APPSC GROUP 1

POLITY

Published visual collection

Updated through Day 32

45 topics | 418 teaching panels

Day-wise topic index with clickable links and PDF bookmarks.

Approved teaching artwork is preserved without redesign.

One current index replaces the earlier stacked historical indexes.

No lesson notes or practice questions are included.

Updated 14 November 2026

CURRENT CUMULATIVE INDEX

Click a topic. Page numbers refer to this updated PDF.

Day 01 | Topic 3 - Historical background: Regulating Act 1773 to Charter Act 1853 **6-10**

Day 01 | Topic 4 - Governor: appointment, powers and discretion **11-17**

Day 02 | Topic 12 - Historical background: Acts of 1858, 1861, 1892, 1909 and 1919 **18-22**

Day 03 | Topic 23 - Government of India Act 1935 and the Indian Independence Act 1947 **23-28**

Day 04 | Topic 32 - Making of the Constitution: Constituent Assembly and its committees **29-34**

Day 04 | Topic 33 - 73rd Amendment and Panchayati Raj: key provisions **35-40**

Day 05 | Topic 42 - Salient features of the Constitution **41-47**

Day 06 | Topic 53 - The Preamble: key words and how the courts have read it **48-54**

Day 06 | Topic 54 - Lok Sabha: composition, term and Speaker **55-62**

Day 07 | Topic 62 - Article 12 and Article 13: 'State' and laws inconsistent with fundamental rights **63-69**

Day 08 | Topic 73 - Right to Equality: Articles 14 to 18 **70-74**

Day 09 | Topic 82 - Rajya Sabha: composition, Chairman and special powers **75-79**

CURRENT CUMULATIVE INDEX

Click a topic. Page numbers refer to this updated PDF.

Day 09 | Topic 83 - State Public Service Commission and the APPSC **80-83**

Day 10 | Topic 92 - Parliamentary privileges **84-89**

Day 11 | Topic 103 - National Human Rights Commission and the Protection of Human Rights Act **90-93**

Day 11 | Topic 104 - Amendment procedure: Article 368 **94-97**

Day 12 | Topic 112 - Supreme Court and High Courts: composition, jurisdiction and appointment of judges **98-107**

Day 13 | Topic 123 - Basic structure doctrine: Kesavananda Bharati and later cases **108-117**

Day 14 | Topic 132 - Federal features and unitary bias of the Constitution **118-129**

Day 14 | Topic 133 - Statutory, regulatory and quasi-judicial bodies: legal basis and functions **130-142**

Day 15 | Topic 142 - Centre-State legislative relations: Union, State and Concurrent Lists **143-156**

Day 16 | Topic 153 - How a bill becomes law: ordinary and constitution amendment bills **157-170**

Day 16 | Topic 154 - Directive Principles of State Policy: classification and key articles **171-183**

Day 17 | Topic 162 - Money Bills, Finance Bills and the Budget in Parliament **184-195**

CURRENT CUMULATIVE INDEX

Click a topic. Page numbers refer to this updated PDF.

Day 18 | Topic 173 - India's foreign policy: Panchsheel, non-alignment and the present approach **196-211**

Day 19 | Topic 182 - Comptroller and Auditor General of India **212-219**

Day 19 | Topic 183 - President: election, qualifications and impeachment **220-227**

Day 20 | Topic 192 - Union Public Service Commission **228-235**

Day 21 | Topic 203 - United Nations: principal organs **236-245**

Day 21 | Topic 204 - Central Vigilance Commission and CBI **246-255**

Day 22 | Topic 212 - SC/ST constitutional safeguards: rights issues and remedies **256-267**

Day 23 | Topic 223 - President: executive, legislative and veto powers **268-275**

Day 24 | Topic 232 - Attorney General and Advocate General **276-284**

Day 24 | Topic 233 - Right to Freedom: Article 19 **285-299**

Day 25 | Topic 242 - Andhra Pradesh welfare: design and delivery **300-309**

Day 26 | Topic 253 - Parliamentary and presidential systems compared **310-319**

CURRENT CUMULATIVE INDEX

Click a topic. Page numbers refer to this updated PDF.

Day 26 | Topic 254 - Prime Minister and Council of Ministers **320-329**

Day 27 | Topic 262 - Central and State Information Commissions **330-339**

Day 28 | Topic 273 - 74th Amendment and urban local bodies **340-351**

Day 29 | Topic 282 - Articles 20, 21 and 22: protection of life and personal liberty **352-362**

Day 29 | Topic 283 - Constitutional safeguards for women: rights issues and remedies **363-373**

Day 30 | Topic 292 - Article 32 and the five writs **374-385**

Day 31 | Topic 303 - BRICS, SCO and the Quad: institutional nature, structure and purpose **386-397**

Day 31 | Topic 304 - Evolution of Panchayati Raj: Balwantrai Mehta to L.M. Singhvi committees **398-407**

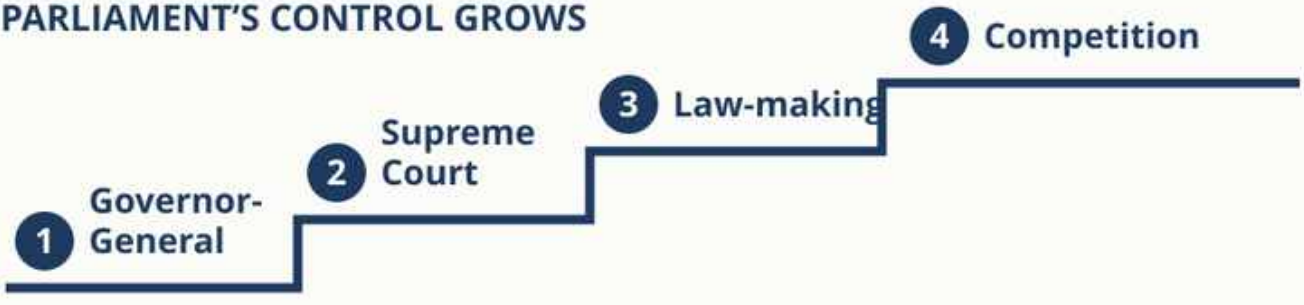
Day 32 | Topic 312 - Tribunals: Articles 323A and 323B, CAT and others **408-423**

Day 1 · Topic 3 · Polity B-1 1,000 TOPICS IN 100 DAYS

Seven Acts. One direction.

Regulating Act 1773 → Charter Act 1853

PARLIAMENT'S CONTROL GROWS



Central institutions take shape; the Company loses its commercial role.

FROM 1784: "DOUBLE GOVERNMENT"

BOARD OF CONTROL		COURT OF DIRECTORS
Civil and military government; revenues	London →	Company commerce and patronage

CHARTER RENEWALS

1793 · 1813 · 1833
20 years each

1853
No fixed term

Sources: Ilbert, Historical Introduction; UK Parliament; CBC

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The seven-act time path

Attach a contribution to each date

1773 — **REGULATING ACT**
Governor-General of Bengal; Supreme Court at Calcutta provided for.

1781 — **AMENDING ACT / SETTLEMENT**
Limits Court jurisdiction; recognises Hindu and Muslim personal law.

1784 — **PITT'S INDIA ACT**
Board of Control begins double government.

1793 — **CHARTER ACT**
20-year renewal; council override continued and extended.

1813 — **CHARTER ACT**
India trade opens; at least ₹1 lakh yearly for education.

1833 — **CHARTER ACT**
Governor-General of India; Law Member; Law Commission.

1853 — **CHARTER ACT**
Legislative separation; local representation; open competition.

Sources: Ilbert; Acts of 1773–1853; Law Commission of India

Count the council seats

GG = Governor-General; count members and powers

1773 GG



+ four counsellors
Majority binds; GG breaks a tie only.

1784 GG



+ three counsellors
One counsellor is the Commander-in-Chief.

1833 GG



+ fourth: the Law Member
Macaulay: law-making only.

1853



12 for law-making = 6 existing + 6 added
Added: 2 judges + 4 local representatives.
Law Member becomes a full member.
Existing: GG + four members + Commander-in-Chief

Override begins in 1786. The 1793 Act continues it and extends it to Madras and Bombay Governors.

Sources: Acts; Ilbert; Keith; Charter Act 1853, ss. 21–22; Wood speech (1853)

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3/5 · ENGLISH

The Company stops trading

Two steps end the monopoly; keep the dates apart

COMPANY MONOPOLY	1813		1833
India trade	ENDED	→	Already ended
China trade	KEPT	→	ENDED
Tea trade	KEPT	→	ENDED

1833: commercial business closes. The Company remains an administrative body.

ACT → INSTITUTION / IMPLEMENTATION

1773 → 1774 — **Court provided for → charter, 26 March**
First Chief Justice: Sir Elijah Impey

1833 → 1834 — **Law Commission enabled → constituted**
Macaulay: first Law Member and chairman

1853 → 1854 → 1855 — **Competition enabled → rules → first exam**
Directors lose civil-service patronage

Sources: Ilbert; Law Commission; UPSC/PIB, 30 September 2026

Three exam traps

Read the change, the date and the council's role

1 1813 ≠ 1833

1813 opens trade with India. China and tea monopolies remain until 1833.

2 A SEAT COUNT IS NOT A POWER

1773: four counsellors, majority rule. 1786 first allows override; 1793 continues it. 1833's Law Member is legislative only.

3 1833 ≠ 1853

1833: Law Member and Law Commission. 1853: civil-service competition. Court: Act 1773; Board of Control: 1784.

Practise with this topic's MCQs

References: Source Index

Day 1 · Topic 4 · Polity B-2 1,000 TOPICS IN 100 DAYS

Governor: the constitutional office

State constitutional head · appointed by the President

CONSTITUTIONAL

155 **APPOINTED BY**

The President, by warrant under his hand and seal.

157 **QUALIFICATIONS**

Indian citizen; completed 35 years. No Lok Sabha eligibility requirement (unlike the President).

156 **TERM, PLEASURE AND RESIGNATION**

Five years, subject to the President's pleasure. Continues until successor enters office. Resigns to the President.

159 **OATH BEFORE**

High Court Chief Justice; in their absence, the senior-most available Judge of that Court.

153 **ONE PERSON, TWO OR MORE STATES**

The proviso allowing this was added by the Seventh Amendment, 1956.

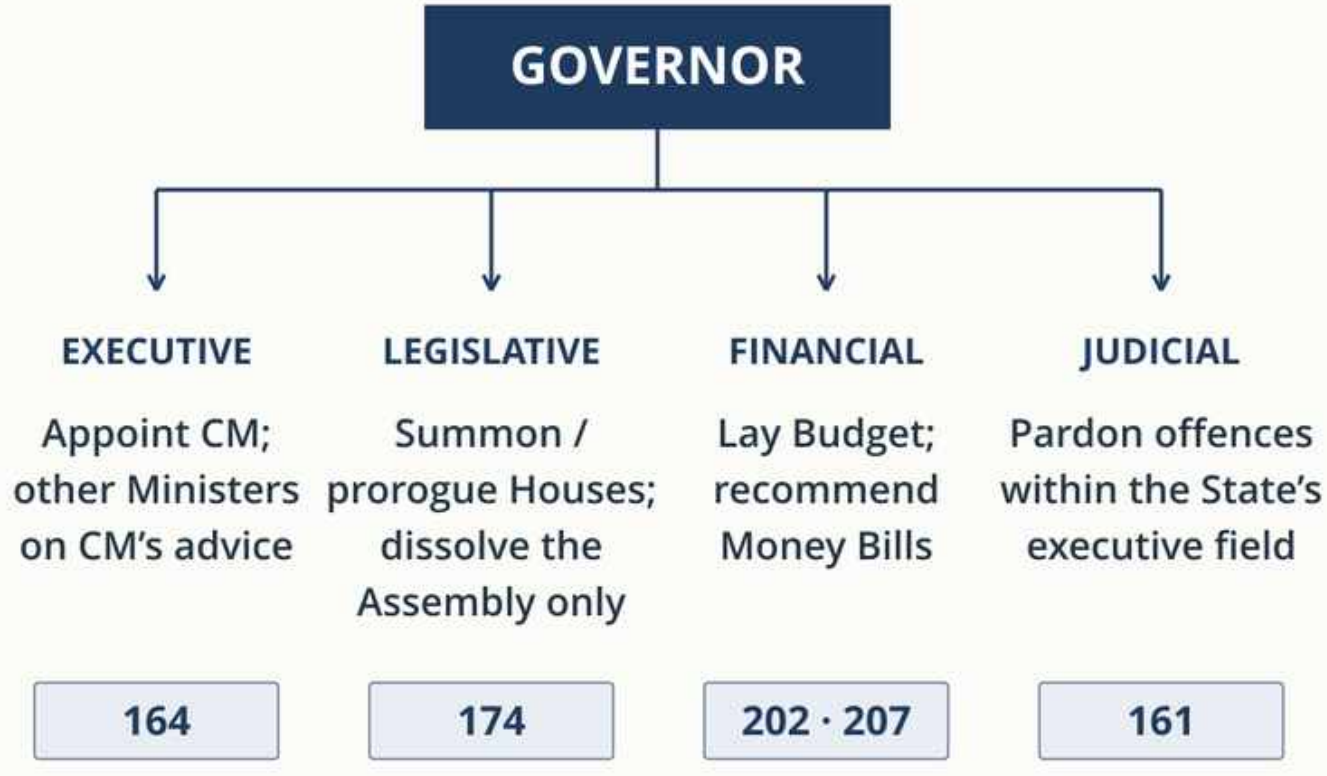
Source: Constitution of India, Articles 153, 155–159; Seventh Amendment, 1956

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Four kinds of power

Actor → action → constitutional Article



Article 163: aid and advice is the general rule

STATE PSC: APPOINTMENT AND REMOVAL



Source: Constitution, Articles shown · PSC: State Public Service Commission

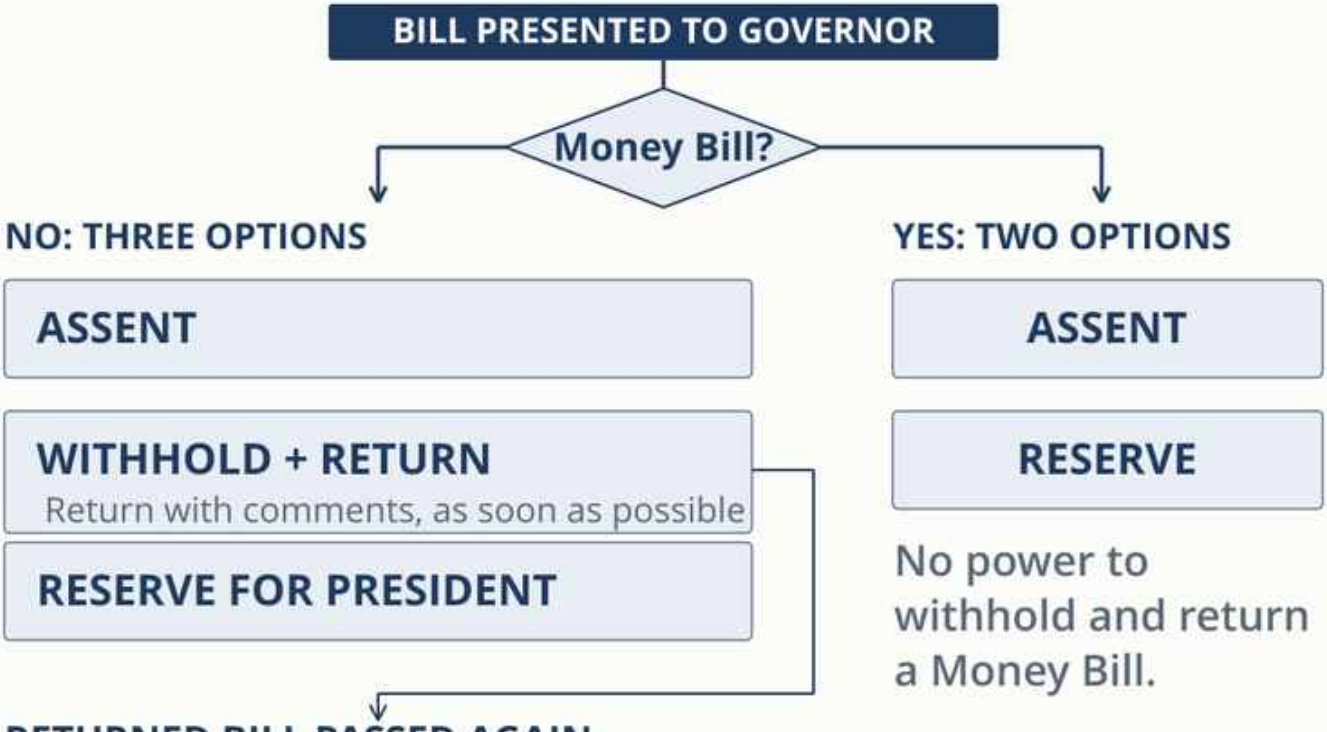
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As on 8 October 2026

Article 200: follow the Bill

Current position under the opinion of 20 November 2025



Must reserve if, in the Governor's opinion, the Bill endangers the High Court's position.

ARTICLE 201: AFTER RESERVATION

President assents or withholds. For a non-Money Bill, may direct return; the Legislature reconsiders within six months. If re-passed, it goes back to the President.

Sources: Constitution, Articles 200–201; 2025 INSC 1333, paragraphs 45–50, 99–101, 165

Advice or discretion?

Start with the rule; identify the precise exception

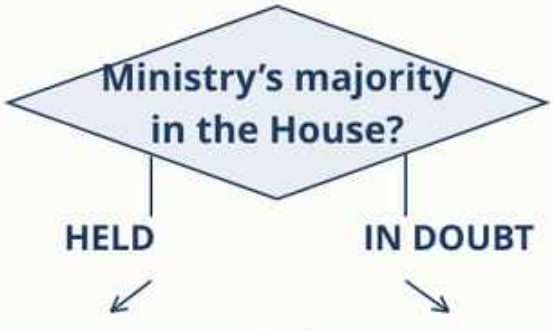
ADVICE · DEFAULT

Council of Ministers

↓

Governor acts on advice
Article 163

SUMMONING THE HOUSE · 174



Ordinarily summon on advice

Grounds may justify a floor test

Shamsher Singh: advice rule.
Nabam Rebia: sessions and the majority boundary.

DISCRETION · EXCEPTION

Requires a specific constitutional basis or defined situation.

ARTICLE 200 · CURRENT RULE

Non-Money Bill: choose assent, withhold + return, or reservation.

Money Bill: assent or reservation only.

↓

Not bound by Ministers' advice in choosing these options.

OTHER DEFINED BASES

239(2): adjoining UT.
371A / 371H: law and order after consulting Ministers.
Sixth Schedule 9(2): royalties.

Sources: Constitution; Shamsher Singh (1974); Nabam Rebia (2016); 2025 INSC 1333

Six cases, six boundaries

The case name must stay attached to its holding

1974 — 7 judges
Shamsher Singh
Formal head: acts on ministerial advice, except where the Constitution requires discretion.

1994 — 9 judges
S.R. Bommai
Article 356: reviewable; majority: floor test. No Assembly dissolution before Parliament's approval.

2006 — 5 · 3:2
Rameshwar Prasad
Bihar dissolution unconstitutional. Personal immunity does not shield bad-faith action from review.

2010 — 5 judges
B.P. Singhal
No removal merely for policy differences with the Union Government or loss of its confidence.

2016 — 5 judges
Nabam Rebia
While Ministry has majority support, ordinarily no summoning or advancing sessions without advice.

2023 — 3 judges
State of Punjab
Withholding requires return of the Bill; the Governor cannot block normal law-making.

References: Source Index

Day 1 · Topic 4 · Polity B-2 1,000 TOPICS IN 100 DAYS

As on 8 October 2026

Assent: read the later position

8 April → 20 November 2025

8 APRIL 2025

TAMIL NADU CASE

2 judges

Set time limits for Governor / President. Used Article 142 to deem assent to 10 Bills.

→

20 NOVEMBER 2025

PRESIDENTIAL REFERENCE

5 judges · PRESENT POSITION

No court-fixed timelines. No deemed assent. Article 142 cannot substitute for assent.

INACTION STILL HAS A LIMIT

Prolonged + unexplained + indefinite inaction

↓

A court may direct a decision within a reasonable time. It cannot direct which decision to make.

Article 361 protects the Governor personally; this limited review remains possible. No merits review of the decision, or challenge to a Bill before it becomes law.

The April case's final relief was not disturbed by the Reference.

Source: 2025 INSC 1333, paragraphs 26 and 165; court Record of Proceedings, 20 November 2025

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6/7 · ENGLISH

Three exam traps

Office rules, current law and bounded discretion

1 FIVE YEARS ≠ SECURE TENURE

Governor: appointed; President's pleasure; no impeachment. Resigns to President; oath before HC Chief Justice.

President: elected; impeachment; resigns to Vice-President; oath before Chief Justice of India.

2 APRIL 2025 ≠ CURRENT RULE

November 2025: no court-fixed deadline or deemed assent. Indefinite inaction can still trigger a limited direction to decide.

3 DISCRETION IS NOT A GENERAL POWER

Ordinary summoning needs advice while majority is held. Article 192 follows the ECI's opinion. PSC appointment ≠ removal.

Practise with this topic's MCQs

Sources: Constitution; Shamsher Singh; Nabam Rebia; 2025 INSC 1333

Day 2 · Topic 12 · Polity B-1

Five Acts, five turning points

1858 → 1861 → 1892 → 1909 → 1919

1858 — **Crown government**
Secretary of State for India; Council of India

1861 — **Nomination and decentralisation**
Additional members; Madras and Bombay recover law-making

1892 — **Questions and budget discussion**
Nomination on recommendation; no vote on the budget

1909 — **Election and separate electorates**
Resolutions; supplementary questions; Muslim electorates

1919 — **Provincial dyarchy**
Reserved / transferred subjects; two Houses at the centre

Sources: Texts of the Acts; UK Parliament; President of India

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Day 2 · Topic 12 · Polity B-1

1858: control moves to the Crown

The old “double government” in London ends

Court of Directors

East India Company

Board of Control

British government

Secretary of State for India

A member of the British cabinet

Council of India: 15 members

Initially 8 appointed by the Crown + 7 elected by Company Directors

Lord Stanley was the first Secretary of State for India

Sources: Government of India Act 1858; Hansard office record

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Day 2 · Topic 12 · Polity B-1

Count powers, not just seats

The legislature gains room to question government

1861 Bills and rules of business

1892 Budget discussion + questions

1909 Resolutions + supplementary questions

1919 Assembly votes on demands for grants

The crucial boundary

1892 permits discussion, not resolutions or budget voting

Sources: Indian Councils Acts 1861, 1892, 1909; 1919 Act

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Day 2 · Topic 12 · Polity B-1

1919: one province, two tracks

Dyarchy belongs to the provincial executive



RESERVED

Executive councillors

Police, justice, finance, land revenue, irrigation

TRANSFERRED

Ministers linked to the elected council

Local government, education, public health, agriculture

At the centre: bicameralism

Council of State + Legislative Assembly. The 1919 Act did not introduce central dyarchy

Sources: Government of India Act 1919; UK Parliament

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Day 2 · Topic 12 · Polity B-1

Three constitutional traps

Look at the level of government and the year

TRAP 1

Official majority in 1909

Retained in the central legislative council; not required in the provincial councils.

TRAP 2

A reform and its legal instrument

Muslim separate electorates came through regulations under the 1909 Act. The Act and its rules work together.

TRAP 3

The first Viceroy

Canning was styled first Viceroy in the Queen's Proclamation. "Viceroy" is not a word used in the 1858 Act.

Sources: Acts and implementing rules; Queen's Proclamation

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Government of India Act 1935

1935: designed versus delivered

Provision	Planned	Actually implemented?
All-India Federation	Provinces + acceding princely states	No
Central dyarchy	Reserved and transferred fields	No
Provincial autonomy	Ministers advise Governors	Yes, from 1937
Federal Court	A new federal judicial body	Yes, 1937

> **THE CORE EXAM TEST**
>
> A feature written into the Act is not automatically a feature that came into operation.

Royal Assent: 2 August 1935

References: Source Index

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Legislative powers under the 1935 Act

Three lists, one residual question

FEDERAL	PROVINCIAL	CONCURRENT
59	54	36

Entries in the Seventh Schedule

RESIDUARY SUBJECTS

Section 104 allowed the Governor-General, in his discretion, to empower the Federal or a Provincial Legislature to legislate.

Do not import the present Constitution's allocation into the 1935 Act

Source: Government of India Act 1935, section 104 and Seventh Schedule

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2/6 · ENGLISH

Ministries with Governor safeguards

Provincial autonomy had limits

Elections in 1937	Provincial government under the new framework
↓	
Council of ministers	To aid and advise the Governor
↓	
Governor's special responsibilities	Discretion and safeguards remain
↓	
Section 93	Governor may take over if government cannot be carried on under the Act

NOT FULL SOVEREIGNTY

Provincial dyarchy ended, but British constitutional controls did not disappear.

References: Source Index

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3/6 · ENGLISH

Indian Independence Act 1947

1947: two independent Dominions

18 JUL	**Royal Assent** British Parliament enacts the Independence Act
15 AUG	**Appointed day** India and Pakistan become independent Dominions
Law	**Constituent Assemblies** Exercise legislative powers and frame constitutions
Until then	**Adapted 1935 framework** Provides interim government, subject to changes

British paramountcy over the Indian States lapses

Source: Indian Independence Act 1947, sections 1, 6, 7, 8

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Read the purpose of each Act

1935 and 1947 side by side

Question	1935 Act	1947 Act
Political setting	British India remains under British rule	Independent Dominions created
Federation	Proposed but never inaugurated	Partition and transfer of power
Constitution-making	Imperial statutory framework	Constituent Assemblies empowered
Princely States	Accession envisaged in federation	Crown paramountcy lapses
Interim continuity	A governing framework	Adapted 1935 Act continues temporarily

RBI CHECK

The RBI was constituted under the RBI Act 1934. The 1935 Act contains banking-related constitutional provisions.

Source: Government of India Act 1935; Indian Independence Act 1947; RBI history

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Keep proposal, operation and legal source apart

Three exam traps

01 Central dyarchy never operated

It depended on the proposed federation, which did not commence.

02 Dominion is the 1947 wording

Do not call India a republic on 15 August 1947. The Constitution took effect on 26 January 1950.

03 The RBI had its own Act

RBI Act 1934 is the establishing law. The Government of India Act 1935 is a separate law.

Full constitutional chronology + 2 solved MCQs in the reader

Source: 1935 and 1947 Acts; Constitution of India; RBI

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DAY 4 · TOPIC 32 · IAS WITH DR RAVI

How 389 seats were planned

Cabinet Mission scheme, 1946



292: Governors' Provinces

4: Chief Commissioners' Provinces

93: Princely states

After partition, the Indian Assembly's strength became 299.

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DAY 4


DAY 4 · TOPIC 32 · IAS WITH DR RAVI
Elected indirectly, not by all adults
The provincial representatives followed this route
Limited-franchise voters
Elected Provincial Legislative Assemblies.
Provincial legislators
Elected Assembly members, by community, using proportional representation and the single transferable vote.
Constituent Assembly
Framed the Constitution.
PR-STV: proportional representation, single transferable vote
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DAY 4

DAY 4 · TOPIC 32 · IAS WITH DR RAVI

Three roles, not one chair

President, adviser and drafting chairman

Rajendra Prasad

President of the Constituent Assembly

B.N. Rau

Constitutional Adviser; prepared the initial draft

B.R. Ambedkar

Chairman of the Drafting Committee

Source: Constituent Assembly Debates; official Parliament history

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DAY 4

DAY 4 · TOPIC 32 · IAS WITH DR RAVI

Who chaired which committees?

Match the subject to its chairperson

Jawaharlal Nehru

> Union Powers; Union Constitution; States Committee

Vallabhbhai Patel

> Advisory Committee: rights, minorities, tribal and excluded areas

Rajendra Prasad

> Rules of Procedure; Steering; Finance and Staff; National Flag

Source: Government of India, "70 Years of Indian Constitution"

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DAY 4

DAY 4 · TOPIC 32 · IAS WITH DR RAVI

A draft went through several stages

The Drafting Committee did not start from zero

B.N. Rau's draft

Initial text prepared by the Constitutional Adviser.

Drafting Committee

Appointed 29 August 1947; scrutinised and revised the draft.

Assembly debate

Members considered, amended and adopted the text.

Seven members at a time; nine people served in all because two were replaced.

Source: Constituent Assembly Debates, 29 August 1947; Parliament record

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DAY 4

DAY 4 · TOPIC 32 · IAS WITH DR RAVI

Adopted, signed, commenced

Three dates with different meanings

26 November 1949

Constitution adopted. Article 394 brought specified provisions into force immediately.

24 January 1950

Members signed the Constitution at the final sitting.

26 January 1950

The remaining provisions came into force.

Source: Constitution, Article 394; Constituent Assembly, 24 January 1950

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DAY 4

DAY 4 · TOPIC 33 · IAS WITH DR RAVI

What the 73rd Amendment added

Rural local government: Panchayati Raj

Part IX

Articles 243 to 243-O

↓

Eleventh Schedule

29 subjects linked to Article 243G

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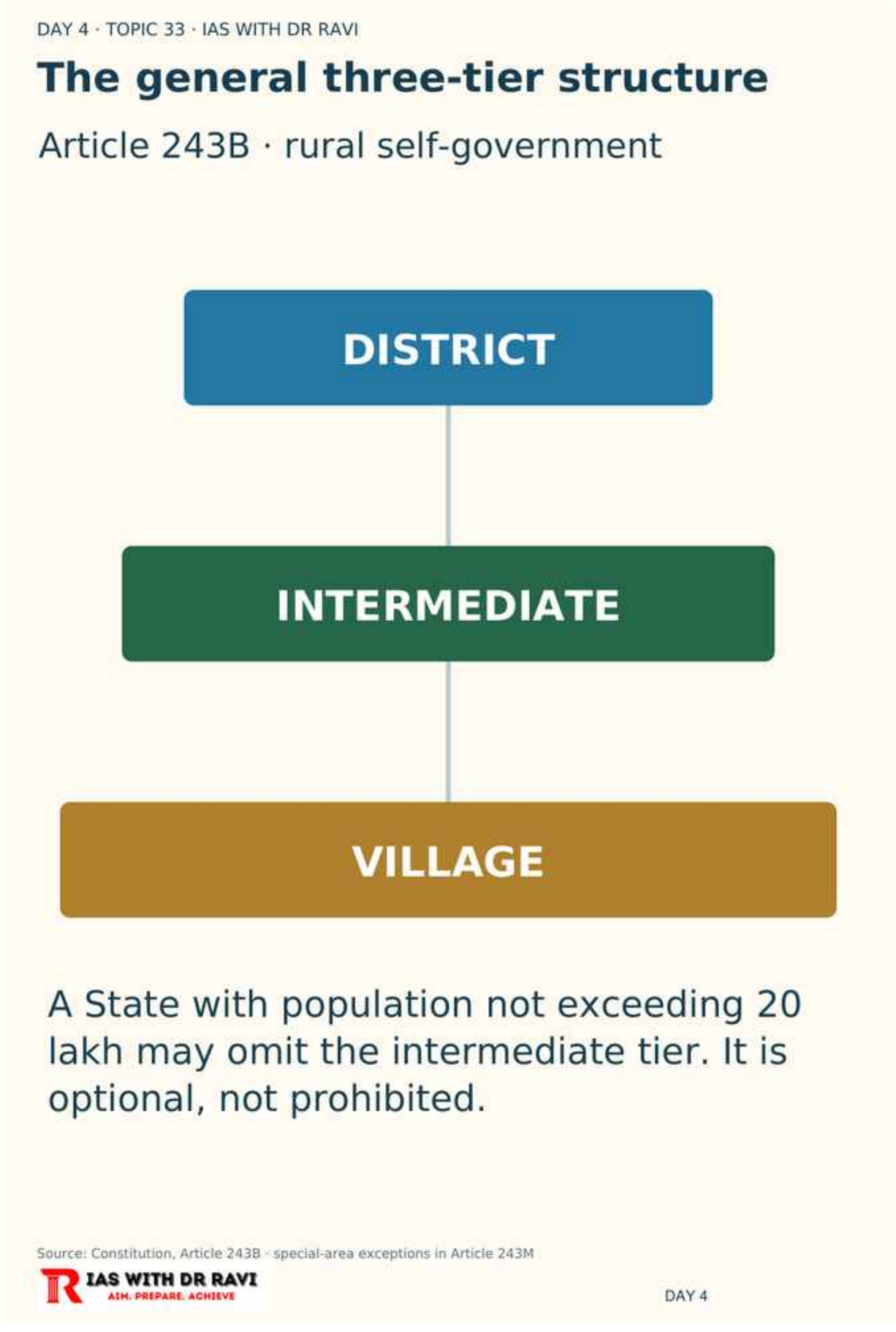
20 April 1993: President's assent

24 April 1993: came into force

Source: Legislative Department, 73rd Amendment Act; Constitution Part IX

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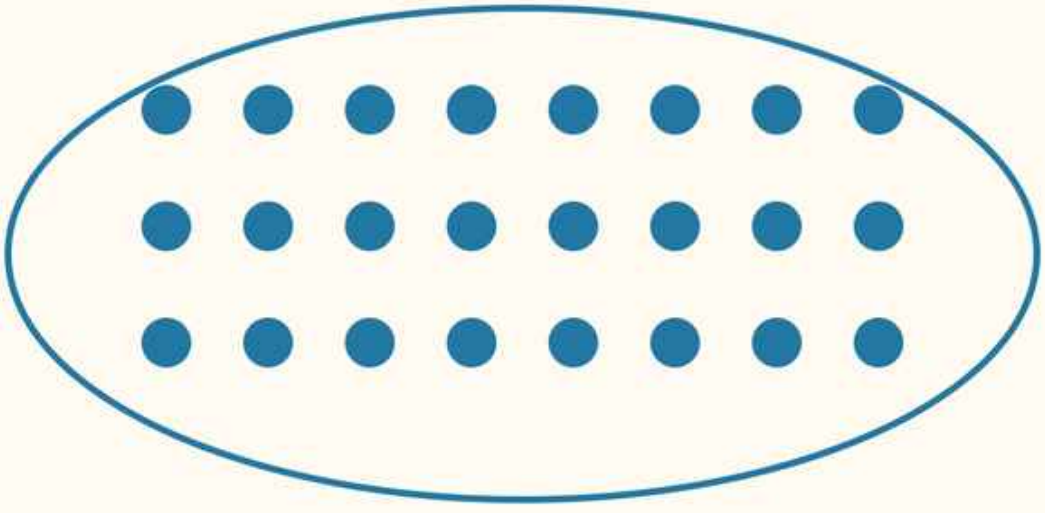
DAY 4


DAY 4 · TOPIC 33 · IAS WITH DR RAVI
The general three-tier structure
Article 243B · rural self-government
DISTRICT
INTERMEDIATE
VILLAGE
A State with population not exceeding 20 lakh may omit the intermediate tier. It is optional, not prohibited.
Source: Constitution, Article 243B · special-area exceptions in Article 243M
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DAY 4

DAY 4 · TOPIC 33 · IAS WITH DR RAVI

Gram Sabha and Gram Panchayat

The voters' body is different from elected members



Gram Sabha

Persons registered on the village electoral rolls. Not every resident automatically.

↓ elect

Gram Panchayat: the village-level institution of self-government, with elected representatives.

Source: Constitution, Articles 243, 243A and 243C

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DAY 4

DAY 4 · TOPIC 33 · IAS WITH DR RAVI

Women’s reservation is a floor

Article 243D: not less than one-third of elected seats

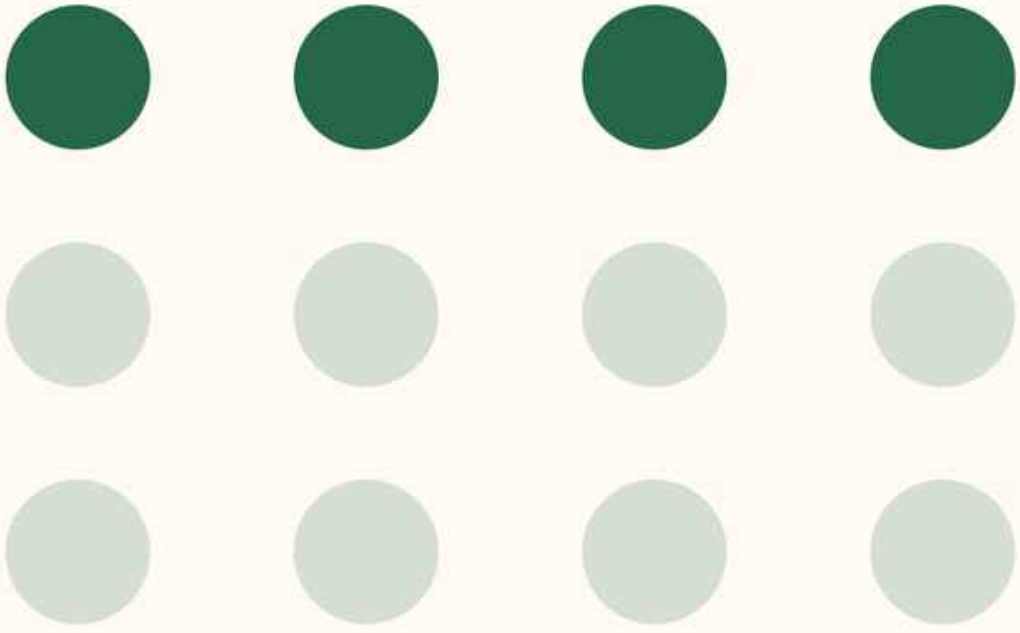


Illustration: at least 4 of 12 directly elected seats reserved for women.

The one-third includes SC and ST women’s seats. States may provide a higher share.

Source: Constitution, Article 243D · twelve-seat example is illustrative

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DAY 4

DAY 4 · TOPIC 33 · IAS WITH DR RAVI

Dissolution does not reset the term

Article 243E · five years from the first meeting



Fresh election within 6 months of dissolution. The new Panchayat gets only the remaining term.

Exception: if less than 6 months remained, an election need not be held for that remainder.

Source: Constitution, Article 243E · early dissolution at year 3 is illustrative

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DAY 4


DAY 4 · TOPIC 33 · IAS WITH DR RAVI
Powers, money, review and audit
Do not mix up Articles 243G to 243J
243G
State law may devolve powers and responsibilities.
243H
State law may authorise taxes, funds and grants.
243-I
Governor constitutes a Finance Commission every fifth year.
243J
State law may provide for accounts and audit.
Source: Constitution, Articles 243G, 243H, 243-I and 243J
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DAY 4

DAY 5 · TOPIC 42 · 01

1950 and today: count the right thing

Feature	1950	Current
Articles	395	About 470
Parts	22	25
Schedules	8	12

Last numbered Article: 395
Inserted letters and omitted entries make the last number different from the total.

106 enacted amendments
Official text: 1 May 2026. Amendment Bill numbers are a different series.

Legislative Department, Constitution 2026; Law Ministry, 25 July 2026

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DAY 5 · TOPIC 42 · 02

Federal structure, strong Union

Federal features

- Two levels of government
- Constitutional division of powers
- Written, supreme Constitution
- Independent courts

Strong-Centre features

- Residuary powers: Parliament
- Single citizenship
- Integrated judiciary
- Emergency powers

The Union and States have separate governments, but not separate citizenships or parallel court systems.

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DAY 5 · TOPIC 42 · 03

Who exercises executive power?

- **Formal head**
  President at the Union; Governor in a State
- **Real executive**
  Council of Ministers headed by PM or Chief Minister
- **Aid and advice**
  Union: Article 74
  States: Article 163
- **Responsibility**
  Ministers answer to the legislature

Constitutional supremacy
Parliament makes laws; courts review them. Neither can override the Constitution.

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DAY 5 · TOPIC 42 · 04

Rights, principles and duties

Constitutional category	Where?	Core idea
Fundamental Rights	Part III 12-35	Enforceable in court
Directive Principles	Part IV 36-51	Guide State policy; non-justiciable
Fundamental Duties	Part IVA Art 51A	11 citizen duties

Property: Article 300A, outside Part III.

Citizenship: one Indian citizenship, Part II.

Constitution, Parts II, III, IV, IVA; Article 300A

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DAY 5 · TOPIC 42 · 05

Amendment year and commencement differ

- **42nd Act · 1976**
  Preamble additions and Fundamental Duties:
  in force 3 January 1977
- **44th Act · 1978**
  Property removed from Fundamental Rights:
  20 June 1979
- **61st Act · 1988**
  Voting age 21 → 18:
  28 March 1989
- **73rd / 74th Acts · 1992**
  Panchayats: 24 April 1993
  Municipalities: 1 June 1993

Official Constitution footnotes: relevant commencement dates

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DAY 5 · TOPIC 42 · 06

Parts and institutions: high-value anchors

Part	Subject	Anchor
V / VI	Union / States	Executive, legislature, courts
IX / IXA	Panchayats / municipalities	73rd / 74th amendments
IXB	Co-operatives	Judicial limits apply
XIVA	Tribunals	Arts 323A-323B
XV	Elections	Art 324: Election Commission

Part IXB remains operative for multi-State co-operatives and co-operatives in Union Territories.

Constitution; Supreme Court, Union of India v Rajendra N Shah, 2021

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DAY 5 · TOPIC 42 · 07

Independent bodies: match function to Article

CAG · Article 148	Audits public accounts
Finance Commission · Article 280	Recommends tax-sharing and grants principles
UPSC · Article 315	Public-service recruitment and related advice
Election Commission · Article 324	Superintendence, direction and control of elections

These are constitutional bodies. Their constitutional status differs from bodies created only by an ordinary law.

Constitution, Arts 148, 280, 315, 324

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DAY 6 • TOPIC 53 • 1/7

One declaration, four readings



Source of authority → Nature of State → Objectives → Adoption.

26 November 1949 — The date in the Preamble is 26 November 1949.

26 January 1950 — The Constitution's commencement date is 26 January 1950.

Read the complete official English text in the companion.

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DAY 6 | TOPIC 53 | 1/7

DAY 6 • TOPIC 53 • 2/7

Five words, in this order



Socialist comes before secular. An elected President reflects the republican form; adult suffrage supports democracy.

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DAY 6 • TOPIC 53 • 3/7

Four objectives, exact companions

1. **JUSTICE:** social, economic, political.



2. **LIBERTY:** thought, expression, belief, faith, worship.



3. **EQUALITY:** status and opportunity.



4. **FRATERNITY:** individual dignity; national unity and integrity.





"Before the law" is not in the Preamble's equality phrase.

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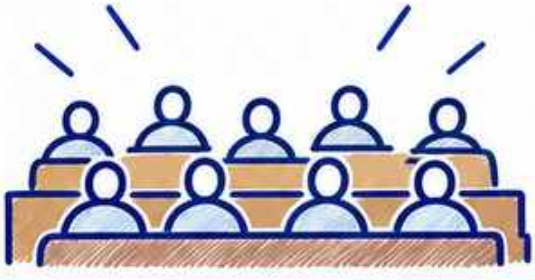
DAY 6 • TOPIC 53 • 4/7

From Resolution to Preamble

13 December 1946 → Nehru moved the Objectives Resolution.



22 January 1947 → adopted unanimously.



It spoke of an "Independent Sovereign Republic" and eight freedoms.

8 freedoms → 5 liberties

The Preamble uses five liberties. The Assembly adopted the draft Preamble on 17 October 1949.

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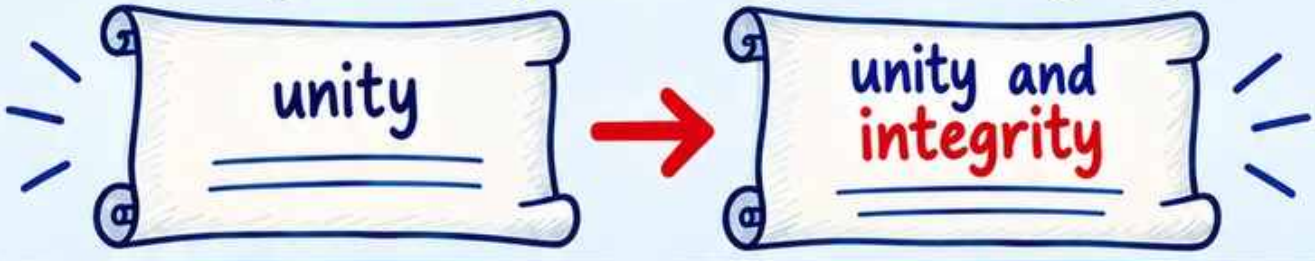
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One amendment, three key additions

42nd Amendment Act, 1976

Effective:
3 January 1977.

Added SOCIALIST and SECULAR;
changed unity to unity and integrity.



26 November 1949

The adoption date stayed
26 November 1949.

The 1978 proposal to define socialist/secular in Article 366 was not accepted by Rajya Sabha.

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DAY 6 • TOPIC 53 • 6/7

The judicial path

1960 — Berubari: not part; an interpretive key.



1973 — Kesavananda: part of the Constitution.



1994 — Bommai: secularism is basic; implicit made explicit.



1995 — LIC: integral to the constitutional scheme.



2024 — Balram Singh: amending power extends to the Preamble.



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DAY 6 • TOPIC 53 • 7/7

What it can—and cannot—do

Part of the Constitution: **yes.**

Amendable under Article 368: yes, within basic structure. **yes.**

Independent enforceable right: **no.**

Interpretive importance: **yes.**

2024

In 2024 the Court said socialism does not bar private enterprise; secularism reflects equal treatment without a State religion.

Full judgments and MCQs are in the reader.

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DAY 6 • TOPIC 54 • 1/8

550 ceiling; 543 elected seats

Parliament

Parliament: President + Rajya Sabha + Lok Sabha.



1 Article 81 ceiling

States 530 + Union territories 20 = 550

Article 81 ceiling: States 530 + Union territories 20 =550.

2 Allocated elected seats

524 + 19 = 543

Allocated elected seats:524 +19 =543.
Vacancies may reduce sitting membership.

3 Anglo-Indian nomination

Anglo-Indian nomination ended in 2020.
Article 331 remains printed.

4 Seat anchors

UP	AP	Telangana	Delhi	J&K
80	25	17	7	5

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DAY 6 | TOPIC 54 | 1/8

DAY 6 • TOPIC 54 • 2/8

Two ratios, two census bases



1 Seats between States

1971 census basis → INTER-STATE SEAT ALLOCATION

2 Constituencies within a State

2001 census basis → CONSTITUENCIES WITHIN A STATE

Never use 2001 for inter-State seat allocation.

3 Freeze period

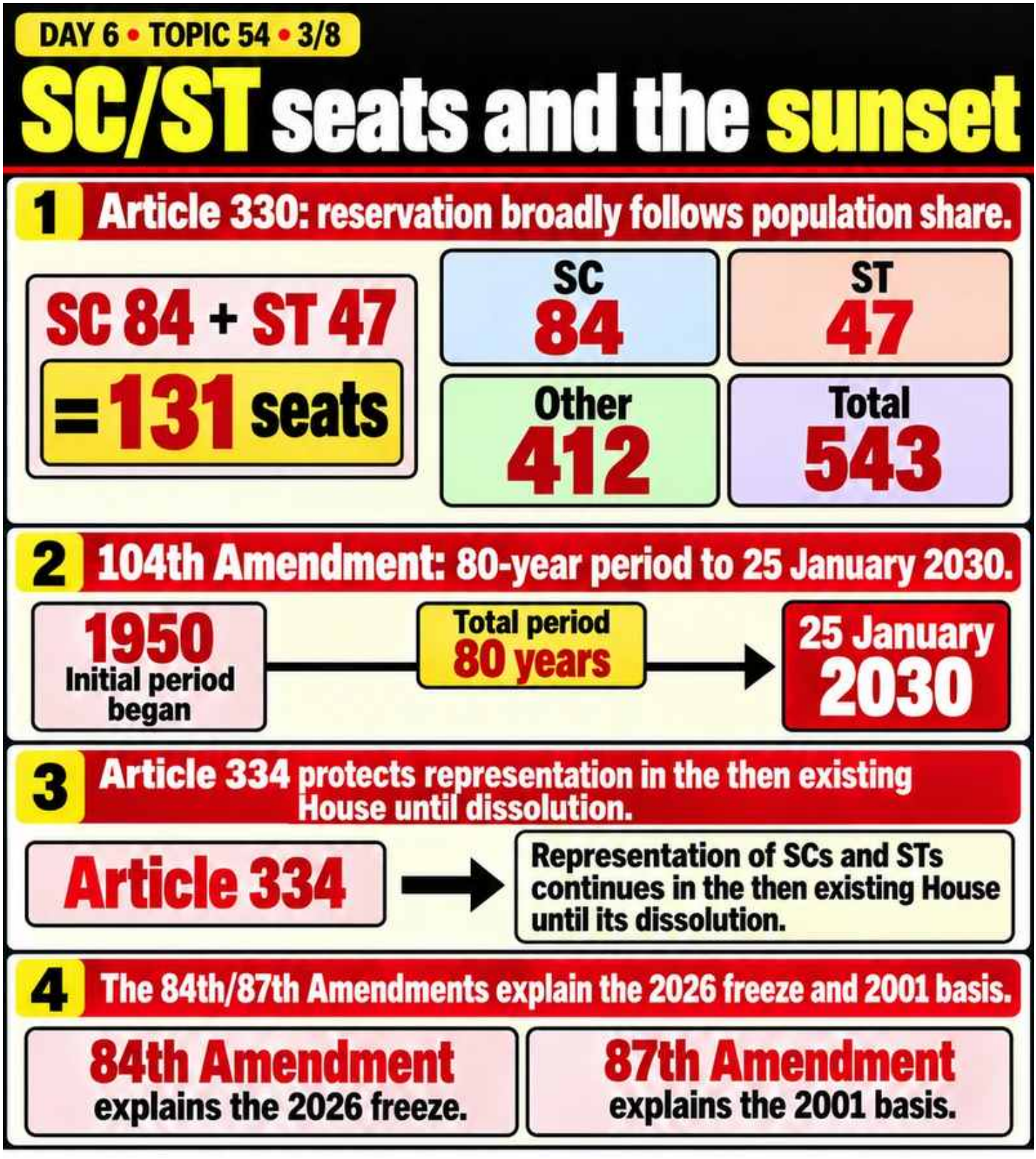
Freeze lasts until relevant figures of the first census after **2026** are published.

4 Exception and law

The equal inter-State ratio rule excludes States with population not exceeding **60 lakh. Article 82** governs readjustment.

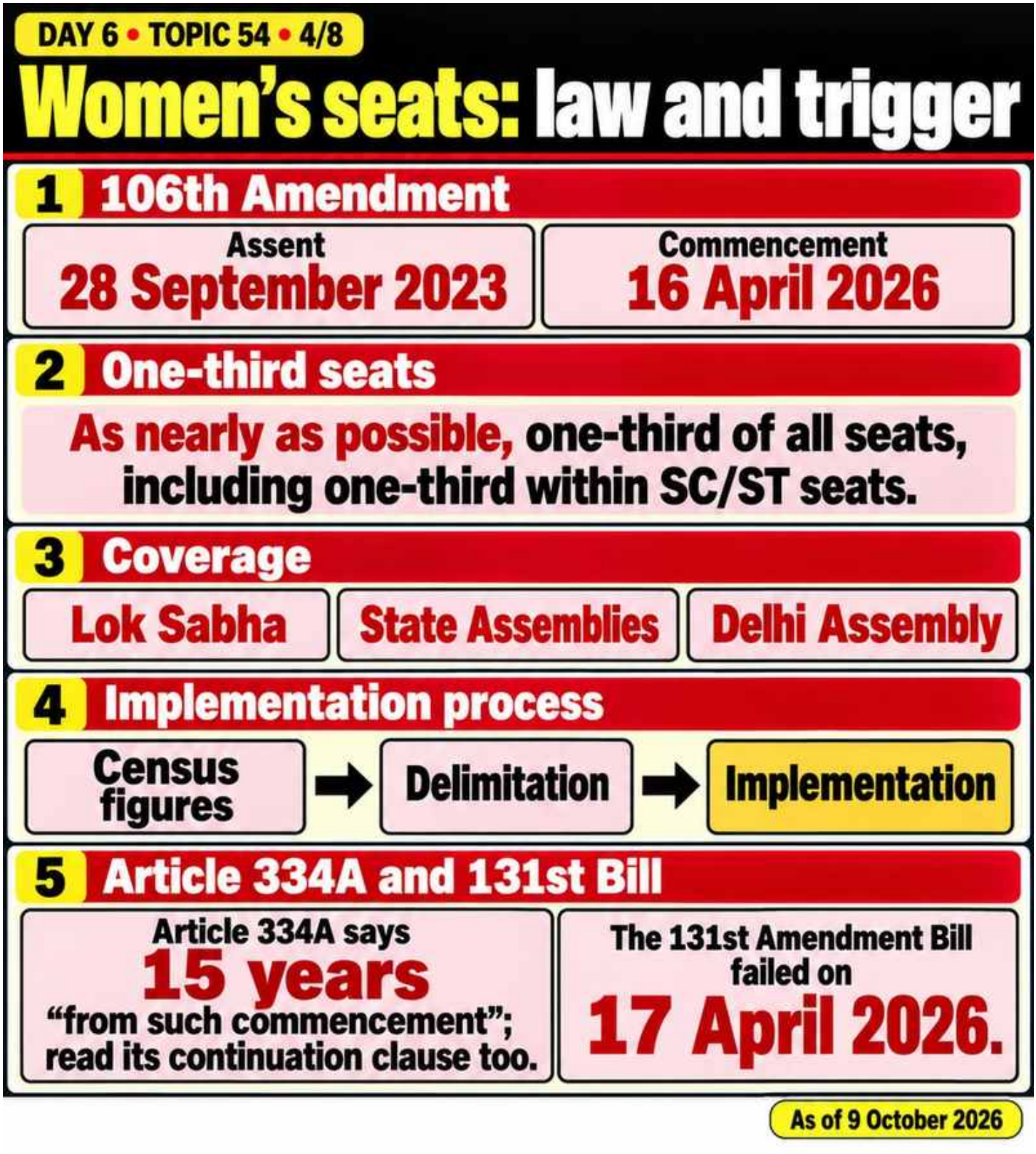
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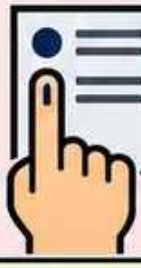
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DAY 6 • TOPIC 54 • 5/8

Voting age and membership

1 Minimum age requirements

18 Voting age.



25 Lok Sabha membership.



30 Rajya Sabha membership.



2 Article 84 – Candidate oath



Article 84 candidate oath: before an Election Commission-authorised person.

3 Article 99 – Member oath



Article 99 member oath: before the President or a person appointed by him, before taking the seat.

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DAY 6 • TOPIC 54 • 6/8

Five years: start at first meeting

1 Article 83(2): five years from first meeting

Article 83(2): **five years** from the date appointed for the first meeting, unless dissolved earlier.





Five years

Date appointed for the first meeting

Term ends (Unless dissolved earlier)

2 Emergency extension

Emergency extension requires Parliament's law: at most **one year at a time**, never beyond **six months** after Emergency ends.



At most **one year** at a time

Never beyond **six months** after Emergency ends

3 Six-year term (1977–79)

The **six-year term** existed briefly in **1977–79.**



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DAY 6 • TOPIC 54 • 7/8

Choosing and removing the Speaker

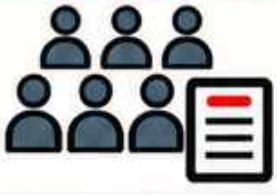
1 Election dates

President sets the Speaker's election date.
Speaker sets the Deputy Speaker's election date.
The House elects both.

2 Resignations go to each other



3 Removal



Removal: majority of all then members +14 days' notice.

4 Position on dissolution



On dissolution the Speaker stays until just before the next House's first meeting; the Deputy Speaker does not.

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DAY 6 • TOPIC 54 • 8/8

Three votes and constitutional powers

1 Two voting modes

Election: simple majority



Ordinary voting: Speaker votes only on a tie.

Removal: effective majority



Own removal: first-instance vote, no casting vote, no presiding.

2 Key constitutional powers

Money Bill certification



Joint sittings



Defection decisions



3 What's in the reader



Full exceptions, current office-holders and worked MCQs are in the reader.

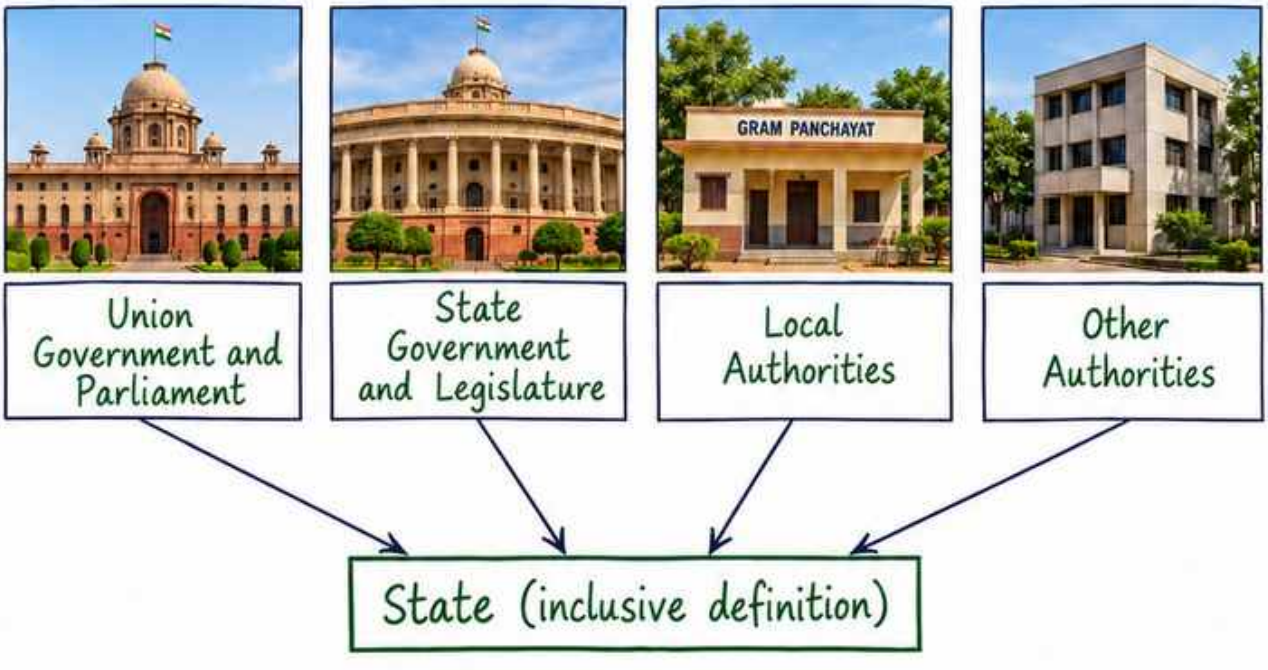
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DAY 6 | TOPIC 54 | 8/8

DAY 7 · TOPIC 62 · 1/7

Who counts as State?

- Article 12 defines State for Part III.
- It includes Union and State governments and legislatures, local authorities and other authorities.
- The definition is inclusive.
- An organisation's name or legal form alone does not decide whether Fundamental Rights bind it as State.



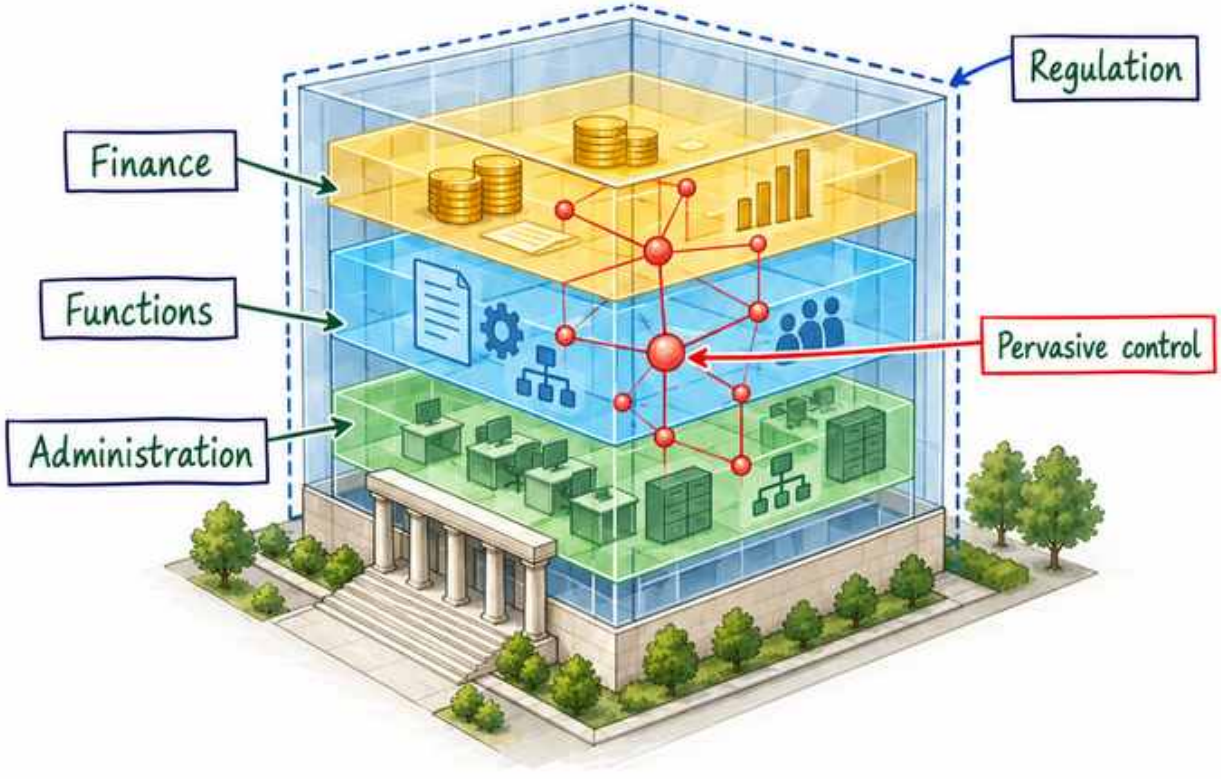
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DAY 7 TOPIC 62 2/7

Look behind the legal form

- The instrumentality test looks at financial, functional and administrative control.
- In Pradeep Kumar Biswas (2002), the Court required control particular to the body and pervasive. General regulatory supervision is insufficient.
- Read the facts together rather than treating any one indicator as an automatic answer.



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DAY 7 · TOPIC 62 · 3/7

Courts: identify the function

1. Separate judicial decisions from administration and rule-making.
2. A fresh Article 32 petition is not an ordinary appeal against a superior court's judgment.
3. Review and exceptional curative remedies have their own rules.
4. Court service rules and rule-making remain subject to constitutional limits.

Judicial decisions

- Appeal
- Review
- Exceptional curative remedy

Each has its own rules.



Administrative rule → **Constitutional scrutiny**

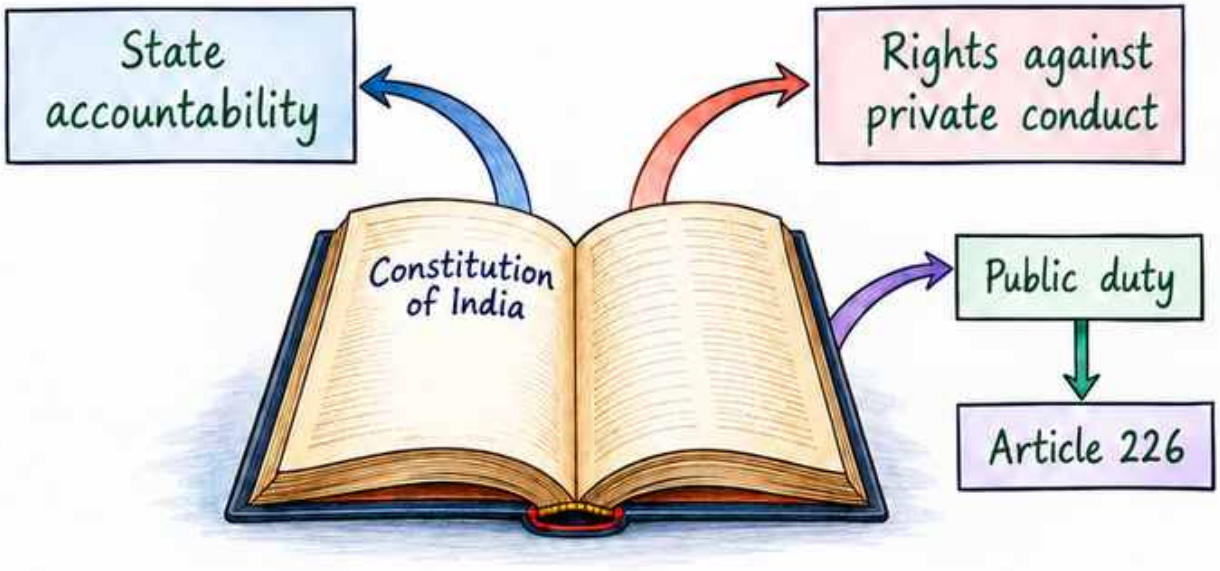
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DAY 7 TOPIC 62 4/7

Rights can reach private conduct

- Article 12 status and the reach of a particular right are different questions.
- Kaushal Kishor (2023) recognised that Articles 19 and 21 can be enforced against private persons.
- Article 226 may also reach bodies performing public duties.
- This does not make every private dispute a writ case.



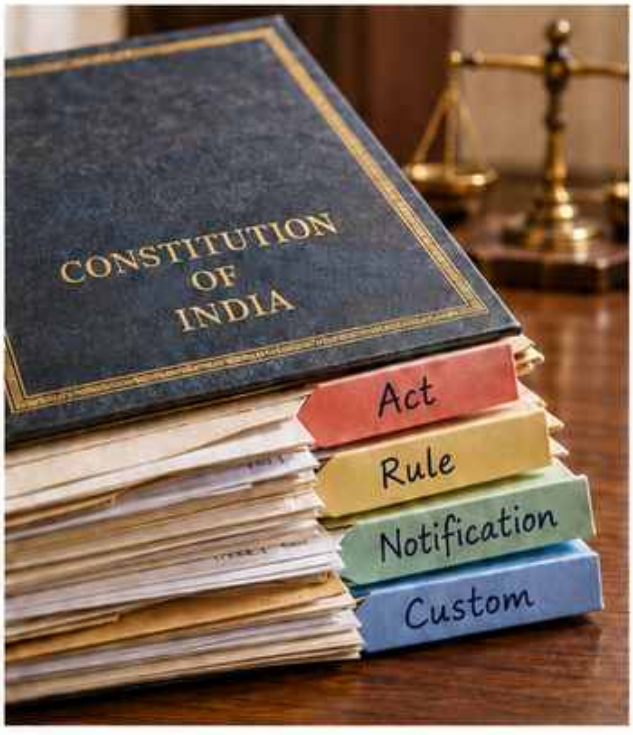
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DAY 7 | TOPIC 62 | 5/7

Article 13 checks ordinary law

1. Pre-Constitution laws are void to the extent of inconsistency with Fundamental Rights.
2. The State must not make new laws taking away or abridging those rights.
3. Law includes more than Acts: rules, notifications and legally binding customs can also fall within Article 13.



Before commencement
Pre-Constitution laws

New law
Laws made by the State after commencement

→ Only the inconsistent part is void.

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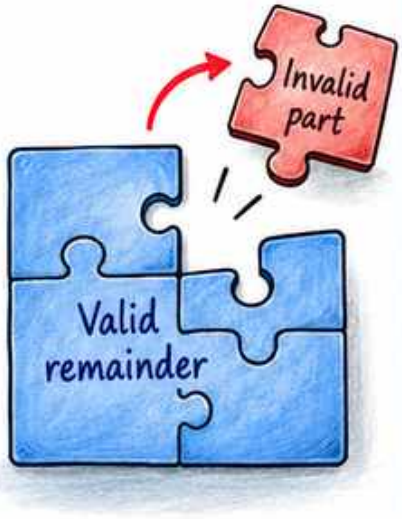
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DAY 7 TOPIC 62 6/7

Three doctrines, three ideas

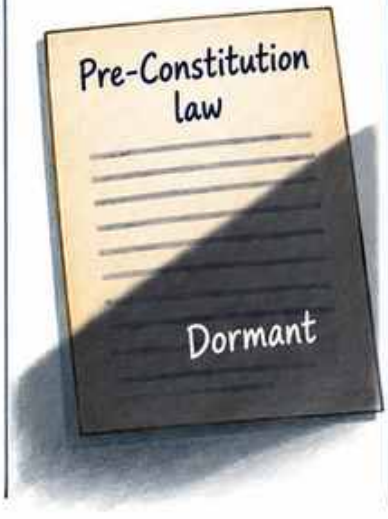
Severability

Severability separates an invalid part when the valid remainder can operate independently.



Eclipse

Eclipse leaves an inconsistent pre-Constitution law dormant in the relevant respect.



Waiver

Waiver concerns giving up a right; Basheshar Nath is the standard case for the rule against waiver of Fundamental Rights.

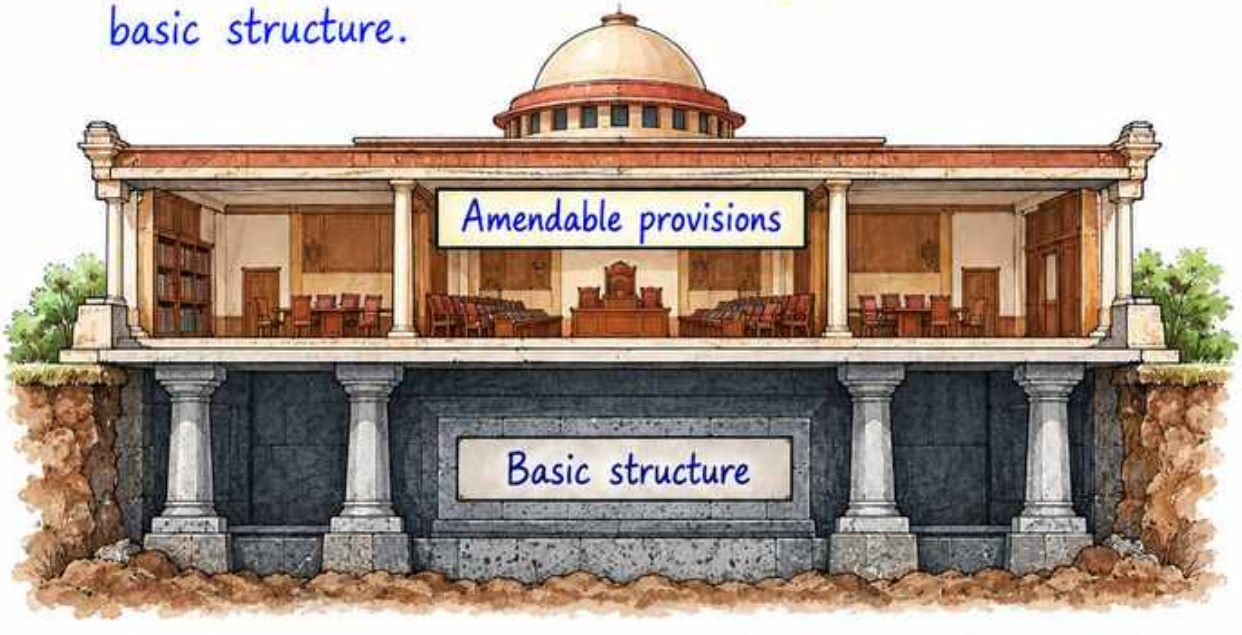


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Amendment has a different limit

- Article 13(4), added by the 24th Amendment in 1971, excludes constitutional amendments under Article 368 from Article 13.
- That does not remove judicial review.
- Kesavananda Bharati (1973) limits Parliament's amending power: it cannot destroy the Constitution's basic structure.



Article 368 amendment → Basic-structure review

Right to Equality: Articles 14-18

Who is protected, and who is bound?

1 ARTICLE 14

Any person

Equality before law and equal protection of laws



2 ARTICLE 15

Citizens

Prohibits discrimination on specified grounds



3 ARTICLE 16

Citizens

Equal opportunity in public employment



4 ARTICLE 17

Untouchability abolished in every form

Binds private persons too

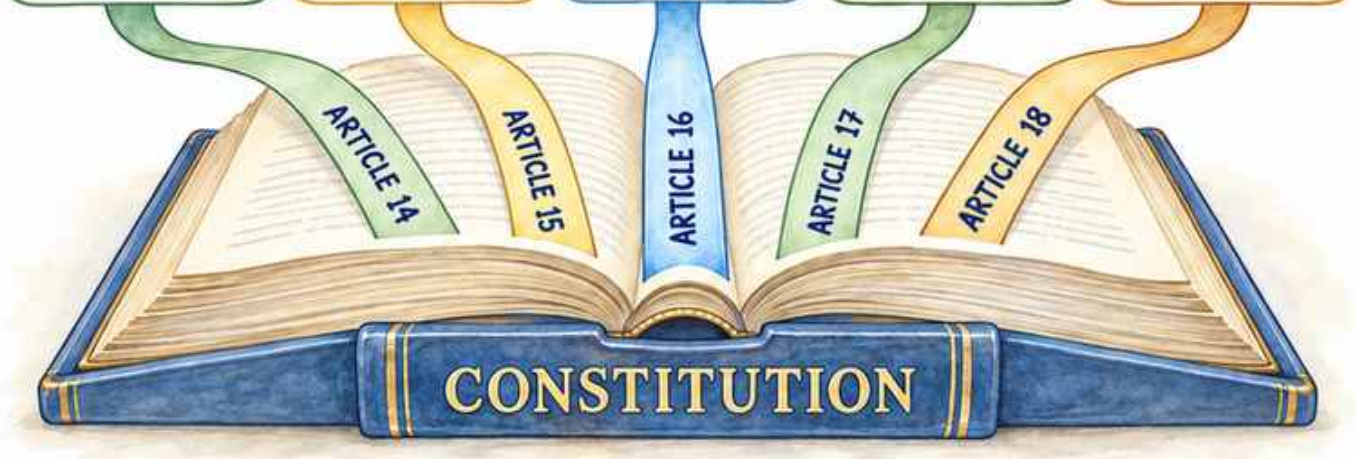


5 ARTICLE 18

Titles abolished

Rules bind the State, citizens and specified office-holders





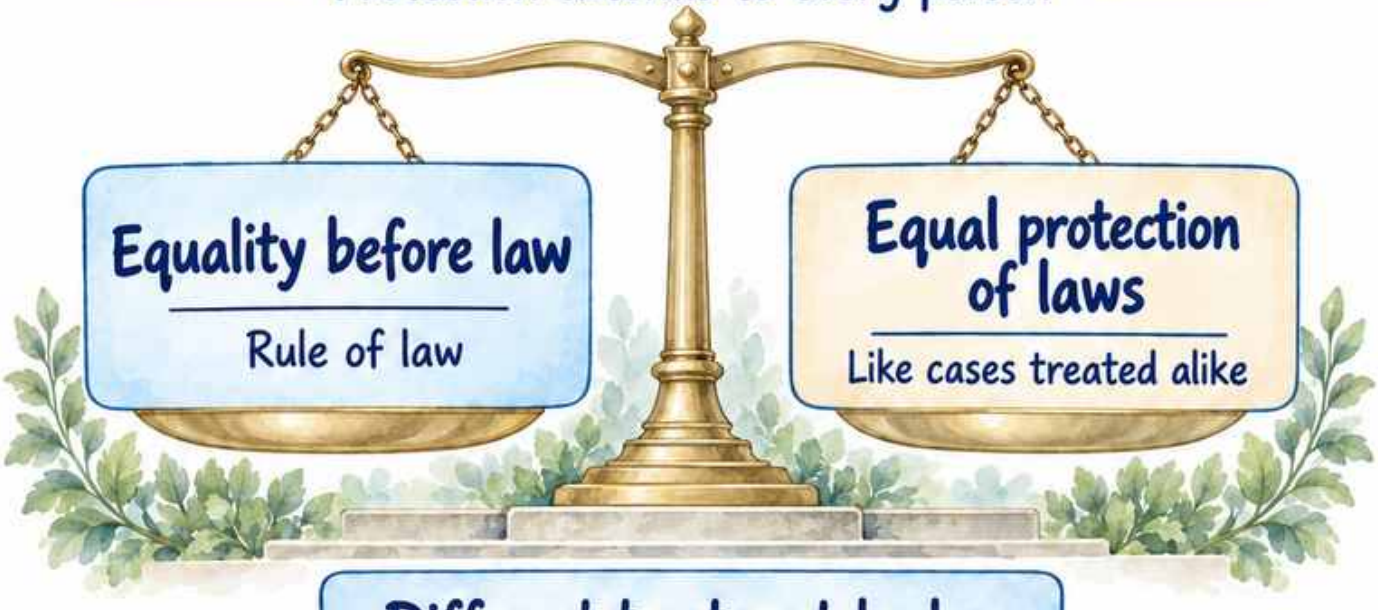
Exam key: Article 14 says PERSON; Articles 15 and 16 say CITIZEN.

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DAY 8 | TOPIC 73 | 01

Article 14: the equality test

Protection extends to every person



Different treatment by law

1

Intelligible differentia

A clear difference separates the groups

2

Rational nexus

That difference connects to the law's purpose

Both tests required for reasonable classification

E.P. Royappa (1974): equality rejects arbitrariness

Maneka Gandhi (1978): fair State action

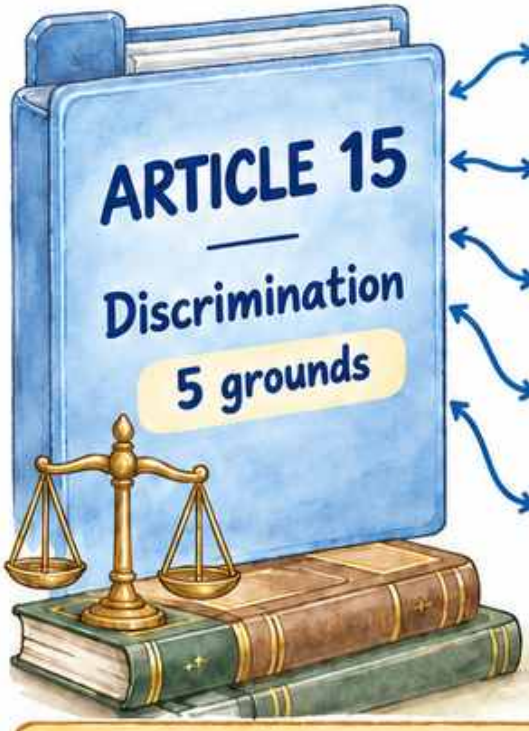
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DAY 8 | TOPIC 73 | 02

Article 15 vs Article 16

Both protect citizens



ARTICLE 15

Discrimination

5 grounds

- Religion
- Race
- Caste
- Sex
- Place of birth

ARTICLE 16(2)

Public employment

7 grounds

Two additional grounds

- Descent
- Residence

Both clauses say: on grounds ONLY of...



Article 16(3): Parliament may prescribe a residence requirement by law

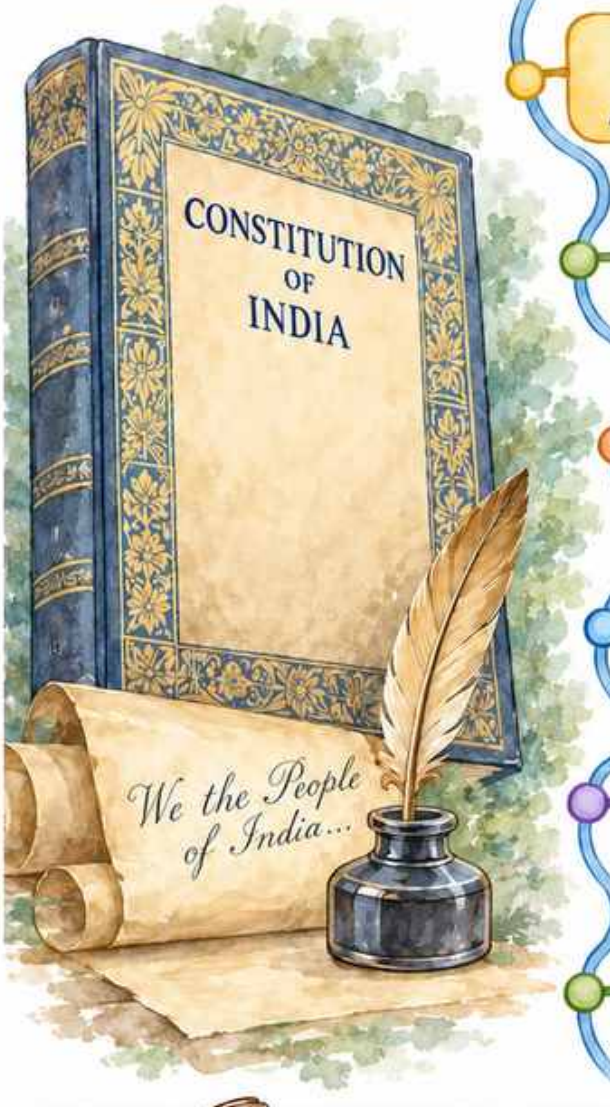
Article 16 concerns employment or office under the State.

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DAY 8 | TOPIC 73 | 03

Reservation: amendment trail



1951 • 1st Amendment — Article 15(4): special provisions for SEBCs, SCs and STs

1995 • 77th Amendment — Article 16(4A): SC/ST promotion reservation

2000 • 81st Amendment — Article 16(4B): carry-forward reserved vacancies

2001 • 85th Amendment — Consequential seniority; effect from 17 June 1995

2005 • 93rd Amendment — Article 15(5): educational admissions; effective 2006

2019 • 103rd Amendment — Articles 15(6) and 16(6): EWS, maximum 10% additional reservation



Article 16(4): ordinarily a 50% ceiling, with narrowly justified extraordinary exceptions.

SEBCs: socially and educationally backward classes

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DAY 8 | TOPIC 73 | 04

Article 18: titles and consent

Read the person, item and clause together

18(1) • The State

Cannot confer titles



Military and academic distinctions are excluded



18(2) • Indian citizen

Cannot accept a foreign-State title

No presidential-consent exception



18(3) • Non-citizen in an office of profit or trust under the State

Foreign-State title requires the President's consent



18(4) • Any holder of an office of profit or trust under the State

Foreign-State present, emolument or office requires the President's consent



Present



Emolument



Office



Bharat Ratna and Padma awards are not titles

Do not use them as a name's prefix or suffix

Balaji Raghavan (1995)

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DAY 8 | TOPIC 73 | 05

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Rajya Sabha: seats and representation

Council of States of Parliament.

Represents the States and Union Territories.



A permanent House (not subject to dissolution).

Members have staggered 6 year terms, with elections held biennially.

Constitutional maximum strength

250

Up to 238
representatives of the States and Union Territories

12
nominated by the President (eminent persons in the fields of art, literature, science and social service)

Allocated (full) strength

245

233
representatives of the States and Union Territories

12
nominated by the President (eminent persons in the fields of art, literature, science and social service)

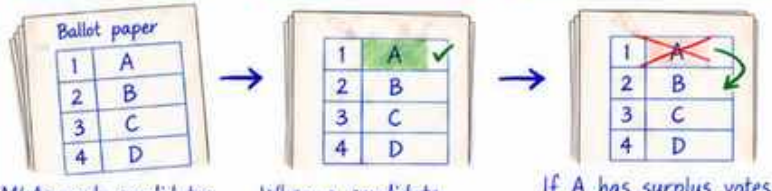
Vacancies (due to retirement, resignation, etc.) can reduce the actual sitting membership below the full strength of 245.

How State representatives are elected

- Elected by the elected Members of the Legislative Assembly (MLAs) of the concerned State.
- Method: Proportional representation by means of the single transferable vote (STV).
- Ensures proportionality, so different parties can get representation according to their strength in the State Assembly.

Single transferable vote (ballot transfer)

1. First preferences
2. Candidate A elected
3. Transfer of excess votes



MLAs rank candidates in order of preference (1, 2, 3, ...).

When a candidate reaches the required quota, they are elected.

If A has surplus votes, the excess is transferred to the next preferences on those ballots.

Examples (number of Rajya Sabha seats)



Andhra Pradesh
11 seats



Telangana
7 seats

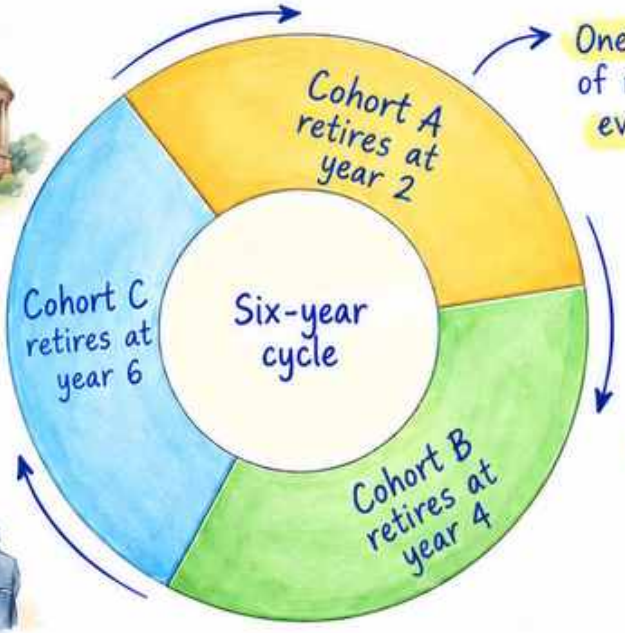
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A permanent House, rotating members



Rajya Sabha is not dissolved. It continues in existence at all times.



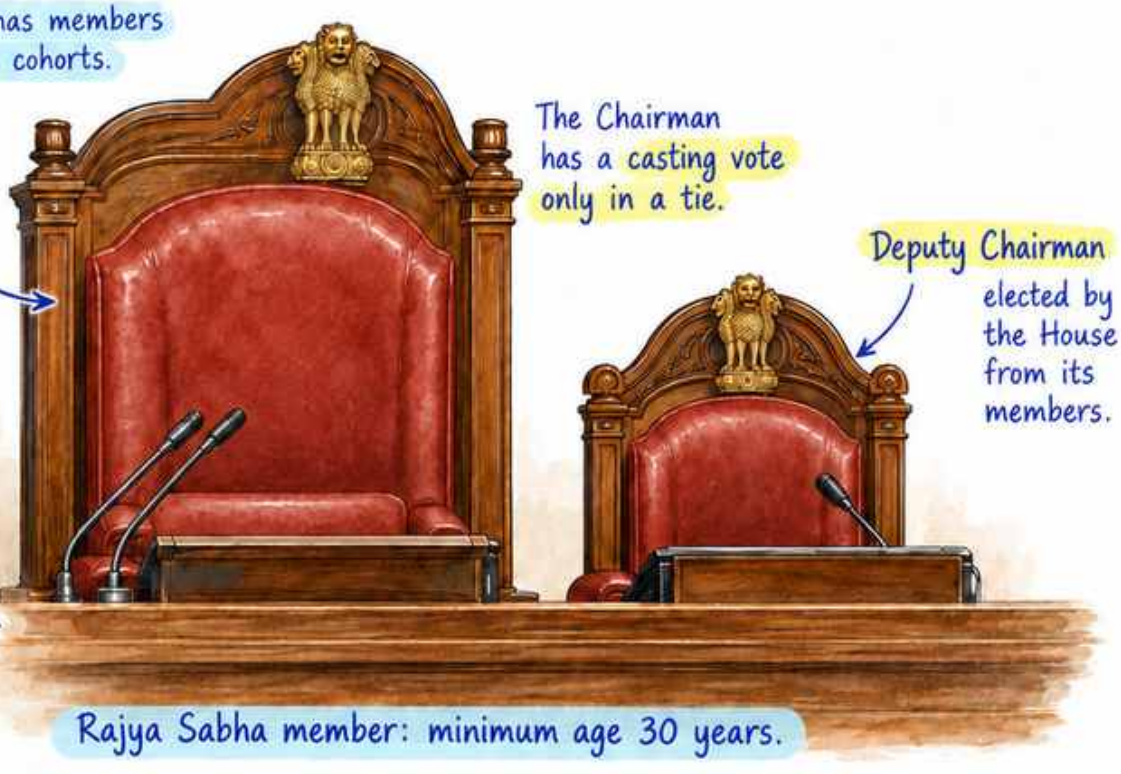
One-third of members retire every two years.

Member term: Six years.

Casual vacancy: Member holds office for the remainder of the predecessor's term.



The House always has members from all three cohorts.



The Chairman has a casting vote only in a tie.

Vice-President of India ex officio Chairman of the Rajya Sabha.

Deputy Chairman elected by the House from its members.

The Chairman is not a member of the Rajya Sabha.

Rajya Sabha member: minimum age 30 years.

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Article 249: a national-interest bridge





The resolution

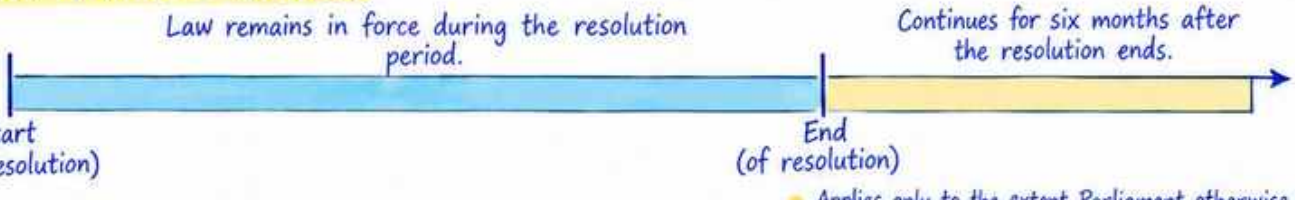
Must be passed in the Rajya Sabha by at least two-thirds of the members present and voting.



Duration of the resolution



Effect of the law (sunset)



- Applies only to the extent Parliament otherwise lacks competence.
- Does not affect any act or omission done before the law ceases to be in force.

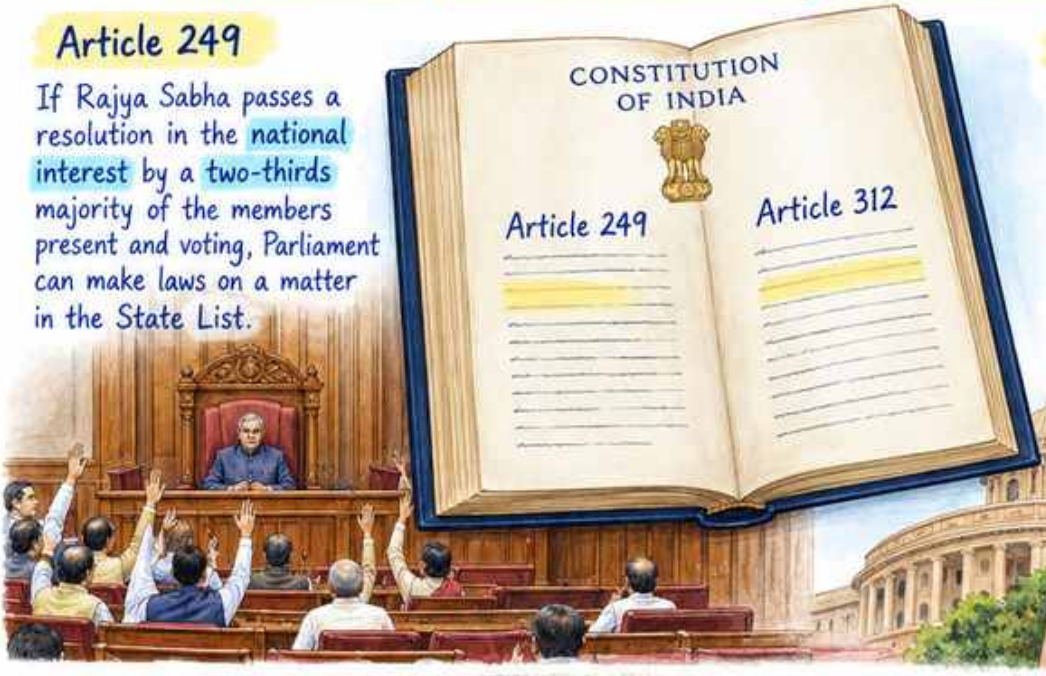
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Special powers and financial limits

Article 249

If Rajya Sabha passes a resolution in the national interest by a two-thirds majority of the members present and voting, Parliament can make laws on a matter in the State List.



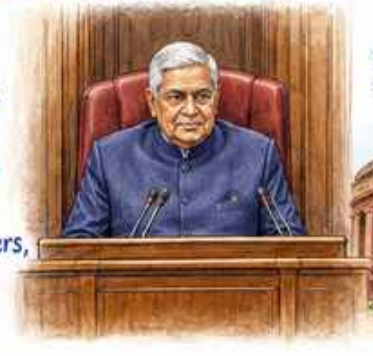
Article 312

Parliament may provide for the creation of All India Services if the Rajya Sabha passes a resolution in the national interest by a two-thirds majority of the members present and voting.



Article 67(b)

A resolution for the removal of the Vice-President begins in the Rajya Sabha and must be passed by a majority of all the then members, with the agreement of the Lok Sabha.





Money Bill



Passed by Lok Sabha → Sent to Rajya Sabha → Rajya Sabha may make recommendations within 14 days. → Lok Sabha may accept or reject the recommendations.

No joint sitting

There shall be no joint sitting of the two Houses for a Money Bill or a constitutional amendment.



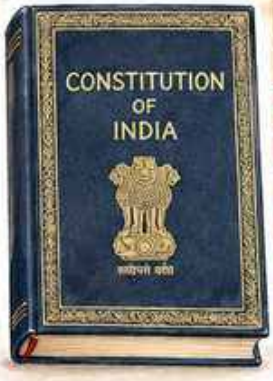
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Two Houses: where powers are equal

Lok Sabha



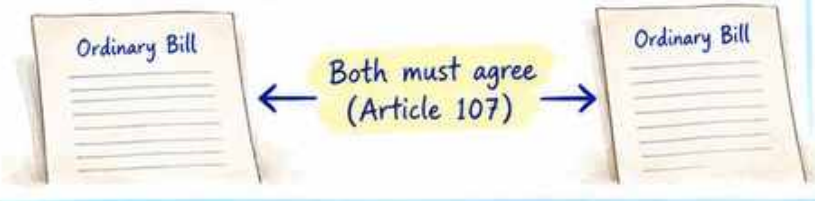


Rajya Sabha



Ordinary Bills

- Either House may introduce an ordinary bill.
- Both Houses must agree for it to be passed (Article 107).



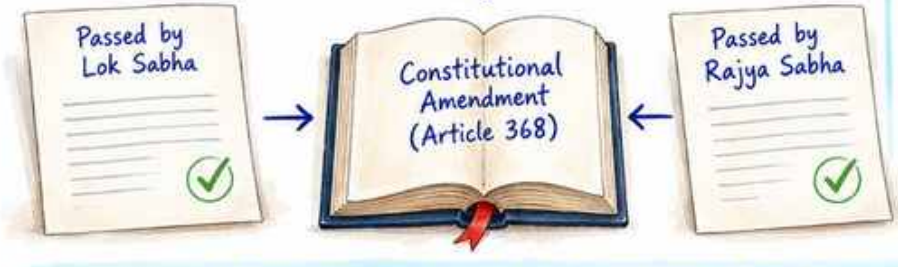
If an ordinary-bill deadlock

- If the two Houses do not agree on an ordinary bill, Article 108 may allow a joint sitting.



Constitutional amendment (Article 368)

- EACH House separately must pass by a majority of its total membership AND at least two-thirds of members present and voting.



No joint sitting for constitutional amendments

- There is no joint sitting for constitutional amendments.



Do not confuse Article 368 special majority with Articles 249 and 312: their resolutions use at least two-thirds present and voting.

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Public Service Commissions: who appoints?



Appointment of UPSC Members



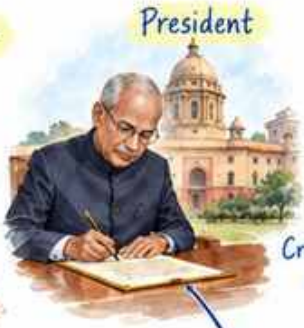
Union Public Service Commission (UPSC)
Appointed by President.



Appointment of State PSC Members



State Public Service Commission (State PSC)
Appointed by Governor.



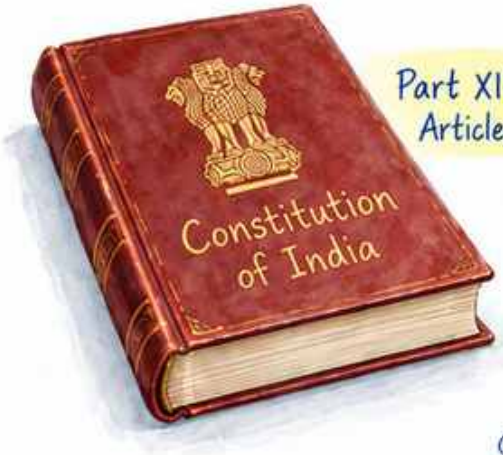


Created by Parliament at request of States.

Appointment of Joint State PSC Members



Joint State Public Service Commission (Joint State PSC)
Appointed by President.



Part XIV, Articles 315 – 323.



Roughly half of members must have held government office for at least ten years.

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Appointment is not removal

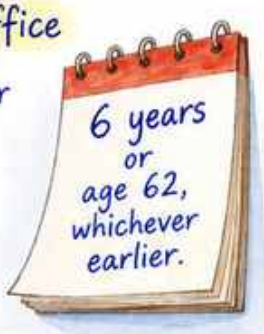
Appointment

Governor appoints members of the State Public Service Commission (State PSC).



Term of office

Six years or age 62, whichever earlier.



Resignation

A member of the State PSC can resign by writing to the Governor.



Suspension pending inquiry

For a State PSC, the Governor may suspend the member after the President refers the case to the Supreme Court, until the President passes orders on its report.



Removal

A member of the State PSC is removed by the President, not the Governor.



President (removal)

Grounds under Article 317

Misbehaviour (route: inquiry)



Supreme Court (inquiry)

The President may remove for misbehaviour after the Supreme Court, on inquiry, reports that the member ought to be removed.

Other grounds (no inquiry mentioned)

- Insolvency
- Outside paid employment
- Infirmity

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Advice, recruitment and accountability

Examinations



Conducts examinations for recruitment to civil services and posts.

Recruitment advice



Tenders advice on recruitment to civil services and posts.

Promotion / transfer consultation



Consulted on promotion and transfer of civil servants.

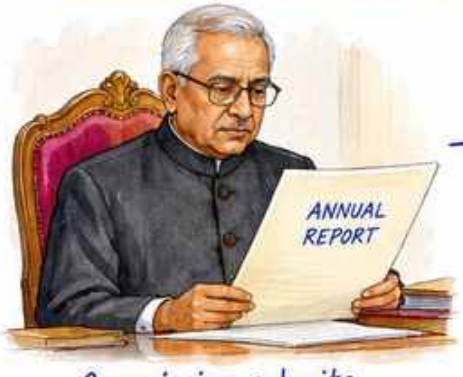
Disciplinary consultation



Consulted on disciplinary matters relating to civil servants.

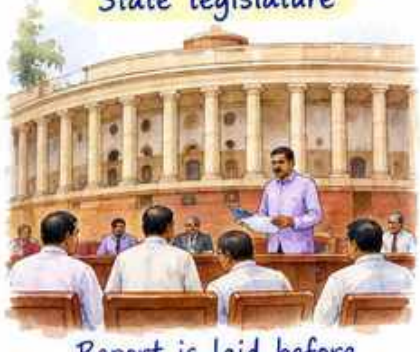
Advice is not automatically binding on the Government.

