid to the Chairman and the Deputy Chairman of the Council of States, and to the Speaker and the Deputy Speaker of the House of the People, such salaries and allowances as may be respectively fixed by Parliament by law and, until provision in that behalf is so made, such salaries and allowances as are specified in the Second Schedule.

ARTICLE 98 : SECRETARIAT OF PARLIAMENT

(1) Each House of Parliament shall have a separate secretarial staff:

Provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses of Parliament.

(2) Parliament may by law regulate the recruitment and the conditions of service of persons appointed to the secretarial staff of either House of Parliament.

(3) Until provision is made by Parliament under clause (2), the President may, after consultation with the Speaker of the House of the People or the Chairman of the Council of States, as the case may be, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the House of the People or the Council of States, and any rules so made shall have effect subject to the

provisions of any law made under the said clause.

Conduct of Business

ARTICLE 99 : OATH OR AFFIRMATION BY MEMBERS

Every member of either House of Parliament shall, before taking his seat, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

ARTICLE 100 : VOTING IN HOUSES, POWER OF HOUSES TO ACT NOTWITHSTANDING VACANCIES AND QUORUM

(1) Save as otherwise provided in this Constitution, all questions at any sitting of either House or joint sitting of the Houses shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as Chairman or Speaker.

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

(2) Either House of Parliament shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in Parliament shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so sat or voted or otherwise took part in the proceedings.

(3) Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the total number of members of the House.

ARTICLE 108 : JOINT SITTING OF BOTH HOUSES IN CERTAIN CASES

(1) If after a Bill has been passed by one House and transmitted to the other House –

(a) the Bill is rejected by the other House; or

(b) the Houses have finally disagreed as to the amendments to be made in the Bill; or

(c) more than six months lapse from the date of the reception of the Bill by the other House without the Bill being passed by it,

the President may, unless the Bill has lapsed by reason of a dissolution of the House of the People, notify to the Houses by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill;

Provided that nothing in this clause shall apply to a Money Bill.

(2) In reckoning any such period of six months as is referred to in clause (1) no account shall be taken of any period during which the House referred to in sub-clause (c) of that clause is prorogued or adjourned for more than four consecutive days.

(3) Where the President has under clause (1) notified his intention of summoning the Houses to meet in a joint sitting, neither House shall proceed further with the Bill, but the President may at any time after the date of his notification summon the Houses to meet in a joint sitting for the purpose specified in the notification, and if he does so, the Houses shall meet accordingly.

(4) If at the joint sitting of the two Houses the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Houses present and voting, it shall be deemed for the purposes of this Constitution to have been passed by both Houses:

Provided that at a joint sitting –

(a) if the Bill, having been passed by one House, has not been passed by other House with amendments and returned to the House in which it originated, no amendment shall be proposed to the Bill other than such amendments (if any) as are made necessary by the delay in the passage of the Bill;

(b) if the Bill has been so passed and returned, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed,

and the decision of the person presiding as to the amendments which are admissible under this clause shall be final.

(5) A joint sitting may be held under this article and a Bill passed thereat, notwithstanding that a dissolution of the House of the People has intervened since the President notified his intention to summon the Houses to meet therein.

ARTICLE 109 : SPECIAL PROCEDURE IN RESPECT OF MONEY BILLS

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

(2) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Council of States shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the House of the People with its recommendations and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States.

(3) If the House of the People accepts any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Council of States and accepted by the House of the People.

(4) If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council of States.

(5) If a Money Bill passed by the House of the People and transmitted to the Council of States for its recommendations is not returned to the House of the People within the said period of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the House of the People.

ARTICLE 110 : DEFINITION OF "MONEY BILLS"

(1) For the purpose of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely: -

- (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;
- (c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;
- (d) the appropriation of moneys out of the Consolidated Fund of India;
- (e) the declaration of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;
- (f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or
- (g) any matter incidental to any of the matters specified in sub-clause (a) to (f).

(2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or

regulation of any tax by any local authority of body for local purposes.

(3) If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final.

(4) There shall be endorsed on every Money Bill when it is transmitted to the Council of States under article 109, and when it is presented to the President for assent under article III, the certificate of the Speaker of the House of the People signed by him that it is a Money Bill.

ARTICLE III : ASSENT TO BILLS

When a Bill has been passed by the Houses of Parliament, it shall be presented to the President, and the President shall declare either that he assents to the Bill, or that he withholds assent therefrom:

Provided that the President may, as soon as possible after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and when a Bill is so returned, the Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the Houses with or without amendment and presented to the President for assent, the President shall not withhold assent therefrom.

Procedure in Financial Matters:

ARTICLE 112 : ANNUAL FINANCIAL STATEMENT

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately -

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue accounts from other expenditure.

(3) The following expenditure shall be expenditure charged on the consolidated Fund of India -

(a) the emoluments and allowances of the President and other expenditure relating to his office;

(b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;

(c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of

ARTICLE 117 : SPECIAL PROVISIONS AS TO FINANCIAL BILLS

(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States:

Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alternation or regulation of any tax by any local authority or body for local purpose.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.

Procedure Generally

ARTICLE 118 : RULES OF PROCEDURE

(1) Each House of Parliament may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.

(2) Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature of the Dominion of India shall have effect in relation to Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States of the speaker of the House of the People, as the case may be.

(3) The President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Houses.

(4) At a joint sitting of the two Houses the Speaker of the House of People, or in his absence such a person as may be determined by rules of procedure made under clause (3), shall preside.

ARTICLE 119 : REGULATION BY LAW OF PROCEDURE IN PARLIAMENT IN RELATION TO FINANCIAL BUSINESS

Parliament may, for the purpose of the timely completion of financial business, regulate by law the procedure of, and the conduct of business in, each House of Parliament in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of India, and, if and so far as any provision of any law so made is inconsistent with any rule made by a House of Parliament under clause (1) of article 118 or with any rule or standing order having effect in relation to Parliament under clause (2) of that article, such provision shall prevail.

नोट - प्रिय IAS उम्मीदवारों, यहाँ हमने इस टॉपिक का मात्र SAMPLE ही दिया है, पूरा टॉपिक नहीं दिया है / यदि आपको हमारे नोट्स के सैंपल अच्छे लगे हों तो कम्पलीट नोट्स खरीदने के लिए नीचे दिए गये हमारे संपर्क नंबर पर कॉल कीजिए या लिंक पर क्लिक करें / दोस्तों, हमें पूर्ण विश्वास है कि ये नोट्स आपकी “UPSC IAS (PRE. & MAINS)” की परीक्षा में पूर्ण संभव मदद करेंगे और आप “INFUSION NOTES” के साथ IAS की परीक्षा में जरूर सफल होंगे, धन्यवाद /

संपर्क करें - 9887809083, 8233195718, 9694804063, 8504091672

प्रिय दोस्तों, अब तक हमारे विभिन्न नोट्स में से विभिन्न परीक्षाओं में आये हुए प्रश्नों के परिणाम -

<u>EXAM (परीक्षा)</u>	<u>EXAM DATE</u>	<u>हमारे नोट्स में से आये हुए प्रश्न</u>
RAS PRE. 2021	27 अक्तूबर 2021	74 प्रश्न (150 में से) CUT OFF - 64
UPSC - IAS PRE. (2022)	05 JUNE 2022	69 (100 में से)
SSC GD 2021	16 नवम्बर	68 (100 में से)
SSC GD 2021	01 दिसम्बर	65 (100 में से)
SSC GD 2021	08 दिसम्बर	67 (100 में से)
राजस्थान S.I. 2021	13 सितम्बर	113 (200 में से)
राजस्थान S.I. 2021	14 सितम्बर	119 (200 में से)

राजस्थान S.I. 2021	15 सितम्बर	126 (200 में से)
RAJASTHAN PATWARI 2021	23 अक्तूबर (1st शिफ्ट)	79 (150 में से)
RAJASTHAN PATWARI 2021	23 अक्तूबर (2nd शिफ्ट)	103 (150 में से)
RAJASTHAN PATWARI 2021	24 अक्तूबर (1st शिफ्ट)	95 (150 में से)
RAJASTHAN PATWARI 2021	24 अक्तूबर (2nd शिफ्ट)	91 (150 में से)
RAJASTHAN VDO 2021	27 दिसंबर (1st शिफ्ट)	59 (100 में से)
RAJASTHAN VDO 2021	27 दिसंबर (2nd शिफ्ट)	61 (100 में से)
RAJASTHAN VDO 2021	28 दिसंबर (1st शिफ्ट)	56 (100 में से)
RAJASTHAN VDO 2021	28 दिसंबर (2nd शिफ्ट)	57 (100 में से)
U.P. SI 2021	14 नवम्बर 2021 1st शिफ्ट	91 (160 में से)
U.P. SI 2021	21 नवम्बर 2021 (1st शिफ्ट)	89 (160 में से)

& Many More Exams

दोस्तों, इनका proof देखने के लिए नीचे दी गयी लिंक पर क्लिक करें या हमारे youtube चैनल पर देखें -

RAS PRE. - https://www.youtube.com/watch?v=p3_i-3qfDy8&t=136s

VDO PRE. - <https://www.youtube.com/watch?v=gXdAk856Wl8&t=202s>

Patwari - <https://www.youtube.com/watch?v=X6mKGdtXyu4&t=103s>

अन्य परीक्षाओं में भी इसी तरह प्रश्न आये हैं Proof देखने के लिए हमारे youtube चैनल (Infusion Notes) पर इसकी वीडियो देखें या हमारे नंबरों पर कॉल करें।

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CHAPTER - 20

EMERGENCY PROVISIONS IN INDIAN CONSTITUTION

The emergency provisions are contained in **Part XVIII of the Constitution of India, from Article 352 to 360**. These provisions enable the Central government to meet any abnormal situation effectively.

Emergency Provisions:

A state of emergency in India refers to a period of governance that can be proclaimed by the President of India during certain crisis situations. Under the advice of the cabinet of ministers, the President can overrule many provisions of the Constitution, which guarantees Fundamental Rights to the citizens of India.

Part XVIII Articles 352 to 360 – contain Emergency Provisions.

The term Emergency may be defined as a difficult situation arising suddenly and demanding immediate action by public authorities under power specially granted to them by the Constitution or otherwise to meet exigencies (demands, emergencies).

Reasons for incorporating emergency provisions:

- To meet any exceptional or threat full situation.
- To safeguard the sovereignty, unity, integrity, and security of the country, the democratic political system, and the Constitution.
- It has been incorporated to change the Indian political system from federal to

unitary as per the situation and requirements of the country.

What happens during an emergency?

- During an Emergency, the Central government becomes all-powerful and the states go into total control of the Centre.
- It converts the federal structure into a unitary one without a formal amendment of the Constitution.
- This kind of transformation of the political system from federal during normal times to unitary during Emergency is a unique feature of the Indian Constitution.

The Constitution stipulates three types of emergencies–

- National Emergency
- Constitutional Emergency
- Financial Emergency

Article 352– National Emergency However, the Constitution employs the expression 'proclamation of emergency' to denote an emergency of this type.