Annual report to Governor



Commission submits an annual report to the Governor.

Report laid before State legislature



Report is laid before the State legislature with reasons for rejected advice.

Commission expenses



Expenses of the Commission are charged on the State Consolidated Fund.

Article 320
Provides for the functions of the Public Service Commission.

Article 323
Provides for the submission of the Commission's report to the Governor.

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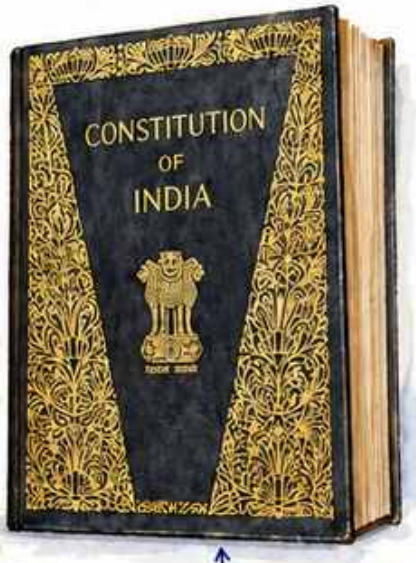
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APPSC: institution and safeguards

Established
1 November 1956

What is APPSC?
APPSC is a State PSC under Article 315 of the Constitution.





Article 315

Core safeguards for a State PSC

Tenure



Members hold office for a fixed tenure.

Removal by President



Members can be removed by the President.

Expenses charged



Commission's expenses are charged on the Consolidated Fund of the State.

Limits on later government employment



There are limits on later government employment of members.

APPSC composition
As of 11 October 2026



Vacancies	
Member VII	1
Member VIII	1
Member IX	1

Three vacancies: Member VII–IX. Prof. C. Sashidhar was Member VI and Chairman FAC.

Appointments and vacancies can change.

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Parliamentary privileges: the constitutional shield

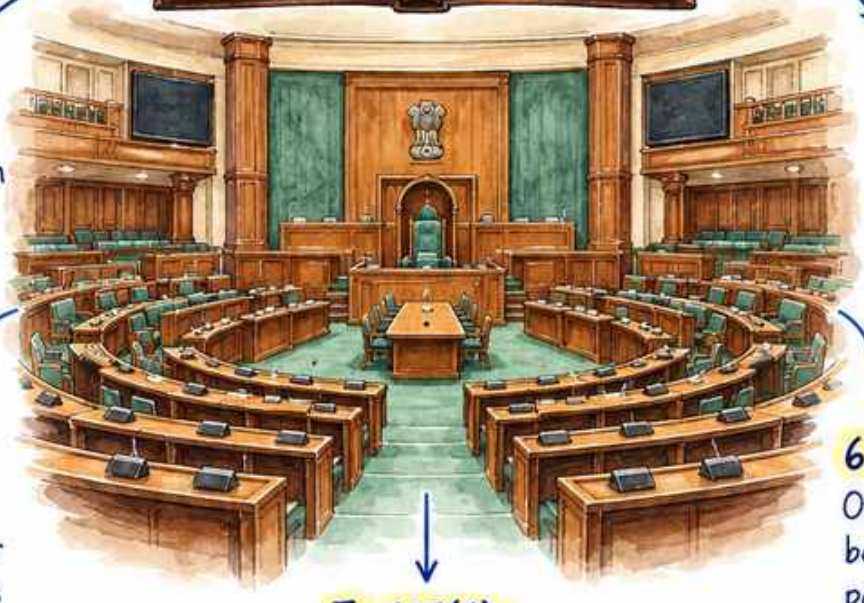


1. Purpose:
safeguard legislative work, freedom and dignity

Article 105: Parliament
|
Article 194: State Legislatures

3. Protected:
- each House
- its committees
- its members

2. 105(1):
Freedom of speech, subject to the Constitution and House rules



4. 105(2):
No court proceedings for anything said or any vote given in the House or its committees

5. 105(2):
Any person is protected for publication by or under a House's authority

6. 105(3):
Other privileges may be defined by parliamentary law; no comprehensive codifying law yet

7. 105(4):
Protection also covers constitutional participants entitled to speak



Article 88:
Union Ministers + Attorney-General

Article 177:
State Ministers + Advocate-General

These Articles give speaking rights, not a vote

The President is part of Parliament (Art. 79), but is **not** covered by Art. 105

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Where privileges come from

1950:
Original Article 105(3) referred to House of Commons privileges at the commencement of the Constitution

20 June 1979:
The 44th Amendment changed the wording

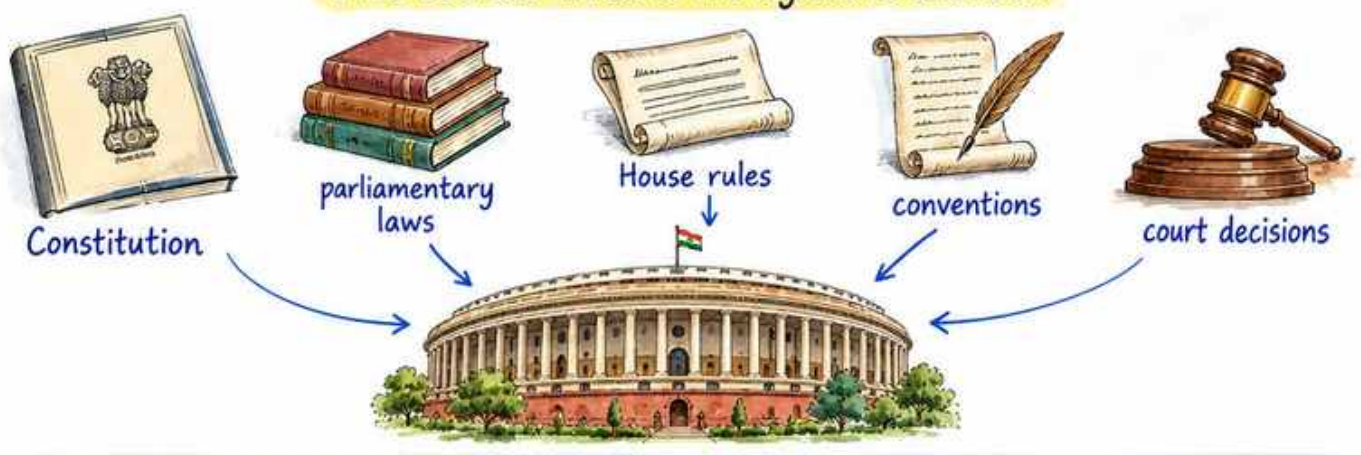
Now:
Until defined by law, privileges are those held immediately before the amendment took effect



Article 105(3): section 15 | Article 194(3): section 26

House of Commons is no longer named in the current clauses

Five sources linked to one legislative chamber:



Judges' conduct in official duties



Article 121:
Parliament cannot discuss it, except on a motion for an address seeking removal

Article 211:
State Legislatures cannot discuss it; no such exception

Court scrutiny



Articles 122 and 212
protect against challenges based merely on procedural irregularity

Substantive illegality
or unconstitutionality can be judicially reviewed

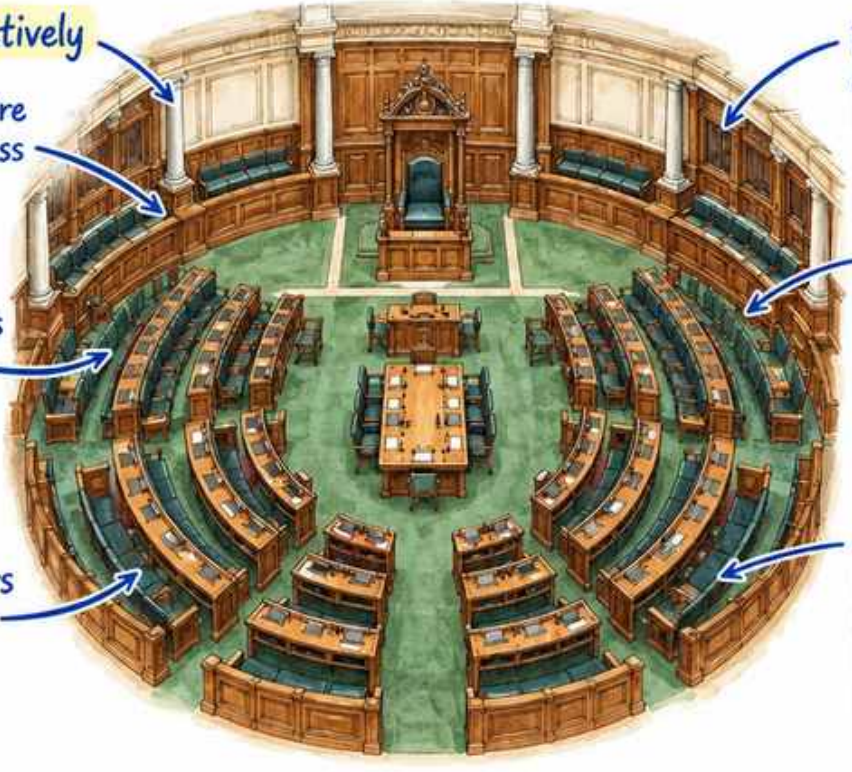
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The House and the member

The House collectively

- Regulates procedure and internal business (Art. 118)
- Punishes members and outsiders for breach or contempt
- Publishes proceedings and controls unauthorized publication
- Must be informed promptly of a member's arrest, detention or conviction
- Excludes strangers and holds secret sittings
- Arrest or service of legal process in House precincts needs the presiding officer's permission



Individual protection under civil process: CPC section 135A



Purpose: secure attendance for legislative duties

NO corresponding arrest immunity in criminal cases or preventive detention

Individual privileges



- Individual privileges also include protected speech and votes in the House/committees
- Exemption from jury service; attendance-related protection from appearing as a witness during a session

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Publication has two protections





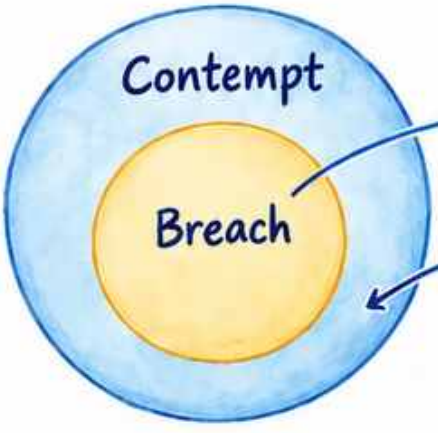
Route 1: Article 105(2)

- Report, paper, votes or proceedings published by or under a House's authority
- Any person publishing through this route is protected from court proceedings



Route 2: Article 361A

- A substantially true newspaper report of Parliament or a State Legislature
- Protection from civil or criminal court proceedings, unless publication is proved malicious
- Secret sittings are excluded
- Also extends to reports broadcast by wireless telegraphy
- Added by the 44th Amendment; a parallel protection for Parliament appears in the 1977 Publication Act



Breach of privilege: a specific privilege is violated

Contempt: an act or omission obstructs, or tends to obstruct, the House, a member or an officer in legislative work

Contempt is the wider concept

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From privilege notice to decision



1. Member gives written notice — Rule 223



2. Admissibility — Rule 224: specific, recent and requiring House intervention



3. Speaker's consent — Rule 222

4. Reference to Committee of Privileges by House or Speaker — Rule 227 for Speaker's reference



5. Committee examines evidence, witnesses and documents; recommends action



6. House considers the report and decides punishment

House may also consider a privilege question directly



Lok Sabha



Lok Sabha: 15 members nominated by Speaker; chair chosen by Speaker

Rajya Sabha



Rajya Sabha: 10 members nominated by Chairman; chair appointed from the committee (normally Deputy Chairman)

Committee recommends; House punishes



Possible sanctions: admonition, reprimand, imprisonment; suspension or expulsion of members



Imprisonment for contempt cannot extend beyond the session

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Six cases that draw the boundary



1 1959 • Searchlight (M.S.M. Sharma)
House privilege under Art. 194(3) prevailed over Art. 19(1)(a) in this case



2 1964 • Keshav Singh reference
Courts decide whether a claimed privilege exists; Article 21 prevails if it conflicts with privilege



3 1998 • P.V. Narasimha Rao
Majority immunized bribe-taking legislators who then voted; this view is now OVERRULED



4 2007 • Raja Ram Pal
Cash-for-query expulsions upheld; expulsion power remains subject to judicial review

5 2021 • State of Kerala v. K. Ajith
Vandalism in the Assembly is not protected speech; criminal prosecution can continue





6 4 March 2024 • Sita Soren
Seven judges, unanimous: no immunity for bribery under Arts. 105(2) or 194(2)
Bribery is complete on acceptance; the later speech or vote does not save it

2024 rule: privileges serve legislative functions, not personal exemption from criminal law

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Day 11 • Topic 103 • 1/4

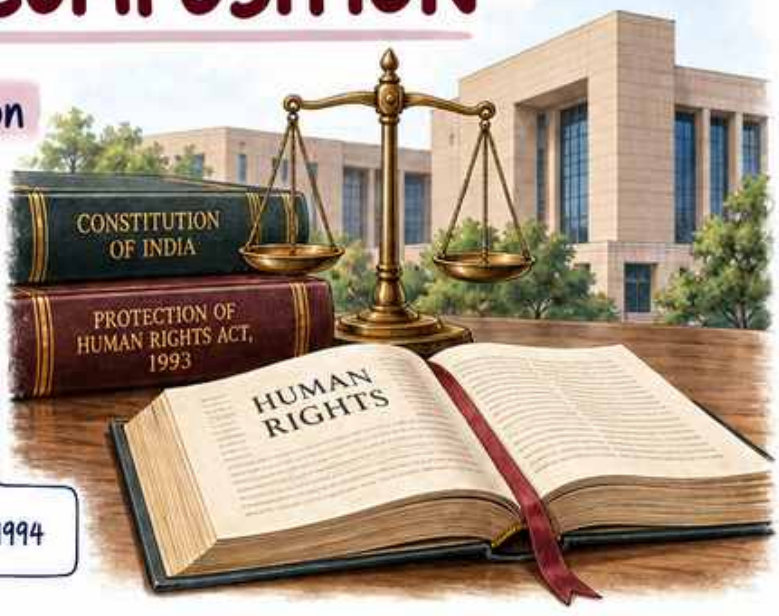
NHRC: BASIS & COMPOSITION

National Human Rights Commission

A STATUTORY BODY

Protection of Human Rights Act, 1993

Headquarters: Delhi



- 28 September 1993 → Act deemed in force
- 12 October 1993 → NHRC established
- 8 January 1994 → Act enacted; Act No. 10 of 1994

HUMAN RIGHTS • SECTION 2

Life • liberty • equality • dignity

Guaranteed by the Constitution or embodied in International Covenants, and enforceable by courts in India



COMPOSITION • SECTION 3

Chairperson + 5 Members = 6 standing posts

- Chairperson → former CJI or Supreme Court Judge
- 1 Member → serving or former Supreme Court Judge
- 1 Member → serving or former High Court Chief Justice
- 3 Members → knowledge or practical experience in human rights; at least 1 woman

7 DEEMED MEMBERS

Heads of the National Commissions for:

- Scheduled Castes • Scheduled Tribes • Women
- Minorities • Backward Classes
- Protection of Child Rights

Plus the Chief Commissioner for Persons with Disabilities

Deemed membership covers section 12(b)–(j), not complaint inquiries under 12(a)

Secretary-General → Chief Executive Officer

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Day 11 • Topic 103 • 2/4 Sections 4-6

APPOINTMENT, TERM & REMOVAL

APPOINTMENT

President appoints by warrant under hand and seal

SIX-MEMBER RECOMMENDING COMMITTEE



Prime Minister → chairs the committee



- CJI is consulted for a serving Supreme Court Judge or serving High Court Chief Justice
- CJI is not a committee member
- A committee vacancy does not invalidate appointment



TERM



→ Eligible for reappointment →

After office: no further employment under the Union or a State Government



RESIGNATION

Write to the President



REMOVAL BY THE PRESIDENT

Proved misbehaviour or incapacity

→ Supreme Court inquiry on presidential reference

→ Court reports that removal is warranted



Other statutory grounds permit removal without that inquiry:

- Insolvency
- Outside paid employment during the term
- Infirmity of mind or body
- Court-declared unsoundness of mind
- Conviction and imprisonment for an offence involving moral turpitude in the President's opinion

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FUNCTIONS & POWERS

From complaint to recommendation



SECTION 12: INQUIRY

- Suo motu • victim's petition • petition on a victim's behalf • court direction
- Violation or abetment by a public servant, or a public servant's negligence in prevention

SECTION 13: CIVIL-COURT POWERS

- Summon witnesses and examine them on oath
- Require documents; receive affidavit evidence
- Requisition public records
- Issue commissions to examine witnesses or documents

SECTION 14: INVESTIGATION

- May use government officers or agencies with that government's concurrence

SECTION 18: AFTER INQUIRY

- Recommend compensation or damages
- Recommend prosecution or other action
- Approach the Supreme Court or High Court for directions, orders or writs
- Recommend immediate interim relief

OTHER FUNCTIONS

- Intervene in a pending court case with that court's approval
- Visit state-controlled jails and institutions; review living conditions
- Review safeguards and obstacles, including terrorism
- Study international instruments
- Promote research, human-rights literacy and NGOs

RESPONSE & PUBLICATION

- Government or authority responds within 1 month, or further time allowed
- NHRC publishes the inquiry report with comments and action taken or proposed
- Recommendations do not themselves become binding court orders

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LIMITS, REFORMS & THE WIDER SYSTEM

SECTION 36: INQUIRY LIMITS

- No inquiry after 1 year from the alleged act
- No inquiry into a matter pending before a State Commission or another duly constituted Commission



SECTION 19: ARMED FORCES

- NHRC seeks a report from the Central Government
- It may close the matter or make recommendations
- Central Government reports action within 3 months, or further time allowed
- Special procedure; not the ordinary complaint inquiry



2019 AMENDMENT: KEY CHANGES

Chairperson: former CJI only	→	former CJI or Supreme Court Judge
Human-rights experts: 2	→	3; at least 1 woman
Deemed members: 4	→	7
Term: 5 years	→	3 years; age ceiling remains 70
SHRC Chairperson: former High Court Chief Justice	→	former Chief Justice or Judge

THE WIDER SYSTEM

- Section 20 → annual and special reports
- Reports go before Parliament or the State Legislature, with action taken and reasons for non-acceptance
- Section 21 → State Human Rights Commissions
- Section 30 → a Court of Session may be designated as a Human Rights Court in each district
- State Government needs the High Court Chief Justice's concurrence

PARIS PRINCIPLES

- International standards for national human-rights institutions
- UN General Assembly endorsement: 20 December 1993



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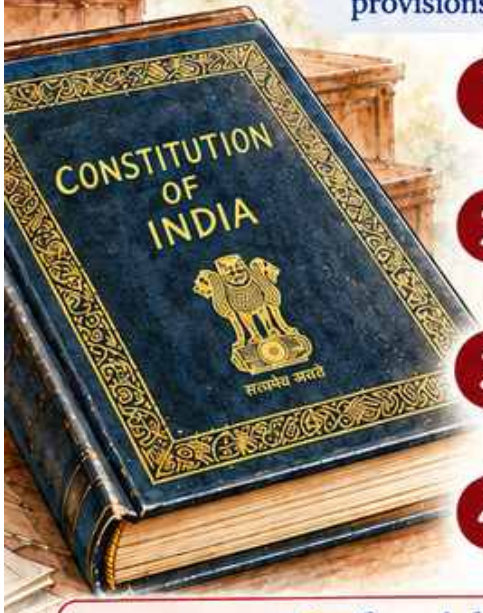
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DAY 11 • TOPIC 104 • 1/4

Article 368: the amendment route

Part XX • Constituent power and procedure

Parliament may add, vary or repeal constitutional provisions, subject to the Constitution's basic structure.



1. Introduce a Bill in either House of Parliament
2. Each House passes it separately by special majority
3. Listed federal matters also need ratification by at least half the State Legislatures
4. Present it to the President, who shall give assent



Special majority: BOTH tests in EACH House

More than half of the total membership **AND** At least two-thirds of members present and voting

Abstentions are excluded from 'present and voting'. The two tests use different denominators.

Hypothetical vote

- Total membership: 543 → minimum 272
- Present and voting: 528 → minimum 352
- 298 votes pass the first test but fail the second
- The larger threshold controls: 352

No joint sitting.

A Minister or private member may introduce the Bill.

A State Legislature cannot initiate it.

Article 368 requires no prior Presidential recommendation.

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DAY 11 • TOPIC 104 • 2/4

Three routes to constitutional change





1 Ordinary law outside Article 368

- **Article 4:** laws under Articles 2–3 on States and boundaries
- **Article 169:** creation or abolition of Legislative Councils
- **Article 239A:** legislatures or ministries for specified UTs
- **Fifth Schedule, paragraph 7; Sixth Schedule, paragraph 21**



Key conditions

- **Article 3:** Presidential recommendation and reference to the affected State Legislature for its views
- **Article 169:** first, the State Assembly resolves by a majority of total membership and at least two-thirds present and voting
- These laws are expressly excluded from Article 368's amendment procedure

2 Special majority in both Houses

- Most provisions, including Fundamental Rights
- An Article 280 Finance Commission change, if it does not also change an entrenched matter



3 Special majority + State ratification

- Presidential election: Articles 54–55
- Union/State executive powers: Articles 73, 162
- High Courts for UTs: Article 241
- GST Council: Article 279A
- Union Judiciary: Part V, Chapter IV
- State High Courts: Part VI, Chapter V
- Legislative relations: Part XI, Chapter I
- All three Seventh Schedule Lists
- States' representation in Parliament
- Article 368 itself

At least half of the State Legislatures must ratify before presentation to the President.



Key points

- With 28 States, at least 14 ratifications suffice
- Article 368 sets no ratification time limit
- Significant effects on entrenched matters can also require ratification, even if their text is untouched

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DAY 11 • TOPIC 104 • 3/4

How Article 368 changed

Constituent power is broad, but limited

1 1950: procedure

The original heading was 'Procedure for amendment of the Constitution'.

2 24th Amendment Act, 1971

- Effective 5 November 1971
- New heading: 'Power of Parliament to amend the Constitution and procedure therefor'
- Clause (1): constituent power to add, vary or repeal provisions
- Clause (3): Article 13 does not apply to amendments under Article 368
- Article 13(4) was added alongside it
- Presidential assent became obligatory: the President shall give assent.

3 42nd Amendment Act, 1976

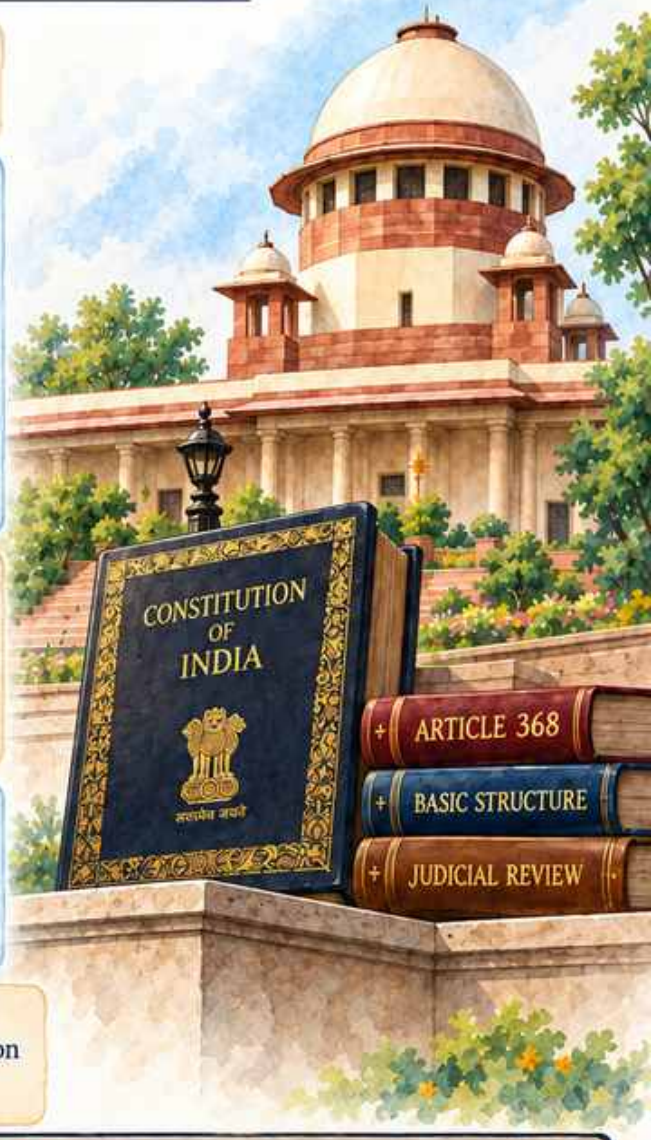
- Added clauses (4) and (5)
- Clause (4) sought to bar all judicial challenge to constitutionad amendments
- Clause (5) asserted that constituent power had no limitation.

4 Minerva Mills • 31 July 1980

- Struck down clauses (4) and (5)
- Limited amending power is itself a basic feature
- Also invalidated the 42nd Amendment's expansion of Article 31C.

5 Reading the printed text

- Clauses (4) and (5) may still appear in the Constitution with an invalidity footnote. Printed text does not make them legally operative.



106 amendments: historical baseline

- Dated baseline: 1 May 2024; through the 106th Amendment Act, 2023.
- Bill numbers and Amendment Act numbers are separate series.
- An introduced or failed Bill does not become an Amendment Act.

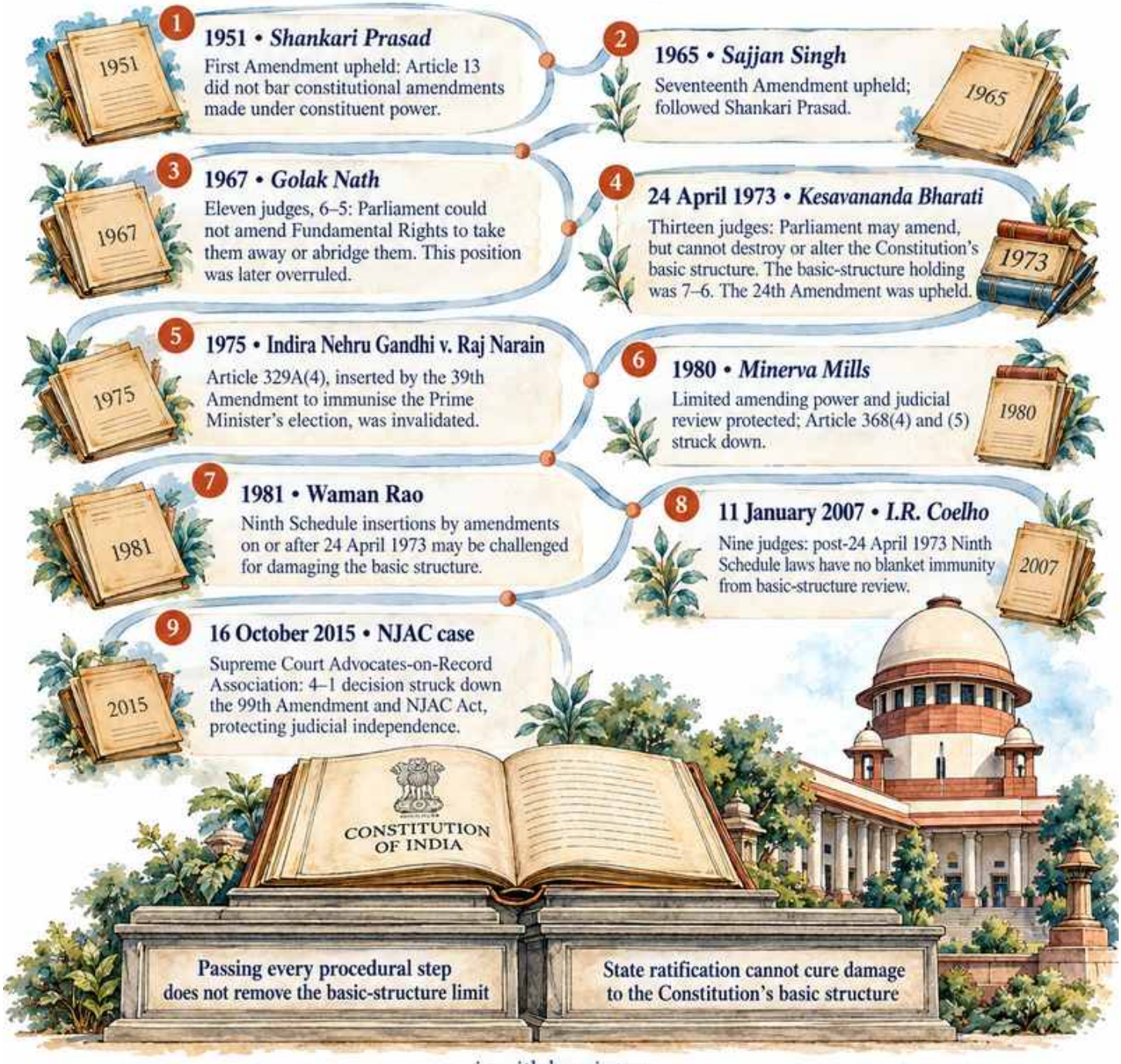
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The judicial path to limited amending power

Read the cases in chronological order



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APPSC GROUP 1 • 1,000 TOPICS IN 100 DAYS

SUPREME COURT: COMPOSITION & STRENGTH

Supreme Court and High Courts: composition, jurisdiction and appointment of judges

HIGHER JUDICIARY OF INDIA

- Supreme Court: Part V, Chapter IV
  - Articles 124–147.
- High Courts: Part VI, Chapter V
  - Articles 214–231.
- Integrated judicial system.



Supreme Court of India (New Delhi)

ARTICLE 124(1)

Composition and power to increase

- Chief Justice of India + other judges.
- Parliament fixes the larger number by law: Supreme Court (Number of Judges) Act, 1956, as amended.
- Original constitutional count: CJI + not more than seven others; Parliament may enlarge it.

STATUS AS ON 16 OCTOBER 2026

SANCTIONED: 38 = CJI + 37 other judges.

WORKING: 37 = CJI + 36 other judges.

One vacancy against sanctioned strength.

CJI: Justice Surya Kant; sworn in 24 November 2025.

2026 CHANGE

- 16 May: Ordinance raised other judges from 33 to 37.
- 11 August: assent to Amendment Act 14 of 2026; replaced Ordinance, deemed effective 16 May.

ARTICLE 130 • SEAT

Delhi; other place(s) may be appointed by CJI with President's approval.

Inaugurated: 28 January 1950.



SANCTIONED TOTALS, INCLUDING CJI

1950	1956	1960	1977 Act	1986	2008 Act	2019	2026
8	11	14	18	26	31	34	38

These Act years are distinct from some implementation-year chronologies.

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JUDGES: QUALIFICATIONS, TENURE & PAY

Supreme Court and High Courts: composition, jurisdiction and appointment of judges

SUPREME COURT • ARTICLE 124(3)

Indian citizen + any ONE route:

1. 5 years as High Court judge, in one or successive High Courts; OR
2. 10 years as High Court advocate, in one or successive High Courts; OR
3. Distinguished jurist in the President's opinion.

No constitutional minimum age.



HIGH COURT • ARTICLE 217(2)

Indian citizen + either route:

1. 10 years in judicial office in India; OR
2. 10 years as advocate of one or successive High Courts.

No distinguished-jurist route.

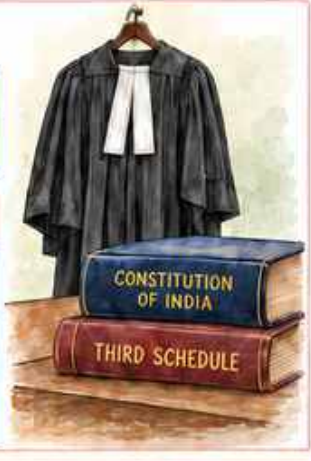


RETIREMENT AGE

SUPREME COURT	HIGH COURT
65 years.	62 years (60 in 1950).

SUPREME COURT: OATH & LEAVING OFFICE

Oath	President or appointee; Third Schedule; Article 124(6).
Resignation	writing addressed to President.
Post-retirement	cannot plead or act in any Indian court or before any authority • Article 124(7).



PAY & PENSIONS

Parliament determines salaries by law: SC Article 125; HC Article 221.

SUPREME COURT	HIGH COURT	
Salaries + allowances + pensions	Salaries + allowances	Pensions
↓	↓	↓
Consolidated Fund of India.	Consolidated Fund of the State.	Consolidated Fund of India.

CHARGED expenditure: not voted annually.

NUMBER OF JUDGES

SUPREME COURT

Parliament by law • Article 124(1).



HIGH COURT

President determines appointments • Article 216.



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REMOVAL OF JUDGES: THE COMPLETE ROUTE

Supreme Court and High Courts: composition, jurisdiction and appointment of judges

SUPREME COURT AND HIGH COURT JUDGES

- Grounds: proved misbehaviour OR incapacity.
- SC: Article 124(4)–(5); HC: same process via Article 218.



Supreme Court of India



High Court

1 NOTICE OF MOTION

- At least 100 Lok Sabha members OR 50 Rajya Sabha members.
- Judges (Inquiry) Act, 1968.



Signature threshold to initiate the process.

2 ADMISSION

- Speaker of Lok Sabha OR Chairman of Rajya Sabha decides whether to admit the motion.

Discretion at this stage.

3 THREE-MEMBER INVESTIGATION COMMITTEE

- A Supreme Court judge, including the CJI;
- a Chief Justice of a High Court;
- a distinguished jurist.

Constituted under the Judges (Inquiry) Act, 1968.

4 ADDRESS BY EACH HOUSE

- Each House must pass its own address in the SAME SESSION.
- BOTH majority tests must be met in EACH House:

Majority of the TOTAL MEMBERSHIP;
AND
at least TWO-THIRDS of members PRESENT AND VOTING.

Two majority gates simultaneously in each House.

5 PRESIDENT'S ORDER

- Removal is effected by order of the President after the required parliamentary addresses.



Issued after both Houses pass their addresses.

KEY CONSTITUTIONAL PROVISIONS

Supreme Court Judges	High Court Judges
Article 124(4)–(5)	Article 218
Grounds: proved misbehaviour OR incapacity.	Same process as Supreme Court judges.

KEEP THE STAGES DISTINCT

- Notice-signature threshold ≠ voting threshold.
- Committee investigation ≠ removal order.
- The two Houses act separately; one House's vote is insufficient.
- These safeguards protect judicial independence.

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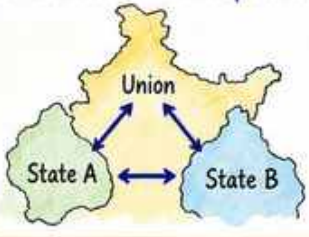
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SUPREME COURT: JURISDICTION MAP

Supreme Court and High Courts

ORIGINAL • ARTICLE 131

- Exclusive jurisdiction over qualifying Union–State and inter-State disputes involving legal rights, subject to constitutional exceptions.



WRIT • ARTICLE 32

- Enforcement of Fundamental Rights.
- Article 32 is itself a Fundamental Right.



APPELLATE • ARTICLES 132-134A

- **132**: constitutional cases.
- **133**: civil cases.
- **134**: criminal cases.
- **134A**: High Court certificate for appeal; may be granted on its own motion.



REVIEW • ARTICLE 137

- Supreme Court reviews its own judgments or orders, subject to parliamentary law and Court rules.





SPECIAL LEAVE • ARTICLE 136

- Discretionary leave to appeal from judgments, decrees, determinations, sentences or orders of courts and tribunals in India.

IMPORTANT EXCEPTION • ARTICLE 136(2)

- Does not apply to courts or tribunals constituted under laws relating to the Armed Forces.



RELATED ARTICLE LINKS

- **135**: inherited Federal Court jurisdiction and powers.
- **138**: enlargement of Supreme Court jurisdiction.
- **139**: parliamentary conferment of power to issue certain writs.
- **140**: ancillary powers.

DISTINGUISH THE ROUTES

- An appeal challenges a lower decision. ← From lower court decision
- Review concerns the Supreme Court's own decision. ← SC's own decision
- Special leave is discretionary, not an automatic appeal. ← Discretionary power

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TRANSFER, ADVICE & BINDING AUTHORITY

Supreme Court and High Courts: composition, jurisdiction and appointment of judges

ARTICLE 139A(1) • WITHDRAWAL OF CASES

Same or substantially the same questions of law are pending:

EITHER before the Supreme Court AND one or more High Courts;



Supreme Court — High Court(s)

OR before TWO OR MORE High Courts.



High Court and High Court

Importance gate

AND the Supreme Court is satisfied that these are substantial questions of GENERAL IMPORTANCE.

→ The Supreme Court may withdraw the cases and decide those questions itself.

ARTICLE 139A(2) • HC-TO-HC TRANSFER

May transfer a case from one High Court to another for the ends of justice.



High Court A → High Court B

ARTICLE 143 • PRESIDENTIAL REFERENCES

143(1):	President MAY refer a question of public importance; Court may report its opinion.
143(2):	specified disputes excluded by Article 131's proviso; Court SHALL report its opinion.

REFERENCE EXAMPLES

- July 1998: President K.R. Narayanan's judicial-appointments reference → Third Judges Case.
- 2025: President Droupadi Murmu's State Bills reference.
- Opinion of 20 November 2025: five-judge Bench rejected court-fixed assent timelines and "deemed assent".



ARTICLE 141 • BINDING LAW

Law declared by the Supreme Court binds all courts in India.

Binding on every court in India.



ARTICLE 142 • COMPLETE JUSTICE

Orders necessary for doing complete justice in a cause or matter.

Wide equitable powers to do complete justice.



RECALL: 139A = case movement; 143 = advice; 141 = binding law; 142 = complete justice.

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HIGH COURTS: CONSTITUTIONAL POWERS

Supreme Court and High Courts: composition, jurisdiction and appointment of judges

ARTICLE 214

- High Court for each State.



ARTICLE 215

- Court of record; contempt of itself.

Court of record means its acts, proceedings and judgments are kept on record and have evidentiary value.

ARTICLE 216

- Chief Justice + other judges appointed as President considers necessary.

ARTICLE 217

- Appointment, tenure and qualifications.



ARTICLE 226 • WIDER WRIT SCOPE

- Fundamental Rights AND any other purpose, including other legal rights.



Article 226 is wider in scope; Article 32 is itself a Fundamental Right.

ARTICLE 227 • SUPERINTENDENCE

- Over courts and tribunals within the High Court's territory.



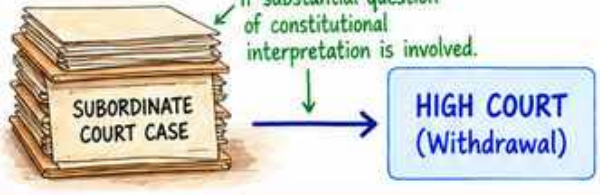
EXCEPTION • ARTICLE 227(4)

No superintendence over courts or tribunals constituted under laws relating to the Armed Forces.

Armed Forces courts and tribunals are excluded.

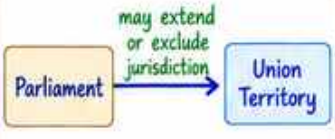
ARTICLE 228 • CONSTITUTIONAL QUESTION

- Withdrawal of a subordinate-court case involving a substantial question of constitutional interpretation necessary for its disposal.



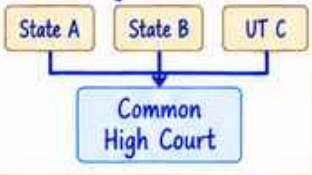
ARTICLE 230

- Parliament may extend or exclude a High Court's jurisdiction over a Union territory.



ARTICLE 231

- Parliament may establish a common High Court for two or more States, or States and a Union territory.



HIGH COURT ARTICLE RANGE

- Part VI, Chapter V covers High Courts (Articles 214–232). Article 232 has no independent text after the Seventh Amendment recast Articles 230–232.

- Never confuse the Armed Forces exceptions: SC special leave → 136(2); HC superintendence → 227(4).

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JUDICIAL BENCHES: SPECIAL ARRANGEMENTS

Supreme Court and High Courts: composition, jurisdiction and appointment of judges

SUPREME COURT • ARTICLE 127 • AD HOC JUDGES

- When a quorum is unavailable, CJI may request an eligible High Court judge to attend SC sittings.
- Requires President's previous consent + consultation with the High Court Chief Justice concerned.



MAY BE REQUESTED to attend SC sittings

Eligible High Court Judge

SUPREME COURT • ARTICLE 128 • RETIRED JUDGES

- CJI, with President's previous consent, may request a retired SC or Federal Court judge, or an eligible retired HC judge, to sit and act.
- The judge cannot be compelled to accept.



MAY BE REQUESTED to sit and act

- Retired SC judge
- Retired Federal Court judge
- Eligible retired HC judge

HIGH COURT • ARTICLE 224

- Additional judges: appointment for not more than two years.



Additional Judge

Tenure
Not more than two years.

SUPREME COURT ARTICLE LEDGER

129	court of record; contempt of itself.
144	civil and judicial authorities act in aid of the Court.
145	Rules of Court.
146	officers, servants and expenses.
147	interpretation.

HIGH COURT • ARTICLE 224A

- Retired High Court judges may be asked to sit and act.

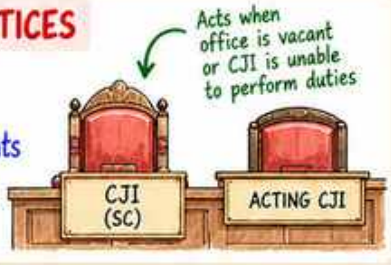


MAY BE ASKED to sit and act

Retired High Court Judge

ACTING CHIEF JUSTICES

- SC: Article 126.
- HC: President appoints under Article 223.



HIGH COURT JUDGE TRANSFER • ARTICLE 222

- President transfers after consultation with the CJI.



REMEMBER

- Ad hoc appointment responds to a quorum shortage.
- Retired-judge sitting requires willingness.
- HC additional-judge tenure is limited to two years.

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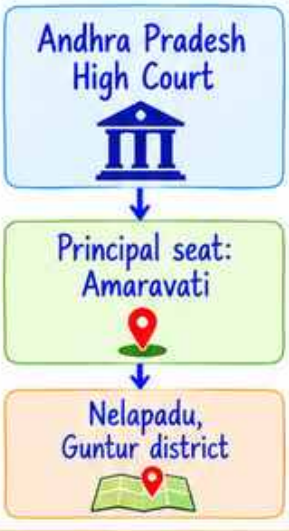
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ANDHRA PRADESH & COMMON HIGH COURTS

Supreme Court and High Courts: composition, jurisdiction and appointment of judges

ANDHRA PRADESH HIGH COURT

- Until 31 December 2018: High Court of Judicature at Hyderabad served Andhra Pradesh and Telangana.
- 26 December 2018: Presidential order under the Andhra Pradesh Reorganisation Act, 2014.
- 1 January 2019: separate Andhra Pradesh High Court began functioning.
- Principal seat: Amaravati • Nelapadu, Guntur district.



SANCTIONED STRENGTH

37 judges = 28 permanent + 9 additional.

Department of Justice snapshot: 1 November 2025.

CHIEF JUSTICE • AS ON 16 OCTOBER 2026

- Justice Lisa Gill • sworn in 25 April 2026.
- Predecessor: Justice Dhiraj Singh Thakur • 28 July 2023 to 24 April 2026.

ANDHRA PRADESH: KEY DATES

- **26 December 2018** — Presidential order under the Andhra Pradesh Reorganisation Act, 2014.
- **Until 31 December 2018** — High Court of Judicature at Hyderabad served Andhra Pradesh and Telangana.
- **1 January 2019** — Separate Andhra Pradesh High Court began functioning.

COMMON HIGH COURTS • ARTICLE 231

Parliament may create a common High Court by law.

Punjab and Haryana High Court	Punjab + Haryana + Chandigarh.
Gauhati High Court	Assam + Arunachal Pradesh + Mizoram + Nagaland.

NUMBER OF HIGH COURTS

25, in Department of Justice's 1 November 2025 statement.

DATE DISCIPLINE

- 37 is AP's sanctioned total in the dated strength statement.
- A sanctioned-strength figure does not establish the number actually serving on another date.
- AP's separate court began on 1 January 2019, not on State bifurcation in 2014.

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APPOINTMENTS: TEXT & CURRENT PROCESS

Supreme Court and High Courts

SUPREME COURT • ARTICLE 124(2)

- Consultation with such SC and HC judges as the President deems necessary.
- For a judge other than the CJI, consultation with the CJI is mandatory.

CONSULTEES
Such SC and HC judges as the President deems necessary.
CJI consultation mandatory (for a judge other than the CJI).

↓

COLLEGIUM RECOMMENDATION
CJI + FOUR senior-most SC judges.

↓

THE PRESIDENT APPOINTS
By warrant under the President's hand and seal.



Supreme Court of India (New Delhi)

Judiciary recommends (Collegium)

President appoints (by warrant)



High Court (at the State level)

HIGH COURT • ARTICLE 217(1)

- Consultation with the CJI + Governor of the State.
- For a judge other than the High Court Chief Justice, consult that High Court's Chief Justice too.

CONSULTEES
CJI + Governor of the State.
For a judge other than the High Court Chief Justice, consult that High Court's Chief Justice too.

↓

COLLEGIUM RECOMMENDATION
CJI + TWO senior-most SC judges at the Supreme Court recommendation stage. → At the SC recommendation stage

↓

THE PRESIDENT APPOINTS
By warrant under the President's hand and seal.

COLLEGIUM RECOMMENDATIONS

Judiciary recommends names through the collegium. The President appoints based on these recommendations.

- Supreme Court appointments: CJI + FOUR senior-most SC judges.
- High Court appointments: CJI + TWO senior-most SC judges at the Supreme Court recommendation stage.
- Governor and the relevant High Court Chief Justice are also consulted.
- The President appoints following recommendations and the Department of Justice's Memoranda of Procedure.

THE NJAC TEXT CAUTION

- 99th Amendment Act, 2014 inserted Articles 124A–124C and replaced consultation with NJAC recommendation in key appointment provisions.
- It also amended Articles 127, 128, 224, 224A and 222.
- The Supreme Court struck down the 99th Amendment and NJAC Act on 16 October 2015.
- The earlier collegium system was restored.
- Some printed constitutional texts still show the NJAC provisions; printed text alone does not establish an operative appointment system.

NJAC provisions are not in force after the Supreme Court struck down the 99th Amendment and NJAC Act on 16 October 2015.

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THE FOUR JUDGES CASES

Supreme Court and High Courts: composition, jurisdiction and appointment of judges

FIRST JUDGES CASE • 1981

S.P. Gupta v. Union of India.

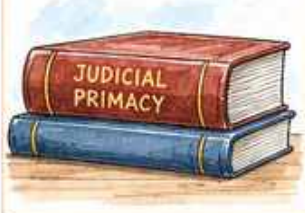
- Consultation does not mean concurrence; EXECUTIVE PRIMACY.
- Decision: 30 December 1981; reported as AIR 1982 SC 149.



SECOND JUDGES CASE • 1993

Supreme Court Advocates-on-Record Association case.

- Overruled the first; JUDICIAL PRIMACY.
- CJI + TWO senior-most judges recommend.



THIRD JUDGES CASE • 1998

In re Special Reference 1 of 1998; Presidential reference.

- SC appointments → CJI + FOUR senior-most judges.
- HC appointments → CJI + TWO senior-most judges.



FOURTH JUDGES CASE • 16 OCTOBER 2015

NJAC case: 4–1 majority.

- 99th Amendment Act, 2014 and NJAC Act, 2014 struck down.
- Earlier collegium system restored.



DECISION YEAR ≠ REPORT YEAR

Use decisions: 1981 • 1993 • 1998.
Report-publication years: 1982 • 1994 • 1999.

← Decision year and report year are different.

MEMORY CHAIN

1981 (executive) → 1993 (judiciary) → 1998 (expanded SC collegium) → 2015 (NJAC invalidated.)

FINAL COMPARISON

SC collegium	CJI + 4. ← For appointment of Supreme Court judges.
HC recommendation at SC level	CJI + 2. ← For appointment of High Court judges (recommendation).
President	Appointing authority.
SC retirement	65.
HC retirement	62.
SC writs	Article 32. ← For enforcement of Fundamental Rights.
HC writs	Article 226, wider scope. ← Wider scope than Article 32.

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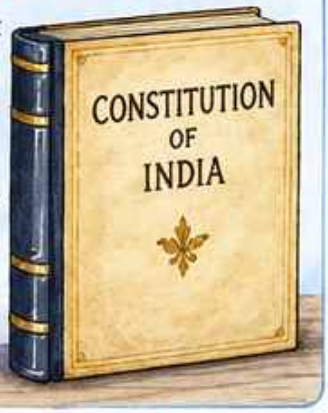
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BASIC STRUCTURE: AMEND, NOT DESTROY

The basic structure doctrine says that Parliament's power under Article 368 to amend the Constitution does not extend to altering the basic structure or framework of the Constitution: the Supreme Court laid it down in Kesavananda Bharati (1973) and has applied it in later cases. The examination asks which case held what, and which features the Court has named as basic.

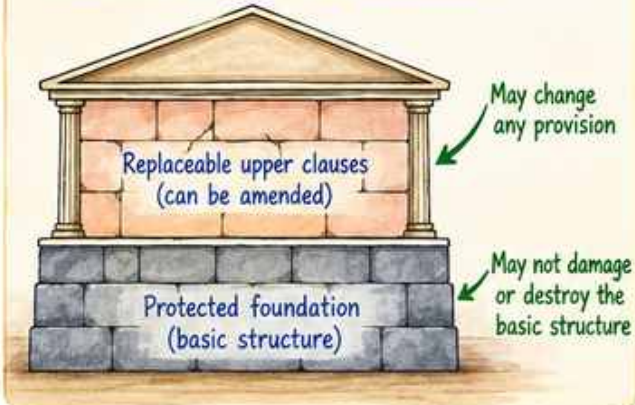
1. ARTICLE 368 AND THE LIMIT

- Article 368 gives Parliament the power to amend the Constitution (Topic 104).
- The doctrine puts one limit on that power: an amendment may change any provision, but it may not damage or destroy the basic structure.



2. AMEND: CHANGE, BUT NOT DESTROY

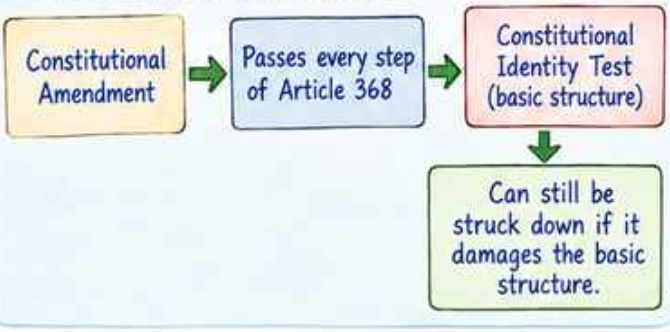
- The words "basic structure" do not stand in Article 368. The limit comes from the Court's reading of the word "amend": in Justice H.R. Khanna's view Parliament has a "power to amend", which does not let it touch the foundation or alter the basic institutional pattern of the Constitution.



3. TEST APPLIED TO AMENDMENTS

- The test is applied to constitutional amendments. Waman Rao (2.5) fixed 24 April 1973 as the dividing date for the Ninth Schedule, and I.R. Coelho (2.5) applied the test to laws placed in the Ninth Schedule on or after that date. An amendment that passes every step of Article 368 can still be struck down if it damages the basic structure.





4. NO SINGLE OFFICIAL LIST

- There is no single official list of basic features. The judges of Kesavananda Bharati gave different lists (2.4), and later cases have named more (2.6).



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THE ROAD TO KESAVANANDA BHARATI



Shankari Prasad
1951

Upheld the First Amendment: Article 13(2) does not affect amendments made under Article 368

Sajjan Singh
30 October 1964 (reported in 1965)

Upheld the 17th Amendment and repeated Shankari Prasad

Golak Nath
27 February 1967

Eleven judges, 6 to 5: an amendment is "law" under Article 13, so Parliament could not amend Part III to take away or abridge the Fundamental Rights

24th Amendment
1971
(in force from 5 November 1971)

Clause (1) of Article 368 ("constituent power"), clause (3) of Article 368 and clause (4) of Article 13: Article 13 does not apply to amendments

AMENDMENT DOCUMENTS AND ARTICLE 13/368 RELATIONSHIP



Case or Act	Year	What it held or did
Shankari Prasad	1951	Upheld the First Amendment: Article 13(2) does not affect amendments made under Article 368
Sajjan Singh	30 October 1964 (reported in 1965)	Upheld the 17th Amendment and repeated Shankari Prasad
Golak Nath	27 February 1967	Eleven judges, 6 to 5: an amendment is "law" under Article 13, so Parliament could not amend Part III to take away or abridge the Fundamental Rights
24th Amendment	1971 (in force from 5 November 1971)	Clause (1) of Article 368 ("constituent power"), clause (3) of Article 368 and clause (4) of Article 13: Article 13 does not apply to amendments

Sources: S1, S2, S16, S17.

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KESAVANANDA BHARATI: THE HOLDINGS

24 APRIL 1973

Bench: thirteen judges, with Chief Justice S.M. Sikri presiding. The opinions differed widely. The decision came a day before the Chief Justice's term ended on 25 April 1973.



Composition of the Bench

Majority of seven on the basic structure:
Sikri, C.J., and Shelat, Grover, Hegde, Mukherjea, Jaganmohan Reddy and Khanna, JJ.

The six in the minority were:
Ray, Palekar, Mathew, Beg, Dwivedi and Chandrachud, JJ.

What the Court held:

(1) Golak Nath was overruled: an amendment is not "law" under Article 13, and Part III can be amended.



(2) The 24th Amendment was valid.



(3) By 7 to 6, Article 368 does not enable Parliament to "alter the basic structure or framework of the Constitution".



(4) Article 31C (inserted by the 25th Amendment, 1971) has two parts.

First part – upheld.
Saves a law giving effect to Article 39(b) and (c) from challenge under Articles 14, 19 and the then Article 31 (Article 31 was subsequently omitted).



Second part – struck down.
Said that a law declaring that it gives effect to that policy could not be questioned in any court on the ground that it does not.



(5) The 29th Amendment was held valid.



Sources: S1–S4, S15, S17, S19.

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7-6 HOLDING ≠ NINE SIGNATURES

7 TO 6 DIVISION

The 7 to 6 division belongs to the basic structure holding.





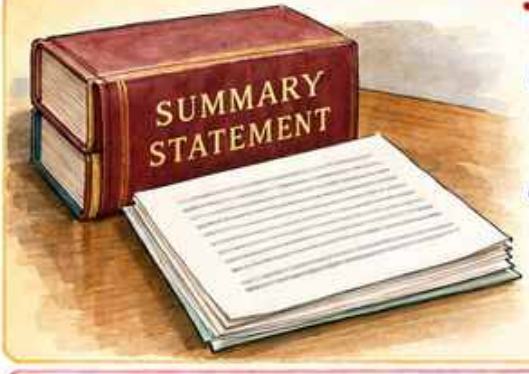
NINE SIGNATURES

The signatures under the summary statement are a different count: they include two of the six judges of the minority.



Ray, Mathew, Beg and Dwivedi did not sign it.

Nine judges signed the summary statement



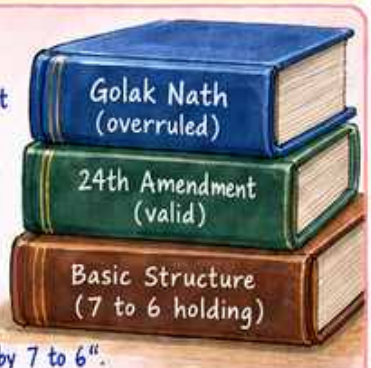
THE SUMMARY STATEMENT

Because the opinions differed, a short statement of the view of the majority was signed by nine judges: Sikri, Shelat, Hegde, Grover, Jaganmohan Reddy, Palekar, Khanna, Mukherjea and Chandrachud. Ray, Mathew, Beg and Dwivedi did not sign it. It records that Golak Nath is overruled, that Article 368 does not enable Parliament to alter the basic structure or framework, that the 24th Amendment is valid, that sections 2(a) and 2(b) of the 25th Amendment are valid and part of section 3 is invalid, and that the 29th Amendment is valid.

EXAM TRAP



1. "Kesavananda Bharati was 7 to 6 on every point." The 7 to 6 count belongs to the holding that Parliament cannot alter the basic structure. The overruling of Golak Nath and the validity of the 24th Amendment are separate points of the same decision, recorded in the summary statement signed by nine judges. Write it as Topic 62 and Topic 104 do: Golak Nath was overruled, and the 24th Amendment was held valid; but by 7 to 6 the Court held that Parliament cannot alter the basic structure. Do not write "Golak Nath was overruled by 7 to 6".



Sources: S1–S4, S17.

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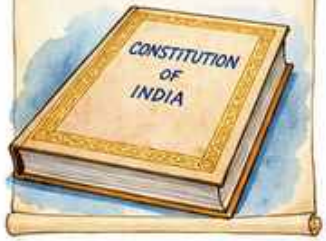
BASIC FEATURES: WHICH JUDGE, WHICH CASE

Different judges named different features. The lists below summarise the separate opinions in the official Supreme Court report of Kesavananda Bharati; they are illustrative, not exhaustive.

OPINIONS IN KESAVANANDA BHARATI

Chief Justice Sikri

- Supremacy of the Constitution
- republican and democratic form of government
- secular character of the Constitution
- separation of powers
- federal character of the Constitution



Justices Shelat and Grover

- Sikri's features, and also:
- the mandate to build a welfare state contained in the Directive Principles
- unity and integrity of India
- sovereignty of the country



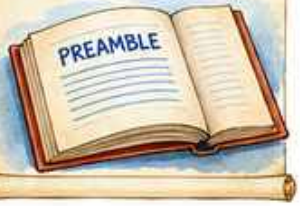
Justices Hegde and Mukherjea

- Sovereignty of India
- democratic character of the polity
- unity of the country
- essential features of individual freedoms
- the mandate to build a welfare state



Justice Jaganmohan Reddy

- Taken from the Preamble:
  - a sovereign democratic republic
  - social, economic and political justice
  - liberty of thought, expression, belief, faith and worship
  - equality of status and opportunity



LATER FEATURE–CASE LINKS

Feature	Case in which it was named
Supremacy of the Constitution; republican and democratic form →	Kesavananda Bharati (Sikri, C.J.)
Federal character →	Kesavananda Bharati (Sikri, C.J.)
Secularism →	Kesavananda Bharati (Sikri, C.J.); S.R. Bommai (1994)
Separation of powers →	Kesavananda Bharati (Sikri, C.J.); relied on in Indira Nehru Gandhi v. Raj Narain (1975)
Unity and integrity of India; the welfare state mandate →	Kesavananda Bharati (Shelat and Grover, JJ.)
Free and fair elections →	Indira Nehru Gandhi v. Raj Narain (1975)
Limited amending power →	Minerva Mills (1980)
Harmony and balance between Fundamental Rights and Directive Principles →	Minerva Mills (1980)
Judicial review by the High Courts (Article 226) and the Supreme Court (Article 32) →	L. Chandra Kumar (1997)
Independence of the judiciary →	Supreme Court Advocates-on-Record Association, the NJAC case (2015)

Sources: S5–S7, S10–S13, S17.

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1975–1980: CHECKING UNLIMITED POWER

Indira Nehru Gandhi v. Raj Narain (7 November 1975, five judges)



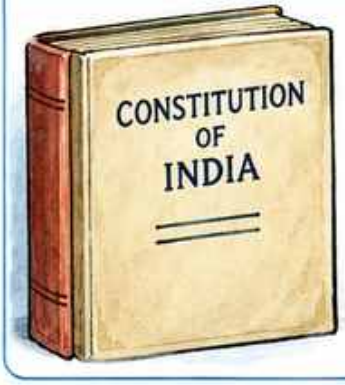
The 39th Amendment had inserted Article 329A; its clause (4) validated the election of the Prime Minister and put it beyond challenge.

The Court struck down clause (4).

The judges gave separate reasons; free and fair elections is the feature the case is cited for, and separation of powers and judicial review were also relied on.



The 42nd Amendment (1976)



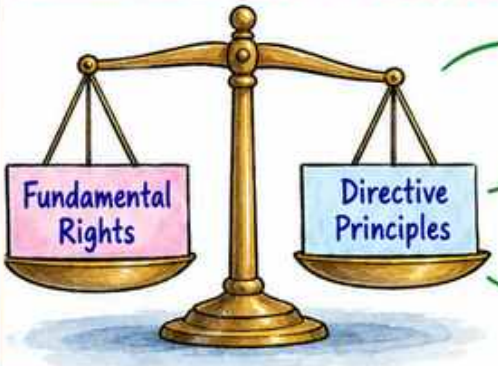
The 42nd Amendment (1976) added clause (4) to Article 368 (no amendment can be called in question in any court on any ground) and clause (5) (no limitation whatever on the constituent power of Parliament).

Article 368
Clause (4): no amendment can be called in question in any court on any ground.
Clause (5): no limitation whatever on the constituent power of Parliament.

Its section 4 widened Article 31C to cover all the Directive Principles of Part IV.

Article 31C
Widened to cover all the Directive Principles of Part IV.

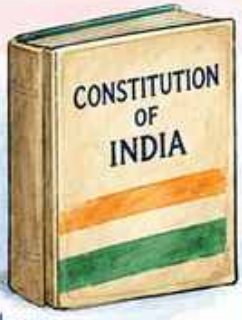
Minerva Mills (31 July 1980, five judges)



Struck down sections 4 and 55 of the 42nd Amendment, that is, the widening of Article 31C and clauses (4) and (5) of Article 368.

A limited amending power is itself a basic feature, so Parliament cannot use that power to make itself unlimited.

The Court also held: "This harmony and balance between fundamental rights and directive principles is an essential feature of the basic structure of the Constitution."



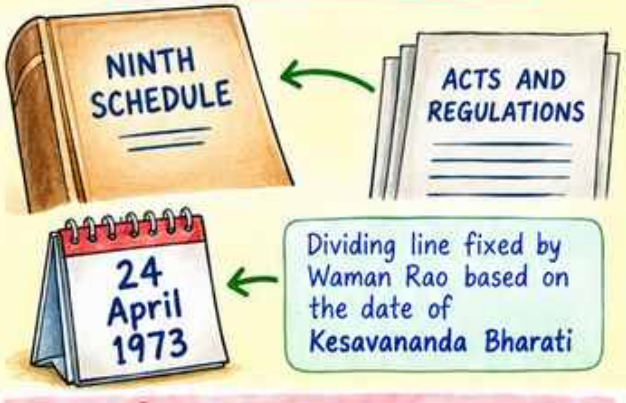
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NINTH SCHEDULE & TENTH SCHEDULE

NINTH SCHEDULE



Waman Rao (judgment of 13 November 1980, five judges; reported in 1981).

Fixed 24 April 1973, the date of **Kesavananda Bharati**, as the dividing line for the Ninth Schedule. Acts and Regulations put in the Ninth Schedule before that date "will receive the full protection of Article 31B". Amendments that added laws to it on or after that date are valid only if they do not damage or destroy the basic structure.

Before 24 April 1973

Acts and Regulations → Will receive the full protection of Article 31B

On or after 24 April 1973

Amendments that added laws to it → Valid only if they do not damage or destroy the basic structure.

I.R. Coelho (11 January 2007, nine judges).

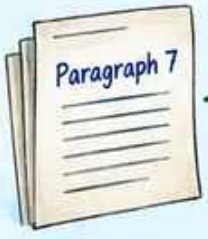
Applied the date fixed in Waman Rao: amendments made on or after 24 April 1973 that put laws in the Ninth Schedule "shall have to be tested on the touchstone of the basic or essential features of the Constitution". Such laws "will not have the full protection" of the Ninth Schedule.

TENTH SCHEDULE



Kihoto Hollohan (18 February 1992, five judges, 3 to 2).

On the Tenth Schedule.



→ Paragraph 7, which shut out the jurisdiction of the courts, was declared invalid because the amendment had not been ratified by the State Legislatures under the proviso to Article 368(2).



→ The paragraph was severable, so the rest of the Schedule stood.



→ Decisions of Speakers and Chairmen under the Schedule were held open to judicial review.



→ The majority said it was "unnecessary to pronounce" on whether judicial review is a basic structure.

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FEDERALISM, REVIEW & LATER AMENDMENTS

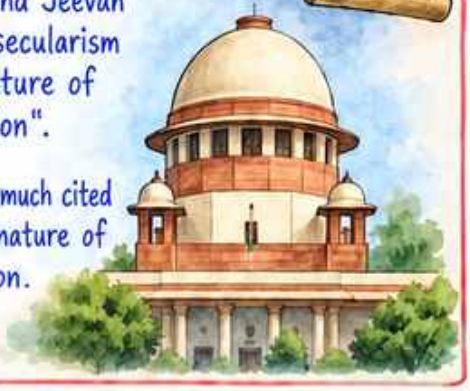
1. S.R. Bommai
(11 March 1994, nine judges)

On Proclamations under Article 356 (Topic 373).



Justice Ahmadi agreed with Justices Sawant, Ramaswamy and Jeevan Reddy "that secularism is a basic feature of our Constitution".

The case is also much cited on the federal nature of the Constitution.



2. L. Chandra Kumar
(18 March 1997, seven judges)

On tribunals.

The power of judicial review over legislative action vested in the High Courts under Article 226 and in the Supreme Court under Article 32 "is an integral and essential feature of the Constitution, constituting part of its basic structure".



3. Supreme Court Advocates-on-Record Association, the NJAC case
(16 October 2015, five judges, 4 to 1)

Struck down the 99th Amendment Act, 2014 and the National Judicial Appointments Commission Act, 2014 for damaging the independence of the judiciary, a part of the basic structure.

Justice Chelameswar dissented.

Sixteen State Legislatures had ratified the amendment (Topic 112).



4. Janhit Abhiyan
(7 November 2022, five judges, 3 to 2)

Upheld the 103rd Amendment, 2019, which allows reservation of up to 10 per cent for the economically weaker sections (Articles 15(6) and 16(6)); the majority held that it does not violate the basic structure (Topic 833).





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CRITICISM, DEFENCE & EXAM SAFEGUARDS

Criticism:

- The words are not in the Constitution, and there is no fixed list, so what is "basic" is left to the judges case by case.



- Unelected judges can strike down a constitutional amendment passed by the prescribed special majority.



- The margin in 1973 was only 7 to 6.



Defence:

- A power to amend is not a power to destroy: Parliament has only a "power to amend" (Khanna, J.), and it cannot use that power to abolish the Constitution or change its identity (Shelat and Grover, JJ.).



- The 39th and 42nd Amendments showed the danger the doctrine guards against.





Judicial review in general, judicial activism and PIL are taught in Topic 883, and the Ninth Schedule in its own topic.

EXAM SAFEGUARDS

1. The doctrine is a judicially evolved principle.



2. "The Constitution lists the basic features." It does not. Article 368 never uses the words, the judges of 1973 gave different lists, and features have been added case by case since. A question that asks for "the" list is asking which case named a given feature.



3. "The doctrine always strikes the amendment down." It is a test, not a verdict. Janhit Abhiyan (2022) applied it and upheld the 103rd Amendment, 3 to 2. And the NJAC case struck down the 99th Amendment, 4 to 1, even though sixteen State Legislatures had ratified it: passing every step of Article 368 does not save an amendment that damages the basic structure.



Sources: S1, S2, S7, S13, S14, S17.

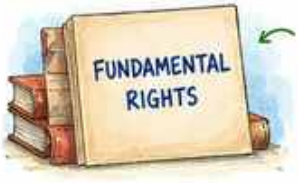
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BASIC STRUCTURE: DATES, BENCHES, RESULTS

27 FEBRUARY 1967 • GOLAK NATH



11 judges, 6-5. Fundamental Rights cannot be taken away or abridged by amendment.

5 NOVEMBER 1971 • 24TH AMENDMENT



Article 13 kept away from amendments; constituent power in Article 368.

24 APRIL 1973 • KESAVANANDA BHARATI



13 judges, 7-6 on basic structure. Golak Nath overruled; 24th Amendment valid; basic structure protected; second part of Article 31C struck down.

7 NOVEMBER 1975 • RAJ NARAIN



5 judges. Article 329A(4) struck down.

1976 • 42ND AMENDMENT



Article 368(4)-(5) added; Article 31C widened.

31 JULY 1980 • MINERVA MILLS



5 judges. Article 368(4)-(5) and widened Article 31C struck down.

13 NOVEMBER 1980 • WAMAN RAO



5 judges; reported 1981. Ninth Schedule dividing date: 24 April 1973.

18 FEBRUARY 1992 • KIHOTO HOLLOHAN



5 judges, 3-2. Tenth Schedule paragraph 7 invalid for want of ratification; rest upheld.

11 MARCH 1994 • S.R. BOMMAI



9 judges. Secularism is basic.

18 MARCH 1997 • L. CHANDRA KUMAR



7 judges. Review under Articles 226 and 32 is basic.

11 JANUARY 2007 • I.R. COELHO



9 judges. Ninth Schedule additions on or after 24 April 1973 face the basic-structure test.

16 OCTOBER 2015 • NJAC



5 judges, 4-1. 99th Amendment and NJAC Act struck down.

7 NOVEMBER 2022 • JANHIT ABHIYAN



5 judges, 3-2. 103rd Amendment upheld.

RECALL LINKS

7 November: Raj Narain (1975), amendment struck down; Janhit Abhiyan (2022), upheld. Forty-seven years apart.

24 April 1973: decision date for the 13-judge Kesavananda bench; Ninth Schedule dividing date used by the 9-judge Coelho bench.

Sources: S1-S14, S16-S18.

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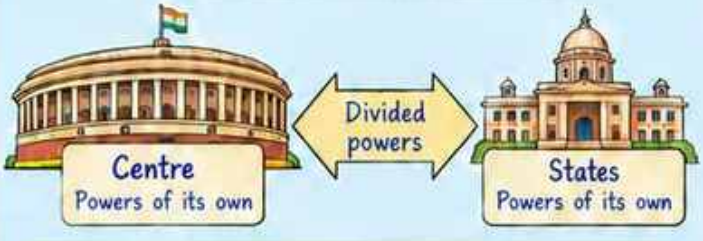
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Why India Is Federal with a Strong Centre

The Constitution of India sets up two levels of government with divided powers, which are federal features, but it also gives the Centre the upper hand in normal times and still more in an emergency, which is its unitary bias. The examination asks which Article shows which feature and how Parliament can act on matters that belong to the States.

Federal System

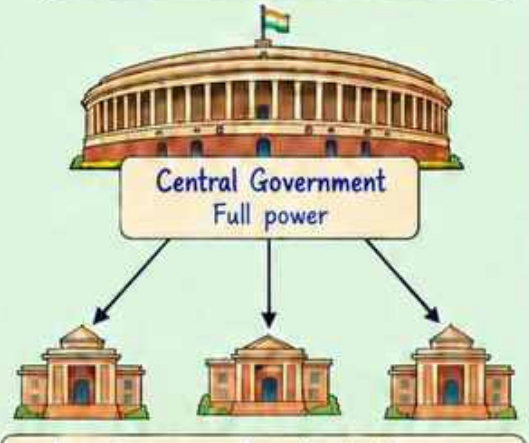
Two levels of government



- Two levels of government, each with powers of its own.
- A written constitution divides the powers between them.
- Neither level can change that division alone.
- An independent judiciary settles disputes between them.

Unitary System

One government with full power



Local governments get only the powers it chooses to give them.

What is Federalism?

Federalism divides constitutional authority between two levels of government, each with powers of its own.

Ambedkar's View

Dr B.R. Ambedkar called the Constitution "a dual polity with a single citizenship".

Article 1(1)

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

The Constitution uses the term 'Union of States'; it does not use the word 'federation'.

What is a Unitary System?

A unitary system has one government with full power; any local governments get only the powers it chooses to give them.

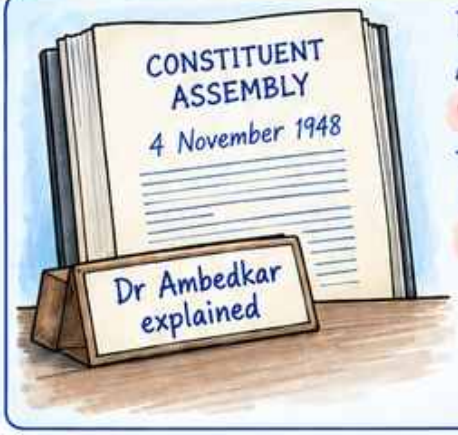
India's Position

The Indian Constitution has federal features and also features that lean towards a unitary system. That lean is its unitary bias.

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Union of States: Federal Foundations

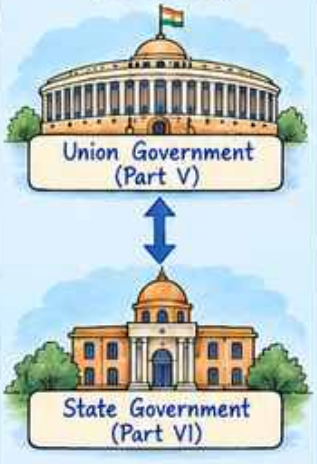


Dr Ambedkar explained the choice in the Constituent Assembly on 4 November 1948. He said "the use of the word Union is deliberate". The Indian federation was not the result of an agreement among the States, so no State has the right to secede from it. In his words, "Federation is a Union because it is indestructible".

So the word "Union" does not make the structure unitary. It tells us how the federation came about and that it cannot be broken up by a State.

TWO LEVELS OF GOVERNMENT

Part V (the Union) and Part VI (the States)



Each level has its own legislature and executive, and the States have Ministries of their own.

DIVISION OF POWERS

Article 246 and the Seventh Schedule

Union List (List I)

Parliament has exclusive power over the Union List (List I).

State List (List II)

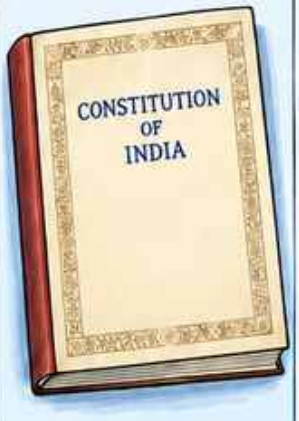
A State Legislature has exclusive power over the State List (List II).

Concurrent List (List III)

Both may make laws on the Concurrent List (List III).

A WRITTEN CONSTITUTION

The whole text



The division of powers is written down in one document, and neither level can rewrite it by itself.

SUPREMACY OF THE CONSTITUTION

Article 13, and the powers in Article 246



Both levels get their powers from the Constitution. A law beyond those powers can be struck down. This is constitutional supremacy, not parliamentary supremacy.

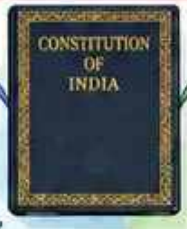
Sources: S1, S3, S7, S8, S12, S13, S14, S16, S17.

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Federal Safeguards and Central Strength

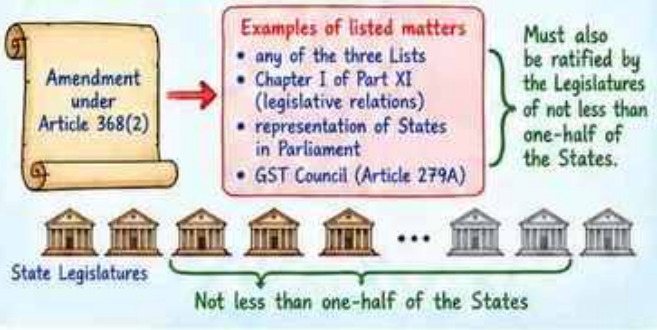
Safeguards for Federalism
(Checks, Balance and Shared Power)



Features that Strengthen the Centre
(Unity, Coherence and National Reach)

RIGIDITY | Proviso to Article 368(2)

An amendment that changes the listed matters, for example any of the three Lists, Chapter I of Part XI (legislative relations), the representation of States in Parliament or the GST Council (Article 279A), must also be ratified by the Legislatures of not less than one-half of the States.



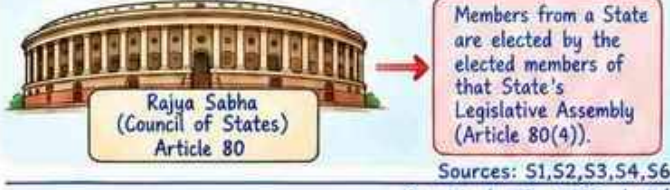
AN INDEPENDENT JUDICIARY | Article 131, among others

An independent judiciary settles federal disputes. Under Article 131, the Supreme Court has original jurisdiction over specified Union-State and inter-State disputes involving the existence or extent of a legal right, subject to constitutional limits.



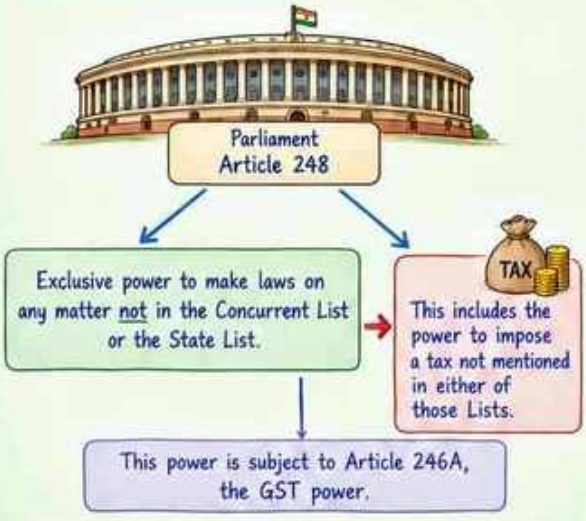
BICAMERALISM | Article 80

The Rajya Sabha (Council of States) represents the States. Its members from a State are elected by the elected members of that State's Legislative Assembly (Article 80(4)).



A STRONG CENTRE AND RESIDUARY POWERS
Article 248

Parliament has exclusive power to make laws on any matter not in the Concurrent List or the State List. This includes the power to impose a tax not mentioned in either of those Lists. (This power is subject to Article 246A, the GST power)



ONE CONSTITUTION AND SINGLE CITIZENSHIP
Part II (Articles 5 to 11)

One document provides for the Union and the States alike. There is no separate citizenship of a State.



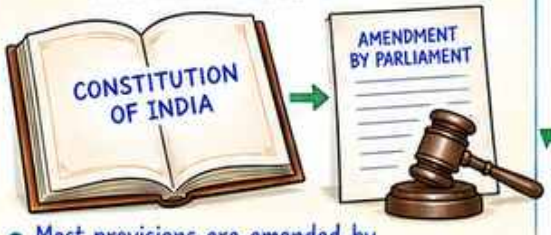
Sources: S1,S2,S3,S4,S6,S12,S13,S14,S17,S18.

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The Institutions That Integrate India

1 FLEXIBILITY
Article 368(2) and laws such as those under Article 3



- Most provisions are amended by Parliament alone, by a special majority, with no ratification by the States.
- Some can be changed by an ordinary law.

2 UNEQUAL REPRESENTATION IN THE RAJYA SABHA
Article 80(2) and the Fourth Schedule



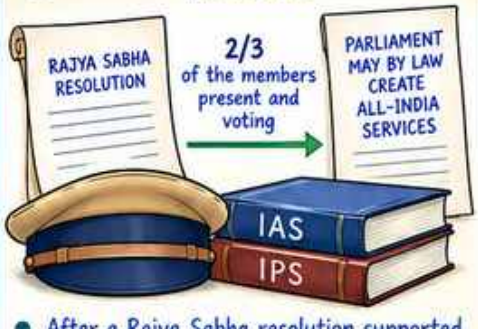
Seats follow population: Uttar Pradesh has 31; eight States have 1 each.

3 A SINGLE INTEGRATED JUDICIARY
Articles 124, 214 and 233 onwards

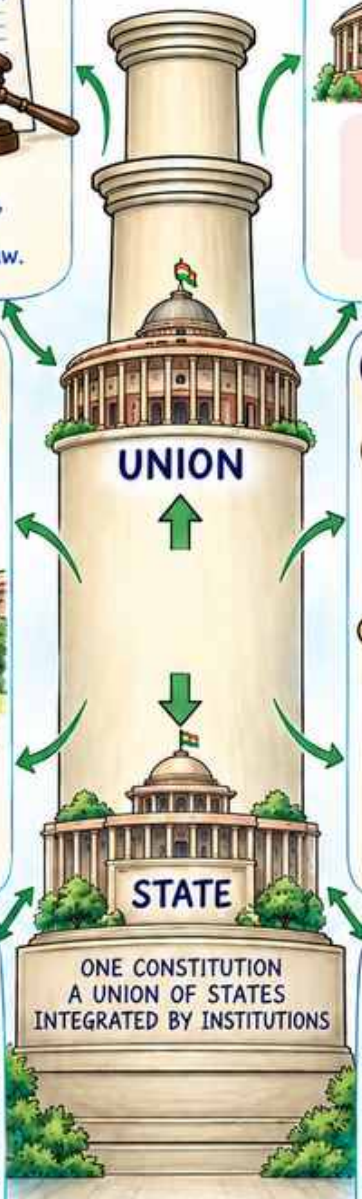


- One hierarchy of courts decides cases under Union laws and State laws alike.
- There are not two sets of courts.

4 ALL-INDIA SERVICES
Article 312



- After a Rajya Sabha resolution supported by two-thirds of the members present and voting, Parliament may by law create services common to the Union and the States.
- The IAS and the IPS are deemed to be created under this Article.



5 INTEGRATED AUDIT
Articles 148 and 149



- One Comptroller and Auditor-General of India (CAG) performs duties in relation to the accounts of the Union and of the States.

6 THE GOVERNOR APPOINTED BY THE CENTRE
Articles 155 and 156



- The Governor is appointed by the President by warrant under his hand and seal, and holds office during the pleasure of the President.

Sources: S1,S2,S3,S4,S6,S12,S13,S17,S18.

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States, Parliament, Bills and Elections

POWER OVER THE AREA, BOUNDARIES AND NAMES OF STATES | Article 3

Parliament may by law form a new State, increase or diminish the area of a State, alter its boundaries or change its name.

Procedure under Article 3

1. A Bill under Article 3 needs the recommendation of the President before it is introduced in either House.



2. If it affects the area, boundaries or name of a State, the President first refers it to that State's Legislature for its views within a period he specifies.

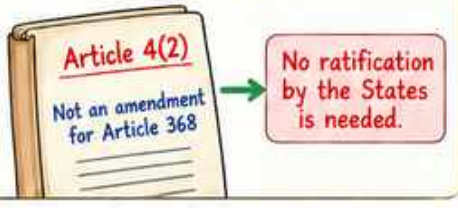


3. After considering the views, Parliament may by law form a new State, increase or diminish the area of a State, alter its boundaries or change its name.



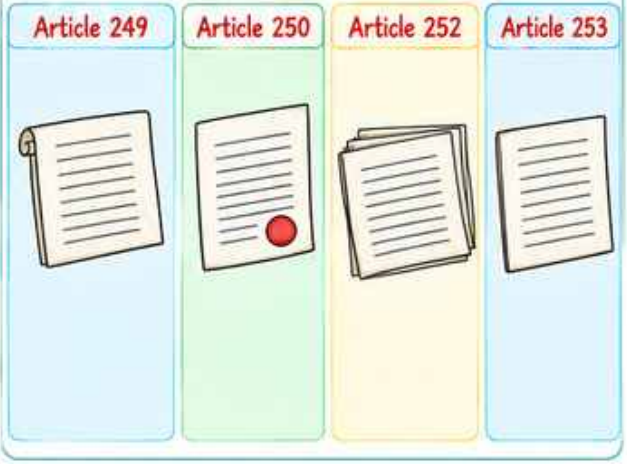
Article 4(2) and Ratification

Article 4(2) adds that such a law is not deemed an amendment of the Constitution for the purposes of Article 368. So no ratification by the States is needed.



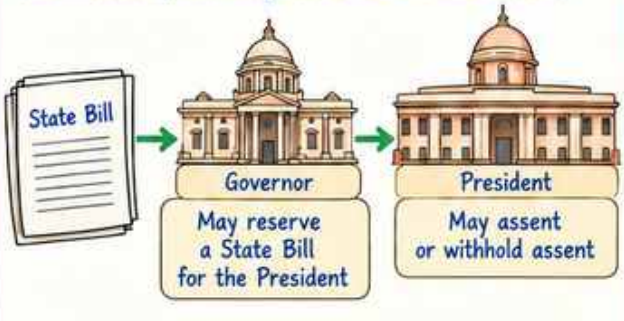
POWER TO LEGISLATE ON STATE LIST MATTERS | Articles 249, 250, 252 and 253

Four routes, compared in Section 3



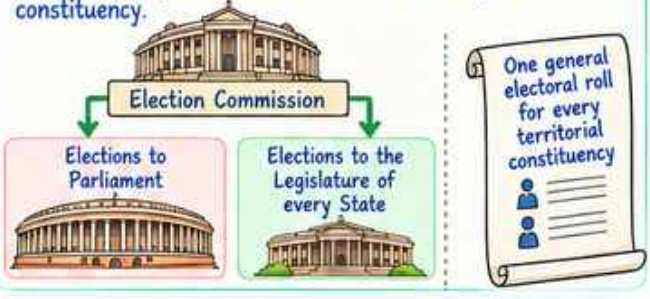
CONTROL OVER STATE BILLS Articles 200 and 201

The Governor may reserve a State Bill for the President, who may assent or withhold assent.



INTEGRATED ELECTION MACHINERY Articles 324 and 325

One Election Commission superintends, directs and controls elections to Parliament and to the Legislature of every State.
There is one general electoral roll for every territorial constituency.



Sources: S1,S2,S3,S4,S6,S12,S13,S17,S18.

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State Bills and National Emergency

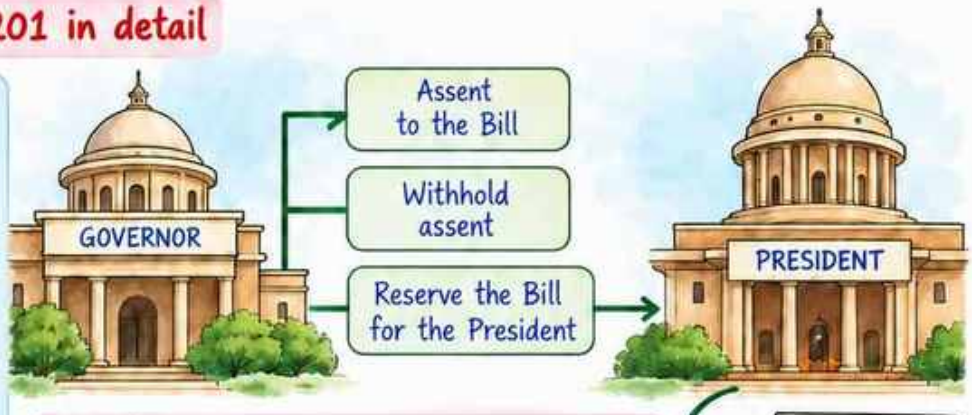
Articles 200 and 201 in detail

Article 200

The Governor may:

- assent to the Bill, or
- withhold assent, or
- reserve the Bill for the President.

He must reserve a Bill that would so derogate from the powers of the High Court as to endanger its position (second proviso to Article 200).



Article 201

For a reserved Bill that is not a Money Bill, the President may direct the Governor to return it, and the House or Houses must reconsider it within six months of receiving the message (Article 201).



Money

States receive grants and financial assistance from the Centre, alongside their own revenues and shares in central taxes (Topic 124).



Emergency provisions can centralise authority by extending Union powers over State matters.

ARTICLE 352 (Proclamation of Emergency)

Trigger

The President is satisfied that a grave emergency exists, whether by war, external aggression or armed rebellion.



Effect

Under Article 353
While it is in operation, the executive power of the Union extends to giving directions to any State.

Under Article 250
Parliament may legislate on State List matters too, so its law-making power then reaches any matter.

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President's Rule and Financial Emergency

ARTICLE 356
(failure of constitutional machinery in a State)

Trigger:



On a report from the Governor or otherwise, the President is satisfied that the Government of the State cannot be carried on in accordance with the Constitution



President is satisfied that the Government of the State cannot be carried on in accordance with the Constitution

Effect:

The President may assume to himself all or any of the functions of the Government of the State, and declare that the powers of its Legislature shall be exercisable by or under the authority of Parliament

ARTICLE 360
(financial emergency)

Trigger:

The financial stability or credit of India or of any part of it is threatened



Effect:

The Union may direct any State to observe canons of financial propriety, and may require Money Bills to be reserved for the President

Note the difference in reach.

All-India Article 352 Emergency

lets the Union direct any State, and Parliament legislate on State List matters too.

Emergency confined to part of India (Article 353)

restricts the extension of its executive and legislative effects elsewhere to circumstances where activities there threaten the security of India or any part.



Article 356

takes over the government and legislature of the one State concerned.

Article 356 was examined in S.R. Bommai (2.6).

Sources: S5, S16, S17.

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How Courts and Scholars Describe Federalism

Dr Ambedkar (4 November 1948)

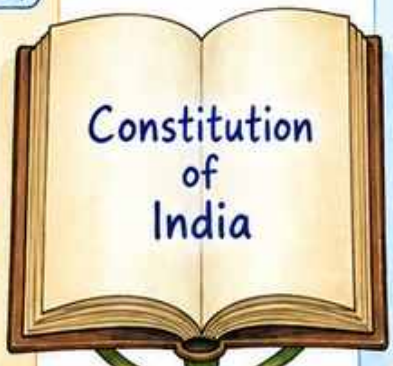
The Draft Constitution "can be both unitary as well as federal according to the requirements of time and circumstances".

He set it against federations that are "placed in a tight mould of federalism" and cannot change their form: in normal times India works as a federation, and in an emergency it can work as a unitary State.

K.C. Wheare: "quasi-federal"

The label is usually linked with Professor K.C. Wheare.

In S.R. Bommai, Justice A.M. Ahmadi quoted Wheare's book *Federal Government*, which doubts whether the Constitution of India is "strictly and fully federal", and described the Constitution as quasi-federal.



S.R. Bommai v. Union of India (11 March 1994, nine judges)

The Supreme Court in S.R. Bommai v. Union of India (11 March 1994, nine judges).

Justices P.B. Sawant and Kuldip Singh held that democracy and federalism are part of the basic structure of the Constitution (Topic 123). So the unitary features do not license Parliament to destroy the federal character by amendment.

Cooperative federalism

The Centre and the States work together as partners.

NITI Aayog's resolution of 1 January 2015 sets the aim "To foster cooperative federalism" (Topic 35).



Sources: S7, S9, S10, S14, S15, S17.

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Cooperation, Competition and Article 249

Competitive federalism

the States compete with one another to perform better; NITI Aayog ranks States on indicators.

These words are not in the 2015 resolution (Topic 35).



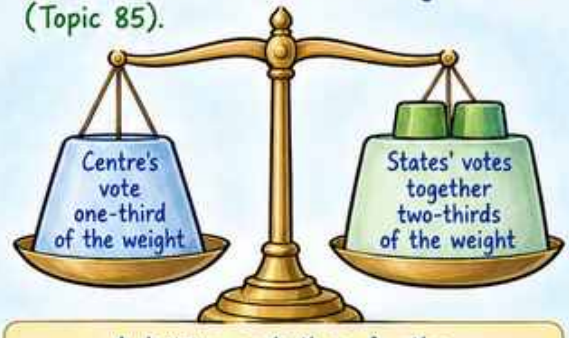
Fiscal federalism

the Finance Commission (Article 280) recommends the States' share of the divisible pool, 41 per cent under the Fifteenth and the Sixteenth Commissions (Topic 124).



The GST Council (Article 279A)

the Centre's vote carries one-third of the weight and the States' votes together two-thirds, and a decision needs three-fourths of the weighted votes, so neither side can carry it alone (Topic 85).



A decision needs three-fourths of the weighted votes, so neither side can carry it alone.

Centre-State relations in detail,

the Sarkaria and Punchhi Commissions and current disputes come on other days (Topics 142, 554, 903 and 923).



ARTICLE 249

Trigger

The Council of States declares, by a resolution supported by not less than two-thirds of the members present and voting, that it is necessary or expedient in the national interest.



Who sets it off

The Rajya Sabha.



Area covered

The whole or any part of India.



How long

The resolution lasts up to one year and can be renewed a year at a time; the law ceases six months after the resolution ends.



Federal or unitary in spirit

Unitary, though the House that votes represents the States.



Sources: S3,S5,S13,S15,S17,S18.

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Articles 250, 252 and 253 Compared

ARTICLE 250



Trigger

A Proclamation of Emergency is in operation

Who sets it off

The President, by the Proclamation



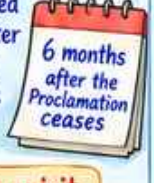
Area covered

The whole or any part of India



How long

The law ceases, to the extent Parliament otherwise lacked competence, six months after the Proclamation ceases; earlier acts or omissions are saved



Federal or unitary in spirit

Emergency feature



ARTICLE 252



Trigger

The Legislatures of two or more States pass resolutions, in all their Houses, asking Parliament to regulate the matter

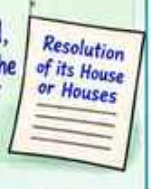
Who sets it off

The States themselves



Area covered

Only the States that asked, and any State that adopts the Act later by a resolution of its House or Houses



How long

No time limit is set by a resolution



Federal or unitary in spirit

Closest to federal: it rests on the States' consent



ARTICLE 253

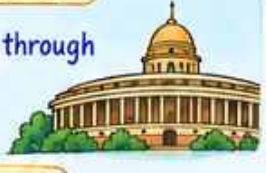


Trigger

Parliament must implement a treaty, agreement or convention with other countries, or a decision of an international conference, association or other body

Who sets it off

The Union, through its treaties



Area covered

The whole or any part of India



How long

No time limit is set by a resolution



Federal or unitary in spirit

Unitary, for the sake of international obligations



Sources: S3,S5,S13,S17,S18.

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How to Distinguish the Legislative Routes

How to use the table:
Articles 249 and 252 both work through resolutions, but of different bodies. In Article 249 it is the Rajya Sabha, by a two-thirds majority of members present and voting. In Article 252 it is the State Legislatures, and the law binds only those States and the States that adopt it.

Legislative routes and emergency powers

Article 249
Works through a resolution.



It is the Rajya Sabha, by a two-thirds majority of members present and voting.

Article 250
Laws on State List matters.



Widens Parliament's law-making power during an Emergency.

Article 252
Works through resolutions.



It is the State Legislatures, and the law binds only those States and the States that adopt it.

Article 353
Widens the Union's powers during an Emergency.

Article 353(a)
On directions to States, widens the Union's executive power.

Article 353(b)
Laws conferring powers and duties on the Union and its officers even in matters outside the Union List. Widens Parliament's law-making power during an Emergency.

Article 356
Different from the above.



Shifts the powers of one State's Legislature to Parliament.

Article 254 (1) and (2)

If a State law is repugnant to a law of Parliament on a Concurrent List matter, the law of Parliament prevails, and the State law is void to the extent of the repugnancy (Article 254(1)).

→

Subject to Article 254(2): a reserved State law receiving Presidential assent may prevail in that State over an earlier Parliamentary law, but Parliament can override it later (Topic 142).

Sources: S3, S5, S13, S17, S18.

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Three Federalism Traps to Avoid

1 "Article 1 calls India a federation, and the States joined it by agreement." Neither part is true.



- Article 1 says "a Union of States".
- The word "federation" does not appear in the Constitution.
- Dr Ambedkar said the word Union was deliberate: the federation did not come from an agreement among the States, and **no State may secede.**
- Yet the structure has two levels of government with divided powers, so it is **federal in structure.**





Two levels of government with divided powers ⇒ **Federal in structure.**

2 "One institution shows only one kind of feature."

Read the question for which aspect it means.



The Rajya Sabha shows both:

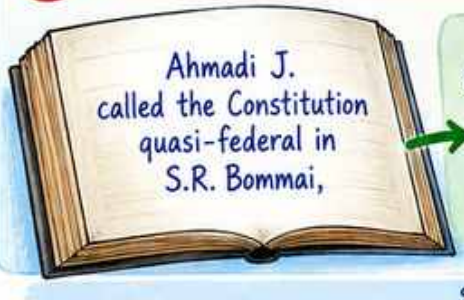
- It is the House of the States, a **federal feature.**
- Its seats follow population, a **unitary one.**



The judiciary shows both as well:

- It is independent and settles Union-State disputes (**federal**).
- It is a single integrated hierarchy for Union and State laws (**unitary**).

3 "Quasi-federal means federalism is not part of the basic structure."



yet in the same case Sawant and Kuldip Singh JJ. held that **democracy and federalism are part of the basic structure.**



A unitary bias in the text is **not the absence of federalism.**

Sources: S1, S7, S8, S9, S10, S12, S13, S14.

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Classifying Public Bodies by Legal Origin

Public bodies are sorted by the source of their power (an Article of the Constitution, an Act of a legislature, or a resolution or order of the Government) and by the work they do (regulating a sector, or deciding disputes with some powers of a court).

The examination asks which body rests on which Act and of which year, who appoints its members, and whether it is constitutional, statutory or executive.

Classification by Legal Origin

Constitutional body

Where its power comes from: An Article of the Constitution itself.

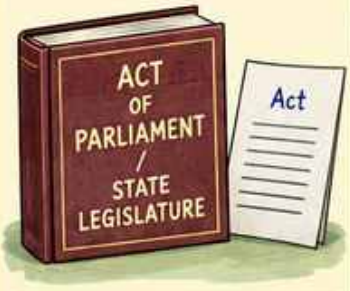


Examples:

- Election Commission (Article 324)
- Union Public Service Commission and the State Commissions (Article 315)
- Finance Commission (Article 280)
- Comptroller and Auditor General (Article 148)
- National Commission for Scheduled Castes (Article 338)
- National Commission for Backward Classes (Article 338B, since 2018)

Statutory body

Where its power comes from: An Act of Parliament or of a State Legislature.



Examples:

- National Human Rights Commission (NHRC)
- Central Information Commission (CIC)
- Lokpal
- National Green Tribunal (NGT)

Executive (non-statutory) body

Where its power comes from: A resolution or order of the Government; neither the Constitution nor an Act creates it.



Examples:

- NITI Aayog (Cabinet resolution of 1 January 2015, Topic 35)
- the Planning Commission (Cabinet resolution of 15 March 1950)

Classification by Function (separate axis)



Regulating a sector

Deciding disputes with some powers of a court



Sources: S3, S4, S5, S6, S21, S23, S24, S26, S27, S31. | Day14 | Topic133 | 1/13 | @iaswithdrravi.