Article 356–State Emergency / President's Rule / Constitutional Emergency

Article 360– Financial Emergency

National Emergency

Art 352 – National Emergency

An emergency due to –

- War or
- external aggression or
- armed rebellion

Grounds of declaration:

- Under Article **352**, the president can declare a national emergency when the security of India or a part of it is threatened by war or external aggression, or armed rebellion.
- The President can declare a national emergency even before the actual occurrence of war or armed rebellion or external aggression
- When a national emergency is declared on the grounds of 'war' or 'external aggression', it is known as '**External Emergency**'. On the other hand, when it is declared on the grounds of '**armed rebellion**', it is known as '**Internal Emergency**'.
- This term 'armed rebellion' is inserted from the 44th amendment. Before this term, it was known as an internal disturbance.
- Only in the year 1975, the National emergency was declared on the grounds of internal disturbances.

Parliamentary approval and duration:

- The proclamation of emergency must be approved by both the houses of parliament within one month from the date of its issue.
- However, if the proclamation of emergency is issued at a time when the Lok Sabha has been dissolved or the dissolution takes place during the period of one month without approving the proclamation, then the proclamation survives until **30 days** from the first sitting of Lok Sabha after its reconstitution, provided the Rajya Sabha has in the meantime approved it.
- If approved by both the houses, the Emergency continues for 6 months and can be extended to an indefinite period

with the approval of the Parliament every six months.

- Every resolution approving the proclamation of emergency or its continuance must be passed by either House of Parliament by a special majority.

Revocation of proclamation:

- A proclamation of Emergency may be **revoked by the President at any time by a subsequent proclamation**. Such a proclamation does not require parliamentary approval.
- The emergency must be revoked if the Lok Sabha passes a resolution by a **simple majority disapproving of its continuation**.

Effects of national emergency:

- A proclamation of Emergency has drastic and wide-ranging effects on the political system. These consequences can be grouped into **3 categories**:
- **Effects on the center-state relations:** While a proclamation of Emergency is in force, the normal fabric of the Centre-State relations undergoes a basic change. this can be studied under three heads:
- **Executive:** Centre becomes entitled to give executive directions to a state on 'any' matter
- **Legislative:** The parliament becomes empowered to make laws on any subject mentioned in the state list, the president can issue ordinances on State subjects also, if the parliament is not in session. The laws made on state subjects by the parliament become inoperative six months after the emergency has ceased to be in operation.

- **Financial:** the president can modify the constitutional distribution of revenues between the centre and the states.
- **Effect on the life of the Lok Sabha and State Assembly:**
- While a proclamation of National Emergency is in operation, the life of the Lok Sabha may be extended beyond the normal term for one year at a time. However, this extension cannot continue beyond a period of six months after the emergency has ceased to operate.
- Similarly, the Parliament may extend the normal tenure of a state Legislative Assembly by one year each time during a national emergency, subject to a maximum period of six months after the emergency has ceased to operate.
- **Effect on fundamental rights:** Articles 358 and 359 describes the effect of a National Emergency on Fundamental Rights. These two provisions are explained below:
- **Suspension of Fundamental rights under Article 19:** According to Article 358, when a proclamation of National Emergency is made, the six fundamental rights under article 19 are automatically suspended. Article 19 is automatically revived after the expiry of the emergency.
 - The 44th Amendment Act laid out that **Article 19 can only be suspended when the National Emergency is laid on the grounds of war or external aggression and not in the case of armed rebellion.**
- **Suspension of other Fundamental Rights:** Under Article 359, the President is authorized to suspend, by order, the right to move any court for the enforcement of Fundamental Rights during a National Emergency. Thus, remedial measures are

suspended and not the Fundamental Rights.

- The suspension of enforcement relates to only those Fundamental Rights that are specified in the **Presidential Order.**
- The suspension could be for the period during the operation of an emergency or for a shorter period.
- The Order should be laid before each House of Parliament for approval.
- **The 44 Amendment Act mandates that the President cannot suspend the right to move the court for the enforcement of Fundamental Rights guaranteed by Article 20 and 21.**

Declarations made so far:

This type of emergency has been proclaimed three times so far- in 1962, 1971 and 1975

- The first proclamation of National Emergency was issued in **October 1962 on account of Chinese aggression in the NEFA and was in force till January 1968.**
- The second proclamation of National Emergency was made in **December 1971 in the wake of the attack by Pakistan.**
- Even when the emergency was in operation, the third proclamation of National Emergency was made in **June 1975. Both the second and the third proclamations were revoked in March 1977.**

President's Rule:

- **Article 355** imposes a duty on the centre to ensure that the government of every state is carried on in accordance with the provisions of the constitution.
- It is this duty in the performance of which the centre takes over the government of a state under Article 356 in case of failure of constitutional machinery in a state.

GOVERNANCE

CHAPTER – 1

GOVERNMENT SCHEMES AND THE IMPLEMENTING MINISTRIES

100+ Government Schemes and the Implementing Ministries:

The government of India runs hundreds of schemes – under the Central Plan and Central Assistance to States Plan.

1. PAHAL (DBT)

- **Ministry/Department : Ministry of Petroleum and Natural Gas.**

2. Pradhan Mantri UJJAWALA Yojana

- **Ministry/Department : Ministry of Petroleum and Natural Gas.**

3. National LED Programme (UJALA) – UJALA stands for Unnat Jyoti by Affordable LEDs for All.

- **Ministry/Department: Ministry of Power.**

4. Green Corridor Project:

- **Ministry of New & Renewable Energy.**

5. Green Highway Policy:

- **Ministry of Road Transport and Highway.**

6. Namami Gange:

- **Ministry of Water Resources.**
- **Ministries of Environment, Urban Development, Shipping, Tourism & Rural Development are coordinating with the Water Resource ministry in it.**