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Bodies Can Change Status; Regulators Have a Role

Status change over time

Central Vigilance Commission (CVC)

1964 Executive body → 1999 Ordinance (temporary spell) → 2003 Statutory body (by an Act)



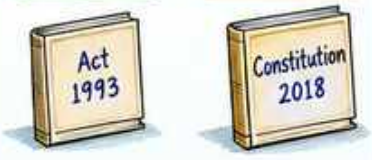
Securities and Exchange Board of India (SEBI)

1988 Executive body → 1992 Statutory body



National Commission for Backward Classes (NCBC)

1993 Statutory body → 2018 Constitutional body



Name tells nothing about legal basis

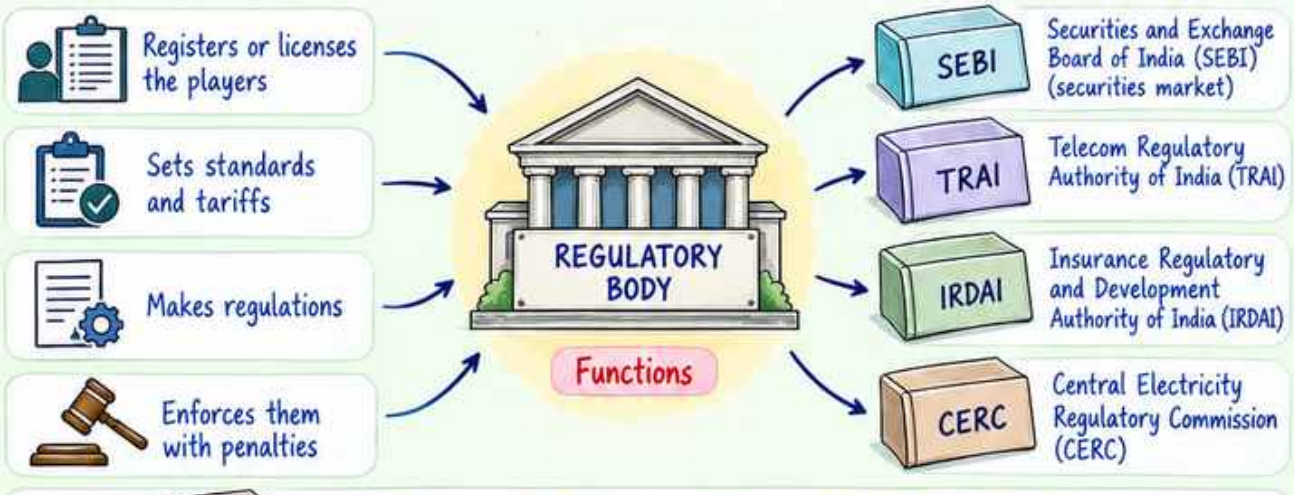
"Commission" is used for constitutional bodies (Finance Commission), statutory bodies (NHRC) and executive bodies (the Planning Commission).

Labels describe function, not legal basis

These labels describe what a body does, not where its power comes from.
All the regulatory and quasi-judicial bodies in this topic are statutory bodies, and one body can be both.

Regulatory body: meaning and functions

A regulatory body is a statutory body that governs one sector.



RBI — The Reserve Bank of India (RBI) regulates banks under the Banking Regulation Act, 1949 (Topic 43).

Sources: S1,S2,S3,S4,S5,S6,S7,S12,S13,S21,S23,S24,S26,S27,S28,S31. | Day14 | Topic133 | 2/13 | @iaswithdrravi.

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What Makes a Function Quasi-Judicial?

A regulator often combines three roles. SEBI is described as quasi-legislative (it makes regulations), quasi-executive (it inspects and enforces) and quasi-judicial (it passes rulings and orders).



Quasi-legislative

It makes regulations.



Quasi-executive

It inspects and enforces.



Quasi-judicial

It passes rulings and orders.



Quasi-judicial body

A body that is not a court but has some powers of a court. It can summon persons, take evidence, hear the parties, decide a dispute or a complaint and award relief.

Examples: the NHRC, the CIC, the NGT, the consumer commissions, the Competition Commission of India (CCI).



From Hearing to Decision: A Quasi-Judicial Process

1. Summon and take evidence



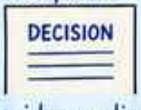
The authority can summon persons and take evidence.

2. Hear the parties



It hears the parties.

3. Decide the dispute or complaint



It decides a dispute or a complaint.

4. Award relief



It awards relief.

What makes a decision quasi-judicial (Supreme Court)?

In Indian National Congress (I) v. Institute of Social Welfare (10 May 2002), the Court drew this test from its earlier decisions.

(a) A statutory authority is empowered under a statute to do an act → (b) which would prejudicially affect the subject → (c) even if there is no lis (dispute) between two contending parties and the contest is between the authority and the subject → (d) and the authority is required to act judicially under the statute, its decision is quasi-judicial.

The Court added that where the law requires an authority to make an enquiry before it decides, that requirement makes it a quasi-judicial authority.

Sources: S1, S2, S6, S7, S12, S13, S21, S28. | Day14 | Topic133 | 3/13 | @iaswithdrravi.

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Appeals and the Human Rights Commission

Orders are reviewable: a quasi-judicial decision is not automatically final; appeals or judicial review depend on the governing law.



NGT (National Green Tribunal)

Order can be appealed to the Supreme Court within **90 days.**



Supreme Court



CERC (Central Electricity Regulatory Commission)

Order goes in appeed to the Appellate Tribunal for Electricity within **45 days.**



Appellate Tribunal for Electricity



SEBI (Securities and Exchange Board of India)

Appeals go to the Securities Appellate Tribunal, and a **second appeal** to the **Supreme Court.**



Securities Appellate Tribunal



Supreme Court



Telecom disputes (since 2000)

Go to the Telecom Disputes Settlement and Appellate Tribunal (TDSAT), **not to TRAI.**



Telecom Disputes Settlement and Appellate Tribunal (TDSAT)

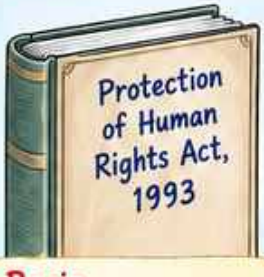


TRAI

Not to TRAI

The NHRC only recommends: its findings are not binding orders (Topic 103).

NHRC
(National Human Rights Commission)



Basis:
Protection of Human Rights Act, 1993; set up **12 October 1993.**

Composition:



Chairperson (has been Chief Justice of India or a Supreme Court Judge)



Five Members



Seven deemed members

Appointment:
President, on the recommendation of a committee of six headed by the **Prime Minister.**

Committee of six (Headed by the Prime Minister)





Function:
Inquires into violations of human rights and recommends relief (Topic 103).

Classification:



Quasi-judicial.

Sources: S1,S2,S3,S4,S6,S7,S8,S9,S10,S12,S13,S14,S15,S16,S21,S22,S25,S25,S27,S28,S29,S30,S31,S32,S33.

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CVC, CIC and Lokpal: Compare Carefully

CVC

Central Vigilance Commission



Basis

- Central Vigilance Commission Act, 2003.
- First set up by a Government resolution of 11 February 1964.
- Before the Act, it was for a time a statutory body under an Ordinance (the Central Vigilance Commission Ordinance, 1999), which later ceased to operate.

Composition

Central Vigilance Commissioner (Chairperson)

Vigilance Commissioner | Vigilance Commissioner

Not more than two Vigilance Commissioners.

Appointment

President, on the recommendation of the Prime Minister, the Home Minister and the Leader of the Opposition in the Lok Sabha.

Prime Minister | Home Minister | Leader of the Opposition in the Lok Sabha

Recommendation

President

Function

- Advises and guides Central agencies on vigilance (Topic 204).

Classification

- Vigilance (integrity) body.

CIC

Central Information Commission



Basis

- Right to Information Act, 2005.
- Constituted 12 October 2005.

Composition

Chief Information Commissioner

Information Commissioners

Not more than ten Information Commissioners.

Appointment

President, on the recommendation of the Prime Minister, the Leader of the Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.

Prime Minister | Leader of the Opposition in the Lok Sabha | A Union Cabinet Minister nominated by the Prime Minister

Recommendation

President

Function

- Hears complaints under the RTI Act (Topic 262).

Classification

- Quasi-judicial.

LOKPAL

Lokpal and Lokayuktas



Basis

- Lokpal and Lokayuktas Act, 2013 (Act No. 1 of 2014).
- In force 16 January 2014.

Composition

Chairperson

Members

- Up to eight Members.
- Half of the Members judicial.
- At least half from the SC, ST, OBC, minorities or women.

Appointment

President, on the recommendation of a Selection Committee: the Prime Minister, the Speaker and the Leader of the Opposition in the Lok Sabha, the Chief Justice of India (or a Supreme Court Judge he nominates) and an eminent jurist.

Prime Minister | Speaker | Leader of the Opposition in the Lok Sabha | Chief Justice of India (or a Supreme Court Judge he nominates) | An eminent jurist

Recommendation

President

Function

- Inquires into complaints of corruption against public servants.

Classification

- Anti-corruption body.

Sources: S3,S4,S6,S7,S8,S9,S10,S12,S13,S14,S15,S16,S21,S22,S25,S27,S28,S29,S30,S31,S32,S33. | Day14 | Topic133 | 5/13 | @iaswithdrravi.

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NGT, SEBI and TRAI: Powers and Composition

NGT (National Green Tribunal)

Basis: National Green Tribunal Act, 2010.

Composition: Chairperson (a serving or former Supreme Court Judge or High Court Chief Justice), Judicial Members and Expert Members; judicial eligibility is wider than retired High Court Judges under the applicable tribunal rules.

Appointment: Not taken up in this topic (Topic 462).

Function: Decides environmental cases under the enactments in Schedule I (the original seven included the Water Cess Act, repealed in 2017); principal bench at New Delhi.

Classification: Quasi-judicial.



Principal bench at New Delhi

Composition

- Chairperson (a serving or former Supreme Court Judge or High Court Chief Justice)
  - Judicial Members
  - Expert Members

Judicial eligibility is wider than retired High Court Judges under the applicable tribunal rules.

SEBI (Securities and Exchange Board of India)

Basis: SEBI Act, 1992; first set up on 12 April 1988 as an executive body.

Composition: Nine: Chairman, two Union officials dealing with finance and administration of the Companies Act, one from the RBI and five others (at least three whole-time).

Appointment: Central Government appoints Chairman and five other members; it nominates the two Union officials, while RBI nominates its official.

Function: Protects investors; promotes and regulates the securities market.

Classification: Regulatory and quasi-judicial.



Securities and Exchange Board of India (SEBI)

Composition (Nine)

- Chairman
- Two Union officials dealing with finance and administration of the Companies Act
- One from the RBI
- Five others (at least three whole-time)

Appointment

- Central Government
  - Appoints Chairman and five other members
  - Nominates the two Union officials
  - RBI nominates its official

TRAI (Telecom Regulatory Authority of India)

Basis: TRAI Act, 1997; set up 20 February 1997.

Composition: Chairperson, not more than two full-time and not more than two part-time Members.

Appointment: Not taken up in this topic (Topic 692).

Function: Regulates telecom services and tariffs.

Classification: Regulatory.



Composition

- Chairperson
  - Not more than two full-time Members
  - Not more than two part-time Members

Functions

- Regulates telecom services and tariffs.

Sources: S3,S4,S6,S7,S8,S9,S10,S12,S13,S14,S15,S16,S21,S22,S25,S27,S28,S29,S30,S31,S32,S33. | Day14 | Topic133 | 6/13 | @iaswithdrravi.

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Competition, Insurance, Electricity and Women

COMPETITION COMMISSION OF INDIA (CCI)



Basis:
- Competition Act, 2002 (Act No. 12 of 2003).

Set up:
- 14 October 2003.

Fully functional from:
- May 2009.

Composition:
- Chairperson and not less than two and not more than six Members.

Appointment:
- Central Government.

Function:
- Acts against anti-competitive agreements and abuse of dominance.
- Reviews combinations (mergers).

Classification:
- Regulatory and quasi-judicial.



INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY OF INDIA (IRDAI)



Basis:
- IRDA Act, 1999.

Incorporated:
- April 2000.

Composition:
- Chairperson, not more than five whole-time and not more than four part-time Members.

Appointment:
- Central Government.

Function:
- Registers insurers.
- Protects policyholders.
- Headquarters at Hyderabad.

Classification:
- Regulatory.

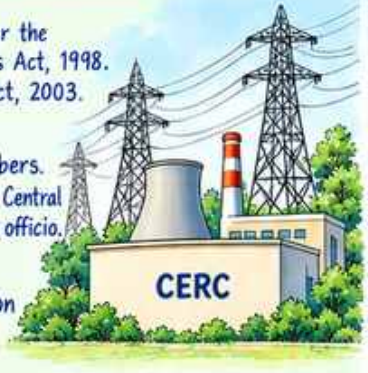


CENTRAL ELECTRICITY REGULATORY COMMISSION (CERC)

Basis:
- First set up on 24 July 1998 under the Electricity Regulatory Commissions Act, 1998.
- Continues under the Electricity Act, 2003.

Composition:
- Chairperson and three other Members.
- In addition, the Chairperson of the Central Electricity Authority is a Member ex officio.

Appointment:
- Central Government, on a selection committee's advice.



Function:
- Regulates tariffs of Central generating stations and inter-State transmission.
- Grants inter-State licences.
- Decides disputes.

Classification:
- Regulatory and quasi-judicial.



NATIONAL COMMISSION FOR WOMEN (NCW)

Basis:
- National Commission for Women Act, 1990.

Constituted:
- 31 January 1992.



Composition:
- Chairperson and Members. (First Chairperson Jayanti Patnaik, 1992).

Appointment:
- Not taken up in this topic.

Function:
- Advises the Government on policy matters affecting women.

Classification:
- Statutory commission.



Sources: S3, S4, S6, S7, S8, S9, S10, S12, S13, S14, S15, S16, S21, S22, S25, S27, S28, S29, S30, S31, S32, S33.

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Children, Consumers, Banking and CCPA

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

- **Basis** : Commissions for Protection of Child Rights Act, 2005; set up 5 March 2007.
- **Composition** : Chairperson and six Members, at least two of them women.
- **Appointment** : Central Government.
- **Function** : Monitors the Right to Education Act, 2009, the POCSO Act, 2012 and the Juvenile Justice Act, 2015.
- **Classification** : Statutory commission.



CONSUMER DISPUTES REDRESSAL COMMISSIONS

- **Basis** : Consumer Protection Act, 2019; in force from 20 July 2020.
- **Composition** : Three tiers: District, State and National Commissions.
- **Appointment** : Not taken up in this topic (Topic 633).
- **Function** : Decide consumer complaints, much as courts do.
- **Classification** : Quasi-judicial.



RBI

- **Basis** : Reserve Bank of India Act, 1934; began work 1 April 1935.
- **Composition** : Not taken up in this topic (Topic 43).
- **Appointment** : Not taken up in this topic (Topic 523).
- **Function** : Central bank; regulator of banks under the Banking Regulation Act, 1949.
- **Classification** : Regulatory.





CENTRAL CONSUMER PROTECTION AUTHORITY (CCPA)

Consumer Protection Act, 2019, a second body: the Act also set up the Central Consumer Protection Authority (from 24 July 2020). It can recall goods, issue directions and impose penalties for false or misleading advertisements. So the Act has a regulator beside the quasi-judicial commissions.



Sources: S3, S4, S6, S7, S8, S9, S10, S12, S13, S14, S15, S16, S21, S22, S25, S27, S28, S29, S30, S31, S32, S33.

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Appointment Committees and Constitutional Status

Three appointment committees to keep apart:

NHRC (Topic 103)

Six members



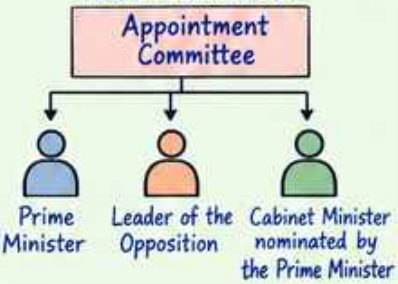
CVC

Three: the Prime Minister, the Home Minister and the Leader of the Opposition.



CIC

Three: the Prime Minister, the Leader of the Opposition and a Cabinet Minister nominated by the Prime Minister.





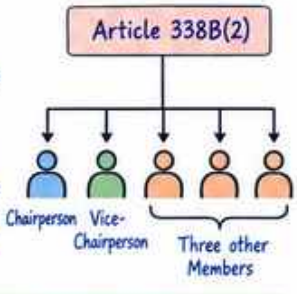
National Commission for Scheduled Castes

rests on Article 338 of the Constitution.

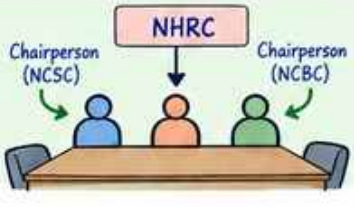


National Commission for Backward Classes

- set up on 14 August 1993 as a statutory body under the National Commission for Backward Classes Act, 1993.
- The Constitution (102nd Amendment) Act, 2018 inserted Article 338B, and the Commission became a constitutional body.
- Under Article 338B(2) it has a Chairperson, a Vice-Chairperson and three other Members.



The Chairpersons of both these Commissions sit in the NHRC as deemed members (Topic 103): constitutional and statutory bodies can work together.





AP State Human Rights Commission

- set up under the Protection of Human Rights Act, 1993.
- Its office at Kurnool was inaugurated in September 2021.
- Its Chairperson must have been Chief Justice or a Judge of a High Court (since the 2019 amendment, Topic 103), and
- the Governor appoints on the recommendation of a committee headed by the Chief Minister.

Sources: S3, S4, S5, S6, S7, S8, S9, S10, S12, S13, S14, S15, S16, S17, S18, S19, S20, S21, S22, S25, S26, S27, S28, S29, S30, S31, S32, S33.

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Andhra Pradesh Bodies and Institutional Origins

AP Lokayukta

- set up under the A.P. Lokayukta Act (Act 11 of 1983), in force from 1 November 1983.
- the institution began work on 15 November 1983. and sits at Kurnool.
- The Governor appoints District Judges as Upa-Lokayuktas.



Governor
↓ appoints
District Judges
↓
Upa-Lokayuktas

AP Information Commission



Original undivided-State Commission dates to 2 March 2006.

↓

Present post-bifurcation Andhra Pradesh State Information Commission was constituted under the RTI Act, 2005 by notification of 16 August 2017.

- It has a State Chief Information Commissioner and not more than ten State Information Commissioners.
- Appointed by the Governor on the recommendation of the Chief Minister, the Leader of the Opposition in the Legislative Assembly and a Cabinet Minister nominated by the Chief Minister.

AP Electricity Regulatory Commission (APERC)

- The State's electricity regulator.
- It issues the State's electricity regulations, tariff orders and notifications (APERC website, seen on 17 October 2026).
- The State commissions are taught with the CERC in Topic 804.



electricity regulations
tariff orders
notifications

1934: Reserve Bank of India Act

- 1934: Reserve Bank of India Act.
- The RBI begins work on 1 April 1935.



15 March 1950: Planning Commission

- 15 March 1950: Planning Commission set up by a Cabinet resolution (executive body).



Sources: S3, S4, S6, S7, S8, S9, S10, S11, S14, S15, S16, S17, S18, S19, S20, S21, S22, S23, S27, S28, S31.

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Institutional Timeline: 1964 to 2003

K. Santhanam Committee Recommendation → CVC

11 February 1964: CVC set up by a Government resolution, on the recommendation of the committee headed by K. Santhanam

A.P. Lokayukta Act, 1983 →



1 November 1983: A.P. Lokayukta Act in force; the AP Lokayukta begins work on 15 November 1983

SEBI (executive body) →



12 April 1988: SEBI set up as an executive body

National Commission for Women Act →



1990: National Commission for Women Act; the Commission is constituted on 31 January 1992

SEBI Act, 1992 →



30 January 1992: SEBI gets statutory powers; the SEBI Act, 1992 becomes its basis

NCBC (Statutory body)



14 August 1993: NCBC set up as a statutory body

NHRC Protection of Human Rights Act, 1993



12 October 1993: NHRC set up under the Protection of Human Rights Act, 1993

R. N. Malhotra Committee (1993–1994) →



1993 to 1994: Committee under R. N. Malhotra (set up 1993, report 1994) recommends opening insurance to the private sector

TRAI Act, 1997



20 February 1997: TRAI set up under the TRAI Act, 1997

Electricity Regulatory Commissions Act, 1998



24 July 1998: CERC set up under the Electricity Regulatory Commissions Act, 1998

IRDA Act →





IRDAI (April 2000)

1999: IRDA Act; IRDAI incorporated in April 2000

TRAI Act (Amendment) →



24 January 2000: Amendment of the TRAI Act creates the TDSAT, which takes over disputes from TRAI

CVC Act (September 2003)



Electricity Act, 2003



2003: CVC Act (September 2003): the CVC becomes statutory; Electricity Act, 2003: the CERC continues under it

Sources: S3,S4,S6,S7,S8,S9,S10,S11,S14,S15,S16, S17,S19,S22,S23,S27,S28,S31.

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Institutional Timeline: 2003 to 2020

14 October 2003 — CCI set up under the Competition Act, 2002; fully functional from May 2009.



12 October 2005 — CIC constituted under the RTI Act, 2005; the undivided AP Information Commission follows on 2 March 2006; the post-bifurcation AP Commission is constituted on 16 August 2017.



5 March 2007 — National Commission for Protection of Child Rights set up under the Act of 2005.



2010 — National Green Tribunal Act.



1 January 2014 — Lokpal and Lokayuktas Act, 2013 gets assent; in force 16 January 2014.



1 January 2015 — NITI Aayog set up by a Cabinet resolution in place of the Planning Commission.



2018 — 102nd Amendment: the NCBC becomes a constitutional body (Article 338B).



19 March 2019 — First Chairperson of the Lokpal (Justice Pinaki Chandra Ghose) appointed.



9 August 2019 — Consumer Protection Act, 2019 gets assent; in force 20 July 2020.



Current Officeholder (as per PIB)



An official PIB release of 15 August 2026 identifies Justice Ajay Manikrao Khanwilkar as Chairperson of the Lokpal.

Three bodies changed kind

CVC	executive	→ statutory
SEBI	executive	→ statutory
NCBC	statutory	→ constitutional

Sources: S3, S4, S6, S7, S8, S9, S10, S11, S14, S15, S16, S17, S19, S22, S23, S27, S28, S31.

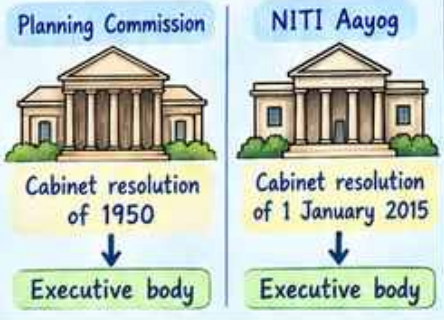
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Three Traps in Public-Body Classification

1 ✗ "NITI Aayog is a statutory body."

It rests on a Cabinet resolution of 1 January 2015, as the Planning Commission rested on one of 1950: both are executive bodies.



✗ The opposite slip is to call the NHRC constitutional: it is statutory, and no Article of the Constitution mentions it.



NHRC is statutory (not constitutional).

A body's name says nothing about its legal basis.

2 ✗ "A quasi-judicial body is a court, so its word is final."

It has some powers of a court: it can summon, take evidence and decide. But it is not a court, and its orders can be taken higher.



Not a court and orders can be taken higher.

NGT order → Goes in appeal to the Supreme Court within 90 days. → Supreme Court

CERC order → Goes to the Appellate Tribunal for Electricity within 45 days. → Appellate Tribunal for Electricity

The NHRC only recommends.



3 ✗ "The year in an Act's title is the year the body began work."

- The Protection of Human Rights Act, 1993 → Act No. 10 of 1994
- The National Commission for Women Act of 1990 → Commission was constituted on 31 January 1992.
- The child rights Act is of 2005 → National Commission was set up on 5 March 2007.
- The Lokpal Act is "of 2013" → Act No. 1 of 2014 → The first Chairperson was appointed only in 2019.

Sources: S12, S13, S14, S15, S16, S21, S23, S32.

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Legislative Relations: Territory and Special Routes

Context and Coverage

- Articles 245 to 255 and the Seventh Schedule divide law-making power between Parliament and the State Legislatures through three Lists, and settle whose law prevails when the two overlap or conflict.
- The examination asks which List a subject is in, how amendments have changed the Lists, and what the Articles on supremacy, residuary power and repugnancy say.
- This topic is Chapter I of Part XI, "Legislative Relations".
- Topic 124 covered the financial relations.



Parliament (Union Legislature)

May make laws for the whole or any part of the territory of India (Article 245(1))

Territory of India (whole or any part) Article 245(1)



State Legislature

May make laws for the whole or any part of the State (Article 245(1))

State (whole or any part) Article 245(1)

The Three Lists (Seventh Schedule)

Law-making power is divided between Parliament and the State Legislatures through three Lists in the Seventh Schedule.



- Parliament alone may make laws on the subjects in this List.
- State Legislatures may make laws on the subjects in this List.
- Both Parliament and State Legislatures may make laws on the subjects in this List.

Important Questions in the Examination



- Which List a subject is in.
- How amendments have changed the Lists.
- What the Articles on supremacy, residuary power and repugnancy say.

Article 245 – Extent of Laws

Article 245(1)

Subject to the provisions of the Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.

Article 245(2)

No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation, that is, operation outside India. The clause speaks only of Parliament.



Parliament's Four Routes into State List Matters

Topic 132 covered the federal features and the unitary bias, with Parliament's four routes into State List matters (Articles 249, 250, 252 and 253).

Article 249



If the Rajya Sabha passes a resolution by not less than two-thirds of the members present and voting, in the national interest.

Article 250



During a Proclamation of Emergency (Article 352).

Article 252



When two or more States pass resolutions for Parliament to legislate on a State List matter.

Article 253



To give effect to any international agreement, treaty or convention.

Another Route: President's Rule

Under President's Rule the President may declare that the powers of the State Legislature shall be exercisable by or under the authority of Parliament (Article 356(1)(b)).

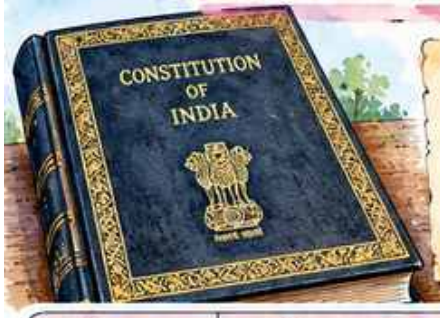


Sources: S1, S2, S20

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Article 246: Read the Opening Words



Article 246 deals with the distribution of legislative powers between Parliament and the Legislatures of States by reference to the three Lists in the Seventh Schedule.



The opening words of each clause of Article 246 show the order of legislative supremacy.

Clause	Who makes the law	On which List	How the clause opens
246(1)	Parliament, with exclusive power	List I, the Union List	"Notwithstanding anything in clauses (2) and (3)"
246(2)	Parliament, and, subject to clause (1), the Legislature of any State also	List III, the Concurrent List	"Notwithstanding anything in clause (3)"
246(3)	The Legislature of a State, with exclusive power, for the State or any part of it	List II, the State List	"Subject to clauses (1) and (2)"
246(4)	Parliament	Any matter, even one in the State List	For any part of the territory of India not included in a State

Key to the opening words



A clause that opens with "notwithstanding anything in ..." takes effect over the provisions it names.



A clause that opens with "subject to ..." means it is subordinate to the provisions it names.



The legal decision ladder (from the opening words)

1. **Article 246(1) Union List** — Parliament, with exclusive power "Notwithstanding anything in clauses (2) and (3)" → Union List power overrides both the other Lists.
2. **Article 246(2) Concurrent List** — Parliament, and, subject to clause (1), the Legislature of any State also "Notwithstanding anything in clause (3)" → Concurrent List power overrides the State List.
3. **Article 246(3) State List** — The Legislature of a State, with exclusive power, for the State or any part of it "Subject to clauses (1) and (2)" → State List power is subject to both.
4. **Article 246(4) Territories not included in a State** — Parliament: For any part of the territory of India not included in a State.



Resulting order of supremacy



The order of supremacy follows from these words. The Union List power overrides both the other Lists. The Concurrent List power overrides the State List. The State List power is subject to both. So the order is Union List, then Concurrent List, then State List.

Article 246A (2:3)

A special GST provision, which works "notwithstanding anything contained in articles 246 and 254".



Sources: S1, S2

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GST and Residuary Legislative Power

Insertion of Article 246A

Article 246A was inserted by the Constitution (One Hundred and First Amendment) Act, 2016, which received assent on 8 September 2016.



Article 246A

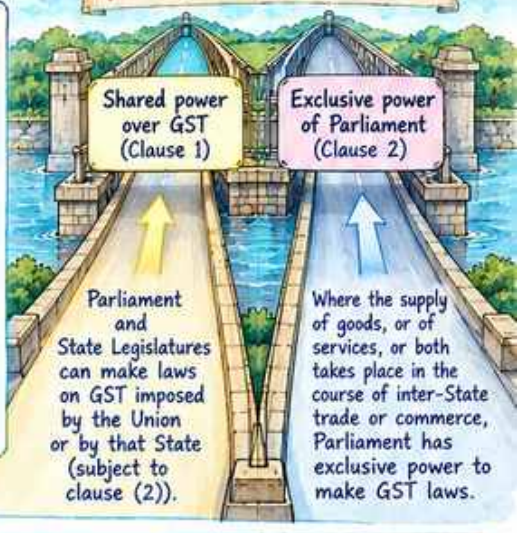
Clause (1)

"notwithstanding Articles 246 and 254, Parliament, and, subject to clause (2), the Legislature of every State, have power to make laws on goods and services tax (GST) imposed by the Union or by that State."

Clause (2)

Parliament has exclusive power to make GST laws where the supply of goods, or of services, or both takes place in the course of inter-State trade or commerce.

GST: A Two-Track Framework



Article 248

Article 248 (1)

"Subject to article 246A", Parliament has exclusive power to make any law on any matter not enumerated in the Concurrent List or the State List.

The opening words were put in by the same 101st Amendment.

Article 248 (2)

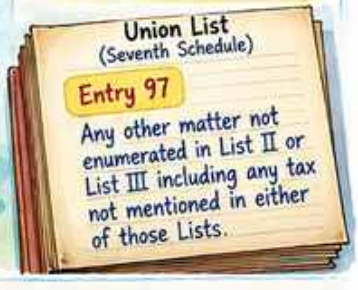
This includes the power to make a law imposing a tax not mentioned in either of those Lists.



Entry 97 of the Union List

Entry 97 of the Union List says the same in the Schedule:

"Any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists."



Comparative Position on Residuary Powers

United States



The Tenth Amendment reserves to the states, or to the people, the powers not delegated to the federal government.

Australia



Section 107 of its Constitution preserves the powers of the States that are not exclusively vested in the Commonwealth.

Canada



The residual powers lie with the federal government.

India



India is like Canada: the residue goes to the Centre.

Sources: S1, S3, S18, S19

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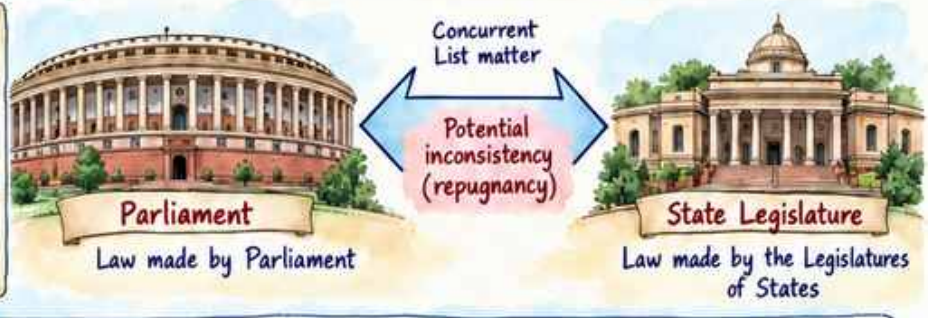
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Repugnancy and Procedural Sanctions

Article 254 : Heading

The heading of Article 254 is "Inconsistency between laws made by Parliament and laws made by the Legislatures of States".

A provision that is inconsistent in this way is called repugnant.



Point	Article 254(1) : the rule	Article 254(2) : the exception
When it applies	A provision of a State law is repugnant to a provision of a law made by Parliament which Parliament is competent to enact, or of an existing law on a Concurrent List matter.	A State law on a Concurrent List matter is repugnant to an earlier law of Parliament, or an existing law, on that matter.
Which law prevails	The law of Parliament, whether passed before or after the State law.	The State law, in that State, if it was reserved for the consideration of the President and received his assent.
What happens to the other law	The State law is void to the extent of the repugnancy.	Proviso: Parliament may at any time make a law on the same matter, including one adding to, amending, varying or repealing the State law.

How Article 254 Works : Legal Flow

Subject falls in the Concurrent List

↓

Is there repugnancy between a State law and a law made by Parliament (which Parliament is competent to enact), or an existing law on that matter?

↓ Yes

Ordinarily, the law of Parliament prevails, whether passed before or after the State law (Article 254(1)).

↓

The State law is void to the extent of the repugnancy (Article 254(1)).

→ However, if the State law on a Concurrent List matter is reserved for the consideration of the President and receives his assent (Article 254(2))

↓

Then, the State law prevails in that State.

↓

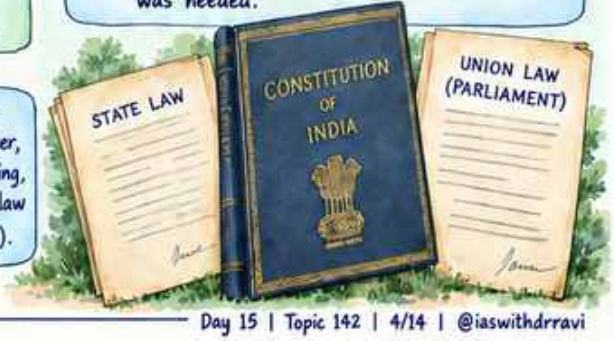
Parliament may at any time make a law on the same matter, including one adding to, amending, varying or repealing the State law (Proviso to Article 254(2)).

Article 255 : Procedural Sanctions

Article 255: recommendations and previous sanctions are "matters of procedure only".

An Act is not invalid only because a required recommendation or previous sanction was not given, if assent was given:

- by the Governor or the President where the Governor's recommendation was needed, and
- by the President where the President's recommendation or previous sanction was needed.



Sources: S1, S2

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Counting the Three Lists Correctly

At the commencement of the Constitution the Union List had 97 entries, the State List 66 and the Concurrent List 47.



Amendments do not renumber the Lists. A new entry gets a letter (2A, 92A, 92B and 92C in the Union List; 11A, 17A, 17B, 20A and 33A in the Concurrent List), and an omitted entry leaves its number empty.

Any change in the Lists needs, besides the special majority in Parliament, ratification by the Legislatures of not less than one-half of the States (proviso to Article 368(2), Topic 104).



Special majority in Parliament



Ratification by the Legislatures of not less than one-half of the States

Proviso to Article 368(2), Topic 104



	Entries at the commencement	Numbers in the text now, with letters	Entries omitted	Entries in force now
1 Union List (List I)	97	101 (1 to 97, with 2A, 92A, 92B, 92C)	3 ~~33, 92, 92C~~	98
2 State List (List II)	66	66 (1 to 66)	7 ~~11, 19, 20, 29, 36, 52, 55~~	59
3 Concurrent List (List III)	47	52 (1 to 47, with 11A, 17A, 17B, 20A, 33A)	None	52

Sources: S1, S15

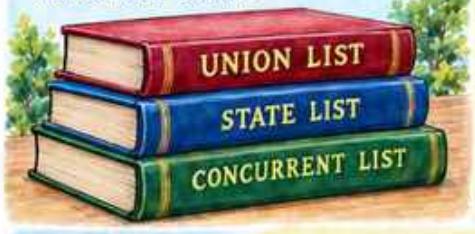
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Seventh Schedule: entry numbers and entry counts

Three Legislative Lists

The Union, State and Concurrent Lists distribute legislative subjects between the Union and the States. Inserted lettered entries and omitted entries mean that the last entry number is not the number of non-omitted entries.



Constitutional text: 1 MAY 2024 snapshot

The final numbered entries are 97, 66 and 47. Count each lettered entry separately, then exclude omitted entries.



Each List in the 1 MAY 2024 text

1 Union List (List I)



Original numbered entries:	97
Lettered insertions:	2A, 92A, 92B, 92C
Omitted entries:	33, 92, 92C
Non-omitted count:	97 + 4 − 3 = 98

2 State List (List II)



Original numbered entries:	66
Lettered insertions:	None
Omitted entries:	11, 19, 20, 29, 36, 52, 55
Non-omitted count:	66 − 7 = 59

3 Concurrent List (List III)



Original numbered entries:	47
Lettered insertions:	11A, 17A, 17B, 20A, 33A
Omitted entries:	None
Non-omitted count:	47 + 5 = 52

Insertion and commencement are different



- Entry 92C was enacted by the 88th Amendment but never brought into force.
- It was later omitted by the 101st Amendment in 2016.
- An enacted but uncommenced entry must not be counted as an operative power.

Reading the numbers

Description	Union List (List I)	State List (List II)	Concurrent List (List III)
Original counts	97	66	47
Final printed entry numbers	97	66	47
Non-omitted entries in this dated text	98	59	52

A legal amendment can insert, replace or omit an entry without renumbering the entire list.

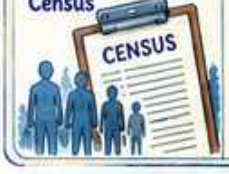
Sources: S15

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List Subjects: Union and State Fields

Union List
(Matters of national importance)

Subject	Entry No.	Words of the entry (in short)
Defence 	1	Defence of India and every part thereof
Atomic energy 	6	Atomic energy and mineral resources necessary for its production
Foreign affairs 	10	Foreign affairs; matters which bring the Union into relation with any foreign country
Railways 	22	Railways
Banking 	45	Banking
Census 	69	Census

State List
(Matters of State and local importance)

Subject	Entry No.	Words of the entry (in short)
Public order 	1	Public order, but not the use of any armed force of the Union
Police 	2	Police (including railway and village police), subject to entry 2A of List I
Local government 	5	Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts and other local authorities
Public health 	6	Public health and sanitation; hospitals and dispensaries
Agriculture 	14	Agriculture, including agricultural education and research
Land 	18	Land: rights in or over land, land tenures

Concurrent List
(Matters of common interest)

Subject	Entry No.	Words of the entry (in short)
Criminal law 	1	Criminal law, including matters in the Indian Penal Code

Key Contrasts

Railways vs Railway Police

Railways (Union List) Entry 22



Railways

Railway police (State List) Entry 2



Police (including railway and village police), subject to entry 2A of List I

Public health vs Family planning

Public health (State List) Entry 6



Public health and sanitation; hospitals and dispensaries

Family planning (Concurrent List)



Falls under population control and family planning (Entry 20A of List III)

What do the Lists show?

- The Constitution divides legislative subjects between the Union, States and both (Concurrent).
- Each subject is identified by an entry number and described in the words of the entry.



Sources: S1, S15

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Concurrent Subjects and Common Confusions



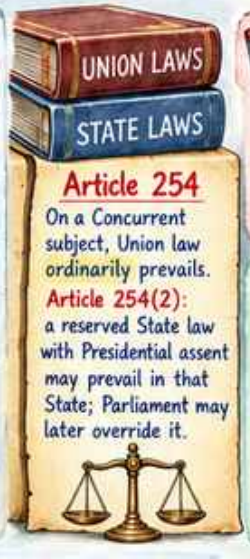
The Concurrent List contains subjects on which both Parliament and State Legislatures can make laws.

If there is a conflict between a Union law and a State law on a Concurrent subject, the Union law ordinarily prevails (Article 254).



Selected Subjects from the Concurrent List

List	Subject	Entry No.	Subject matter (as per Seventh Schedule)
Concurrent	Marriage and divorce	5	Marriage and divorce; adoption; wills, intestacy and succession
Concurrent	Forests	17A	Forests (added by the 42nd Amendment)
Concurrent	Population control and family planning	20A	Population control and family planning (added by the 42nd Amendment)
Concurrent	Trade unions	22	Trade unions; industrial and labour disputes
Concurrent	Education	25	Education, including technical and medical education and universities (rewritten by the 42nd Amendment)
Concurrent	Electricity	38	Electricity



Article 254

On a Concurrent subject, Union law ordinarily prevails.

Article 254(2): a reserved State law with Presidential assent may prevail in that State; Parliament may later override it.

From the Commencement

Criminal law, marriage and divorce, trade unions and electricity have been in the Concurrent List since the commencement.

Added or Rewritten by the 42nd Amendment

- Forests – Entry 17A (added by the 42nd Amendment)
- Population control and family planning – Entry 20A (added by the 42nd Amendment)
- Education – Entry 25 (rewritten by the 42nd Amendment)

Three Lists: Subject Classification

Union List
(Parliament can legislate)



- Union List contains subjects of national importance.
- Parliament alone can make laws on these subjects.
- Example relevant here: Railways – Entry 22.

Concurrent List
(Both can legislate)



- Both Parliament and State Legislatures can make laws.
- If there is a conflict, the Union law ordinarily prevails (Article 254).
- Examples: marriage and divorce (5), forests (17A), population control and family planning (20A), trade unions (22), education (25) and electricity (38).

State List
(State Legislatures can legislate)



- State List contains subjects of State and local importance.
- State Legislatures alone can make laws on these subjects.
- Example relevant here: Railway police – Entry 2.

Common Confusions (With Clear Distinctions)

1 Railways vs Railway Police



Railways
Union List
Entry 22



Railway police
State List
Entry 2

- Railway police are in the State List (entry 2), though railways are in the Union List (entry 22).
- This illustrates that different aspects can fall in different lists.

2 Public Health vs Family Planning



Public health
State List

Subject of State and local importance (in the State List).



Population control and family planning
Concurrent List
Entry 20A

Population control and family planning (added by the 42nd Amendment).

Sources: S1, S15

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The 42nd Amendment: Five Subject Transfers

The Constitution (Forty-second Amendment) Act, 1976 is dated **18 December 1976.**



Its section 57 amended the Seventh Schedule with effect from **3 January 1977.**



It moved five subjects from the State List to the Concurrent List:



State List (Before Amendment)

 Education, including technical and medical education and universities, subject to entries 63 to 66 of List I	→	Entry 25 (rewritten)
 Forests	→	Entry 17A 
 Protection of wild animals and birds	→	Entry 17B 
 Weights and measures except establishment of standards	→	Entry 33A 
 Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Courts	→	Entry 11A 



Concurrent List (After Amendment)

Changes in the State List due to section 57

In the State List, section 57 omitted entries 11, 19, 20 and 29 and took the words on the administration of justice out of entry 3.

Omitted from

Entry 11	Entry 19	Entry 20	Entry 29
⊗	⊗	⊗	⊗

Words on the administration of justice taken out of entry 3. ⊗



Sources: S1, S15

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New Entries and the GST Amendment

Section 57 of the 42nd Amendment made other changes that were not transfers. It added entry 20A, "Population control and family planning", to the Concurrent List as a new subject. It added entry 2A to the Union List, on deploying the armed forces of the Union or other forces under its control in a State in aid of the civil power. It rewrote entry 2 of the State List to read "Police (including railway and village police) subject to the provisions of entry 2A of List I". Police stayed in the State List, and so did public health.

New entry in Concurrent List

Entry 20A
(to Concurrent List)
"Population control and family planning"



New entry in Union List

Entry 2A
(to Union List)
Deploying the armed forces of the Union or other forces under its control in a State in aid of the civil power.



Rewritten entry in State List

Entry 2
(to State List)
"Police (including railway and village police) subject to the provisions of entry 2A of List I".

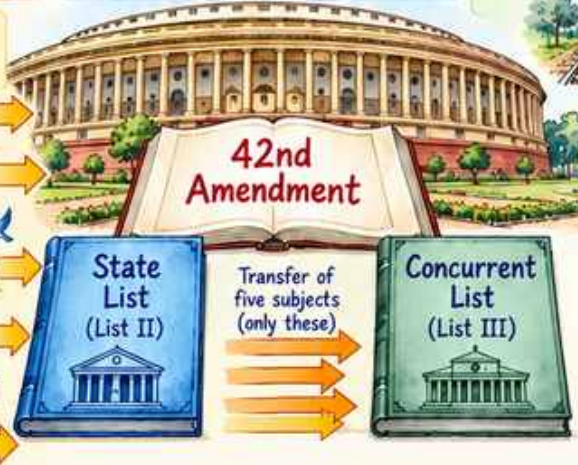




- ✓ Police stayed in the State List.
- ✓ Public health also stayed in the State List.

Five subjects transferred from State List to Concurrent List

1. Education → Concurrent entry 25
2. Forests → Concurrent entry 17A
3. Protection of wild animals and birds → Concurrent entry 17B
4. Weights and measures except establishment of standards → Concurrent entry 33A
5. Administration of justice; constitution and organisation of all courts, except Supreme Court and High Courts → Concurrent entry 11A



These are true State-to-Concurrent transfers. Arrows show only the five moved subjects.

Entries omitted by the 101st Amendment

Union List

Entry 92
Taxes on the sale or purchase of newspapers and on advertisements published in them.



Entry 92C
Taxes on services.



State List

Entry 52
Taxes on the entry of goods into a local area for consumption, use or sale therein.



Entry 55
Taxes on advertisements other than advertisements published in newspapers.



Entries not omitted, but rewritten

Entry 62
(State List)
Not omitted; rewritten so that it now covers taxes on entertainments and amusements only to the extent levied and collected by a Panchayat, a Municipality, a Regional Council or a District Council.

Entry 84
(Union List)
Rewritten (by 101st Amendment).



Entry 54
(State List)
Rewritten (by 101st Amendment).

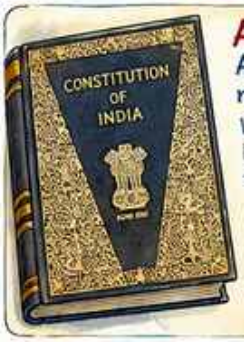


Sources: S3, S15

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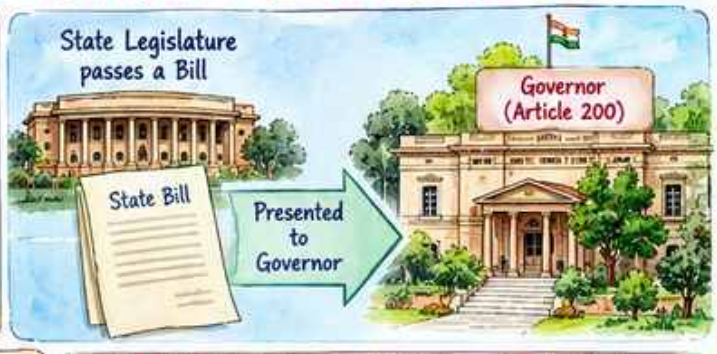
State Bills: Assent, Return and Reservation



Article 200
Assent, withholding and reservation of State Bills

When a Bill is passed by the State Legislature, it shall be presented to the Governor, who may:

1. give his assent to the Bill;
2. withhold his assent to the Bill; or
3. reserve the Bill for the consideration of the President.



Supreme Court's Advisory Opinion
(20 November 2025)

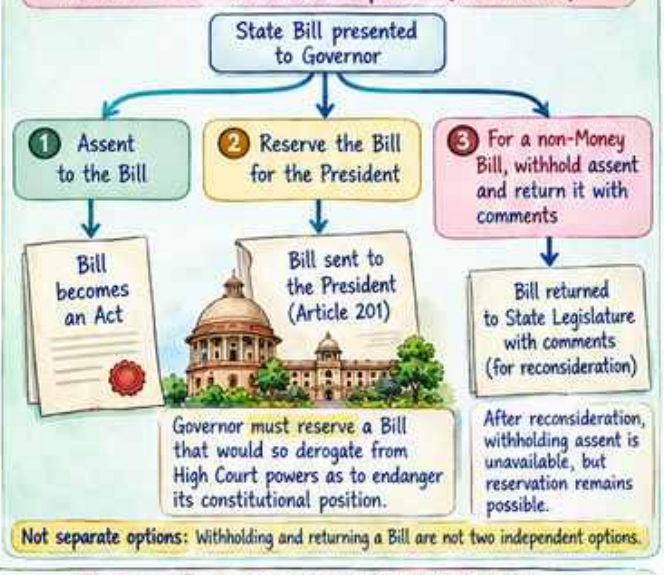


Clarifies three options for the Governor after a State Bill is presented:

1. Assent to the Bill.
2. Reserve the Bill for the President.
3. For a non-Money Bill, withhold assent and return it with comments.

- The Governor must reserve a Bill that would so derogate from High Court powers as to endanger its constitutional position.
- After reconsideration by the State Legislature, the option of withholding assent is unavailable, but reservation remains possible.
- Withholding and returning a Bill are not two independent options.
- The opinion rejects judicially fixed general timelines and deemed assent.
- Prolonged, unexplained inaction can invite a limited direction to act.

Article 200: Governor's Options (as clarified)



Not separate options: Withholding and returning a Bill are not two independent options.

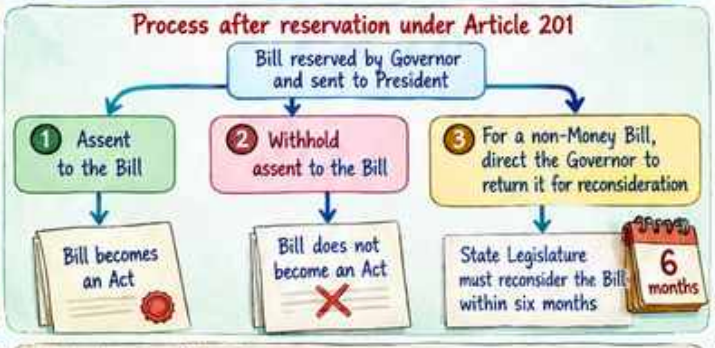
Article 201
President's powers in respect of reserved Bills



When a Bill is reserved for the consideration of the President, he may:

1. give his assent to the Bill; or
2. withhold his assent to the Bill; or
3. for a Bill that is not a Money Bill, direct the Governor to return it, and the House or Houses must reconsider it within six months.

Process after reservation under Article 201



Link with Article 254(2)



Reservation under Article 200 is how a State law gets the President's assent that Article 254(2) speaks of.

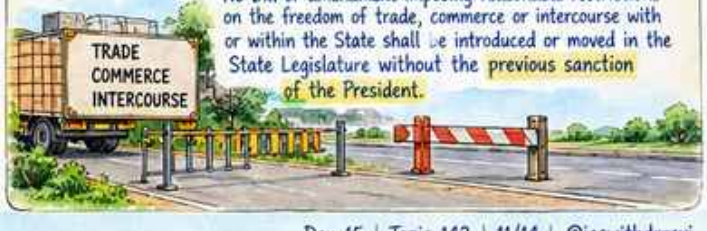
Article 255



A missing sanction under Article 304(b) does not make the Act invalid if the President later gave assent.

Article 304(b), Proviso

No Bill or amendment imposing reasonable restrictions on the freedom of trade, commerce or intercourse with or within the State shall be introduced or moved in the State Legislature without the previous sanction of the President.



Sources: S1, S6, S7, S21

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Sarkaria and Punchhi: Dates and Recommendations

Sarkaria Commission

Set up on 9 June 1983 under Justice Ranjit Singh Sarkaria, a retired judge of the Supreme Court.



Submitted its report, with 247 recommendations, in 1988.



On legislative matters it broadly recommended keeping the existing arrangement.

Punchhi Commission

The second Commission on Centre-State Relations, set up on 27 April 2007 under Justice Madan Mohan Punchhi, a retired Chief Justice of India.



Submitted its report, with 273 recommendations, on 31 March 2010.



Key Points at a Glance

Sarkaria Commission

- Set up on: 9 June 1983
- Under: Justice Ranjit Singh Sarkaria, a retired judge of the Supreme Court.
- Report submitted in: 1988
- Total recommendations: 247
- On legislative matters: broadly recommended keeping the existing arrangement.

Punchhi Commission

- Set up on: 27 April 2007
- Under: Justice Madan Mohan Punchhi, a retired Chief Justice of India.
- Report submitted on: 31 March 2010
- Total recommendations: 273
- The second Commission on Centre-State Relations.

Both commissions, administrative relations (Topic 554) and Article 356 are taught on other days (Topic 903 for the commissions).

Sources: S16, S17

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How the Seventh Schedule Changed



1950 — The Constitution comes into force

- Union List: 97 entries
- State List: 66 entries
- Concurrent List: 47 entries

3rd Amendment — Constitution (Third Amendment) Act, 1954

1954 — Entry 33 of the Concurrent List substituted



6th Amendment — Constitution (Sixth Amendment) Act, 1956

1956 — Entry 92A (taxes on the sale or purchase of goods other than newspapers in the course of inter-State trade or commerce) inserted in the Union List



7th Amendment — Constitution (Seventh Amendment) Act, 1956

1956 — Entry 33 of the Union List and entry 36 of the State List omitted



42nd Amendment (in force from 3 January 1977) — Constitution (Forty-second Amendment) Act, 1976

1976

- Five subjects moved from the State List to the Concurrent List
- entries 11A, 17A, 17B, 20A and 33A inserted and entry 25 rewritten in the Concurrent List
- entry 2A inserted in the Union List
- entries 11, 19, 20 and 29 of the State List omitted



46th Amendment — Constitution (Forty-sixth Amendment) Act, 1982

1982 — Entry 92B (taxes on the consignment of goods) inserted in the Union List



88th Amendment — Constitution (Eighty-eighth Amendment) Act, 2003

2003 — Entry 92C (taxes on services) inserted in the Union List; it was never brought into force



101st Amendment — Constitution (One Hundred and First Amendment) Act, 2016

2016

- Article 246A inserted
- entries 92 and 92C of the Union List and 52 and 55 of the State List omitted
- entries 84 (Union List), 54 and 62 (State List) rewritten



Sources: S1, S3, S15

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The Lists: Arithmetic and Exam Traps

Union List
(List I – Seventh Schedule)



Last entry number in 1950 : 97
Last entry number today : 97
Entries in force today : 98

97 + 4 − 3 = 98

Four lettered entries added since 1950
- ⊕ 2A
- ⊕ 92A
- ⊕ 92B
- ⊕ 92C

Three entries omitted since 1950
- ⊖ 33
- ⊖ 92
- ⊖ 92C

Entry 92C was never brought into force.

The Union List gained four lettered entries and lost three: 97 + 4 − 3 = 98.

State List
(List II – Seventh Schedule)



Last entry number in 1950: 66
Last entry number today : 66
Entries in force today : 59

66 − 7 = 59

Seven entries omitted since 1950
- ⊖ 11
- ⊖ 19
- ⊖ 20
- ⊖ 29
- ⊖ 36
- ⊖ 52
- ⊖ 55

No entries added

The State List has only lost entries; it has gained none.

That is why its count has fallen from 66 to 59.

Concurrent List
(List III – Seventh Schedule)



Last entry number in 1950: 47
Last entry number today : 47
Entries in force today : 52

47 + 5 = 52

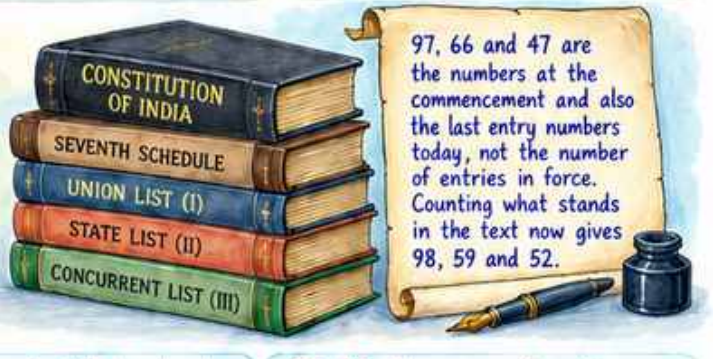
Five lettered entries added (42nd Amendment)
- ⊕ 11A
- ⊕ 17A
- ⊕ 17B
- ⊕ 20A
- ⊕ 33A

No entries omitted

The Concurrent List has never lost an entry; all its five lettered entries came from the 42nd Amendment.

Important Points to Remember

- Every entry that has been added is a lettered entry, so the last numbers 97, 66 and 47 have stayed the same since 1950.
- The State List has only lost entries; it has gained none. That is why its count has fallen from 66 to 59.
- The Concurrent List has never lost an entry; all its five lettered entries came from the 42nd Amendment.
- The Union List gained four lettered entries and lost three: 97 + 4 − 3 = 98.



97, 66 and 47 are the numbers at the commencement and also the last entry numbers today, not the number of entries in force. Counting what stands in the text now gives 98, 59 and 52.

Common Exam Traps

1 Mixing the counts.

97, 66 and 47 are the numbers at the commencement and also the last entry numbers today, not the number of entries in force.

Countring what stands in the text now gives 98, 59 and 52.

The figures 100 and 61 belong to the text before the 101st Amendment (2016).



2 "Everything the 42nd Amendment put in the Concurrent List came from the State List."

Not so.

- Population control and family planning (entry 20A) was a new subject, not a transfer.
- The same section put entry 2A (deployment of the Union's forces in aid of the civil power) into the Union List and rewrote the police entry, but police stayed in the State List.



3 "Residuary power lies with the States, as in the United States."

Not so.

- In India it lies with Parliament (Article 248 and entry 97 of the Union List), as in Canada; in the United States and Australia it lies with the states.
- And since 2016 Article 248 is "Subject to article 246A", so GST is not a residuary tax: it has its own Article.



Sources: S1, S15, S18, S19

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What earlier topics gave us, and the kinds of Bills

A Bill becomes an Act of Parliament when both Houses have passed it, or are deemed to have passed it, and the President has given his assent; the route differs for ordinary Bills, Money Bills, Financial Bills and Constitution Amendment Bills. The examination asks about the stages in each House, the joint sitting, the President's choices, how the four kinds differ and which Bills lapse when the Lok Sabha is dissolved.

Earlier topics:

- the Lok Sabha was taught in Topic 54, the Rajya Sabha in Topic 82 and the amendment procedure under Article 368 in Topic 104.

What is a Bill?

- A Bill is the draft of a proposed law. Article 100(1): questions in either House, or at a joint sitting, are decided by a majority of the members present and voting. So an ordinary Bill needs only this simple majority in each House.

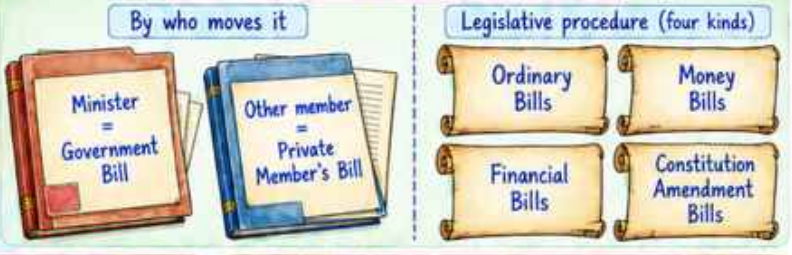
By who moves it.

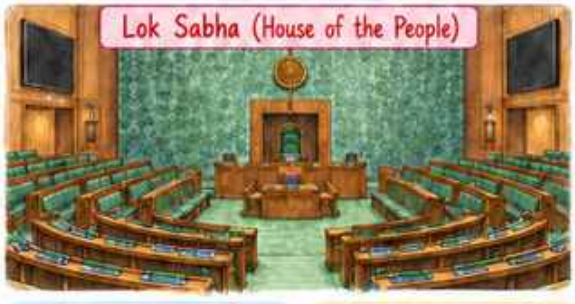
- A Bill introduced by a Minister is a Government Bill; one introduced by any other member is a Private Member's Bill (Lok Sabha Secretariat).

Where it may start.

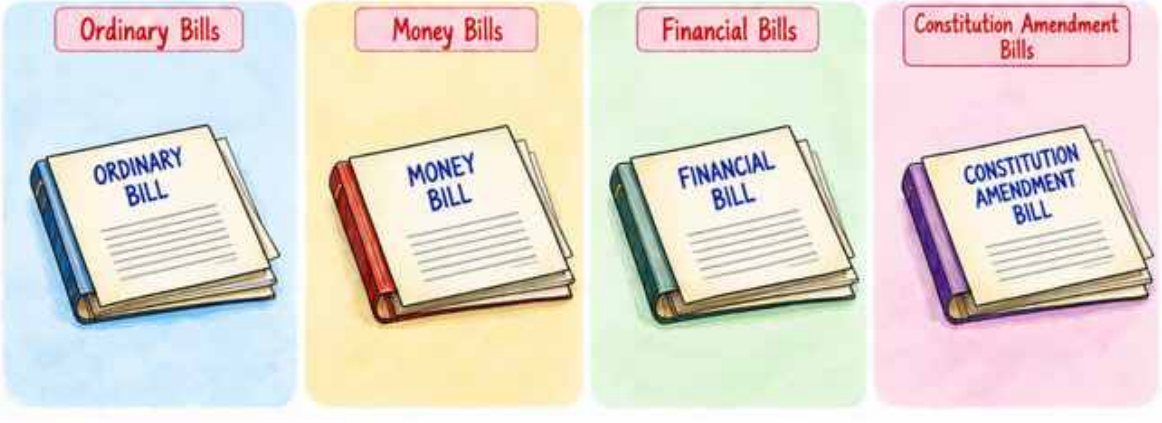
- Article 107(1): subject to Articles 109 and 117, "a Bill may originate in either House of Parliament".

Mover and legislative procedure are separate classifications; Financial Bills have two Article 117 routes.









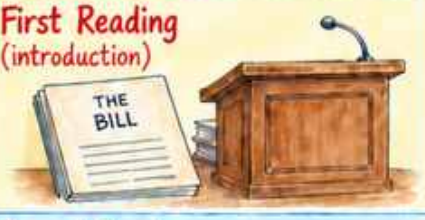
Sources: Day 16 Source Index | Topic 153 | Section 2.1

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The stages of an ordinary Bill in a House

Stage	What happens (Lok Sabha Secretariat's account)
First Reading (introduction) 	The member in charge moves for leave of the House to introduce the Bill. If the motion is opposed, he and the member opposing make brief statements, and the question is put to the vote. The principles of the Bill are ordinarily not debated now; Rule 72 permits a full discussion when introduction is opposed on legislative-competence grounds
Second Reading, first stage 	General discussion of the Bill as a whole and its principles. The House may then refer it to a Select Committee of the House or a Joint Committee of the two Houses, circulate it to elicit opinion, or take it into consideration straightaway
Committee stage (if referred) 	The committee goes through the Bill clause by clause, may amend it and may take evidence from associations, public bodies or experts. It then reports to the House
Second Reading, second stage 	Clause-by-clause consideration of the Bill, as introduced or as reported by the committee. Members move amendments to clauses
Third Reading 	The member in charge moves that the Bill be passed. Debate is confined to arguments for or against the Bill. "Only formal, verbal or consequential amendments are allowed at this stage"

Main flow of an ordinary Bill

Optional: if referred to a committee



Committee reference is optional. Rules 64 and 72 qualify the usual introduction procedure.

Publication



Once a Bill is introduced it is published in the Gazette of India, unless it has already been published (Lok Sabha Rule 73). Under Rule 64 the Speaker may order publication before introduction; in that case a motion for leave to introduce is unnecessary, and publication need not be repeated. Committee reference is optional, not an inevitable stage.

Sources: Day 16 Source Index | Topic 153 | Section 2.2

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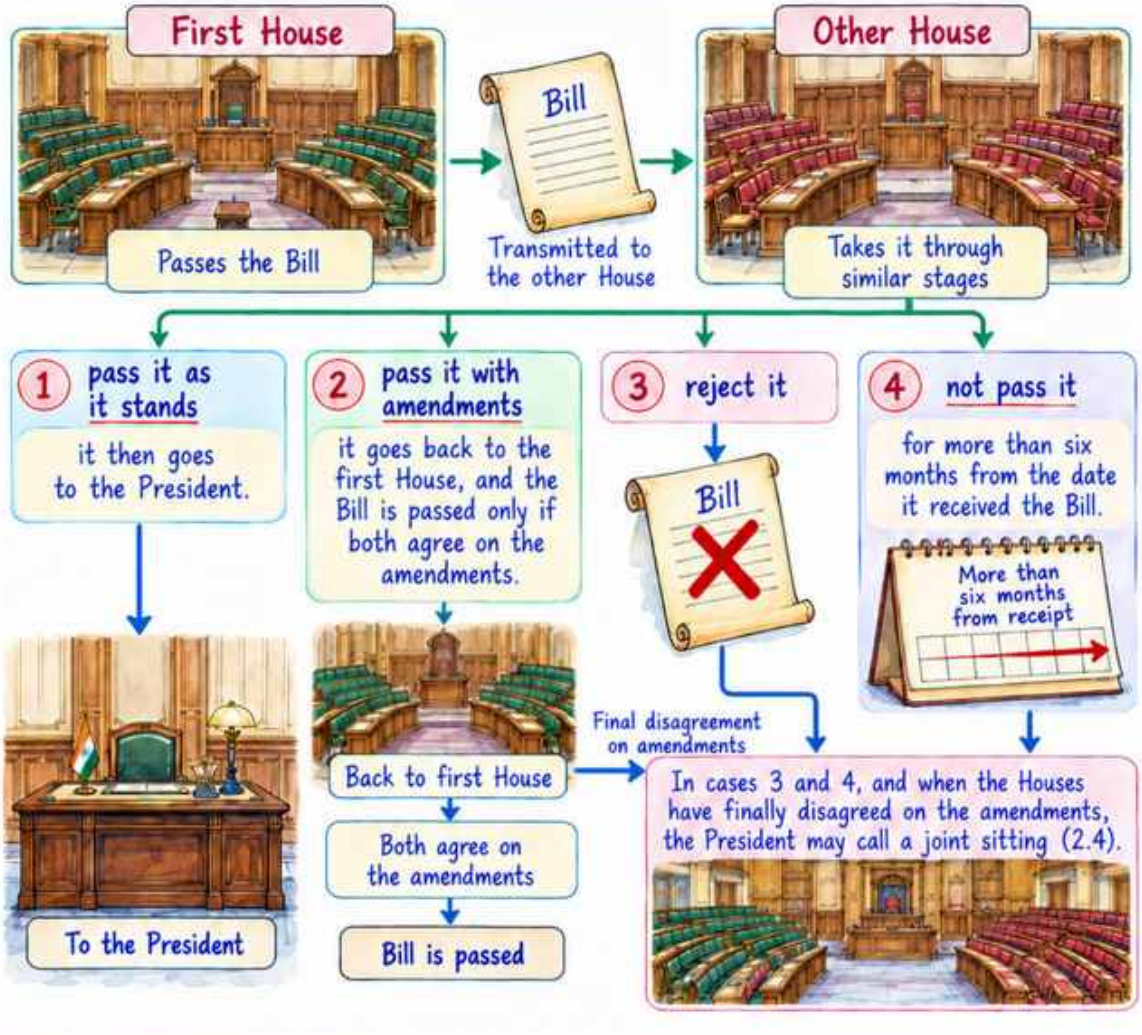
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The other House and its choices

After one House passes the Bill, it is transmitted to the other House, which takes it through similar stages. The other House may:

1. pass it as it stands: it then goes to the President;
2. pass it with amendments: it goes back to the first House, and the Bill is passed only if both agree on the amendments;
3. reject it; or
4. not pass it for more than six months from the date it received the Bill.

In cases 3 and 4, and when the Houses have finally disagreed on the amendments, the President may call a joint sitting (2.4).



Sources: Day 16 Source Index | Topic 153 | Section 2.3

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The joint sitting: Article 108 (1/2)

How it is called.

In the three cases of 2.3, the President notifies his intention to summon a joint sitting by message if the Houses are sitting, or by public notification if they are not (Article 108(1)).



Counting the six months.

Days when the House is prorogued, or adjourned for more than four consecutive days, are not counted (Article 108(2)).



Majority.

The Bill is deemed passed by both Houses if it is passed by "a majority of the total number of members of both Houses present and voting" (Article 108(4)). Only limited amendments may be proposed at the sitting.



Passed by a majority of the total number of members of both Houses present and voting.

Only limited amendments may be proposed at the sitting.



Who presides.

The Speaker of the Lok Sabha, or in his absence the person decided by the rules of procedure (Article 118(4)). The Chairman of the Rajya Sabha does not preside.



The Chairman of the Rajya Sabha does not preside.

Speaker of the Lok Sabha presides.

Not for two kinds of Bill.

Article 108 does not apply to a Money Bill. A Constitution Amendment Bill must be passed by each House separately, so there is no joint sitting for it either (Topic 104).



No joint sitting (Article 108 does not apply).



No joint sitting (must be passed by each House separately, Topic 104).

Dissolution.

A joint sitting notified before the Lok Sabha is dissolved may still be held after the dissolution, and the Bill passed; but none can be called on a Bill that has already lapsed (Article 108(5)).



May still be held after the dissolution, and the Bill passed.

None can be called on a Bill that has already lapsed (Article 108(5)).

Seat strength and voting strength.

Seat strength and voting strength differ: the usual full strengths of 543 Lok Sabha seats and 245 Rajya Sabha seats show the Lok Sabha's numerical advantage. Vacancies and attendance can change the number voting; passage depends on the members present and voting (Topic 82). Sessions and joint sittings are covered in Topic 432.



Key points at a glance

Ordinary / Financial Bills joint sitting possible	Money / Article 368 Bills no joint sitting	Vote majority of members present and voting
Ordinary Bill, Financial Bill — Joint sitting possible (Article 108).	Money Bill, Article 368 Bill — No joint sitting (Article 108 does not apply; Article 368 Bill must be passed by each House separately).	Majority of the total number of members of both Houses present and voting (Article 108(4)).

Sources: Day 16 Source Index | Topic 153 | Section 2.4

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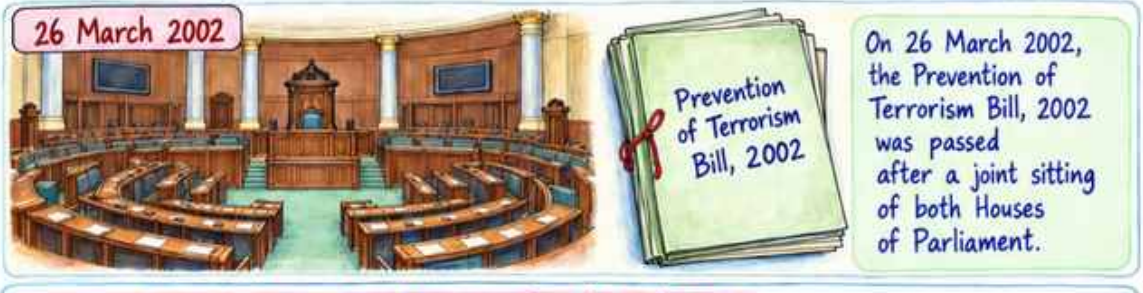
The joint sitting: Article 108 (2/2)

Article 108 of the Constitution provides for a joint sitting of both Houses of Parliament in certain situations, to resolve a deadlock on a Bill. The following table gives examples of Bills that were passed after a joint sitting, along with the year or date of the joint sitting.

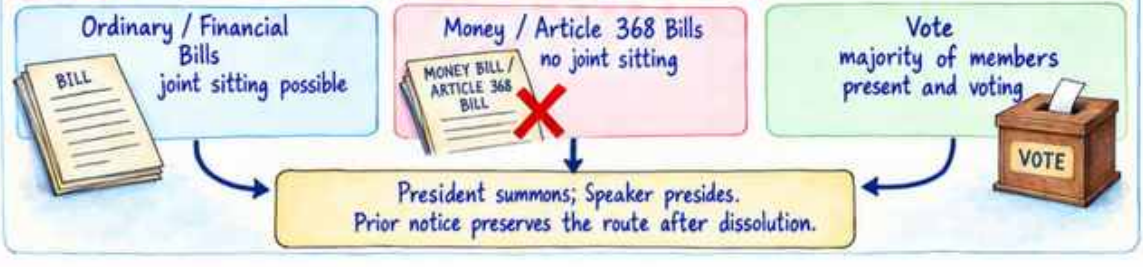
Joint sitting	Bill passed
1961	Dowry Prohibition Bill, 1959
16 May 1978	Banking Service Commission (Repeal) Bill, 1977
26 March 2002	Prevention of Terrorism Bill, 2002







Key points about joint sitting under Article 108



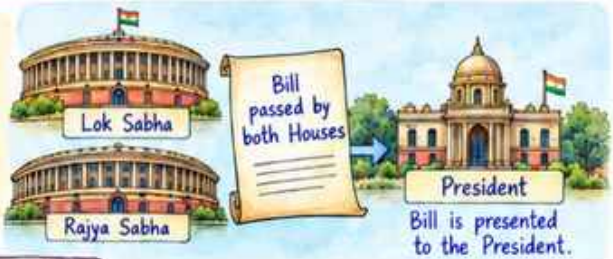
Sources: Day 16 Source Index | Topic 153 | Section 2.4

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The President's assent: Article 111

When both Houses have passed a Bill, it is presented to the President. He must declare either that he assents to it or that he withholds assent.



Possible outcomes under Article 111

Assent



He assents to it.

Withhold assent



He withholds assent.

Return (not a Money Bill)



For a Bill that is not a Money Bill, he may instead, as soon as possible, return it with a message asking the Houses to reconsider it, or parts of it, and any amendments he recommends. If the Houses pass it again, with or without amendment, he "shall not withhold assent therefrom". So he can return a Bill only once.

Pocket veto

Article 111 fixes no time limit for assent. In 1986 President Zail Singh neither assented to nor returned the Indian Post Office (Amendment) Bill, 1986, which both Houses had passed. This is called a pocket veto.



Comparison of different Bills

Ordinary / Financial Bill	Money Bill	Article 368 Bill
Bill	Money Bill	Article 368 Bill
• assent • withhold • return once	• assent or withhold; • no return	• President shall assent

Article 111: if a returned Bill is passed again, assent cannot be withheld. State Bills use Articles 200–201.

State Bills (Topics 4 and 132)



Keep Article 200 separate from Article 111.

The Supreme Court's 20 November 2025 advisory opinion (2025 INSC 1333, paragraph 165.1) states three Governor options: assent; reserve the Bill for the President; or, for a non-Money Bill, withhold assent and return it with comments for reconsideration. Withholding and return are coupled, not two independent options. Article 201 governs the President's action on a reserved State Bill.

The opinion rejects court-made fixed timelines and deemed assent, while permitting limited judicial intervention in cases of prolonged, unexplained and indefinite inaction by the Governor.

Sources: Day 16 Source Index | Topic 153 | Section 2.5

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The Money Bill: Articles 109 and 110

What it is (Article 110(1)).

A Bill is a Money Bill if it contains only provisions dealing with all or any of these:

(a) taxes;
(b) borrowing or guarantees by the Government of India;
(c) the Consolidated Fund and the Contingency Fund of India;
(d) appropriation out of the Consolidated Fund;
(e) expenditure charged on it;
(f) receipts into the Consolidated Fund or the public account of India, and audit;
(g) any matter incidental to these.



What does not make it one (Article 110(2)).

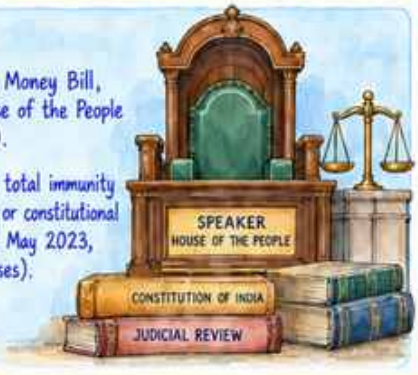
Fines or other pecuniary penalties, fees for licences or for services, and taxes levied by a local authority for local purposes.



The Speaker decides.

If a question arises whether a Bill is a Money Bill, "the decision of the Speaker of the House of the People thereon shall be final" (Article 110(3)).

This constitutional finality does not mean total immunity from judicial review for substantive illegality or constitutional violation (Supreme Court, Subhash Desai, 11 May 2023, paragraph 96, discussing the Money Bill cases).



Where and how.

A Money Bill "shall not be introduced in the Council of States" (Article 109(1)), and it needs the President's recommendation for introduction (Article 117(1)).



The Rajya Sabha's role (Article 109).

It must return the Bill within fourteen days of receiving it, with its recommendations. The Lok Sabha may accept or reject any or all of them. If the Rajya Sabha does not return it in time, the Bill is deemed passed by both Houses at the end of the fourteen days, in the form in which the Lok Sabha passed it.



Flow of a Money Bill under Article 109



On timeout, deemed passage is in the Lok Sabha's original form; the Rajya Sabha cannot veto or amend.



The Budget, the Finance Bill and the Appropriation Bill come in Topic 162.

Sources: Day 16 Source Index | Topic 153 | Section 2.6

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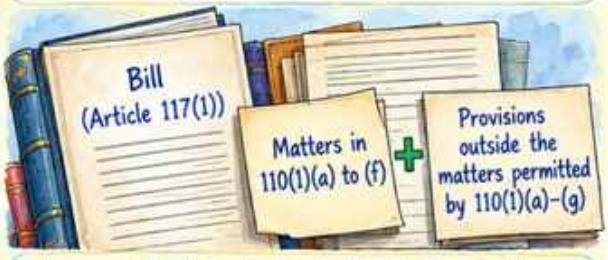
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Financial Bills: Article 117

Article 117(1)

A Bill that makes provision for any of the matters in sub-clauses (a) to (f) of Article 110(1) but also contains provisions outside the matters permitted by Article 110(1)(a)–(g), and so is **not a Money Bill.**



It cannot be introduced in the Rajya Sabha, and needs the President's recommendation for introduction.



No recommendation is needed to move an amendment that reduces or abolishes a tax.



After introduction it goes like an ordinary Bill: the Rajya Sabha may amend or reject it, and a joint sitting may be held on it, because Article 108 shuts out only Money Bills.

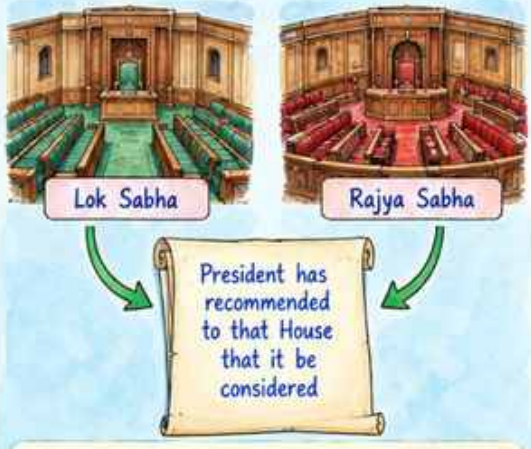


Article 117(3)

A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India.



It may be introduced in either House without a recommendation, but it "shall not be passed by either House of Parliament unless the President has recommended" to that House that it be considered.



In all else it is an ordinary Bill.

Key Comparison

Article 117(1)	Article 117(1)	Article 117(3)	Article 117(3)
110(a)–(f) + matters outside 110(a)–(g)	Lok Sabha; recommendation to introduce	CFI expenditure; either House	recommendation before passage

After introduction, both have ordinary-Bill procedures; neither is automatically a Money Bill.

Sources: Day 16 Source Index | Topic 153 | Section 2.7

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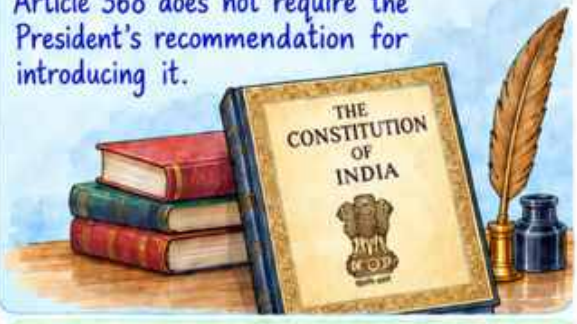
The Constitution Amendment Bill: Article 368 (Topic 104)

It may be introduced in either House, by a Minister or by a private member.



Lok Sabha (House of the People) | Rajya Sabha (Council of States)

Article 368 does not require the President's recommendation for introducing it.



Each House must pass it separately by a special majority: a majority of its total membership and a majority of not less than two-thirds of its members present and voting. There is no joint sitting if the Houses disagree.

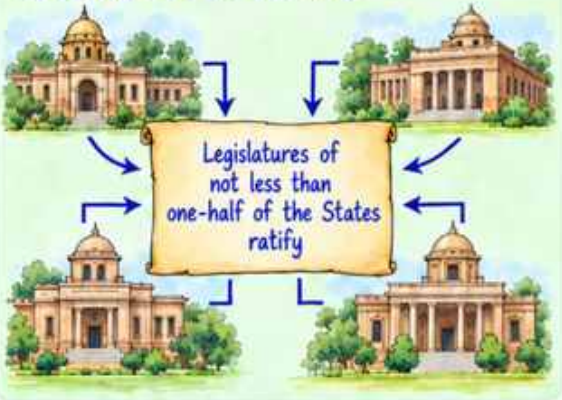


Lok Sabha passes separately | Rajya Sabha passes separately

Special majority in each House

A majority of its total membership **AND** A majority of not less than two-thirds of its members present and voting

If it changes a matter listed in the proviso to Article 368(2), it must also be ratified by the Legislatures of not less than one-half of the States before it goes to the President.



Article 368: key requirements

- Each House must pass it separately by a special majority: a majority of its total membership and a majority of not less than two-thirds of its members present and voting.
- Only if it changes a matter listed in the proviso to Article 368(2), it must also be ratified by the Legislatures of not less than one-half of the States before it goes to the President.
- The President "shall give his assent". These words came in with the 24th Amendment (1971), so he can neither withhold assent nor return the Bill.

State ratification is conditional, not required for every Article 368 amendment.

The President's Assent

The President "shall give his assent". These words came in with the 24th Amendment (1971), so he can neither withhold assent nor return the Bill.



Compare a Bill under Article 3

A new State, or a change in the area, boundaries or name of a State; Topics 104 and 132). It may be introduced only on the President's recommendation, and if it affects a State's area, boundaries or name he first refers it to that State's Legislature for its views. It is then passed like an ordinary law, by a simple majority, because Article 4(2) says it is not an amendment for the purposes of Article 368.

Sources: Day 16 Source Index | Topic 153 | Section 2.8

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The four kinds compared

Point	Ordinary Bill	Money Bill	Financial Bill, Article 117(1)	Financial Bill, Article 117(3)	Constitution Amendment Bill
Where it may be introduced	Either House	Lok Sabha only	Lok Sabha only	Either House	Either House
President's recommendation	Generally not needed; special constitutional exceptions apply, such as Article 3	Needed for introduction	Needed for introduction	Needed before either House passes it	Not needed
Majority in each House	Simple	Simple, in the Lok Sabha	Simple	Simple	Special
Rajya Sabha's power	Full: it may amend or reject	Recommendations only, within 14 days	Full	Full	Full: each House must pass it separately
Joint sitting	Possible	Not possible	Possible	Possible	Not possible
President's choices	Assent, withhold, or return once	Assent or withhold; no return	Assent, withhold, or return once	Assent, withhold, or return once	Must assent



Use the full comparison table for recommendation, majority, joint sitting and assent rules.

Sources: Day 16 Source Index | Topic 153 | Section 2.9

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Which Bills lapse when the Lok Sabha is dissolved

Prorogation does not make any Bill lapse (Article 107(3)). Dissolution of the Lok Sabha does:





Bill	Lapses?	Why
Pending in the Lok Sabha, whether it began there or came from the Rajya Sabha 	Yes	Article 107(5)
Passed by the Lok Sabha and pending in the Rajya Sabha 	Yes	Article 107(5)
Pending in the Rajya Sabha and not yet passed by the Lok Sabha 	No	Article 107(4)
A Bill on which the President has given notice of a joint sitting before the dissolution 	No: the joint sitting may still be held	Article 108(5)
Passed by both Houses and awaiting the President's assent 	No	It is pending in neither House, so Article 107(5) does not reach it

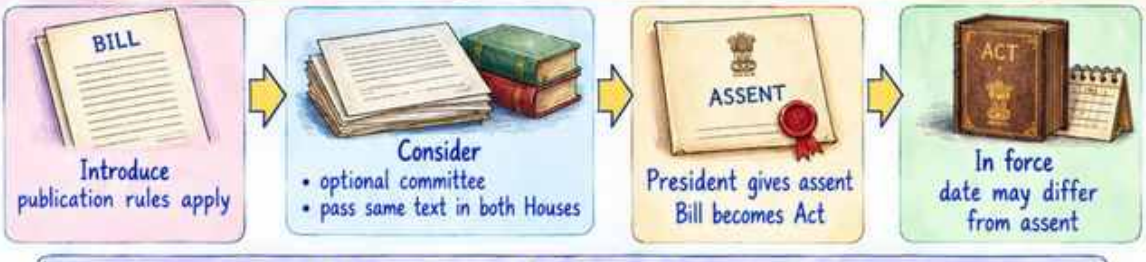
Sources: Day 16 Source Index | Topic 153 | Section 2.10

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Extra section: the path of an ordinary Government Bill that starts in the Lok Sabha, and where the other kinds branch off (1/2)

Step	What happens	Where another kind differs
1. Introduction (First Reading)	A Minister moves for leave; if opposed, brief statements and a vote; the Bill is published in the Gazette	A Money Bill and a Financial Bill under Article 117(1) need the President's recommendation and cannot start in the Rajya Sabha
2. Second Reading, first stage	Debate on principles; the Bill may go to a Select or Joint Committee or be circulated for opinion	None
3. Committee report (if referred)	Clause-by-clause examination; evidence; report	None
4. Second Reading, second stage	Clause-by-clause consideration and amendments	A Financial Bill under Article 117(3) cannot be passed without the President's recommendation for its consideration
5. Third Reading	Motion that the Bill be passed; only formal, verbal or consequential amendments; simple majority of members present and voting	A Constitution Amendment Bill needs the special majority
6. In the Rajya Sabha	Similar stages; the House may pass, amend, reject, or not pass the Bill for more than six months	For a Money Bill: only recommendations, within 14 days
7. Deadlock	The President may summon a joint sitting, presided over by the Speaker	No joint sitting for a Money Bill or a Constitution Amendment Bill
8. Assent	Assent, withhold, or return once for reconsideration	A Money Bill cannot be returned; a Constitution Amendment Bill must receive assent

Simplified flow of an ordinary Government Bill (starting in the Lok Sabha)



Deadlock, return and special-Bill branches belong in the full decision flow; assent is not always commencement.

Sources: Day 16 Source Index | Topic 153 | Section 3

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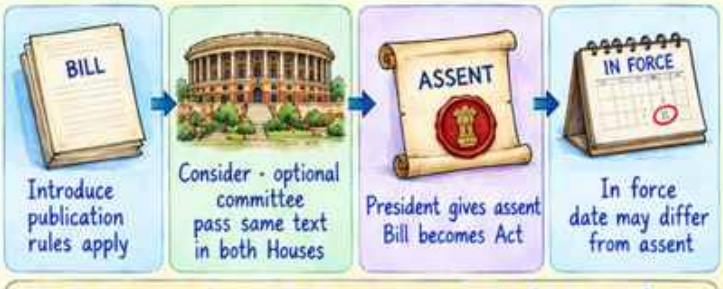
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Extra section: the path of an ordinary Government Bill that starts in the Lok Sabha, and where the other kinds branch off (2/2)

Two checks:

1. If the Lok Sabha is dissolved between steps 5 and 6, the Bill lapses (Article 107(5)). Had it started in the Rajya Sabha and still been there, unpassed by the Lok Sabha, it would have survived (Article 107(4)).

Main steps for an ordinary Government Bill (starting in the Lok Sabha)



Deadlock, return and special-Bill branches belong in the full decision flow; assent is not always commencement.

Check 1: Dissolution between steps 5 and 6

Lok Sabha is dissolved



If the Lok Sabha is dissolved between steps 5 and 6, the Bill lapses (Article 107(5)).

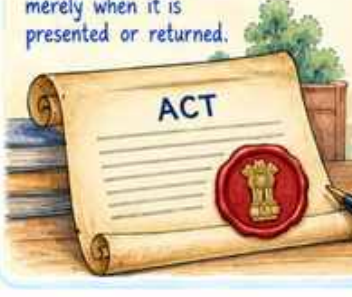
Bill started in the Rajya Sabha



Even if the Lok Sabha is dissolved, if the Bill had started in the Rajya Sabha and still been there, unpassed by the Lok Sabha, it would have survived (Article 107(4)).

Check 2: Enactment and commencement (and possible State ratification)

A Bill becomes an Act when the President gives assent at step 8, not merely when it is presented or returned.



Enactment and commencement may be different dates: an Act may specify its operative date or require a commencement notification.



If it needs ratification by the States (some Constitution Amendment Bills), that comes between passage by Parliament and step 8.



Sources: Day 16 Source Index | Topic 153 | Section 3

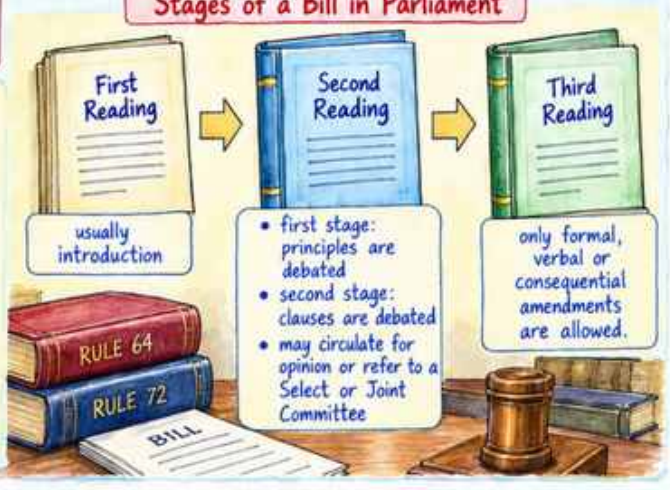
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Three common exam traps

1. "The First Reading is the debate on the Bill."

The First Reading is ordinarily introduction, subject to the Rule 64 publication exception and Rule 72 legislative-competence exception: a motion for leave, and if it is opposed, two brief statements and a vote. The principles are debated at the first stage of the Second Reading, the clauses at its second stage, and at the Third Reading only formal, verbal or consequential amendments are allowed. Circulation for opinion and reference to a Select or Joint Committee are choices made at the Second Reading, not at introduction.

Stages of a Bill in Parliament



2. "Any Bill with a tax in it is a Money Bill."

A Money Bill must contain only the matters listed in Article 110(1). Fines, licence fees, fees for services and local taxes for local purposes do not make a Bill a Money Bill. A Bill that has a tax clause along with provisions outside the matters permitted by Article 110(1)(a)–(g), is a Financial Bill under Article 117(1), not a Money Bill. Whether a Bill is a Money Bill is decided by the Speaker, and Article 110(3) calls his decision final, subject to the judicial-review qualification in 2.6; it is not decided by the President or by the Chairman of the Rajya Sabha.

Money Bill or Financial Bill?

Money Bill
must contain only the matters listed in Article 110(1).



Do not make it a Money Bill
- Fines
- licence fees
- fees for services
- local taxes for local purposes



Financial Bill
under Article 117(1)
A Bill that has a tax clause along with provisions outside the matters permitted by Article 110(1)(a)–(g), is a Financial Bill under Article 117(1), not a Money Bill.



Decision by the Speaker
Whether a Bill is a Money Bill is decided by the Speaker, and Article 110(3) calls his decision final, subject to the judicial-review qualification in 2.6.



Not decided by
It is not decided by the President or by the Chairman of the Rajya Sabha.



3. "The joint sitting is presided over by the Chairman, and it cannot be held once the Lok Sabha is dissolved."

Both parts are wrong. The President summons it and the Speaker of the Lok Sabha presides (Article 118(4)). If the President has notified the joint sitting before the dissolution, it may still be held and the Bill passed (Article 108(5)). What blocks a joint sitting is a Bill that had already lapsed before the notice was given.

Joint Sitting of Both Houses

Who summons?
The President summons it.



Who presides?
The Speaker of the Lok Sabha presides (Article 118(4)).



Can it be held after dissolution?
If the President has notified the joint sitting before the dissolution, it may still be held and the Bill passed (Article 108(5)).



What blocks it?
What blocks a joint sitting is a Bill that had already lapsed before the notice was given.



Sources: Day 16 Source Index | Topic 153 | Section 4

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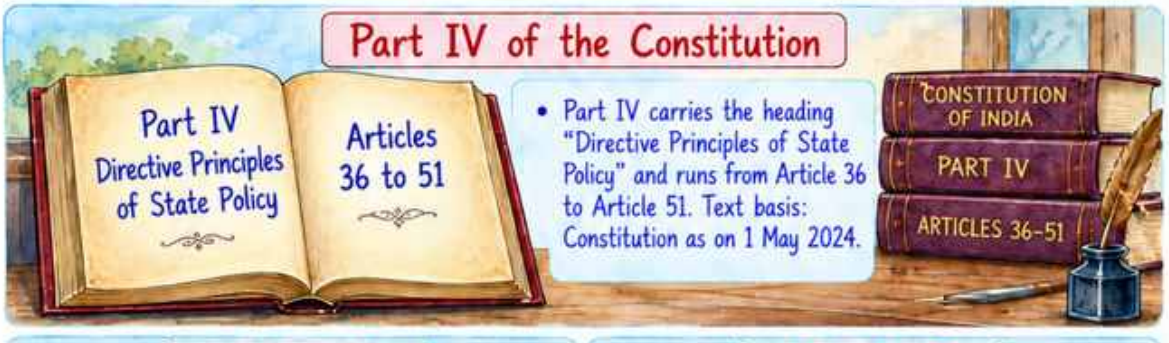
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Part IV and Article 37

The Directive Principles of State Policy are the principles in Part IV of the Constitution (Articles 36 to 51) that no court can enforce but that the State has a duty to apply in making laws. The examination asks what each Article directs, which amendment added it, their common thematic groupings, and how the courts have set them beside the Fundamental Rights.

Part IV of the Constitution



- Part IV carries the heading "Directive Principles of State Policy" and runs from Article 36 to Article 51. Text basis: Constitution as on 1 May 2024.

Article 36

"In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III."

That meaning is the one in Article 12 (Topic 62).



Article 37

"Application of the principles contained in this Part" reads:

"The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws."

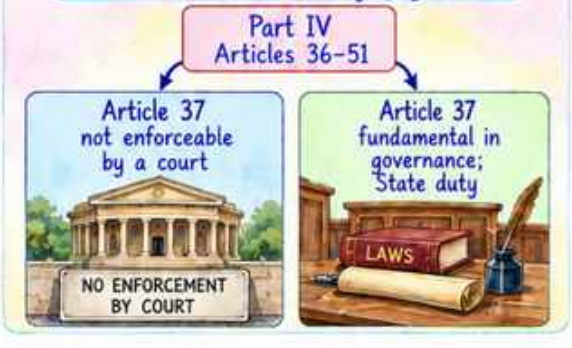
Why non-justiciable?

the framers wanted guidelines for future governments but did not want to bind them to particular policies. The principles were not made legally enforceable, that is, they are non-justiciable. The framers relied on their moral force and on the people to hold governments to them.



Both Limbs of Article 37

Both limbs of Article 37 must appear together; non-justiciability does not erase the law-making duty.



Sources: Day 16 Source Index | Topic 154 | Section 2.1

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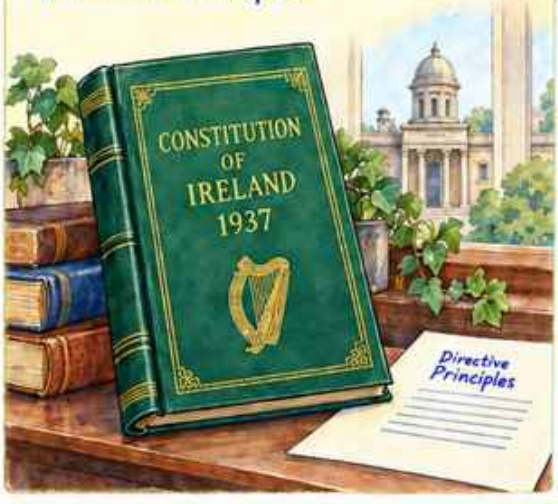
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Where the idea came from, and Dr B.R. Ambedkar's words

Irish influence:

the Constitution of Ireland, 1937 provided an important model for Directive Principles.



Instrument of Instructions:

compare the Directive Principles with the Instruments of Instructions issued under the Government of India Act, 1935 (Topic 23). Those were addressed only to the Governor-General and the Governors; the Directive Principles are addressed to the State as a whole.

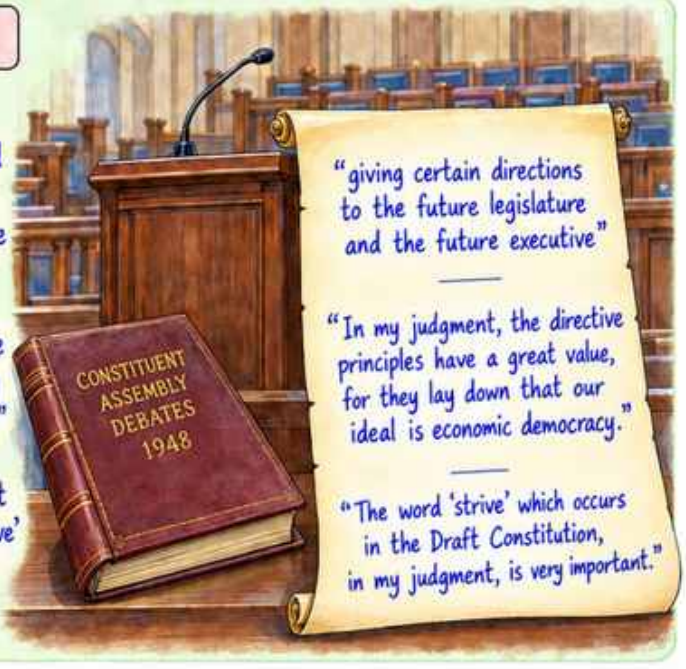


Dr B.R. Ambedkar.

In the Constituent Assembly on 19 November 1948 he explained the word "directive": the Assembly was "giving certain directions to the future legislature and the future executive".

He added: "In my judgment, the directive principles have a great value, for they lay down that our ideal is economic democracy."

On the word "strive" in the draft of what is now Article 38 he said: "The word 'strive' which occurs in the Draft Constitution, in my judgment, is very important."



Sources: Day 16 Source Index | Topic 154 | Section 2.2

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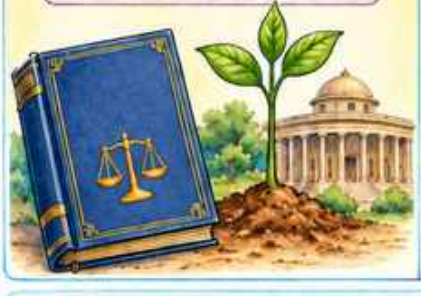
Three themes of the Directive Principles

The principles can be grouped by their main goals to make them easier to understand and remember. These are thematic study groups; the Constitution does not label or divide Part IV in this way.

Theme	Articles	What links them
Socialistic	38, 39, 39A, 41, 42, 43 (living wage and decent conditions of work), 43A, 47 (nutrition, standard of living, public health)	Justice, social and economic; livelihood, wages and work; reducing inequality
Gandhian	40, 43 (cottage industries), 43B, 46, 47 (prohibition of intoxicating drinks and harmful drugs), 48 (ban on slaughter of cows, calves and other milch and draught cattle)	Village self-government, cottage industries, co-operatives, the weaker sections, prohibition, protection of cattle
Liberal-intellectual	44, 45, 48 (agriculture and animal husbandry on modern and scientific lines), 48A, 49, 50, 51	Uniform civil code, early childhood care, modern farming, environment, monuments, separation of the judiciary, international peace








- Articles 43, 47 and 48 contain provisions serving more than one theme. Classify the particular provision, rather than assuming that every part of an Article must fit only one group.

Thematic study groups, not constitutional headings.

Articles 43, 47 and 48 span themes.

Socialistic
justice, livelihoods, welfare



Gandhian
village, cooperation, weaker sections



Liberal-intellectual
institutions, science, peace



Sources: Day 16 Source Index | Topic 154 | Section 2.3

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Articles 38 to 51, one by one (official text) (1/4)

Article	Marginal heading (short)	What it directs
38(1) 	Social order for the welfare of the people	The State "shall strive to promote the welfare of the people" by securing a social order in which justice, social, economic and political, shall inform all the institutions of the national life 
38(2) 	(same Article)	The State shall in particular strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, among individuals and also among groups of people in different areas or vocations 
39(a) 	Principles of policy	Citizens, men and women equally, have the right to an adequate means of livelihood 
39(b) 	(same Article)	Ownership and control of the material resources of the community are so distributed as best to subserve the common good 
39(c) 	(same Article)	The economic system does not result in the concentration of wealth and means of production to the common detriment 
39(d) 	(same Article)	Equal pay for equal work for both men and women 

38 - 39A welfare, distribution, legal aid 

40 - 43B panchayats work, co-ops 

44 - 48A civil code childcare and nature 

49 - 51 heritage courts and peace 

Article 43A means participation in management, Article 45 ends when the child completes six.

Sources: Day 16 Source Index | Topic 154 | Section 2.4

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Articles 38 to 51, one by one (official text) (2/4)

Article	Marginal heading (short)	What it directs
39(e) 	(same Article)	The health and strength of workers and the tender age of children are not abused, and citizens are not forced by economic necessity into avocations unsuited to their age or strength. 
39(f) 	(same Article)	Children get opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity; childhood and youth are protected against exploitation and against moral and material abandonment. 
39A 	Equal justice and free legal aid	The legal system promotes justice on a basis of equal opportunity; free legal aid, so that no citizen is denied justice by reason of economic or other disabilities. 
40 	Village panchayats	Organise village panchayats and give them the powers needed to function as units of self-government. 
41 	Right to work, to education and to public assistance	Within the limits of its economic capacity and development, provide for the right to work, to education and to public assistance in unemployment, old age, sickness, disablement and other cases of undeserved want. 
42 	Conditions of work and maternity relief	Just and humane conditions of work, and maternity relief. 

Related Groups of Articles (for context)



Article 43A means participation in management. Article 45 ends when the child completes six.

Sources: Day 16 Source Index | Topic 154 | Section 2.4

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Articles 38 to 51, one by one (official text) (3/4)

Article	Marginal heading (short)	What it directs
43	Living wage for workers	Work, a living wage, a decent standard of life, leisure and social and cultural opportunities for all workers, agricultural, industrial or otherwise; iin particular, cottage industries in rural areas on an individual or co-operative basis
43A	Workers in management	Participation of workers in the management of undertakings, establishments or other organisations engaged in any industry
43B	Co-operative societies	Voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies
44	Uniform civil code	A uniform civil code for the citizens throughout the territory of India
45	Early childhood care and education	Early childhood care and education for all children until they complete the age of six years
46	Weaker sections	Promote with special care the educational and economic interests of the weaker sections, in particular the Scheduled Castes and the Scheduled Tribes, and protect them from social injustice and exploitation
47	Nutrition, standard of living, public health	These are "among its primary duties"; in particular, prohibition of intoxicating drinks and of drugs injurious to health, except for medicinal purposes

Placing these Articles in Context

- **38 – 39A** welfare, distribution, legal aid
- **40 – 43B** panchayats work, co-ops
- **44 – 48A** civil code childcare and nature
- **49 – 51** heritage courts and peace

Article 43A means participation in management. Article 45 ends when the child completes six.

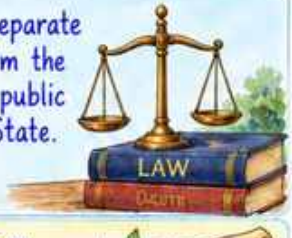
Sources: Day 16 Source Index | Topic 154 | Section 2.4

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Articles 38 to 51, one by one (official text) (4/4)

Article	Marginal heading (short)	What it directs
48	Agriculture and animal husbandry 	Organise them on modern and scientific lines; preserve and improve breeds; prohibit the slaughter of cows and calves and other milch and draught cattle. 
48A	Environment, forests and wild life 	Protect and improve the environment and safeguard the forests and wild life of the country. 
49	Monuments 	It "shall be the obligation of the State" to protect monuments, places and objects of artistic or historic interest declared by or under law made by Parliament to be of national importance. 
50	Separation of judiciary from executive 	Take steps to separate the judiciary from the executive in the public services of the State. 
51	International peace and security 	Promote international peace and security; just and honourable relations between nations; respect for international law and treaty obligations; settlement of international disputes by arbitration. 

38 – 39A	40 – 43B	44 – 48A	49 – 51
welfare, distribution, legal aid 	panchayats work, co-ops 	civil code childcare and nature 	heritage courts and peace 

Article 43A means participation in management. Article 45 ends when the child completes six.

Sources: Day 16 Source Index | Topic 154 | Section 2.4

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The amendments that added or changed them

Amendment	What it did in Part IV	Section, and in force from
42nd Amendment Act, 1976	Substituted clause (f) of Article 39	Section 7; 3 January 1977
42nd Amendment Act, 1976	Inserted Article 39A	Section 8; 3 January 1977
42nd Amendment Act, 1976	Inserted Article 43A	Section 9; 3 January 1977
42nd Amendment Act, 1976	Inserted Article 48A	Section 10; 3 January 1977
44th Amendment Act, 1978	Renumbered Article 38 as clause (1) and inserted clause (2)	Section 9; 20 June 1979
86th Amendment Act, 2002	Substituted a new Article 45	Section 3; 1 April 2010
97th Amendment Act, 2011	Inserted Article 43B	Section 3; 15 February 2012

Key Amendments and when they came into force



Dates are commencement dates; amendment Act years are respectively 1976, 1978, 2002 and 2011.

The 86th Amendment also inserted Article 21A in Part III: free and compulsory education for children aged six to fourteen (Topic 642). It added Article 51A(k): the parent's or guardian's duty to provide educational opportunities to a child or ward aged six to fourteen. Article 45 concerns children until they complete six; these age ranges must not be interchanged.

Article 45

Article 45 concerns children until they complete six.



children until they complete six

Article 21A

Article 21A in Part III: free and compulsory education for children aged six to fourteen (Topic 642).



children aged six to fourteen

Article 51A(k)

Article 51A(k): the parent's or guardian's duty to provide educational opportunities to a child or ward aged six to fourteen.



a child or ward aged six to fourteen

these age ranges must not be interchanged.

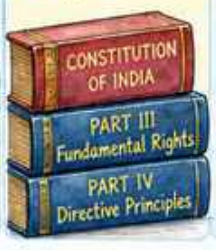
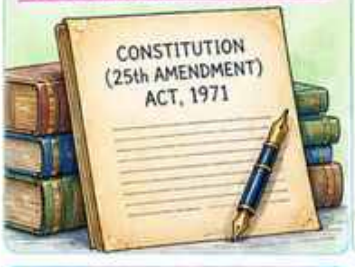
Sources: Day 16 Source Index | Topic 154 | Section 2.5

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Directive Principles and Fundamental Rights: the cases (1/2)

Case or Act	Date	What it held or did
State of Madras v. Champakam Dorairajan 	9 April 1951; seven judges; judgment by Das, J. 	The Communal G.O. (Government Order) on college seats was void under Article 13 for violating Article 29(2) (Topic 73). Article 46 could not override Article 29(2): "The directive principles of State policy have to conform to and run as subsidiary to the Chapter of Fundamental Rights." They "cannot override the provisions found in Part III." 
25th Amendment Act, 1971 	In force from 20 April 1972 	Inserted Article 31C: a law giving effect to "the principles specified in clause (b) or clause (c) of article 39" was not to be void for being inconsistent with Articles 14, 19 or 31; and a law declaring that it gave effect to that policy could not be questioned in court on the ground that it did not. It also put the word "amount" in place of "compensation" in Article 31(2) 
Kesavananda Bharati 	24 April 1973; 13 judges 	The first part of Article 31C was upheld and the second part, the declaration clause, was struck down. By 7 to 6 Parliament cannot alter the basic structure (Topic 123) 

Key cases on Article 31C: a timeline



Current Article 31C protects qualifying 39(b)/(c) laws against Articles 14 and 19; not every privately owned resource automatically qualifies.

Sources: Day 16 Source Index | Topic 154 | Section 2.6

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Directive Principles and Fundamental Rights: the cases (2/2)

Case or Act	Date	What it held or did
42nd Amendment Act, 1976, section 4	In force from 3 January 1977	Widened Article 31C to laws for securing "all or any of the principles laid down in Part IV"
Minerva Mills	31 July 1980; five judges; Chandrachud, C.J.	Sections 4 and 55 of the 42nd Amendment were void. "Parts III and IV together constitute the core of our Constitution". The "harmony and balance between fundamental rights and directive principles is an essential feature of the basic structure"

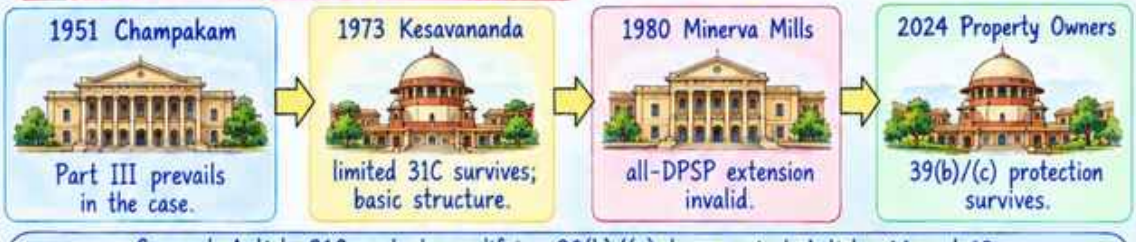


Current Article 31C position:

Property Owners Association v. State of Maharashtra (5 November 2024, 2024 INSC 835) confirmed that Article 31C, to the extent upheld in Kesavananda Bharati, remains in force. The surviving protection is for laws genuinely giving effect to Article 39(b) or (c), against Articles 14 and 19; it is not a blanket shield for every Directive Principle. The Court also rejected treating every privately owned resource automatically as a "material resource of the community"; some private resources can qualify, depending on their nature and context.



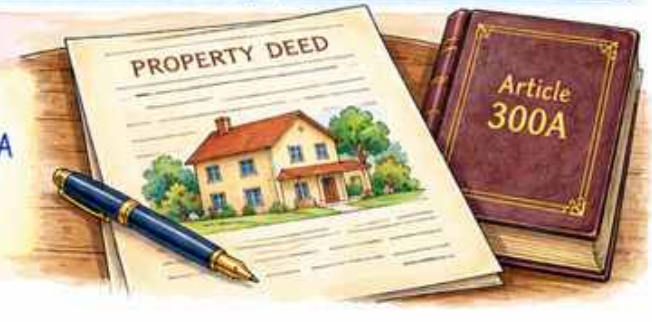
Key cases on Article 31C – timeline



Current Article 31C protects qualifying 39(b)/(c) laws against Articles 14 and 19; not every privately owned resource automatically qualifies.

The right to property

The 44th Amendment (1978) removed it from the Fundamental Rights. Article 300A protects it as a constitutional legal right; deprivation must be by authority of law.



Sources: Day 16 Source Index | Topic 154 | Section 2.6

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Directives outside Part IV

Three Articles outside Part IV also give directions: Article 335 (Part XVI: the claims of the Scheduled Castes and the Scheduled Tribes "shall be taken into consideration, consistently with the maintenance of efficiency of administration", in appointments to services and posts); Article 350A (Part XVII: adequate facilities for mother-tongue instruction at the primary stage for children belonging to linguistic minority groups; inserted by the 7th Amendment, 1956); and Article 351 (Part XVII: "Directive for development of the Hindi language"). They are not in Part IV, so Article 37 does not speak of them (Topic 954).

Article 335

Part XVI

the claims of the Scheduled Castes and the Scheduled Tribes "shall be taken into consideration, consistently with the maintenance of efficiency of administration", in appointments to services and posts.



Article 350A

Part XVII

adequate facilities for mother-tongue instruction at the primary stage for children belonging to linguistic minority groups; inserted by the 7th Amendment, 1956.



Article 351

Part XVII

"Directive for development of the Hindi language".



Comparison at a Glance

Article	Part	Direction given
335	Part XVI	the claims of the Scheduled Castes and the Scheduled Tribes "shall be taken into consideration, consistently with the maintenance of efficiency of administration", in appointments to services and posts.
350A	Part XVII	adequate facilities for mother-tongue instruction at the primary stage for children belonging to linguistic minority groups; inserted by the 7th Amendment, 1956.
351	Part XVII	"Directive for development of the Hindi language".

These directions stand outside Part IV; do not label them Part IV DPSPs.

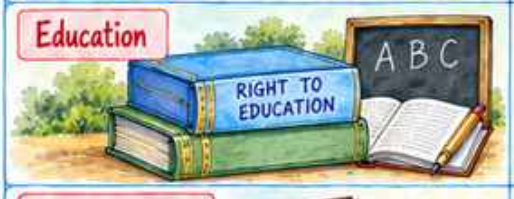
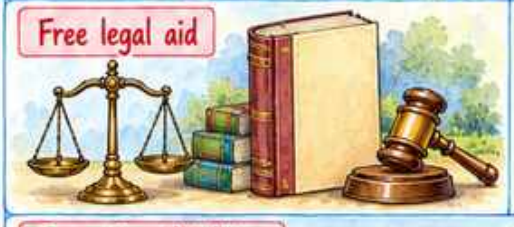
Sources: Day 16 Source Index | Topic 154 | Section 2.7

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Directive Principles in public policy

Directive	Article	Implementation or connection
Land reforms 	39(b) and (c)	States abolished zamindari and enacted land-reform laws. Conflicts with property rights led to constitutional amendments supporting these reforms
Village panchayats 	40	The 73rd Amendment, passed in 1992 and effective from 24 April 1993, added Part IX on Panchayats
Education 	45 and 21A	The 86th Amendment, 2002 inserted the right to education in Article 21A and recast Article 45 for children below six. School-meal programmes support access to education and nutrition
Free legal aid 	39A	The Legal Services Authorities Act, 1987 came into force on 9 November 1995. NALSA, constituted in 1995, provides free legal services to weaker sections and organises Lok Adalats for amicable settlement
Separation of judiciary and executive 	50	The constitutional direction is to take steps towards separation in the public services of the State

Other policy connections

- bank nationalisation;
- factory regulation and minimum wages;
- cottage industries;
- measures supporting Scheduled Castes and Scheduled Tribes;
- and employment-guarantee programmes.



Remember

A Directive Principle sets a constitutional goal. An amendment, law or programme is a means of pursuing that goal; the two are not the same thing.



Sources: Day 16 Source Index | Topic 154 | Section 3

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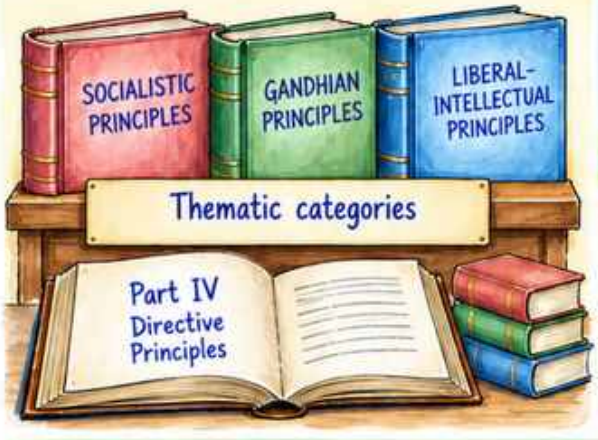
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Three common exam traps

1 "The Constitution divides the Directive Principles into socialistic, Gandhian and liberal-intellectual principles."

It does not. Part IV has no such headings; the three groups are a study aid. Different provisions in Articles 43, 47 and 48 serve different themes. Identify the precise provision before assigning a group.



2 "Non-justiciable means the principles have no legal value."

Article 37 says the opposite in its second half: the principles are fundamental in the governance of the country, and applying them in making laws is a duty of the State. Only the first half is about courts: no court can enforce them. A statement that drops either half is incomplete.



First half: no court can enforce them.

Second half: the principles are fundamental in the governance of the country, and applying them in making laws is a duty of the State.

3 "The Constitution gives no directions to the State outside Part IV."

Part IV contains the DPSPs governed by Article 37, but other constitutional directions also stand outside it, in Parts XVI and XVII. Remember the three numbers, 335, 350A and 351, and remember that Article 351 carries the word "Directive" in its own heading.



Key comparison



Thematic categories not constitutional headings



Non-justiciable still a State duty



Outside Part IV
335 · 350A · 351

Sources: Day 16 Source Index | Topic 154 | Section 4

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What earlier topics gave us, and the two ground rules

The Budget is the annual financial statement of Article 112, and Parliament gives it legal force by voting the demands for grants and passing the Appropriation Bill and the Finance Bill, under Articles 112 to 117 and 265 to 267.

The examination asks about the three funds, charged and voted expenditure, the stages and the role of each House, cut motions, the special grants and the Money Bill question.

What Topic 153 gave us about a Money Bill

- A Money Bill (Article 110) contains only the matters listed in that Article.
- It starts only in the Lok Sabha on the President's recommendation.
- The Rajya Sabha can only make recommendations on it within 14 days.



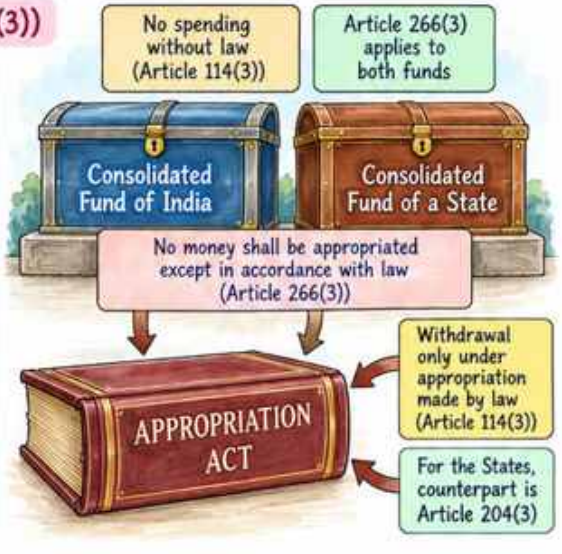
No tax without law (Article 265)

- Article 265: "No tax shall be levied or collected except by authority of law."
- So the Budget's tax proposals need an Act: the Finance Act.



No spending without law (Article 114(3))

- Article 114(3): "no money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law".
- So the Budget's spending needs an Act: the Appropriation Act.
- Article 266(3) applies to both funds: no money out of the Consolidated Fund of India or of a State may be appropriated except in accordance with law.
- For the States, the counterpart of Article 114(3) is Article 204(3).



Sources: Source Index, Topic 162 | Coverage: section 2.1

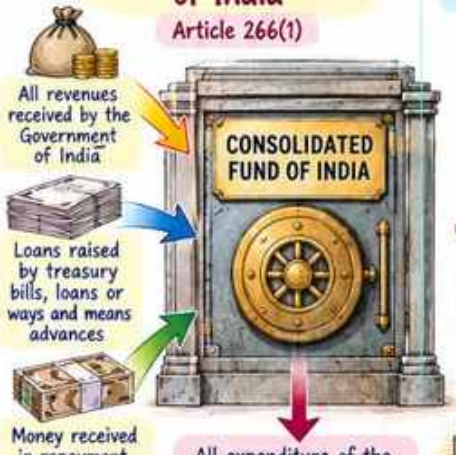
16

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DAY 17 | TOPICS 161-170
Topic 162 | Teaching panel 02

The three funds: Articles 266 and 267

Consolidated Fund of India
Article 266(1)



All expenditure of the Government is incurred from this Fund (only under appropriation made by law)

Public Account of India
Article 266(2)

All other public money received by or on behalf of the Government of India



Payments out of this Fund do not need Parliament's approval

Contingency Fund of India
Article 267(1)

Such sums as a law of Parliament fixes from time to time



The President makes advances for unforeseen expenditure, pending its authorisation by Parliament by law under Article 115 or 116

Point	Consolidated Fund of India	Public Account of India	Contingency Fund of India
Article	266(1)	266(2)	267(1)
What goes into it	All revenues received by the Government of India, all loans it raises by treasury bills, loans or ways and means advances, and all money it receives in repayment of loans	All other public money received by or on behalf of the Government of India	Such sums as a law of Parliament fixes from time to time
Nature	Government expenditure is drawn from this Fund, subject to appropriation by law.	Money held by the Government in trust for others.	An imprest placed at the disposal of the President
Parliament's approval to spend	Needed: only under appropriation made by law	Not needed for payments out of it	The President makes advances for unforeseen expenditure, pending its authorisation by Parliament by law under Article 115 or 116

Corpus of the Contingency Fund of India



- The Budget Speech of 1 February 2021 proposed to raise it from Rs 500 crore to Rs 30,000 crore through the Finance Bill.
- Corpus in 2026-27: Rs 30,000 crore.
- The Fund was set up by the Contingency Fund of India Act, 1950.

The States in a line

Article 266 also creates the Consolidated Fund and the public account of each State.



Sources: Source Index, Topic 162 | Coverage: section 2.2

17

The annual financial statement: charged and voted expenditure

Article 112(1)

For every financial year the President causes a statement of the estimated receipts and expenditure of the Government of India to be laid before both Houses. This is the annual financial statement, which we call the **Budget.**



Contains

- Estimated receipts of the Government of India
- Estimated expenditure of the Government of India

The charged list, Article 112(3)



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

2 (b) the salaries and allowances of the Chairman and Deputy Chairman of the Rajya Sabha and of the Speaker and Deputy Speaker of the Lok Sabha;



3 (c) debt charges of the Government of India, including interest, sinking fund and redemption charges;



- Interest
- Sinking fund
- Redemption charges

4 (d) the salaries, allowances and pensions of Supreme Court judges, and the pensions of judges of the Federal Court and of High Courts;



- Salaries
- Allowances
- Pensions (Supreme Court judges)
- Pensions (Federal Court and High Court judges)

5 (e) the salary, allowances and pension of the Comptroller and Auditor-General;



6 (f) sums needed to satisfy a judgment, decree or award of a court or arbitral tribunal;



- Judgment
- Decree
- Award

(of a court or arbitral tribunal)

7 (g) any other expenditure that the Constitution or a law of Parliament declares to be charged.



Article 113(1)

Charged expenditure is not submitted to the vote of Parliament, but either House may discuss it.



Article 113(2) and (3)

- All other expenditure goes to the Lok Sabha as demands for grants.
- Article 113(3): no demand for a grant can be made except on the President's recommendation.

All other expenditure → Demands for grants → Lok Sabha

No demand for a grant can be made except on the President's recommendation. (Article 113(3))

The Budget 2026-27 has 102 demands for grants; generally there is one demand for each Ministry or Department (Key to Budget Documents).

Sources: Source Index, Topic 162 | Coverage: section 2.3

18

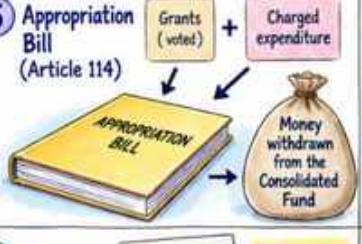
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DAY 17 | TOPICS 161-170
Topic 162 | Teaching panel 04

The stages of the Budget in Parliament (1/2)



1. Presentation (Article 112)
2. General discussion
3. Scrutiny by DRSCs
4. Discussion and voting on demands for grants (Article 113)
5. Appropriation Bill (Article 114)
6. Finance Bill

Stage	What happens	Lok Sabha's role	Rajya Sabha's role
1 Presentation (Article 112) 	The Finance Minister presents the Budget with the annual financial statement.	 The statement is laid before it.	 The statement is laid before it.
2 General discussion 	A broad review of the Budget as a whole. "No voting takes place at this stage" (PRS).	It holds a general discussion. 	It holds a general discussion. 
3 Scrutiny by the Departmentally Related Standing Committees (DRSCs) 	The demands for grants of each Ministry go to the DRSCs (24), which examine them and report to Parliament.	Its members sit on the DRSCs. 	Its members sit on the DRSCs. 
4 Discussion and voting on demands for grants (Article 113) 	A few demands chosen by the Business Advisory Committee are discussed and voted on; on the last day, the demands not yet discussed are put to the vote together: the guillotine.	It may assent to a demand, refuse it, or assent with a reduction. Assent / Refuse / Assent with a reduction	It does not vote on demands. 
5 Appropriation Bill (Article 114) 	The grants and the charged expenditure are put into one Bill that allows money to be withdrawn from the Consolidated Fund. No amendment may be proposed in either House that varies the amount or alters the destination of a grant, or varies a charged sum.	It passes the Bill. 	The Bill is a Money Bill, so it may only make recommendations, within 14 days. 
6 Finance Bill  • Imposition • Abolition • Remission • Alteration • Regulation of taxes	Taken up after the Appropriation Bill. It carries the "imposition, abolition, remission, alteration or regulation of taxes proposed in the Budget" (Ministry of Finance).	It passes the Bill. 	When the Bill is certified as a Money Bill: recommendations only, within 14 days. 

Sources: Source Index, Topic 162 | Coverage: section 2.4

19

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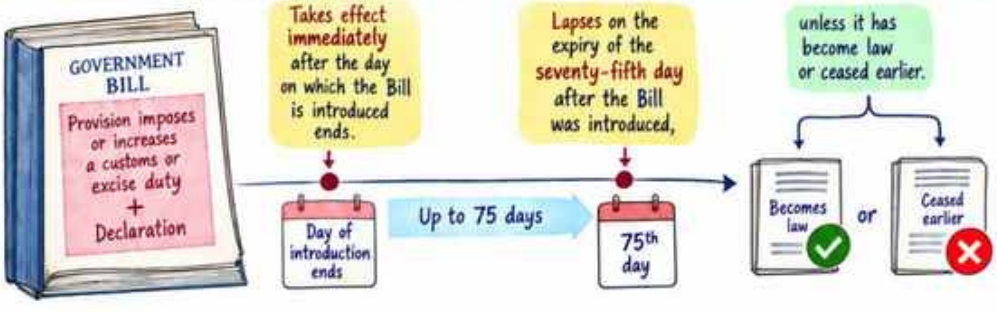
DAY 17 | TOPICS 161-170
Topic 162 | Teaching panel 05

The stages of the Budget in Parliament (2/2)



Taxes before the Finance Act

The Provisional Collection of Taxes Act, 2023 (assent 28 December 2023) replaced the 1931 Act. Under it, a provision in a Government Bill that imposes or increases a customs or excise duty, and carries a declaration, takes effect immediately after the day on which the Bill is introduced ends; it lapses on the expiry of the seventy-fifth day after the Bill was introduced, unless it has become law or ceased earlier.



Sources: Source Index, Topic 162 | Coverage: section 2.4

20

Day 17 | Topic 162 | Panel 6

Cut motions

A cut motion is moved while the Lok Sabha votes on demands for grants, to show disapproval.

Three kinds of cut motion:

Cut motion	What it seeks
Policy cut 	To reduce the grant to **Re 1**, showing disapproval of the **policy** of the Ministry.
Economy cut 	To reduce the grant by **a specific amount.**
Token cut 	To reduce the grant by **Rs 100,** to air a specific grievance.

Passing a cut motion signals a **loss of confidence** in the Government; the **Cabinet is expected to resign.**



Sources: Source Index, Topic 162 | Coverage: section 2.5

21

Grants outside the regular Budget: Articles 115 and 116

Article 115

Supplementary, additional and excess grants



Used when the amount in the Budget proves inadequate, a new service needs funds, or expenditure exceeds the grant.

Article 116

Vote on account, vote of credit and exceptional grant



Grant	Article	When it is used
Supplementary grant	115(1)(a)	The amount authorised for a service for the current year is found to be insufficient.
Additional grant	115(1)(a)	A need arises for expenditure on a new service not contemplated in that year's annual financial statement.
Excess grant	115(1)(b)	More money has been spent on a service than was granted for it for that year; the Public Accounts Committee first examines the excess and recommends that it be regularised, and the demand then goes to the Lok Sabha.
Vote on account	116(1)(a)	A grant in advance for part of a financial year, until the voting of demands and the Appropriation Act are complete.
Vote of credit	116(1)(b)	An unexpected demand on the resources of India that, because of its size or indefinite character, cannot be stated with the usual details.
Exceptional grant	116(1)(c)	A grant that forms no part of the current service of any financial year.



- For the grants of Article 115 a further statement or a demand is placed before Parliament, and Articles 112 to 114 apply to it.
- The grants of Article 116 are made by the Lok Sabha, and Parliament authorises the withdrawal by law.

Sources: Source Index, Topic 162 | Coverage: section 2.6

22

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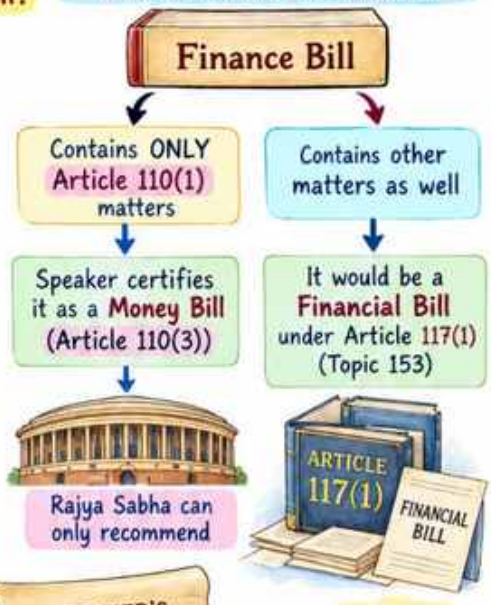
DAY 17 | TOPICS 161-170
Topic 162 | Teaching panel 08

The Finance Bill and the Money Bill

Why a Finance Bill is often a Money Bill?

- Its main provisions deal with taxes, a matter of Article 110(1)(a).
- When the Bill contains only Article 110(1) matters, the Speaker certifies it as a Money Bill and the Rajya Sabha can only recommend.
- A Finance Bill with other matters as well would be a Financial Bill under Article 117(1) (Topic 153).

Classification of a Finance Bill



The Speaker's certificate

- If a question arises whether a Bill is a Money Bill, the Speaker's decision "shall be final" (Article 110(3)).



Judicial review of the Speaker's certification

1 Puttaswamy (Aadhaar) 26 September 2018

- A five-judge bench upheld the Aadhaar Act by 4:1.
- The majority held that the Speaker's certification can be judicially reviewed in certain circumstances, and that the Aadhaar Act was validly passed as a Money Bill.
- Justice D.Y. Chandrachud dissented.



2 Rojer Mathew v. South Indian Bank 13 November 2019

- A five-judge bench led by Chief Justice Ranjan Gogoi heard the challenge to the Finance Act, 2017, passed as a Money Bill.
- It said the Aadhaar majority "did not substantially discuss the effect of the word 'only' in Article 110(1)", and referred the question to a larger bench of seven judges.



3 Since then

- The petitions for review of the Aadhaar judgment were dismissed by 4:1 in January 2021.



Sources: Source Index, Topic 162 | Coverage: section 2.7

23

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DAY 17 | TOPICS 161-170
Topic 162 | Teaching panel 09

The Budget's date and the Union Budget 2026-27

1 1 February from 2017

- The Budget used to be presented on the **last working day of February.**
- The Budget Speech of 1 February 2017 said it had been **"advanced to 1st February to enable the Parliament to avoid a Vote on Account"**, so that one Appropriation Bill could be passed before the year ended.



2 Railway Budget

- The same speech called the merger of the Railways Budget with the General Budget **"a historic step"**.
- It ended a practice in place **since 1924**, and the **Budget 2017-18** was the first combined Budget.



3 Union Budget 2026-27

- Presented on **1 February 2026 (a Sunday)** by the Finance Minister, Nirmala Sitharaman.



Budget estimates (BE)



Total expenditure (BE)
Rs 53,47,315 crore



Fiscal deficit (BE)
Rs 16,95,768 crore
that is **4.3 per cent** of GDP.



Gross tax revenue (BE)
Rs 44,04,086 crore
(as in Topic 124).

Sources: Source Index, Topic 162 | Coverage: section 2.8

24

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DAY 17 | TOPICS 161-170
Topic 162 | Teaching panel 10

After the money is spent: CAG and PAC

Comptroller and Auditor-General (CAG):

- Appointed by the President and removable only like a Supreme Court judge (Article 148).
- His reports on the Union's accounts go to the President, who has them laid before each House (Article 151(1)).
- PRS: the CAG audits the accounts after the year ends.



Public Accounts Committee (PAC):

- Examines the CAG's findings to see whether money was spent for the purpose Parliament approved (PRS).



Sources: Source Index, Topic 162 | Coverage: section 2.9

25

Day 17
Topic 162
Panel 11

Extra section: the path of one rupee of Union spending, from estimate to audit

1 Estimate — Art. 112

The rupee is shown in the annual financial statement, as charged or as voted expenditure.



2 Vote — Art. 113

If voted, it is part of a demand for grants, which the Lok Sabha assents to, refuses or reduces; if charged, it is discussed but not voted.



3 Law — Art. 114

The Appropriation Act allows it to be withdrawn from the Consolidated Fund of India.



8 Audit — Arts. 148, 151

The CAG audits the accounts; the reports are laid before Parliament and examined by the PAC.



Main route: happens every year (Steps 1 to 3 and 8)

Exceptions: special situations during the year (Steps 4 to 7)

4 If the year begins before step 3 — Art. 116(1)(a)

A vote on account gives money in advance for part of the year.



5 If the need is urgent and unforeseen — Art. 267(1)

The President may advance it from the Contingency Fund, pending Parliament's authorisation by law.



6 If the amount proves too small during the year — Art. 115(1)(a)

A supplementary or additional grant.



7 If more was spent than was granted — Art. 115(1)(b)

An excess grant, voted by the Lok Sabha.



Two important checks

1. Steps 4 to 7 are the exceptions; steps 1 to 3 and 8 happen every year.
2. The grants in steps 2, 4, 6 and 7 are made by the Lok Sabha alone, but the money is drawn only under a law of Parliament, and on such a law the Rajya Sabha can only make recommendations. Step 5 needs no vote first; the vote comes later, under Article 115 or 116.

Sources: Source Index, Topic 162 | Coverage: section 3

26

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AIM. PREPARE. ACHIEVE

DAY 17 | TOPICS 161-170
Topic 162 | Teaching panel 12

Three common exam traps

1 Charged expenditure is not voted, so Parliament cannot even discuss it.

- Article 113(1) bars only the vote: either House may discuss charged expenditure.
- Watch the judges too: the pensions of High Court judges are charged on the Consolidated Fund of India, but their salaries and allowances are charged on the Consolidated Fund of the State.





High Court judges — Pensions charged on → ₹ → Consolidated Fund of India

Salaries and allowances charged on → ₹ → Consolidated Fund of the State

2 The Speaker's certificate on a Money Bill can never be examined by a court.

- Article 110(3) makes the Speaker's decision final.
- In Puttaswamy (2018) the majority held that the certification can be judicially reviewed in certain circumstances.
- Rojer Mathew (2019) then sent the meaning of "only" in Article 110(1) to a larger bench.



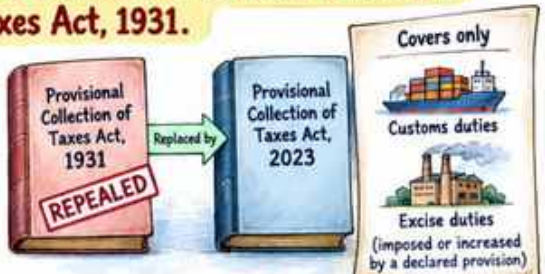
Puttaswamy (2018)
Certification can be judicially reviewed in certain circumstances.

Rojer Mathew (2019)
Meaning of "only" in Article 110(1) sent to a larger bench.

final, but open to judicial review in certain circumstances

3 Taxes in the Finance Bill are collected in advance under the Provisional Collection of Taxes Act, 1931.

- That Act was repealed by the Provisional Collection of Taxes Act, 2023.
- The 2023 Act covers only customs and excise duties imposed or increased by a declared provision.
- The provision lapses at the end of the seventy-fifth day after the Bill was introduced unless it has become law by then.





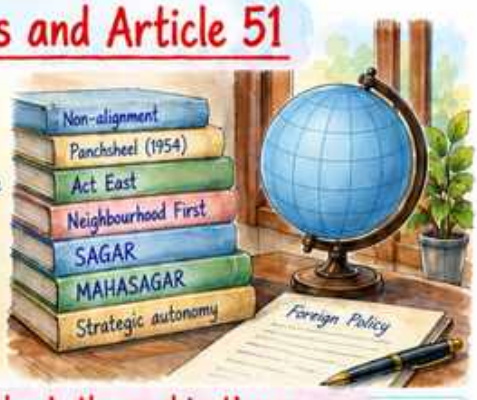
Sources: Source Index, Topic 162 | Coverage: section 4

27

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Foreign-policy aims and Article 51

India's foreign policy began under Nehru with the aims of preserving sovereignty, protecting territorial integrity and promoting economic development, through non-alignment and the five principles of Panchsheel (1954), and it has since added policies such as Act East, Neighbourhood First, SAGAR and MAHASAGAR under the banner of strategic autonomy. The examination asks about Article 51, the wording and date of Panchsheel, the facts of non-alignment and the Non-Aligned Movement (NAM), and the years and contents of the later policies.



Foreign-policy aims



India conducted its foreign relations "with an aim to respect the sovereignty of all other nations and to achieve security through the maintenance of peace".

Article 51 expresses related aims in the Directive Principles of State Policy.

Nehru's three objectives



Nehru's approach, in his words

"Our general policy is to avoid entanglement in power politics and not to join any group of powers as against any other group."

Of the two blocs he wrote: "We must be friendly to both and yet not join either.".



Five principles of Panchsheel (1954)

Panchsheel (1954)

1. Mutual respect for each other's territorial integrity and sovereignty
2. Mutual non-aggression
3. Mutual non-interference in each other's internal affairs
4. Equality and mutual benefit
5. Peaceful coexistence

Article 51 (a Directive Principle)

"Promotion of international peace and security".

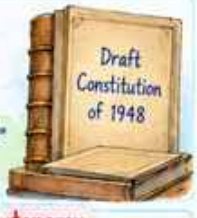
The State shall endeavour to:

(a) promote international peace and security;
(b) maintain just and honourable relations between nations;
(c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and
(d) encourage settlement of international disputes by arbitration.

History of Article 51

Article 51 was Article 40 of the Draft Constitution of 1948, debated on 25 November 1948.

Note the verb: the State "shall endeavour" to do these things.



Later policies under strategic autonomy



Under the banner of strategic autonomy.

Sources: Day 18 Source Index | Topic 173 | 1; 2.1

Day 18 | T173 · P01 | 32/155

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Panchsheel: agreement and signatures

The agreement:

"Agreement between the People's Republic of China and the Republic of India on Trade and Intercourse between Tibet Region of China and India".



Signed:

at Peking (Beijing) on 29 April 1954.



Signed by:

N. Raghavan, Ambassador of India to the People's Republic of China, and Chang Han-fu, Vice-Minister of Foreign Affairs of China.



Where the principles stand:

in the preamble. The two governments "resolved to enter into the present Agreement based on the following principles":



Term:

eight years (Article 6), which could be extended by negotiation.



Political leadership and formal signatures:

Panchsheel is associated with Jawaharlal Nehru and Zhou Enlai. The five principles appear in the preamble of the agreement signed on 29 April 1954 by N. Raghavan and Chang Han-fu. Political sponsorship and signing an agreement are different roles.



Sources: Day 18 Source Index | Topic 173 | 2.2

Day 18 | T173 · P02 | 33/155

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Five Panchsheel principles

Where the principles stand: in the preamble.
The two governments "resolved to enter into the present Agreement based on the following principles":



1. **mutual respect for each other's territorial integrity and sovereignty,**



Both sides respect each other's territorial integrity and sovereignty.

2. **mutual non-aggression,**



The two governments agree not to use aggression against each other.

3. **mutual non-interference in each other's internal affairs,**



Each government agrees not to interfere in the other's internal affairs.

4. **equality and mutual benefit, and**



The two governments believe in equality and mutual benefit in their relations.

5. **peaceful co-existence.**



The two governments aim at peaceful co-existence.

Sources: Day 18 Source Index | Topic 173 | 2.2

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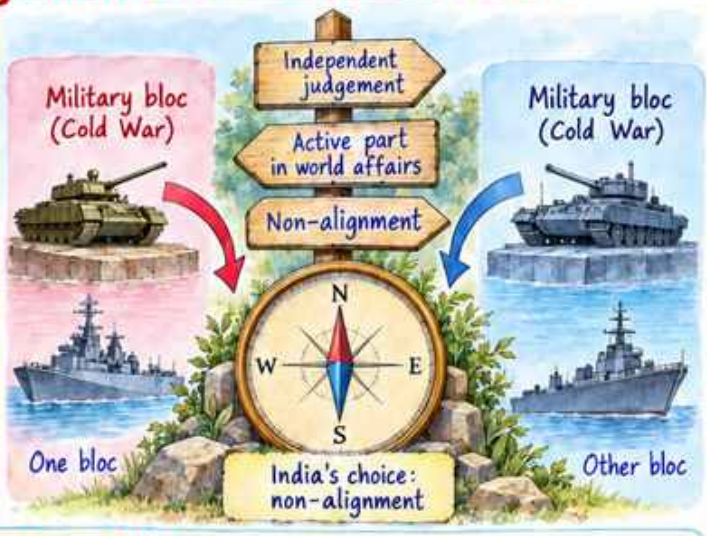
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Nonalignment is active choice

What it means:

Non-alignment means keeping independent judgement rather than joining the rival military blocs. It does not require passivity or withdrawal from international affairs.

Non-alignment is not neutrality: India took an active part in world affairs while staying out of the two Cold War blocs.



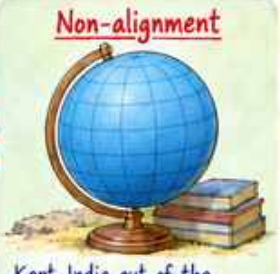
Non-alignment is not neutrality.

Neutrality concerns non-participation in a war; it does not mean withdrawal from world affairs. Non-alignment kept India out of the military blocs, not out of world affairs. An independent position can involve active diplomacy.



Non-participation in a war; it does not mean withdrawal from world affairs.

≠



Kept India out of the military blocs, not out of world affairs. An independent position can involve active diplomacy.

And the NAM had five founders, not Nehru alone:

Tito, Nasser, Nehru, Nkrumah and Sukarno.



Withdrawal from world affairs is isolationism.

Non-alignment preserves independent judgement.



Sources: Day 18 Source Index | Topic 173 | 2.3; 4

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Bandung to Belgrade

Bandung (1955)

The Asian-African conference met in Bandung, Indonesia, in April 1955.
Representatives of 29 Asian and African states attended.
It came before the NAM; it was not a NAM summit.



Bandung, Indonesia (1955)

Belgrade (1961)

The first NAM summit was held in Belgrade in September 1961.



Belgrade, Yugoslavia (1961)

Five founding leaders:

Josip Broz Tito (Yugoslavia)	Gamal Abdel Nasser (Egypt)	Jawaharlal Nehru (India)	Kwame Nkrumah (Ghana)	Sukarno (Indonesia)



Bandung Conference

- Year: 1955 (April)
- Place: Bandung, Indonesia
- What it was: An Asian-African conference of 29 states
- Link with the NAM: A forerunner



Belgrade Summit

- Year: 1961 (September)
- Place: Belgrade, Yugoslavia
- What it was: The first summit of the NAM
- Link with the NAM: The NAM's starting point as a movement of summits





An Asian-African conference of 29 states. A forerunner.

The first summit of the NAM. The NAM's starting point as a movement of summits.

Sources: Day 18 Source Index | Topic 173 | 2.3

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NAM today, dated

The NAM today

The NAM today: 121 member states after South Sudan's admission at the Kampala summit in January 2024 (Uganda Ministry of Foreign Affairs).

121 member states



Summit frequency

The summit usually meets every three years.



The latest summit

The latest, the 19th Summit, was held at Kampala, Uganda: the full programme ran from 15 to 20 January 2024, with the leaders' meeting on 19 and 20 January, on the theme "Deepening Cooperation for Shared Global Affluence".



Uganda took the chair.



India's representation

India was represented by the External Affairs Minister, S. Jaishankar.



Next summit: Tashkent, 2027

Snapshot: 18 October 2026. Uzbekistan's President stated on 15 October 2026 that Uzbekistan will host the 20th NAM Summit in Tashkent in 2027. That address did not state the exact day and month.



Sources: Day 18 Source Index | Topic 173 | 2.3

Day 18 | T173 · P06 | 37/155

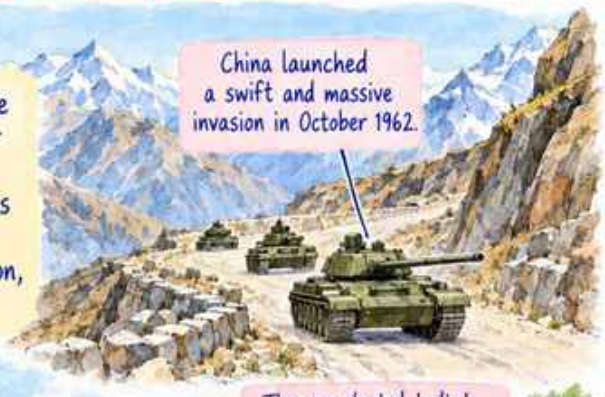
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1962, 1971, 1972

1962 war

China launched a swift and massive invasion in October 1962. The war dented India's image at home and abroad; a no-confidence motion was moved in the Lok Sabha, and the Defence Minister, V. K. Krishna Menon, had to leave the cabinet.







1971 Indo-Soviet Treaty

India signed a 20-year Treaty of Peace and Friendship with the Soviet Union on 9 August 1971.



The Shimla Agreement (1972)

The Shimla Agreement with Pakistan followed on 2 July 1972, signed by Indira Gandhi and Zulfikar Ali Bhutto.





Sources: Day 18 Source Index | Topic 173 | 2.4

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Nuclear chronology and doctrine

Nuclear tests

The first nuclear explosion, on 18 May 1974, which India called a "peaceful explosion"; a series of tests on 11 and 13 May 1998.



The first nuclear explosion, on 18 May 1974, which India called a "peaceful explosion".



A series of tests on 11 and 13 May 1998.

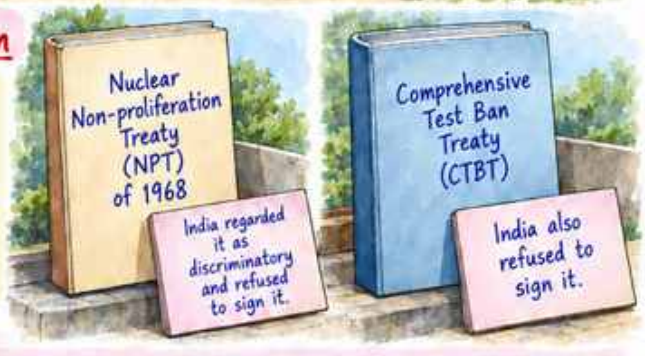
No first use

India's stated nuclear doctrine includes a no-first-use policy.



Treaties and India's position

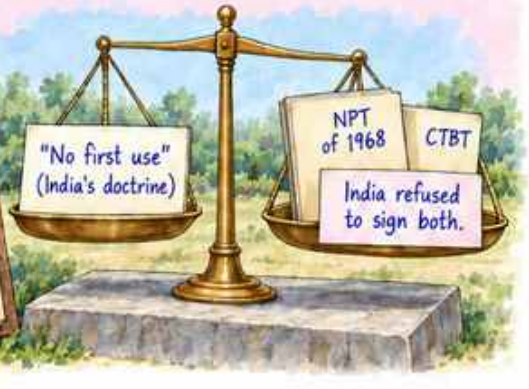
India regarded the Nuclear Non-proliferation Treaty (NPT) of 1968 as discriminatory and refused to sign it; it also refused to sign the Comprehensive Test Ban Treaty (CTBT).



Key point

"No first use" is not acceptance of the treaties.

India's doctrine professes no first use of nuclear weapons, yet India refused to sign both the NPT of 1968, which it saw as discriminatory, and the CTBT.



Sources: Day 18 Source Index | Topic 173 | 2.4; 4

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Gujral Doctrine

Gujral Doctrine (September 1996): set out by I.K. Gujral as External Affairs Minister at Chatham House, for India's smaller neighbours: Nepal, Bangladesh, Bhutan, the Maldives and Sri Lanka. Five principles of the doctrine:



India's smaller neighbours
(mentioned in the doctrine)



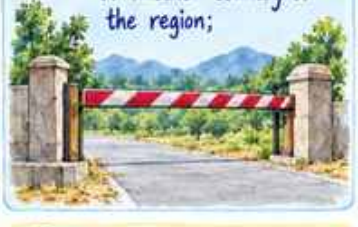
The Five Principles
Good faith, sovereignty and peaceful cooperation

1. with these neighbours, India does not ask for reciprocity but gives all that it can in good faith and trust;





2. no South Asian country will allow its territory to be used against the interest of another country of the region;



3. none will interfere in the internal affairs of another;



4. all South Asian countries must respect each other's territorial integrity and sovereignty;



5. they will settle all their disputes through peaceful bilateral negotiations.



Sources: Day 18 Source Index | Topic 173 | 2.4

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Civil nuclear cooperation

India-US civil nuclear cooperation: a joint statement of Manmohan Singh and George W. Bush on 18 July 2005; a waiver from the Nuclear Suppliers Group (NSG) on 6 September 2008; the "123 Agreement" signed in Washington on 10 October 2008 by Pranab Mukherjee and Condoleezza Rice.

1 Joint statement

A joint statement of Manmohan Singh and George W. Bush on 18 July 2005.

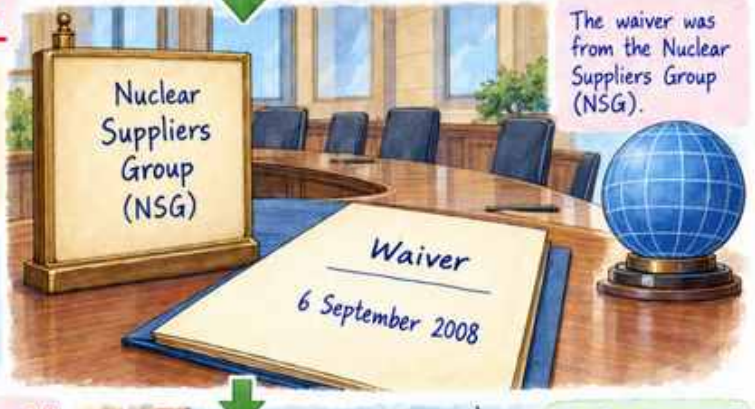
A joint statement was made by Manmohan Singh and George W. Bush on 18 July 2005.



2 NSG waiver

A waiver from the Nuclear Suppliers Group (NSG) on 6 September 2008.

A waiver was given by the Nuclear Suppliers Group (NSG) on 6 September 2008.



3 "123 Agreement"

The "123 Agreement" signed in Washington on 10 October 2008 by Pranab Mukherjee and Condoleezza Rice.

The "123 Agreement" was signed in Washington on 10 October 2008 by Pranab Mukherjee and Condoleezza Rice.



Sources: Day 18 Source Index | Topic 173 | 2.4

Day 18 | T173 - P10 | 41/155

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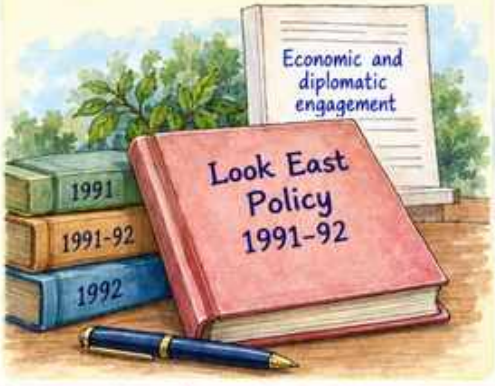
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Look East, Act East, neighbours

Look East Policy

Early 1990s (1991-92)

Policy purpose and scope:
Developed in the early 1990s, commonly dated to 1991-92. It strengthened India's economic and diplomatic engagement with South-East Asia after the Cold War.



Act East Policy

Year: 2014

Policy purpose and scope:
Announced by Prime Minister Narendra Modi at the 9th East Asia Summit in Myanmar on 13 November 2014: "turn our Look East Policy into Act East policy". It widened the focus from South-East Asia to all of East Asia and added defence cooperation and maritime security.



Neighbourhood First

Year: 2014

Policy purpose and scope:
In May 2014, the Prime Minister invited the leaders of all SAARC countries to his swearing-in. The policy promotes stronger physical, digital and cultural links with neighbours, guided by respect, dialogue, peace and prosperity: "consultative, non-reciprocal and outcome-focused".



Transport, digital and cultural connection



Sources: Day 18 Source Index | Topic 173 | 2.5

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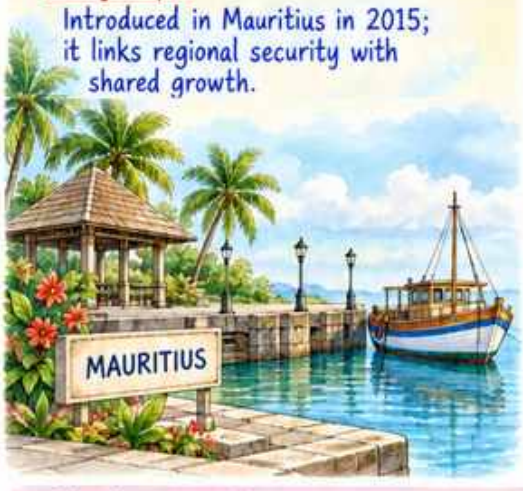
SAGAR to MAHASAGAR

SAGAR
(Security and Growth for All in the Region)

Year: 2015

Policy scope:

Introduced in Mauritius in 2015; it links regional security with shared growth.



MAHASAGAR
(Mutual and Holistic Advancement for Security and Growth Across Regions)

Year: 2025

Policy scope:

Announced by Prime Minister Modi in Mauritius on 12 March 2025, on its National Day. A vision for the Global South that goes beyond SAGAR: trade for development, capacity building for sustainable growth and mutual security



Strategic autonomy

Year: No year: a stated aim

Policy scope:

Independent foreign-policy judgement alongside multilateral cooperation.



SAGAR and MAHASAGAR: scope and meaning



Sources: Day 18 Source Index | Topic 173 | 2.5

Day 18 | T173 · P12 | 43/155

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Global South and groupings I

Global South:

three Voice of Global South Summits, in January and November 2023 and August 2024, each with more than 100 countries (PIB).



Under Vaccine Maitri,

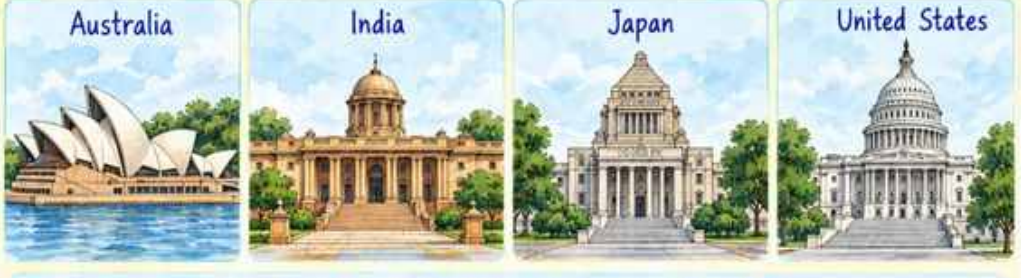
India supplied over 30.12 crore vaccine doses to 99 countries and two UN bodies from January 2021 (PIB, June 2025).



India keeps its strategic autonomy by working in groupings that do not include one another.

Quad:

Australia, India, Japan and the United States.



- Proposed by Japan's Prime Minister Shinzo Abe in early 2007;
- revived in November 2017 at Manila;
- the first in-person leaders' summit at Washington on 24 September 2021;
- the latest leaders' summit at Wilmington, United States, on 21 September 2024.
- Next planned host: India. Snapshot: 18 October 2026.

Sources: Day 18 Source Index | Topic 173 | 2.5; 2.6

Day 18 | T173 · P13 | 44/155

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Groupings II and UN reform

SCO (Shanghai Cooperation Organisation)

founded at Shanghai on 15 June 2001; India became a full member at the Astana summit, in June 2017 (9 June 2017), together with Pakistan.



BRICS (Topic 150)

India held its fourth chairship in 2026 and hosted the 18th Summit at New Delhi on 12 and 13 September 2026.



G20 (Topic 70)

India's presidency ran from 1 December 2022 to 30 November 2023; the African Union became a permanent member at the New Delhi summit of September 2023.



I2U2

India, Israel, the United Arab Emirates and the United States; its first leaders' summit was held virtually on 14 July 2022. India-UAE ties have deepened through platforms including I2U2 and BRICS.



India and UN reform

India has sent troops to UN peacekeeping forces, for example in Darfur. It claims a permanent seat in the Security Council.



In the G4 (Brazil, Germany, India and Japan, whose leaders first met as a group in New York in September 2004), the four support each other's bids for permanent seats.



In the BRICS New Delhi Declaration of 2026, China and Russia supported the aspirations of Brazil and India to play a greater role in the UN, including its Security Council (Topic 150). The UN's organs and Security Council reform are taught on other days.



Four groupings, four memberships.

The Quad is Australia, India, Japan and the United States. The G4 is Brazil, Germany, India and Japan, and works for permanent seats in the Security Council. The SCO was founded at Shanghai and India joined it as a full member with Pakistan. BRICS (Topic 150) and the G20 (Topic 70) are different again. Japan is in the Quad and the G4, but not in the SCO or BRICS.



Sources: Day 18 Source Index | Topic 173 | 2.6; 2.7; 4

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Chronology I

1. **25 November 1948:** Draft Article 40, later Article 51, debated in the Constituent Assembly.



2. **29 April 1954:** India-China agreement on trade and intercourse with the Tibet Region signed at Peking; Panchsheel in its preamble.



3. **April 1955:** Bandung Conference of 29 Asian and African states.



4. **September 1961:** First NAM summit, Belgrade.



5. **1962:** Chinese invasion; V.K. Krishna Menon leaves the cabinet.



6. **9 August 1971:** 20-year Treaty of Peace and Friendship with the Soviet Union.



7. **2 July 1972:** Shimla Agreement.



8. **18 May 1974:** First nuclear explosion, called "peaceful".



9. **1991–92:** Look East Policy developed in the early 1990s.



10. **September 1996:** Gujral Doctrine set out at Chatham House.



11. **11 and 13 May 1998:** Series of nuclear tests.



12. **15 June 2001:** SCO founded at Shanghai.



13. **18 July 2005:** India-US joint statement on civil nuclear cooperation.



14. **10 October 2008:** 123 Agreement signed in Washington.



Sources: Day 18 Source Index | Topic 173 | 3

Day 18 | T173 · P15 | 46/155

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Chronology II and traps

May 2014:
Neighbourhood First: the Prime Minister invites the leaders of all SAARC countries to his swearing-in (MEA).



13 November 2014:
Act East Policy announced at the 9th East Asia Summit, Myanmar.



2015:
SAGAR, in Mauritius.



June 2017:
India a full member of the SCO; Quad revived in November 2017.



24 September 2021:
First in-person Quad leaders' summit, Washington.



1 December 2022 to 30 November 2023:
India's G20 presidency.



15 to 20 January 2024:
19th NAM Summit programme, Kampala; leaders' meeting on 19 and 20 January.



12 March 2025:
MAHASAGAR announced in Mauritius.



12 and 13 September 2026:
18th BRICS Summit, New Delhi.



Three retrieval checks

Non-alignment: active world engagement while avoiding military-bloc commitments.
Neutrality: non-participation in a war. NAM had five founders.



No first use is a doctrine; India refused to sign the NPT and CTBT. The 1974 explosion was called peaceful; May 1998 saw a series of tests.



Quad, G4, SCO, BRICS and G20 have different memberships. Japan belongs to the Quad and G4, not SCO or BRICS.



Dated snapshot: 18 October 2026.

Sources: Day 18 Source Index | Topic 173 | 3; 4

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CAG: independent audit, legislative accountability

The Comptroller and Auditor General audits public accounts. Constitutional safeguards protect independent scrutiny of government money.



1. Appointment

Article 148: President appoints by warrant under hand and seal. Oath before the President or an appointed person.



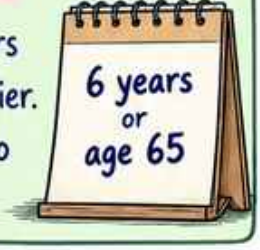
2. Independent tenure:

Removal only in the same manner and on the same grounds as a Supreme Court judge: proved misbehaviour or incapacity.



3. Law fixes the term:

The 1971 Act gives six years or age 65, whichever is earlier. Resignation is addressed to the President.



4. No next government office:

Article 148(4) bars further office under the Union or any State government.



Government spends → **CAG audits** → **Legislature scrutinises**







⚠ Appointment by the President does not mean removal at the President's pleasure.

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Why audit must be independent



Article 148 safeguards

1 Salary and service:



Parliament determines salary and service conditions by law. The 1971 Act links salary to that of a Supreme Court judge.

2 Protection after appointment:



Salary, leave rights, pension and retirement age cannot be varied to the CAG's disadvantage.

3 Financial independence:



Office administrative expenses, including staff salaries, allowances and pensions, are charged on the Consolidated Fund of India under Article 148(6).

4 Personal emoluments:



CAG salary, allowances and pension are charged expenditure under Article 112(3)(e).

Charged ≠ outside scrutiny:



Charged expenditure may be discussed in Parliament but is not submitted to its vote.

IA&AD personnel:



Subject to constitutional provisions and parliamentary law, the President makes service-condition rules after consulting the CAG.

Remember:

Security of tenure + protected service conditions + charged expenditure support independent audit.

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Follow public money: the audit perimeter

Article 149 + CAG's DPC Act, 1971

Section 13:
Audit expenditure from the Consolidated Funds of the Union, States and Union Territories with legislatures. Audit Contingency Fund and Public Account transactions, and departmental trading/manufacturing accounts.



Section 16:
Audit government receipts. Test whether assessment, collection and allocation procedures safeguard revenue.



Section 17:
Audit accounts of stores and stock.



Section 19:
Audit government companies and statutory corporations within the applicable legal framework.



Section 20:
Other bodies may be entrusted for audit in the public interest under the statutory conditions.



Audit toolkit — Section 18:
Inspect offices; require accounts, books and records; ask questions and seek information.



GOVERNMENT TREASURY ACCOUNTING



Consolidated Fund of India/State	Contingency Fund of India/State	Public Account
Revenues + Capital receipts − Expenditure	Imprest for urgent and unforeseen expenditure	Small savings, provident funds, reserve funds, deposits, suspense and other similar amounts





Union Government and its entities



State Governments and their entities



Union Territories with legislatures and their entities

Section 23:



CAG may make regulations for carrying out the Act.

Important distinction:
Audit jurisdiction follows constitutional and statutory authority, not a blanket power over every organisation.



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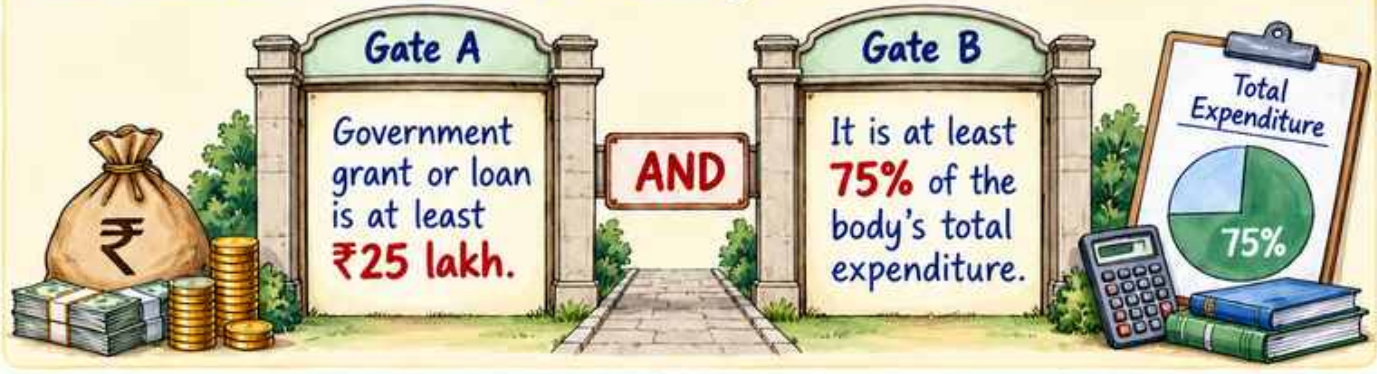
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When does a funded body enter CAG audit?

Section 14(1): substantial financing

Both conditions must hold in the financial year:



Worked example 1

Government assistance ₹30 lakh; total expenditure ₹40 lakh.

Particulars	Amount (₹ lakh)
Government grant/loan (assistance)	30
Total expenditure	40

₹30 lakh ÷ ₹40 lakh × 100 = 75%.

Both conditions met.

Worked example 2

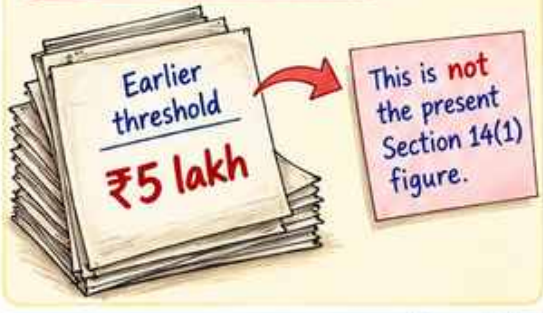
Assistance ₹30 lakh; expenditure ₹60 lakh.

Particulars	Amount (₹ lakh)
Government grant/loan (assistance)	30
Total expenditure	60

Share = ₹30 lakh ÷ ₹60 lakh × 100 = 50%.

The 75% condition is not met under Section 14(1).

Historical caution



Local bodies

- Articles 243 J and 243 Z leave accounts and audit arrangements to State law.
- CAG may audit under applicable funding provisions or entrustment, and provide technical guidance/support.
- **Do not conclude** that every Panchayat or Municipality is automatically audited by CAG.

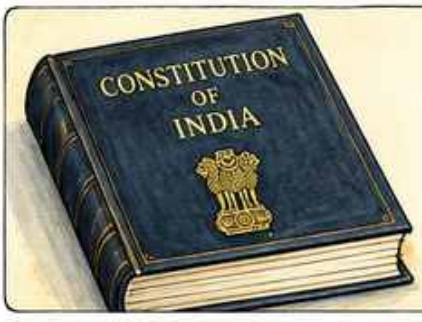


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Compiling accounts is not auditing accounts



Article 150: The President prescribes the form of Union and State accounts on the advice of the CAG.

Constitutional wording matters: 'On the advice of' is not merely 'after consultation with'.



42nd Amendment: Substituted Article 150, effective 1 April 1977.

44th Amendment: Replaced 'after consultation with' by 'on the advice of', effective 20 June 1979.



1976 separation: The statutory amendment effective 1 March 1976 enabled relief from Union account-compilation responsibilities after consultation with CAG. Departmentalisation separated civil accounts preparation from audit.



State accounts: CAG normally compiles State accounts. A Governor may, with the President's prior approval, relieve CAG of specified compilation responsibilities under the Act.



Comparison:

Compilation assembles transactions into accounts.



Audit independently examines the accounts and underlying transactions.



Remember: Separation of Union civil accounting and audit did not abolish the CAG's audit function.

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Three audit lenses, one accountability purpose

Financial audit:

Are financial statements complete, properly presented and adequately disclosed under the applicable reporting framework?

Compliance audit:

Do transactions and activities comply with applicable laws, rules and authorities?

Performance audit:

Examine the three Es.

Economy — acquire suitable inputs at appropriate cost.

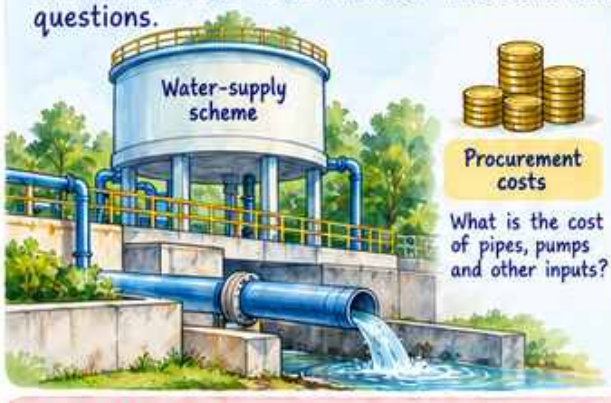
Efficiency — achieve more useful output from given inputs.

Effectiveness — achieve the intended objectives and outcomes.



Illustration:

For a water-supply scheme, compare procurement costs, functioning connections per unit of resources, and reliable safe-water access. These are different questions.



Procurement costs

What is the cost of pipes, pumps and other inputs?

Functioning connections per unit of resources

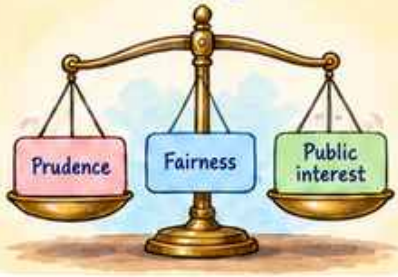
How many household connections are actually working for the resources spent?

Reliable safe-water access

Do people receive regular and safe drinking water as intended?

Propriety:

Consider prudence, fairness and public interest within the relevant audit examination; do not automatically label it a separate fourth category under CAG's regulations.



Audit finding ≠ criminal conviction:

Audit highlights evidence-based irregularities and performance concerns for accountable follow-up.



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An audit report reaches the legislature

Union route

Article 151(1):



State route

Article 151(2):



Public Accounts Committee

- 22 members —15 from Lok Sabha and 7 from Rajya Sabha.
- The Speaker appoints its Chairperson.



Role and function

PAC examines appropriation accounts and relevant CAG reports to scrutinise whether public money was used for authorised purposes and in accordance with law.

CAG's role

CAG supports legislative scrutiny; the familiar description is PAC's 'friend, philosopher and guide'.



Article 279

Net proceeds mean proceeds of a tax or duty minus collection costs.

The CAG ascertains and certifies net proceeds; the certificate is final.



Remember the division of work

Executive administers money. → **CAG** audits. → **Legislature** examines accountability.



CAG does not replace parliamentary control.

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CAG: an article ladder and dated anchors

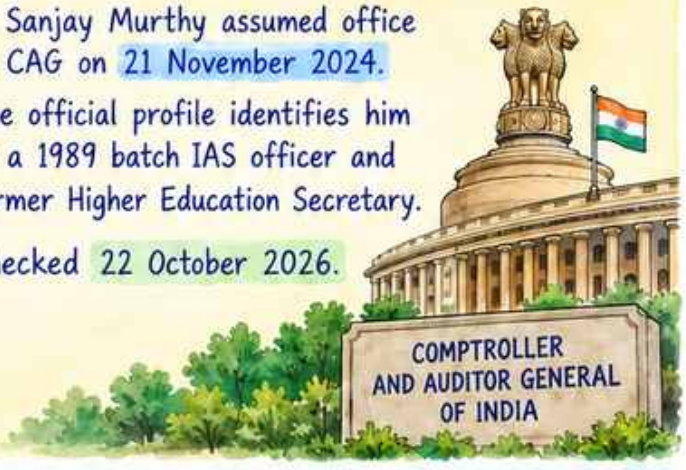


Dated anchor: K. Sanjay Murthy

K. Sanjay Murthy assumed office as CAG on 21 November 2024.

The official profile identifies him as a 1989 batch IAS officer and former Higher Education Secretary.

Checked 22 October 2026.



The 1971 DPC Act

Act 56 of 1971, dated 15 December 1971.

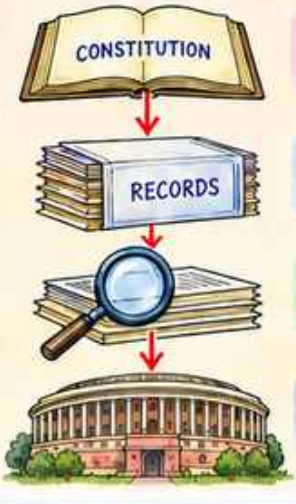
The six-year/65-year tenure comes from this Act, not directly from Article 148.



Quick distinctions

Appointment is not pleasure tenure.	→	Pleasure tenure applies to certain other offices, not to the CAG.
Charged expenditure is not voted expenditure.	→	Charged expenditure is not put to vote in the legislature.
Compilation is not audit.	→	Compilation organises data; audit examines, verifies and reports.
Audit powers do not mean automatic jurisdiction over every local body.	→	Extension to local bodies depends on law and specific provisions.

Revision chain



Constitutional independence

Lawful access to records

Evidence-based audit

Legislative scrutiny

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Who elects the President? Not all legislators

Article 52 establishes the office; Article 53 vests Union executive power in the President.



Article 54 electoral college:



Elected members of both Houses of Parliament.



Elected members of State Legislative Assemblies.

For Articles 54 and 55; 'State' includes the National Capital Territory of Delhi and the Union Territory of Puducherry.

Excluded:



Nominated MPs



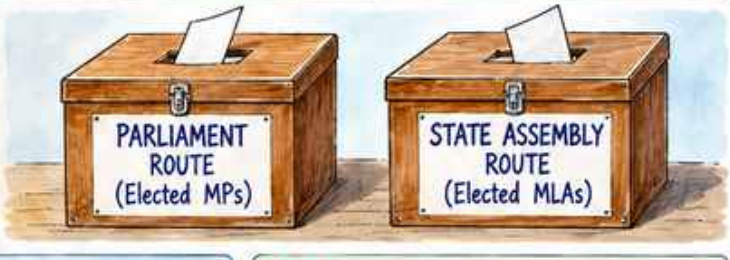
nominated MLAs



members of State Legislative Councils.

70th Amendment, 1992: Included Delhi and Puducherry; effective 1 June 1995.

Article 55: Proportional representation by means of the single transferable vote; voting is by secret ballot.



Contrast: A Governor is appointed by the President under Article 155, not elected through this college.



Memory cue: Elected MPs + elected MLAs; not MLCs, not nominated members.

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The vote has a value: population and federal balance

Article 55 seeks uniformity among States and parity between the States collectively and the Union.



MLA vote value:

1. State population ÷ elected Assembly strength.
2. Take multiples of 1000 in that quotient.
3. If the remainder is at least 500, add 1.



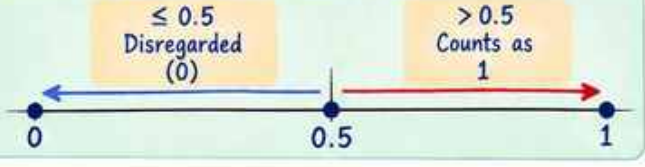
MP vote value:

Total vote value of all elected MLAs ÷ total elected MPs of both Houses.



Fraction rule for MPs:

Fractions exceeding one-half count as 1; other fractions are disregarded.



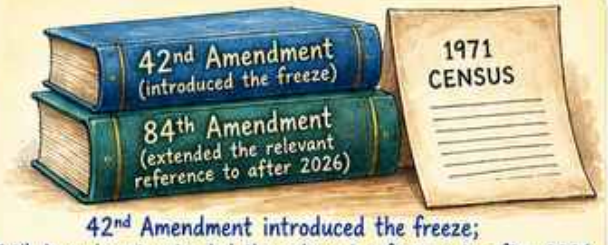
Rounding distinction:

- MLA remainder ≥ 500.
- MP fraction > 0.5.
- An exact half is not rounded up for MPs.



Population baseline:

- Use the 1971 Census until relevant figures of the first census taken after 2026 have been published.
- Do not assume the baseline changes automatically on 1 January 2027.



42nd Amendment introduced the freeze; the 84th Amendment extended the relevant reference to after 2026.

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AP and Telangana: work the 2022 vote value

Official 2022 election illustration — 1971 population base, not present population.

Andhra Pradesh:

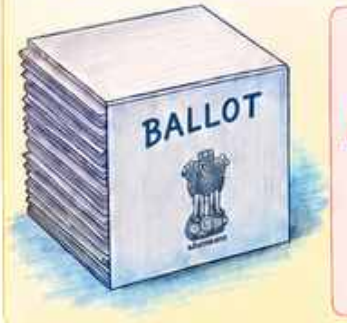


Population = 27800586
elected MLAs = 175.

27800586 ÷ 175 = 158860.49...
158 multiples of 1000,
with remainder 860.49...

Remainder ≥ 500 →
each MLA vote value = **159.**

Assembly total = 175 × 159 = **27825.**



175 × 159 = 27825

Telangana:

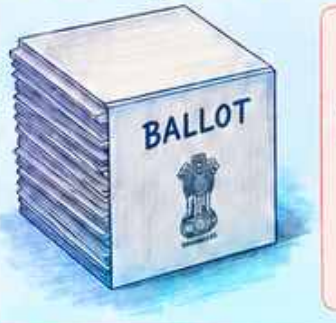


Population = 15702122
elected MLAs = 119.

15702122 ÷ 119 = 131950.60...
131 multiples of 1000,
with remainder 950.60...

Remainder ≥ 500 →
each MLA vote value = **132.**

Assembly total = 119 × 132 = **15708.**



119 × 132 = 15708

Compare the mechanism, not raw population alone:

Vote value depends on population divided by elected Assembly strength.

MLA vote value = (1971 State population ÷ elected MLAs) ÷ 1000

Round up only if the final fractional part is at least 0.5.

Important:

These are weighted votes in the Presidential election, not the number of ballot papers.



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2022: full-strength arithmetic versus actual poll

ECI full-strength calculation



4033 MLAs: aggregate vote value 543231.

4033 MLAs
Aggregate vote value = 543231

776 MPs = 543 Lok Sabha + 233 Rajya Sabha.



543 Lok Sabha MPs | 233 Rajya Sabha MPs

Total MPs = 776

543231 ÷ 776 = 700.04 ... → each MP's vote value 700.

MP aggregate = 776 × 700 = 543200.

Full-strength electors = 4809.

Full-strength aggregate value = 543231 + 543200 = 1086431.

Actual election

Actual eligible electors, ECI result release 22 July 2022:

4796 = 771 MPs + 4025 MLAs.



771 MPs | 4025 MLAs

Total eligible electors = 4796

4754 voted = 763 MPs + 3991 MLAs.



763 MPs | 3991 MLAs

Total ballots cast = 4754

These actual figures must not be labelled 4809 voters.

Key dates in 2022

9 June — Schedule announced → 15 June — Notification → 18 July — Poll → 21 July — Count → 25 July — Oath

Droupadi Murmu was declared elected on 21 July 2022 and took office as the 15th President on 25 July 2022.



Lesson: College strength, eligible electors, ballots cast and weighted vote totals are different quantities.

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From nomination to constitutional oath

1. Check qualifications (Article 58)
2. Election notification and Returning Officer
3. File nomination (under election law)
4. Cease membership (Article 59)
5. Take constitutional oath (Article 60)



Article 58 – Qualifications



- Citizen of India.
- At least 35 years old.
- Qualified for election to Lok Sabha.



- Must not hold an office of profit under the Union, a State, or a controlled local/other authority.
- Express exceptions: President, Vice-President, State Governor, and Union or State Minister do not disqualify under this provision.

Nomination under election law



- At least 50 proposers and 50 seconders.
- Security deposit ₹15,000.



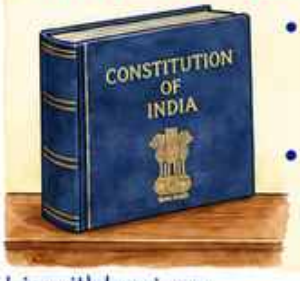
- The Election Commission issues the election notification and appoints the Returning Officer in consultation with the Central Government under the 1952 Act.

Article 59 – Cessation of membership



- President cannot remain a member of Parliament or a State Legislature.
- A member's seat is deemed vacant on entering presidential office.

Article 60 – Constitutional oath



- Administered by the Chief Justice of India, or the senior-most available Supreme Court judge in the CJI's absence.
- Oath duty: Preserve, protect and defend the Constitution and law, and devote oneself to the people's service and well-being.

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A five-year term; a vacancy cannot wait

Article 56

Five years from entering office. President continues until the successor enters office.



Five-year term: visual continuity



President continues until the successor enters office.

Resignation

Addressed to the Vice-President, who communicates it to the Lok Sabha Speaker.



Article 57

Eligible for re-election. Dr Rajendra Prasad served two terms, 1950–1962.



Article 62

An election to fill normal expiry must finish before expiry. A casual vacancy must be filled as soon as possible and within six months; the new President receives a full five-year term.



Types of vacancies and the process

Normal expiry

Election must finish before expiry (Article 62).



Casual vacancy

Must be filled as soon as possible and within six months (Article 62). The new President receives a full five-year term.



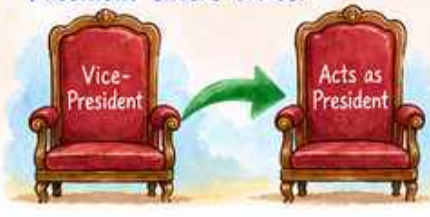
Both offices vacant

Under the 1969 Discharge of Functions Act, the CJI, or the senior-most available Supreme Court judge, discharges presidential functions.



Article 65

Vice-President acts as President during a vacancy until the new President enters office.



Historical illustration (1969)

After Zakir Husain's death on 3 May 1969, V.V. Giri acted; after his 20 July resignation, M. Hidayatullah discharged functions until 24 August 1969.

Zakir Husain's death (3 May 1969) → V.V. Giri acted (after 3 May 1969) to 20 July 1969) → M. Hidayatullah discharged functions (until 24 August 1969)

Remember

Acting as President is not election as President.



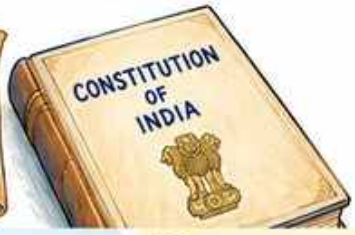
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Impeachment: two Houses, two total-majority tests

Article 61 ground:
Violation of the Constitution.



1 Either House initiates the charge.



OR



2 Written notice: At least 14 days; signed by at least one-fourth of that House's total membership.



3 Initiating House resolution: At least two-thirds of its **TOTAL** membership.



≥ 2/3 of **TOTAL** membership

4 Other House investigates or causes investigation. The President may appear and be represented.



5 If the other House sustains the charge by at least two-thirds of its **TOTAL** membership, removal takes effect from that resolution's date.



≥ 2/3 of **TOTAL** membership

Removal takes effect from that resolution's date.

Who participates?

Nominated MPs are members of the Houses and can participate.

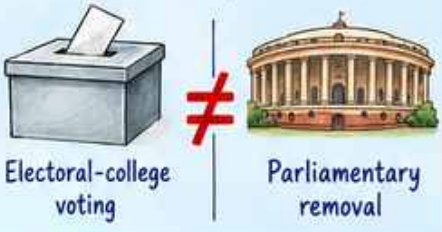


MLAs cannot, even though elected MLAs are Presidential electors.



Election ≠ impeachment:

Electoral-college voting and parliamentary removal are different processes.



Electoral-college voting ≠ Parliamentary removal

Important:

Do not substitute 'two-thirds present and voting' for Article 61's two-thirds of **TOTAL** membership.



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Election disputes and a precision checklist

Article 71

- Doubts and disputes about the Presidential election are decided by the Supreme Court; its decision is final.
- If the election is declared void, acts done before that decision are not invalidated merely on that ground.
- The election cannot be challenged merely because the electoral college had a vacancy.



11th Amendment, 1961

- Added the vacancy protection.
- The 44th Amendment restored the present Article 71 framework after the 39th Amendment changes.

Current position and term

- Official presidential profile checked 22 October 2026 identifies Droupadi Murmu as President; she entered office 25 July 2022.
- Five-year normal term points to 24 July 2027, subject to constitutional vacancy and continuity provisions, not a guaranteed future event.

Compare:



Election

- Elected MPs and elected MLAs.
- Weighted votes.
- Secret ballot.

Impeachment

- Both Houses of Parliament.
- Nominated MPs included.
- Two-thirds TOTAL membership in each relevant resolution.



Revision

54	55	56	58	60	61	62	71
college	method	term	eligibility	oath	impeachment	vacancy	disputes

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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 20 | TOPIC 192 | Unit B-3 | 1/8

UPSC: three names, three milestones

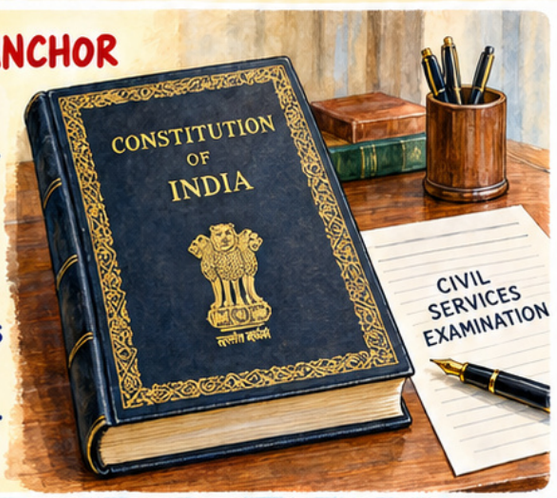
Topic 192 • Unit B-3 • Sections 2.1–2.2 and 3

CONSTITUTIONAL ANCHOR

Articles 315–323 govern Public Service Commissions.

Article 315 provides a Commission for the Union and for each State.

UPSC conducts examinations for Union services and advises on service matters.



BEFORE THE COMMISSION

1919: Section 96C of the Government of India Act provided for a Public Service Commission.



1924: The Lee Commission recommended establishing a statutory Commission without delay.



1 OCTOBER 1926

Public Service Commission

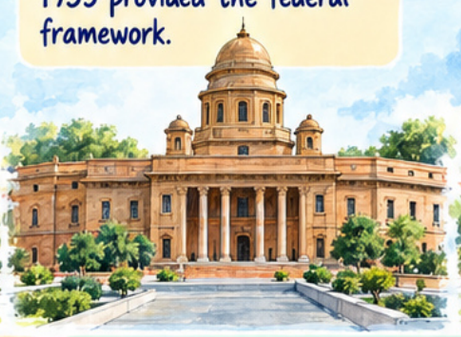
Chairman: Sir Ross Barker. Mainly advisory, with limited powers.



1 APRIL 1937

Federal Public Service Commission

The Government of India Act, 1935 provided the federal framework.



26 JANUARY 1950

Union Public Service Commission

The Constitution gave the Commission its present name and constitutional status.



CENTENARY

1 October 2025 to 1 October 2026.

Count from 1926, **NOT** from 1950.



CONNECT TO EARLIER TOPICS

Topic 83: State PSC members are appointed by the Governor, but removed by the President.



Topic 182: Like CAG office expenses, UPSC expenses are charged on the Consolidated Fund of India.



RECALL

1926 → Public

1937 → Federal

1950 → Union

Concept illustrations; institutional buildings are schematic.

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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 20 | TOPIC 192 | Unit B-3 | 2/8

UPSC: appointment, composition and term

Topic 192 • Unit B-3 • Section 2.3

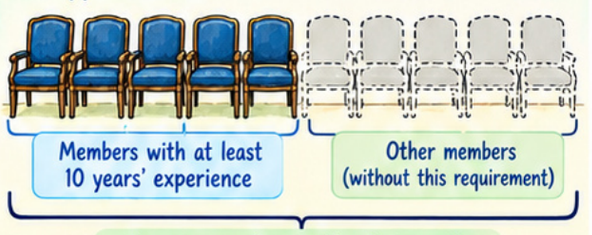
ARTICLE 316(1): APPOINTMENT

The President appoints the Chairman and other members of the UPSC.



THE EXPERIENCE RULE

As nearly as may be one-half of the members must have held office for at least ten years under the Government of India or a State, at the time of appointment.



It is NOT an educational qualification.

The Constitution specifies no minimum age or educational qualification.

ARTICLE 318: WHO FIXES THE NUMBER?

The Constitution fixes NO number of members.

The President makes regulations determining:

- the number of members and their service conditions;
- the number of staff and their service conditions.



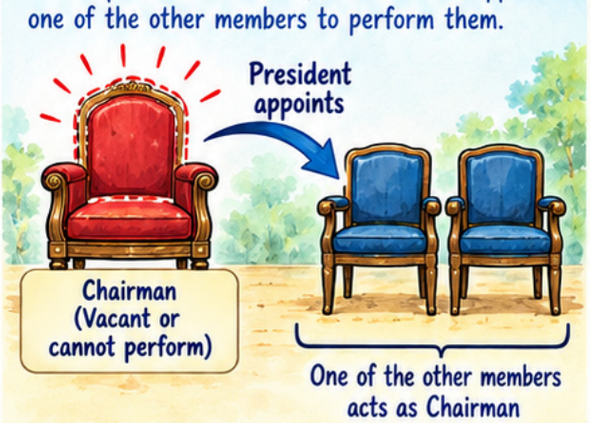
SERVICE PROTECTION

A member's service conditions must not be varied to that member's disadvantage after appointment.



ARTICLE 316(1A): ACTING CHAIRMAN

If the Chairman's office is vacant, or the Chairman cannot perform the duties, the President appoints one of the other members to perform them.



ARTICLE 316(2): TERM

Six years from entering office OR age 65, WHICHEVER IS EARLIER.

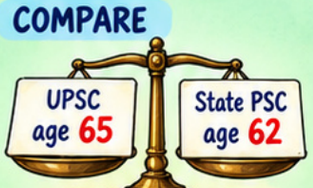


Example: entering at age 62 permits about three years, not six.

LEAVING OFFICE

- Resignation: write to the President.
- Article 316(3): on expiry of the term, no re-appointment to the SAME office.
- Different permitted offices are governed by Article 319.

COMPARE



Both: six years or the age limit, whichever is earlier.

Concept illustrations; institutional buildings are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 20 | TOPIC 192 | Unit B-3 | 3/8

UPSC: removal is not a simple dismissal

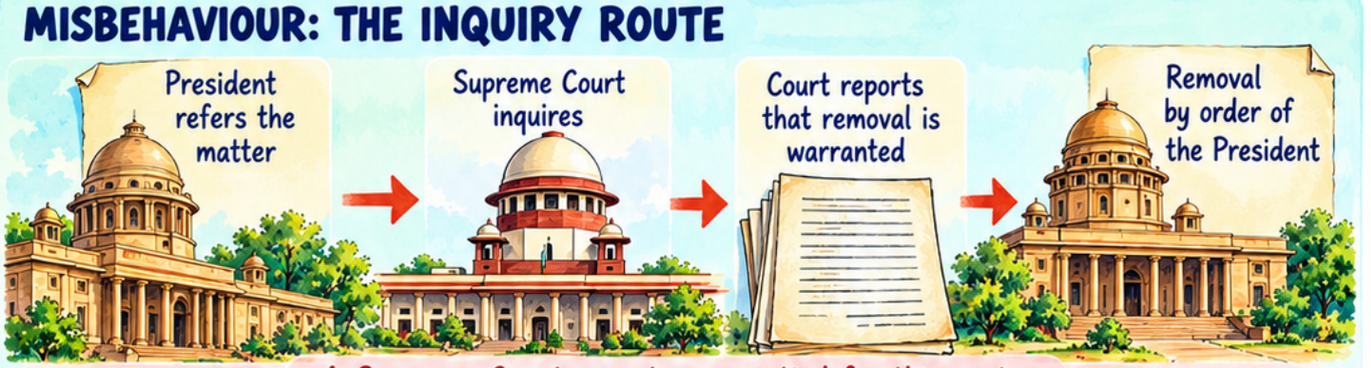
Topic 192 • Unit B-3 • Section 2.4

ARTICLE 317: ONLY THE PRESIDENT REMOVES

The Chairman or a member is removed by order of the President.

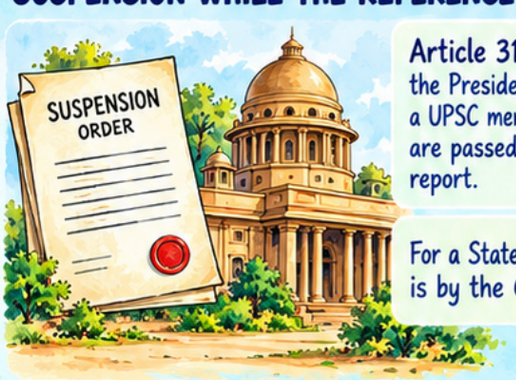


MISBEHAVIOUR: THE INQUIRY ROUTE



A Supreme Court report is essential for this route.

SUSPENSION WHILE THE REFERENCE IS PENDING



Article 317(2): the President may suspend a UPSC member until orders are passed on the Court's report.

For a State PSC, suspension is by the Governor.

THREE GROUNDS WITHOUT THAT REFERENCE

Article 317(3):

1. Adjudged an insolvent.
2. Paid employment outside official duties during the term.
3. Unfit to continue because of infirmity of mind or body, in the President's opinion.



DEEMED MISBEHAVIOUR

Article 317(4): concern or interest in a contract made by or on behalf of the Union or a State Government, or sharing its profit or benefit, counts as misbehaviour.



IMPORTANT EXCEPTION

A benefit received only as a member of an incorporated company, in common with its other members, is excepted.



DO NOT MIX UP

Appointment ≠ removal.

UPSC: President appoints AND removes.

State PSC: Governor appoints; President removes.



Concept illustrations; institutional buildings are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 20 | TOPIC 192 | Unit B-3 | 4/8

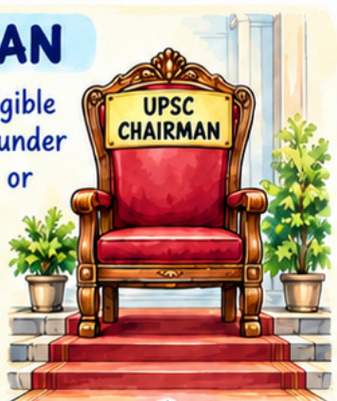
After office: Article 319 controls the route

Topic 192 • Unit B-3 • Sections 2.5 and 2.8

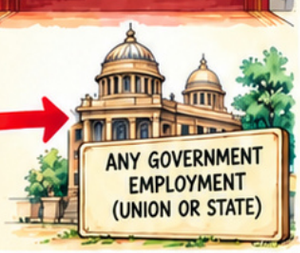
UPSC CHAIRMAN

After leaving office: ineligible for further employment under the Government of India or a State.

The constitutional bar concerns government employment, not every kind of public office.



NO FURTHER GOVERNMENT EMPLOYMENT



UPSC MEMBER OTHER THAN CHAIRMAN



May become:

- Chairman of the UPSC;
- Chairman of a State PSC.

No other employment under the Union or a State Government.



Chairman of the UPSC



Chairman of a State PSC



STATE PSC CHAIRMAN



May become:

- Chairman or member of the UPSC;
- Chairman of another State PSC.

No other government employment.



Chairman of the UPSC | Member of the UPSC | Chairman of another State PSC



STATE PSC MEMBER OTHER THAN CHAIRMAN



May become:

- Chairman or member of the UPSC;
- Chairman of the same or another State PSC.

No other government employment.



Chairman of the UPSC | Member of the UPSC | Chairman of the same or another State PSC



ONE-WAY DISTINCTION

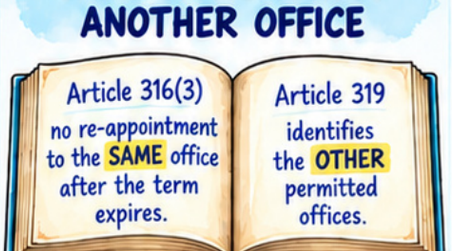
A UPSC member may become a State PSC Chairman.



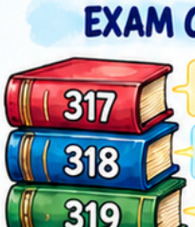
A former UPSC Chairman cannot take that route.



SAME OFFICE VERSUS ANOTHER OFFICE



EXAM CHECK



- 317 removal and suspension.
- 318 number and service conditions.
- 319 restrictions after office.

Do not swap 317 and 319.

Concept illustrations; institutional buildings are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

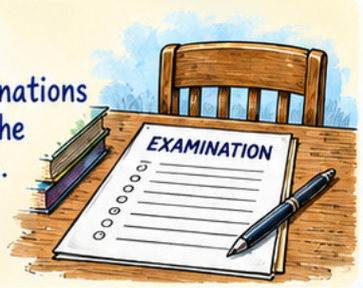
APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 20 | TOPIC 192 | Unit B-3 | 5/8

UPSC: examinations, recruitment and advice

Topic 192 • Unit B-3 • Section 2.6 – Part 1

ARTICLE 320(1)

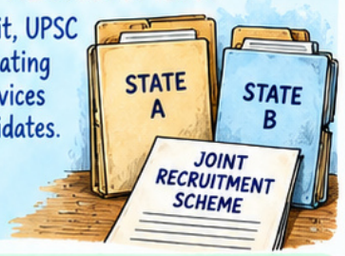
UPSC conducts examinations for appointments to the services of the Union.



ARTICLE 320(2): JOINT RECRUITMENT

When two or more States request it, UPSC assists them in framing and operating joint-recruitment schemes for services requiring specially qualified candidates.

This duty belongs to UPSC, not to a Joint State PSC.



ARTICLE 320(3): CONSULTATION AREAS

RECRUITMENT METHODS

Methods of recruitment to civil services and civil posts.



APPOINTMENT, PROMOTION, TRANSFER

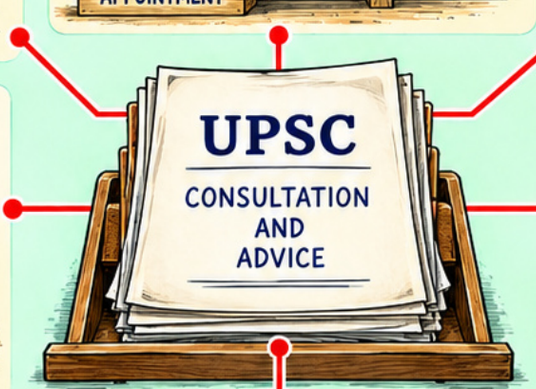
Principles to follow, and candidates' suitability for appointments, promotions and transfers between services.



DISCIPLINARY MATTERS

Matters affecting people serving the Government in a civil capacity, including related memorials and petitions.





LEGAL DEFENCE COSTS

Claims for payment of costs incurred in defending proceedings about acts done in execution of official duty.



INJURY PENSION

Claims for a pension for service injuries, including the amount of the award.



REFERRED MATTERS

UPSC also advises on other matters referred by the President.



ARTICLE 321: ADDITIONAL FUNCTIONS

An Act of Parliament may extend UPSC's functions for Union services and for services of a local authority, a statutory body corporate or a public institution.



THREE DISTINCT IDEAS

Conducting examinations • Assisting joint recruitment • Giving advice.

Consultation is not the same as accepting the advice.

Concept illustrations; institutional buildings are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 20 | TOPIC 192 | Unit B-3 | 6/8

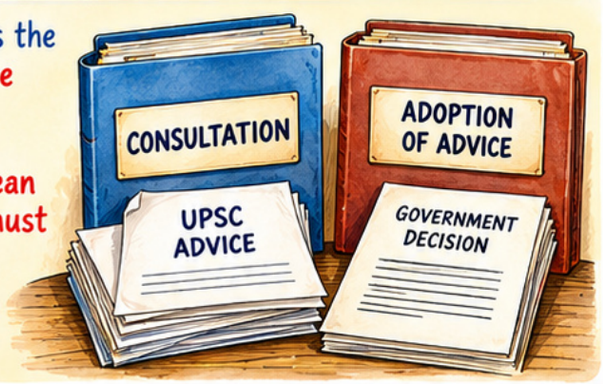
Consultation does not make advice binding

Topic 192 • Unit B-3 • Section 2.6 — Part 2

THE CENTRAL DISTINCTION

Article 320(3) says the Commission **shall be consulted.**

That does **NOT** mean the Government must follow its advice.