7. National Mission of Green India:

- **Ministry/Department : Ministry of Environment, Forest & Climate Change.**

8. Crime and Criminal Tracking Network and Systems (CCTNS):

- **Ministry/Department : Ministry of Home Affairs.**

9. Digital India:

- **Ministry/Department: Deity, Ministry of Communication. Implemented by entire government machinery in their respective domains.**

10. Digi-Locker:

- **Ministry/Department : Ministry of Communication and IT.**

11. e-Biz:

- **Ministry/Department : Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce & Industry**
- **Implemented by Infosys**

12. e-Courts Mission Mode Project:

- **Ministry/Department : Ministry of Law and Justice**
- **The project is being implemented by National Informatics Centre (NIC), Ministry of IT.**

WHAT IS GOVERNANCE

The United Nations Development Programme (UNDP), 1997, defined governance as "**the exercise of economic, political and administrative authority to manage a country's affairs at all levels.** It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences"

In 1993, the World Bank defined governance as the method through which power is exercised in the management of a country's political, economic and social resources for development.

In simple words, Governance is the process and institutions through which decisions are made and authority in a country is exercised. Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance.

Thus governance focuses on the formal and informal actors and institutions involved in decision-making and implementing those decisions.

Stakeholders of Governance:

Government is **one of the key** actors in governance. Other actors may include political actors and institutions, interest groups, civil society, media,

non-governmental and transnational organizations. The other actors involved in governance vary depending on the level of government.

Typically, the stakeholders of governance at national level can be categorised into three broad categories: **State, Market and Civil Society.**

1.The state includes the different organs of the government (legislature, judiciary and executive) and their instrumentalities, independent accountability mechanism etc. It also consists of different segments of actors (elected representatives, political executive, bureaucracy at different levels etc.)

2.The Market includes the private sector - organised as well as unorganised that includes business firms ranging from large corporate houses to small scale industries/ establishments.

3. The Civil Society is the most diverse and typically includes all groups not included in (a) or (b). It includes Non-Governmental Organizations (NGOs), Voluntary Organizations (VOS). media organisations/ associations, trade unions, religious groups, pressure groups etc.

Characteristics of Governance:

Following are the few basic characteristics of governance:

1.Accountability: Governance lays

emphasis on making all the organs of government accountable for the performance of functions. Most commonly it is witnessed during elections. The electorates if they are not satisfied with the performance of elected representatives in their constituencies, vote them out of power.

2.People's participation: Governance aims at seeking the participation of people in various developmental activities. The Panchayati Raj Institutions (PHS) and the municipal bodies in India are locally elected representative bodies looking after the management of local affairs.

3. Rule of Law: Governance requires a well-drafted and fair legal framework that protects the interests of people and provides them justice.

4. Transparency: Administration in the traditional sense functioned on the

principle of secrecy and it was quite secretive in letting out information to the people whom they serve. Now there is a change in the scenario. People, being participants in the governance process, are desirous of accessing information from the administration regarding matters that concern them.

5. Effectiveness and Efficiency:

Governance is characterised by effective and efficient service delivery from any organisation. The government comes up with single window portals to fast track the approval mechanism of service requests.

Good Governance:

Governance' by itself is a neutral term while "Good Governance implies positive attributes and values associated with the quality of governance. Good governance is a dynamic concept and there is much subjectivity involved in defining the aspects of good governance.

United Nations Development Programme (UNDP) recognizes eight core characteristics of good governance:

- 1. Participatory
- 2. Consensus oriented
- 3. Transparent
- 4. Accountable
- 5. Responsive
- 6. Effective and Efficient
- 7. Equitable and Inclusive
- 8. Follow the Rule of Law.

Understanding the key terms:

Participation:	<ul style="list-style-type: none"> ● Participation of all section of society is cornerstone of good governance. ● Participatory governance provides opportunities for citizens to take part in decision making, implementation and monitoring of government activities. ● However, participation needs to be informed and organized. This includes freedom of association and expression as well as an organized civil society.
Consensus oriented	<ul style="list-style-type: none"> ● Good governance requires mediation of the different interests in society to reach a broad consensus on <ul style="list-style-type: none"> ○ what is in the best interest of the whole community and ○ how this can be achieved. ● It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development.

- Evolving a new framework for government-business cooperation

'The Worldwide Governance Indicators project' – By World Bank ranks more than 200 countries on six key indicators of governance. The six indicators are:

1. Voice and Accountability
2. Political Stability and Absence of Violence
3. Government Effectiveness
4. Regulatory Quality
5. Rule of Law
6. Control of Corruption

CHAPTER - 2

ROLE OF CIVIL SERVICES IN A DEMOCRACY

Indian state has three typical branches – Executive, Legislature and Judiciary. The Executive is responsible to the Legislature while the Legislature is responsible to the people.

By Executive here we meant Political Executive – the ministers. Political executives are not permanent, and in the Indian scenario, since the Lok Sabha and State Legislative Assemblies are elected only for 5 years, there is a chance of change in the political executives every five years.

But there is another line of executives too in India, a permanent one. They are called Civil Servants. **Civil Servants are accountable to ministers (political executives).**

In a democracy, the civil services play an extremely important role in the administration, policy formulation and implementation, and in taking the country forward towards progress and development.

Democracy is an egalitarian principle in which the governed elect the people who govern over them. There are three pillars of modern democracy:

- Legislature
- Executive
- Judiciary

The civil services form a part of the executive. While the ministers, who are part of the executive, are temporary and are reelected or replaced by the people by their will (through elections), the civil servants are the permanent part of the executive.

administrative set up a sense of stability and continuity.