ARTICLE 320(4): RESERVATION EXCEPTION

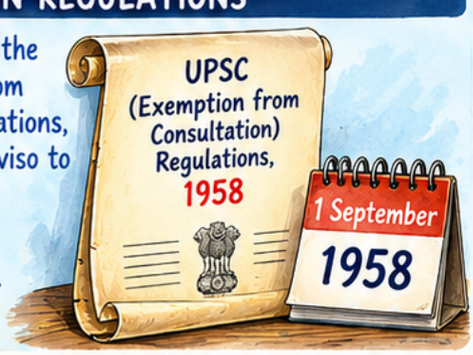
Consultation is **not required** on the manner of making provision under Article 16(4), or giving effect to Article 335.



1958 EXEMPTION REGULATIONS

The President made the UPSC (Exemption from Consultation) Regulations, **1958** under the proviso to Article 320(3).

Notification dated **1 September 1958.**



GENERAL COVERAGE

- Most Group C and Group D posts;
- temporary appointments not likely to exceed one year;
- specified disciplinary matters; and
- posts listed in the Schedules.

Exceptions and later amendments must be checked in the Regulations.



ARTICLE 320(5): PARLIAMENTARY CHECK

Presidential regulations → laid before each House for not less than **14 days** → Parliament may modify or repeal them during that session.



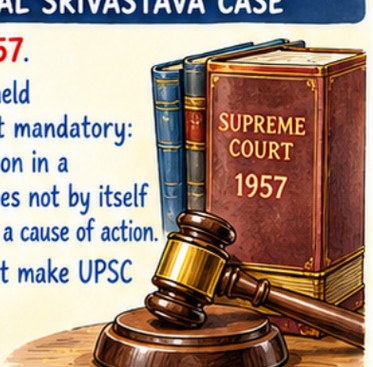
Parliament may modify or repeal them during that session.

MANBODHAN LAL SRIVASTAVA CASE

20 September 1957.

The Supreme Court held Article 320(3)(c) not mandatory: absence of consultation in a disciplinary matter does not by itself give the public servant a cause of action.

Consultation does not make UPSC advice binding.



ACCOUNTABILITY REMAINS

Article 323 requires an annual report and reasons for non-acceptance of advice to be laid before Parliament.



EXAM TRAP

Shall be consulted ≠ must be obeyed.

Exemption from consultation ≠ abolition of UPSC.

Use the Constitution and the notified Regulations, not an absolute slogan.



Concept illustrations; institutional buildings are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 20 | TOPIC 192 | Unit B-3 | 7/8

Independent funding, accountable reporting

Topic 192 • Unit B-3 • Sections 2.7–2.8

ARTICLE 322: EXPENSES

UPSC expenses, including salaries, allowances and pensions of members and staff, are charged on the Consolidated Fund of India.



CHARGED DOES NOT MEAN UNEXAMINED

Charged expenditure is not put to vote.
It may still be discussed.



ARTICLE 323(1): ANNUAL REPORT

UPSC presents its report to the President.
The President causes a copy to be laid before EACH House of Parliament.
The Commission does not itself lay the report before Parliament.



REASONS MUST ACCOMPANY NON-ACCEPTANCE

A memorandum explains cases, if any, where the Commission's advice was not accepted, and the reasons.



- Cases, if any, where advice was not accepted
- The reasons.

UPSC AND STATE PSC: COMPARE THE AUTHORITY

Aspect	UPSC	State PSC
Appointment	UPSC → President.	State PSC → Governor.
Removal	BOTH → President.	
Suspension after a Supreme Court reference	UPSC → President.	State PSC → Governor.
Number and service conditions by regulations	UPSC → President.	State PSC → Governor.
Term	UPSC → six years or age65.	State PSC → six years or age62. In each case, whichever is earlier.
Annual report	UPSC → President → each House of Parliament.	State PSC → Governor → State Legislature.
Expenses charged on	UPSC → Consolidated Fund of India.	State PSC → Consolidated Fund of the State.

RECALL LINKS

- 322 = expenses.
- 323 = report and reasons.
- Neither charging expenditure nor seeking advice removes accountability.

Concept illustrations; institutional buildings are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

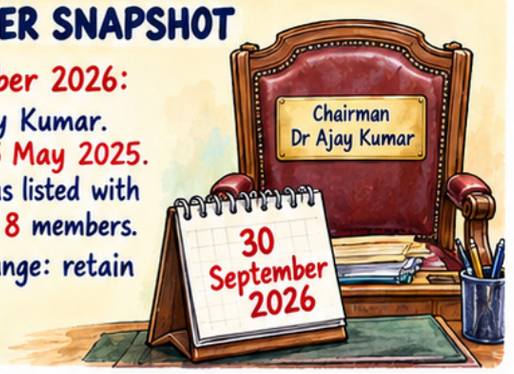
APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 20 | TOPIC 192 | Unit B-3 | 8/8

UPSC: dated facts and the final recall

Topic 192 • Unit B-3 • Sections 2.9, 3 and 4

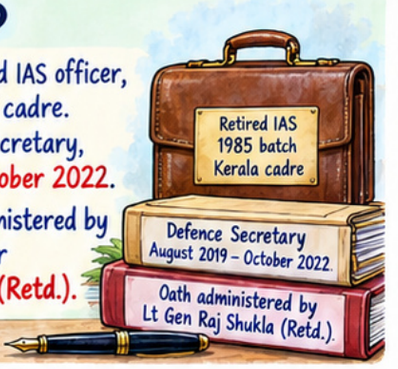
OFFICE-HOLDER SNAPSHOT

PIB, 30 September 2026:
Chairman: Dr Ajay Kumar.
He took oath on 15 May 2025.
The Commission was listed with the Chairman and 8 members.
Office-holders change: retain the date.



BACKGROUND

Ajay Kumar: retired IAS officer, 1985 batch, Kerala cadre.
Former Defence Secretary, August 2019 – October 2022.
The oath was administered by senior-most member Lt Gen Raj Shukla (Retd.).



EXAMINATIONS: EXAMPLES



UPSC also recruits to specialised posts through selection/interviews.

CHRONOLOGY CONTINUED

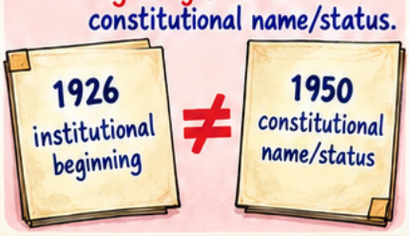
- 20 September 1957: Manbodhan Lal Srivastava judgment.
- 1 September 1958: Exemption from Consultation Regulations notified.
- 15 May 2025: Ajay Kumar takes oath.
- 1 October 2025 – 1 October 2026: centenary year.

THREE EXAM TRAPS

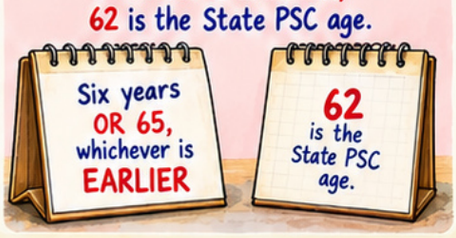
1. Consultation ≠ acceptance of advice.



2. 1926 institutional beginning ≠ 1950 constitutional name/status.



3. Six years OR 65, whichever is EARLIER; 62 is the State PSC age.

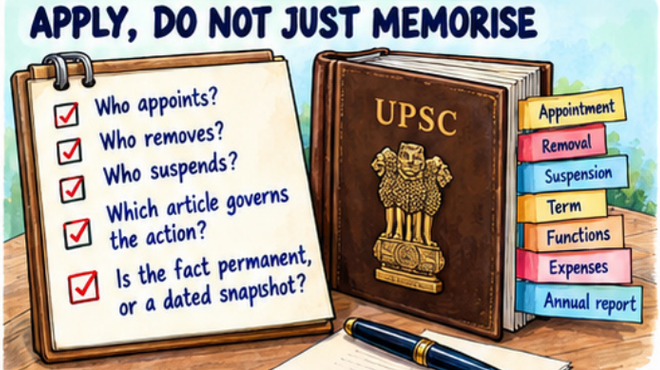


ARTICLE LADDER



- 315 — Commissions
- 316 — appointment and term
- 317 — removal and suspension
- 318 — number and service conditions
- 319 — after-office restrictions
- 320 — functions
- 321 — additional functions
- 322 — expenses
- 323 — annual report

APPLY, DO NOT JUST MEMORISE



Concept illustrations; institutional buildings are schematic.

IAS WITH DR RAVI
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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 203 | Polity | Unit B-6 | 203.01

United Nations • the founding

1 2.1 • From signature to entry into force

25 April–26 June 1945: 50 countries met at San Francisco.



26 June 1945: the UN Charter was signed.



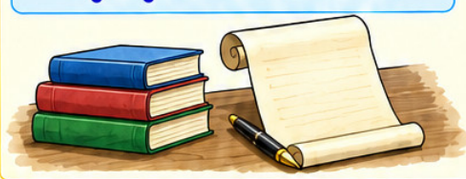
24 October 1945: the Charter entered into force; the UN came into existence.

Ratification was required from China, France, the Soviet Union, the UK, the USA and a majority of the other signatories.

24 October is United Nations Day.

2 India's two dates

26 June 1945: Sir Arcot Ramaswamy Mudaliar led India's delegation at the signing on 26 June 1945.



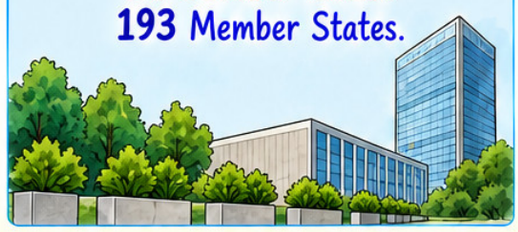
30 October 1945: The UN membership list records India's admission on 30 October 1945.



India is a founding member.

3 Membership snapshot • 24 October 2026

24 October 2026: 193 Member States.



South Sudan, admitted 14 July 2011, is the latest member.



4 Exam distinction

Charter signed ≠ Charter in force ≠ India's listed admission date.

Buildings are schematic.

IAS WITH DR RAVI
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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 203 | Polity | Unit B-6 | 203.02

Purposes and principles

2.2 Articles 1 and 2

1 ARTICLE 1 • What the UN seeks

1. Maintain international peace and security.



2. Develop friendly relations based on equal rights and self-determination of peoples.



3. Cooperate on economic, social, cultural and humanitarian problems.



4. Harmonize the actions of nations toward these ends.



2 ARTICLE 2 • Rules for acting together

Sovereign equality of all Members.



fulfil Charter obligations in good faith.



settle disputes peacefully.



refrain from the threat or use of force in international relations.



Article 2(7): no UN intervention in matters essentially within a state's domestic jurisdiction.



Buildings are schematic.

BUT this does not prevent Chapter VII enforcement measures. → Chapter VII enforcement measures.



Apply the distinction: peaceful settlement is a general principle; the domestic-jurisdiction rule is not an absolute shield against Chapter VII enforcement.

Memory link: purposes = ends; principles = rules of conduct.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 203 | Polity | Unit B-6 | 203.03

Six principal organs • one Charter

2.3 • Article 7



1 GENERAL ASSEMBLY

all 193 Member States: discussion and recommendations, budget, elections; appoints the Secretary-General on the Security Council's recommendation.



2 SECURITY COUNCIL

15 states: primary responsibility for international peace and security; Chapters VI and VII; Members must carry out its decisions.



3 ECOSOC

54 states: economic, social, cultural, educational, health and human-rights studies, reports and recommendations.



4 TRUSTEESHIP COUNCIL

now the P5: supervised 11 Trust Territories; operations suspended on 1 November 1994, NOT abolished.



5 ICJ

15 judges: settles legal disputes submitted by States and gives advisory opinions.



6 SECRETARIAT

Secretary-General and staff: day-to-day UN work; the SG is chief administrative officer.





Seat test: five organs are in New York; only the ICJ is at the Peace Palace, The Hague, Netherlands.

7 2.10 • WHO and ILO are specialised agencies linked to the UN, NOT Article 7 principal organs.



Subsidiary organs may be established under Article 7(2).
Recall Topic 333: specialised agencies.

Concept illustrations are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

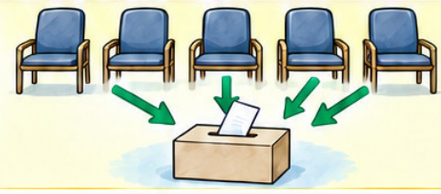
APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 203 | Polity | Unit B-6 | 203.04

General Assembly • representation and votes

2.4 • Articles 9–22

1 Article 9: every UN Member belongs to the Assembly.

Each may send up to **FIVE** representatives, but has only **ONE** vote.



2 Article 18: important questions require TWO-THIRDS of members present and voting.

Other questions require a majority of members present and voting.

Worked denominator: if **150** members cast yes/no votes, **100** yes votes meet two-thirds.

$\frac{100}{150}$ = two-thirds



Abstentions are **not** counted as votes cast.

3 Article 19: arrears equal to or exceeding contributions due for the preceding TWO full years cause loss of the Assembly vote.



→ Loss of the Assembly vote.

Exception: the Assembly may permit voting if non-payment arises from conditions beyond the Member's control.

4 Article 12: while the Security Council exercises its Charter functions on a dispute or situation, the Assembly shall not recommend on it unless the Council requests.



→ The Assembly **shall not recommend** on it → **unless** the Council requests.

5 Uniting for Peace: resolution 377, 3 November 1950, provides for Assembly recommendations on collective measures when a permanent-member veto blocks Council action.

Security Council blocked by P5 veto → General Assembly recommendations on collective measures → Recommendations (**not** binding enforcement).

6 Dated office-holder • 24 October 2026



Khalilur Rahman of Bangladesh, elected **2 June 2026**, President of the 81st session.

Do not confuse representation, voting strength and voting threshold.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 203 | Polity | Unit B-6 | 203.05

Security Council · how a decision passes

1 2.5 · Article 27

15 MEMBERS = 5 permanent + 10 elected.
Each member has ONE vote.



2 Voting rules under Article 27

PROCEDURAL MATTER

→ at least 9 affirmative votes. No permanent-member veto applies.



→ **PASS** if 9 or more yes votes

OTHER / SUBSTANTIVE MATTER

→ at least 9 affirmative votes **AND** no negative vote from a permanent member.



→ **PASS** if 9 or more yes votes and no P5 no

3 P5 abstention

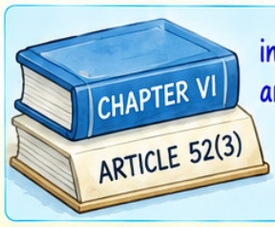
A P5 abstention is **NOT** a veto. The resolution can pass if it still receives nine favourable votes.



4 Worked tests (15 votes in each row):

Procedural:	9 YES + 6 NO	PASS	even if a P5 member votes no.
Substantive:	9 YES + 1 P5 NO + 5 ABSTAIN	FAIL	veto.
Substantive:	9 YES + 6 ABSTAIN	PASS	no veto, including a P5 abstention.
Substantive:	8 YES + 7 ABSTAIN	FAIL	fewer than nine yes votes.

5 Charter qualification



in decisions under Chapter VI and Article 52(3), a party to the dispute shall abstain.

6 P5 today

China • France • Russian Federation • United Kingdom • United States.

The Charter's original names include Republic of China and Union of Soviet Socialist Republics. Distinguish historical wording from today's membership.

IAS WITH DR RAVI
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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 203 | Polity | Unit B-6 | 203.06

Security Council • seats rotate, not all at once

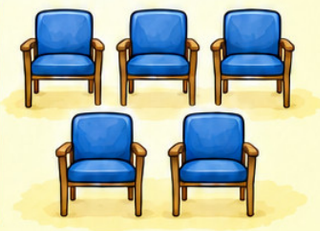
2.5 | Article 23 | dated snapshot: 24 October 2026

The General Assembly elects TEN non-permanent members for TWO-year terms. A retiring member is NOT eligible for immediate re-election.

1 Current elected members and their term end dates

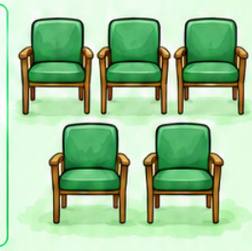
2026 elected members whose terms end in 2026:

- Denmark
- Greece
- Pakistan
- Panama
- Somalia



2026 elected members whose terms end in 2027:

- Bahrain
- Colombia
- Democratic Republic of the Congo
- Latvia
- Liberia



2 Next rotation: new elected members for 2027–2028

NEXT ROTATION • elected on 3 June 2026 for 1 January 2027–31 December 2028:

- Austria
- Kyrgyzstan
- Portugal
- Trinidad and Tobago
- Zimbabwe



These five **replace** the members whose terms **end in 2026**.
They **do NOT** replace the five whose terms **end in 2027**.

Replaces the FIVE seats ending in 2026.

3 Seat arithmetic for 2027

Five permanent  + Five continuing elected (terms end in 2027)  + Five incoming elected (2027–2028)  = **fifteen (15)**

4 Recall contrast



ECOSOC allows immediate re-election.



The Security Council's retiring elected members **do not**.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 203 | Polity | Unit B-6 | 203.07

ECOSOC and Trusteeship • different mandates

2.6 • Two councils, two kinds of work

1 ECOSOC | Articles 61–72

54 members, elected by the General Assembly; 18 elected each year for THREE-year terms. A retiring member IS eligible for immediate re-election.
Each member has one representative and one vote.
Decisions: majority of members present and voting.

Mandate:
studies, reports and recommendations on economic, social, cultural, educational, health and human-rights matters.



Rotation check:
18 + 18 + 18 = 54 overlapping seats, not 54 newly elected each year.



2 TRUSTEESHIP COUNCIL | Articles 86–91

Supervised 11 Trust Territories.
Each member designates ONE specially qualified representative.
Decisions: majority of members present and voting.

11 Trust Territories



Palau, the final trust territory, became independent in 1994.



Operations were suspended on 1 November 1994, a month later.



Today: the five permanent Security Council members; meets as occasion requires.



Exam trap:
SUSPENDED operations ≠ ABOLISHED organ.
It remains an Article 7 principal organ.

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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 203 | Polity | Unit B-6 | 203.08

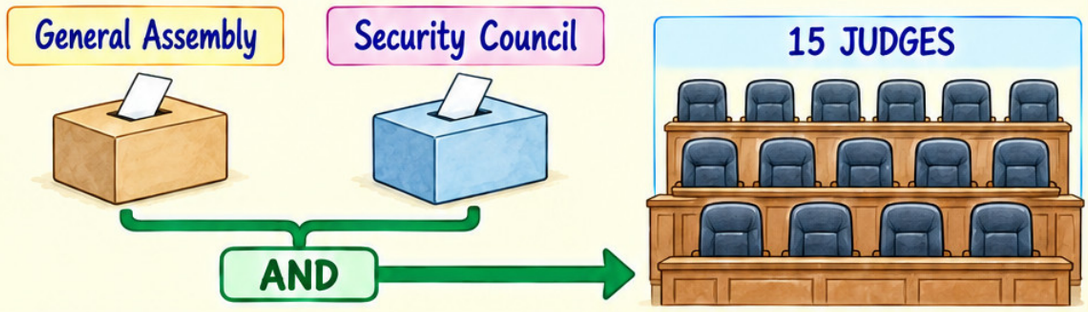
International Court of Justice • judges, not state seats

1 2.7 • The principal judicial organ

15 JUDGES • NINE-year terms • one third elected every THREE years • re-election allowed. Terms begin on 6 February.

2 Election: General Assembly votes separately from Security Council.

A candidate needs an ABSOLUTE MAJORITY in BOTH bodies; success in one alone is insufficient.



3 The Court elects its President and Vice-President by secret ballot for THREE years.

4 Two functions:

Contentious cases



legal disputes submitted by STATES.

Advisory opinions



Article 96 lets the General Assembly or Security Council request an opinion on ANY legal question.

5 Seat: Peace Palace, The Hague, Netherlands.



Buildings are schematic.

It is the ONLY principal UN organ outside New York.

6 Dated heads • 24 October 2026:

President
Yuji Iwasawa (Japan), from 3 March 2025.

Vice-President
Julia Sebutinde (Uganda), from 6 February 2024.

7 Number trap:

Security Council has 15 MEMBER STATES; ICJ has 15 JUDGES. Their composition and voting rules are not interchangeable.

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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 203 | Polity | Unit B-6 | 203.09

Secretary-General • recommendation is not appointment

2.8 | Secretariat: Secretary-General + staff

1 ARTICLE 97 • selection chain

Security Council
RECOMMENDS

General Assembly
APPOINTS

Secretary-General
serves as chief administrative officer.



2 ARTICLE 99 • independent agenda power



The SG may bring to the Council's attention a matter which, in the SG's opinion, may threaten international peace and security.



3 TERM: the Charter fixes NO term.



A five-year renewable term is the established practice, not a Charter requirement.

4 Dated incumbent • 24 October 2026:



António Guterres (Portugal), ninth Secretary-General; first took office on 1 January 2017.



8 June 2021:
Security Council recommendation for a second term.



18 June 2021:
General Assembly appointment.



Second term: January 2022–December 2026.

5 Successor process:



the official 2026 selection record consulted for this review had not announced a Council recommendation.
Next term begins 1 January 2027.
Candidate counts and straw polls are not appointments.

6 Exam trap:



The Security Council alone does **NOT** appoint the SG.

Concept illustrations are schematic.

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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 203 | Polity | Unit B-6 | 203.10

India and the UN • trace the institutions

1 2.9 • Eight elected Security Council terms

1950–51 → 1967–68 → 1972–73 → 1977–78 → 1984–85 → 1991–92 → 2011–12 → 2021–22

For 2021–22, India received 184 of 192 votes polled (MEA, 18 June 2020). This was its EIGHTH term, not permanent membership.

India has declared candidature for 2028–29; candidature is not election.

2 G4 for Security Council reform



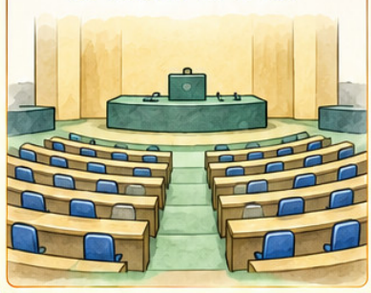
G4 for Security Council reform: Brazil • Germany • India • Japan.

The G4 is NOT the P5.

3 Three key UN institutions and India

GENERAL ASSEMBLY

Vijaya Lakshmi Pandit became its first woman President in 1953.



ICJ

Nagendra Singh was President from 1985 to 1988. Dalveer Bhandari joined on 27 April 2012 and was re-elected from 6 February 2018. A nine-year term from that date runs to February 2027; this does not by itself state a later election result.



SECURITY COUNCIL

India has had eight elected terms:
1950–51 → 1967–68 →
1972–73 → 1977–78 →
1984–85 → 1991–92 →
2011–12 → 2021–22.



4 Founding link and a comparison

FOUNDING LINK

India signed the Charter on 26 June 1945; its listed admission is 30 October 1945.



Institution test

GA presidency, ICJ judgeship and an elected Security Council seat are three different offices.



Buildings are schematic.

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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 204 | Polity | Unit B-4 | 204.01

CVC and CBI • origins are not the same as powers

1 2.1 and 2.4 • Two executive beginnings

CBI

1941
Special Police Establishment investigated bribery and corruption in War and Supply Department dealings.



1946
DSPE Act, 1946.



1 April 1963
CBI established by MHA resolution on 1 April 1963.



CVC

11 February 1964
Government resolution, following the Santhanam Committee.



18 December 1997
Vineet Narain judgment, directed statutory status.



25 August 1998
Ordinance, further Ordinances.



2003
CVC Act, 2003 (Act 45 of 2003).



2 Legal distinction:

CVC



CVC = statutory body under its own 2003 Act.

CBI



CBI = established by the 1963 resolution; investigative powers come from the DSPE Act, 1946, which names the Delhi Special Police Establishment, not the CBI.

3 The CBI is older than the CVC, but neither began as a constitutional body.



4



The 2013 Gauhati High Court ruling against the CBI's legal status was stayed by the Supreme Court.
Do not present that High Court ruling as an operative abolition of the CBI.

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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 204 | Polity | Unit B-4 | 204.02

CVC • composition and appointment

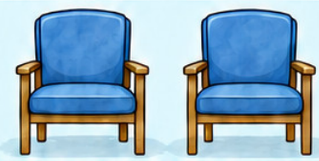
2.2 | CVC Act, 2003

1 Section 3: composition



ONE
Central Vigilance Commissioner
(Chairperson)

+



NOT MORE THAN TWO
Vigilance Commissioners
(Members).

2 Section 4: recommending committee and appointment

Recommending committee =



Prime Minister (Chairperson) | Home Minister | Leader of the Opposition in the Lok Sabha.

Committee recommends →



President appoints by warrant under hand and seal.



3 Section 5: tenure and reappointment



FOUR years

OR



age SIXTY-FIVE

whichever comes first.

A Central Vigilance Commissioner cannot be reappointed in the Commission.

A Vigilance Commissioner may become CVC, but the combined tenure cannot exceed FOUR years.

Example: a VC who has served three years cannot gain a fresh four years merely by becoming CVC; the aggregate ceiling still applies.

4 Section 6(1): removal

Proved misbehaviour or incapacity →



Supreme Court inquiry. →



President orders removal

This is the specified inquiry route, not a claim that every statutory ground uses the same route.

5 Section 10(1): acting arrangement

if the CVC post is vacant, →



the President may authorise →



a Vigilance Commissioner to perform its functions.

6 Do not put the Chief Justice of India on the CVC selection committee.

Buildings are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

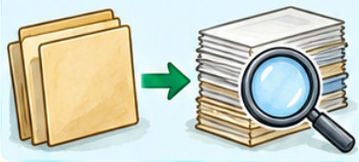
APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 204 | Polity | Unit B-4 | 204.03

CVC • powers with a boundary

1 2.3 • What oversight permits

Section 8(1)(a)

superintendence over DSPE functioning in relation to investigations under the Prevention of Corruption Act, 1988.



Section 8(1)(c)

on a Central Government reference, inquire into or cause investigation of allegations against Central Government employees within the provision.



Section 11

while inquiring, powers of a civil court trying a suit under the Code of Civil Procedure, 1908— for example, summoning witnesses and requiring documents.



2 LIMIT: the CVC cannot require the DSPE to investigate or dispose of a case in a particular manner.



Oversight is NOT permission to dictate a particular case outcome.

3 Section 14 • annual accountability chain:

Close of year



within SIX months, CVC submits annual report to PRESIDENT



President causes it to be laid before EACH HOUSE of Parliament.



Exam contrast: the annual report is not submitted directly to the Supreme Court, nor only to one House.

Use the section ladder: 8 = functions → 11 = inquiry powers → 14 = annual report

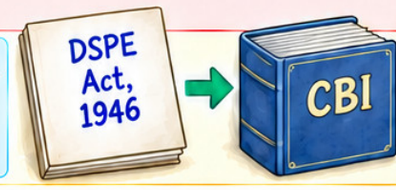
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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 204 | Polity | Unit B-4 | 204.04

CBI • legal powers and State consent

1 2.4 • DSPE Act, 1946

The CBI was established by resolution on 1 April 1963. Its police powers are derived from the DSPE Act, not a separate "CBI Act".



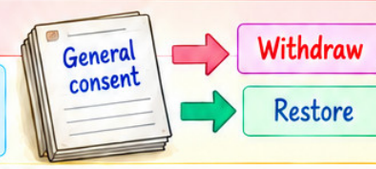
2 Section 6: State consent and exceptions

Section 6: DSPE powers cannot be exercised in a State without that State Government's consent, with the statutory exception for Union territories or railway areas.



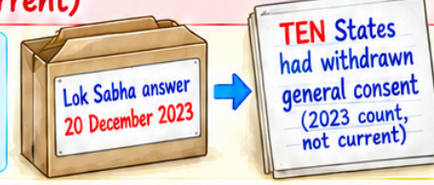
3 GENERAL CONSENT is not permanent

GENERAL CONSENT is not a permanent, unchanging list. States may withdraw or restore it.



4 Dated evidence: 2023 count (not current)

A Lok Sabha answer of 20 December 2023 listed TEN States that had withdrawn general consent. That is a 2023 count, NOT a claim about today's count.



5 Historical examples • individual dates from press reports

West Bengal withdrew in November 2018.



Kerala, Jharkhand and Punjab in November 2020.



Tamil Nadu in June 2023.



Andhra Pradesh restored general consent in 2019.



6 Do not confuse three questions

1. Which law supplies investigative powers?



DSPE Act.

2. Where may those powers be exercised?



Territorial and consent rules.

3. Who supervises the agency?



A separate statutory allocation.

These individual dates are from the supplied press-sourced account; the current State list can change.

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APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 204 | Polity | Unit B-4 | 204.05

CBI Director • the committee changed

2.5 and 2.7 | Keep three stages separate

1 1997 • VINEET NARAIN directions:

Central Vigilance Commissioner (Chairperson) + Home Secretary + Secretary (Personnel)

These were interim judicial directions pending legislation.

2 2003 • ORIGINAL statutory section 4A:

CVC (Chairperson) + Vigilance Commissioners + Home Secretary + Secretary (Coordination and Public Grievances), Cabinet Secretariat.

3 CURRENT • section 4A after the Lokpal Act:

Prime Minister (Chairperson) + Leader of the Opposition in the Lok Sabha + Chief Justice of India, or a Supreme Court judge nominated by the CJI.

If there is no recognised Leader of the Opposition, the leader of the single largest opposition party in the Lok Sabha fills that place.

Committee recommends → → CENTRAL GOVERNMENT appoints CBI Director.

4 Comparison trap:

CVC committee includes HOME MINISTER;
CBI Director committee includes CJI / nominated SC JUDGE.

Both are chaired by the Prime Minister today, but the 1997 Vineet Narain committee was CVC-led.

5 Section 4BA:



Directorate of Prosecution, headed by an officer not below Joint Secretary rank, works under the CBI Director's supervision.

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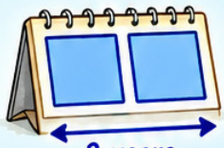
APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 204 | Polity | Unit B-4 | 204.06

CBI Director • minimum is not maximum

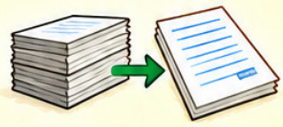
2.5 Section 4B of the DSPE Act

1 Minimum tenure and possible extensions

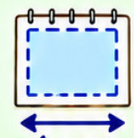
MINIMUM: not less than TWO years from taking charge.



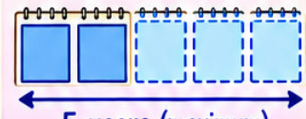
2021 amendment: extensions may be granted in the public interest, on the selection committee's recommendation, with reasons recorded in writing.



Each extension: up to ONE year at a time.



TOTAL CEILING: FIVE years, including the initial tenure. There is no automatic five-year appointment.



2 Effective date of the 2021 amendment

The 2021 amendment (Act 45 of 2021) is deemed effective from **14 November 2021**.



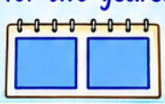
3 Transfer requires previous consent

Transfer: section 4B(2) requires the committee's PREVIOUS consent.



4 Dated illustration – Praveen Sood

Took charge **25 May 2023** for two years.



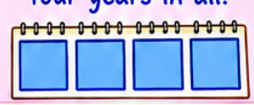
One-year extension in **May 2025.**



One-year extension in **May 2026.**



Tenure through **24 May 2027,** four years in all.



This example shows permitted extensions, not an entitlement to the maximum.

5 Vineet Narain (1997)



Vineet Narain (1997): minimum two-year tenure regardless of superannuation date; subsequent legislation supplies the current rules.

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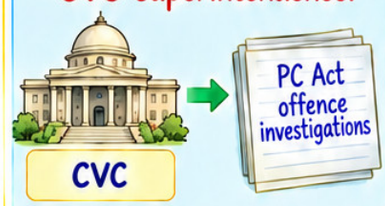
APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 204 | Polity | Unit B-4 | 204.07

Who supervises the CBI?

2.6 Do not merge supervision with administration

1 DSPE ACT, SECTION 4

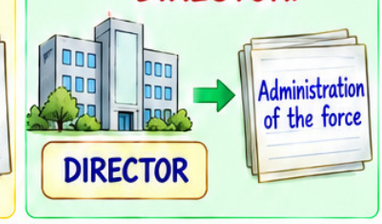
PC Act offence investigations → CVC superintendence.



All other matters → CENTRAL GOVERNMENT superintendence.



Administration of the force → DIRECTOR.



2 LOKPAL ACT, SECTION 25



Matters referred by Lokpal for preliminary inquiry or investigation → LOKPAL superintendence and directions.

The Lokpal lane is specifically tied to matters it has referred; it is not a replacement for the whole section 4 allocation.

3 BOUNDARY applying to CVC / Lokpal powers:

They may not require the DSPE to investigate or dispose of a particular case in a particular manner.



4 Functional test:

"Who administers the force?"	Director.
"Who has PC Act investigative superintendence?"	CVC.
"Who supervises a matter referred by Lokpal?"	Lokpal, under section 25.
"Who supervises other matters?"	Central Government.



Oversight does not permit orders requiring guilt, closure or a predetermined investigation result.

Buildings are schematic.

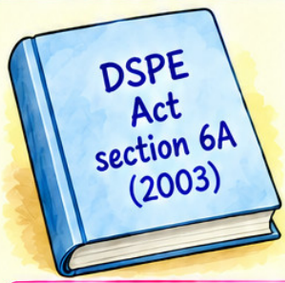
IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 204 | Polity | Unit B-4 | 204.08

Prior approval • section 6A is not section 17A

2.6 Different statutes and different tests

1 OLD: DSPE Act, section 6A (inserted 2003).

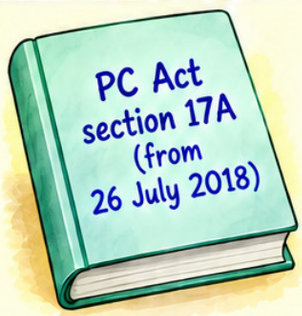


Previous Central Government approval protected Joint Secretary-level and higher officers, and certain Central public-body officers, against PC Act inquiries/investigations; spot bribery arrests were excepted.



6 May 2014: a five-judge Constitution Bench in Dr. Subramanian Swamy v. Director, CBI held section 6A invalid and unconstitutional.

2 NEWER, DISTINCT: PC Act, section 17A (from 26 July 2018).



Prior approval concerns an alleged offence relatable to an official recommendation made or decision taken by a public servant in discharge of official functions or duties.



Alleged offence relatable to an official recommendation made or decision taken



in discharge of official functions or duties.

Approving authority: Union Government, State Government or authority competent to remove the public servant, as applicable.



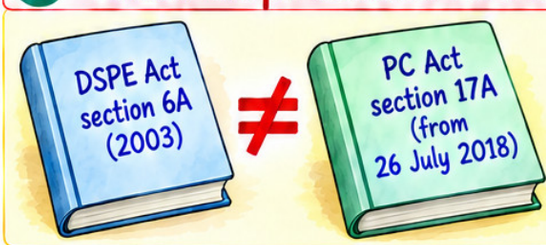
Union Government | State Government | authority competent to remove the public servant

Buildings are schematic.

Exception: no approval for arrest on the spot on a charge of accepting or attempting to accept an undue advantage.



3 Exam trap: section 17A is not section 6A.



Section 17A is in the PREVENTION OF CORRUPTION ACT, not the DSPE Act. It is not simply section 6A renamed.

Section 17A's constitutional litigation is addressed on the next page; do not label it finally struck down.

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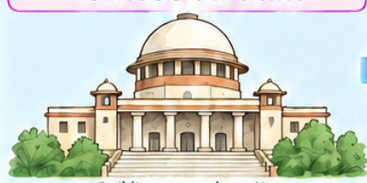
APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 204 | Polity | Unit B-4 | 204.09

Courts and accountability • read the outcome precisely

2.7 and 2.6 Three judicial milestones

1 Three judicial milestones

18 DECEMBER 1997 Vineet Narain



Buildings are schematic.

A three-judge Bench led by Chief Justice J. S. Verma directed statutory status for the CVC; efficient CBI functioning and reporting to the CVC; a CVC-led Director-selection committee; minimum two-year tenure.

The Single Directive's clause 4.7(3) was struck down.

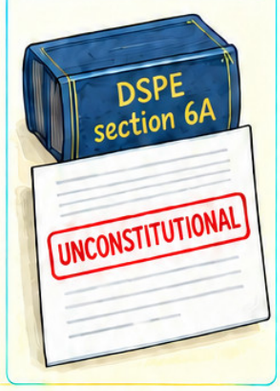
Interim directions operated until legislation replaced them.

6 MAY 2014 Subramanian Swamy



Buildings are schematic.

A five-judge Constitution Bench held DSPE section 6A unconstitutional.



13 JANUARY 2026 Centre for Public Interest Litigation, 2026 INSC 55

Section 17A produced a SPLIT verdict:

Justice B. V. Nagarathna → unconstitutional.

Justice K. V. Viswanathan → upheld subject to approval following a Lokpal / Lokayukta recommendation.

The final order placed the matter before the Chief Justice of India for an appropriate Bench's fresh consideration.

Therefore: a split is NOT a final majority invalidation of section 17A.

2 Accountability principle

Superintendence does not authorise dictating how a particular case must be investigated or disposed of.

Investigation manner — DICTATE A PARTICULAR CASE — Disposal manner

CVC Act, section 8(1)(b) proviso

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 21 | TOPIC 204 | Polity | Unit B-4 | 204.10

CVC • CBI • Lokpal: compare the legal design

2.8 Three different bodies

CVC	CBI	LOKPAL
	 Buildings are schematic.	 Buildings are schematic.
CVC Act, 2003; statutory.	1 April 1963 resolution; powers under DSPE Act, 1946.	Lokpal and Lokayuktas Act, 2013 (Act 1 of 2014), effective 16 January 2014.
 Chairperson + up to two Vigilance Commissioners.	 Director appointed by Central Government.	 Chairperson + up to eight Members; fifty per cent of Members judicial.
 → President appoints.	 Minimum two years; conditional annual extensions, maximum five total.	 → President appoints.
 Term: four years or age 65, whichever earlier.	 Investigates; Director administers the force.	 Term: five years or age 70, whichever earlier.
 PC Act investigation superintendence over DSPE.		

Lokpal selection committee:

Prime Minister + Lok Sabha Speaker + Lok Sabha Leader of Opposition + CJI / nominated SC judge + eminent jurist.

 → Lokpal supervises DSPE matters it refers for preliminary inquiry or investigation.

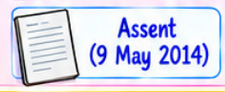
2 Chronology links



PIDPI Resolution, April 2004, designated CVC to receive informers' complaints.



Whistle Blowers Protection Act received assent on 9 May 2014; assent alone must not be confused with commencement.



3 Keep heads separate from institutions



An acting CVC under section 10(1) is not the same as a fresh regular appointment.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.01

Who enters the SC and ST lists?

LISTS ARE STATE- OR UT-SPECIFIC

Article 341 identifies Scheduled Castes.
Article 342 identifies Scheduled Tribes.

A community is recognised in relation to a particular State or Union territory, not by a single undifferentiated all-India list.

SC Article 341

If a State → consultation with its Governor first

President specifies the communities by public notification (clause 1).

Existing SC list (State- or UT-specific)

Article 366(24): SCs are those deemed to be SCs under Article 341.

For SCs the wording covers castes, races or tribes, and parts or groups within them.

ST Article 342

If a State → consultation with its Governor first

President specifies the communities by public notification (clause 1).

Existing ST list (State- or UT-specific)

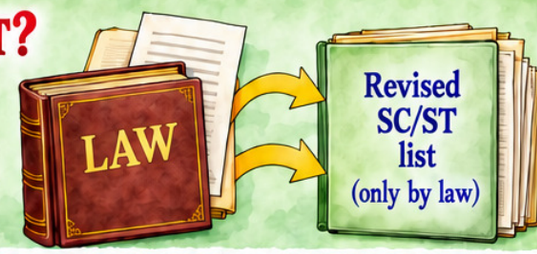
Article 366(25): STs are those deemed to be STs under Article 342.

For STs it covers tribes or tribal communities, and parts or groups within them.

WHO CAN CHANGE THE LIST?

Under clause (2), Parliament may include or exclude a community by law.

The first notification cannot simply be varied by another Presidential notification.



CENSUS 2011 CONTEXT

SCs: about 16.6% of India's population.
STs: about 8.6%.
These are historical population shares, not reservation percentages.



KEY DISTINCTION

Identification of a listed community and allocation of reservation benefits within a listed category are different legal questions.



Concept illustrations are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.02

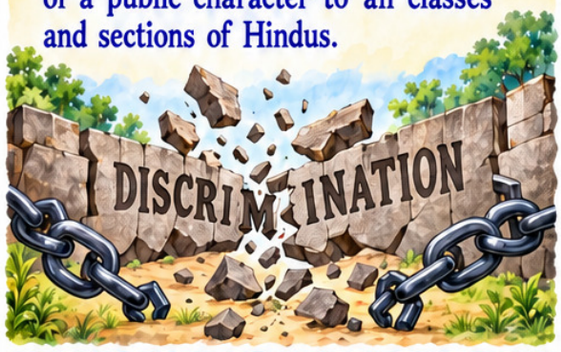
Social, educational and economic safeguards

SOCIAL PROTECTION

Article 17 abolishes untouchability and forbids its practice in any form.

Article 23(1) prohibits trafficking in human beings, begar and similar forced labour.

Article 25(2)(b) permits the State to open Hindu religious institutions of a public character to all classes and sections of Hindus.



EDUCATIONAL ADVANCEMENT

Article 15(4) enables special provisions for socially and educationally backward classes and for SCs and STs.

Article 15(5) enables special provisions by law for admission to educational institutions, including private aided or unaided institutions. Minority institutions protected by Article 30(1) are excluded.



DIRECTIVE PRINCIPLE

Article 46 directs special care for the educational and economic interests of weaker sections, particularly SCs and STs, and protection from social injustice and exploitation.

It is a Directive Principle, not itself a Fundamental Right enforceable through Article 32.



TRIBAL WELFARE FUNDING

Article 275(1) The first proviso to Article 275(1) provides grants-in-aid for approved ST-welfare schemes and raising Scheduled Areas' administration to the level of the rest of the State.



REMEMBER THE FUNCTION

17 = abolish untouchability. | **15(4)/(5)** = enable special advancement provisions. | **46** = guide State policy. | **275(1)** = support welfare and administration financially.

Concept illustrations are schematic.

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DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.03

Services: four clauses, four different jobs

ARTICLE 16(4): REPRESENTATION

Enables reservation of appointments or posts for a backward class of citizens that, in the State's opinion, is not adequately represented in its services.



ARTICLE 16(4A): PROMOTION

Enables reservation in promotion, with consequential seniority, for SCs and STs not adequately represented in State services. It is an enabling provision, not an automatic promotion entitlement.

77th Amendment, 1995: inserted clause (4A), effective 17 June 1995.

85th Amendment, 2001: added consequential seniority, retrospectively from 17 June 1995.



ARTICLE 16(4B): BACKLOG

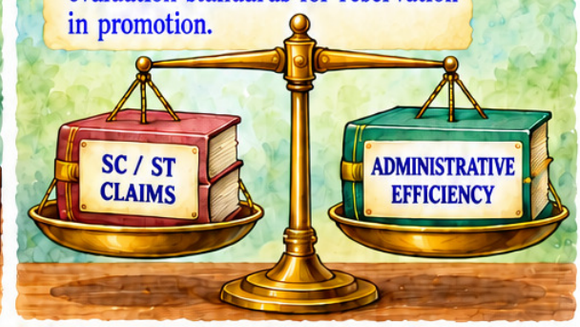
81st Amendment, 2000: unfilled reserved vacancies may form a separate class for later recruitment. Those backlog vacancies are not counted with current-year vacancies when applying that year's 50% ceiling.



ARTICLE 335: EFFICIENCY

SC/ST claims in services and posts must be considered consistently with maintaining administrative efficiency.

82nd Amendment, 2000: its proviso allows relaxation of qualifying marks or lowering evaluation standards for reservation in promotion.



KEEP THE PAIRS STRAIGHT

77th → promotion
81st → backlog
82nd → Article 335 relaxation
85th → consequential seniority

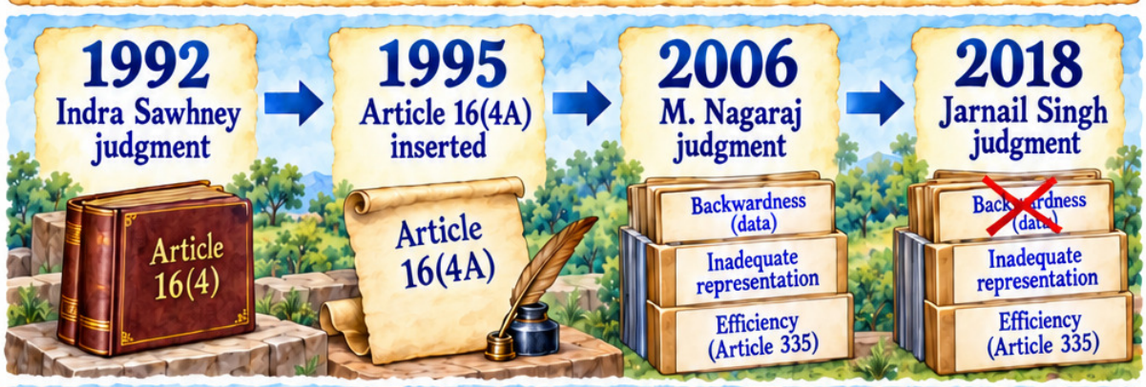
The constitutional permission, the supporting data and the actual service rule must be distinguished.

Concept illustrations are schematic.

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DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.04

Promotion judgments: what changed and what remained



INDRA SAWHNEY – 16 NOVEMBER 1992

Nine-judge decision: Article 16(4) did not permit reservation in promotion; it articulated the general 50% ceiling. Article 16(4A) was inserted afterwards, in 1995.



M. NAGARAJ – 19 OCTOBER 2006

Five judges upheld the 77th, 81st, 82nd and 85th Amendments. A State choosing promotion reservation had to justify it with quantifiable data on backwardness and inadequate representation, while respecting efficiency under Article 335.



JARNAIL SINGH – 26 SEPTEMBER 2018

Five judges rejected Nagaraj's requirement to collect data proving the backwardness of SCs and STs: it conflicted with Indra Sawhney.

The need to demonstrate inadequate representation did not disappear. Administrative efficiency also remains relevant.

The Court applied the creamy-layer exclusion principle in this promotion-reservation context.



READ THE CHANGE PRECISELY

- **Removed:** requirement to prove SC/ST backwardness through fresh quantifiable data.
- **Retained:** justification based on inadequate representation, and the constitutional efficiency requirement.
- Do not turn an enabling clause into compulsory reservation in every promotion.
- Do not import an unsupported universal income cut-off into this judgment summary.

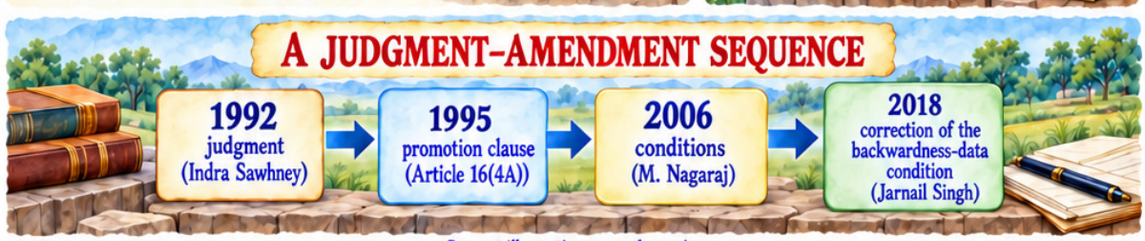


The creamy-layer principle

The Court applied the creamy-layer exclusion principle in this promotion-reservation context.



A JUDGMENT–AMENDMENT SEQUENCE



Concept illustrations are schematic.

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DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.05

Political representation: house, assembly and local body

MATCH THE INSTITUTION

Article 330



Seats for SCs and STs in the Lok Sabha.

Article 332



Seats for SCs and STs in State Legislative Assemblies.

Article 243 D



Reserved seats in Panchayats.

Article 243 T



Reserved seats in Municipalities.



In local bodies, not less than one-third of the SC/ST reserved seats are reserved for women belonging to those communities.

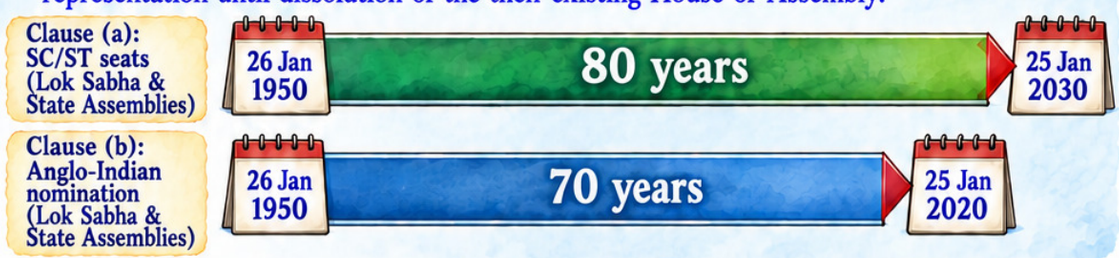
ARTICLE 334 IS THE TIME CLAUSE



It does not itself identify the seats. It controls the duration of SC/ST seat reservation in the Lok Sabha and State Assemblies.

104th Amendment Act, 2019

The period for clause (a), SC/ST seats, became 80 years from the Constitution's commencement on 26 January 1950 — through 25 January 2030. Clause (b), Anglo-Indian nomination, remained at 70 years — through 25 January 2020. The amendment took effect on 25 January 2020. The Article preserves existing representation until dissolution of the then-existing House or Assembly.



DO NOT OVERGENERALISE



The Article 334 time limit is not a blanket expiry date for education, employment or local-body reservations.

RECALL



330 = Lok Sabha.
332 = State Assembly.
334 = duration.
335 = services and efficiency.

Concept illustrations are schematic.

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DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.06

NCSC and NCST: constitutional watchdogs

TWO CONSTITUTIONAL COMMISSIONS

NCSC: National Commission for Scheduled Castes — Article 338.

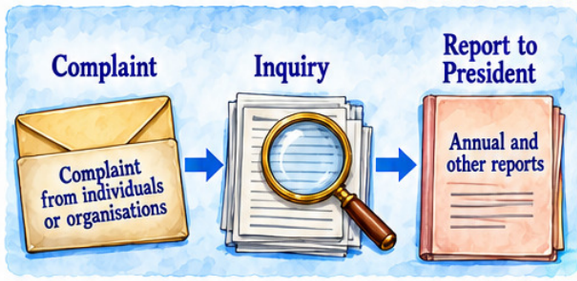
NCST: National Commission for Scheduled Tribes — Article 338A.

The 89th Amendment Act, 2003 split the earlier joint Commission.

The separate bodies began on 19 February 2004

NCSC National Commission for Scheduled Castes (Article 338)

NCST National Commission for Scheduled Tribes (Article 338A)





DUTIES UNDER CLAUSE (5)

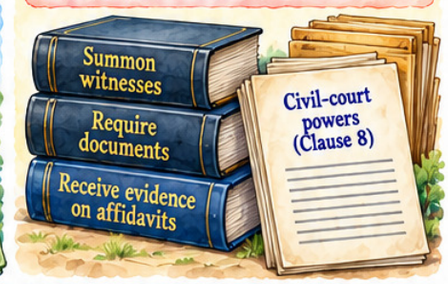
- Investigate and monitor safeguards;
- inquire into specific complaints of deprivation of rights or safeguards;
- participate in and advise on development planning;
- evaluate progress;
- report to the President annually and at other times;
- recommend measures to the Union or States.



CIVIL-COURT POWERS UNDER CLAUSE (8)

While investigating or inquiring, the Commission has the powers of a civil court trying a suit. Examples include summoning witnesses, requiring documents and receiving evidence on affidavits.

This does not make it a criminal trial court replacing the Special Court under the PoA Act.



CONSULTATION UNDER CLAUSE (9)

The Union and every State Government must consult the relevant Commission on major policy matters affecting SCs or STs.



DATED OFFICE-HOLDERS

Official Commission pages checked 25 October 2026:

NCSC Chairperson — **Kishor Makwana;** | NCST Chairperson — **Antar Singh Arya.**

Constitutional basis stays stable; office-holders should be rechecked before an examination.

Concept illustrations are schematic.

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DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.07

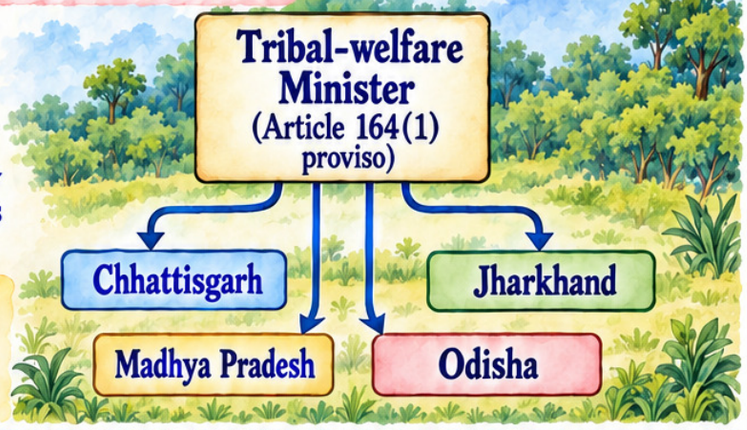
Tribal welfare and the NHRC link

ARTICLE 164(1): FOUR STATES

Its proviso requires a Minister in charge of tribal welfare in Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha.

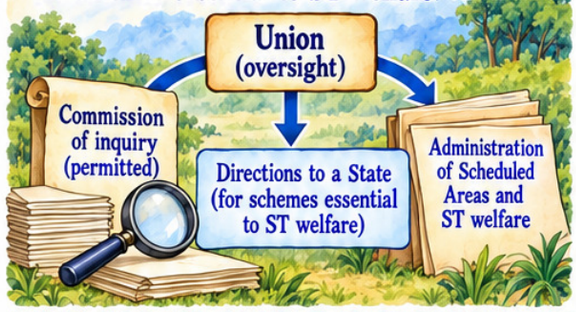
That Minister may additionally handle SC and backward-class welfare or other work.

94th Amendment Act, 2006: Chhattisgarh and Jharkhand replaced Bihar in this proviso; effective 12 June 2006.



ARTICLE 339: UNION OVERSIGHT

The Article concerns the administration of Scheduled Areas and ST welfare. It permits a Commission of inquiry and enables Union directions to a State for schemes essential to ST welfare.



ARTICLE 275(1): FINANCIAL SUPPORT

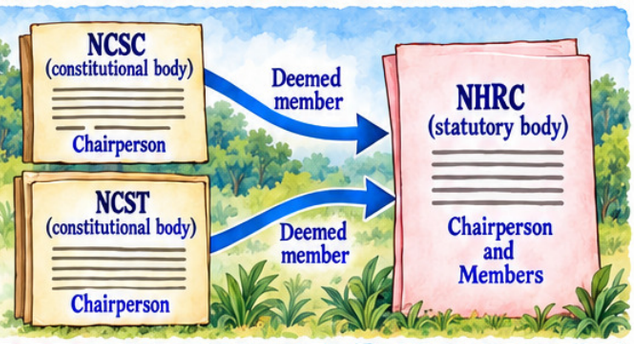
Grants-in-aid help fund ST-welfare schemes and improvements in Scheduled Areas' administration. Funding and oversight are different safeguards.



NHRC CONNECTION

The Protection of Human Rights Act makes the NCSC and NCST Chairpersons deemed members of the National Human Rights Commission for specified functions under that Act.

NCSC and NCST are constitutional bodies. NHRC is a statutory body. Shared membership does not change the legal basis of any of them.



ONE SYSTEM, DIFFERENT ROLES



Concept illustrations are schematic.

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AIM. PREPARE. ACHIEVE

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DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.08

Two Acts: untouchability and atrocities

PROTECTION OF CIVIL RIGHTS ACT, 1955

Originally the Untouchability (Offences) Act, it was renamed in 1976. It penalises the enforcement of disabilities arising from untouchability and supports Article 17.

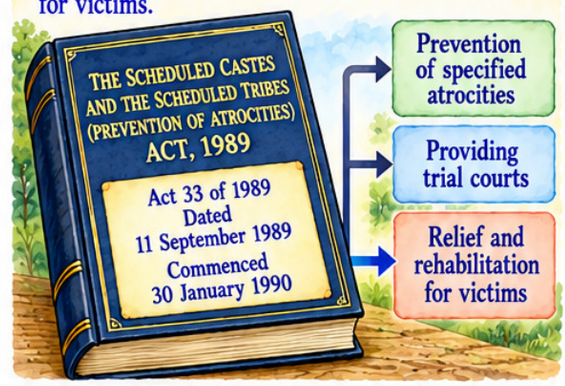
The 1955 Act came into force on 1 June 1955.



PREVENTION OF ATROCITIES ACT, 1989

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act is Act 33 of 1989, dated 11 September 1989; it commenced 30 January 1990.

Its purpose includes preventing specified atrocities, providing trial courts, and relief and rehabilitation for victims.



2015 AMENDMENT, EFFECTIVE 26 JANUARY 2016

The amendment is numbered Act 1 of 2016. It expanded offences, including humiliation by tonsuring or garlanding with footwear, social or economic boycott, and employing a protected person in manual scavenging.


Humiliation by tonsuring or garlanding with footwear




Employing a protected person in manual scavenging

SECTION 14: COURTS

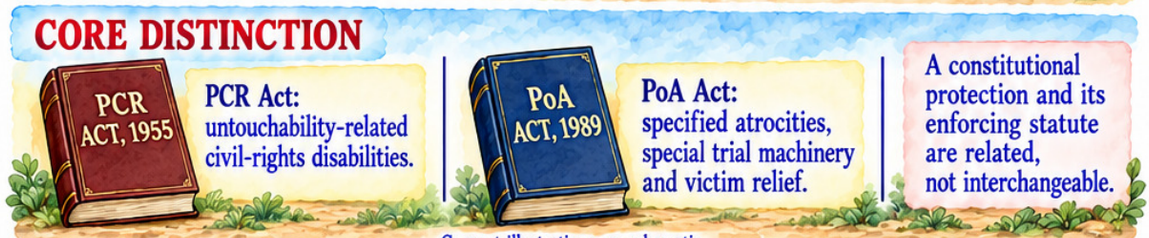
The State Government, with the Chief Justice of the High Court's concurrence, establishes an Exclusive Special Court for one or more districts.

Where fewer cases are recorded, a Court of Session may be specified as a Special Court.

Both can directly take cognizance of offences under the Act.



CORE DISTINCTION



Concept illustrations are schematic.

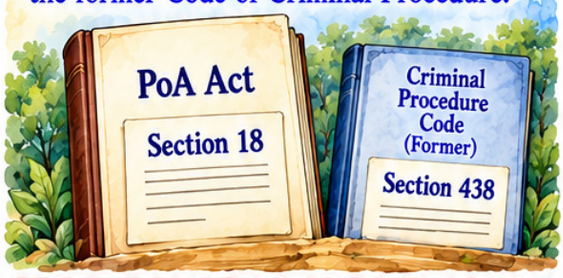
IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

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DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.09

Arrest, enquiry and anticipatory bail: the sequence

SECTION 18

The PoA Act excludes the ordinary anticipatory-bail provision for a person accused of an offence under the Act. The statute refers to section 438 of the former Code of Criminal Procedure.



MAHAJAN —20 MARCH 2018

The Supreme Court directed a preliminary enquiry before registration and prior approval before arrest to address misuse concerns.



SECTION 18A —20 AUGUST 2018

Parliament provided that no preliminary enquiry is required for registering an FIR; the investigating officer requires no prior approval for arrest where necessary. The anticipatory-bail exclusion applies notwithstanding a court judgment or direction.



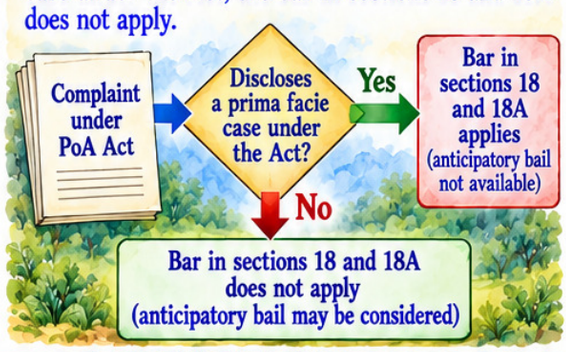
REVIEW —1 OCTOBER 2019

In Union of India v. State of Maharashtra, the Supreme Court recalled the Mahajan directions concerning preliminary enquiry and approval for arrest.



PRATHVI RAJ CHAUHAN —10 FEBRUARY 2020

The challenge to section 18A failed. However, if the complaint does not disclose a prima facie case under the Act, the bar in sections 18 and 18A does not apply.



READ BOTH RULE AND QUALIFICATION

No mandatory pre-FIR preliminary enquiry under 18A does not mean no investigation. The prima-facie qualification does not create blanket anticipatory bail for every PoA accusation.

Since 1 July 2024, the general anticipatory-bail provision is section 482 of BNSS; the historical Cr PC citation explains the Act and judgments.



Concept illustrations are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

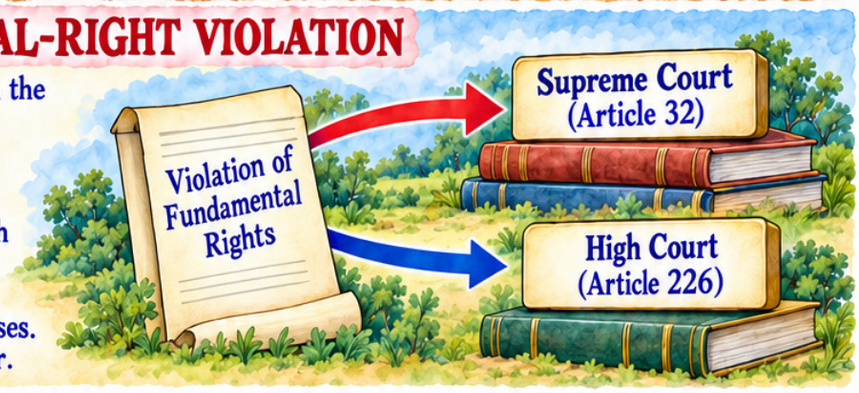
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DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.10

Remedies: choose the right institution

FUNDAMENTAL-RIGHT VIOLATION

Article 32: approach the Supreme Court for enforcement of Fundamental Rights.

Article 226: approach a High Court for Fundamental Rights and other legal purposes. Its writ scope is wider.



DEPRIVATION OF SC/ST SAFEGUARDS

A complaint may be made to NCSC under Article 338(5) or NCST under Article 338A(5).

The appropriate Commission can inquire with civil-court powers under clause(8).



AN ALLEGED ATROCITY

Report to the police for the criminal-law process.

The trial forum under section 14 is the Exclusive Special Court or specified Special Court.

Section 18A removes a mandatory preliminary enquiry as a precondition to registering the FIR; it does not remove the duty to investigate the offence.



WHY THESE ROUTES DIFFER

- Writ jurisdiction protects rights and legality.
- A Commission investigates safeguards and recommends measures.
- Criminal courts determine offences through judicial proceedings.
- Victim relief and rehabilitation are additional statutory protections.

DO NOT BUILD A FALSE APPEAL LADDER



These are different remedies, not a rule that every complainant must finish a Commission case before approaching police or court.

REVISION CHECK

Supreme Court →	32
High Court →	226
NCSC →	338
NCST →	338A
PoA trial courts →	section 14

The forum depends on the nature of the wrong and the relief sought.

Concept illustrations are schematic.

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AIM. PREPARE. ACHIEVE

APPSC GROUP 1 | 1,000 TOPICS IN 100 DAYS
DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.11

Rights issues: read the category and the evidence

A DATED CRIME SNAPSHOT

NCRB Crime in India 2023 recorded 57,789 cases of crimes against SCs and 12,960 against STs. The respective 2022 totals were 57,582 and 10,064.

Calculated changes: about+0.4% and+28.8%. These are registered cases, not a count of all unreported incidents or a conviction rate.

This is a 2023 comparison, not a claim that 2023 is the latest edition. The Ministry confirmed in July 2026 that Crime in India reports were available through 2024.

NCRB Crime in India (registered cases)

Category	2022	2023	Change
SC	57,582	57,789	about+0.4%
ST	10,064	12,960	about+28.8%



KEEP CRIME HEADS SEPARATE

All crimes against SCs/STs and cases registered specifically under the PoA Act are not interchangeable series. Cases, accused persons, convictions and pending trials also measure different things.

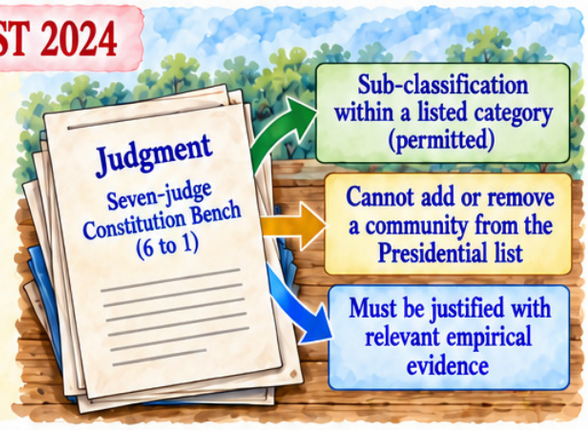


DAVINDER SINGH –1 AUGUST 2024

A seven-judge Constitution Bench, by 6 to 1, permitted sub-classification within the reserved categories, overruling E.V. Chinnaiah's bar on SC sub-classification.

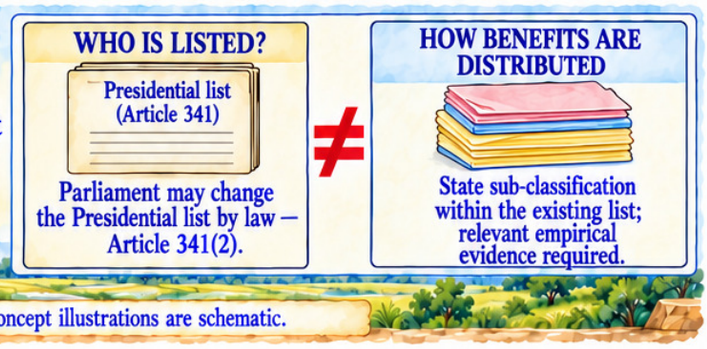
Sub-classification distributes benefits within a listed category; it does not let a State add or remove a community from the Presidential list.

The State must justify the classification with relevant empirical evidence; it cannot treat the power as unlimited discretion.



REMEMBER

Article 341(2) list changes remain Parliament's job. The 2024 judgment concerns the distribution of reservation benefits.



Concept illustrations are schematic.

IAS WITH DR RAVI
AIM. PREPARE. ACHIEVE

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DAY 22 | TOPIC 212 | Polity | Unit B-5 | 212.12



Union executive: power and responsibility

Recall:
The President is elected indirectly by an electoral college and removed only by impeachment. This topic is about his powers.

Article 53(1): Executive power of the Union

The executive power of the Union is vested in the President and is exercised by him either directly or through officers subordinate to him, in accordance with the Constitution.



President
Head of the Union executive

May seek reconsideration once

Aid and advice

Acts in accordance with advice

Article 74(1): Council of Ministers

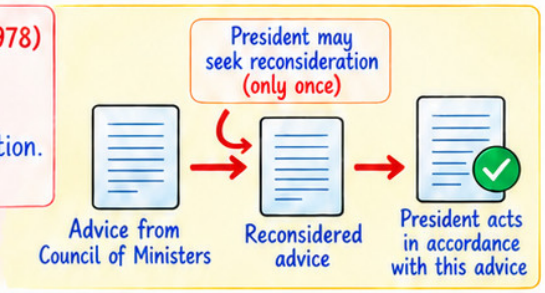
There is a Council of Ministers with the Prime Minister at the head to aid and advise the President, who "shall, in the exercise of his functions, act in accordance with such advice".



Council of Ministers
headed by the Prime Minister
Aids and advises the President

Proviso to Article 74(1) (Inserted by 44th Amendment Act, 1978)

In force from 20 June 1979: the President may require the Council of Ministers to reconsider its advice, and he shall act in accordance with the advice tendered after that reconsideration. So, the President can send the advice back only once.



Article 74(2): No judicial inquiry

The question whether any, and if so what, advice was tendered by Ministers to the President "shall not be inquired into in any court".



Shamsher Singh v. State of Punjab

(23 August 1974, seven judges)

The President, like the Governor, is a formal head who acts on the aid and advice of the Council of Ministers.



Article 75: Council of Ministers

- The Council of Ministers is collectively responsible to the House of the People (75(3)).

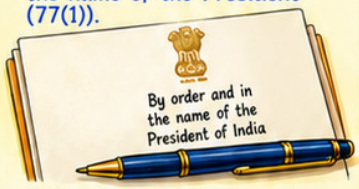


Lok Sabha
(House of the People)

- A Minister who for six consecutive months is not a member of either House ceases to be a Minister at the end of that period (75(5)).

Article 77: Executive action in the name of the President

- All executive action of the Government of India is expressed to be taken in the name of the President (77(1)).



- Orders made in his name are authenticated as his rules lay down, and an authenticated order cannot be called in question on the ground that the President did not make or execute it (77(2)).

Article 78: Duties of the Prime Minister

The Prime Minister must:

(a) communicate to the President all decisions of the Council of Ministers on the administration of the Union and on proposals for legislation;

(b) furnish such information on these as the President may call for; and

(c) if the President so requires, submit for the Council's consideration any matter decided by a Minister but not considered by the Council.

Who appoints whom?

Key constitutional appointments by the President

Office	Article	What the text says
Prime Minister	75(1)	Appointed by the President.
Other Ministers	75(1)	Appointed by the President on the advice of the Prime Minister.
Attorney-General for India	76(1)	The President appoints a person qualified to be appointed a Judge of the Supreme Court.
Comptroller and Auditor-General (CAG)	148(1)	Appointed by the President by warrant under his hand and seal.
Governor of a State	155	Appointed by the President by warrant under his hand and seal.
Judges of the Supreme Court	124(2)	Appointed by the President by warrant after consultation with Judges he considers necessary; for a Judge other than the Chief Justice, the Chief Justice of India is always consulted.
Judges of a High Court	217(1)	Appointed by the President by warrant after consultation with the Chief Justice of India, the Governor of the State and, for a Judge other than the Chief Justice, the Chief Justice of that High Court.
Chief Election Commissioner and other Election Commissioners	324(2)	Appointed by the President, "subject to the provisions of any law made in that behalf by Parliament".
Finance Commission	280(1)	Constituted by the President at the expiration of every fifth year, or earlier if he considers it necessary.
Chairman and members of the Union Public Service Commission (UPSC)	316(1)	Appointed by the President.

Diplomatic and military powers

Diplomatic powers



International treaties and agreements are negotiated and concluded on behalf of the President, who sends and receives diplomats.

Military powers (Article 53(2))



The supreme command of the Defence Forces of the Union is vested in the President, and its exercise is regulated by law.

Mercy powers: scope, not personal discretion

Article 72(1)

The President has the power to grant pardons, reprieves, respites or remissions of punishment, or to suspend, remit or commute the sentence of any person convicted of any offence, in three kinds of case:



1. All cases where the punishment or sentence is by a Court Martial.
2. All cases where the sentence is for an offence against a law on a matter to which the executive power of the Union extends.
3. All cases where the sentence is a sentence of death.

Forms of mercy and their meaning

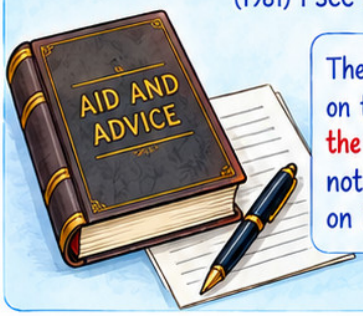
Pardon	Completely forgives the offence and removes the punishment.
Commutation	Substitutes a less severe sentence for the original sentence.
Remission	Reduces the period of the sentence without changing its character.
Respite	Awards a lesser sentence due to special circumstances (e.g. health).
Reprieve	Temporarily postpones the execution of a sentence, especially a sentence of death.

President (Article 72) vs Governor (Article 161)

Point	President (Article 72)	Governor (Article 161)
Words of the power	Pardons, reprieves, respites, remissions; suspend, remit or commute	The same words
Offences covered	Against a law on a matter to which the executive power of the Union extends.	Against a law on a matter to which the executive power of the State extends.
Court Martial	Covered, clause (1)(a)	Not mentioned in Article 161
Sentence of death	Covered in all cases, clause (1)(c)	Article 72(3) saves the Governor's power to suspend, remit or commute it.

Maru Ram v. Union of India

11 November 1980 | five judges
(1981) 1 SCC 107



The power is exercised on the aid and advice of the Council of Ministers, not by the President on his own.

Kehar Singh v. Union of India

16 December 1988 | five judges
AIR 1989 SC 653



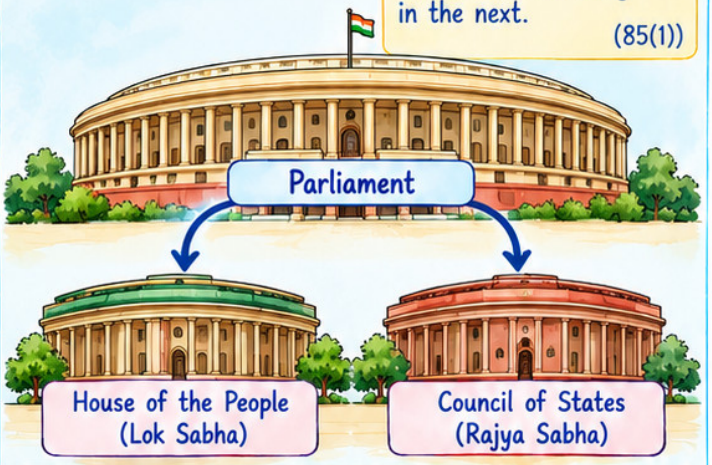
- The President may examine the evidence on record and reach a different conclusion, without amending or superseding the judicial record.
- The petitioner has no right to an oral hearing.
- Judicial review of the order is limited (within the bounds set in Maru Ram).

Summoning Parliament and resolving a deadlock

Article 85 : Summoning, prorogation and dissolution

The President **summons** each House of Parliament.

Six months shall not intervene between the last sitting in one session and the first sitting in the next. (85(1))



The President may **prorogue** either House or both, and **dissolve** the House of the People. (85(2))

Meaning of key terms (Article 85)

Summoning



The President issues a summons to each House to meet for a session.

Prorogation



The President brings a session to an end without dissolving the House. The House can be summoned again later.

Dissolution (of Lok Sabha)



The President dissolves the House of the People (Lok Sabha). A general election is held and a new Lok Sabha is constituted.

Article 108 : Joint sitting to resolve a deadlock

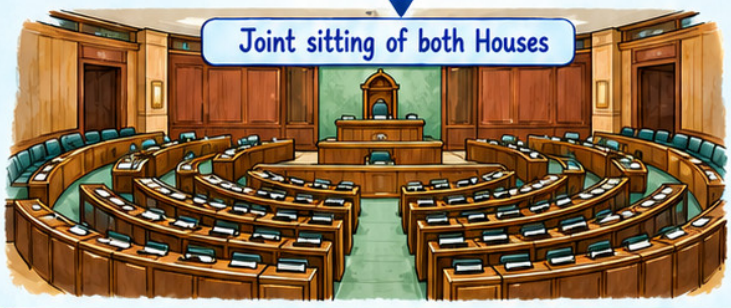
If, after one House has passed a Bill, the other House:

(a) **rejects** the Bill, or

(b) the Houses have **finally disagreed** on amendments, or

(c) more than **six months** pass without the other House passing the Bill.

The President may notify his intention to **summon a joint sitting** of both Houses.



Important exceptions



A joint sitting **cannot** be held for a Money Bill.

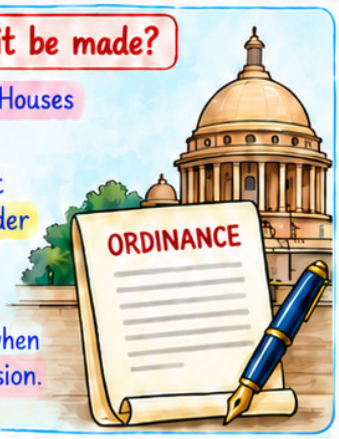


There is **no joint sitting** for a Constitution Amendment Bill either. Under **Article 368(2)** each House must pass it separately by the special majority.

An Ordinance is temporary law

Article 123(1): When can it be made?

- At any time except when both Houses of Parliament are in session.
- If the President is satisfied that "circumstances exist which render it necessary" for him to take immediate action.
- So, an Ordinance can be made when at least one House is not in session.



Condition: At least one House is not in session



Lok Sabha | Rajya Sabha

Ordinance can be made when at least one House is not in session.

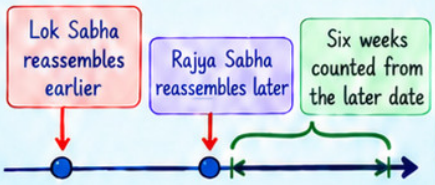
Article 123(2): Force and effect, laying and lapse



- An Ordinance has the same force and effect as an Act of Parliament.
- It must be laid before both Houses of Parliament.
- It ceases to operate at the expiration of six weeks from the reassembly of Parliament.
- It may cease earlier if both Houses pass resolutions disapproving it.
- The President may withdraw it at any time.

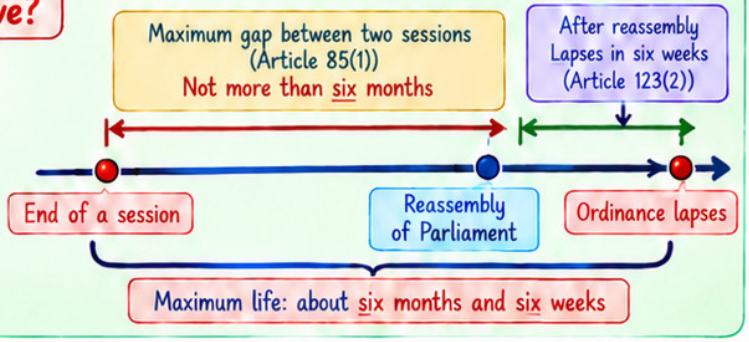
Explanation to Article 123(2)

- If the two Houses are summoned to reassemble on different dates, the six weeks are counted from the later of those dates.



How long can an Ordinance live?

- Under Article 85(1), not more than six months can pass between two sessions of Parliament.
- The Ordinance lapses six weeks after the reassembly of Parliament.
- So, an Ordinance can last at most about six months and six weeks.



Article 123(3): Void in certain cases



- An Ordinance is void if it makes a provision that Parliament could not validly enact.

Krishna Kumar Singh v. State of Bihar

(2 January 2017, seven judges, 5:2)



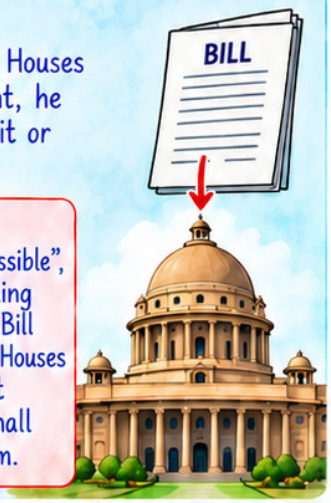
- Re-promulgation is "a fraud on the Constitution".
- Laying an Ordinance before the Legislature is a mandatory obligation.
- The ordinance powers under Articles 123 and 213 are not immune from judicial review.

Assent, return and withholding: different actions

Article 111

When a Bill passed by both Houses is presented to the President, he declares that he assents to it or that he withholds assent.

Proviso (not a Money Bill): he may instead, "as soon as possible", return it with a message asking the Houses to reconsider the Bill or any of its provisions. If the Houses pass it again, with or without amendment, the President shall not withhold assent therefrom.



The names of the vetoes

The Constitution does not use the word "veto". Polity textbooks and notes name three:

- **Absolute veto** — Withholding assent to the Bill.
- **Suspensive veto** — Returning the Bill for reconsideration.
- **Pocket veto** — Not acting on the Bill at all.

President's options under Article 111

Bill passed by both Houses and presented to the President

- **Ordinary Bill (not a Money Bill)** → Assent / Withhold assent (absolute veto) / Return with message (suspensive veto) → If returned and passed again by both Houses (with or without amendment) → President shall not withhold assent therefrom.
- **Money Bill** → Assent / Withhold assent (absolute veto) → Cannot be returned for reconsideration under the proviso.
- **Constitution Amendment Bill** → Must give assent. → After the Constitution (Twenty-fourth Amendment) Act, 1971, the President cannot withhold assent or return such a Bill.

Pocket veto of 1986

President Zail Singh neither assented to nor returned the Indian Post Office (Amendment) Bill, 1986, which both Houses had passed.



State Bills (Articles 200 and 201)

The Governor may:

- assent to a Bill,
- withhold assent, or
- reserve a Bill for the consideration of the President (Article 200).



On a reserved Bill the President declares that he assents or withholds assent (Article 201). For a non-Money Bill, he may direct the Governor to return it for reconsideration.

Time limits and the 2025 opinions



- **Two-judge opinion (8 April 2025)** → Set time limits, including three months for the President. / Treated 10 Bills as assented.
- **Five-judge Constitution Bench opinion (20 November 2025)** → Neither the Governor nor the President can be bound by judicially fixed timelines. / There is no "deemed assent". / No fixed judicial timeline does not mean unreviewable delay.

Which Bill can be sent back?

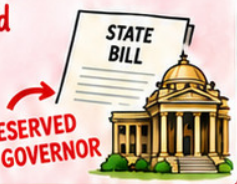
The President's options on each kind of Bill

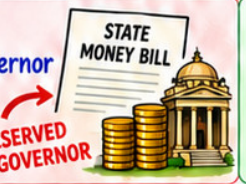
Kind of Bill	Assent	Withhold assent	Return for reconsideration
Ordinary Bill passed by Parliament (Article 111)	✓ Yes	✓ Yes	✓ Yes, once; if passed again, with or without amendment, he must assent.
Money Bill passed by Parliament (Article 111)	✓ Yes	✓ Yes	✗ No: the proviso covers only a Bill that is not a Money Bill.
Constitution Amendment Bill (Article 368(2), after the 24th Amendment)	✓ He must assent.	✗ No.	✗ No.
State Bill reserved by the Governor, not a Money Bill (Article 201)	✓ Yes	✓ Yes	✓ He may direct the Governor to return it; the Legislature reconsiders within six months, and the Bill comes back to him.
State Money Bill reserved by the Governor (Article 201)	✓ Yes	✓ Yes	✗ No.











What the table shows

1. The return of a Bill is the "suspensive veto" of the textbooks; it is available only for a Bill that is not a Money Bill.



2. For a Bill of Parliament, the return can be used once. For a reserved State Bill that is passed again, Article 201 does not oblige him to assent.



3. Withholding is the "absolute veto". It is open for every kind of Bill except a Constitution Amendment Bill.



4. No fixed presidential deadline is specified in these Articles. Prolonged inaction may still face judicial scrutiny.

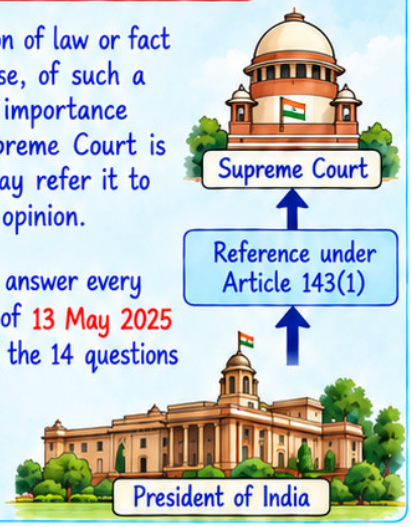


Seeking the Court's advice; emergencies under review

Advisory jurisdiction (Article 143)

Article 143(1): if a question of law or fact has arisen or is likely to arise, of such a nature and of such public importance that the opinion of the Supreme Court is expedient, the President may refer it to the Supreme Court for its opinion.

The Court is not bound to answer every question. On the Reference of 13 May 2025 it declined to answer two of the 14 questions (Questions 12 and 14).



Emergency powers (in outline)

The Constitution gives the President the following emergency powers:

Article 352 (Proclamation of Emergency)	War, external aggression or armed rebellion.
Article 356 (President's Rule in a State)	S.R. Bommai v. Union of India (11 March 1994, nine judges) held a Proclamation under Article 356 open to judicial review.
Article 360 (Financial Emergency)	Threat to financial stability or credit.

The President as on 25 October 2026

Droupadi Murmu is the President of India (President's Secretariat, as on 25 October 2026). She was sworn in as the 15th President on 25 July 2022.



Three common exam traps

1 Treating the three vetoes as words of the Constitution.

"Absolute", "suspensive" and "pocket" veto are textbook labels. The text speaks only of assenting, withholding assent and returning a Bill.

- A Money Bill cannot be returned.
- A Constitution Amendment Bill must be assented to after the 24th Amendment.
- The pocket veto exists only because no time limit is written; Zail Singh used it in 1986.

2 "An Ordinance lasts for six months."

The rule of Article 123 is six weeks from the reassembly of Parliament.
Six months is the longest gap allowed between two sessions under Article 85.
Together they give the outer limit of about six months and six weeks.

Between sessions: at most 6 months → Parliament reassembles → Ordinance lapses 6 weeks later

An approximate outer limit, not a fixed term.

- Making the same Ordinance again and again is a fraud on the Constitution (Krishna Kumar Singh, 2017).

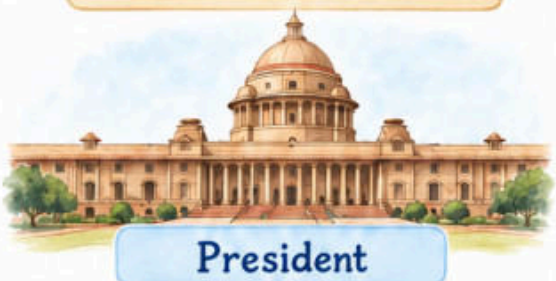
3 "The President decides mercy petitions and Ministers' advice as he pleases."

- He can send the advice of the Council of Ministers back only once, under the proviso added by the 44th Amendment in 1978; after that he must act on it.
- Mercy petitions too are decided on the advice of the Council of Ministers (Maru Ram).
- Kehar Singh adds that he may look at the evidence himself, but the petitioner cannot demand an oral hearing.



Two constitutional legal advisers

UNION

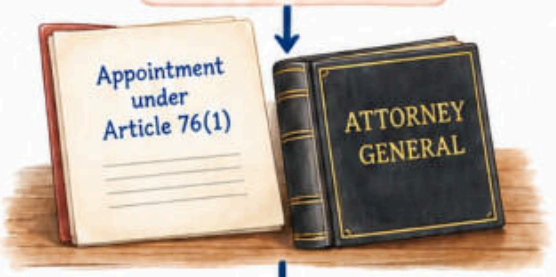


President

↓

appoints

↓



↓

advises
Government of India



Article 76
Part V (The Union)
Chapter on
the Executive

STATE

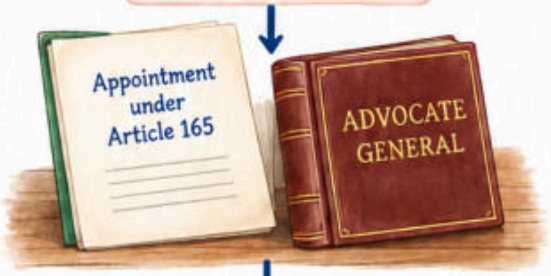


Governor

↓

appoints

↓



↓

advises
State Government



Article 165
Part VI (The States)
Chapter on
the Executive

Recall connections

- Recall Topic 183: the President is elected indirectly and removed only by impeachment.
- Recall Topic 223: the President appoints the Attorney General under Article 76(1), on the advice of the Council of Ministers.
- Recall Topic 4: the Governor holds office during the pleasure of the President, and he appoints the Advocate General under Article 165.
- Recall Topic 82: the Rajya Sabha is one of the two Houses in which, under Article 88, the Attorney General may speak.
- The Constitution spells the offices "Attorney-General" and "Advocate-General". These notes write them without the hyphen.

Source: Constitution of India, Articles 76 and 165.

Attorney General: who can qualify?

Appointment: Article 76(1)

The President shall appoint a person who is qualified to be appointed a Judge of the Supreme Court to be Attorney General for India.



Who is "qualified to be a Judge"?

Article 76 borrows the test of Article 124(3). A person must be a citizen of India, and must satisfy any one of the following three routes (joined by "or").

Citizen of India

Route 1
Five years a High Court Judge

At least five years a Judge of a High Court, or of two or more such Courts in succession.



OR

Route 2
Ten years a High Court advocate

At least ten years an advocate of a High Court, or of two or more such Courts in succession.



OR

Route 3
Distinguished jurist

A distinguished jurist, in the opinion of the President.



The three routes in Article 124(3) are joined by "or". So ten years at the Bar is one way to qualify, not a requirement.

Qualification is not judicial appointment

Article 76 borrows the eligibility test in Article 124(3). Being qualified to be a Supreme Court Judge does not make the Attorney General a judge.

Citizen of India + **Any one of the three eligibility routes** → **Eligible for appointment as Attorney General**

Ten years at the Bar is one route, not a compulsory requirement for everyone.



Constitution of India: Articles 76, 124(3), 165 and 217(2).

Contrast: Advocate General (Article 165)

Article 165 borrows the test of Article 217(2). A person must be a citizen of India, and must satisfy one of the following two routes (joined by "or").

Citizen of India

Ten years judicial office

At least ten years in a judicial office in the territory of India.



OR

Ten years High Court advocate

At least ten years an advocate of a High Court, or of two or more such Courts in succession.



There is no distinguished-jurist route for the Advocate General.

Legal advice, legal duties, court audience

The Attorney General for India (Article 76)

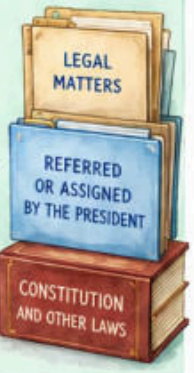
① Appointment and qualification (Article 76(1))

The President shall appoint a person who is qualified to be appointed a Judge of the Supreme Court to be Attorney General for India.



② Duties (Article 76(2))

- to give advice to the Government of India upon such legal matters,
- to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President; and
- to discharge the functions conferred on him by or under the Constitution or any other law for the time being in force.





President
appoints and assigns or refers legal matters



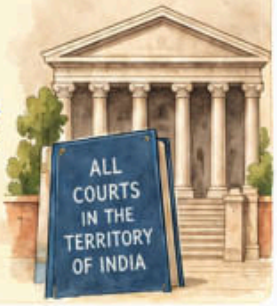
Attorney General for India
gives advice, performs assigned duties and discharges constitutional and statutory functions



Right of audience
in all courts in the territory of India in performance of duties

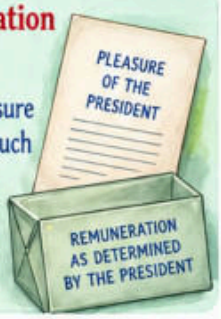
③ Right of audience (Article 76(3))

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



④ Tenure and remuneration (Article 76(4))

He holds office during the pleasure of the President and receives such remuneration as the President may determine.



What "qualified to be a Judge" means

Article 76 borrows the test of Article 124(3); Article 165 borrows the test of Article 217(2).

Route	Supreme Court Judge, Article 124(3) (applies to the Attorney General)	High Court Judge, Article 217(2) (applies to the Advocate General)
Citizenship	Must be a citizen of India	Must be a citizen of India
As a Judge	At least five years a Judge of a High Court, or of two or more such Courts in succession	At least ten years in a judicial office in the territory of India
As an advocate	At least ten years an advocate of a High Court, or of two or more such Courts in succession	At least ten years an advocate of a High Court, or of two or more such Courts in succession
As a jurist	A distinguished jurist, in the opinion of the President	No such route

Important points

- The three routes in Article 124(3) are joined by "or". So ten years at the Bar is one way to qualify, not a requirement.
- The Constitution does not fix a term for him.
- The Constitution does not give grounds or a procedure for removal.
- The Constitution does not fix his remuneration.
- Article 76 does not prescribe a fixed term, salary amount or impeachment-style removal procedure.

Source: Constitution of India, Articles 76, 124(3), 165 and 217(2).

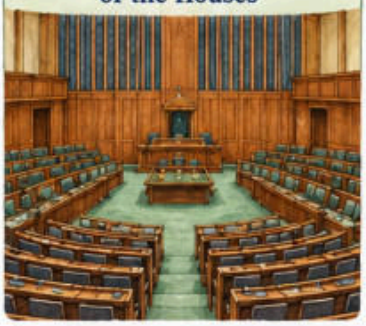
Speak and participate - but no vote

Attorney General in Parliament: Articles 88 and 105(4)

Either House of Parliament



Any joint sitting of the Houses



A parliamentary committee of which named a member



FORUM	SPEAK AND TAKE PART	VOTE UNDER ARTICLE 88
Either House of Parliament	Yes	No
Any joint sitting of the Houses	Yes	No
A parliamentary committee of which named a member	Yes	No

ARTICLE 88

Gives the Attorney General the right to speak and otherwise participate in these proceedings. It does not, by itself, entitle the officer to vote.



ARTICLE 105(4)

Applies Article 105(1), (2) and (3) to persons who have a constitutional right to speak and participate, as those provisions apply to MPs.



PRIVILEGES UNDER ARTICLE 105 (AS APPLIED BY 105(4))



105(1): Freedom of speech in Parliament, subject to the Constitution and House rules.



105(2): Immunity from court proceedings for anything said or any vote given in Parliament.

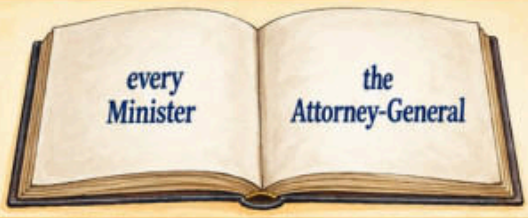


105(3): Other parliamentary powers, privileges and immunities.



Critical boundary:

Article 105(4) does not create a vote for the Attorney General. Participation rights are not parliamentary membership.



Article 88 names "every Minister" and "the Attorney-General" separately.

The Attorney General is not a Minister merely by holding this office.

Source: Constitution of India, Articles 88 and 105.

Constitutional office, service rules

The Constitution and the 1987 Rules answer different questions

Three Union Law Officers



Rule 2(d)

Includes all three kinds of Union Law Officer.

Solicitor General and Additional Solicitors General assist the Attorney General.

No constitutional Article creates their posts.

Two-track timeline

CONSTITUTION

Article 76(4)

Attorney General holds office during the President's pleasure.

No fixed term is prescribed in the Constitution.

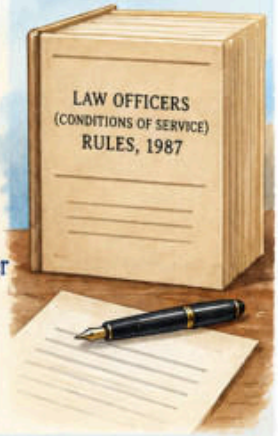


SERVICE RULES

Rule 3

- Three-year term.
- Either side may end it earlier with three months' written notice.
- Reappointment may be for a further term not exceeding three years.

The constitutional pleasure provision still governs the Attorney General.



Duties under Rule 5



- Legal advice and assigned legal duties.
- Appearing for the Government of India in the Supreme Court or a High Court where it is a party or otherwise interested.

Rule 7: Monthly retainers

EFFECTIVE 1 FEBRUARY 2026

Union Law Officer	Monthly retainer (Rs)
Attorney General	1,20,000
Solicitor General	96,000
Additional Solicitor General	72,000

Monthly retainers, besides case fees; notification dated 5 February 2026.
Source snapshot: 25 October 2026.



Takeaway



A service-rule term or a dated appointment order is not a constitutionally guaranteed fixed term.

Sources: Constitution, Article 76; Law Officers (Conditions of Service) Rules, 1987; 2026 amendment.

Private practice: read the restrictions

Rule 8 is more precise than a one-line textbook shortcut

8(1)(a) COURT BRIEFS



→ Only for the Government of India, a State Government or listed public bodies, such as universities, local authorities and government companies.

8(1)(b) CONFLICTS



→ Do not advise against the Government of India or a PSU, or in matters where likely to advise or appear for them.

8(1)(c) CRIMINAL DEFENCE



→ Government of India permission is required to defend an accused person in a criminal prosecution.

8(1)(d) COMPANY OFFICE



→ Government of India permission is required to accept office in a company or corporation.

8(1)(e) REFERENCE CHANNEL



→ Advice to Ministries, Departments, statutory bodies or PSUs must come through the Department of Legal Affairs.

Rule 10

Central Government may relax rules by a written order with recorded reasons.



STOP

Rule 8 cannot be relaxed where the Government of India or a Central Government instrumentality is or is likely to be affected.

Takeaway:

"Not debarred from private practice" is not the complete rule.
Learn the permitted-client, conflict, permission and referral restrictions separately.

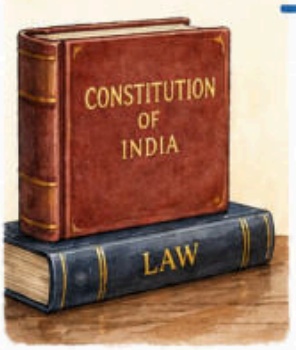
Sources: Law Officers (Conditions of Service) Rules, 1987, Rules 8 and 10; DLA private-cases memorandum, 5 December 2012.

Officeholders: keep the date attached

Names and appointment periods are dated facts

1950 – 1963

M.C. Setalvad
First Attorney General for India.



→

1 OCTOBER 2022

R. Venkataramani takes office.
Succeeds K.K. Venugopal.



→

26 SEPTEMBER 2025

Reappointment notified.
Further two years from 1 October 2025.



→

1 OCTOBER 2025 TO 30 SEPTEMBER 2027

Reappointed period.
Confirmed in the Supreme Court's list of Law Officers.



Distinction

Article 76 does not promise a fixed term.
A two-year reappointment is a dated appointment decision; the Constitution still provides pleasure tenure.



ANDHRA PRADESH

Senior Advocate Dammalapati Srinivas was appointed Advocate General in June 2024, reported 20 June 2024.

This is a dated appointment fact, not a statement of present incumbency.



Exam care

- Use verified names and dates.
- Avoid disputed ordinal numbering of Attorneys General.
- Do not infer the current Solicitor General from an old appointment report.



Sources: Supreme Court of India, List of Law Officers; Department of Legal Affairs reappointment context; AP appointment report, 20 June 2024.

Advocate General: the State-level office

Article 165: appointment, duties and tenure



165(1) — APPOINTMENT

Governor appoints a person qualified to be a High Court Judge.