- **Instruments of Social Change & Economic Development:** Successful policy implementation will lead to positive changes in the lives of ordinary people. It is only when the promised goods and services reach the intended beneficiaries, a government can call any scheme successful. The task of actualising schemes and policies fall with the officers of the civil services.
- **Welfare Services:** The services offer a variety of welfare schemes such as providing social security, the welfare of weaker and vulnerable sections of society, old-age pensions, poverty alleviation, etc.
- **Developmental Functions:** The services perform a variety of developmental functions like promoting modern techniques in agriculture, promoting the industry, trade, banking functions, bridging the digital divide, etc.
- **Administrative Adjudication:** The civil services also perform quasi-judicial services by settling disputes between the State and the citizens, in the form of tribunals, etc.

Constitutional Provisions Related to Civil Services:

- As per **Articles 53 and 154**, the executive power of the Union and the States vests in the President or Governor directly or through officers subordinate to him. These officers constitute the permanent civil service and are governed by **Part XIV** of the Constitution (Services under the Union and States (Article 308-323)).
- **Government of India (Transaction of Business) Rules:** The manner in which the officers are required to help the President or Governor to exercise his/her executive functions is governed by these Rules.
- **Article 311** – Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State.

- **Article 312** – All India Services.
- **Government of India (Allocation of Business) Rules:** Work is allocated among Ministers as per the Government of India (Allocation of Business) Rules.
- **Article 308** – Definition of state.
- **Article 310** – Tenure of office of persons serving the Union or a State.
- **Article 313** – Transitional Provisions.

Accountability of a Civil Servant:

The civil servants are responsible to the ministers of the departments in which they serve. The ministers are accountable to the people through the Parliament or State Legislatures, and the civil servants are accountable to the ministers. They should ideally serve the elected government of the day, as government policies are the functions of the civil services. However, an impartial civil servant is also accountable to the Constitution of India on which he has taken an oath of allegiance.

- In any democracy, Ministers are responsible to the people through Parliament and therefore the civil servants have to be accountable to the Minister.
- However, an impartial civil service is responsible not only to the government of the day but
- to the Constitution of the land to which they have taken an oath of loyalty.
- At the same time, implementing the policies of the duly elected government is a core function of civil servants.
- Civil Servants (Eg: Secretaries) have the constitutional mandate to advise the political executives (ministers).

Problems Affecting Civil Services Today:

- Lack of professionalism and poor capacity building.

- An ineffective incentive system that does not reward the meritorious and upright civil servants.
- Rigid and outmoded rules and procedures that do not allow civil servants to exercise individual judgement and perform efficiently.
- Lack of accountability and transparency procedure, with no adequate protection for whistle-blowers.
- Political interference causing arbitrary transfers, and insecurity in tenures.
- An erosion in ethics and values, which has caused rampant corruption and nepotism.
- Patrimonialism (a form of governance in which all power flows directly from the leader).
- Resistance to change from the civil servants themselves.

Key Facts about Democracy in India:

- Democracy in India federal republic.
- Democracy in India is headed by the President as the head of the state and Prime Minister as the head of the government.
- There is a parliamentary form of government at the central level.
- There is a universal adult franchise.

Difference between Indian Civil Services and American Civil Services:

Though civil servants are there in almost all countries, the selection and nature of the job differs. The main difference between Indian and US system are as below:

- Indian Civil Services are permanent. US Civil Servants in higher echelons change with the government (spoils system).
- The Indian system is based on merit, judged through competitive exams. The US system, at-least in higher civil services, is given as a reward for favors done to the political executives.

Advantages of Indian Civil Services System:

- Chance of nepotism and corruption in the spoils system. The Indian system is designed to be impartial and permanent.
- A permanent civil service provides continuity and develops expertise as well as institutional memory for effective policy making.
- A permanent executive looks at long term social pay-offs. (Political executives often look at short term gains).
- Brings uniformity in public administration and also acts as a unifying force.
- A permanent civil service like any other reputable profession is likely to evolve over time as an ethical basis for its functioning.

Role of Civil Services in Indian Democracy:

- Give advice to political executives.
- Assist the political executive to: (a) Formulate policy (b) Implement policy.

NB: Qualities expected from Civil Servants: Knowledge, experience, understanding of public affairs etc.

Functions of an IAS Officer:

History of Indian Administrative Service (IAS):

Indian Administrative Service (IAS) is one of the premier services of Government of India. **IAS was constituted in 1946.** Prior to that Indian Imperial Service (1893-1946) was in force.

The basic pattern of the cadre system in the Civil Service was established following the recommendations of the Aitchison Commission. Provincial Civil Service constituted in the 1890s was also on the basis of the recommendations of the

- Director in Government of India.
- Joint Secretary to Government of India / Secretary in State Government.
- Additional Secretary to Government of India / Principal Secretary in State Government.
- Secretary to Government of India/ Chief Secretary.
- Cabinet Secretary.

Regulations Governing IAS

IAS officers are regulated through different All India Services Rules such as :

- AIS (Conduct) Rules, 1968,
- AIS (PAR) Rules, 2007,
- AIS (DCRB) Rules, 1958,
- AIS (Cadre) Rules, 1954,
- AIS (Pay) Rules, 2007 etc.

PS: These rules are made under the powers conferred by the All India Services Act, 1951.

Salary of an IAS Officer:

Salary of an IAS officer: 7th Pay Commission Recommendations

Now the basic pay of entry-level IAS officers is Rs. 56100.

Allowances like Dearness Allowance (DA), House Rent Allowance (HRA) and Travel Allowance (TA) will be extra.

The salary will increase as experience increases.

The basic pay of a Cabinet Secretary is fixed at Rs.2,50,000.

Note: The starting salaries of all Civil Servants (Group A) are the same (Pay Level 10).

Total Salary = Basic Pay + DA + HRA + TA



As mentioned, apart from basic salary, you are also entitled to HRA, DA and TA.