Article 217(2): qualifications



Citizen of India

AND either one of these routes



At least ten years in a judicial office in the territory of India

OR



At least ten years as an advocate of a High Court, or of two or more such Courts in succession.

No distinguished-jurist route under Article 217(2).

165(2) — DUTIES



- Legal advice to State Government.
- Legal duties referred or assigned by Governor.
- Functions under Constitution or law.

165(3) — TENURE AND PAY



- Holds office during Governor's pleasure.
- Remuneration as Governor determines.
- No fixed constitutional term.

Article 177: legislature rights matrix

Forum	Right of the Advocate General	Vote by this Article
Legislative Assembly	Speak and participate	No vote by this Article
Both Houses where a Legislative Council exists	Speak and participate	No vote by this Article
A legislative committee of which named a member	Speak and participate	No vote by this Article

Constitutional boundaries



- Article 177 does not provide a State joint sitting. The parliamentary joint sitting belongs to Articles 108 and 88.
- Article 165 has no clause equivalent to Article 76(3)'s all-India right of audience for the Attorney General.

Privileges



- Article 194(4) applies clauses (1), (2), (3) to constitutionally entitled participants, including the Advocate General.
- It does not create a legislative vote.

Sources: Constitution of India, Articles 165, 177, 194(4), 217(2).

Attorney General vs Advocate General

Compare the provision, not just the name





POINT	ATTORNEY GENERAL	ADVOCATE GENERAL
Creating Article	76	165
Appointed by	President	Governor
Judge-level qualification	Supreme Court: 124(3)	High Court: 217(2)
Legal advice	Government of India	State Government
Other legal duties	Assigned by President; functions under law	Assigned by Governor; functions under law
Court audience	All courts in India in performance of duties: 76(3)	No equivalent clause in 165
Pleasure tenure	President	Governor
Remuneration fixed by	President	Governor
Constitution-fixed term	None	None
Legislative participation	Either House, joint sitting, named committees: 88	Assembly/both Houses where Council, named committees: 177
Vote by participation Article	No	No
Privileges provision	105(4)	194(4)
1987 Union Law Officers Rules	Covered	Not covered by Rule 2(d)

Three exam distinctions



Speaking does not mean voting.



Pleasure tenure is not a fixed constitutional term.



Solicitor General is not a post created by a constitutional Article.



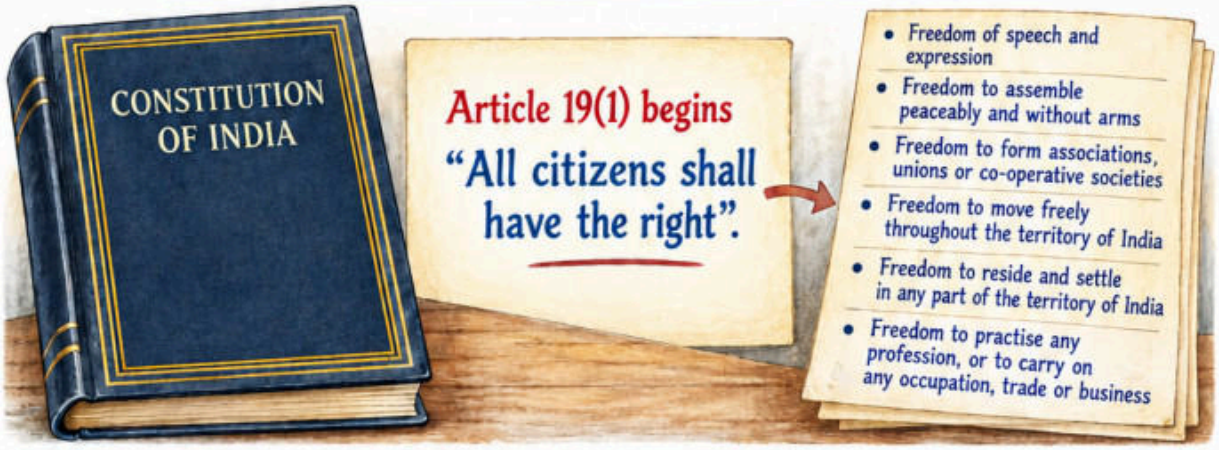
Takeaway:

Article 76 adds an express court-audience clause.
Article 165 has three clauses, not an identical fourth clause.

Source: Constitution of India; Law Officers (Conditions of Service) Rules, 1987.

Article 19 protects citizens

Right-holder boundaries before the six freedoms



Who can claim which right?

Article(s)	Right-holder	What it provides
Article 14	Any person	Equality before law and equal protection.
Articles 15 and 16	Citizens	Citizen-specific equality protections.
Article 19	Citizens	Six freedoms, subject to their respective restriction clauses.

A foreigner may claim Article 14, but not Article 19.



Article 14 ✓ Yes

Article 19 ✗ No

Company is not itself a citizen

Bennett Coleman v. Union of India, 30 October 1972, five judges



Citizen-shareholders do not lose their fundamental rights by forming a company. The company's presence is not a bar to relief when those rights are affected.

Against non-State persons too

Kaushal Kishor, 3 January 2023

The majority held that rights under Article 19 or 21 can be enforced even against persons other than the State or its instrumentalities.

Majority holding (not an unlimited general remedy).

Constitutional setting

Article 12



Defines the State for Part III.

Article 13



Makes inconsistent law void to the extent of inconsistency.

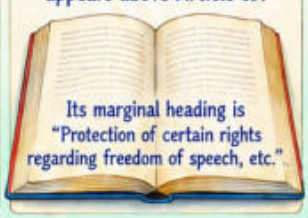
Articles 14 – 18



Concern equality.

Article 19

"Right to Freedom" appears above Article 19.



Its marginal heading is "Protection of certain rights regarding freedom of speech, etc."

Articles 20 – 22 and Article 21



Articles 20 – 22 are covered in Topic 282; Article 21 in Topic 612.

Sources: Constitution of India; Bennett Coleman (1972); Kaushal Kishor (2023).

Six freedoms – six lettered entries

Article 19(1): the right and its restriction clause

(a) Speech and expression



→ **19(2)** Reasonable restrictions by law on the grounds in 19(2). Qualifying existing law is preserved.

(b) Assemble peaceably and without arms



→ **19(3)** Reasonable restrictions by law on the grounds in 19(3). Qualifying existing law is preserved.

(c) Form associations, unions or co-operative societies



→ **19(4)** Reasonable restrictions by law on the grounds in 19(4). Qualifying existing law is preserved.

The words "or co-operative societies" were inserted by the 97th Amendment Act, 2011.

(d) Move freely throughout the territory of India



→ **19(5)** Reasonable restrictions by law on the grounds in 19(5). Qualifying existing law is preserved.

(e) Reside and settle in any part of the territory of India



→ **19(5)** Reasonable restrictions by law on the grounds in 19(5). Qualifying existing law is preserved.

(g) Practise any profession, or carry on any occupation, trade or business



→ **19(6)** Reasonable restrictions by law on the grounds in 19(6). Qualifying existing law is preserved.



The 44th Amendment removed the former property entry from 20 June 1979.

Article 300A now protects property outside Part III.

Memory line: (a) → 2; (b) → 3; (c) → 4; (d) + (e) → 5; (g) → 6.

Source: Constitution of India, Article 19.

Speech: eight grounds, not a free-choice list

Article 19(1)(a) → Article 19(2)



Eight grounds in Article 19(2)

1. Sovereignty and integrity of India.
2. Security of the State.
3. Friendly relations with foreign States.
4. Public order.
5. Decency or morality.
6. Contempt of court.
7. Defamation.
8. Incitement to an offence.

THREE GATES: test for a valid restriction



1. Law
2. Reasonable restriction
3. A ground listed in 19(2).

A remote or fanciful link is not enough.

Compare clauses

"Sovereignty and integrity of India" and "public order" appear in Article 19(2), 19(3) and 19(4).

Neither appears as a named ground in Article 19(5) or 19(6).



Judicial boundary

Shreya Singhal (24 March 2015) struck down section 66A of the IT Act. Its restrictions fell outside Article 19(2); the Court found no proximate relationship to public order.



Exam distinction

Freedom of the press is derived from speech and expression, not a separately named freedom in Article 19. It shares clause (2)'s restriction framework.



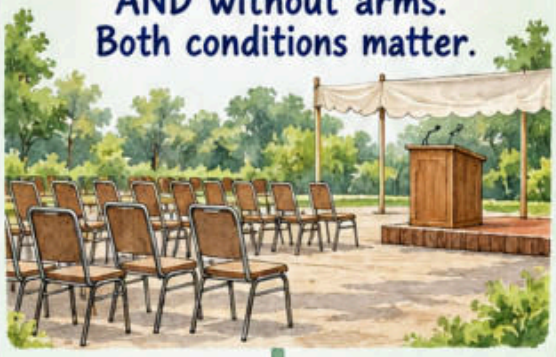
Sources: Constitution of India, Article 19; Shreya Singhal (2015).

Assembly and association: similar, not identical

Match each freedom to its own restriction grounds

Article 19(1)(b)

Assemble peaceably AND without arms. Both conditions matter.



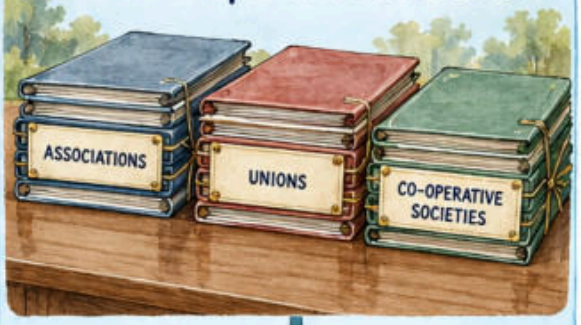
Article 19(3)

Allows reasonable restrictions by law for:

- sovereignty and integrity of India;
- public order.

Article 19(1)(c)

Form associations, unions OR co-operative societies.



Article 19(4)

Allows reasonable restrictions by law for:

- sovereignty and integrity of India;
- public order;
- morality.

Ground	Assembly 19(3)	Association 19(4)
Sovereignty and integrity of India	Yes	Yes
Public order	Yes	Yes
Morality	Not named here	Yes



The 97th Amendment Act, 2011 inserted "or co-operative societies" into Article 19(1)(c).

19(1)(b) → 19(3)

19(1)(c) → 19(4)

"Reasonable restrictions" means constitutional scrutiny, not automatic validity merely because a ground is named.

Source: Constitution of India, Article 19.

Movement, residence and livelihood

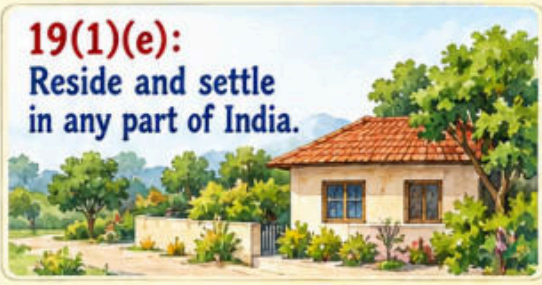
Clauses (5) and (6) use different legal routes

Two freedoms converge on ONE restriction clause.

19(1)(d): Move freely throughout India.



19(1)(e): Reside and settle in any part of India.



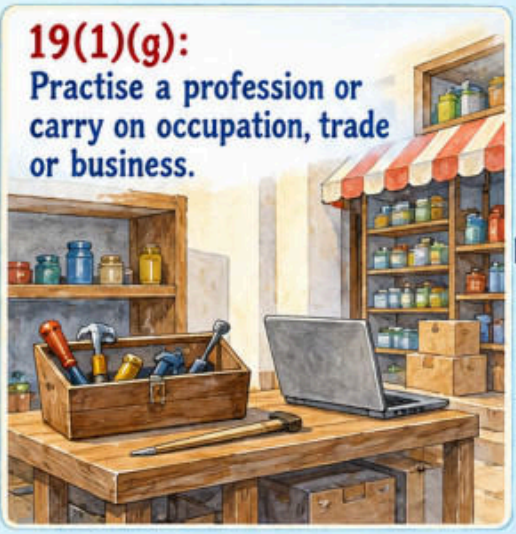
19(5).

Two grounds:

- interests of the general public;
- protection of the interests of any Scheduled Tribe.

Only clause (5) among these restriction clauses names Scheduled Tribes.

19(1)(g): Practise a profession or carry on occupation, trade or business.



19(6).

General ground:

- interests of the general public.

Two specifically preserved kinds of laws:

(i) Professional or technical qualifications needed for practising a profession or carrying on occupation, trade or business.

(ii) Trade, business, industry or service carried on by the State, or a corporation owned or controlled by the State. Such laws may exclude citizens completely or partly, or operate without exclusion.

Comparison

19(5) covers BOTH (d) and (e).	19(6) covers (g).	Neither clause names "public order" or "sovereignty and integrity of India" as its ground.

Constitution of India, Article 19(5)–(6).

Three amendments, three different changes

The Act's year is not always its commencement date

FIRST AMENDMENT, 1951

Act dated 18 June 1951.



Substituted Article 19(2) with retrospective effect: the new wording is deemed always to have been enacted.

SIXTEENTH AMENDMENT, 1963

In force from 5 October 1963.



Inserted "the sovereignty and integrity of India" into clauses (2), (3) and (4).

44TH AMENDMENT, 1978

These changes took effect on 20 June 1979.



- Removed 19(1)(f) and Article 31.
- Clause (5) changed from "(d), (e) and (f)" to "(d) and (e)".
- Inserted Article 300A through section 34.
- Changed Article 358 through section 39.

Article 19(2)

Before (1950)

The original 1950 Article 19(2) did not contain "public order".

After (1951)

The new wording named security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation and incitement to an offence.

Clause (6) gained the professional-qualification and State-business provisions from 18 June 1951.

Articles 19(2), (3) and (4)

Before (1963)

Did not contain "the sovereignty and integrity of India".

After (1963)

Inserted "the sovereignty and integrity of India" into clauses (2), (3) and (4).

Additional change

The 97th Amendment Act, 2011 added "or co-operative societies" to 19(1)(c).



Romesh Thappar: why the 1950 wording matters

Judgment, 26 May 1950 → First Amendment, 1951

THE DISPUTE

Madras banned the entry and circulation of Cross Roads, a Bombay weekly, under the Madras Maintenance of Public Order Act, 1949.



THE ORIGINAL 1950 CLAUSE

Article 19(2) referred to libel, slander, defamation, contempt of court, decency or morality, and matters undermining the security of, or tending to overthrow, the State.

It did not name "public order".



THE DISTINCTION

Public order is wider than security of the State.

Public order

Security of the State

THE OUTCOME

A provision allowing restriction for public order generally exceeded the then clause (2).

The provision was void and the ban was quashed.

Justice Fazl Ali dissented.





1951 RESPONSE

The First Amendment substituted clause (2) with retrospective effect.

Its Statement of Objects and Reasons, 10 May 1951, signed by Jawaharlal Nehru, criticised judicial readings that could protect advocacy of murder.



EXAM LESSON

Ask which version of the constitutional text the question uses.

Original 1950 wording and amended wording are not interchangeable.

Sources: Romesh Thappar (1950); First Amendment Act and Statement of Objects and Reasons.

What makes a restriction reasonable?

Proportionality is a sequence of legal tests

1 LEGITIMATE AIM
Does the measure pursue a legitimate objective?



2 SUITABLE MEANS
Is it rationally connected to that objective?

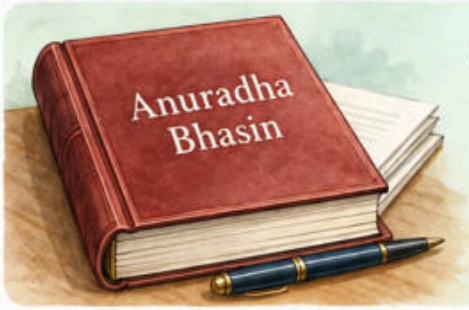


3 NECESSITY
Is there a less restrictive, equally effective alternative?



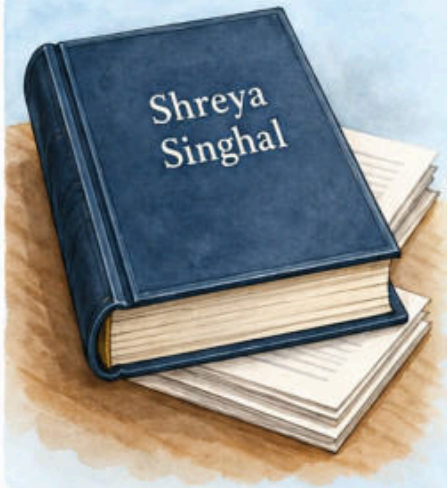
4 BALANCE
Is the impact on the right-holder disproportionate to the aim?





Anuradha Bhasin, 10 January 2020, discusses this framework and stresses the least restrictive measure.

A restriction must not be arbitrary or excessive; courts test the particular measure rather than treating "reasonable" as a blank cheque.



Shreya Singhal, 24 March 2015, quoting Chintaman Rao: limits should not be arbitrary or excessive beyond public need.

A speech-specific distinction:

DISCUSSION → ADVOCACY → INCITEMENT

Mere discussion or advocacy, however unpopular, lies at the heart of 19(1)(a).

The Court's discussion of incitement concerned the public-order and related grounds; do not erase the other grounds expressly listed in 19(2).



Takeaway: Identify the right, the matching restriction clause, the legal basis and the proportionality of the actual measure.

A stated public interest is not by itself a complete constitutional test.

Sources: Shreya Singhal (2015), paras 13 and 23; Anuradha Bhasin (2020), proportionality discussion.

Articles 14, 19 and 21 work together

The surrounding constitutional framework



MANEKA GANDHI v. UNION OF INDIA

25 January 1978; seven judges.



Justice Bhagwati held that Articles 19(1) and 21 are not mutually exclusive. A law affecting an Article 19 freedom must meet that Article's test even when examined under Article 21. Procedure must be right, just and fair, not arbitrary, fanciful or oppressive: Article 14 is engaged too.

K.S. PUTTASWAMY

24 August 2017; nine judges; unanimous.



Privacy is protected under Article 21 and as part of the freedoms guaranteed by Part III. Do not reduce privacy to a separately enumerated entry in Article 19(1).

KESAVANANDA BHARATI

24 April 1973; thirteen judges.



Parliament can amend Part III, including Article 19, but cannot alter the Constitution's basic structure. This is a limit on amending power, not an extra ground of restriction in 19(2).



The linked Articles illustrate combined scrutiny; they are not interchangeable texts.

Sources: Maneka Gandhi (1978); K.S. Puttaswamy (2017); Kesavananda Bharati (1973).

Speech includes more than spoken words

Three judicially recognised dimensions of Article 19(1)(a)

PRESS AND CIRCULATION



Romesh Thappar, 26 May 1950

Propagation of ideas requires circulation.

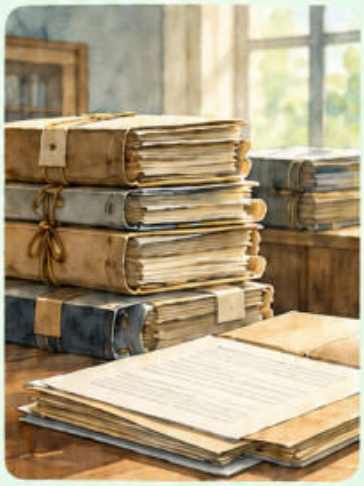
Bennett Coleman, 30 October 1972

Speech and expression includes press freedom and circulation.

Parts of the Newsprint Policy, 1972–73 were struck down.

"Press" is not separately written in Article 19.

RIGHT TO KNOW



State of U.P. v. Raj Narain, 24 January 1975

Five judges.

Justice Mathew linked the people's right to know public acts to freedom of speech.

It is not an absolute right.

COMMERCIAL SPEECH



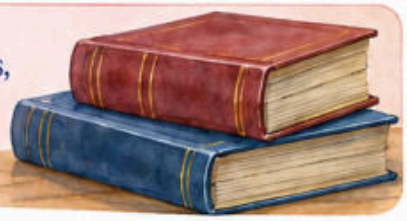
Tata Press v. MTNL, 3 August 1995

Paid advertisements in the Tata Press Yellow Pages buyers' guide received Article 19(1)(a) protection.

Commercial speech is subject to Article 19(2).

Constitution names the freedom → Courts explain its dimensions → The applicable restriction framework still operates.

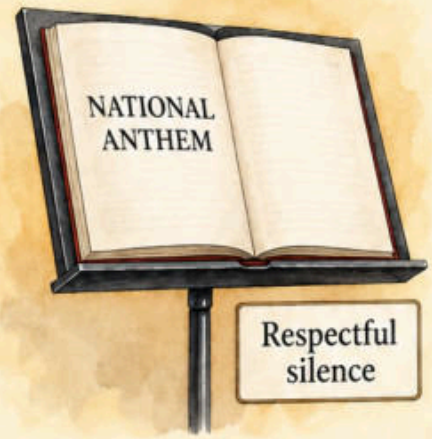
Exam distinction: These are judicially recognised dimensions, not newly added lettered sub-clauses. Do not invent a separate "press clause" or "information clause".



Sources: Romesh Thappar; Bennett Coleman; Raj Narain; Tata Press judgments.

Expression, respectful silence and the internet

Know the exact holding – and its boundary



BIJOE EMMANUEL v. STATE OF KERALA

11 August 1986

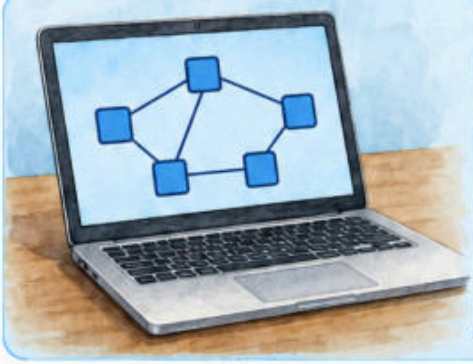
- Three Jehovah's Witness children stood respectfully but did not sing the National Anthem.
- Expulsion violated Articles 19(1)(a) and 25(1).
- The circulars were departmental instructions, not law.
- Guidebooks call it a "right to silence" case, but the judgment does not use that phrase; it held that no law obliged them to sing.



NAVEEN JINDAL

23 January 2004; three judges

- A citizen's right to fly the National Flag freely with respect and dignity is a qualified fundamental right under 19(1)(a), subject to 19(2).
- The Flag Code is not "law" under Article 13(3)(a).



ANURADHA BHASIN

10 January 2020; three judges

- Speech through the internet is protected by 19(1)(a); trade through it by 19(1)(g).
- The Court did not decide whether access to the internet itself is a fundamental right.

Boundary

respectful non-singing ≠ disrespect	qualified flag right ≠ unrestricted conduct	protected internet activity ≠ a holding on access itself

Sources: Bijoe Emmanuel (1986); Naveen Jindal (2004); Anuradha Bhasin (2020).

Two digital-age judgments, two different questions

Shreya Singhal (2015) and Anuradha Bhasin (2020)

SHREYA SINGHAL

24 March 2015

Justices J. Chelameswar and R.F. Nariman.



Section 66A, Information Technology Act, 2000 → punished specified messages sent through computer resources or communication devices, including "grossly offensive" or "menacing" information.

↓

failed Article 19(2) scrutiny.

↓

declared unconstitutional.

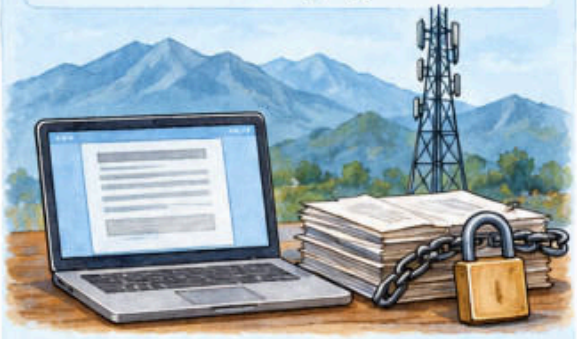
↓

The Court found no proximate relationship to public order. Mere discussion or advocacy, however unpopular, is distinct from incitement.

ANURADHA BHASIN

10 January 2020

three judges.



Internet shutdown in Jammu and Kashmir → speech and trade through the internet protected under 19(1)(a) and 19(1)(g) → restrictions require law, proportionality and review.

↓

Four safeguards:

- indefinite suspension is impermissible.
- orders must be temporary and time-bounded.
- restriction orders must be published.
- orders are subject to judicial review and periodic review.

↓

The Court did not rule that internet access itself is a fundamental right.

Comparison



Shreya Singhal struck down a penal provision.

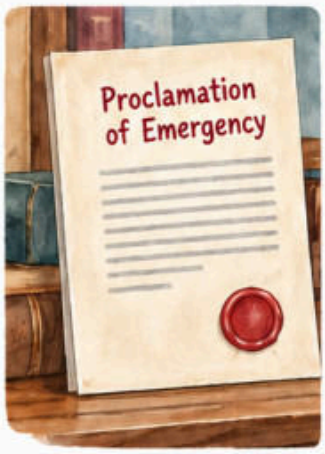
Bhasin laid down limits and safeguards for restrictive orders.



Sources: Supreme Court judgments, 24 March 2015 and 10 January 2020.

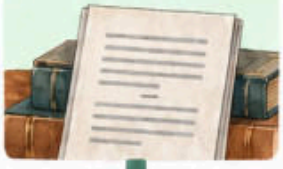
Article 358: an Emergency rule with conditions

War or external aggression — not every Emergency



GATE 1
Is a Proclamation in operation declaring security threatened by WAR or EXTERNAL AGGRESSION?

GATE 2
Does the law recite that it relates to that Proclamation?

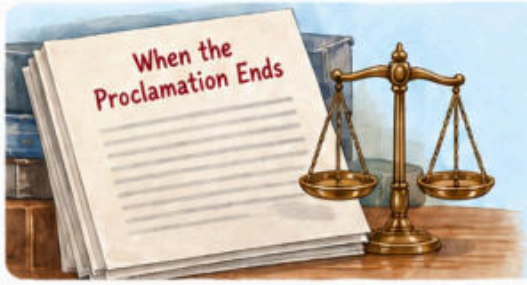


GATE 3
For executive action
Is the executive action taken under a law containing that recital?





Where Article 358 applies, Article 19 does not restrict the State's otherwise competent power to make laws or take executive action. The recital and lawful-action conditions in clause (2) matter.

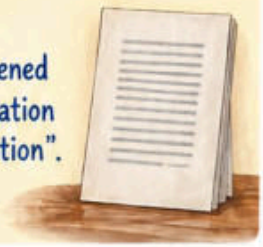


WHEN THE PROCLAMATION ENDS

The law ceases to operate to the extent of its constitutional incompetency, except for things already done or omitted before it ceased. The law is not permanently immune.

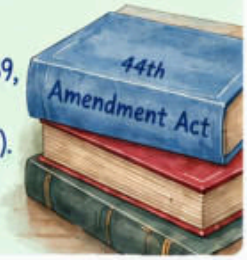
BEFORE

Article 358 originally opened simply "While a Proclamation of Emergency is in operation".



AFTER

The 44th Amendment, section 39, limited it to war or external aggression and added clause (2). These changes took effect on 20 June 1979.





Takeaway:

A short claim that Article 19 is automatically suspended during every Emergency misses both the grounds and the constitutional conditions.

Source: Constitution of India, Article 358; 44th Amendment Act, section 39.

Property: removed from Part III, not abolished

The 44th Amendment changed the constitutional location

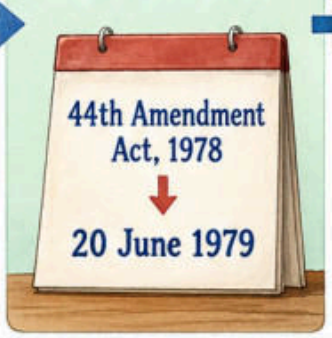
BEFORE

Part III included Article 19(1)(f) and Article 31.



CHANGE

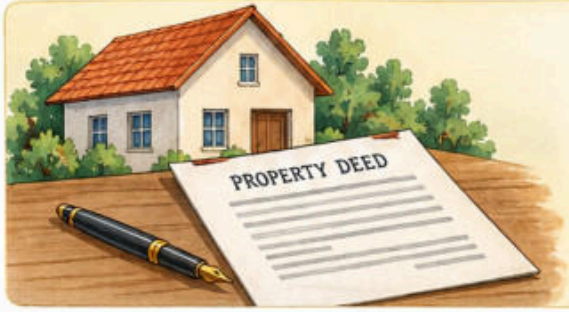
The 44th Amendment Act, 1978 omitted both provisions from 20 June 1979.



AFTER

Article 300A stands in Part XII, Chapter IV, "Right to Property". It says: "No person shall be deprived of his property save by authority of law."





Legal boundary

Property is no longer a Fundamental Right under Part III, but it remains constitutionally protected by Article 300A.

"No person" is not confined to the citizens-only wording of Article 19.

Three exam distinctions

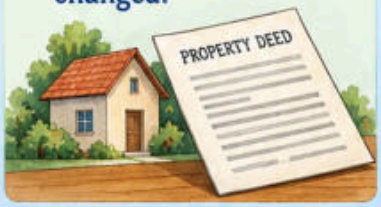
1 Every person?

Article 19 is for citizens. Article 14 protects any person.



2 Property abolished?

No. Its constitutional location and status changed.



3 Separate press right named?

No. Press freedom is read into 19(1)(a), with 19(2) restrictions.



Dates strip



44th Amendment Act, 1978 ≠ EFFECTIVE DATE for these changes 20 June 1979



Sources: Constitution of India, Articles 19, 31 (omitted), 300A; 44th Amendment Act.

Article 19: the chronology of change

Judgments and amendments answer different questions

26 May 1950
Romesh Thappar: public order absent from original 19(2); ban struck down.



18 June 1951
First Amendment: substituted 19(2) retrospectively; changed 19(6).



5 October 1963
Sixteenth Amendment effective: sovereignty and integrity in 19(2)–(4).



30 October 1972
Bennett Coleman: press, circulation, citizen-shareholders.



24 April 1973
Kesavananda Bharati: basic-structure limit on amendments.



24 January 1975
Raj Narain: right to know public acts.



25 January 1978
Maneka Gandhi: Articles 14, 19 and 21 read together.



20 June 1979
Relevant 44th Amendment changes effective: property provisions and Article 358.



11 August 1986
Bijoe Emmanuel: respectful non-singing protected.



3 August 1995
Tata Press: commercial speech.



23 January 2004
Naveen Jindal: qualified right to fly the National Flag.



24 March 2015
Shreya Singhal: section 66A unconstitutional.



24 August 2017
Puttaswamy: privacy under Article 21 and Part III.



10 January 2020
Anuradha Bhasin: internet restrictions and proportionality.



3 January 2023
Kaushal Kishor: majority on enforcement beyond State actors.

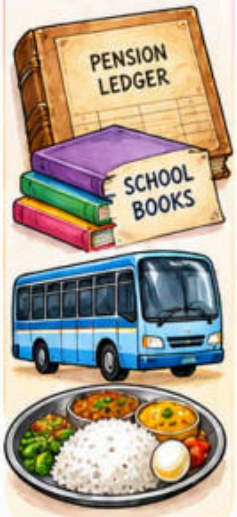


Pattern: amendments alter the constitutional text; judgments interpret its protection and limits. Most later cases expand recognised dimensions, but not every case is about expanding a freedom.

Sources: Constitution amendment footnotes; the listed Supreme Court judgments.

AP welfare: a benefit needs a delivery system

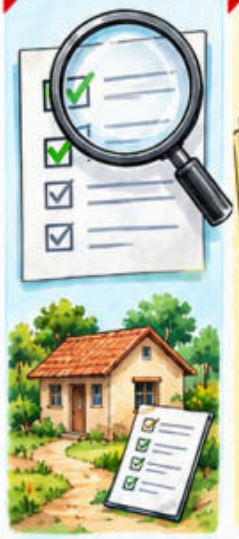
Purpose
- income security
- schooling
- mobility
- food



Eligibility
scheme rules and supporting evidence.



Verification
records plus field checks.



Sanction
competent authority.



Delivery
payment or service.

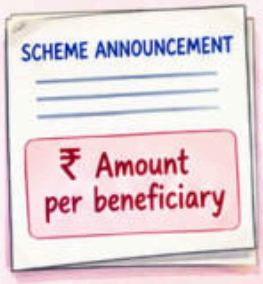


Accountability
grievance, monitoring and audit.



COMPARE: common misunderstandings

A scheme's announced amount is not proof that every applicant qualifies.



The announced amount shows the benefit design. Only eligible persons who complete the process receive it.

A budget allocation is not actual expenditure.



Budget allocation is a provision in the budget. Actual expenditure is the amount finally spent after sanction and delivery.

Submitting an application is not receiving sanction.



An application only starts the process. It is not a sanction. Sanction is issued later by the authorised competent authority after eligibility and verification.

Example: pension applicant



An eligible pension applicant still passes document checks, field verification and the authorised sanction stage before receiving the benefit.

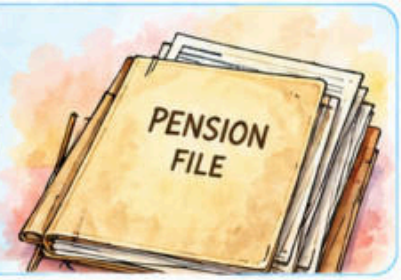
Answer-ready frame: purpose → beneficiary → entitlement → process → evidence of delivery

Source: AP pension memo6September2026; supplied Topic242 notes. Position checked31October2026.

Four schemes: benefit is different from budget

NTR BHAROSA

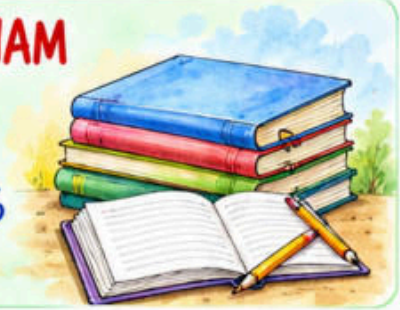
Monthly social-security pensions for eligible categories.



2026-27 BE: Rs 27,719 crore

THALLIKI VANDANAM

Rs 15,000 per child annually, as described in the 14 February 2026 Budget speech.



2026-27 BE: Rs 8,456 crore

ANNADATA SUKHIBHAVA – PM KISAN

Budget speech reports Rs 20,000 per farmer family for 2025-26, combining State and central support.



2026-27 BE: Rs 6,600 crore

STREE SHAKTI

Free bus travel for women; introduced 15 August 2025 according to the Budget speech.



2026-27 BE: Rs 1,420 crore

Benefit rate: amount per person/child/family over a period.

Budget provision: amount allocated to the programme for a financial year.

BE means Budget Estimate – not actual spending, and not proof that every applicant received the benefit.

Source: AP Budget speech 14 February 2026; PRS AP Budget Analysis 11 March 2026; NTR Bharosa official portal. Historical 2025-26 benefits and 2026-27 BE are distinct.

NTR Bharosa: read the category before the amount

Official portal checked 31 October 2026; enhancement order G.O.Ms.No.43, 13 June 2024.

Rs 4,000 per month

Older persons, widows, single women, weavers, toddy tappers, fishermen, ART (PLHIV) recipients, traditional cobblers, transgender persons and Dappu artists.



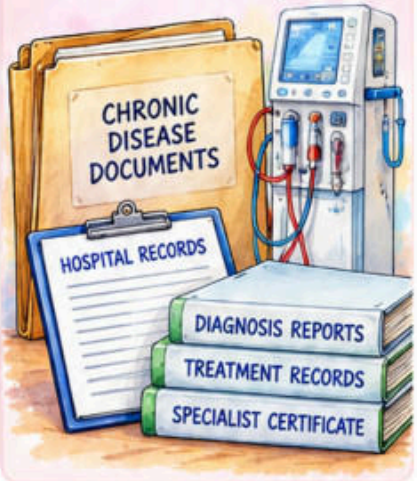
Rs 6,000 per month

Persons with disabilities and persons with multi-deformity leprosy, as listed on the portal.



Rs 10,000 per month

Specified chronic-disease categories listed on the portal, including qualifying kidney disease/dialysis, organ-transplant and grade 4 bilateral elephantiasis categories.



Note: These are selected verified portal categories, not a complete eligibility manual. Medical-category criteria and supporting certificates must be checked; a diagnosis label alone does not establish entitlement.

Monthly pension RATE ≠ Annual SCHEME ALLOCATION



A category check comes before selecting a payment rate

1. Check category on the portal
2. Gather required proof
3. Check the rule and eligibility
4. Then the payment rate applies



Source: NTR Bharosa portal; signed pension memo 6 September 2026.

Pension eligibility: identity is only the first check



Category-wise documents as per Memo Annexure II

Pension category	Required proof (as per Annexure II)
Old age	Aadhaar for age proof.
Widow	Husband's death certificate and Aadhaar number.
Single woman	Court/Adalat divorce decree if married; Tahsildar non-marriage certificate if unmarried.
Disability	SADAREM certificate: benchmark disability 40% or more.
Weaver	Handloom & Textiles certificate.
Fisherman	Fisheries certificate.
Dappu artist / traditional cobbler	Social Welfare certificate.
Toddy tapper	Prohibition & Excise certificate.
Transgender person	District Medical Board certificate.

How the verification proceeds



Aadhaar alone does not prove eligibility. Common rules are referenced to G.O.Ms.No.174 dated 13 December 2019; do not invent income/land thresholds.

Source: AP PR&RD Memo 3407491/RD.I/A1/2026, 6 September 2026, Annexure II.

A pension application: from desk to doorstep

AP signed memo • 6 September 2026

1 APPLY

Swarna Grama / Swarna Wardu office.



Submit the application with:

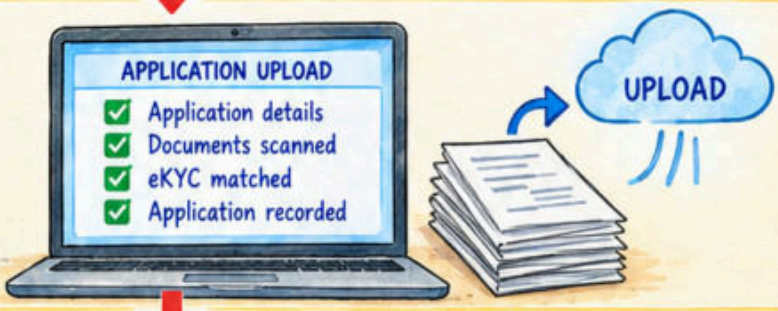
- Aadhaar
- rice card OR income certificate
- category proof



2 REGISTER

Digital Assistant (village) or WEDPS (ward) receives and uploads.

eKYC matched at registration.



3 FIELD VERIFICATION

WEA / WWDS forwards eligible applications.
Staff verify at the residence.
eKYC is taken if not done earlier.





4 UPLOAD FINDINGS

WEA / WWDS uploads the verification result.



ROUTING AFTER VERIFICATION (BASED ON CATEGORY)

Single women
Tahsildar → MPDO / Municipal Commissioner

Special categories
Relevant district and State departments

Other categories
MPDO / Municipal Commissioner

A recorded application is not a sanction.
Category-specific verification remains necessary.

WEA Welfare and Education Assistant
WEDPS : Ward Education and Data Processing Secretary
WWDS : Ward Welfare and Development Secretary

Source: Memo No.3407491/RD.I/A1/2026

Recommendation is NOT sanction

Stage 1: MPDO / Municipal Commissioner: scrutiny and recommendation

1. Applicant details
2. Supporting documents
3. Common eligibility
4. Existing pension database
5. Physical verification report
6. eKYC details

Scrutiny and Recommendation

The MPDO shall not give any sanctions.

Stage 2: State verification and final sanction

Swarna Grama / Swarna Wardu Department + RTGS + SERP

↓

Final validation by CEO, SERP

↓

Budget proposal

↓

Government approval and budget

↓

SERP sanction

Category-specific departments finalise eligibility where applicable.

For special categories, the relevant district and State departments verify and finalise eligibility before the final sanction process. Follow the category-specific route in the signed memo.

Application month ≠ automatic payment start

Payment begins in the month of sanction; not retrospectively.

Conceptual example:

Application received → Verification completed → Sanction issued

The sanction month governs the new pension payment.

Note: Receipt of an application or recommendation does not mean that every applicant will be approved. Sanction will be issued only after due process and government approval.

Source: Signed AP pension memo, 6 September 2026, pp.6-7.

Accountability: three different questions

1 Eligibility scrutiny: Does the applicant meet notified rules?



Documents submitted as per notified rules



Field verification of facts and documents



Competent authority examines records under notified rules

Decides as per notified rules

Verification establishes eligibility; it is not the same as grievance redress.

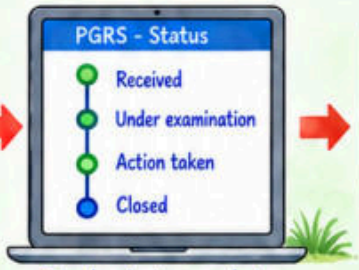
2 PGRS: Has a service grievance been recorded and followed up?



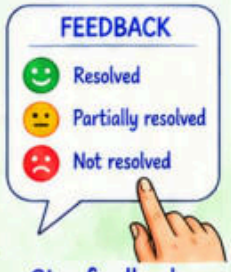
Grievance registration through AP PGRS



Grievance number generated (receipt)



Track status updates online



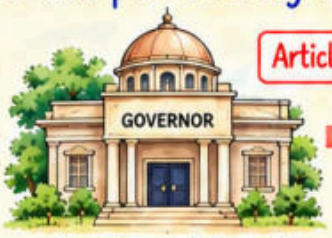
Give feedback on resolution

AP Public Grievance Redressal System allows grievance registration and tracking.
A grievance receipt is not a pension sanction.

3 Financial audit: How was public money accounted for?



Comptroller and Auditor General (CAG) conducts audit and submits report



Audit report is sent to the Governor

Article 151(2)



Governor lays the state-account audit reports before the State Legislature.

State-account audit reports go to the Governor for laying before the State Legislature.



Application record ≠ Entitlement approval



Dashboard count ≠ Audit conclusion

Worked example:



A missing payment may need grievance follow-up through PGRS; eligibility still depends on notified rules, and an audit examines public accounts.

Sources: pgrs.ap.gov.in | CAG – Constitutional Arrangements, Article 151(2) | AP pension memo 6 Sept 2026

Targeting errors: read the evidence carefully

Inclusion error: ineligible person included



An ineligible person receives the benefit due to weak checks, outdated records or implementation gaps.

Exclusion error: eligible person left out

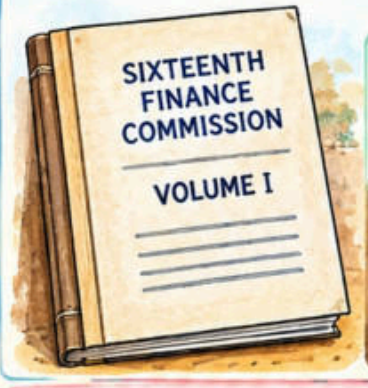


An eligible person does not receive the benefit due to missing information, procedural hurdles or poor outreach.

Good delivery reduces both errors; stricter checks alone do not prove universal coverage.

Source and evidence:

Sixteenth Finance Commission, Volume I, para 14.34, printed p. 303.



State verification covered ONE village/ward secretariat in EACH district.



9.0% ineligible

0.6% found dead



These are findings within that verification. Do not generalise them as measured percentages for every pension beneficiary across Andhra Pradesh.

Reading the evidence: a simple ladder

1 Who was checked?	Pension records in the State verification.
2 Which unit was sampled?	ONE village/ward secretariat in EACH district.
3 What was measured?	Share of ineligible cases and cases of persons found dead in the verification sample.
4 How far can the conclusion travel?	Only to the verification sample. It cannot be taken as a measured percentage for all pension beneficiaries across Andhra Pradesh.

✓ **Valid:** The Commission cites targeting problems in the verification.

✗ **Invalid:** Exactly 9.0% of all State pensioners are ineligible.

A precise figure still needs a precise denominator and scope.

Budget promise ≠ money actually spent

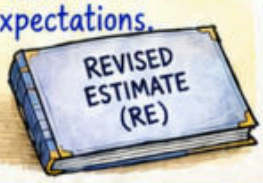
1. BE: Budget Estimate

Government's proposal of how much it plans to spend in a year.



2. RE: Revised Estimate

Updated estimate for the financial year, based on spending trends and revised expectations.



3. Actual: recorded expenditure

The amount actually spent and recorded in the government accounts at the end of the year.



Keep year, accounting category and estimate status attached to every figure.

AP welfare of SC, ST, OBC and minorities

Item	2025-26 BE	2025-26 RE
AP welfare of SC, ST, OBC and minorities	Rs 52,047 crore	Rs 41,705 crore

2024-25 actual: Rs 36,160 crore.
PRS reports 24% below that year's budget.

Four 2026-27 BE allocations

NTR Bharosa



Rs 27,719 crore

+

Thalliki Vandanam



Rs 8,456 crore

+

Annadatha Sukhibhava



Rs 6,600 crore

+

Stree Shakti



Rs 1,420 crore

Total = Rs 44,195 crore

Share of total expenditure (excluding debt repayment)

$$\frac{44,195}{310,058} \times 100 \approx 14.3\%$$

Derived share of 2026-27 expenditure excluding debt repayment; NOT a published expenditure outcome.

Do not confuse NTR Bharosa scheme allocation with the separate committed-expenditure pension category.

Source: PRS Andhra Pradesh Budget Analysis 2026-27, 11 March 2026.

Welfare outcomes: beyond the announcement

Deepam 2.0: three free LPG cylinders per year



- Provides three free LPG cylinders per year to eligible households (women beneficiaries).
- Budget speech 14 February 2026, para 58: 1.08 crore women beneficiaries.

Budget-reported snapshot, not a fresh audit.

Anna Canteens: affordable meals for the urban poor



- Provides nutritious and affordable meals to the urban poor, helping to reduce hunger and food insecurity.
- Supports vulnerable urban households, including workers and the homeless.

From announcement to real welfare: the outcome chain

Allocation



Money provided in budget.

→

Timely delivery



Eligible person receives service.

→

Use of benefit



Benefit is accessible and usable.

→

Welfare outcome



Reduced hardship or improved opportunity.

Spending or enrolment alone cannot prove the final outcome.

Funds may be allocated and beneficiaries enrolled, but leakages, delays or non-usage can occur. The real measure is whether the benefit reaches intended people and leads to a meaningful improvement in their well-being.

Types of welfare support: different pathways to outcomes

Cash support: purchasing power



- Transfers money to beneficiaries.
- Increases household purchasing power to meet diverse needs.

In-kind benefit: specific household need



- Provides a specific good or service (e.g., LPG cylinders).
- Useful when the goal is to ensure access to essential items.

Public service: access to a service



- Delivers a service directly (e.g., meals).
- Useful for groups that need assured access, especially the urban poor.

Revision framework for answer writing

1. **Name the scheme and purpose.** State the key objective and what problem it addresses.
2. **State the eligibility source.** Mention the eligibility criteria and the source (e.g., government order / guidelines).
3. **Trace delivery and sanction.** Explain how the benefit reaches beneficiaries (sanction, delivery mechanism, last mile).
4. **Distinguish BE, RE and actual.** Compare Budget Estimates (BE), Revised Estimates (RE) and actual expenditure to assess utilisation.
5. **Evaluate targeting, grievances and audit.** Assess whether the scheme reaches intended beneficiaries, note grievance redressal mechanisms and the role of audit.

Key takeaway for Mains answer

A strong answer links benefit, delivery, fiscal cost and accountability—not just a list of schemes.

Sources:

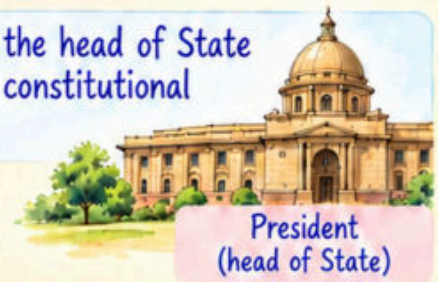
- AP Budget Speech 2026-27, para 58.
- AP Socio-Economic Survey 2024-25 (Anna Canteens purpose).

The key test: who governs, and whose confidence matters?

Compare India's parliamentary executive with the US presidential model.

India: Parliamentary model

President is the head of State and formal constitutional executive.



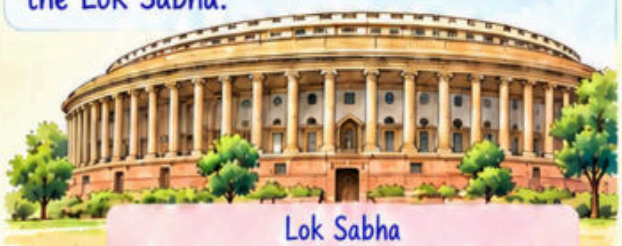
President
(head of State)

Prime Minister and Council of Ministers exercise real executive leadership.



Prime Minister and Council of Ministers
(real executive leadership)

The Council of Ministers is collectively responsible to the Lok Sabha.



Lok Sabha
(gives and can withdraw confidence)

Confidence of Lok Sabha

Council of Ministers: depends on Lok Sabha confidence.

USA: Presidential model

President combines head of State and head of government.



President
(head of State and head of government)

President does not need Congress's continuing confidence to remain in office.

President is elected separately.

Congress cannot remove the President merely for loss of legislative confidence. Impeachment is distinct.



Presidential election
(elects the President)

Congress
(legislative branch)

Two constitutional models

These are two constitutional models. They show how India and the USA organise executive leadership. They are not a rule that every country fits perfectly.

Conceptual institutional illustrations.

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

India: formal executive and real executive work together.

Article 53(1)

The union executive power is formally vested in the President of India.



President of India formal head of the Union executive.

Article 74(1)

The Council of Ministers with the Prime Minister as its head aids and advises the President in the exercise of the executive power of the Union.

advice



Council of Ministers headed by the Prime Minister aids and advises.

President acts according to advice.

The President acts in accordance with the advice of the Council of Ministers.



The President may require the Council of Ministers to reconsider its advice.

After reconsideration, the President must act in accordance with the advice tendered on reconsideration.

Article 75(3)

The Council of Ministers shall be collectively responsible to the Lok Sabha.



Working together in the Union executive.

The Constitution provides formal vesting of executive power in the President and day-to-day political executive leadership through the Council of Ministers headed by the Prime Minister. They work together as a single Union executive in accordance with the constitutional scheme.



No contradiction.

There is no contradiction between Article 53(1) and Article 74(1). Article 53(1) provides for formal constitutional vesting of the Union executive power in the President, while Article 74(1) and Article 75(3) provide for day-to-day political executive leadership and collective responsibility to the Lok Sabha. Both provisions operate together in the constitutional scheme.

Day 26 | Topic 253 | 253.02

Conceptual institutional illustrations.

Source: The Constitution of India (as on 1 May 2024), printed on 26, 34.

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Confidence links the ministry to the elected House.

Lok Sabha



Elected House

Confidence and accountability

Questions, debate, scrutiny and confidence test ensure parliamentary accountability.

Council of Ministers



Collectively responsible to the Lok Sabha.

Loss of confidence leads to resignation

If the Council of Ministers loses the confidence of the Lok Sabha, it must resign.



Loss of majority does not impeach the President.

Loss of majority in the Lok Sabha does not automatically impeach the President.



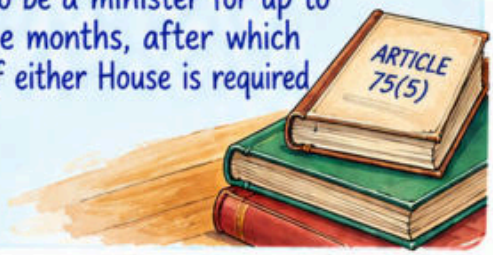
Role of the Rajya Sabha

The Rajya Sabha scrutinises the government and its work, but it cannot remove the government by a no-confidence motion.



Ministers may belong to either House

Ministers can be members of either the Lok Sabha or the Rajya Sabha. Article 75(5) permits a person who is not a member of either House to be a minister for up to six consecutive months, after which membership of either House is required to continue.



No-confidence is collective

A no-confidence motion is against the Council of Ministers as a whole. It does not mean that an ordinary criticism or censure of one minister automatically dismisses the entire Council of Ministers.



Day 26 | Topic 253 | 253.03

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

USA: separate institutions, not disconnected institutions

Congress
Legislative
Article I



Makes and passes laws for the United States.

President
Executive
Article II



Implements and enforces the laws.

Courts
Judicial
Article III



Interprets the law and decides cases.

Checks and balances: they check each other

1 Congress legislates.



Congress passes a bill.

2 President may veto a bill.



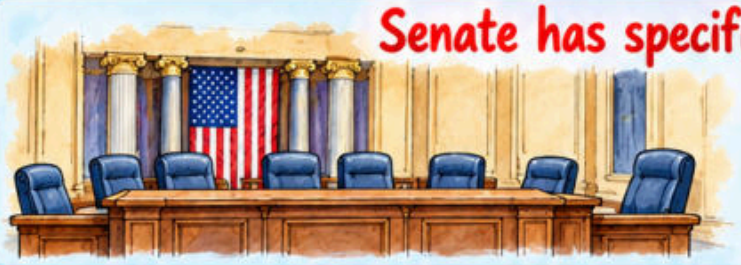
The President. may veto a bill.

3 Congress can override.



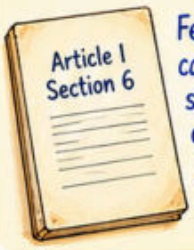
Congress can override a presidential veto with constitutional supermajorities.

Senate has specific roles.



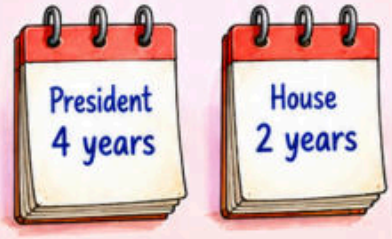
- The Senate has roles in specified executive appointments.
- The Senate has roles in specified treaties.

No simultaneous office.



Federal office-holders cannot simultaneously sit in either House of Congress (Article I, Section 6).

Terms of office.



Separate mandates may require negotiation.



Separate electoral mandates may require negotiation.



Important limit.

The President cannot dissolve Congress.

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

No-confidence and impeachment answer different questions.

India government:

Does Council retain Lok Sabha confidence?



A no-confidence motion is moved and passed in Lok Sabha.

↓

If the motion is passed, the ministry resigns.



↓

No wrongdoing charge is required.

India President:

Charge of violation of Constitution under Article 61.



Either House of Parliament may initiate the charge.

↓

Follow the constitutional special procedure.



↓

This is not a no-confidence process.

USA President:







House of Representatives impeaches. → Senate tries the case. → Conviction requires two-thirds of the members present.

Grounds for impeachment:

- treason
- bribery
- or other high crimes and misdemeanors.

Loss of Congress majority is not a removal ground for the President.

Caution:

Impeachment is not every possible end or interruption of presidential tenure.



≠ Resignation, death and incapacity arrangements are distinct.

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Read the thresholds: India and USA do not use one rule.

India – Article 61

Constitutional source: India 2024 text

1 Notice to initiate

At least 14 days' written notice signed by at least one-fourth of the total membership of the House that initiates the resolution.



2 Passing the resolution

The initiating House must pass the resolution by at least two-thirds of the total membership.



$\frac{2}{3}$ of the **TOTAL membership**

3 Other House investigates

The other House investigates the charge.



4 Sustaining the charge

If the other House sustains the charge by at least two-thirds of the total membership, the President is removed from office.



$\frac{2}{3}$ of the **TOTAL membership**

USA – Impeachment and Removal

Constitutional source: US Archives

1 House has sole power of impeachment

The House of Representatives has the sole power to impeach the President.



2 Senate tries the case

The Senate tries impeachments.



3 Conviction threshold

Conviction requires two-thirds of the members present.



$\frac{2}{3}$ of the **MEMBERS PRESENT**

4 Chief Justice presides

When the President is tried, the Chief Justice presides over the Senate.



KEY DIFFERENCE IN DENOMINATORS

India (Article 61) uses the **TOTAL membership** of the House.



$\frac{2}{3}$ of the **TOTAL membership**

USA uses the **MEMBERS PRESENT** for conviction.



$\frac{2}{3}$ of the **MEMBERS PRESENT**

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Four, two and five: distinguish the constitutional terms.

U.S. President

Term: 4 years



4 years

Separate schematic timelines—not to scale

The U.S. President remains in office for a fixed term of 4 years.

U.S. House of Representatives

Term: 2 years



2 years

Separate schematic timelines—not to scale

Members of the U.S. House of Representatives serve for a term of 2 years.

India Lok Sabha

Ordinary term: 5 years (unless dissolved sooner)



5 years

Separate schematic timelines—not to scale

The Lok Sabha has an ordinary term of 5 years, unless it is dissolved sooner.

Indian ministry tenure



The tenure of the Indian ministry depends on the confidence of the Lok Sabha, not a guaranteed 5 years.

Article 85(2)(b)

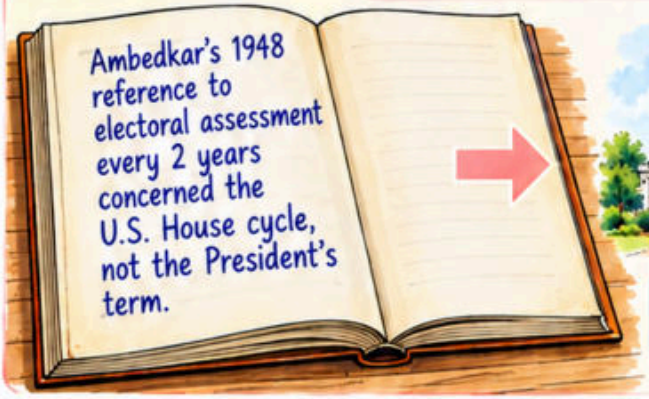


The President may dissolve the Lok Sabha.



The Rajya Sabha is not subject to dissolution.

Ambedkar's 1948 reference





Every 2 years (U.S. House cycle)



4 years (U.S. President's term)

The example is about constitutional periods, not the current election schedule.

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Ambedkar's choice: responsibility and stability

Dr. B. R. Ambedkar explained why the Constitution chose a parliamentary executive that is responsible to the legislature.



Ambedkar's analysis

(4 November 1948, Constituent Assembly speech)

A parliamentary executive remains in office only as long as it enjoys the continuing confidence of the legislature.

A non-parliamentary executive has a fixed tenure and does not depend on the continuing confidence of the legislature. →

Draft's preference

The Draft preferred more responsibility over more stability.

How accountability works in a parliamentary system

Daily questions and debate



The executive is questioned and scrutinised during legislative sittings. →

Confidence of the legislature



The government must retain the continuing confidence of the legislature. →

Periodic election



The people periodically elect the legislature, which holds the executive to account.

India's earlier experience



India's experience under the Acts of 1919 and 1935 showed the need for an accountable government.

Key point

- The desire for an accountable government was one of the reasons given in the NCERT.
- These are Ambedkar's historical comparative arguments, not a mathematical law that one system is always unstable or unaccountable.
- The choice reflects a judgment that responsibility to the legislature is more important than greater stability.

Day 26 | Topic 253 | 253.08

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Compare trade-offs without declaring a universal winner.

Parliamentary



Continuing legislative accountability

The executive remains accountable to the legislature.



Coordination can help policy.

Shared control between executive and legislature can help in policy making and implementation.



Fragile majority may cause instability.

A small or fragile majority may lead to frequent changes in government.



Strong party majority may weaken scrutiny.

A very strong party majority can reduce the effectiveness of legislative scrutiny.



Presidential



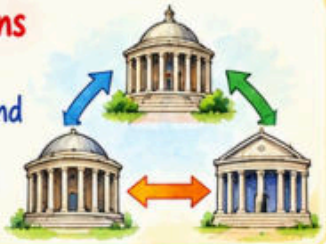
Fixed tenure can promote continuity.

The executive serves a fixed term, which can help policy continuity.



Separate institutions check power.

Executive, legislature and other institutions are separate and can check each other's power.



Competing mandates may produce deadlock.

Different mandates for executive and legislature may lead to deadlock.



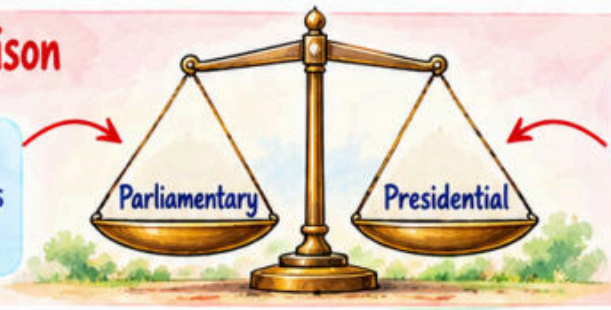
Fixed term can reduce flexibility.

A fixed term may make it harder to respond quickly to new situations.



Overall comparison

Each system has important advantages and potential risks.



The trade-offs depend on the party system, institutions, political culture and constitutional checks.

Key takeaway



- Neither system automatically guarantees democracy, efficiency or rights.
- The risks and benefits depend on the party system, institutions, political culture and constitutional checks.

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

A President's title does not identify the system.

The title of the head of state, such as President, does not by itself tell us whether a country follows a parliamentary or a presidential system.

Diagnostic questions

Read these together; hybrid systems need closer constitutional analysis.

1 Who heads the government?

Is the head of government the President, a Prime Minister, or another office?



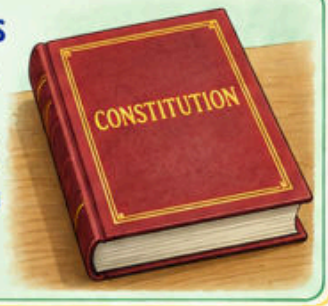
2 Does the executive require the legislature's continuing confidence?

Can the government be removed if it loses the confidence of the legislature?



3 How are executive powers divided by this country's constitution?

Are executive powers concentrated in a single office or shared between a President and a Prime Minister (or other offices)?



Two clear examples

India has a President but follows a parliamentary government.



United States of America follows a presidential system.



Hybrid models need their own constitutional reading.



Country classifications can vary across textbooks. Read constitutional powers and responsibility, not the title alone.

Relevant constitutional provisions for revision

Article 53



Formal vesting of executive power.

Article 74



President to act on the advice of Council of Ministers.

Article 75(3)



Collective responsibility of the Council of Ministers.

Article 75(5)



A minister who is not a member of either House for six consecutive months ceases to be a minister.

Article 61



Impeachment of the President.

Article 85



Dissolution of the Lok Sabha by the President.

Last cue: Confidence is not the same as impeachment, and the formal executive is not the same as the day-to-day political executive.

Day 26 | Topic 253 | 253.10

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Who governs—and who must retain confidence?

Article 74(1)

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



President
Constitutional head

Advice

Reconsideration (if required)



Council of Ministers
with the Prime Minister at the head

Aids and advises

How the President acts

1. The President acts on the advice of the Council of Ministers.
2. The President may request the Council of Ministers to reconsider the advice.
3. After reconsideration, the President is bound to act in accordance with the advice tendered by the Council of Ministers.

Collective responsibility

The Council of Ministers is collectively responsible to the Lok Sabha.



Collective responsibility

Council of Ministers
(with the Prime Minister at the head)

Lok Sabha

Article 74(2)

Courts cannot inquire whether or what advice was tendered by ministers to the President.

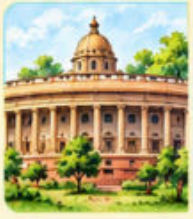
This does not mean that all underlying government action is immune from review.



Formal and political leadership are distinct



President
Constitutional head. Acts on the aid and advice of the Council of Ministers.



Prime Minister and Council of Ministers
Political executive. Collectively responsible to the Lok Sabha.

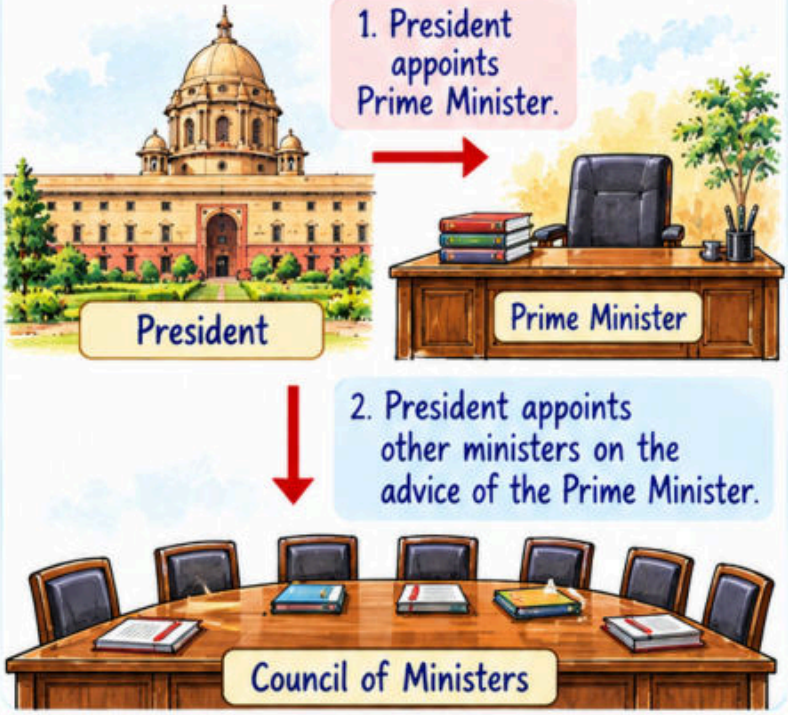
Day 26 | Topic 254 | 254.01

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Appointment is not unrestricted personal choice.

Article 75 (1)

The President appoints the Prime Minister.
The President appoints the other ministers on the advice of the Prime Minister.



Prime Minister must command Lok Sabha confidence.

The Prime Minister must have the confidence of the Lok Sabha.

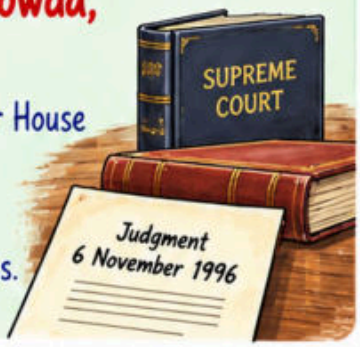


This requirement limits the President's choice.
The appointment is not an unrestricted personal choice.

S. P. Anand v H. D. Deve Gowda, 6 November 1996

A person who is not a member of either House may be appointed as Prime Minister.

The requirement of confidence and accountability to the Lok Sabha remains.



Article 75 (2)

Ministers hold office during the pleasure of the President, but this operates within the parliamentary framework.



This does not imply an automatic five-year ministry tenure.

Hung-house situation.

In a hung-house situation, the choice of Prime Minister is bounded by the requirement of confidence, not by arbitrary discretion.



Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Article 75: attach each rule to its own clause



Article 75 of the Constitution lays down key provisions about the Council of Ministers, including its composition, tenure, responsibility, oaths and emoluments.

75(1) Appointments

The Prime Minister is appointed by the President. Other Ministers are appointed by the President on the advice of the Prime Minister.



75(1A) 15% ceiling including PM

The total number of Ministers, including the Prime Minister, shall not exceed 15% of the total number of members of the Lok Sabha.



75(1B) Bar for disqualified party member

A person who is a member of a political party and is disqualified under Tenth Schedule paragraph 2 shall not be appointed as a Minister until the expiry of his term or until he is earlier declared elected to a House, whichever is earlier.



75(2) Pleasure of the President

The Council of Ministers shall hold office during the pleasure of the President.



75(3) Collective responsibility to Lok Sabha

The Council of Ministers shall be collectively responsible to the Lok Sabha.



75(4) Oaths of office and secrecy

The President shall administer to the Ministers the oaths of office and secrecy in the forms set out in the Third Schedule.



75(5) Six consecutive months without membership

A Minister who for any period of six consecutive months is not a member of either House of Parliament shall cease to be a Minister.



75(6) Salaries and allowances

The salaries and allowances of Ministers shall be such as Parliament may by law determine, and until such law is made, shall be those specified in the Second Schedule.



91st Amendment Act, 2003 | Inserted clauses 75(1A) and 75(1B) in Article 75.

Day 26 | Topic 254 | 254.03

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

15% is a ceiling — not a target.

Constitutional rule

The total number of ministers, including the Prime Minister, shall not exceed 15% of the total strength of the Lok Sabha.



Exact calculation for Lok Sabha strength 543

15% of 543
= 543 × 15/100

→

$543 \times \frac{15}{100}$
= **81.45**

→

The integer count cannot exceed **81** (ministers, including the Prime Minister). **Not 82** by rounding.

81 ≤ 81.45 ✓
Allowed (within the limit).

82 > 81.45 ✗
Not allowed (exceeds the limit).

Who is counted?

All ministerial ranks are included, not just the Cabinet.



Denominator

The 15% limit is on the total strength of the Lok Sabha only, not on both Houses combined.



Which House can ministers belong to?

Ministers may belong to either House of Parliament (Lok Sabha or Rajya Sabha).



Ceiling versus actual strength

This is a calculation for a Lok Sabha strength of 543, not a claim that 81 ministers are serving. Actual Council membership changes over time.



Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Six months: membership and voting are different.

Article 75(5)

A non-member minister — including the Prime Minister — must become a member of either House within six consecutive months from the date of appointment, otherwise he or she ceases to hold office at the end of that period.

Appointment to membership: timeline



Appointment as minister (non-member)





Become a member of either House

OR



Ceases to hold office at the end of the period

S. P. Anand, 1996

The Supreme Court in S. P. Anand (1996) confirms that the Prime Minister is not excluded from the requirement of Article 75(5).



Article 88: Right to speak and participate

A minister may speak and participate in either House, a joint sitting of the two Houses, and in a committee of which he or she is a named member.



Either House



Joint sitting of the two Houses



Committee of which named member

Article 88 does not grant a right to vote.

Voting rights: clear difference

Lok Sabha member



- ✓ Votes only in the Lok Sabha.
- ✗ Does not vote in the Rajya Sabha.

Rajya Sabha member



- ✓ Votes only in the Rajya Sabha.
- ✗ Does not vote in the Lok Sabha.

Non-member minister



- ✗ Cannot vote in either House.

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Cabinet sits inside the larger Council.

Council of Ministers

The Council of Ministers includes the Union Cabinet, Ministers of State (Independent Charge) and other Ministers of State.

Union Cabinet

= Prime Minister + Cabinet rank ministers



Prime Minister + Cabinet rank ministers

Ministers of State (Independent Charge)

A distinct rank. They head a ministry independently.

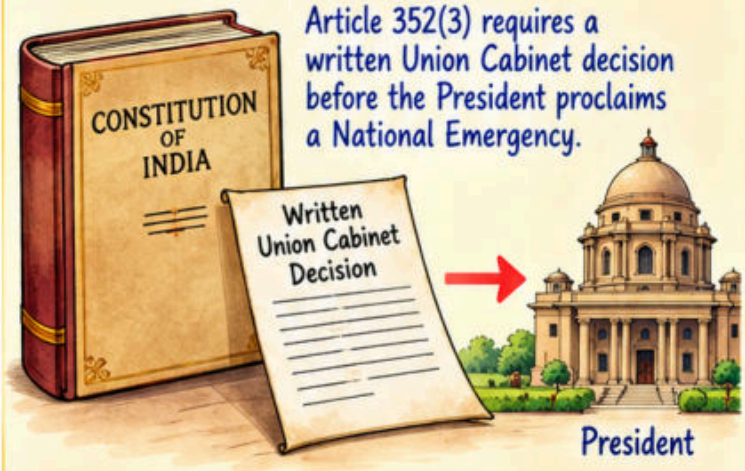


Ministers of State (other)

They work under the guidance of a Cabinet minister.



Article 352(3)



Article 352(3) requires a written Union Cabinet decision before the President proclaims a National Emergency.

What is the Union Cabinet?

The Cabinet is the Prime Minister and the other Cabinet rank ministers appointed under Article 75.



Prime Minister + Other Cabinet rank ministers

Not all ministers are Cabinet members.

The Council of Ministers is larger than the Cabinet. Ministers of State (Independent Charge) and other Ministers of State are part of the Council of Ministers, but they are not automatically members of the Cabinet.

Independent charge is a distinct rank.

A Minister of State (Independent Charge) holds a separate rank and heads a ministry independently. This does not give them Cabinet status.



Deputy minister (historical rank)

Deputy minister was a historical rank. It is not shown as a current appointment.

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Collective responsibility is not the same as individual tenure.

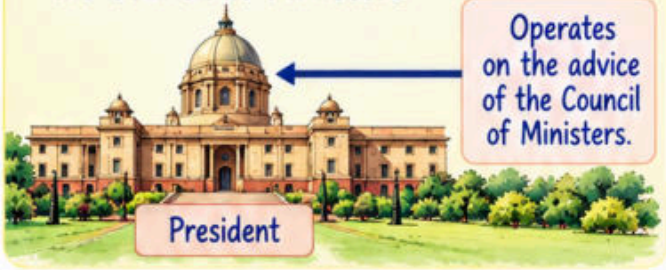
Article 75(3) – Whole Council

The Council of Ministers as a whole is collectively responsible to the Lok Sabha and must retain its confidence.



Article 75(2) – Individual Minister

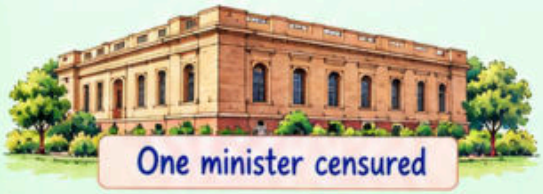
Each minister holds office during the pleasure of the President, who acts on the advice of the Council of Ministers.



Ordinary censure of one minister ≠ automatic dismissal of whole Council.

A censure or loss of confidence against an individual minister does not automatically dismiss the entire Council of Ministers.

≠



A successful no-confidence motion concerns the Council of Ministers as a whole and can lead to its dismissal.



Cabinet decisions and the principle of collective responsibility.

Ministers must support Cabinet decisions. If a minister cannot support a decision, the proper course is to resign. This follows the principle of collective responsibility, not unlimited individual discretion.



Minister from Rajya Sabha.

A minister who is a member of the Rajya Sabha is still part of the Council of Ministers and is collectively responsible to the Lok Sabha.

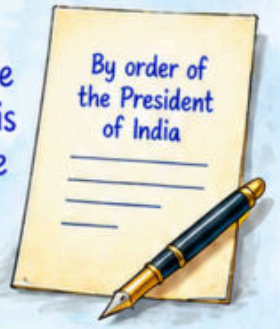


Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

From a policy file to government action.

Article 77(1)

Executive action of the Government of India is expressed in the name of the President.



Article 77(3)

Provides for rules for the transaction of business of the Government of India and for allocation of business among Ministers.



Allocation of Business Rules, 1961

Distribute subjects among Ministries and Departments.



Transaction of Business Rules, 1961

Organize the decision process of the Government of India.



Cabinet Secretariat

Directly under the Prime Minister. Provides secretarial assistance to the Cabinet and its committees, and facilitates inter-ministerial coordination.



From a policy file to action

A file moves through a defined process, with coordination and decisions at the appropriate level. Not all routine files require consideration by the Cabinet.

1. Ministry prepares proposal



The concerned Ministry prepares a proposal on its subject.

2. Coordination



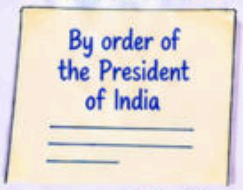
The proposal is examined and coordinated with other Ministries as required.

3. Decision



The decision is taken at the appropriate level as per the rules.

4. Action in the President's name



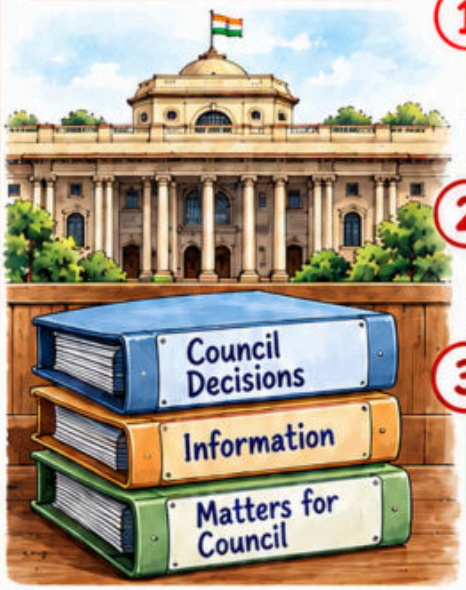
The approved decision is issued as executive action in the name of the President.

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Article 78 makes the PM an information link.

Article 78 requires the Prime Minister to keep the President informed about the work of the government. It creates an information link, not a transfer of decision making power.

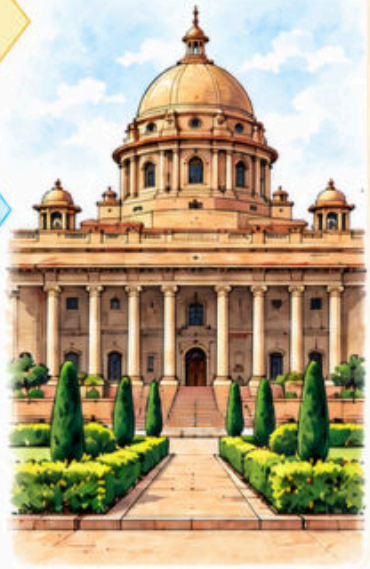
Prime Minister



1. Communicate Council decisions on administration and proposals for legislation.
2. Furnish information that the President calls for.
3. At the President's request: PM submits to the Council a matter decided by one Minister but not considered by the Council.

→ Council of Ministers

President



These provisions do not mean that the President personally takes all policy decisions. The President is kept informed through the Prime Minister.

Prime Minister heads the Council of Ministers.

The Prime Minister:

- heads the Council of Ministers.
- advises the President on the appointment of other Ministers and on the allocation of portfolios.



Special roles held by the Prime Minister.

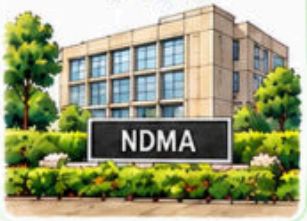
NITI Aayog

The Prime Minister is the Chairperson of NITI Aayog ex officio.



National Disaster Management Authority

The Prime Minister is the Chairperson of the NDMA ex officio.



The Prime Minister is not the chairperson of every disaster related body. The National Executive Committee (NEC) is headed by the Union Home Secretary.

Day 26 | Topic 254 | 254.09

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

A dated roster is not a constitutional rule.

PMO roster snapshot
as on 25 July 2026
(checked 1 November 2026)

Category	Number
Prime Minister	1
Cabinet Ministers	29
Ministers of State (Independent Charge)	5
Ministers of State	34
Total	69

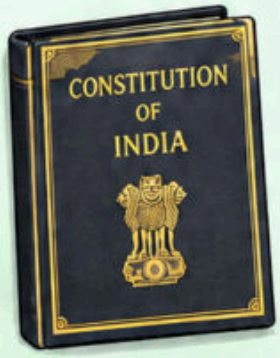
- 29 EXCLUDES Prime Minister.
- No Deputy Minister listed.
- 1 + 29 + 5 + 34 = 69.
- This is an official roster on 25 July 2026.
- Rosters can change over time.

Roster records a dated composition



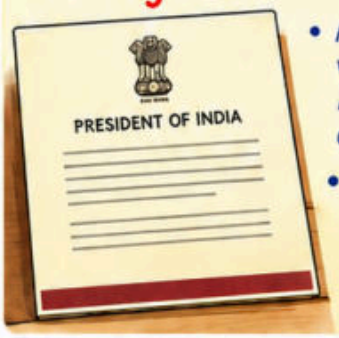
- The PMO roster shows the composition as on 25 July 2026.
- It is an administrative list, not a constitutional rule.
- The composition can change over time due to resignations, new appointments or portfolio changes.

Constitution ceiling is separate



- The Constitution prescribes a ceiling of 15% of the total strength of the Lok Sabha on the Council of Ministers.
- This constitutional limit is distinct from the actual count in the PMO roster.

Official Presidential communiqué 25 July 2026



- A minister's resignation was accepted under Article 75 (2) on the advice of the Prime Minister.
- A portfolio being given as an additional charge was also on the advice of the Prime Minister.

Other relevant provisions



15% cap
Total number of ministers cannot exceed 15% of the total strength of the Lok Sabha.



Six months
A person who is not a member of Parliament must become a member of either House within six consecutive months or cease to be a minister.



Third Schedule
Ministers take the oaths of office and secrecy as provided in the Third Schedule.

Article 88: no automatic vote



A minister who is not a member of either House of Parliament does not have an automatic right to vote in the proceedings of that House under Article 88.

Key takeaway



- The PMO roster is a dated administrative
- It is not a constitutional rule.
- The constitutional ceiling and the actual count are separate.
- Rosters change over time.

Day 26 | Topic 254 | 254.10

Source: pmindia.gov.in (Portfolios marked 25.07.2026)

Conceptual institutional diagrams; chamber illustrations are not architectural reconstructions.

Day27 | Topic262 | 01

Information Commissions

Statutory, not constitutional

Created by an Act of Parliament; not by the Constitution.



Illustrative buildings



Receive complaints



Hear second appeals



Impose penalties under the Act



Quasi-judicial character: some powers of a civil court, but not a court.

Key timeline

15 June 2005



RTI Act enacted

12 October 2005



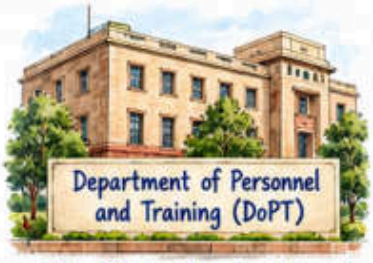
CIC formed

26 October 2005



Wajahat Habibullah takes office as first Chief Information Commissioner

Administration



The RTI Act is administered by the Department of Personnel and Training.

Central and State Commissions protect the information-access process.

Day27 | Topic262 | 02

Who appoints the Commissioners?

CIC – section 12



Central Government



Constitutes by Official Gazette notification

Selection Committee



Prime Minister – Chairperson



Leader of Opposition in Lok Sabha



Union Cabinet Minister nominated by PM

Recommends



President

Appoints



Chief Information Commissioner
+
up to 10 Information Commissioners

SIC – section 15



State Government



Constitutes by Official Gazette notification

Selection Committee



Chief Minister – Chairperson



Leader of Opposition in Legislative Assembly



Cabinet Minister nominated by CM

Recommends



Governor

Appoints



State Chief Information Commissioner
+
up to 10 State Information Commissioners



CIC third committee member:
PM-nominated
Union Cabinet Minister



CVC third committee member:
Union Home Minister

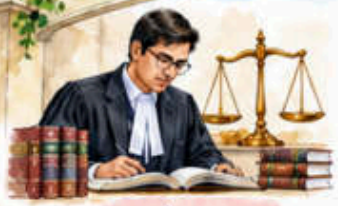
Appointment is different from **constitution** of the body.

People and buildings are illustrative; labels denote offices, not current incumbents.

Day27 | Topic262 | 03

Who may serve?

Public eminence + wide knowledge and experience



Law



Science and technology



Social service



Management



Journalism



Mass media



Administration and governance

Qualifications: sections 12(5) and 15(5)





No membership of Parliament



No membership of a State or Union Territory legislature



No other office of profit



No connection with a political party



No business or profession

Disqualifications: sections 12(6) and 15(6)



Eminence must be demonstrated, not assumed.

Selection committee records facts supporting each candidate's eminence.



A judicial member is not mandatory under sections 12(5) and 15(5).

Day 27 | Topic 262 | 04

Tenure and pay after 2019

2005 Act

Right to Information Act 2005

Five-year term in the Act; maximum age 65; no reappointment.

Chief CIC: Chief Election Commissioner pay; other Central ICs: Election Commissioner pay.

2019 change

24 October 2019

Right to Information (Amendment) Act 2019

Sections 13 and 16: term and service conditions prescribed by the Central Government.

Year 1 | Year 2 | Year 3

2019 Rules fix a three-year term.

Rule 3: Central Commissioners; Rule 12: State Commissioners.

The age limit of 65 and bar on reappointment remain in the Act.

Revised monthly pay (2019 Rules)

PAY SLIP	PAY SLIP	PAY SLIP	PAY SLIP
Chief Information Commissioner	Central Information Commissioner	State Chief Information Commissioner	State Information Commissioner
Rs 2,50,000/month	Rs 2,25,000/month	Rs 2,25,000/month	Rs 2,25,000/month

Government rationale

Statutory commissions differ from the constitutional Election Commission; rationalise service conditions.

Critics' concern

Government control over tenure and pay may weaken autonomy.

Key takeaway

Three years comes from the Rules, not a fixed three-year term written in the Act.

Day27 | Topic262 | 05

Removal safeguards

Proved misbehaviour or incapacity

CIC — section 14



SIC — section 17



President may suspend a Central Commissioner during the inquiry — section 14(2).

Other Central removal grounds — section 14(3)



- Adjudged insolvent
- Conviction for an offence involving moral turpitude
- Paid employment outside the office
- Unfitness through infirmity of mind or body
- An interest likely to affect official functions

These specified grounds are a separate statutory route.

Distinguish the Supreme Court's inquiry from the President's or Governor's removal order.

Day27 | Topic262 | 06

Complaint or appeal?

Complaint — section 18



Process failure





Access refused



No answer in time



Unreasonable fee



Incomplete or misleading information

Appeal — section 19



Public Information Officer decision



First appeal: officer senior to the PIO — section 19(1)



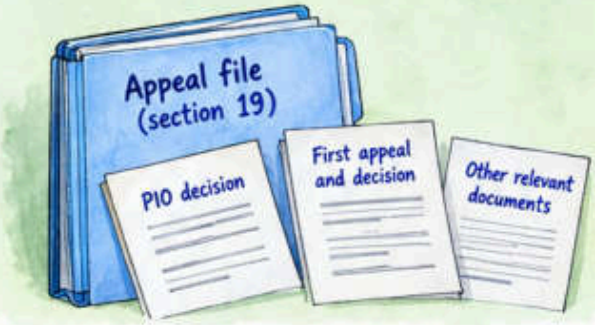
Second appeal: Information Commission — section 19(3)



From the date the first appellate decision should have been made or was actually received.

The route matters







Complaint: a failure of the information-access process.



Second appeal: challenge after the first appellate stage.

Day27 | Topic262 | 07

Powers and accountability

Civil court powers during inquiry – section 18(3)



Summon persons | Require documents | Receive evidence on affidavit | Requisition public records

Penalty – section 20(1)



- Paid by the Public Information Officer.
- Officer must be heard; burden is to show reasonable and diligent conduct.

Compensation – section 19(8)



- Paid by the public authority for loss or other detriment.

Persistent failures: recommend disciplinary action – section 20(2)



Annual implementation report – section 25



Government may lay it before Parliament or the State Legislature.

Penalty punishes the officer; compensation remedies the complainant's loss.

Day27 | Topic262 | 08

Personal information and public interest

Before the DPDP change

RTI Act, 2005 Section 8(1)(j)

Section 8(1)(j) included a larger-public-interest test within the personal-information exemption.

Replaces section 8(1)(j) of the RTI Act

DPDP Act, 2023 — section 44(3)

information which relates to personal information;

Section 8(2) remains

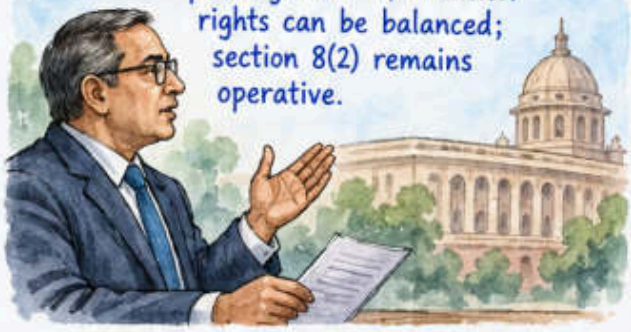
Public interest in disclosure

outweighs harm to protected interests

The public-interest test within clause (j) was removed; section 8(2) was not amended.

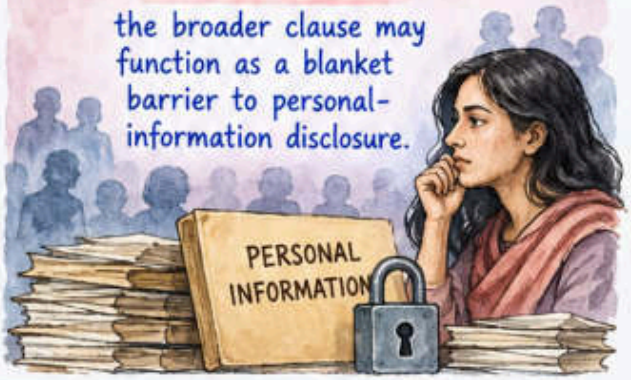
Government view:

privacy and information rights can be balanced; section 8(2) remains operative.



Critics' view:

the broader clause may function as a blanket barrier to personal-information disclosure.



Key chronology

- **11 August 2023:** DPDP Act receives assent
- **G.S.R. 843(E), dated 13 November 2025:** sections 44(1) and 44(3) commence on Gazette publication
- **Section 44(2):** eighteen months after Gazette publication

Do not treat clause (j) and section 8(2) as the same provision.

Day27 | Topic262 | 09

Appointments and the courts

Namit Sharma

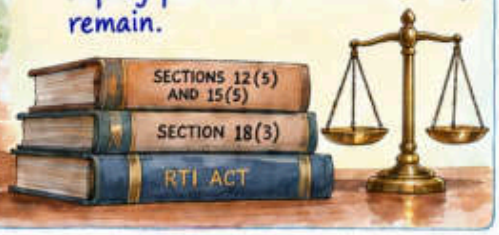
13 September 2012: judicial-member direction

3 September 2013 review: direction recalled



What the court held

- Sections 12(5) and 15(5) do not require judicial members.
- Deciding disclosure is an administrative function; civil court inquiry powers under section 18(3) remain.



Anjali Bhardwaj – 15 February 2019



What to publish

Publish appointment information: advertisements, applicant details and selection committee composition.

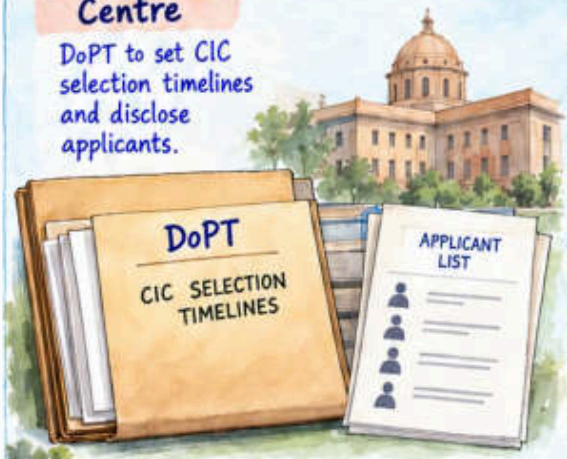
When to start

Start the process one to two months before a vacancy arises.

7 January 2025 order

Centre

DoPT to set CIC selection timelines and disclose applicants.



States

Applicant lists within one week; interviews within six weeks after notification of the Search Committee; appointment within two weeks of recommendation.

Applicant lists	Interviews	Appointment
Within one week	Within six weeks after notification of the Search Committee	Within two weeks of the recommendation

Transparency and timely appointments strengthen the information-access system.

Day27 | Topic262 | 10

The two amendments and the dated picture

Two changes, two different objects

2019 amendment → Commissioners' tenure, pay and service conditions → Sections 13 and 16

2023 DPDP amendment → Personal-information exemption → Section 8(1)(j)

Commission picture — 31 October 2026

Raj Kumar Goyal took oath as Chief Information Commissioner on 15 December 2025.



Heeralal Samariya held office up to 13 September 2025.





1 Chief + 10 Information Commissioners = full statutory strength.

Two ICs sworn in on 6 November 2023; eight on 15 December 2025.

Andhra Pradesh Information Commission: section 15; Governor appoints on the Chief Minister-led committee's recommendation.



Reported litigation position — 31 October 2026



The personal-information amendment was challenged in Venkatesh Nayak and connected petitions.

16 February 2026: notice issued, stay refused, matter referred to a larger Bench.

Reported pending as of 31 October 2026.



A refused stay is not a final ruling on validity.

The constitutional foundation of municipalities

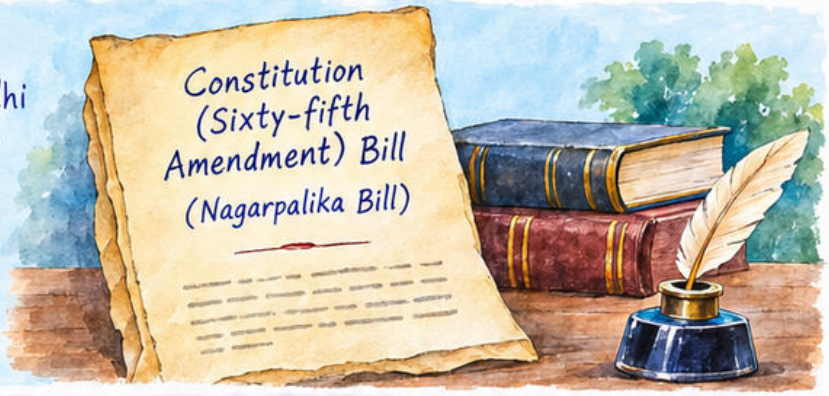
Why reform was needed

Urban bodies had suffered irregular elections, prolonged supersession and inadequate powers. Specialised agencies encroached on their functions and revenues, while municipal finances remained weak.



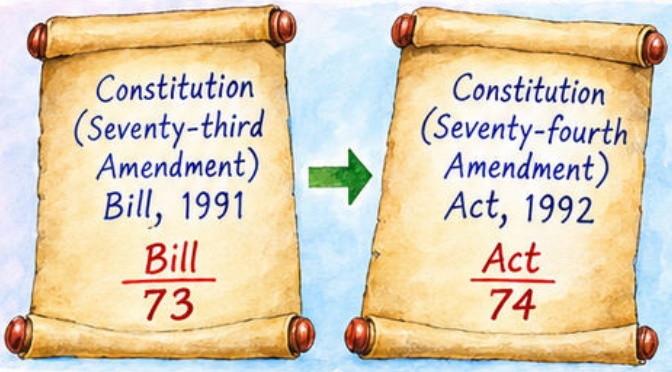
An earlier attempt

On 7 August 1989 Rajiv Gandhi sought leave to introduce the Constitution (Sixty-fifth Amendment) Bill, known as the Nagarpalika Bill. The successful reform came from a later Bill.



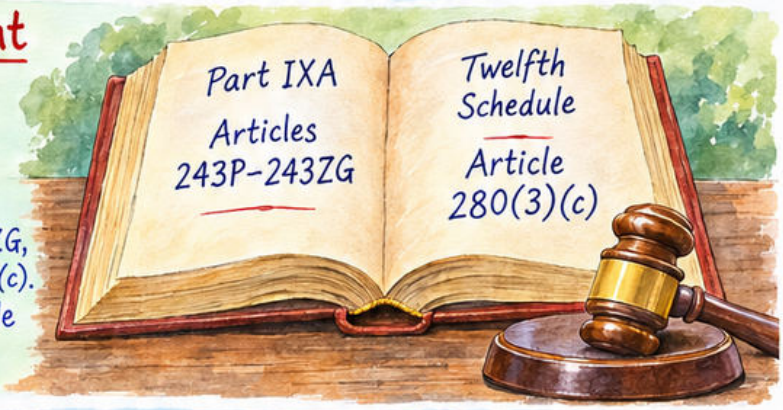
Bill number and Act number

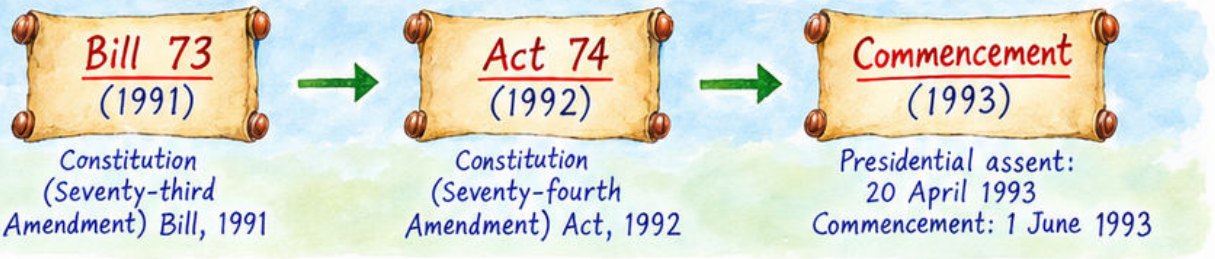
The Constitution (Seventy-third Amendment) Bill, 1991 became the Constitution (Seventy-fourth Amendment) Act, 1992. The Statement of Objects and Reasons was dated 11 September 1991.



Assent and commencement

The Act received presidential assent on 20 April 1993. The Central Government appointed 1 June 1993 for commencement. It added Part IXA, Articles 243P–243ZG, the Twelfth Schedule and Article 280(3)(c). Part IXA has 18 Articles; the Schedule has 18 entries.





Sources: Day 28 Complete Content Pack | Topic 273

Three kinds of urban local body

Article 243Q

A Nagar Panchayat serves a transitional area moving from rural to urban. A Municipal Council serves a smaller urban area. A Municipal Corporation serves a larger urban area.



Nagar Panchayat



Municipal Council



Municipal Corporation

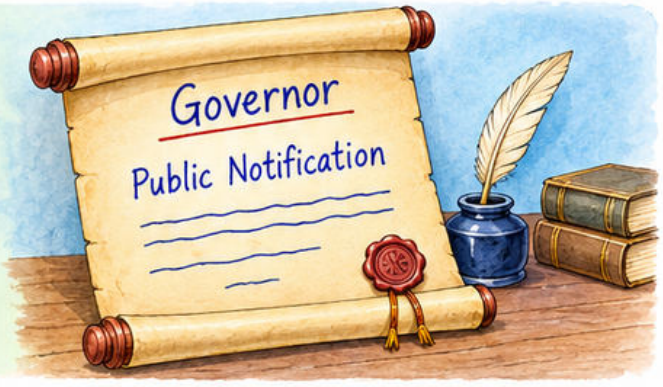
Kinds, not tiers

These are three categories based on the nature of the area. They do not form a village-to-district hierarchy like Panchayati Raj. Despite its name, a Nagar Panchayat is an urban body under Part IXA.



Who classifies the area?

The Governor acts by public notification. Relevant factors include population, population density, local-administration revenue, the share of non-agricultural employment, economic importance and other factors.



Industrial township exception

A Municipality may be omitted where the Governor notifies an industrial township. The decision considers the area's size and municipal services already provided, or proposed, by an industrial establishment.

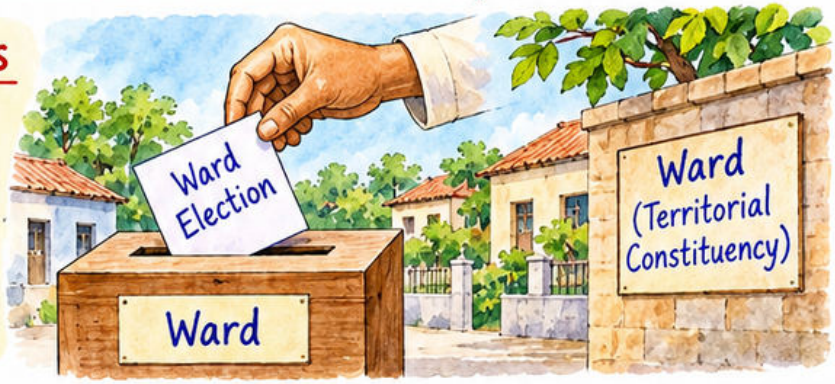


Sources: Day 28 Complete Content Pack | Topic 273

Wards, members and chairpersons

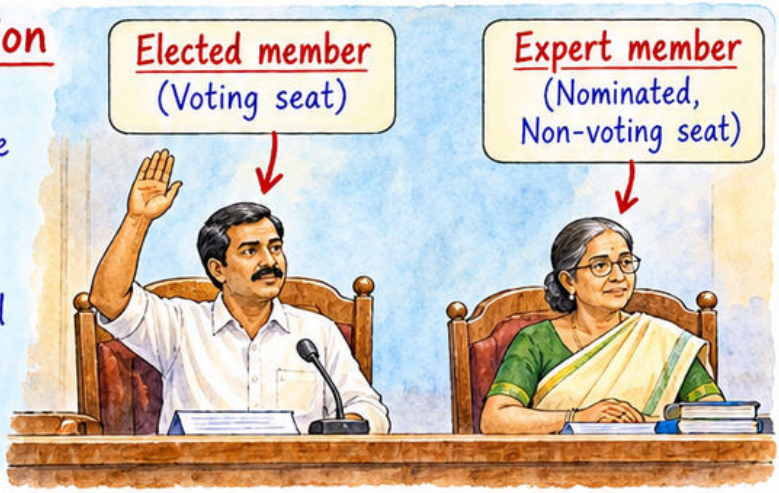
Directly elected seats

Article 243R provides for seats filled by direct election from territorial constituencies called wards.



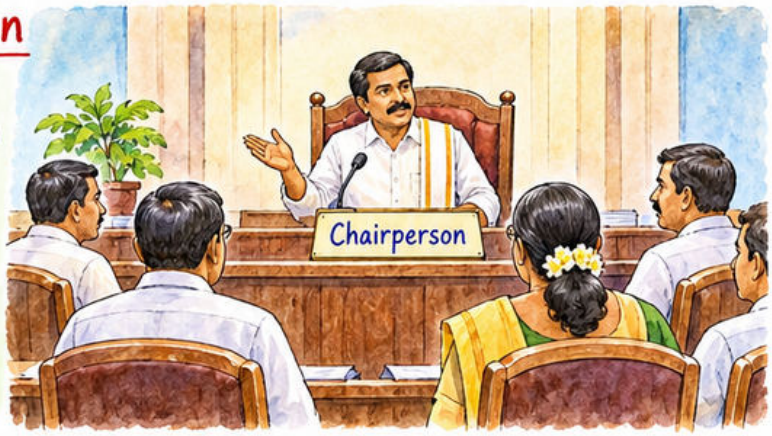
Additional representation

State law may provide for legislators connected with the municipal area and persons with special knowledge or experience in municipal administration. Those nominated for special knowledge or experience cannot vote in Municipality meetings.



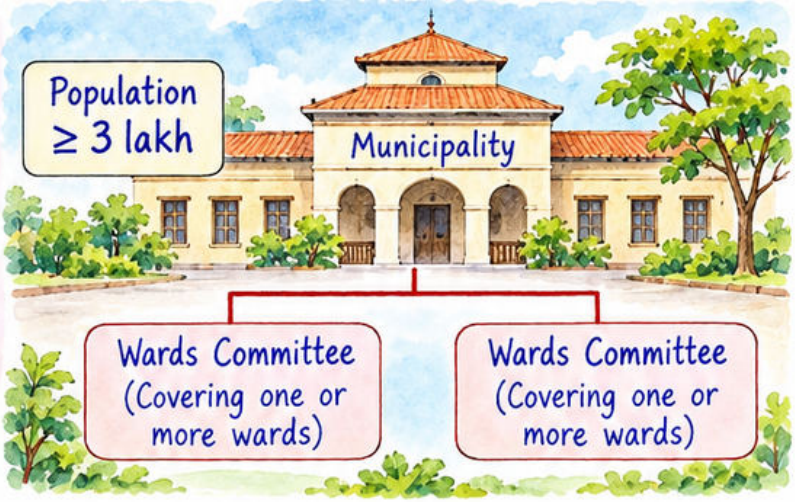
Choosing the chairperson

The manner of electing a municipal chairperson is left to State law. This differs from intermediate and district Panchayat chairpersons, whom Part IX requires to be elected by and from their elected members.



Wards Committees

Under Article 243S, a Municipality with a population of three lakh or more must have Wards Committees. Each may cover one or more wards. State law determines their composition and territorial area.



Sources: Day 28 Complete Content Pack | Topic 273

Reservation under Article 243T

SC and ST seats

Every Municipality reserves seats for Scheduled Castes and Scheduled Tribes in proportion to their population share in the municipal area.



Women's minimum share

At least one-third of all directly elected seats are reserved for women, including SC/ST women. At least one-third of the seats reserved for SCs and STs go to women of those groups. Seats may rotate among constituencies.

All directly elected seats

Women: at least one-third, including SC/ST women

↕

SC/ST women count in both provisions

↕

Within SC/ST reserved seats
At least one-third reserved for women of those groups

Chairpersons and backward classes

State law determines how chairperson offices are reserved for SCs, STs and women. The State Legislature may also reserve seats or chairperson offices for backward classes; this is an enabling power, not a constitutional command.



Different time provisions

SC/ST reservation is linked to the period in Article 334. The general one-third reservation for women is not subject to that same time limit. Do not apply one expiry rule to every category.



Sources: Day 28 Complete Content Pack | Topic 273

Five years and timely elections

When the term starts

A Municipality continues for five years from the date appointed for its first meeting, unless dissolved earlier.

The clock does not begin on polling day.



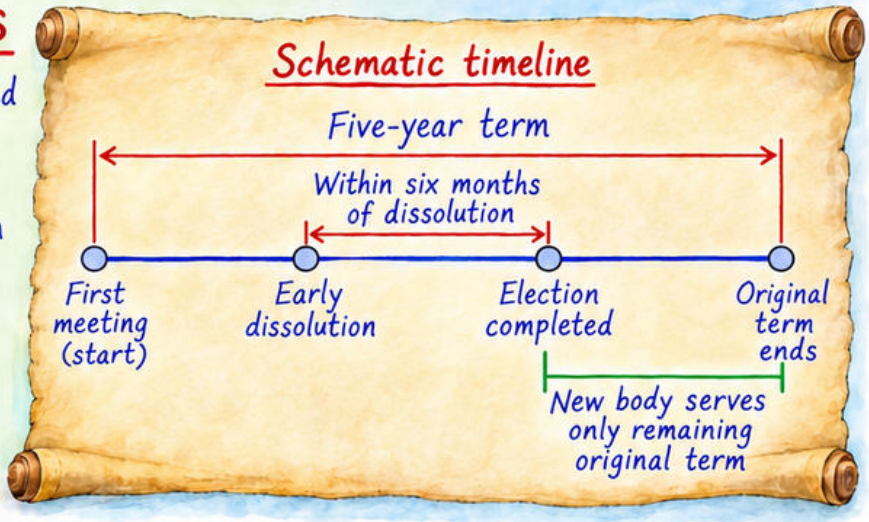
Before dissolution

The Municipality must receive a reasonable opportunity to be heard before it is dissolved.



Election deadlines

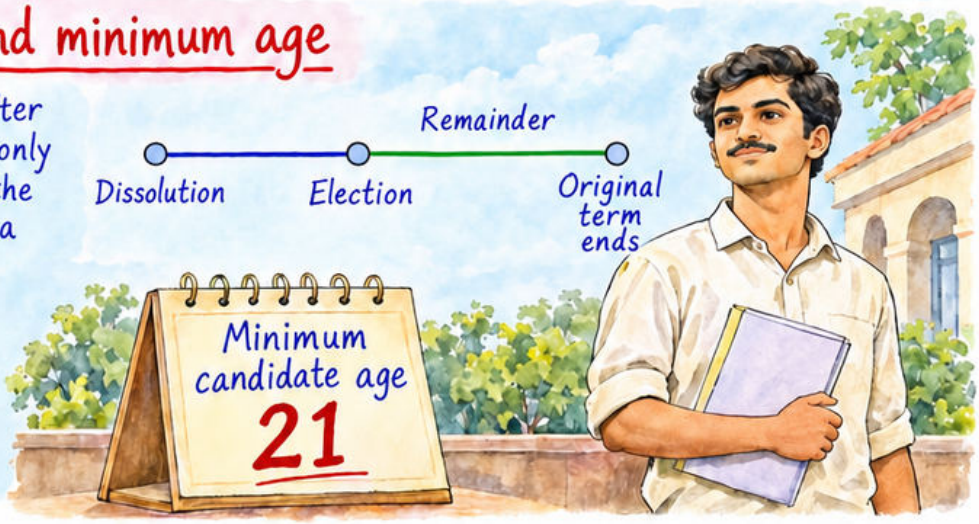
Elections must be completed before the five-year term ends or within six months of dissolution. If less than six months of the original term remain, a fresh election for that short remainder is unnecessary.



Remainder and minimum age

A body elected after dissolution serves only the remainder of the original term, not a fresh five years.

A person who has reached 21 is not disqualified merely for being younger than 25.



Sources: Day 28 Complete Content Pack | Topic 273

Who conducts municipal elections?

State Election Commission

Article 243ZA places municipal electoral rolls and election conduct under the State Election Commission constituted by Article 243K. It is the same Commission that conducts Panchayat elections.



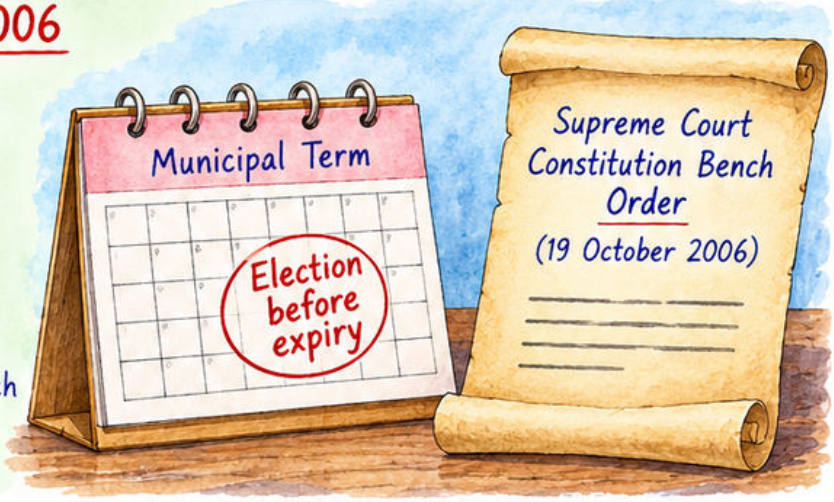
State legislative role

The State Legislature may make law on matters relating to municipal elections. This does not transfer election supervision away from the State Election Commission.



Kishansing Tomar, 2006

On 19 October 2006, a Supreme Court Constitution Bench required elections before the municipal term expires. Only exceptional circumstances, such as a natural or human-made calamity, can justify delay. The Commission may approach the High Court if the State fails to cooperate.



Suresh Mahajan, 2022

On 10 May 2022, the Court said due local elections cannot wait for OBC reservation work. Without completion of the triple test, those seats go to the General Category and the election programme must proceed without further delay.

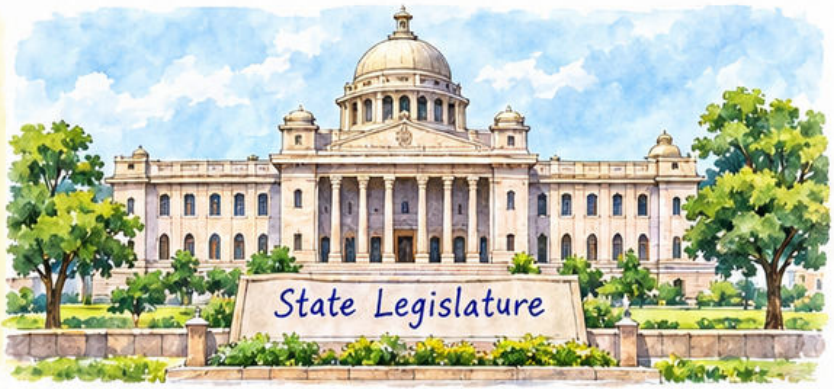


Sources: Day 28 Complete Content Pack | Topic 273

Powers and the Twelfth Schedule

Article 243W

The State Legislature may, by law, endow Municipalities with powers and responsibilities, including preparation of plans and functions connected with the Twelfth Schedule. It may also empower Committees.



An enabling provision

The constitutional wording is "may, by law". Merely listing a function in the Schedule does not itself transfer every operational responsibility to a Municipality. State legislation provides the devolution.



Eighteen subject entries

Examples include urban and town planning, water supply, fire services, slum improvement and upgradation, and registration of births and deaths.



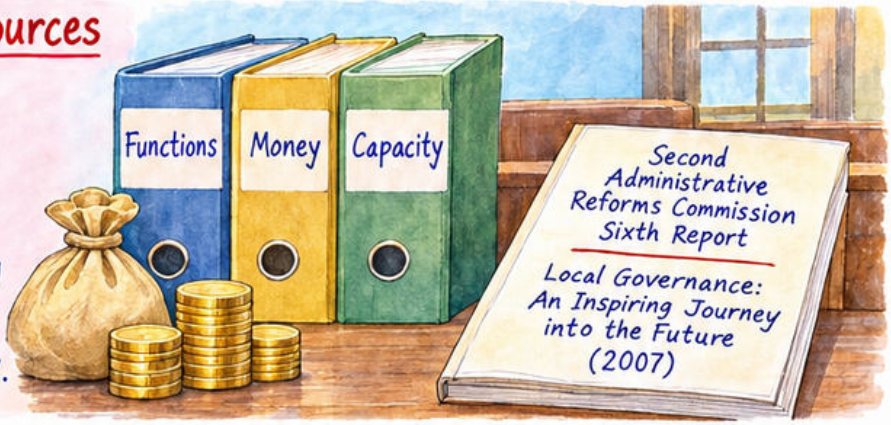
Urban and town planning | Water supply | Fire services



Slum improvement and upgradation | Registration of births and deaths

Functions need resources

Devolution of functions, money and capacity must work together. The Second Administrative Reforms Commission's sixth report, Local Governance: An Inspiring Journey into the Future, examined functional devolution, funds and urban finances in 2007.



Sources: Day 28 Complete Content Pack | Topic 273

Municipal money and accountability

Article 243X: revenue powers

State law may authorise municipal taxes, duties, tolls and fees, subject to stated procedures and limits. It may assign State revenues, provide grants-in-aid and create municipal Funds.





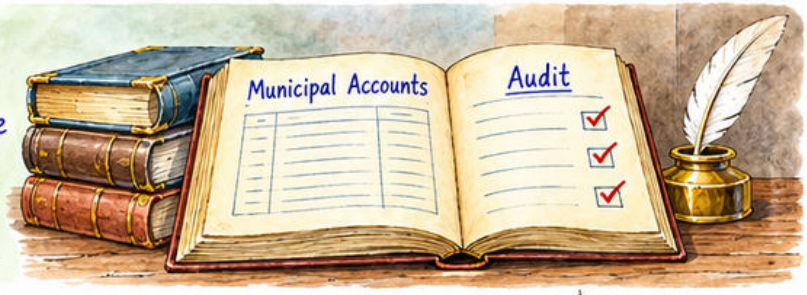
Article 243Y: State Finance Commission

The Finance Commission constituted under Article 243-I reviews municipal finances as well as Panchayat finances. It recommends to the Governor; a separate municipal Finance Commission is not required.



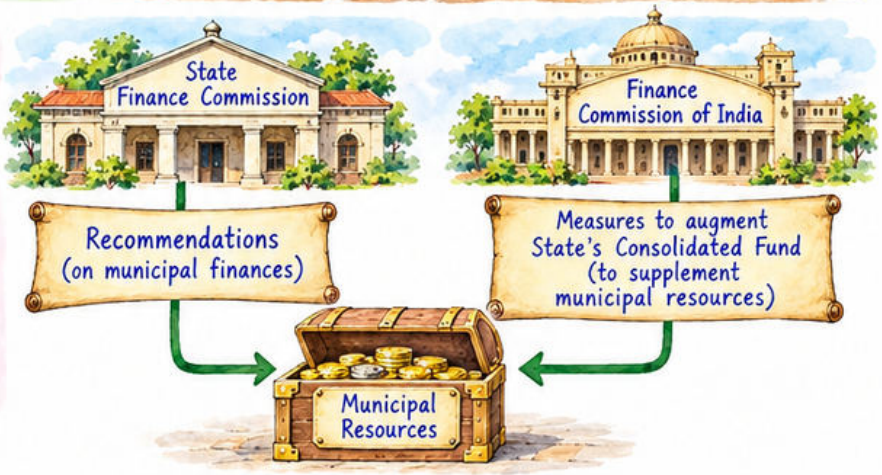
Reporting and audit

The Governor places every recommendation before the State Legislature with an explanatory memorandum on action taken. Article 243Z leaves municipal accounts and audit to State law.



Article 280(3)(c)

The Finance Commission of India recommends measures to augment a State's Consolidated Fund to supplement municipal resources, on the basis of State Finance Commission recommendations.

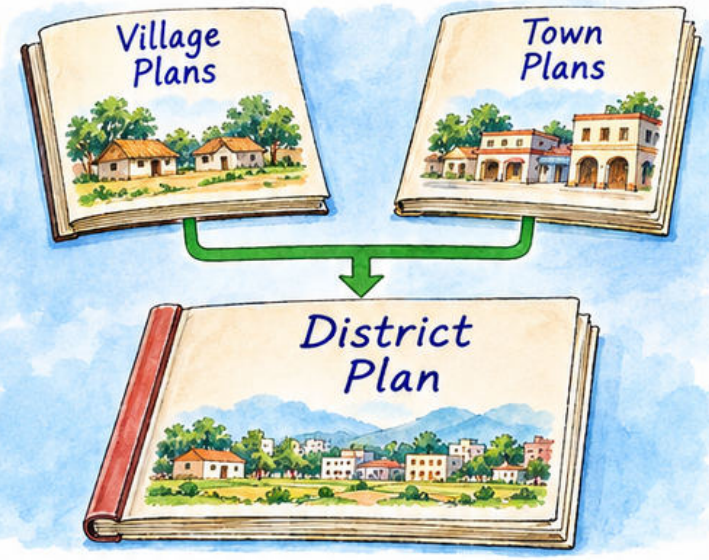


Sources: Day 28 Complete Content Pack | Topic 273

District and metropolitan planning

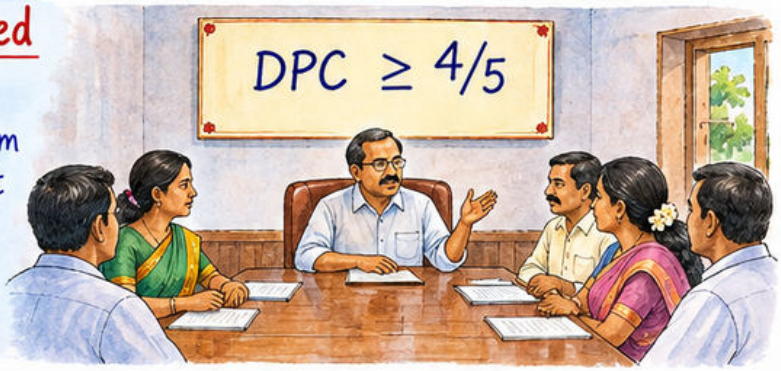
District Planning Committee

Article 243ZD requires a district-level committee to consolidate Panchayat and municipal plans into a draft development plan for the district.



At least four-fifths elected

At least four-fifths of DPC members are elected by and from the elected members of district Panchayats and Municipalities. Representation follows the rural-to-urban population ratio.



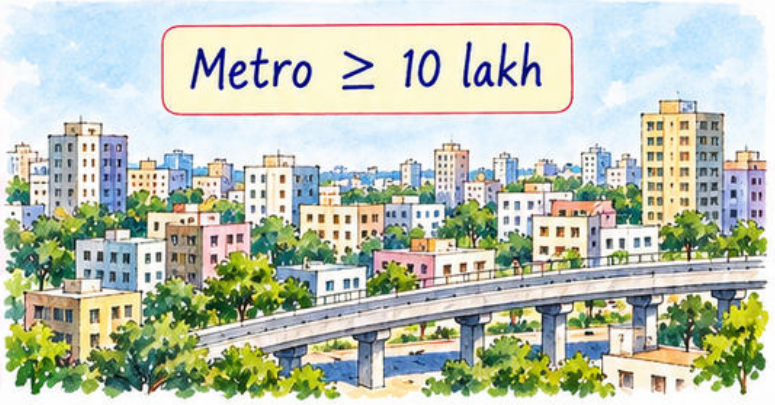
Metropolitan Planning Committee

Article 243ZE provides for a draft development plan for a metropolitan area. At least two-thirds of MPC members are elected by and from municipal elected members and Panchayat chairpersons in that area, in proportion to their populations.



Metropolitan area

Article 243P(c) sets a population threshold of ten lakh or more and requires specification by the Governor through public notification. Do not confuse this with the three-lakh threshold for Wards Committees.

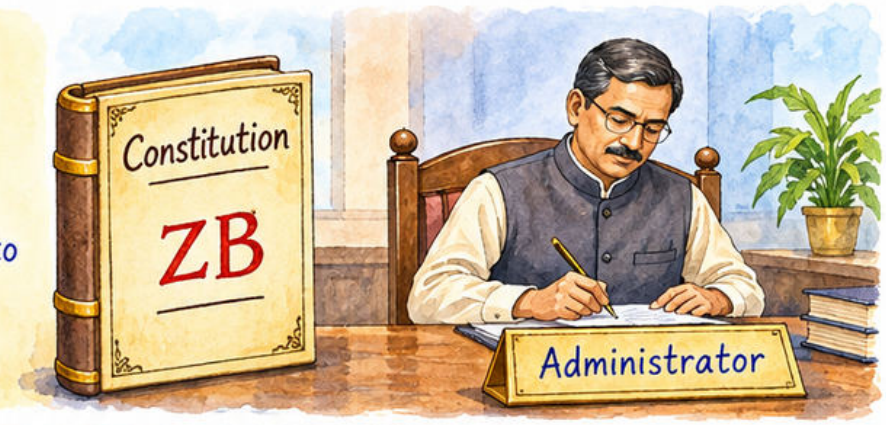


Sources: Day 28 Complete Content Pack | Topic 273

Territories, old laws and election petitions

Union territories

Article 243ZB applies Part IXA to Union territories through the Administrator, subject to its constitutional adaptations.



Excluded areas

Article 243ZC excludes Scheduled Areas and specified tribal areas, preserves the position of the Darjeeling Gorkha Hill Council, and permits Parliament to extend the Part by law.



Transitional laws

Article 243ZF allowed inconsistent municipal laws to continue for at most one year after commencement, unless earlier amended or repealed. This was a transitional allowance, not a permanent exemption.



Challenging an election

Article 243ZG provides that a municipal election may be questioned only through an election petition under the relevant law. Keep this distinct from the Commission's power to seek court assistance when State non-cooperation obstructs elections.



Sources: Day 28 Complete Content Pack | Topic 273

Panchayats and municipalities compared

Part and Schedule

The 73rd Amendment inserted Part IX, Articles 243–243-O, with 16 Articles and the Eleventh Schedule's 29 entries. The 74th inserted Part IXA, Articles 243P–243ZG, with 18 Articles and the Twelfth Schedule's 18 entries.



73rd Amendment

Part IX
Articles 243–243-O
16 Articles
Eleventh Schedule
29 entries
Commencement: 24 April 1993

74th Amendment

Part IXA
Articles 243P–243ZG
18 Articles
Twelfth Schedule
18 entries
Commencement: 1 June 1993

Bill and commencement dates

The 72nd Amendment Bill of 1991 became the 73rd Act, effective 24 April 1993. The 73rd Bill of 1991 became the 74th Act, effective 1 June 1993. Both Acts carry assent dated 20 April 1993.

Amendment Bills (1991)

- 72nd Bill → 73rd Act (24 April 1993)
- 73rd Bill → 74th Act (1 June 1993)

Assent: 20 April 1993



Structure and planning

Panchayats have village, intermediate and district tiers. Municipalities have three kinds based on area. District and Metropolitan Planning Committees are in Part IXA; the DPC combines both rural and urban plans.

Panchayats (three tiers)

- Village tier
- Intermediate tier
- District tier

Municipalities (three kinds based on area)



District and Metropolitan Planning Committees (in Part IXA)

DPC combines both rural and urban plans.

Shared institutions

Both systems use the same State Election Commission and State Finance Commission. Municipal provisions refer to them through Articles 243ZA and 243Y.



Articles 243ZA and 243Y

Sources: Day 28 Complete Content Pack | Topic 273

Reading the actor and the Andhra context

Governor or Legislature?

Public notification points to the Governor for area classification and industrial or metropolitan specification. "By law" points to the State Legislature for composition, chairperson election, powers, finances, audit and permitted reservation.



Other actors

The State Election Commission conducts municipal elections.

The State Finance Commission reviews their finances.

The Union Finance Commission recommends support to State resources.

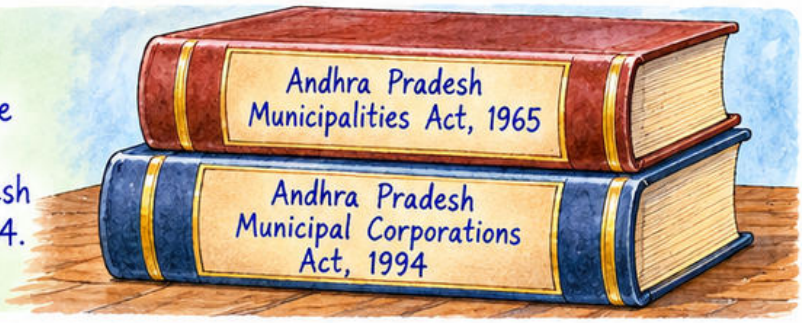
Parliament can extend Part IXA to excluded areas.

State Election Commission	Conducts municipal elections
State Finance Commission	Reviews their finances
Union Finance Commission	Recommends support to State resources
Parliament	Can extend Part IXA to excluded areas



Andhra Pradesh laws

Two relevant State laws are the Andhra Pradesh Municipalities Act, 1965 and the Andhra Pradesh Municipal Corporations Act, 1994.



A dated body count

The Andhra Pradesh Commissioner and Director of Municipal Administration website showed 123 urban local bodies, including 17 Municipal Corporations, when observed on 31 October 2026. This is a dated administrative count, not a constitutional number.

Andhra Pradesh
(31 October 2026)

123
urban local bodies
including
17
Municipal Corporations



Sources: Day 28 Complete Content Pack | Topic 273

Three protections for every person

Article 20

Protection in respect of conviction for offences covers retrospective criminal punishment, double jeopardy and compelled self-incrimination. Its clauses use precise conditions; protection from every second proceeding is not what the text says.



Article 21

Protection of life and personal liberty begins: "No person shall be deprived of his life or personal liberty except according to procedure established by law." The fairness of that procedure became central to later constitutional interpretation.



Article 22

Protection against arrest and detention in certain cases distinguishes ordinary arrest from preventive detention. Each route has a different set of safeguards.



Person, not citizen

Articles 20, 21 and 22 protect persons and are not limited to Indian citizens. Foreigners are covered, subject to specific exceptions such as Article 22(3). Article 19 instead opens with "All citizens". Articles 12 and 13 apply to these rights as to the rest of Part III. The operative word is person, not citizen.

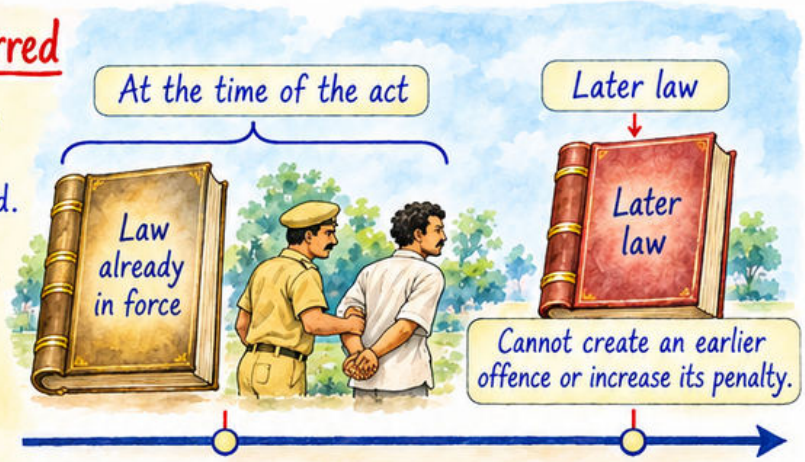


Sources: Day 29 Source Index | Topic 282

Article 20 stops retrospective punishment

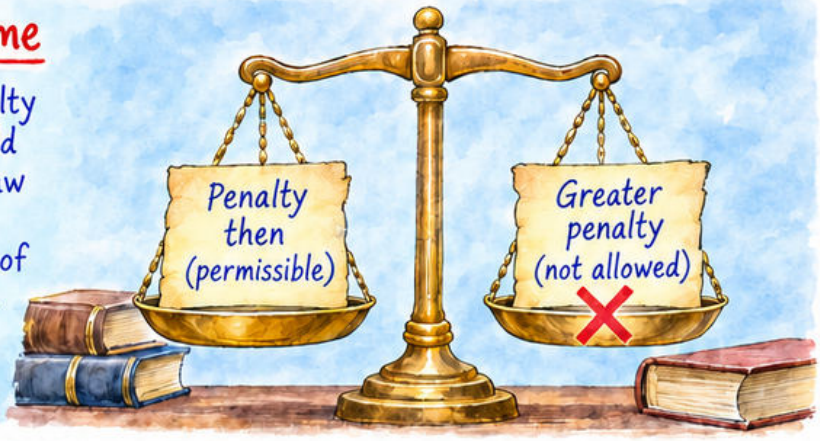
The law when the act occurred

Article 20(1) permits conviction only for violation of a law in force when the act was committed. A later criminal law cannot retrospectively turn that earlier act into an offence for the purpose of conviction.



The penalty at that time

A person cannot receive a penalty greater than the one that could have been imposed under the law in force when the offence was committed. Both the existence of the offence and the permissible penalty are tied to the time of the act.



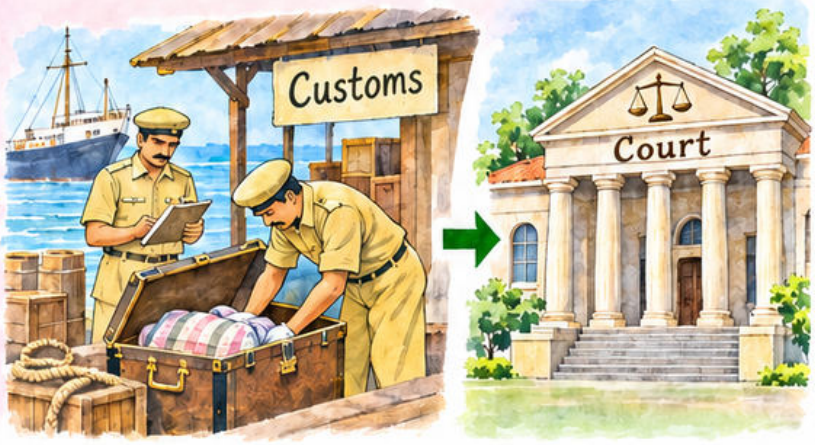
Double jeopardy

Article 20(2) says: "No person shall be prosecuted and punished for the same offence more than once." Both conditions, prosecution and punishment, matter. The same act and the same offence should not be treated as interchangeable wording.



Maqbool Hussain, 1953

Sea Customs authorities were not a court or judicial tribunal. Their confiscation therefore did not bar a later court prosecution. An earlier proceeding before a non-judicial authority does not automatically satisfy Article 20(2). Article 20(1), too, speaks specifically of conviction for an offence and a penalty.



Sources: Day 29 Source Index | Topic 282

Silence and freedom from compulsion

The constitutional words

Article 20(3) says: "No person accused of any offence shall be compelled to be a witness against himself." The protection concerns an accused person and compulsion; it does not depend on the trial already having begun.



Nandini Satpathy, 7 April 1978

Justice V.R. Krishna Iyer spoke for a three-judge Bench. The Court held that Article 20(3) reaches police investigation. Compulsion includes psychic and environmental pressure, not merely physical force.



Questions and legal help

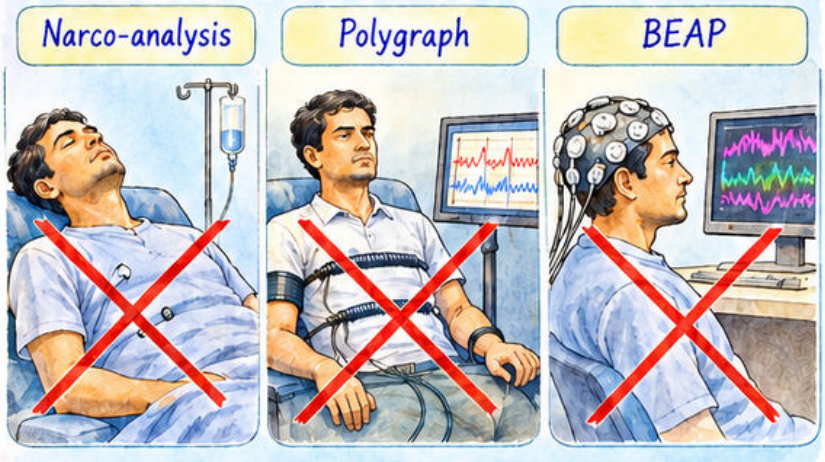
Section 161(2) of the CrPC allowed refusal to answer police questions that would incriminate the person. The Court called this a "parliamentary gloss" on the constitutional clause. If the accused wanted a lawyer present during questioning, that facility was not to be denied.



Selvi, 5 May 2010

Chief Justice K.G. Balakrishnan's judgment held compulsory narco-analysis, polygraph and Brain Electrical Activation Profile tests contrary to Article 20(3) and an unwarranted intrusion under Article 21. Even with consent, test results cannot by themselves be admitted as evidence. NHRC guidelines must be strictly followed. Consent and admissibility are different questions.

Compulsory tests prohibited



Sources: Day 29 Source Index | Topic 282

Gopalan reads liberty narrowly

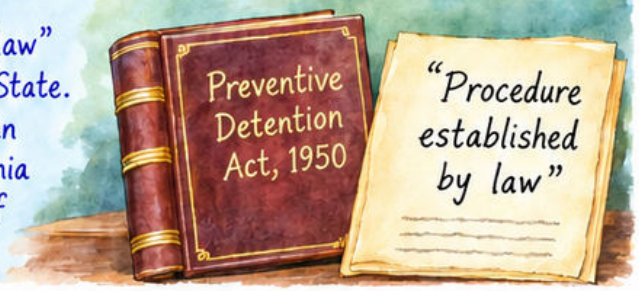
The case and the Bench

A.K. Gopalan v. State of Madras was decided on 19 May 1950 by six judges. Gopalan was detained under the Preventive Detention Act, 1950.



The majority approach

The majority read "procedure established by law" as procedure established by law made by the State. Justice Patanjali Sastri said law did not mean jus naturale, or natural law. Chief Justice Kania warned of difficulties in reading it as rules of natural justice.



Separate rights

The majority treated Articles 19 and 21 as dealing with different subjects. This doctrine of exclusivity later gave way to an interconnected reading of Fundamental Rights.



Different subjects

Doctrine of exclusivity

A safeguard still enforced

Section 14 of the Preventive Detention Act barred a detenu from disclosing detention grounds to a court. The Court held it void because it conflicted with Article 22(5). The judgment did not uphold every provision of the Act.



Fazl Ali's dissent

Justice Fazl Ali would have read notice, an opportunity to be heard, an impartial tribunal and an orderly course of procedure into the constitutional phrase. His emphasis anticipated the later focus on procedural fairness.

Majority

"Procedure established by law" as procedure established by law made by the State.

Articles 19 and 21 as dealing with different subjects.

Reading it as rules of natural justice would cause difficulties.

Dissent (Fazl Ali)

Read into the phrase: notice, an opportunity to be heard, an impartial tribunal and an orderly course of procedure.

Emphasis anticipated the later focus on procedural fairness.

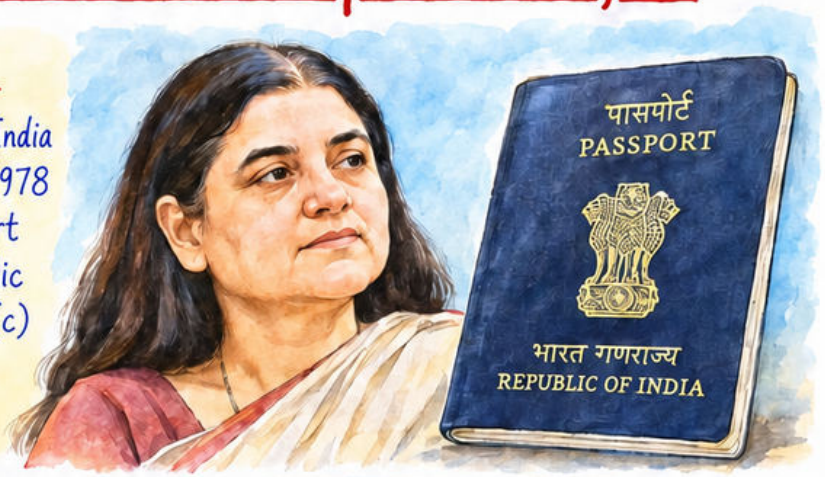


Sources: Day 29 Source Index | Topic 282

Maneka Gandhi makes procedure fair

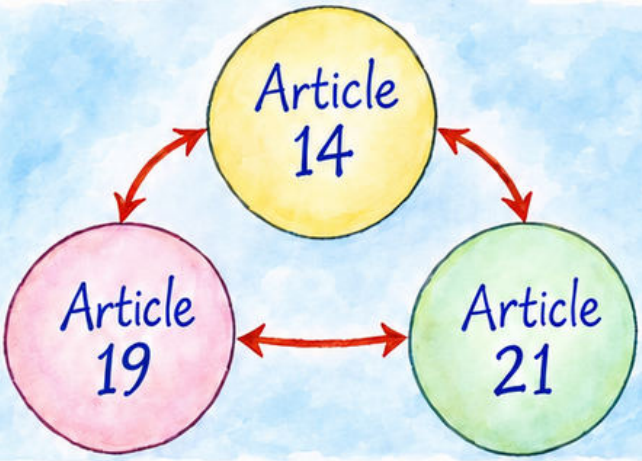
The passport dispute

Maneka Gandhi v. Union of India was decided on 25 January 1978 by seven judges. Her passport had been impounded "in public interest" under section 10(3)(c) of the Passports Act, 1967.



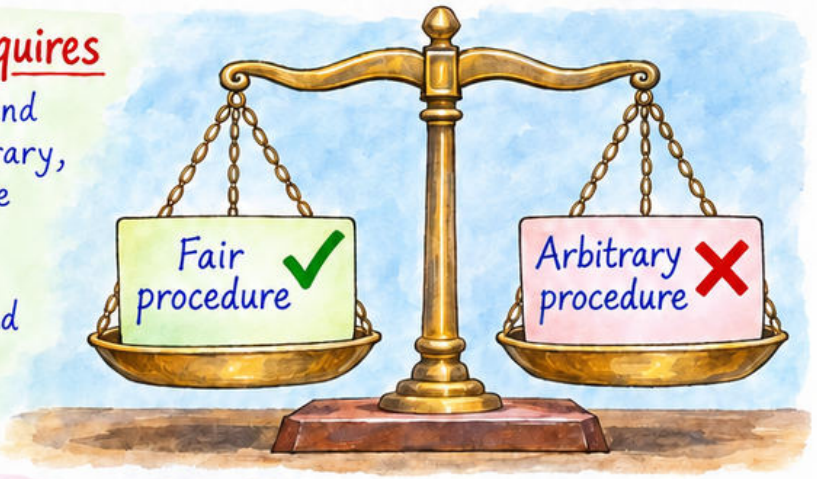
Rights work together

Justice Bhagwati held that Articles 19(1) and 21 are not mutually exclusive. The judgment noted that R.C. Cooper, the Bank Nationalisation case, had already overruled Gopalan's doctrine of exclusivity.



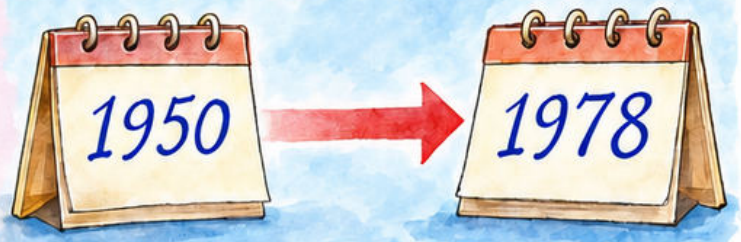
What fair procedure requires

Procedure must be "right and just and fair and not arbitrary, fanciful or oppressive". The existence of a law alone is therefore insufficient. Its procedure must be fair, and the law must also meet Articles 14 and 19.



The shift and its limits

Justice Kailasam dissented. The words "due process" are not in Article 21, but judicial review now examines procedural fairness, much as Justice Fazl Ali had urged in 1950. Remember both developments: Cooper rejected isolated compartments, and Maneka gave the fairness requirement its defining formulation.



Sources: Day 29 Source Index | Topic 282

Privacy and the reach of liberty

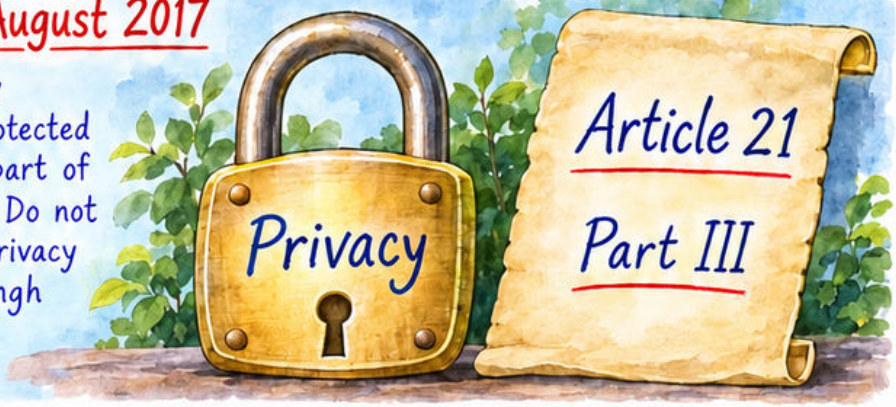
Kharak Singh, 18 December 1962

The Court struck down night-time police visits to a person's home under Regulation 236(b) of the U.P. Police Regulations as contrary to Article 21. Yet the majority said privacy was not a guaranteed constitutional right. Justices Subba Rao and Shah dissented.



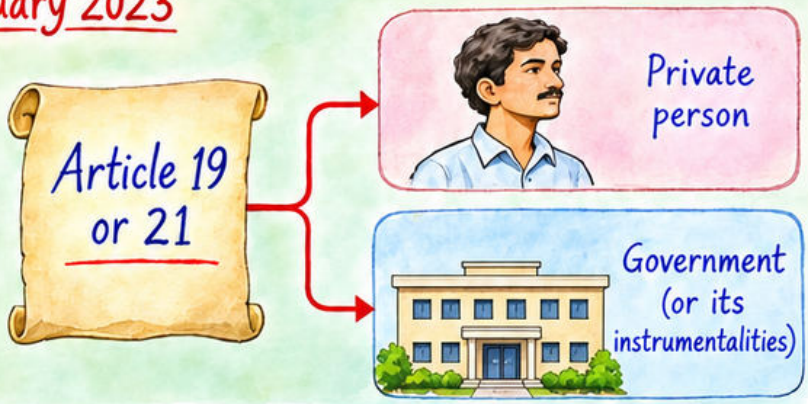
Puttaswamy, 24 August 2017

Nine judges unanimously recognised privacy as protected under Article 21 and as part of the freedoms in Part III. Do not attribute this complete privacy holding to the Kharak Singh majority.



Kaushal Kishor, 3 January 2023

The Court held that a right under Article 19 or 21 can be enforced even against persons other than the State or its instrumentalities. The reach of these rights is not expressed solely as protection against government.



Education is Article 21A

The 86th Amendment Act, 2002 inserted Article 21A, effective from 1 April 2010. It provides free and compulsory education for all children aged six to fourteen, in the manner the State determines by law. This textual insertion came by constitutional amendment, not by a judgment.



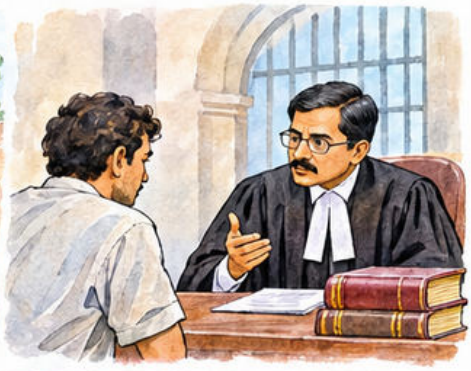
Sources: Day 29 Source Index | Topic 282

Ordinary arrest has immediate safeguards

Know the grounds

Article 22(1) requires an arrested person to be informed of the grounds of arrest "as soon as may be". The person must not be denied the right to consult and be defended by a legal practitioner of their choice.





Reach a magistrate

Article 22(2) requires production before the nearest magistrate within twenty-four hours of arrest. Time necessary for the journey from the place of arrest to the magistrate's court is excluded.





Time necessary for the journey from the place of arrest to the magistrate's court is excluded.

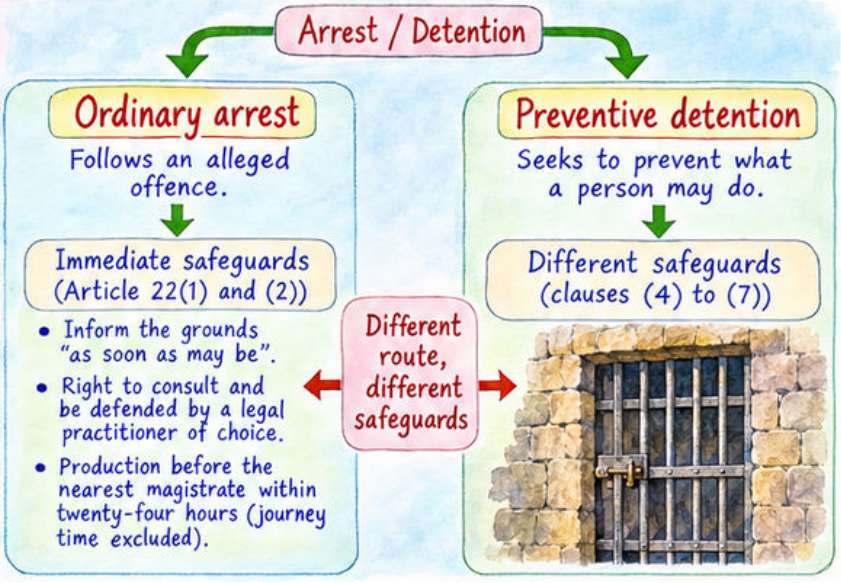
No unauthorised extension

Custody beyond that period requires a magistrate's authority. The twenty-four-hour rule is written into the Constitution, not merely into a criminal procedure statute.



Two exceptions

Article 22(3) excludes clauses (1) and (2) for a person who is, for the time being, an enemy alien, and for a person arrested or detained under a preventive-detention law. Ordinary arrest follows an alleged offence. Preventive detention seeks to prevent what a person may do; clauses (4) to (7) govern that separate route. Do not transfer the ordinary-arrest safeguards unchanged to preventive detention.



Sources: Day 29 Source Index | Topic 282

Preventive detention and the three months

The operative threshold

Under Article 22(4), a preventive-detention law cannot authorise detention beyond three months unless a qualifying Advisory Board reports sufficient cause before those months expire, or detention is under a Parliamentary law within clause (7).



The Advisory Board

Its members must be, have been, or be qualified for appointment as High Court judges. Article 22(5) requires communication of grounds as soon as may be and the earliest opportunity to make a representation. Clause (6) permits withholding facts whose disclosure the authority considers contrary to public interest.



Parliament's powers

Clause (7) allows Parliament to prescribe circumstances for detention beyond three months without an Advisory Board opinion, maximum detention periods, and the Board's procedure.



- Circumstances for detention beyond three months (without an Advisory Board opinion)
- Maximum detention periods
- Board's procedure

The uncommenced change

Section 3 of the Forty-fourth Amendment Act, 1978 would replace three months with two months and require a Board constituted on the appropriate High Court Chief Justice's recommendation. That change and omission of clause (7)(a) remain unnotified. The official English text dated 1 May 2024, still the latest listed on 1 November 2026, retains three months. An enacted amendment provision is not necessarily in force.

Forty-fourth Amendment Act, 1978

Three months → Two months

Board constituted on the appropriate High Court Chief Justice's recommendation.

Unnotified

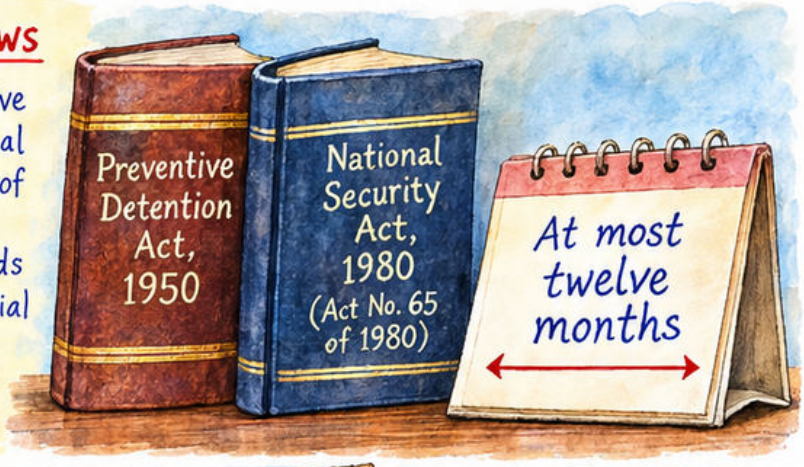
- That change and omission of clause (7)(a) remain unnotified.
- The official English text dated 1 May 2024, still the latest listed on 1 November 2026, retains three months.
- An enacted amendment provision is not necessarily in force.

Sources: Day 29 Source Index | Topic 282

Detention laws and arrest requirements

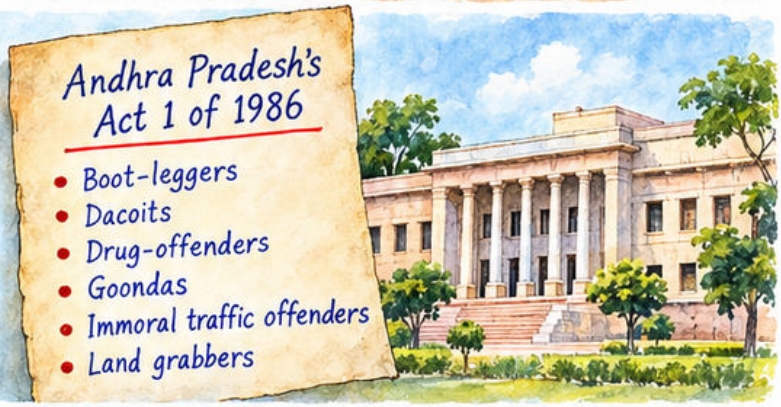
Examples of detention laws

Gopalan concerned the Preventive Detention Act, 1950. The National Security Act, 1980, Act No. 65 of 1980, permits Central or State Government detention on grounds including preventing action prejudicial to India's defence, for at most twelve months from detention.



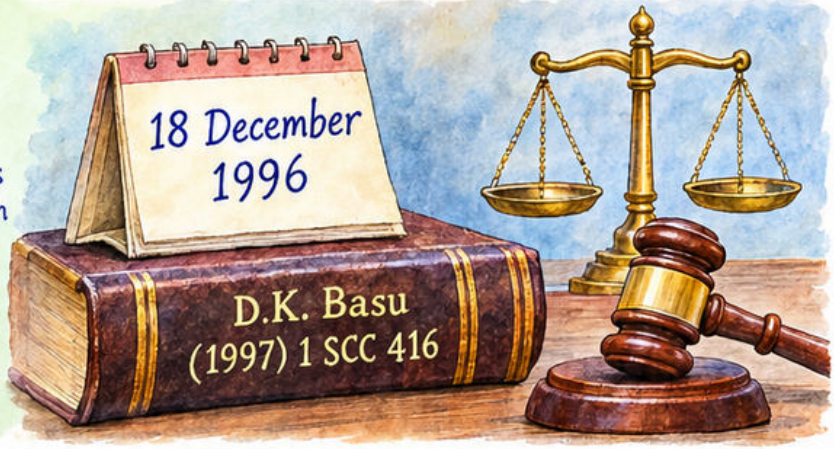
State legislation

Andhra Pradesh's Act 1 of 1986 addresses boot-leggers, dacoits, drug-offenders, goondas, immoral traffic offenders and land grabbers. Preventive-detention legislation is not confined to a single national statute.



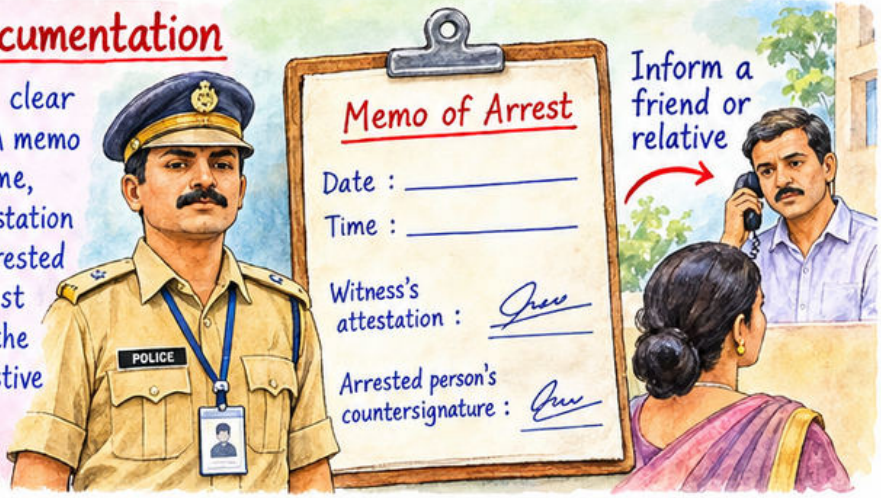
D.K. Basu's date

The judgment was delivered on 18 December 1996 by Justices Kuldip Singh and A.S. Anand. Its report is (1997) 1 SCC 416, which explains why books often give 1997. It prescribed eleven requirements for arrests and detentions until legal provisions were made.



Identification and documentation

Arresting officers must carry clear identification and name tags. A memo of arrest records date and time, has at least one witness's attestation and is countersigned by the arrested person. A friend or relative must be informed. These are among the eleven requirements, not an exhaustive list of them.



Sources: Day 29 Source Index | Topic 282

Custody needs checks and accountability

Medical and legal safeguards

D.K. Basu requires medical examination every 48 hours during detention. The arrested person may meet a lawyer during interrogation, though not throughout the interrogation. Keep this specific formulation distinct from an unrestricted promise of continuous lawyer presence.



Information and consequences

A police control room at district and State headquarters must be informed within 12 hours. Non-compliant officials face departmental action and punishment for contempt of court. The requirements make custody visible and subject to oversight.



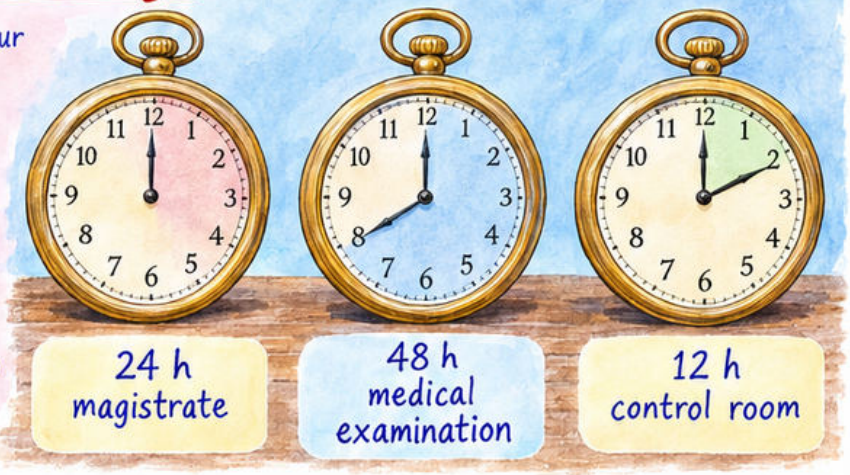
The procedure law changed

The Bharatiya Nagarik Suraksha Sanhita, 2023 came into force on 1 July 2024 and replaced the Code of Criminal Procedure, 1973. Earlier judgments such as Nandini Satpathy naturally refer to the CrPC.



The Constitution did not change

Article 22(2)'s twenty-four-hour magistrate rule survives the replacement of the procedural statute. Read each time limit with its own purpose: 24 hours for production, excluding necessary travel; 48 hours for repeated medical examination under D.K. Basu; and 12 hours for the control-room information requirement.

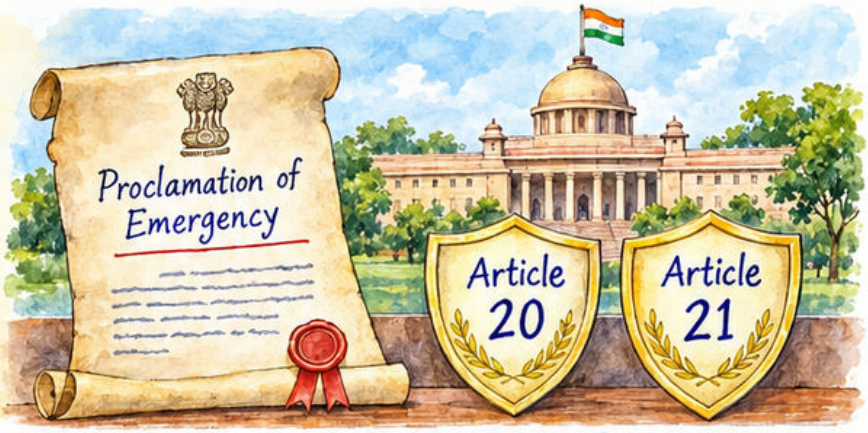


Sources: Day 29 Source Index | Topic 282

Emergency cannot switch off Articles 20 and 21

Article 359(1)

While a Proclamation of Emergency operates, the President may suspend the right to move any court to enforce the Part III rights specified in an order. The Constitution expressly excepts Articles 20 and 21.



Article 359(1A)

While such an order operates, the rights it names do not restrict State law-making or executive action, again with the express exception of Articles 20 and 21. Do not mistake Article 22 for one of these two protected exceptions.

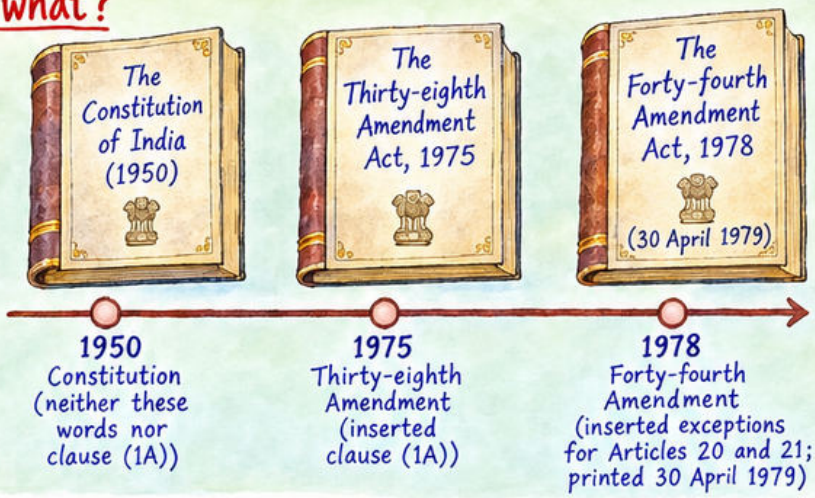


Which amendment did what?

Section 40 of the Forty-fourth Amendment Act, 1978 inserted the exceptions for Articles 20 and 21. The Act is printed with the date 30 April 1979.

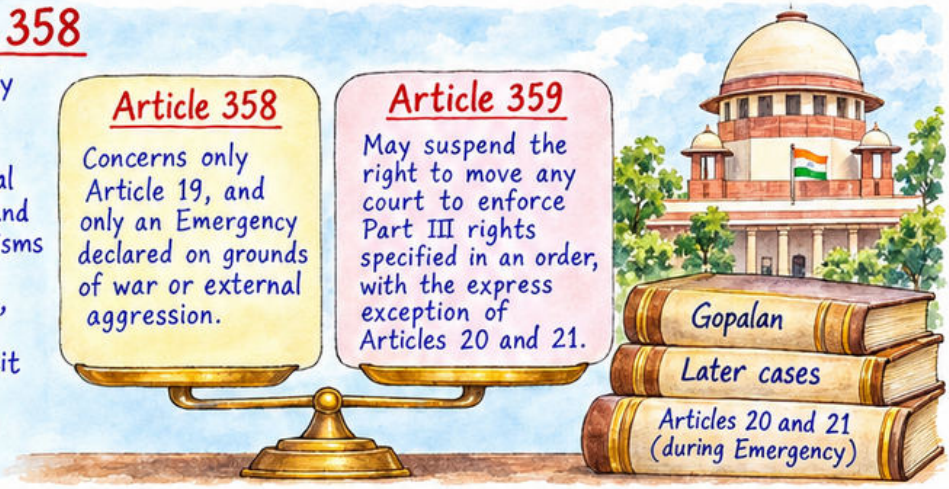
The original 1950 Constitution contained neither these words nor clause (1A).

The Thirty-eighth Amendment Act, 1975 had inserted clause (1A) earlier.



Contrast Article 358

Article 358 concerns only Article 19, and only an Emergency declared on grounds of war or external aggression. Articles 358 and 359 have different mechanisms and scope. Remember the sequence: narrow Gopalan, expanding liberty through later cases, then an explicit constitutional shield for Articles 20 and 21 during Emergency.



Sources: Day 29 Source Index | Topic 282

Equality is the starting point

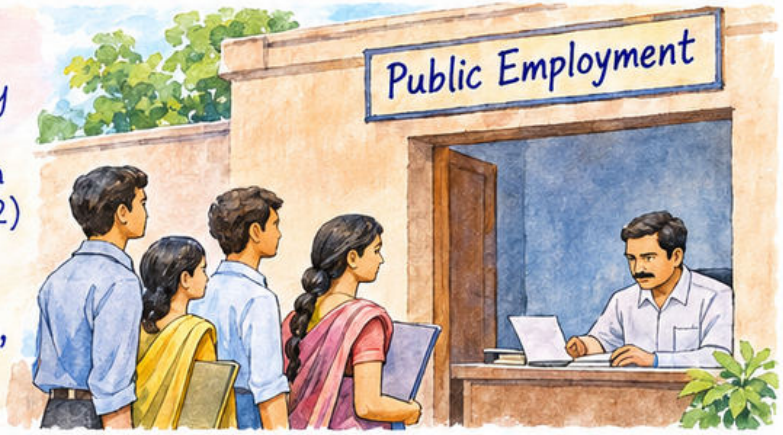
Equal protection

Article 14 promises equality before the law and equal protection of the laws to any person. Article 15(1) prohibits State discrimination against a citizen on grounds only of religion, race, caste, sex, place of birth or any of them.



Public employment

Article 16(1) guarantees equality of opportunity for all citizens in employment or appointment to an office under the State. Article 16(2) bars ineligibility or discrimination on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them.



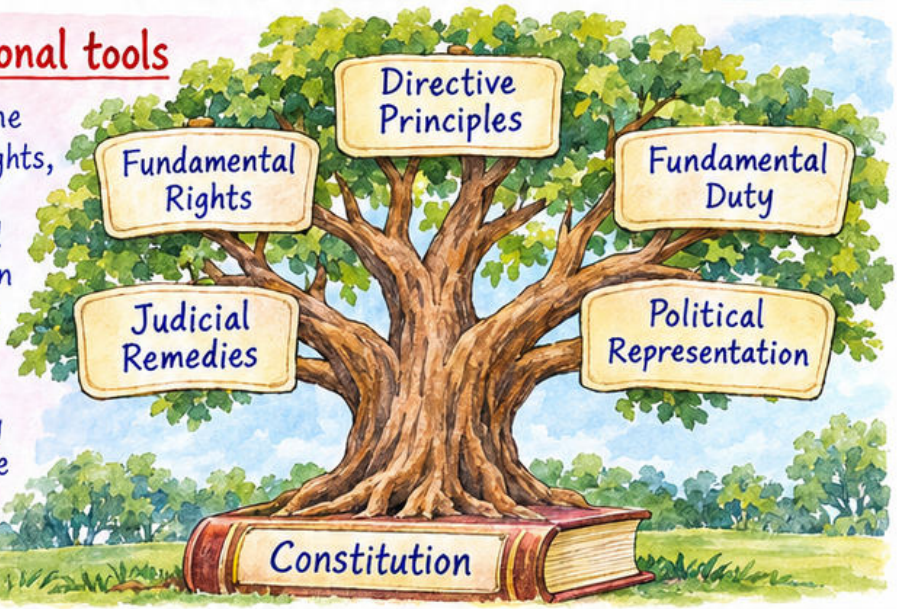
Special provisions

Article 15(3) says nothing in Article 15 prevents the State from making special provisions for women and children. It has been present since the Constitution commenced on 26 January 1950. It enables action; it does not command a particular measure.



Different constitutional tools

Women's safeguards combine enforceable Fundamental Rights, Directive Principles guiding State policy, a Fundamental Duty, political representation and judicial remedies. These categories should not be confused. A policy goal in Part IV is not automatically an independently enforceable Fundamental Right.



Sources: Day 29 Source Index | Topic 283

Work dignity and protection from exploitation

Trafficking and forced labour

Article 23(1) prohibits traffic in human beings, begar and similar forced labour. Contravention is an offence punishable by law. It binds private employers and traffickers too; in Peeple's Union for Democratic Rights, 1982, the Court described this protection as enforceable against the whole world.



Livelihood and pay

Article 39(a) directs the State towards adequate means of livelihood for men and women equally. Article 39(d) calls for equal pay for equal work for both men and women. These are Directive Principles.



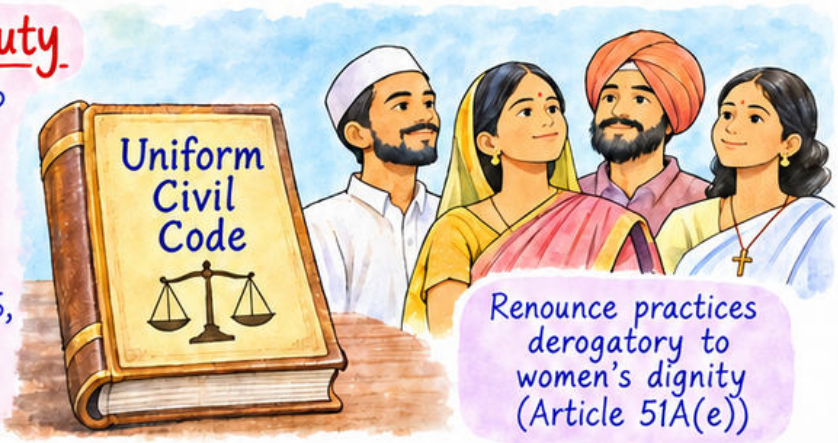
Health and maternity

Article 39(e) protects workers' health and strength and children's tender age from abuse, and seeks to prevent economic necessity forcing unsuitable work on citizens. Article 42 directs just and humane working conditions and maternity relief.



Civil code and civic duty

Article 44 directs the State to endeavour to secure a uniform civil code throughout India; it is not court-enforceable by itself. Article 51A(e), added with the Fundamental Duties by the 42nd Amendment in 1976, requires citizens to renounce practices derogatory to women's dignity.



Articles 39(a), 39(d), 39(e), 42, 44 → Directive Principle

Article 51A(e) → Fundamental Duty

Sources: Day 29 Source Index | Topic 283

Special treatment must still respect dignity

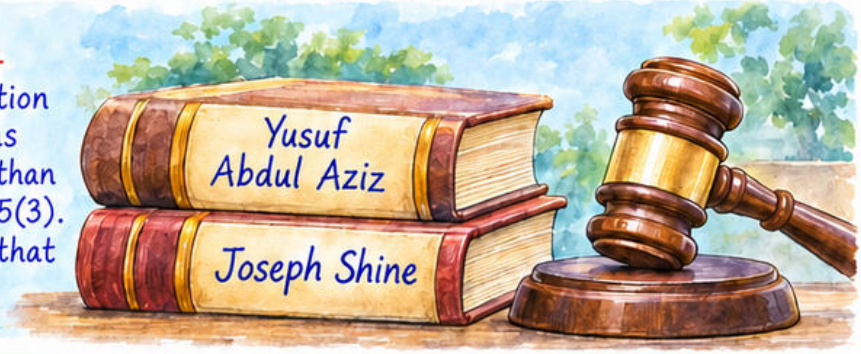
An enabling clause

Article 15(3) permits special provision for women and children despite Article 15's discrimination prohibition. Its wording, "Nothing in this article shall prevent", saves permissible affirmative measures; it does not make every rule described as protection constitutional.



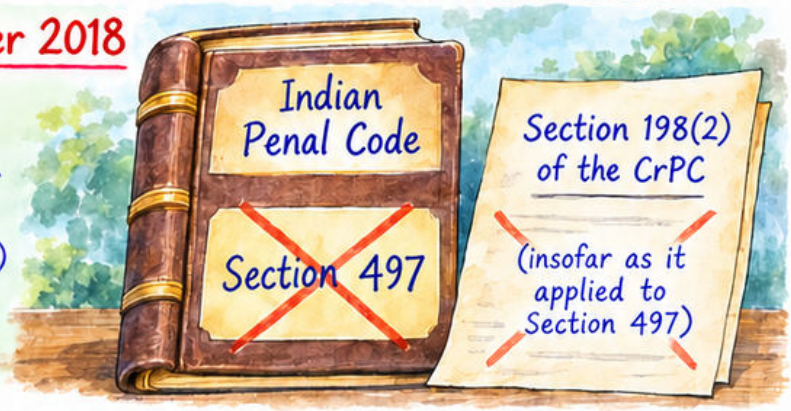
The earlier approach

In Yusuf Abdul Aziz, protection of women was understood as affirmative provision rather than discrimination under Article 15(3). Joseph Shine later recorded that earlier interpretation.



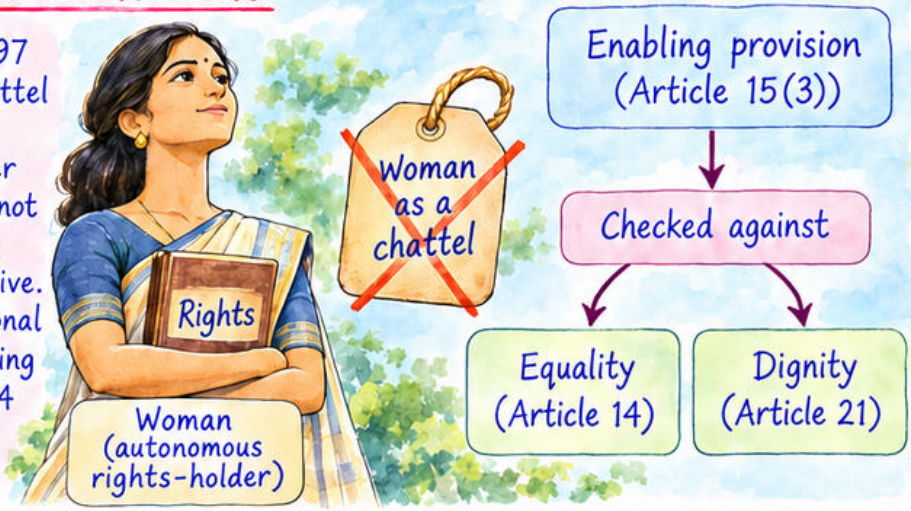
Joseph Shine, 27 September 2018

A five-judge Bench unanimously struck down Section 497 of the Indian Penal Code on adultery for violating Articles 14, 15 and 21. It also struck down Section 198(2) of the CrPC insofar as it applied to Section 497.



Why the label was insufficient

The Court said Section 497 treated a woman as a chattel and was absolutely and manifestly arbitrary under Article 14. A provision cannot escape scrutiny merely by being presented as protective. Equality, dignity and personal liberty still matter, including the tests under Articles 14 and 21.



Sources: Day 29 Source Index | Topic 283

Local bodies reserve at least one third

Panchayats: Article 243D

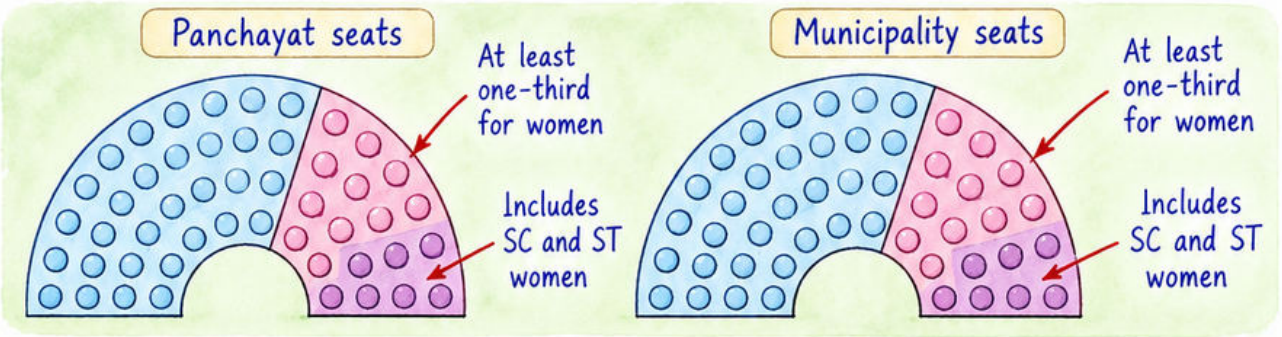
Clause (3) reserves not less than one-third of seats filled by direct election in every Panchayat for women. This total includes the seats reserved for Scheduled Caste and Scheduled Tribe women.



Municipalities: Article 243T

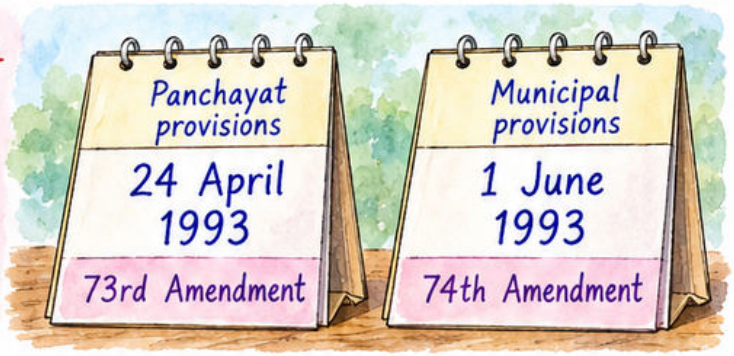
Clause (3) applies the same minimum to every Municipality's directly elected seats. The women's share is a floor, not a constitutional ceiling. In both kinds of body, the reserved seats may be allotted by rotation to different constituencies.





When these provisions began

The Panchayat provisions came into force on 24 April 1993 under the 73rd Amendment. The municipal provisions came into force on 1 June 1993 under the 74th Amendment. The local-body reservations took effect with the respective Parts.



Which reservation expires?

Clause (5) links SC and ST reservation to the period specified in Article 334. The general one-third reservation for women and offices reserved for women are outside that limit. Do not give every local-body women's reservation a fixed constitutional end date.



Sources: Day 29 Source Index | Topic 283

Chairperson rules are not identical

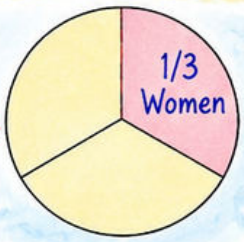
Panchayat chairpersons

Article 243D(4) reserves chairperson offices for SCs, STs and women in the manner State legislation provides. A proviso requires at least one-third of all chairperson offices at each Panchayat level to be reserved for women.



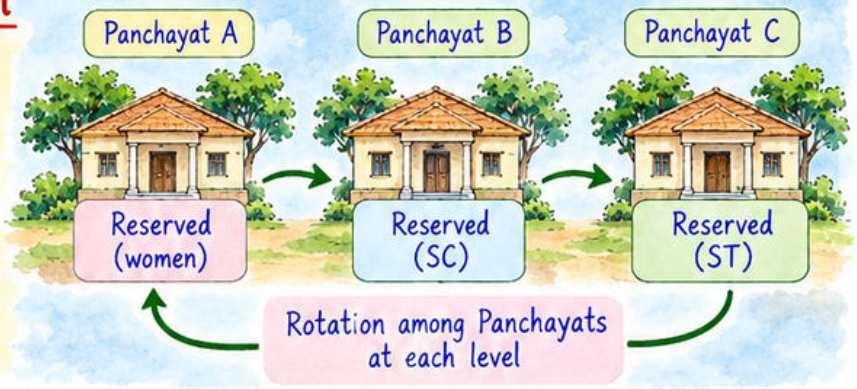


At least one-third of chairperson offices reserved for women →



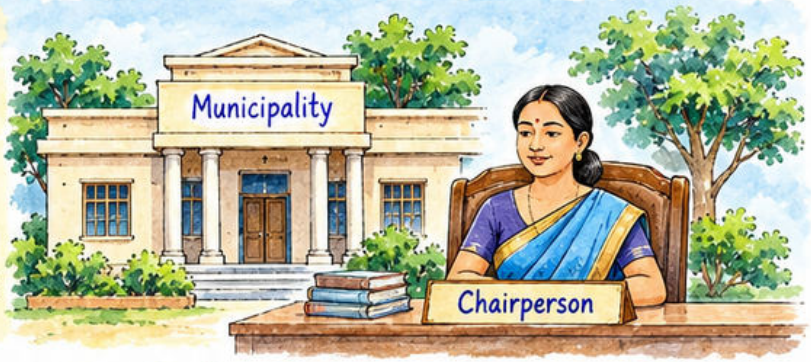
Rotation at each level

A further proviso rotates those reserved offices among Panchayats at each level. The rule concerns offices of chairpersons, separately from the proportion of directly elected seats.



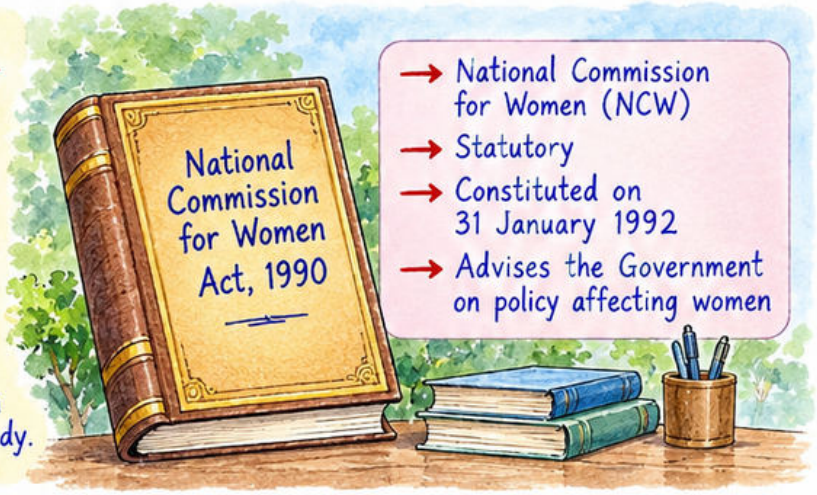
Municipal chairpersons

Article 243T(4) also leaves reservation for SCs, STs and women to State law. It has no corresponding proviso specifying a numerical women's share. Do not copy the Panchayat one-third chairperson requirement into the municipal clause.



Supporting institutions

The National Commission for Women is statutory, under the National Commission for Women Act, 1990. Constituted on 31 January 1992, it advises the Government on policy affecting women. State commissions also exist. The National Human Rights Commission is statutory too; neither institution should be labelled a constitutional body.

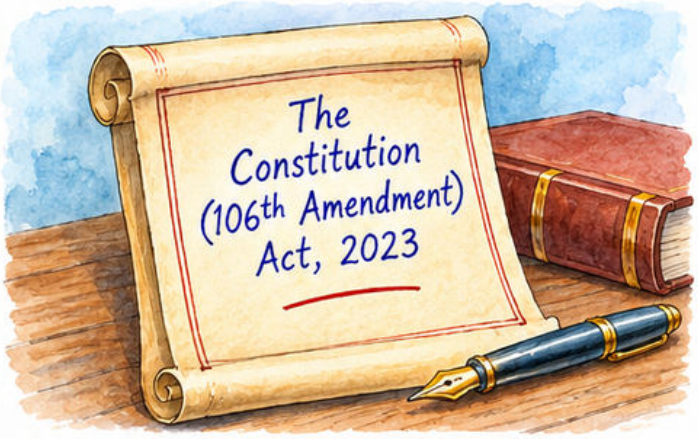


Sources: Day 29 Source Index | Topic 283

What the 106th Amendment reserves

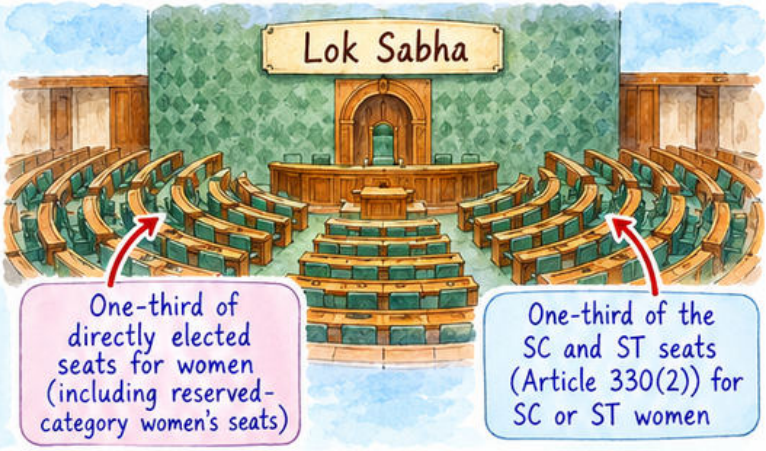
Act and commencement

The Constitution (106th Amendment) Act, 2023 received presidential assent on 28 September 2023. The Government called the Bill the Nari Shakti Vandan Adhiniyam. Section 1(2) required a commencement notification; the notification issued on 16 April 2026 appointed that date.



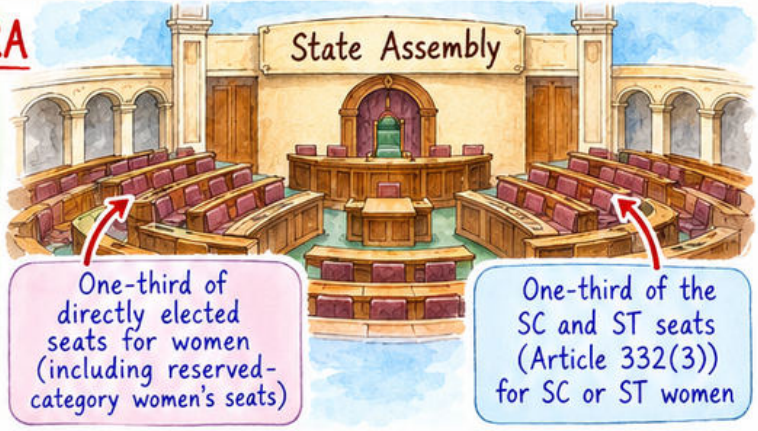
Lok Sabha: Article 330A

Women receive, as nearly as may be, one-third of directly elected seats, including the reserved-category women's seats. As nearly as may be, one-third of the SC and ST seats under Article 330(2) are reserved for SC or ST women.



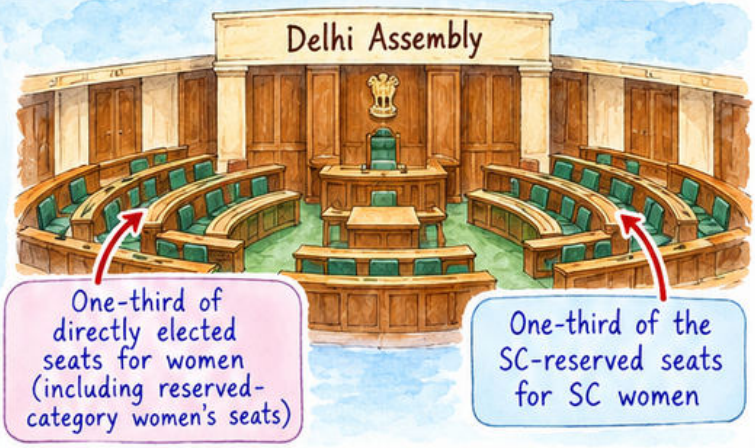
State Assemblies: Article 332A

The same pattern applies to every State Legislative Assembly, including one-third, as nearly as may be, of SC and ST seats under Article 332(3).



Delhi Assembly

Article 239AA(2)(ba), (bb) and (bc) reserve one-third of directly elected seats for women, including one-third of SC-reserved seats for SC women. Delhi has no ST clause. The Act covers these three categories of House, not the Rajya Sabha or State Legislative Councils.



Sources: Day 29 Source Index | Topic 283

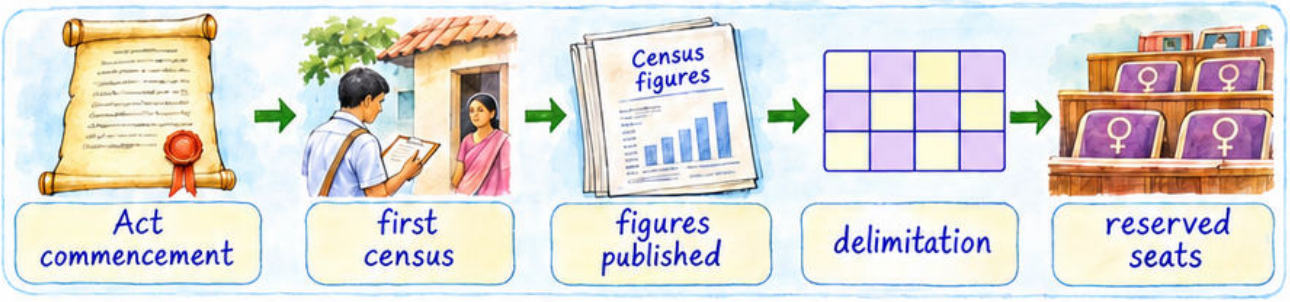
Reserved seats wait for census and delimitation

Article 334A(1): the sequence

The women's-seat provisions take effect after delimitation undertaken for this purpose, after publication of the relevant figures from the first census taken after the 106th Amendment's commencement.

Assent, commencement of the Act and operation of reserved seats are distinct events.





The fifteen-year wording

Clause (1) says the provisions cease after fifteen years "from such commencement".

The only commencement expressly named in the clause is that of the 106th Amendment Act.

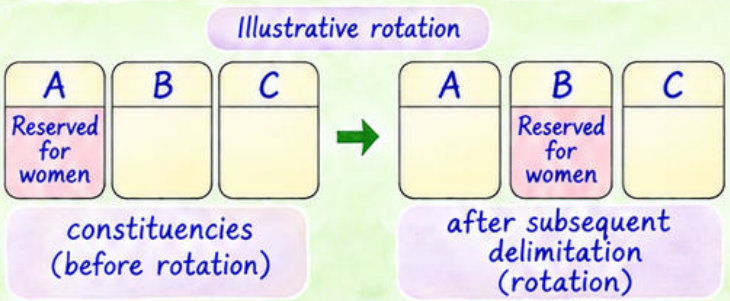
The text does not separately restate the starting point in other words; preserve its wording rather than substituting an assumed date.



Continuation and rotation

Clause (2) says the reserved seats continue until the date Parliament determines by law.

Clause (3) makes rotation effective after each subsequent delimitation, as Parliament determines by law.



Contrast with local bodies

The parliamentary and State-Assembly formulation is "as nearly as may be, one-third", whereas local bodies require "not less than one-third".

Local-body women's reservation has no equivalent fifteen-year period.

Passing an amendment in 2023 did not immediately create reserved Lok Sabha seats.



Sources: Day 29 Source Index | Topic 283

Representation and the April 2026 proposal

The proposal

The Constitution (131st Amendment) Bill, 2026 was introduced on 16 April 2026. It proposed dropping the requirement that delimitation for women's seats follow the first census taken after the 106th Amendment's commencement.



The vote

On 17 April 2026 the Bill received 298 votes to 230, short of the required two-thirds majority, and failed. Article 334A(1) therefore remained as enacted in 2023. The Act's notification and the failure of the separate Bill must not be confused.

Bill, 2026 (Vote)	
For	298
Against	230
Result	Failed

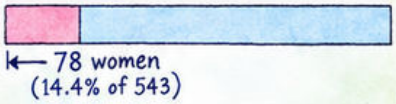
→ Article 334A(1) remained as enacted in 2023.

→ Act's notification (16 April 2026) ≠ Failure of the separate Bill

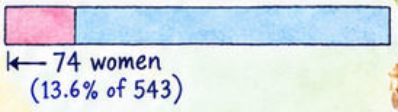
Women in the Lok Sabha

The 2024 election returned 74 women to the 543-seat Lok Sabha: 13.6 per cent. This was down from 78 women, or 14.4 per cent, in 2019. These are actual election results, not the future reserved-seat share.

2019: 78 / 14.4%



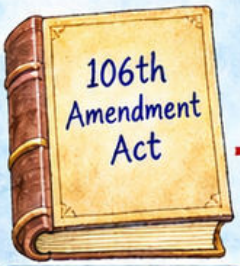
2024: 74 / 13.6%





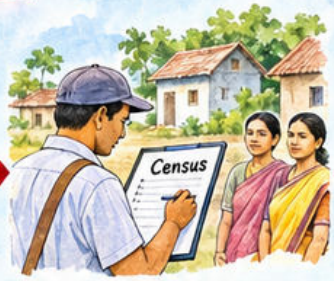
The implementation distinction

The 106th Amendment Act was brought into force on 16 April 2026, but reserved seats still await the census-linked delimitation. A commenced enabling constitutional framework can therefore coexist with representation below one-third. Read every current-affairs number with its year and institutional context.



Brought into force on 16 April 2026

→



Reserved seats await the census-linked delimitation.

→ A commenced enabling constitutional framework can therefore coexist with representation below one-third.

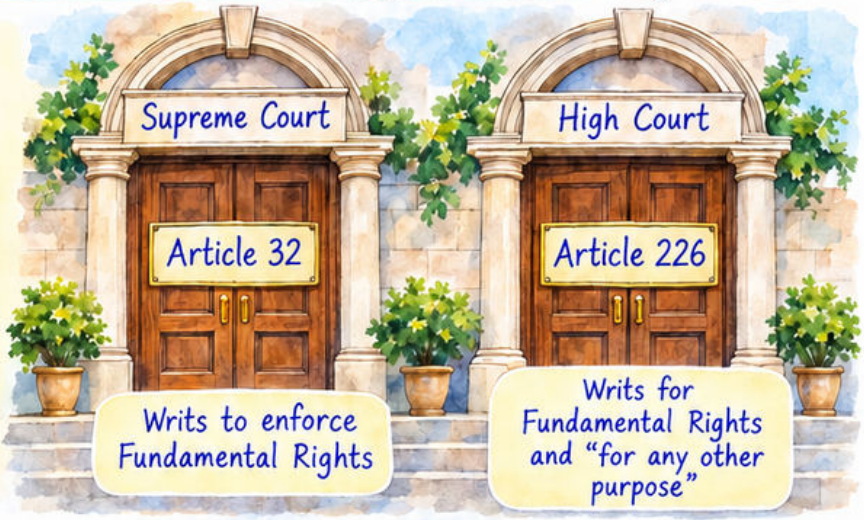
Sources: Day 29 Source Index | Topic 283

Courts provide remedies and reject arbitrary rules

Choose the remedy

Article 32 permits Supreme Court writs to enforce Fundamental Rights. Article 226 gives High Courts a wider writ power: for Fundamental Rights and "for any other purpose".

The two jurisdictions are not identical in scope.



Air India v. Nergesh Meerza

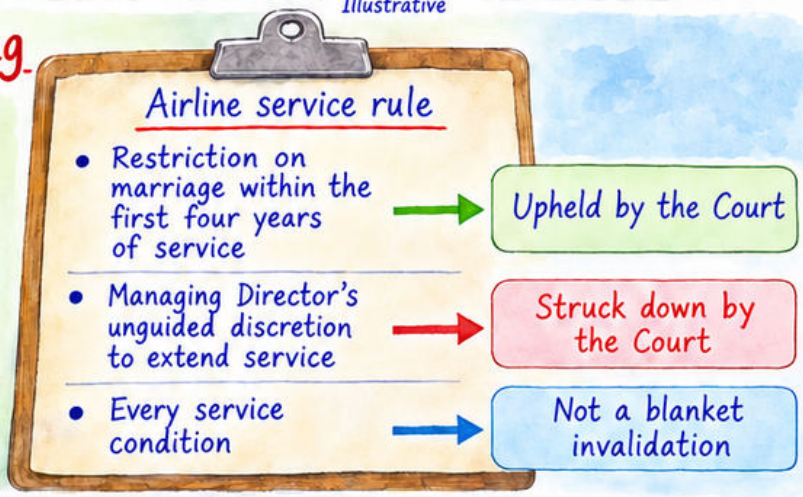
On 28 August 1981 a three-judge Bench held that ending an air hostess's service on her first pregnancy was unconstitutional, void and contrary to Article 14.



Illustrative

Read the whole holding

The Court upheld the restriction on marriage within the first four years of service. It struck down the Managing Director's unguided discretion to extend service. The decision was not a blanket invalidation of every service condition before it.



Protection is reviewable

Rules described as protective or administrative remain open to equality review. Nergesh Meerza and Joseph Shine show why the actual rule and judicial holding matter more than a general label. Article 15(3) permits affirmative provision, but cannot be used as a shortcut around constitutional scrutiny.



Sources: Day 29 Source Index | Topic 283

Vishaka fills a legislative gap

The case

Vishaka v. State of Rajasthan was decided on 13 August 1997 by three judges led by Chief Justice Verma. An Article 32 petition concerned sexual harassment at work.



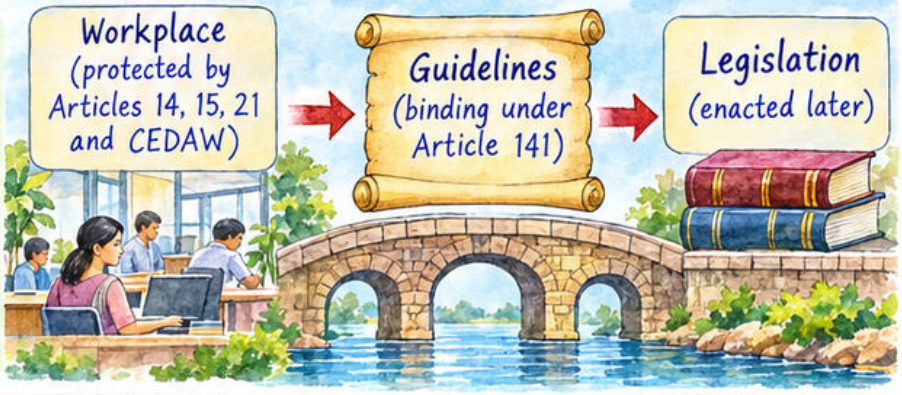
The constitutional foundation

The Court found violations of Articles 14, 15 and 21. It used the Convention on the Elimination of All Forms of Discrimination against Women, or CEDAW, to interpret the constitutional protections.



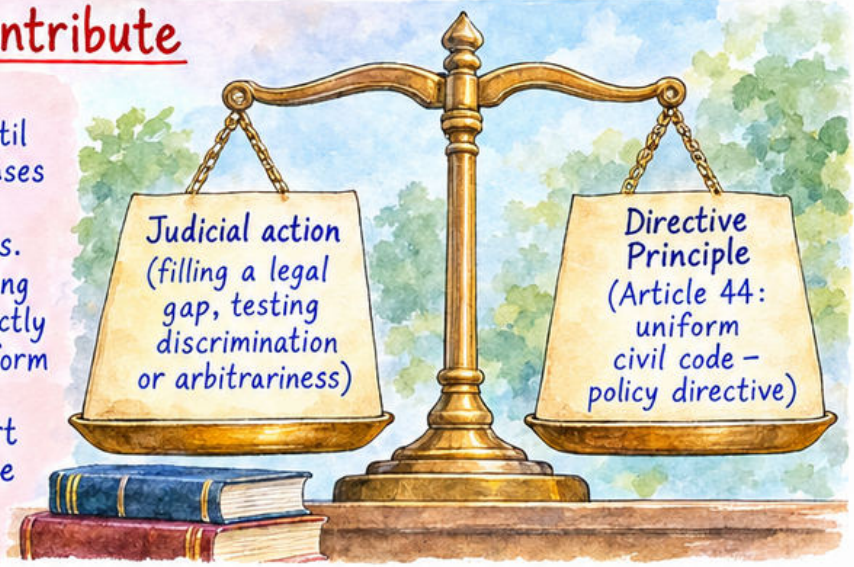
Binding guidelines

The workplace guidelines were binding and enforceable in law until suitable legislation was enacted. They operated as law declared by the Supreme Court under Article 141. Their force was not merely advisory.



How the courts contribute

Vishaka illustrates judicial action to fill a legal gap until legislation is made. Other cases test discriminatory rules or invalidate arbitrary practices. These roles differ from making every Directive Principle directly enforceable: Article 44's uniform civil code remains a policy directive, even though a court can test a particular practice against enforceable rights.

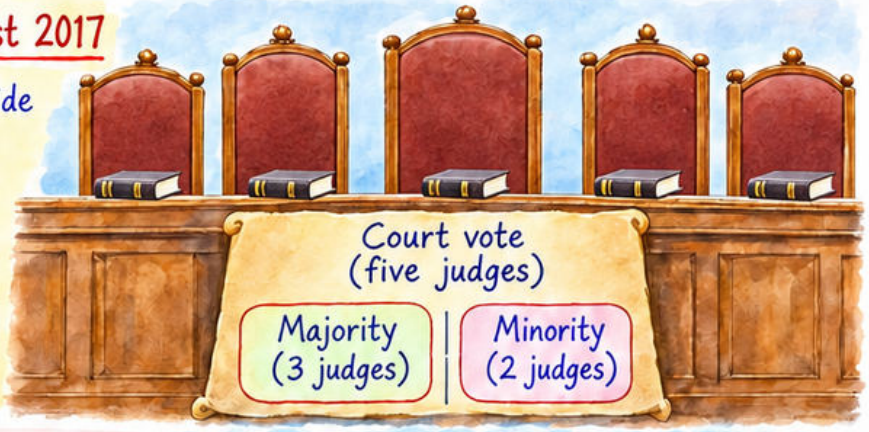


Sources: Day 29 Source Index | Topic 283

Personal laws and Army service

Shayara Bano, 22 August 2017

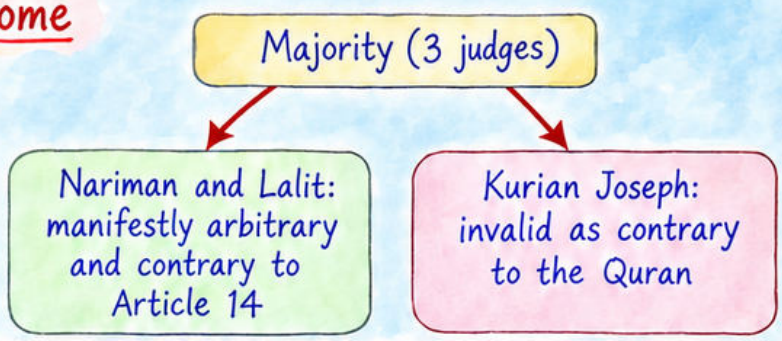
A five-judge Bench set aside instant triple talaq, talaq-e-biddat, by three votes to two. The three majority judges did not use one identical reason.