HRA would be **8-24% of Basic Salary**. If you are getting official accommodation, HRA part won't be credited to your salary.

DA would start from 0% after 7th pay commission recommendation. This component would be linked to inflation. But remember that DA had touched 107% of Basic Salary of government officers in 2015 and in future, the DA part would be significant. DA is revised on a half-yearly basis (January and July every year) depending on the inflation index (CPI).

You will also be given Travel Allowance (TA) to meet various expenses related to travel.

Note: There was another component called grade pay in government officers salary before. Now, this part is removed.

Thus, it can be seen that the total salary of entry-level IAS officers would be Rs 56100 + DA + House Rent Allowance + Transport Allowance.

The structure goes up to Pay Level 18.

What is Lateral Entry into Civil Services?

Traditionally to get into Civil Services like IAS, IPS etc. a candidate has to clear the **three stages of UPSC Civil Services Exam – Preliminary, Main Exam, and Interview.** One-third of the vacancies in Indian Civil Services is also filled by promotion of eligible candidates working in different State Services.

Lateral entry into civil services – means bypassing these two options.

Now the proposal is for selecting private individuals for **appointment in the ranks of deputy secretary, director and joint secretary.**

Why does the Indian Bureaucracy need a rejuvenation?

The World Bank ranks India at 130 in the **Ease of Doing Business Index.** India ranks 76 in the Corruption Perception Index brought by Transparency International. It also mentions that India has the highest incidence of bribery in the Asia-Pacific. The Political and Economic Consultancy Report rated Indian bureaucracy as the slowest among its 12 Asian counterparts. Such indices and reports are a manifestation of the retrograde bureaucracy of India and its unprogressive performance, urging immediate rejuvenation.

An Analysis of the Recent Steps for Lateral Entry into Civil Services:

Several steps have been taken by the current government to enhance the **qualitative value of civil servants in India.** One among them is the instruction issued by the Prime Minister's Office to the Department of Personnel and Training to prepare a memorandum on induction of outsiders in

the middle rung of ministries that deal with economy and infrastructure.

This announcement has caused an upheaval of speculations in both the political and administrative circles of the country. As rightly pointed out by Honorable Member of Parliament Shashi Tharoor in the Question Hour of Lok Sabha, there are underlying vacancies in different departments of multiple ministries and also inefficiencies in the existing system of complacent bureaucracy. The government has to take leapfrogging measures to arrive at a political consensus for reforms in bureaucracy.

- According to some sources, the shortlisting of private sector executives or social workers would be through a matrix of experience and qualifications, without taking into account their current salaries.
- The final selection committee would be headed by the Cabinet Secretary.
- As per preliminary estimates, 40 individuals such as entrepreneurs, academicians, and social workers would be selected to the middle management level.
- Notably, there would be no entry of such officials in the Ministry of Home, Defence, Personnel, and Corporate Affairs.

Need for lateral entry into Civil Services:

- The assurance of a secure career path has been held to be the career-based system's biggest lacuna.
- This weakness has been compounded by a heavy reliance on seniority, an inadequate annual reporting system, and frequent transfers (**Reference: Indian Express**).
- It has discouraged initiative by reducing competition in the higher echelons of government.
- Allegedly, the quasi-monopolistic hold of the career civil services on senior management positions breeds complacency,

CHAPTER - 13

IMPORTANT BILLS/ACTS IN NEWS FOR UPSC

Essential Commodities Act:

The Essential Commodities Act (ECA) was a Parliamentary act which governed the delivery and supply of commodities or products, whose obstruction could affect the lives of the common people to a great extent.

The act was modified through the Essential Commodities (Amendment) Act, 2020 as part of the 2020 Indian Agricultural Acts (Also known as Farm Bills).

Details of the Essential Commodities Act

The Essential Commodities Act came into force in 1955 and has been used to manage the supply, distribution and production of commodities termed as 'essentials'. In this way the government makes these commodities available for consumption at acceptable prices. A **minimum support price** can also be fixed by the government should it deem it necessary.

The list of commodities included under the ECA are as follows:

- Fertilizers
- Pulses
- Edible Oil
- Cereals
- Oilseeds
- Petroleum and allied products
- Seeds of fruits and vegetables

***Note:** In the wake of the COVID-19 outbreak, Masks and Sanitizers also became listed under the ECA.

In the event of a commodity's supply becoming short and its price increasing as a result, then the Centre can set stock holding limits for a specific period. Once the limit is set, the States will ensure that adequate steps are taken to ensure the guidelines are followed by preventing wholesalers, retailers, importers etc from accumulating a commodity beyond the specified quantity.

It is however at the discretion of the State to impose any form of restrictions. But should restrictions be imposed then the State will punish any errant shopkeeper and traders who indulge in blackmarket practices by conducting raids and auctioning of the excess goods.

Changes under the Essential Commodities (Amendment) Act 2020:

It was announced in May 2020 by Finance Minister Nirmala Sitharaman that the ECA would be further amended to only be implemented under extraordinary circumstances like war or famine.

This was taken in light of strides in agricultural productivity made in the ensuing decades.

The Essential Commodities (Amendment) was passed in the Lok Sabha on 15 September 2020, while it was passed by the Rajya Sabha on 22 September 2020. It received approval from the President Ram Nath Kovind on 27 September 2020.

The amendment has brought about the following changes:

- It allows the government to remove few commodities termed as 'essential', provided there was no special circumstance at play (war, famine, natural calamities etc).
- Future regulations would be based on the trajectory of rising prices. They would come into effect should there be a 100% rise in

- To some extent, the need for functional independence of the CBI has been catered to by a change brought forth in the selection process of its Director, by this Act.
- The complaint against corruption cannot be registered after a period of seven years from the date on which the offence mentioned in such a complaint is alleged to have been committed.

Suggestions:

- In order to tackle the problem of corruption, the institution of the ombudsman should be strengthened both in terms of functional autonomy and availability of manpower.
- Greater transparency, more right to information and empowerment of citizens and citizen groups is required along with a good leadership that is willing to subject itself to public scrutiny.
- Appointment of Lokpal in itself is not enough. The government should address the issues based on which people are demanding a Lokpal. Merely adding to the strength of investigative agencies will increase the size of the government but not necessarily improve governance. The slogan adopted by the government of "less government and more governance", should be followed in letter and spirit.
- Moreover, Lokpal and Lokayukta must be financially, administratively and legally independent of those whom they are called upon to investigate and prosecute.
- Lokpal and Lokayukta appointments must be done transparently so as to minimize the chances of the wrong sorts of people getting in.
- There is a need for a multiplicity of decentralized institutions with appropriate accountability mechanisms, to avoid the concentration of too much power, in any one institution or authority.

Triple Talaq Bill:

Context: The Muslim Women (Protection of Rights on Marriage) Bill, 2019

About Triple Talaq:

- Triple Talaq is the process of divorce under Sharia Law (Islamic law) where a husband can divorce his wife by pronouncing 'Talaq' three times. This is also called oral talaq.
- There are three types of divorce under Islamic law, namely, Ahsan, Hasan and Talaq-e-Biddat (triple talaq).
- While the former two are revocable, the last one is irrevocable. It is mainly prevalent among India's Muslim communities that follow the Hanafi School of Islamic Law.
- Under this law, wives cannot divorce husbands by means of triple talaq. Women have to move a court for divorcing her husband under the Muslim Personal Law (Shariat) Application Act 1937. (This Act was passed to make provisions for the application of Sharia or Islamic personal law to Muslims in India).

The Muslim Women (Protection of Rights on Marriage) Bill, 2019:

After getting passed in both houses of Parliament, President has given assent to the triple talaq bill passed by Parliament, turning it into a law which makes the practice of instant divorce among Muslims a punishable offence. The Act will replace an ordinance promulgated on February 21 this year to the same effect.

Introduced in Lok Sabha	June 21, 2019
Passed Lok Sabha	June 25, 2019

Passed Rajya Sabha	July 30, 2019
Received Presidential Assent	July 31, 2019

Background:

Shah Bano case (1985):- The Supreme Court ruled in her favour in 1985 under the maintenance of wives, children and parents" provision (Section 125) of the All India Criminal Code, which applied to all citizens irrespective of religion. Further, It recommended that a uniform civil code be set up.

Facts about the case:

- Under Muslim personal law, maintenance was to be paid only till the period of iddat. (three lunar months-roughly 90 days).
- Section 125 of CrPC (criminal procedure code) that applied to all citizens, provided for maintenance of the wife.

Impact - After this historic decision, nationwide discussions, meetings and agitations were held. The then government under pressure passed The Muslim Women's (Right to protection on divorce) Act (MWA) in 1986, which made Section 125 of the Criminal Procedure Code inapplicable to Muslim women.

Daniel Latifi case - Muslim Women's Act (MWA) was challenged on the grounds that it violated the right to equality under Articles 14& 15 as well as the right to life under Article 21.

The Supreme Court while holding the law as constitutional harmonised it with section 125

of CrPC and held that the amount received by a wife during iddat period should be large enough to maintain her during iddat as well as provide for her future. Thus under the law of the land, a divorced Muslim woman is entitled to the provision of maintenance for a lifetime or until she is remarried.

Sarla Mudgal Case :- In this case, the question was whether a Hindu husband married under the Hindu law, by embracing Islam, can solemnise a second marriage. The court held that the Hindu marriage solemnized under Hindu law can only be dissolved on any of the grounds specified under the Hindu Marriage Act 1955. Conversion to Islam and marrying again, would not by itself dissolve the Hindu marriage under the act and thus, a second marriage solemnized after converting to Islam would be an offence under section 494 of the Indian Penal Code (IPC).

Shayara Bano Case:- Shayara Bano, a 35-year-old woman, challenged the practice after getting divorced under the triple talaq custom. In 2017, the Supreme Court, in a landmark 3-2 verdict, had struck down instant triple talaq. Three of the five judges on the Constitution Bench had called the practise un-Islamic and "arbitrary" and disagreed with the view that triple talaq was an integral part of religious practice.

The ruling of SC is truly a watershed moment in women empowerment movement in India. The court has given progressive thoughts enshrined in the Constitution precedence over personal law in society.

What is there in the triple talaq bill?

- The triple talaq bill makes a declaration of talaq-e-bidat in spoken, written or through SMS or WhatsApp or any other electronic chat illegal.

- **Talaq-e-biddat** refers to the pronouncement of talaq three times by a Muslim man in one sitting to his wife resulting in an instant and irrevocable divorce.
- The triple talaq bill also makes a declaration of talaq-e-biddat cognisable offence that gives a police officer powers to arrest the offender without requiring a warrant.
- To check misuse of cognisable nature of the offence, the triple talaq bill makes a declaration of talaq-e-biddat only if the complaint is filed by the aggrieved woman or any of her relation by blood or marriage.
- A Muslim man pronouncing instant triple talaq attracts a jail term of three years under the triple talaq bill. The accused under the triple talaq bill is entitled to bail, which can be granted by a magistrate. But the bail can be granted only after the magistrate has heard the aggrieved woman.
- The triple talaq bill also provides scope for reconciliation without undergoing the process of nikah halala if the two sides agree to stop legal proceedings and settle the dispute.
- **Nikah halala** refers to practice under which a divorced Muslim woman has to marry another man and consummate the marriage and get a divorce. Only then can she be eligible to remarry her former husband.
- Under the triple talaq bill, the divorced Muslim woman is entitled to seek custody of minor children. This would be determined by a magistrate.
- A woman divorced through talaq-e-biddat is entitled to demand maintenance for her and her dependent children under the triple talaq bill. The magistrate has the power to determine the amount of subsistence allowance.

Arguments in favour of banning triple talaq:

- According to a study, 92% of Muslim women in India wanted the triple talaq to be banned.
- It goes against the rights of equality and women's empowerment. It propagates the dominance of men over women.
- It gave men the right to arbitrarily divorce their wives without any valid reason.
- New-age technology has given birth to new modes of triple talaq such as through skype, text messages and email.
- The 'triple talaq' has been abolished in 21 Islamic theocratic countries including Pakistan, Bangladesh, and Indonesia. There is no reason for a democratic and secular India to continue this lopsided practice.
- It goes against the constitutional principles of gender equality, secularism, right to life of dignity, etc.
- It goes against Article 14 (Right to Equality) and Article 15(1) which states that there shall be no discrimination against any citizen on the basis of gender, race, etc. and this kind of talaq is biased against the interests of women.
- The constitution of the country says that it shall strive to bring a uniform civil code for the entire country. Doing away with triple talaq will definitely be a step closer to the constitution-makers' dream of having a uniform civil code for all citizens.
- However, the National Commission of Women says that this matter cannot be linked to uniform civil code. Nevertheless, it should be banned in order to protect the interests of Muslim women.
- The Supreme Court has also declared that this practice is unconstitutional and not protected by Article 25 which regards the freedom of religion. Also in December 2016, the Allahabad High Court had said that no personal law board was above the constitution.
- Experts also opine that only the essential or integral features and aspects of a religion are protected by the Constitution.

नोट - प्रिय IAS उम्मीदवारों, यहाँ हमने इस टॉपिक का मात्र SAMPLE ही दिया है, पूरा टॉपिक नहीं दिया है / यदि आपको हमारे नोट्स के सैंपल अच्छे लगे हों तो कम्पलीट नोट्स खरीदने के लिए नीचे दिए गये हमारे संपर्क नंबर पर कॉल कीजिए या लिंक पर क्लिक करें / दोस्तों, हमें पूर्ण विश्वास है कि ये नोट्स आपकी “UPSC IAS (PRE. & MAINS)” की परीक्षा में पूर्ण संभव मदद करेंगे और आप “INFUSION NOTES” के साथ IAS की परीक्षा में जरूर सफल होंगे, धन्यवाद /

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प्रिय दोस्तों, अब तक हमारे विभिन्न नोट्स में से विभिन्न परीक्षाओं में आये हुए प्रश्नों के परिणाम -

<u>EXAM (परीक्षा)</u>	<u>EXAM DATE</u>	<u>हमारे नोट्स में से आये हुए प्रश्न</u>
RAS PRE. 2021	27 अक्तूबर 2021	74 प्रश्न (150 में से) CUT OFF - 64
UPSC - IAS PRE. (2022)	05 JUNE 2022	69 (100 में से)
SSC GD 2021	16 नवम्बर	68 (100 में से)
SSC GD 2021	01 दिसम्बर	65 (100 में से)
SSC GD 2021	08 दिसम्बर	67 (100 में से)
राजस्थान S.I. 2021	13 सितम्बर	113 (200 में से)
राजस्थान S.I. 2021	14 सितम्बर	119 (200 में से)

राजस्थान S.I. 2021	15 सितम्बर	126 (200 में से)
RAJASTHAN PATWARI 2021	23 अक्तूबर (1st शिफ्ट)	79 (150 में से)
RAJASTHAN PATWARI 2021	23 अक्तूबर (2nd शिफ्ट)	103 (150 में से)
RAJASTHAN PATWARI 2021	24 अक्तूबर (1st शिफ्ट)	95 (150 में से)
RAJASTHAN PATWARI 2021	24 अक्तूबर (2nd शिफ्ट)	91 (150 में से)
RAJASTHAN VDO 2021	27 दिसंबर (1st शिफ्ट)	59 (100 में से)
RAJASTHAN VDO 2021	27 दिसंबर (2nd शिफ्ट)	61 (100 में से)
RAJASTHAN VDO 2021	28 दिसंबर (1st शिफ्ट)	56 (100 में से)
RAJASTHAN VDO 2021	28 दिसंबर (2nd शिफ्ट)	57 (100 में से)
U.P. SI 2021	14 नवम्बर 2021 1st शिफ्ट	91 (160 में से)
U.P. SI 2021	21 नवम्बर 2021 (1st शिफ्ट)	89 (160 में से)

& Many More Exams

दोस्तों, इनका proof देखने के लिए नीचे दी गयी लिंक पर क्लिक करें या हमारे youtube चैनल पर देखें -

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VDO PRE. - <https://www.youtube.com/watch?v=gXdAk856Wl8&t=202s>

Patwari - <https://www.youtube.com/watch?v=X6mKGdtXyu4&t=103s>

अन्य परीक्षाओं में भी इसी तरह प्रश्न आये हैं Proof देखने के लिए हमारे youtube चैनल (Infusion Notes) पर इसकी वीडियो देखें या हमारे नंबरों पर कॉल करें।

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Part - 3 Modern History of India

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Part - 5 Society, World History and Post-Independence India

GENERAL STUDY PAPER – 2

Part -1 Polity, Constitution and Governance

Part - 2 International Relations

Part - 3 Social Justice and Welfare Schemes

GENERAL STUDY PAPER – 3

Part - 1 Economics Part - 1

Part - 2 Economics Part - 2

Part - 3 Science and Technology

Part - 4 Environment, Ecology and Biodiversity

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