Two routes to the outcome

Justices Nariman and Lalit found it manifestly arbitrary and contrary to Article 14.

Justice Kurian Joseph found it invalid as contrary to the Quran.



A majority result does not mean every majority judge adopted the same constitutional reasoning.

Babita Puniya, 17 February 2020

Justices Chandrachud and Rastogi rejected an absolute bar on considering women Army officers for command appointments. All serving women Short Service Commission officers were to be considered for permanent commission, whatever their years of service; compliance was directed within three months.



Stereotypes are not a justification

The Court called the Union's submission disturbing and identified sex stereotypes based on socially assigned gender roles. The decision required consideration and rejected an absolute bar; it should not be restated as automatic appointment of every officer to every command.

These rulings connect equality to concrete institutional practices.

Sources: Day 29 Source Index | Topic 283

Article 32 and constitutional remedies

A right to seek enforcement

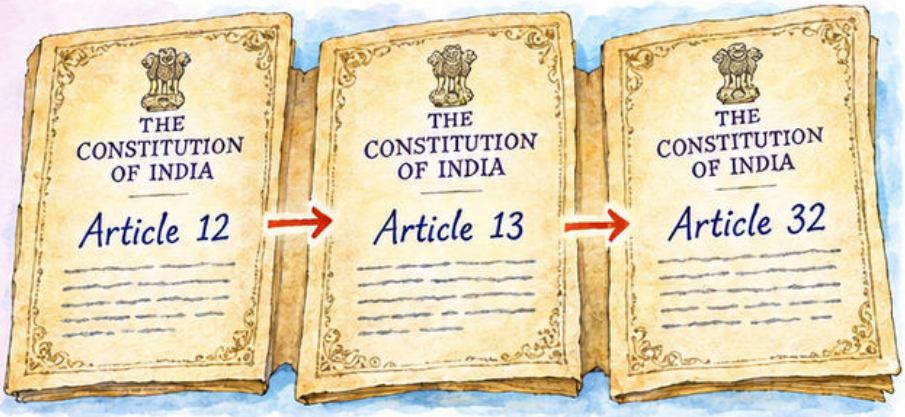
Article 32 guarantees the right to move the Supreme Court for enforcement of the Fundamental Rights. It gives the Court power to issue directions, orders and writs.

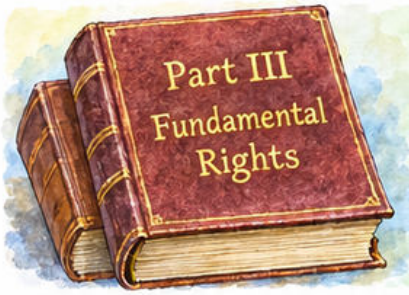


Where it stands

Article 32 is in Part III. Its marginal heading is "Remedies for enforcement of rights conferred by this Part."

The four clauses in the official text as on 1 May 2024 read the same as in 1950.





The surrounding provisions

Article 12 defines "the State" for Part III.

Article 13 makes a law void to the extent that it conflicts with the Fundamental Rights.

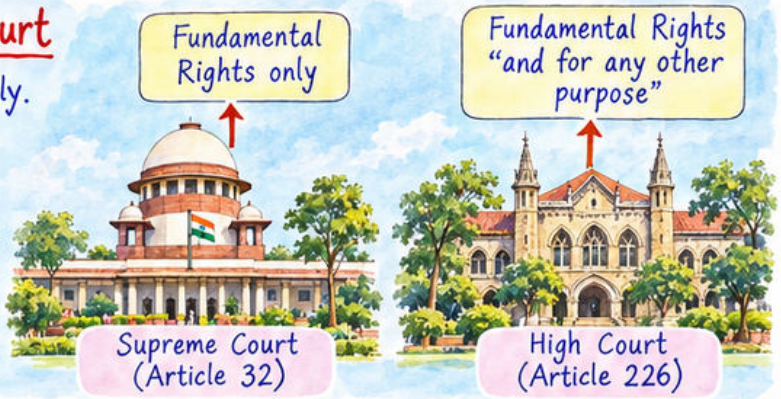
Article 32 provides the remedy for enforcing those rights.

Supreme Court and High Court

Article 32: Fundamental Rights only.

Article 226: Fundamental Rights "and for any other purpose".

Article 226 is wider in subject matter. Article 32 is itself a Fundamental Right: that makes it more important, not wider.





Five writs are named

Habeas corpus, mandamus, prohibition, quo warranto and certiorari.

The word "including" means the Court is not restricted to these five writs. Directions and orders are also available.

Sources: Day 30 Source Index | Topic 292

Article 32 clauses 1 and 2

Clause (1): the remedy is guaranteed

"The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed."

The right to seek enforcement is itself a Fundamental Right. "This Part" means Part III. The clause does not make Article 32 a remedy for every ordinary legal right.



Clause (2): the Court's power

"The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part."



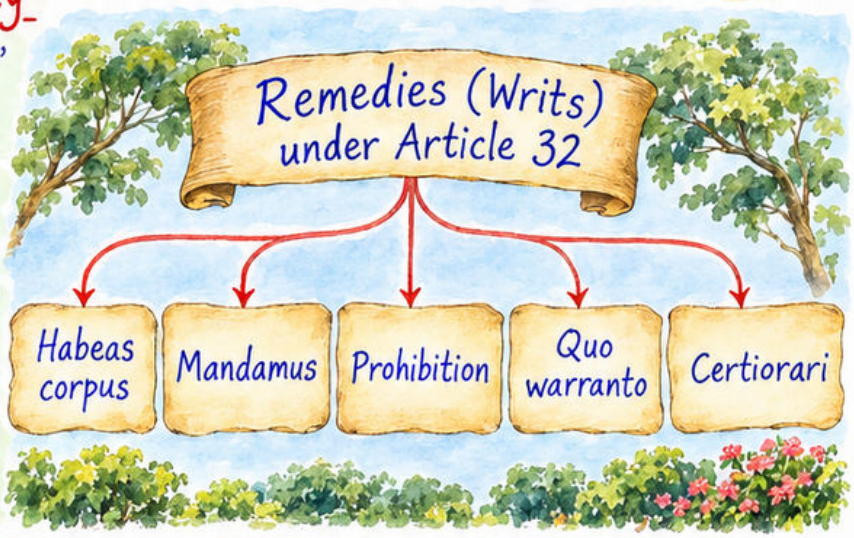
Read the words closely

"Directions or orders or writs" gives more than a closed list of five remedies.

"Including" introduces the named writs; it does not confine the Court to them.

"Whichever may be appropriate" connects the remedy to the violation.

"For the enforcement" of Part III keeps the Article's subject-matter limit.



Clause (1) guarantees access to the remedy. | Clause (2) supplies the enforcement powers.

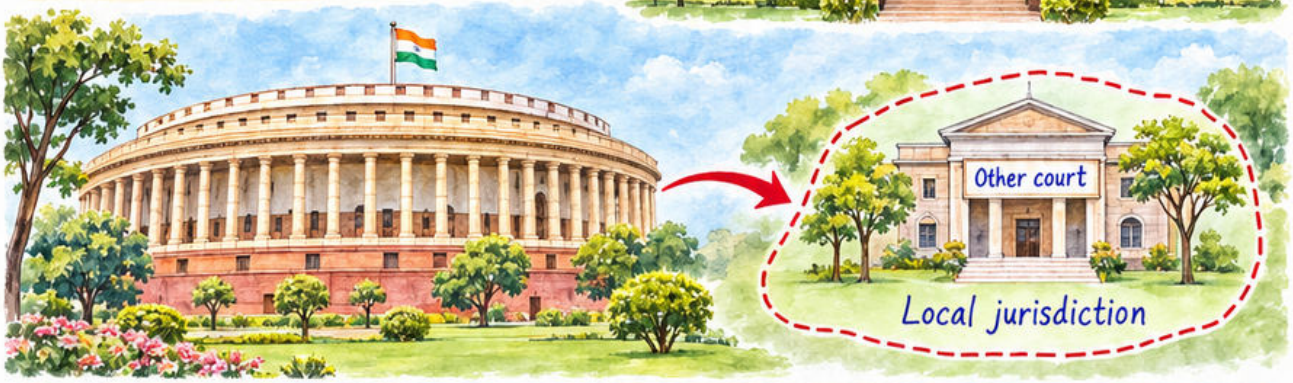
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Other courts and other purposes

Article 32(3)

"Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)."





Parliament can empower another court, within that court's local jurisdiction. This takes nothing away from the Supreme Court. It does not grant that other court nationwide power.

Article 32(4)

"The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution."

Suspension must follow a constitutional provision. Article 359 supplies that route during an Emergency.

Article 139

"Parliament may by law confer on the Supreme Court power to issue directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for any purposes other than those mentioned in clause (2) of article 32."



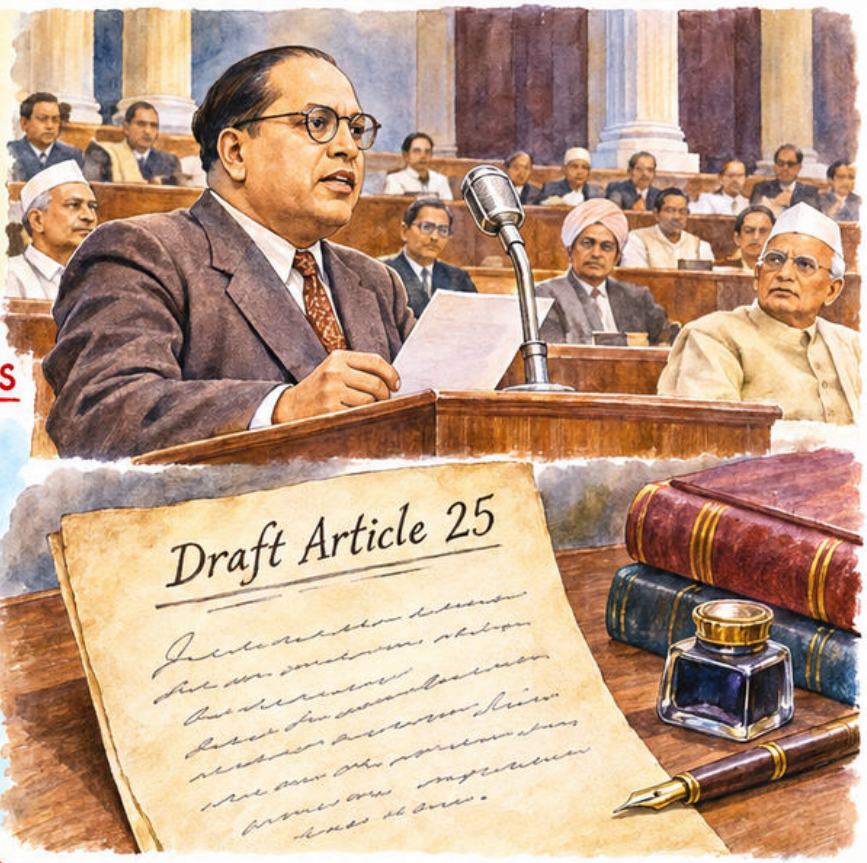
Other purposes require a parliamentary law under Article 139. High Courts already receive their wider Article 226 power from the Constitution itself.

Sources: Day 30 Source Index | Topic 292

Ambedkar and Draft Article 25

9 December 1948

The Constituent Assembly debated Draft Article 25, which became Article 32.



Ambedkar's own words

He called it "an article without which this Constitution would be a nullity".

"It is the very soul of the Constitution and the very heart of it and I am glad that the House has realised its importance."

The famous short form

"Heart and soul of the constitution" is NCERT's short form of his view, not the exact wording of his speech.



Why writs mattered

Ambedkar described them as "prerogative writs" that an aggrieved party could seek "without bringing any proceedings or suit".

He said a legislature could not take away the writs mentioned in the Article unless the Constitution itself was amended.

Keep the three facts together

Draft Article 25 → debate on 9 December 1948 → Article 32.

Rights need remedies

Constitutional remedies turn protected rights into rights that can be enforced in practice.



Sources: Day 30 Source Index | Topic 292

The Court as a guardian of rights

Romesh Thappar, 26 May 1950

The State argued that the petitioner should first have gone to the Madras High Court under Article 226. The Supreme Court rejected that objection.

"This Court is thus constituted the protector and guarantor of fundamental rights."

It could not, consistently with that responsibility, refuse applications seeking protection against infringements of those rights.



V.G. Row, 31 March 1952

A five-judge bench said that, for Fundamental Rights, the Supreme Court had been assigned the role of "a sentinel on the qui vive.".

That phrase belongs to V.G. Row, not Romesh Thappar.



L. Chandra Kumar, 18 March 1997

Seven judges held that judicial review over legislative action under Article 226 in the High Courts and Article 32 in the Supreme Court is an integral and essential feature of the Constitution, forming part of its basic structure.



Three precise matches

Romesh Thappar → protector and guarantor.

V.G. Row → sentinel on the qui vive.

L. Chandra Kumar → judicial review and basic structure.

A petitioner can approach the Supreme Court directly, though later decisions advise High Court first in some detention cases.



Sources: Day 30 Source Index | Topic 292

Habeas corpus

"That you have the body"

Habeas corpus is the remedy against unlawful detention. The arrested person is brought before the court. If the manner or grounds of arrest are unlawful or unsatisfactory, the court can set the person free.



It can reach private detention

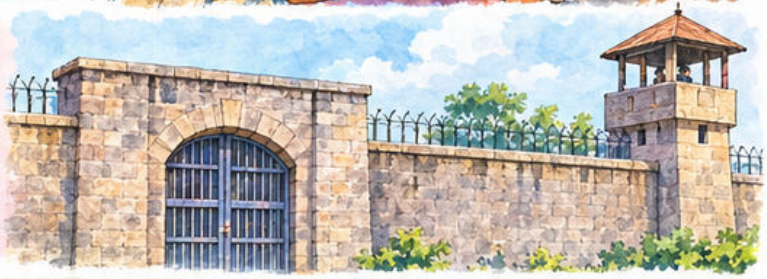
The detainer may be the State or a private person.

In Tejaswini Gaud v. Shekhar Jagdish Prasad Tewari (2019), the Court held the writ maintainable when detention of a minor child by a parent or others was illegal.



The question is legality

The writ tests the legal basis of detention. It is not confined to detention inside a government prison.



The Emergency judgment changed

ADM Jabalpur (28 April 1976) held the remedy against unlawful detention suspendable during the Emergency.

K.S. Puttaswamy (24 August 2017), decided by nine judges, overruled that ruling.

1976 → 2017



Protection today

Under Article 359, an Emergency order cannot suspend the right to move a court to enforce Articles 20 and 21.

Do not treat the 1976 majority's position as current law.

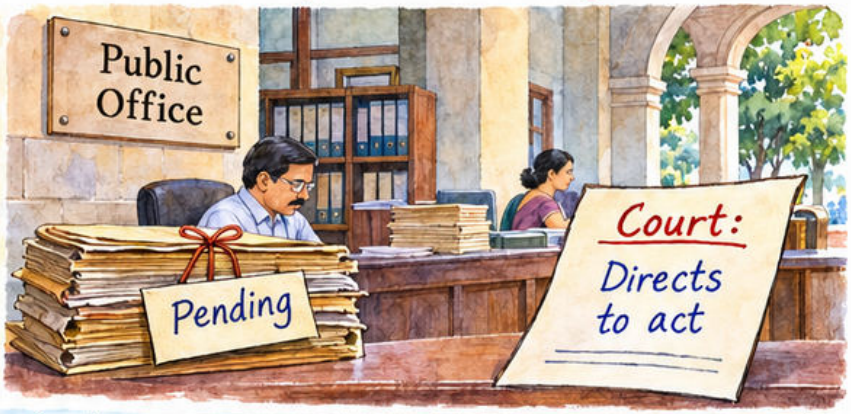


Sources: Day 30 Source Index | Topic 292

Mandamus and public duty

"We command"

Mandamus directs performance of a public or statutory duty. It applies when an office holder fails to perform a legal duty and thereby infringes a person's right.



Public function is the test

Binny Ltd. v. V. Sadasivan (2005) states that mandamus secures performance of a public or statutory duty.

It may reach a private body when that body performs a public function. Writ jurisdiction cannot enforce purely private contracts.



Article 361 protection

The President and a Governor are not personally answerable to a court for exercising the powers and duties of their offices.

Proceedings may still be brought against the Government of India or a State Government.



The 20 November 2025 opinion

A Governor's prolonged, unexplained and indefinite inaction can attract a limited direction to decide within a reasonable time.

The direction does not tell the Governor what to decide.



Avoid both extremes

"Mandamus lies against anyone" is wrong: a public duty is needed.

"Mandamus can never touch a Governor" is also too absolute: the limited 2025 direction must be distinguished from personal answerability under Article 361.



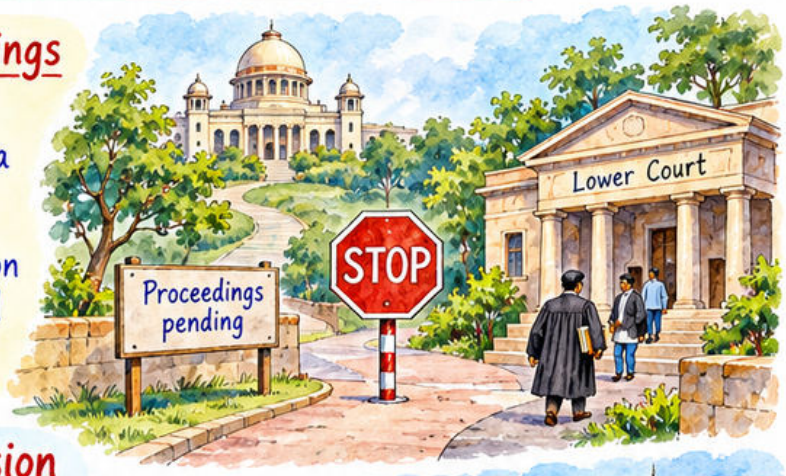
Sources: Day 30 Source Index | Topic 292

Prohibition and certiorari

Prohibition: stop proceedings

A higher court can prohibit a lower court from continuing a case beyond its jurisdiction.

The broad rule is that prohibition lies while proceedings are still pending.



Certiorari: quash a decision

Literally, "to be informed". A court may call for a matter from a lower court or other authority.

In Hari Vishnu Kamath, the broad distinction is certiorari "for quashing after they have terminated in a final decision".

Grounds include want or excess of jurisdiction, breach of natural justice, and a manifest error apparent on the face of the proceedings.



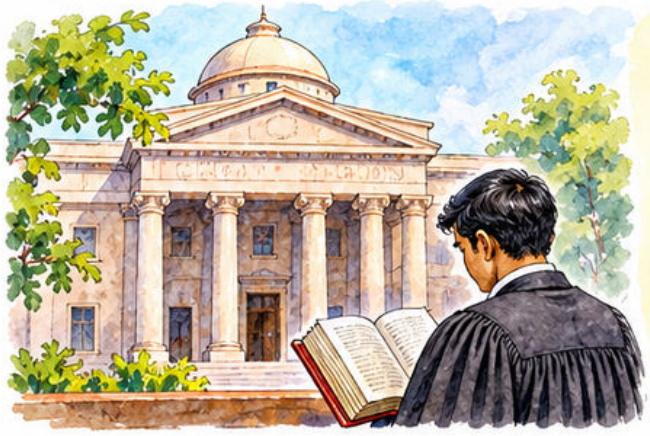
Which bodies?

Hari Vishnu Kamath, decided on 9 December 1954, recognised both writs against courts and authorities exercising judicial or quasi-judicial functions.



A thin boundary

In A.K. Kraipak v. Union of India (1969), the Court described the line between administrative and quasi-judicial power as "quite thin". It applied natural justice to an administrative selection and set the selections aside.



Read descriptions carefully

NCERT's short description of certiorari refers to a "pending" matter. For the broad timing distinction, remember Hari Vishnu Kamath:

Pending proceedings → prohibition.
Final decision → certiorari to quash.

Sources: Day 30 Source Index | Topic 292

Quo warranto and public office

"By what warrant"

Quo warranto asks a holder of public office to show the legal authority by which the office is held.

If the person is not entitled to hold it, the court restrains that person from acting in it.



What kind of office?

University of Mysore v. C.D. Govinda Rao, 26 August 1963: an independent, substantive public office held by a usurper without legal authority.

M.A.M. Raja (Madras High Court, 2022): the office must be public and created by statute or the Constitution. It must be substantive, not merely employment held at another person's pleasure.



Who may ask?

Strict locus standi is relaxed. The petitioner need not be personally aggrieved.

B. Srinivasa Reddy (Supreme Court, 2006): any concerned person can file a writ petition, but must come with bona fides and public interest.



Follow the test

Public office → created by law or Constitution → substantive office → legal entitlement of the holder.

Do not confuse the writs

Quo warranto tests authority to hold the office.

Mandamus seeks performance of a public duty.



Sources: Day 30 Source Index | Topic 292

Article 32 and Article 226

Court and subject

Article 32 belongs to the Supreme Court and enforces Fundamental Rights only.

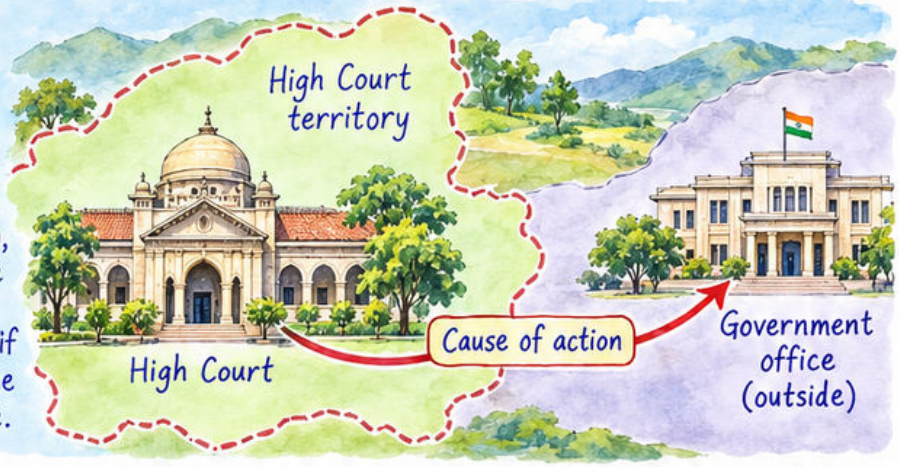
Article 226 belongs to every High Court and extends to Fundamental Rights "and for any other purpose". It opens "Notwithstanding anything in article 32".



Territorial reach

Article 32 states no territorial limit.

Article 226 covers the territories of a High Court's jurisdiction. Under clause (2), it also reaches a case where the cause of action arises wholly or partly there, even if the Government's seat or the person's residence is outside.



Right and discretion

Article 32(1) guarantees a Fundamental Right. Romesh Thappar protects direct access for infringements of Fundamental Rights.

Article 226 gives the High Court a power. K.K. Kochunni (1959) recognises that an adequate alternative remedy may weigh with the High Court.



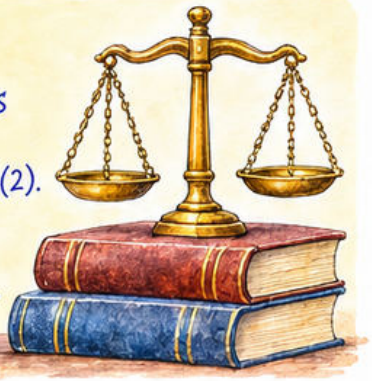
Choice of court

In Union of India v. Paul Manickam (2003), two judges said detention challenges directly under Article 32 should be discouraged unless reasons are given for not going to the High Court first.

Powers coexist

Article 226(4) says the High Court's power is not in derogation of the Supreme Court's power under Article 32(2).

Wider subject matter does not make Article 226 itself a Fundamental Right.

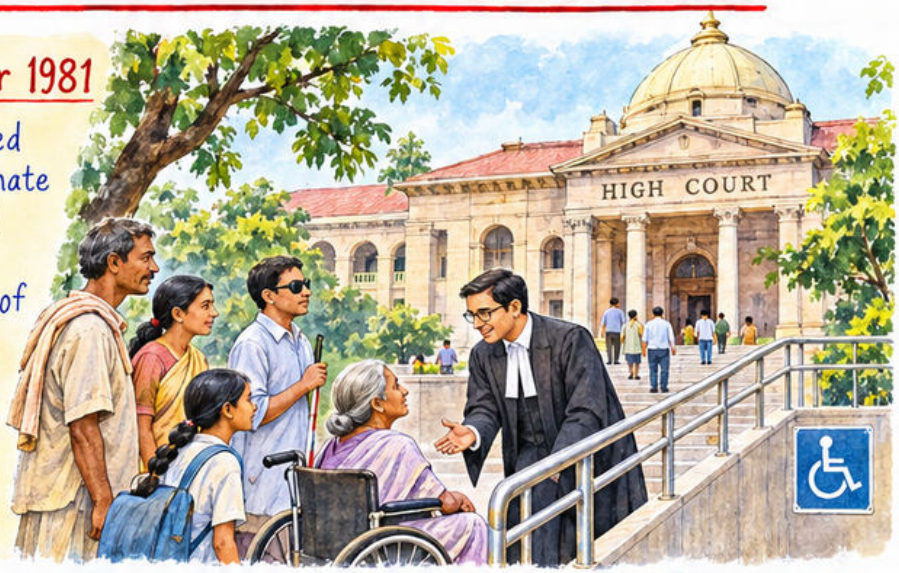


Sources: Day 30 Source Index | Topic 292

Public interest and access to remedies

S.P. Gupta, 30 December 1981

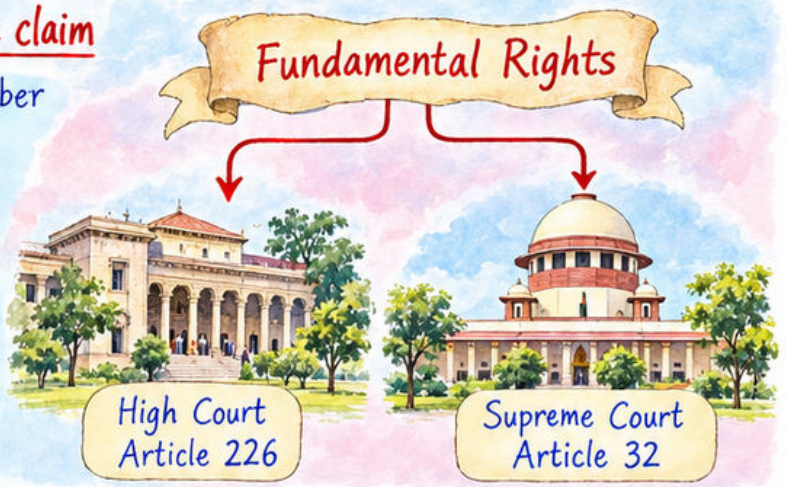
Justice Bhagwati explained that a person or determinate group may suffer a legal wrong yet be unable to approach a court because of poverty, helplessness, disability, or a socially or economically disadvantaged position.



Another person can bring the claim

In such circumstances, any member of the public can maintain an application for an appropriate direction, order or writ.

Use Article 226 in a High Court; use Article 32 in the Supreme Court when a Fundamental Right is involved.



Why standing is relaxed

Access to a remedy should not fail merely because the affected people cannot reach the court themselves.

The legal wrong and the applicable right still matter. Public interest litigation does not remove Article 32's Fundamental Rights limit.



Two distinct settings

PIL may let a public-spirited person act for those unable to approach the court.

Quo warranto also relaxes strict *locus standi*, but its particular question is whether someone legally holds a substantive public office.

Programme link

Public interest litigation is developed further in Topic 883.



Sources: Day 30 Source Index | Topic 292

Emergency and constitutional protection

Article 359(1)

While a Proclamation of Emergency operates, the President may order suspension of the right to move any court to enforce the Part III rights specified in the order, except Articles 20 and 21.

"Any court" includes High Courts and the Supreme Court. This is the constitutional exception contemplated by Article 32(4).



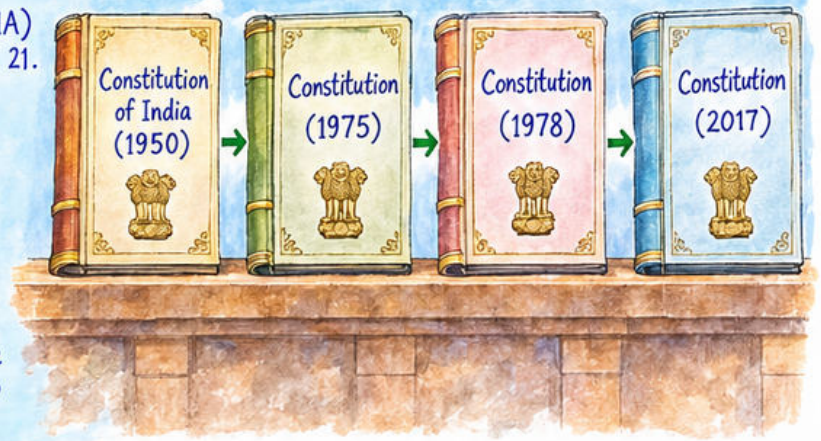
How the text changed

The 1950 text had neither clause (1A) nor the exception for Articles 20 and 21.

Section 7 of the Thirty-eighth Amendment Act, 1975 inserted clause (1A).

Section 40 of the Forty-fourth Amendment Act, 1978 added "(except articles 20 and 21)" to clauses (1) and (1A).

Article 32A was omitted when the Forty-third Amendment came into force on 13 April 1978.



ADM Jabalpur, 28 April 1976

Five judges split 4–1. The majority held habeas corpus suspendable during the Emergency. Justice H.R. Khanna dissented.



Puttaswamy, 24 August 2017

Nine judges overruled ADM Jabalpur. Justice D.Y. Chandrachud's leading opinion called the four majority judgments "seriously flawed".



The exam distinction

An Emergency does not switch off every remedy. Since the Forty-fourth Amendment, Article 359 cannot suspend court enforcement of Articles 20 and 21.



Sources: Day 30 Source Index | Topic 292

BRICS SCO and the Quad

India in three different groupings

India belongs to all three, but they do not have the same institutional form.



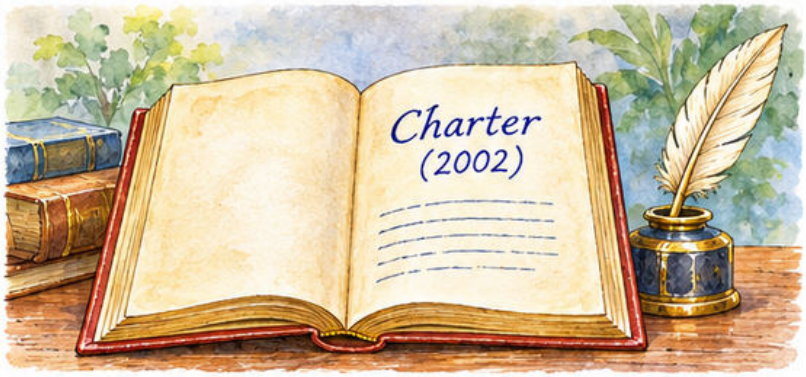
BRICS

A grouping with an annually rotating chair. Its cooperation covers political and security, economic and financial, and cultural and people-to-people pillars.



SCO

The Shanghai Cooperation Organisation is based on the Charter signed in 2002. It has permanent bodies and works for regional trust, peace, security and stability.



Quad

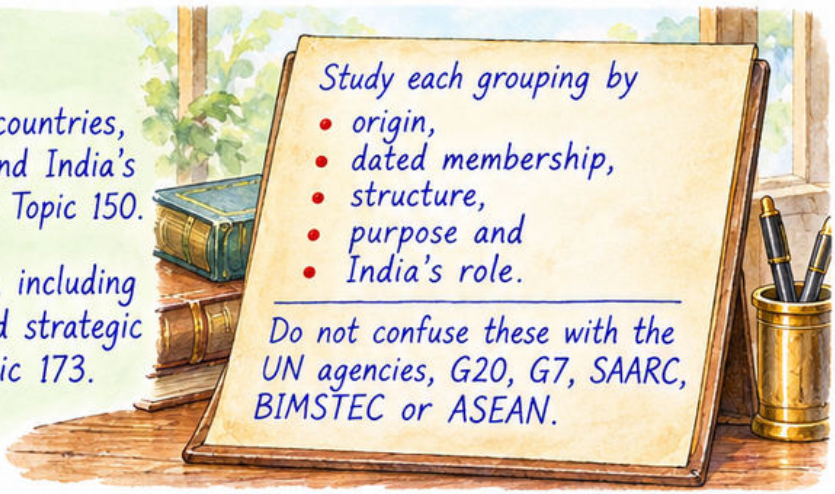
A diplomatic partnership of Australia, India, Japan and the United States. Official descriptions identify neither a founding treaty nor a permanent secretariat.



Connect the topics

BRICS membership, partner countries, the New Development Bank and India's 2026 chairship were covered in Topic 150.

India's broader foreign policy, including Panchsheel, non-alignment and strategic autonomy, was covered in Topic 173.



Sources: Day 31 Source Index | Topic 303

BRICS in November 2026

Membership as on 1 November 2026

The PIB list has 11 full members: Brazil, China, Egypt, Ethiopia, India, Indonesia, Iran, Russia, Saudi Arabia, South Africa and the United Arab Emirates.

Saudi Arabia's inclusion follows the PIB listing. There are also 10 partner countries. These are separate categories.



India's fourth chairship

The 18th BRICS Summit was held in New Delhi on 12 and 13 September 2026.

Its theme was "Building for Resilience, Innovation, Cooperation and Sustainability". The summit adopted the New Delhi Declaration.



What changed afterward?

No new full member or partner country had been added after the summit as on 1 November 2026.

Keep the date with the membership count: 11 full members and 10 partners.



Sources: Day 31 Source Index | Topic 303

From Shanghai Five to SCO

Shanghai Five, 1996

China, Kazakhstan, Kyrgyzstan, Russia and Tajikistan began regular leaders' meetings in April 1996.

They signed agreements in 1996 and 1997 on military confidence-building and mutual reduction of armed forces in border areas.



Founding, 15 June 2001

The SCO was established at Shanghai by six states: China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan.

Uzbekistan's entry turned the Shanghai Five into six.



The Charter

Signed at St Petersburg on 7 June 2002, the SCO Charter entered into force on 19 September 2003. It is an international treaty.



Purpose

Strengthen mutual trust, friendship and good-neighbourliness. Promote multilateral cooperation for peace, security and stability in the region.

The SCO states that it does not have the attributes of a defence alliance.



Remember three places in the story: Shanghai Five's origins; SCO founding at Shanghai; Charter signing at St Petersburg.

Sources: Day 31 Source Index | Topic 303

SCO membership and partners

Ten members as on 1 November 2026

Six founders, 15 June 2001: China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan.

India and Pakistan became full members at Astana in June 2017.

Iran became a member at India's virtual summit on 4 July 2023. Belarus joined at Astana on 4 July 2024.



Members
(as on 1 November 2026)

China
Kazakhstan
Kyrgyzstan
Russia
Tajikistan
Uzbekistan
India
Pakistan
Iran
Belarus

Two observers

Afghanistan and Mongolia are observer states, not full members.



Fifteen dialogue partners

Azerbaijan, Armenia, Bahrain, Egypt, Cambodia, Qatar, Kuwait, Laos, Maldives, Myanmar, Nepal, UAE, Saudi Arabia, Türkiye and Sri Lanka.

The August 2025 count was 14. Laos was added by a decision of 1 September 2025.

Dialogue partners
(15)

Azerbaijan
Armenia
Bahrain
Egypt
Cambodia
Qatar
Kuwait
Laos
Maldives
Myanmar
Nepal
UAE
Saudi Arabia
Türkiye
Sri Lanka

A status in transition

On 1 September 2025 the Council of Heads of State decided to introduce a single "SCO Partner" status to replace observer and dialogue-partner categories.

The existing categories continue until the amendments enter into force. A decision to change status is not the same as its legal commencement.



Sources: Day 31 Source Index | Topic 303

How the SCO is organised

The supreme body

The Council of Heads of State meets annually. The host country's head of state chairs it. Venues generally follow the Russian alphabetical order of member states.



Two permanent bodies

The Secretariat is in Beijing and began work on 15 January 2004.



The Executive Committee of the Regional Anti-Terrorist Structure, RATS, is in Tashkent.



Russian and Chinese are the SCO's only official languages.

India's chairship

India became an observer at Astana in July 2005 and a member in 2017. It took the chair at Samarkand on 17 September 2022, described its priorities as a "SECURE" SCO, and hosted the 23rd summit virtually on 4 July 2023.



The 26th summit

Bishkek, Kyrgyzstan, hosted it from 31 August to 1 September 2026. The Council met on 1 September at Yrys-Ordo Congress Hall under President Sadyr Japarov.

It approved 28 documents, including the Bishkek Declaration and a Protocol on Amendments and Additions to the SCO Charter.



As on 1 November 2026, Pakistan holds the 2026–2027 chair, following Kyrgyzstan's 2025–2026 term.

Sources: Day 31 Source Index | Topic 303

The Quad's growth

Relief cooperation, 2004

Australia, India, Japan and the United States coordinated assistance after the December 2004 Indian Ocean tsunami. Their countries contributed over 40,000 emergency responders.



Officials and ministers

May 2007: first officials' meeting, on the ASEAN Regional Forum sidelines in the Philippines.

November 2017: officials met again at Manila during the East Asia Summit, after a ten-year gap.

September 2019: first foreign ministers' meeting, at New York during the UN General Assembly.



Leaders' level, 2021

12 March: first Leaders' Summit, held virtually; statement titled "The Spirit of the Quad".

24 September: first in-person Leaders' Summit, Washington DC.



Later summits

3 March 2022: virtual; Australia dates the meeting 4 March.

24 May 2022: Tokyo.

20 May 2023: Hiroshima.

21 September 2024: Wilmington, United States.



Wilmington was the fourth in-person summit and the sixth Leaders' Summit overall. Do not confuse the two counts.

Sources: Day 31 Source Index | Topic 303

How the Quad works

A diplomatic partnership



Its formal name is the Quad. It is a diplomatic partnership, also described as a network of four countries, rather than a treaty organisation.

Official accounts name no founding treaty or permanent secretariat. Work proceeds through leaders, foreign ministers, Sherpas, senior officials and experts. In 2021, leaders agreed that foreign ministers would meet at least annually.

Working groups and fields

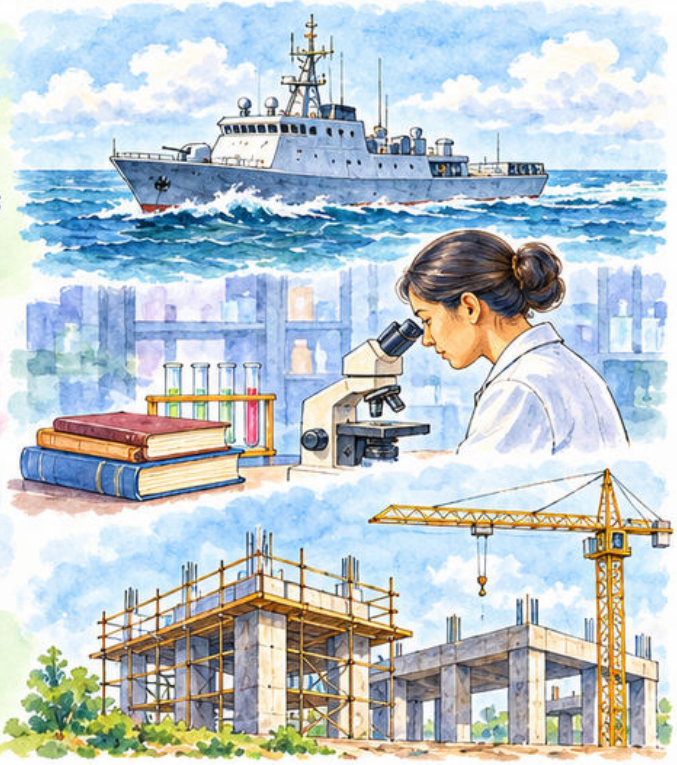


March 2021: vaccine experts, critical and emerging technology, and climate.

September 2021 added infrastructure, space and cyber.

Present areas also include cybersecurity, health security, humanitarian assistance and disaster relief, counter-terrorism, maritime security and a Policy Planners' Dialogue.

Practical initiatives



The Indo-Pacific Partnership for Maritime Domain Awareness (IPMDA), announced in 2022, supports maritime domain awareness. In May 2026 ministers welcomed India's operationalisation of its Indian Ocean Region programme.

The 2024 Quad Cancer Moonshot initially focuses on cervical cancer in the Indo-Pacific.

The Quad Fellowship builds a network of the next generation of science, technology and policy leaders.

Quad Infrastructure Fellowships, announced in 2023, serve infrastructure practitioners.

Sources: Day 31 Source Index | Topic 303

Minerals and energy cooperation

New Delhi, 26 May 2026

The Quad foreign ministers' joint statement set out two initiatives.



Quad Critical Minerals Framework

Cooperation on the supply chains of critical minerals.



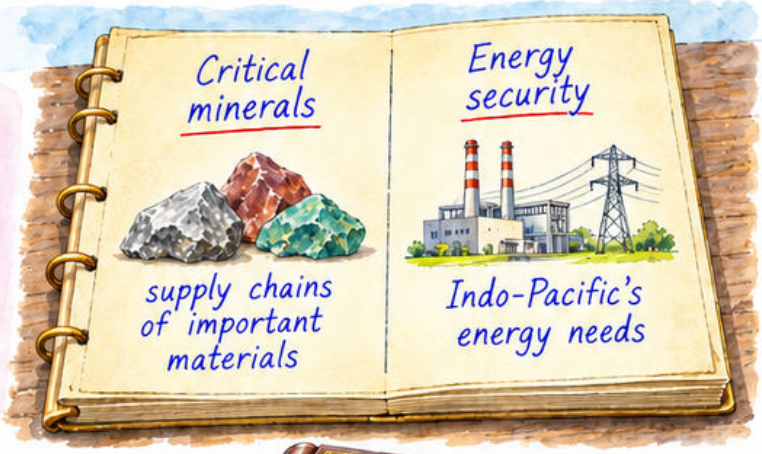
Quad Initiative on Indo-Pacific Energy Security

Cooperation on energy security in the Indo-Pacific.



Two related purposes

Critical minerals concern the supply chains of important materials. Energy security concerns the Indo-Pacific's energy needs.



These are Quad cooperation initiatives, not new member organisations or a founding treaty.



Sources: Day 31 Source Index | Topic 303

India's turn to host the Quad

Foreign ministers in New Delhi

India hosted the 26 May 2026 meeting, the eleventh in the MEA list. India was described as the current chair.

The joint statement looked forward to convening a Quad Leaders' Summit, without specifying its date or place.



Latest ministerial meeting

The Quad foreign ministers met in Manila on 22 July 2026.



A leaders' summit still pending

The Wilmington Declaration had looked forward to India hosting the next Quad Leaders' Summit in 2025.

As on 1 November 2026, the official pages consulted listed no Leaders' Summit after Wilmington in September 2024. The proposed India-hosted Leaders' Summit had not yet taken place.



Keep levels distinct

A foreign ministers' meeting is not a Leaders' Summit. India's September 2026 summit was BRICS, not the Quad.



Sources: Day 31 Source Index | Topic 303

Three institutional forms

BRICS

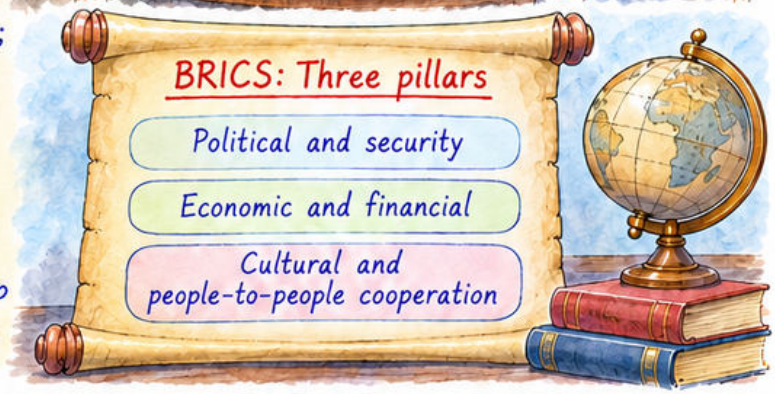
Formalised at the first BRIC Foreign Ministers' meeting in New York in 2006.

As on 1 November 2026: 11 full members and 10 partner countries, using the PIB list.

The chair rotates annually by the acronym's letters. No permanent secretariat is named in the explainer; the New Development Bank is headquartered in Shanghai.

Its three pillars are political and security, economic and financial, and cultural and people-to-people cooperation. India is a founding member and held its fourth chairship and hosted the 18th Summit in 2026.





SCO

Founded at Shanghai on 15 June 2001; based on the 2002 Charter, an international treaty.

Ten members, two observers and 15 dialogue partners. Secretariat in Beijing; RATS Executive Committee in Tashkent.

Works for trust, good-neighbourliness and regional stability; not a defence alliance. India: observer from 2005, member from 2017, chair in 2022–2023.

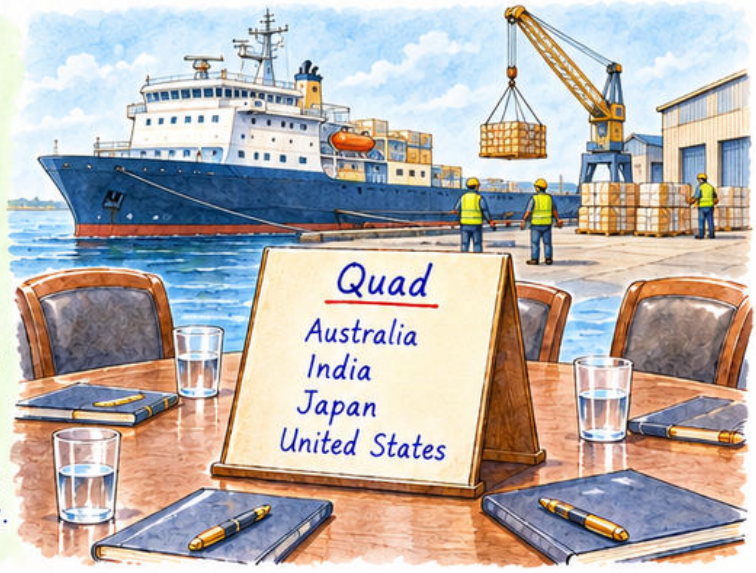


Quad

Four countries: Australia, India, Japan and the United States. Relief cooperation from 2004, officials' meetings from 2007, leaders' level from 2021.

A diplomatic partnership working through meetings, with no founding treaty or permanent secretariat named. It seeks practical Indo-Pacific outcomes and describes itself as a force for global good.

India hosted ministers on 26 May 2026; its next Leaders' Summit was still pending.



Sources: Day 31 Source Index | Topic 303

The three groupings in dates

1996–2006

April 1996: Shanghai Five begins.
15 June 2001: SCO founded at Shanghai, including Uzbekistan.
7 June 2002: Charter signed at St Petersburg.
15 January 2004: Secretariat starts in Beijing.
December 2004: Quad countries coordinate tsunami relief.
July 2005: India becomes an SCO observer at Astana.
2006: first BRIC Foreign Ministers' meeting, New York.



2007–2021

May 2007: first Quad officials' meeting, Philippines.
June 2017: India and Pakistan join the SCO at Astana.
November 2017: Quad officials meet again at Manila.
September 2019: first Quad foreign ministers' meeting, New York.
12 March 2021: first Quad Leaders' Summit, virtual.
24 September 2021: first in-person summit, Washington DC.



2023–2025

4 July 2023: India hosts virtual SCO summit; Iran joins.
4 July 2024: Belarus joins the SCO at Astana.
21 September 2024: sixth Quad Leaders' Summit, Wilmington.
1 September 2025: decision for a single "SCO Partner" status.



2026

26 May: Quad foreign ministers in New Delhi.
22 July: Quad foreign ministers in Manila.
31 August–1 September: 26th SCO summit in Bishkek; Pakistan takes the 2026–2027 chair.
12–13 September: 18th BRICS Summit, New Delhi.



Sources: Day 31 Source Index | Topic 303

Three grouping exam traps

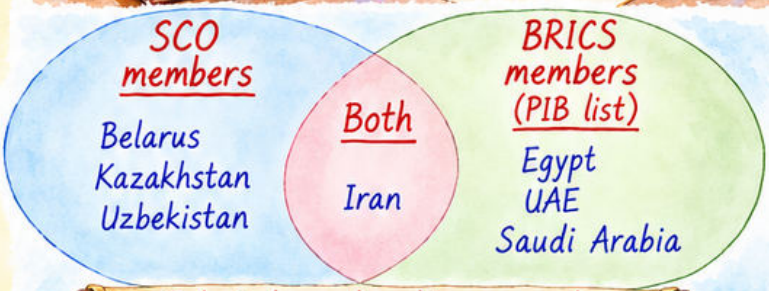
1. Membership differs by grouping

Belarus, Kazakhstan and Uzbekistan are SCO members but BRICS partner countries.

Egypt, UAE and Saudi Arabia are BRICS members in the PIB list, but SCO dialogue partners. Iran is a full member of both.

Afghanistan and Mongolia are SCO observers, not members. Keep Saudi Arabia's PIB-list qualification.





Selected membership examples

SCO observers

Afghanistan, Mongolia

2. Keep SCO dates distinct

1996: Shanghai Five, without Uzbekistan.

15 June 2001: SCO founded at Shanghai by six states.

7 June 2002: Charter signed at St Petersburg, not Shanghai.

The single "SCO Partner" status decided in 2025 takes effect only when the amendments enter into force. Until then, old categories remain.



3. Quad is not a treaty body

Its formal name is the Quad, not the Quadrilateral Security Dialogue. Official descriptions call it a diplomatic partnership and name no founding treaty or secretariat.

India hosted Quad ministers in May 2026 and the BRICS Summit in September 2026. Its planned Quad Leaders' Summit had not happened as on 1 November 2026.



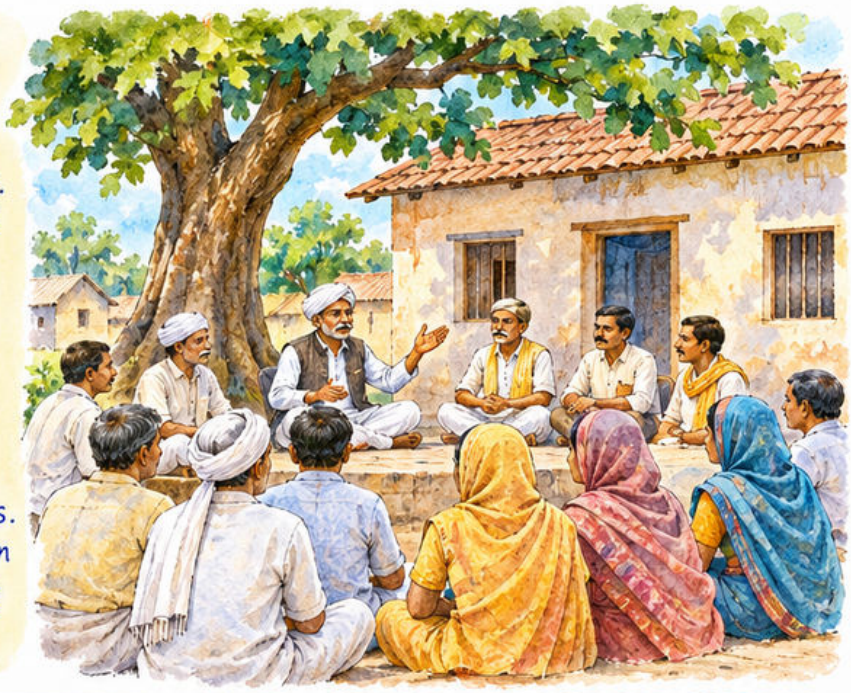
Sources: Day 31 Source Index | Topic 303

The path to Panchayati Raj

A long background

Self-governing village communities are believed to have existed from early times. Elected local bodies developed after Lord Ripon's initiative in 1882. Several provinces set up village panchayats after the Government of India Act 1919.

The Constitution assigned local government to the States. Article 40 placed organisation of village panchayats among the Directive Principles.



Two development programmes

The Community Development Programme began in 1952 to encourage people's participation in local development.

The National Extension Service followed in 1953.

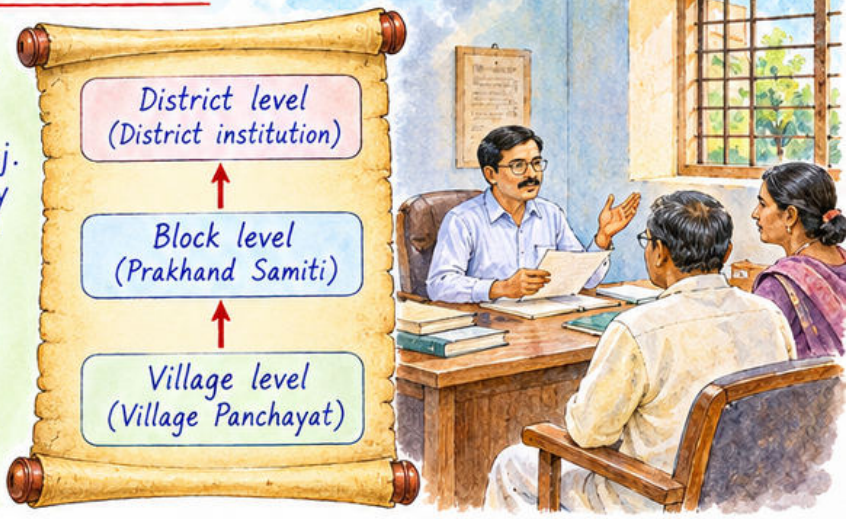
Government functionaries ran the Community Development Programme, assisted by ad hoc, semi-popular bodies such as the Vikas Mandal and Prakhand Samiti.



From review to constitutional status

Official committees, beginning with Balwantrai Mehta in 1957 and continuing through the 1980s, reshaped Panchayati Raj. The 73rd Amendment eventually gave Panchayats constitutional status.

The Second ARC's Local Governance report, presented on 27 November 2007, provides a retrospective account of this evolution.



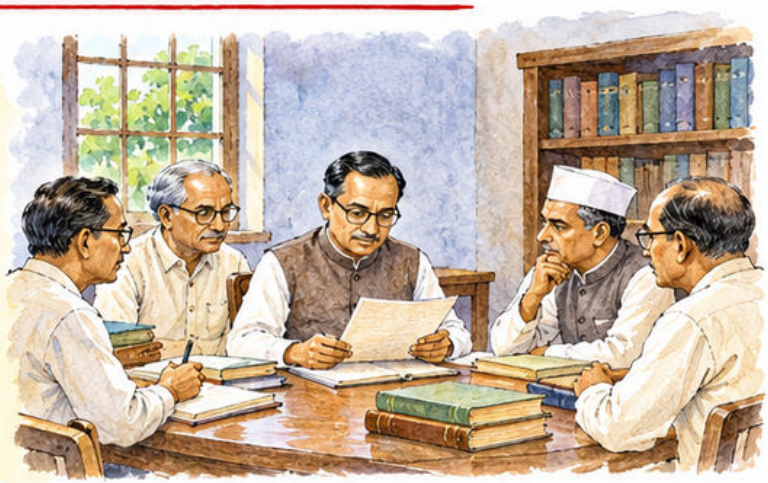
Sources: Day 31 Source Index | Topic 304

Balwantrai Mehta in 1957

Appointment and task

The Government of India appointed the Team for the Study of Community Projects and National Extension Service in January 1957. Its report was submitted on 24 November 1957. The exact January appointment day varies across accounts.

It reviewed the two programmes and proposed statutory representative bodies to channel public participation.

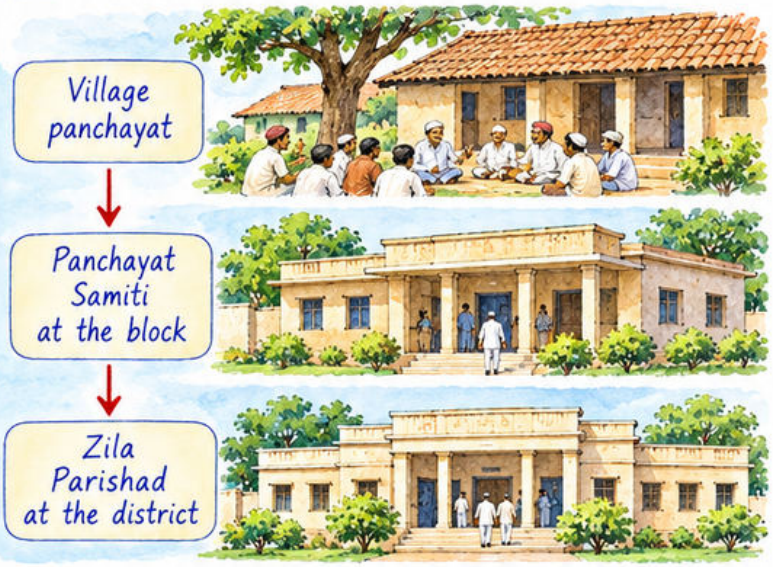


Three tiers

Village panchayat → Panchayat Samiti at the block → Zila Parishad at the district.

The elected block-level Panchayat Samiti was the centre of developmental activity.

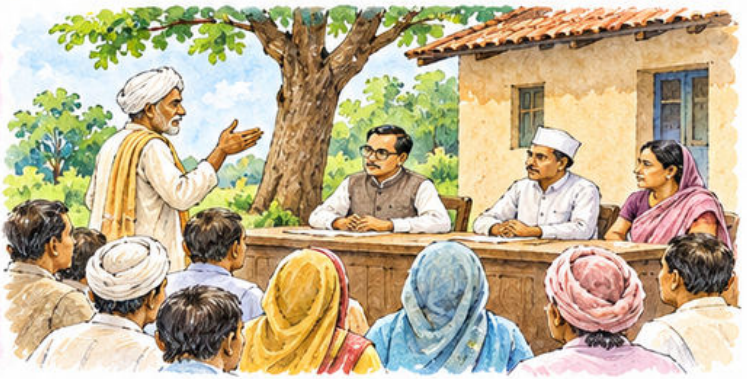
The district tier was advisory, comprising Panchayat Samiti presidents, MLAs, MPs and district officers, with the Collector as chairman.



Elections and co-option

Village panchayats were directly elected; the two higher tiers indirectly elected.

Places for Scheduled Castes, Scheduled Tribes and women were provided through co-option: selection by elected members rather than by voters.



Democratic decentralisation

The aim was administrative decentralisation for effective development programmes. The scheme became known as democratic decentralisation.

The National Development Council approved it in 1958. Accounts differ on the date: January, or 1 April. The report itself belongs to 1957, not 1958.

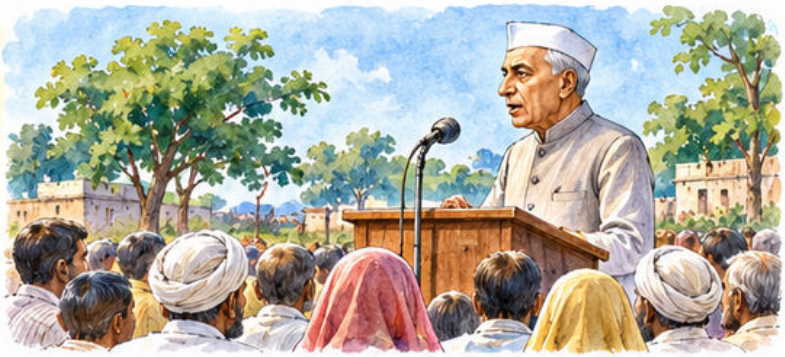


Sources: Day 31 Source Index | Topic 304

The first Panchayati Raj states

Rajasthan first

Jawaharlal Nehru inaugurated Panchayati Raj at Nagaur, Rajasthan, on 2 October 1959, the first implementation in independent India.



Andhra Pradesh followed

The combined State began on 1 November 1959. Gujarat and Maharashtra adopted elected local bodies around 1960.



Why early bodies struggled

Many lacked sufficient powers and functions and depended financially on State and central governments.

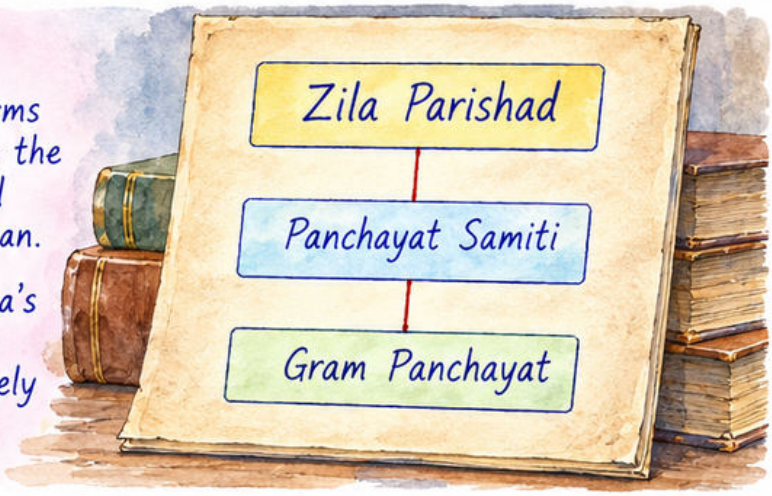
Many were dissolved and placed under government officers. Many States used indirect elections, postponed local elections or did not establish elected bodies at all.



The First ARC, 1969

The First Administrative Reforms Commission recommended that the Zila Parishad at district level become the main executive organ.

This reversed Balwantrai Mehta's emphasis on the block-level Panchayat Samiti and its merely advisory district tier.



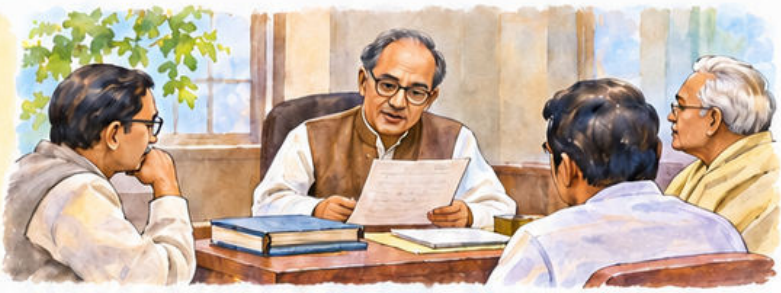
Remember the shift: block-centred development in 1957; district executive leadership in 1969.

Sources: Day 31 Source Index | Topic 304

Ashok Mehta's two elected tiers

Dates

The Janata Government appointed the committee in December 1977. It reported in August 1978 with 132 recommendations. The name is also written Asoka Mehta.



District first

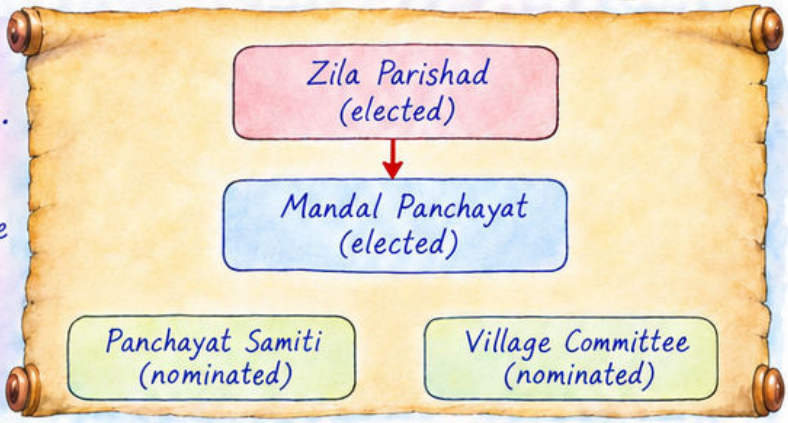
The district was the first level of decentralisation below the State. The Zila Parishad would plan for the whole district.

Below it, a Mandal Panchayat covered 15,000–20,000 people in the Government's statement laid before the Lok Sabha in 1980. The Second ARC gives around 10,000–15,000; learn 15,000–20,000 as the principal recommendation.



Two elected tiers

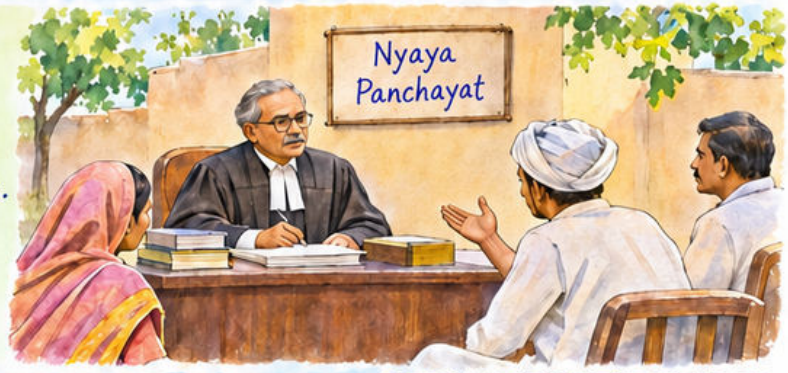
Zila Parishad and Mandal Panchayat. The Panchayat Samiti remained a nominated executing arm of the district body; the village committee was also nominated.



Other recommendations

Political parties should officially participate in Panchayat elections. Separate Nyaya Panchayats should be presided over by a qualified judge.

Panchayats needed compulsory taxation powers, adequate finance, reservations for weaker sections and women, and constitutional standing.



Adoption differed

Karnataka, Maharashtra, Andhra Pradesh, West Bengal and Gujarat took up its arrangement.

Uttar Pradesh, Bihar, Orissa, Punjab and Haryana held back.



Sources: Day 31 Source Index | Topic 304

Committees of the 1980s

Continuing the reform debate

Committees under C.H. Hanumantha Rao, G.V.K. Rao and L.M. Singhvi were formed between 1978 and 1986. The Second ARC viewed their structural changes to Ashok Mehta's ideas as minor.



G.V.K. Rao, 1985

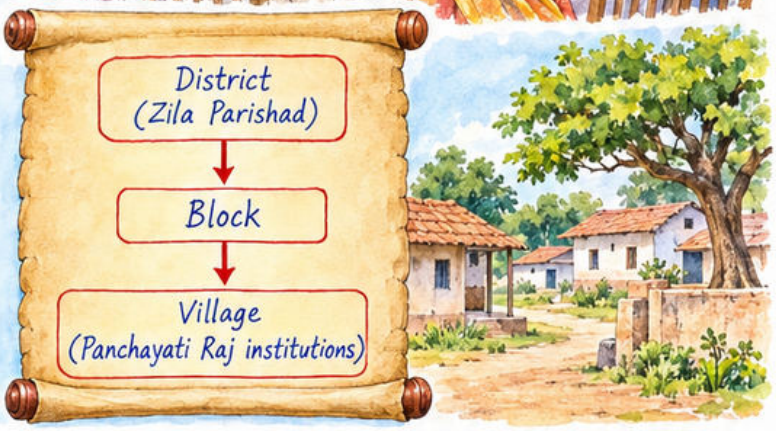
The committee reviewed administration of rural development and poverty-alleviation programmes. Its report was issued by the Department of Rural Development.

The district should be the basic unit of policy planning and programme implementation. The Zila Parishad should manage all development programmes.

Panchayati Raj institutions needed support, activation and regular elections. A new District Development Commissioner post was proposed.

In 1990, the Government told the Lok Sabha that none of its recommendations had been implemented.





L.M. Singhvi, 1986

Laxmi Mall Singhvi's committee produced a draft concept paper on revitalising Panchayati Raj for democracy and development, issued by the Department of Rural Development.

It sought constitutional recognition and protection, a new constitutional chapter defining powers and functions, and a finance commission.



P.K. Thungon, 1989

A review begun after 1987 led to recommendations for constitutional recognition, periodic elections through constitutional amendment, and assignment of functions and funds.



Sources: Day 31 Source Index | Topic 304

Who sought constitutional status

A demand that developed over time

Constitutional standing was not the recommendation of only one committee.



Ashok Mehta, 1978

The report sought constitutional status to make Panchayat empowerment effective.



L.M. Singhvi, 1986

Panchayati Raj institutions should be constitutionally recognised and protected. A new chapter should set out their powers and functions.



P.K. Thungon, 1989

Constitutional recognition, periodic elections, functions and funds for local government bodies.



Keep the distinctive features

Singhvi: a new chapter in the Constitution.

G.V.K. Rao: the district as the basic unit of planning, with the Zila Parishad as the principal development body.

District level: Zila Parishad (principal development body)

↑

Block level: Panchayat Samiti

↑

Village level: Gram Panchayat



These recommendations built on one another rather than forming mutually exclusive claims.

Sources: Day 31 Source Index | Topic 304

From Bills to the 73rd Amendment

The 1989 Bills

The 64th and 65th Constitution Amendment Bills were introduced in July 1989. Seats were to be directly elected, except those for representatives of other institutions.

The effort did not pass the Rajya Sabha.



The 1990 Bill

A combined Constitution Amendment Bill covering Panchayats and urban local bodies was tabled in Parliament.



The constitutional outcome

The 73rd Amendment was passed in 1992 and came into force on 24 April 1993.

It added Part IX and the Eleventh Schedule. The 74th Amendment is the urban counterpart.



Do not confuse passage with commencement

1992 is the year of passage; 1993 is the year the 73rd Amendment took effect. The Second ARC says the 73rd and 74th Amendment Bills "were passed in 1993"; follow NCERT's distinction between passage in 1992 and commencement in 1993.



Further study covers State Election Commissions, Andhra Pradesh Panchayati Raj, local reservations and devolution.



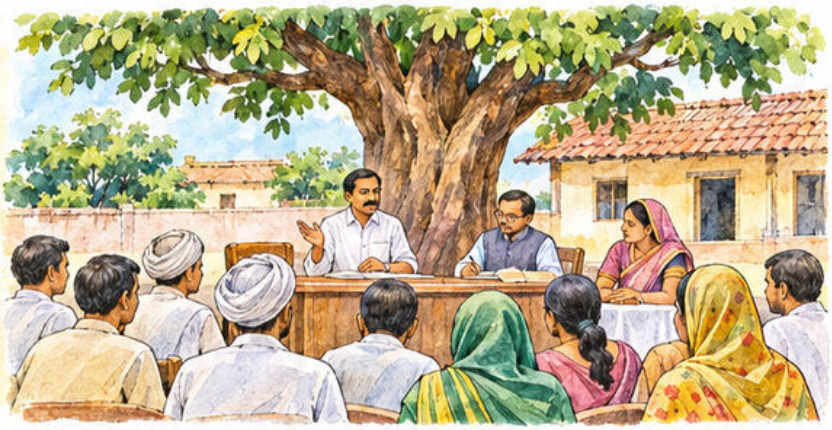
Sources: Day 31 Source Index | Topic 304

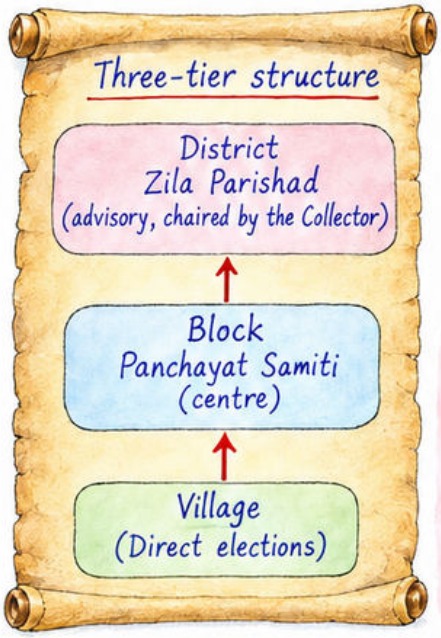
Match the committee to the reform

Balwantrai Mehta

Government of India; appointed January 1957, reported 24 November 1957.

Three tiers; block Panchayat Samiti at the centre; advisory Zila Parishad chaired by the Collector; direct village elections, indirect elections above; SC, ST and women through co-option.





First ARC

Government of India; recommendation in 1969.

District Zila Parishad, not the block Samiti, as the principal executive organ.



Ashok Mehta

Janata Government; December 1977 appointment, August 1978 report.

District-first decentralisation; elected Zila Parishad and Mandal Panchayat; district planning, party participation and constitutional standing.



Committees of 1978–1986

C.H. Hanumantha Rao, G.V.K. Rao and L.M. Singhvi. Their appointing authorities are not uniformly stated in the source account; their changes were described as minor modifications of Ashok Mehta's structure.



G.V.K. Rao, 1985

Report issued by Rural Development: district planning, principal Zila Parishad, regular elections and District Development Commissioner.

L.M. Singhvi, 1986

Concept paper issued by Rural Development: constitutional protection, new constitutional chapter and finance commission.

P.K. Thungon, 1989

Review begun after 1987: constitutional recognition, periodic elections, functions and funds.



Sources: Day 31 Source Index | Topic 304

Panchayati Raj in dates

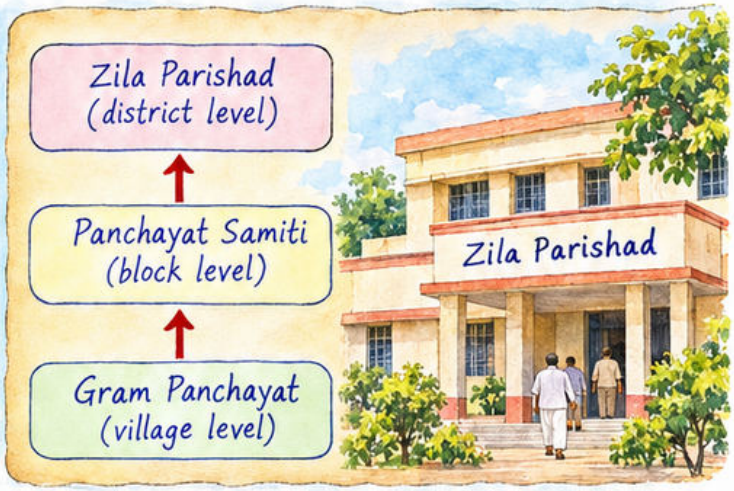
1952–1959

1952: Community Development Programme.
1953: National Extension Service.
January 1957: Balwantrai Mehta Committee appointed.
24 November 1957: report submitted.
1958: National Development Council approval.
2 October 1959: Nehru inaugurates Panchayati Raj at Nagaur, Rajasthan.
1 November 1959: combined Andhra Pradesh follows.



1960–1986

Around 1960: Gujarat and Maharashtra adopt elected local bodies.
1969: First ARC places the Zila Parishad at the executive centre.
December 1977: Ashok Mehta Committee appointed.
August 1978: report submitted.
1978–1986: C.H. Hanumantha Rao, G.V.K. Rao and L.M. Singhvi committees.
1985: G.V.K. Rao Committee.
1986: L.M. Singhvi draft concept paper.



1989–1993

1989: Thungon recommends constitutional recognition.
July 1989: 64th and 65th Bills introduced; not passed in the Rajya Sabha.
1990: combined rural and urban local-government Bill.
1992: 73rd Amendment passed.
24 April 1993: it comes into force.

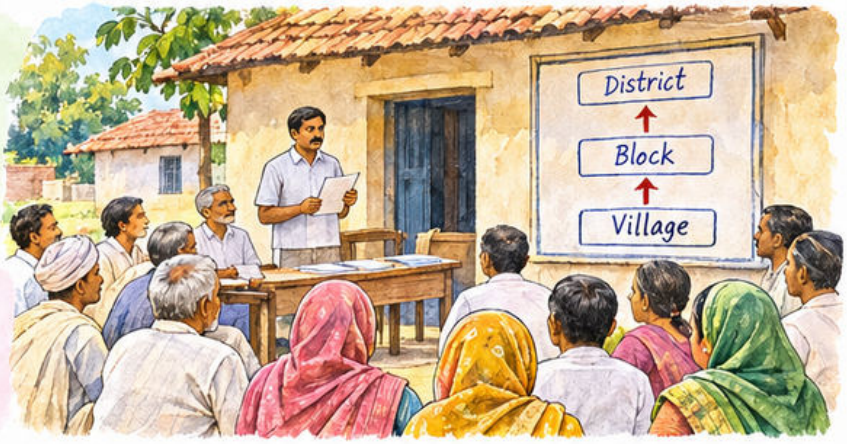


Three shifts

Block at the centre in 1957; district at the centre in 1969 and 1978; constitutional status sought from 1978 and achieved in 1992–1993.

Appointment and report can fall in different years

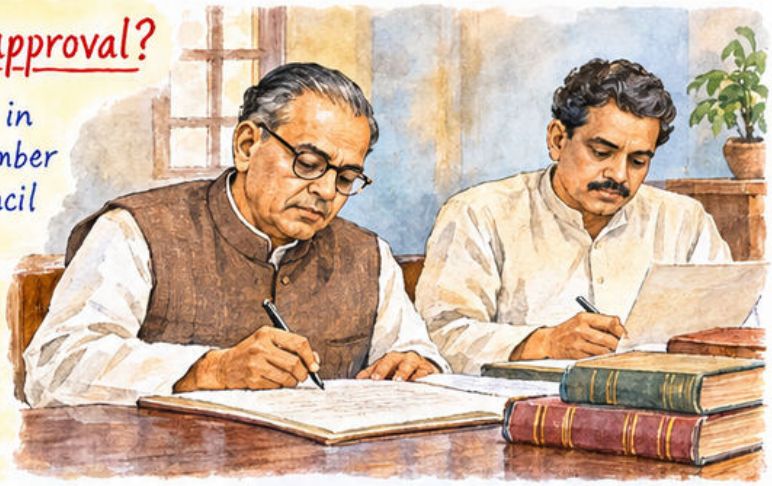
Ashok Mehta, 1977 and 1978; Balwantrai Mehta, both 1957.



Sources: Day 31 Source Index | Topic 304

Three Panchayati Raj exam traps

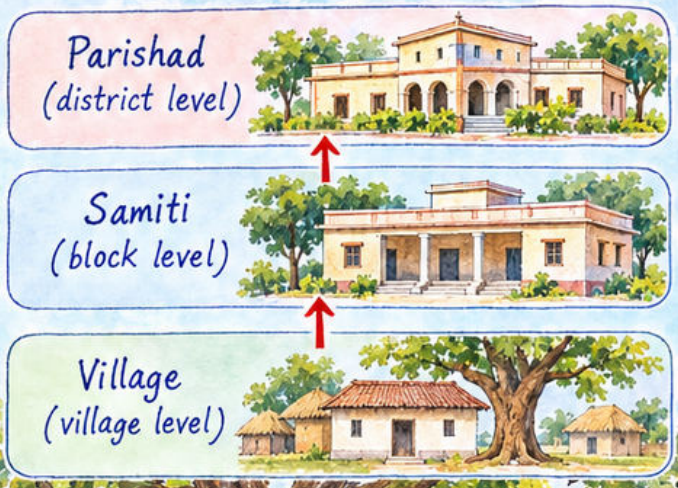
1. Appointment, report or approval?



Balwantrai Mehta: appointment in January 1957; report on 24 November 1957; National Development Council approval in 1958.

Ashok Mehta: appointment in December 1977; report in August 1978. Both years are correct for different events.

2. Seats or chairpersons?

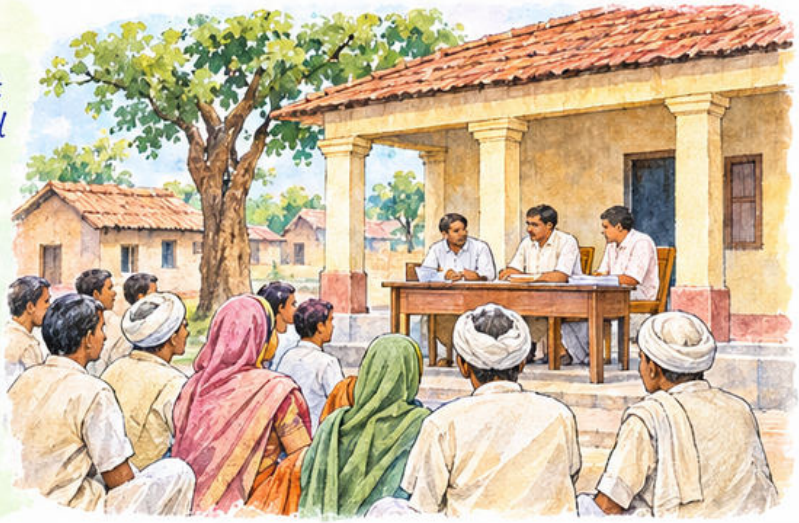


Balwantrai Mehta proposed direct elections only at village level, indirect elections to the Samiti and Parishad, and co-option for SC, ST and women.

Under the 73rd Amendment, seats at all three levels are filled by direct election.

Chairpersons at intermediate and district levels are different: elected by and from among elected members, so indirectly elected under Article 243C.

3. All States at once?



No. Only some, including Gujarat and Maharashtra, adopted elected local bodies around 1960. Others delayed elections, used indirect elections or dissolved bodies.

After Ashok Mehta, Karnataka, Maharashtra, Andhra Pradesh, West Bengal and Gujarat adopted its arrangement. Uttar Pradesh, Bihar, Orissa, Punjab and Haryana held back.

Sources: Day 31 Source Index | Topic 304

Concept in one line

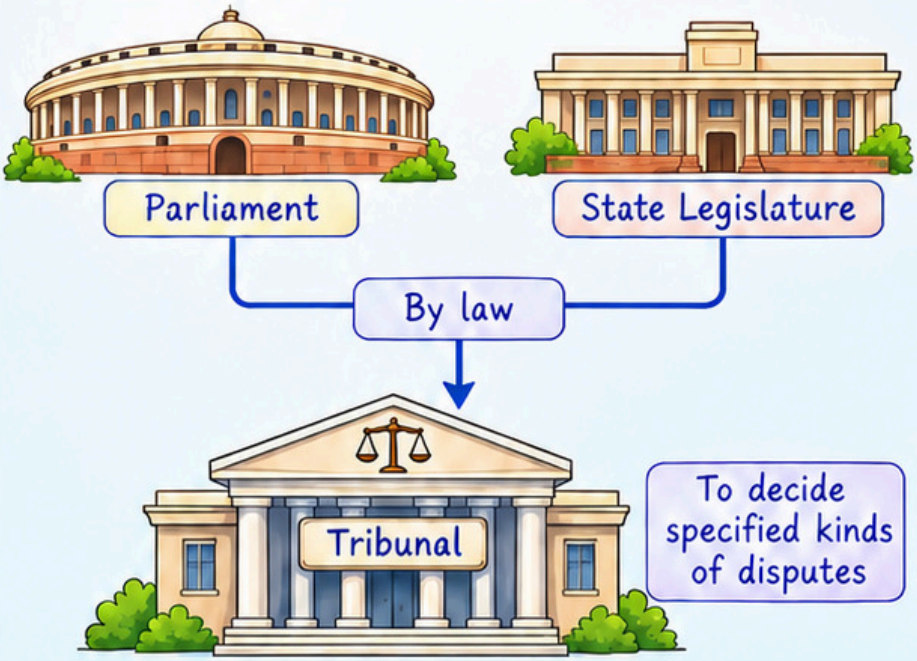
Part XIV-A of the Constitution (Articles 323A and 323B) lets Parliament, and for the matters listed in Article 323B also a State Legislature, provide by law for tribunals to decide specified kinds of disputes.

Part XIV-A

- Articles 323A and 323B
- Parliament, and for the matters listed in Article 323B also a State Legislature
- Provide by law for tribunals
- To decide specified kinds of disputes.



Institutional architecture



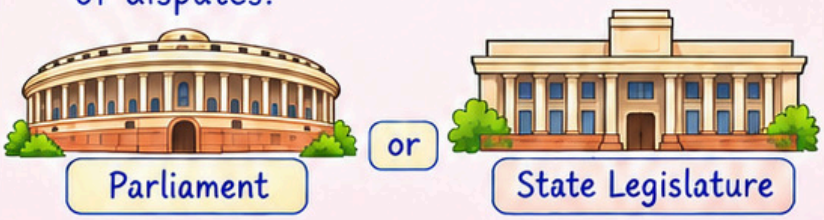
Article 323A

- Parliament
- Provide by law for tribunals
- To decide specified kinds of disputes.



Article 323B

- Parliament or State Legislature
- Provide by law for tribunals
- To decide specified kinds of disputes.



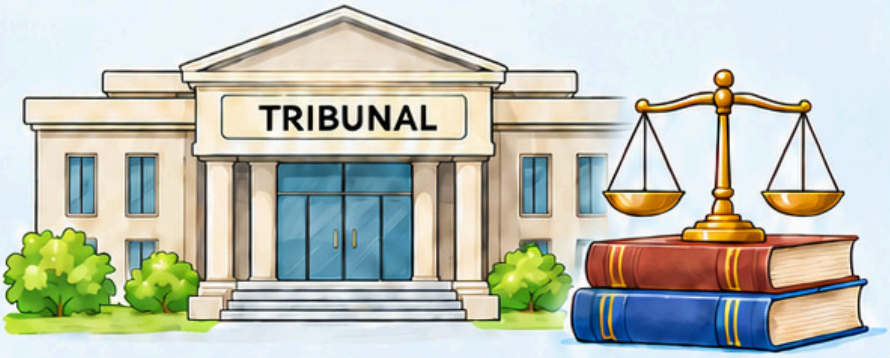
Litigant, tribunal and judicial review



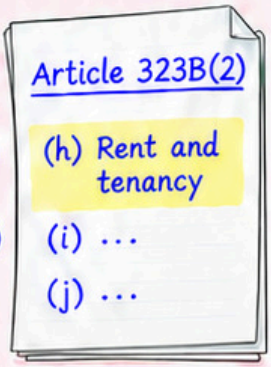
2.1 Where Part XIV-A stands

Part XIV-A, headed "TRIBUNALS", has two Articles: 323A and 323B. Section 46 of the Constitution (Forty-second Amendment) Act, 1976 inserted it "After Part XIV of the Constitution", so the Constituent Assembly never debated it.

Tribunals are judicial or quasi-judicial institutions established by law.



The Constitution (Seventy-fifth Amendment) Act, 1993 added rent and tenancy to Article 323B(2) as a new sub-clause (h), re-lettering the old (h) and (i) as (i) and (j).



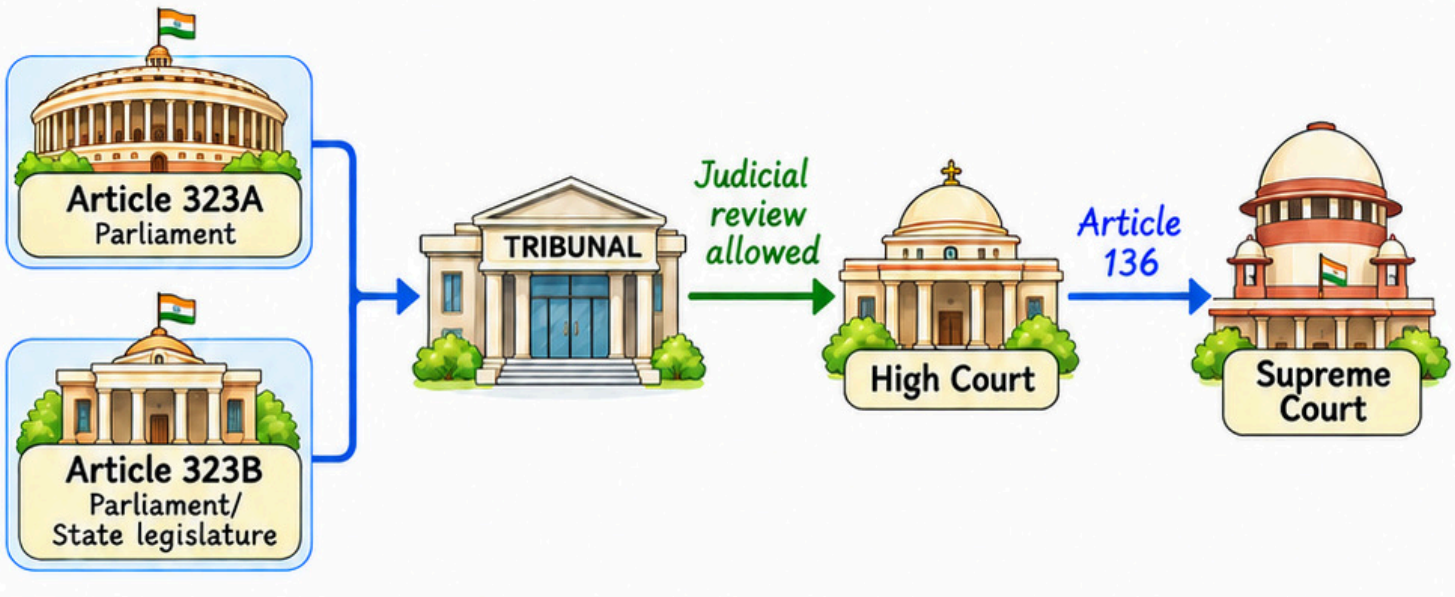
- under Article 136 the Supreme Court may grant special leave "in its discretion" from any judgment or order of any court or tribunal in India.
- under Article 227 a High Court has superintendence over all courts and tribunals in its territories.
- Articles 136(2) and 227(4) exclude courts or tribunals constituted under armed-forces law from these respective powers.



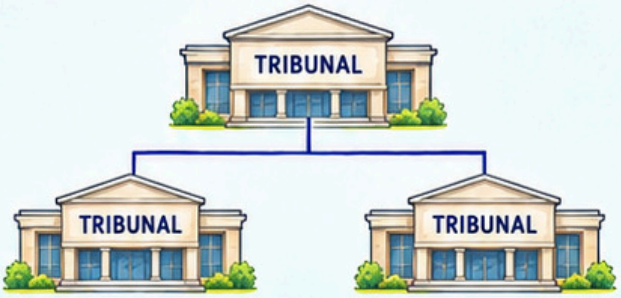
L. Chandra Kumar v. Union of India (18 March 1997; seven judges):

the power of judicial review over legislative action vested in the High Courts under Article 226 and in the Supreme Court under Article 32 "is an integral and essential feature of the Constitution, constituting part of its basic structure".





2.2 Article 323A against Article 323B

Point	Article 323A	Article 323B
Marginal heading	Administrative tribunals 	Tribunals for other matters 
Who may make the law	"Parliament may, by law, provide for the adjudication or trial by administrative tribunals" 	"The appropriate Legislature may, by law, provide for the adjudication or trial by tribunals". The Explanation: Parliament or a State Legislature competent to make laws on the matter under Part XI 
For which matters	Disputes and complaints on "recruitment and conditions of service" of persons appointed to public services and posts under the Union, a State, a local or other authority, or a corporation owned or controlled by the Government 	The matters in clause (2), listed below, on which that Legislature has power to make laws 
How many tribunals	An administrative tribunal for the Union and a separate one for each State or for two or more States (clause (2)(a)) 	A hierarchy of tribunals may be set up (clause (3)(a)) 

2.2 Article 323A against Article 323B

Point	Article 323A	Article 323B
Original exclusion clauses	The law may "exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136" (clause (2)(d))	The same words, for the matters within the tribunals' jurisdiction (clause (3)(d))
After L. Chandra Kumar (1997)	Clause (2)(d) unconstitutional to the extent it excludes the High Courts and the Supreme Court under Articles 226/227 and 32	Clause (3)(d) unconstitutional to the same extent
Overriding clause	Clause (3)	Clause (4)







2.2 Article 323A against Article 323B

Article 323A



Parliament

Article 323B



Parliament | State legislature

Article 323A(2)(f) lets such a law repeal or amend a Presidential order under Article 371D(3), the special provision for Andhra Pradesh.



Andhra Pradesh

The list in Article 323B(2), as it stands now:

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

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

(c) industrial and labour disputes;

(d) land reforms, such as the acquisition of estates defined in Article 31A and ceilings on agricultural land;

(e) ceiling on urban property;

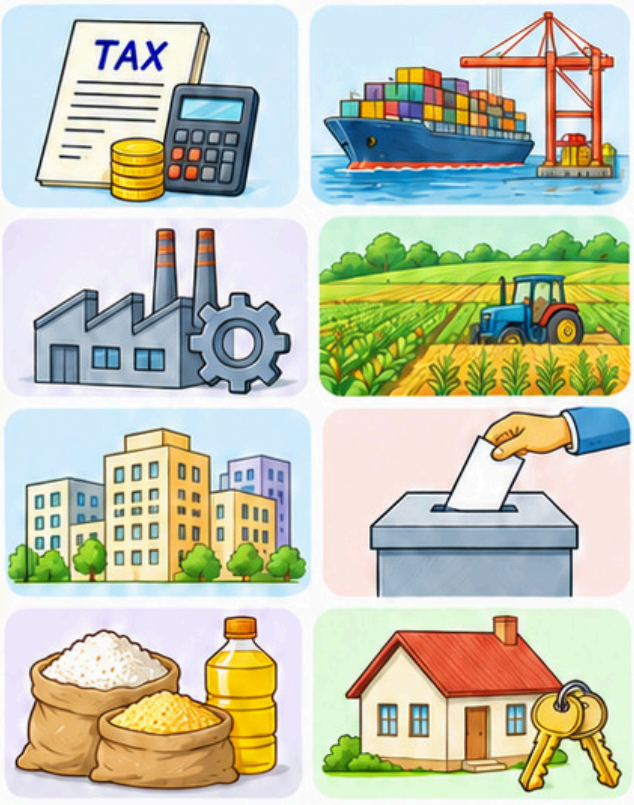
(f) elections to either House of Parliament or the House or either House of the Legislature of a State, excluding the matters in Articles 329 and 329A;

(g) production, procurement, supply and distribution of foodstuffs and other goods that the President declares essential, and control of their prices;

(h) rent, its regulation and control and tenancy issues;

(i) offences against laws on matters (a) to (h), and fees;

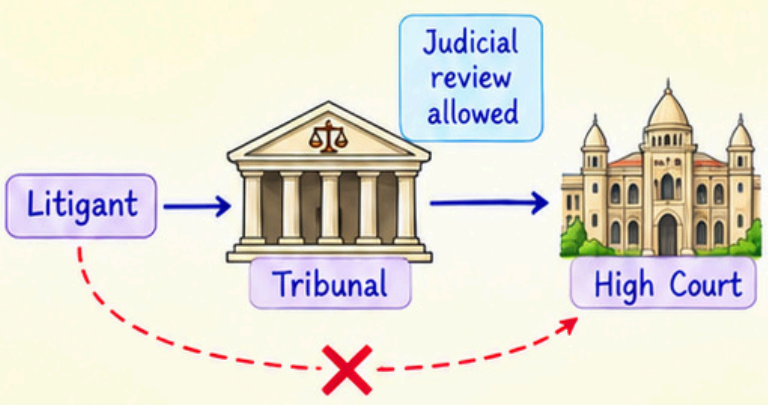
(j) matters incidental to (a) to (i).



Sub-clause (f) covers elections to Parliament and the State Legislatures; the election of the President is not in the list.



Parliament | State Legislatures | President

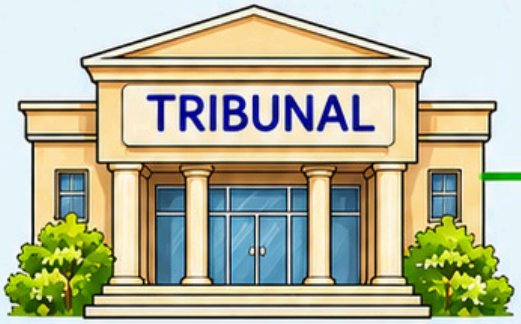


2.3 What the Supreme Court held



S.P. Sampath Kumar v. Union of India (decided in 1986, reported in 1987).

The Court accepted that judicial review could be vested in an "alternative institutional mechanism" if it was "an effective and real substitute for the High Court".



Effective and real substitute for the High Court → ALTERNATIVE INSTITUTIONAL MECHANISM

The Court called for the Chief Justice of India, or a judge-led committee, to be involved in appointments.



OR

JUDGE-LED COMMITTEE



→ INVOLVEMENT IN APPOINTMENTS ←

2.3 What the Supreme Court held

L. Chandra Kumar v. Union of India (18 March 1997; seven judges; Chief Justice A.M. Ahmadi wrote the judgment).

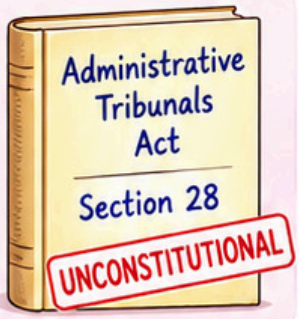


Key holdings:

- Clause 2(d) of Article 323A and clause 3(d) of Article 323B, "to the extent they exclude the jurisdiction" of the High Courts and the Supreme Court under Articles 226/227 and 32, "are unconstitutional".



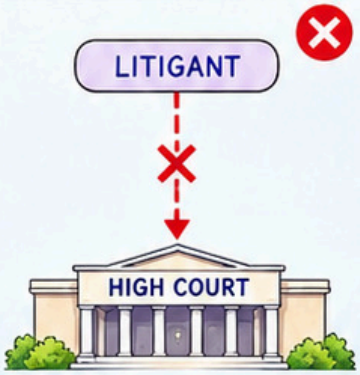
- Section 28 of the Administrative Tribunals Act and the exclusion clauses in other laws made under these Articles are unconstitutional "to the same extent".



- Tribunals may perform a "supplemental role"; they are not substitutes for the High Courts in judicial review. They "continue to act like Courts of first instance" in their areas of law.



- So litigants may not go directly to the High Court even when they question the vires (validity) of a statute or rule. The one exception: when the Act that creates the tribunal is itself challenged, because "a Tribunal which is a creature of an Act cannot declare that very Act to be unconstitutional".





- Tribunals can test the constitutional validity of other statutory provisions and rules, but this function is "only supplementary".



- "All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the concerned Tribunal falls."



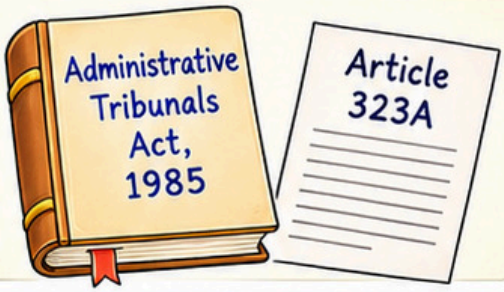
- Tribunals should be "as far as possible, under a single nodal Ministry", which "should appropriately be the Ministry of Law".



2.4 The Central Administrative Tribunal and the State Administrative Tribunals

Parliament made the Administrative Tribunals Act, 1985 under Article 323A.





Point	Statutory provision
Central Administrative Tribunal (CAT)	Section 4(1): "The Central Government shall, by notification, establish" it.
State Administrative Tribunal	Section 4(2): the Central Government "may, on receipt of a request in this behalf from any State Government", establish one by notification.
Joint Administrative Tribunal	Section 4(3): two or more States may agree to share one; the Central Government may then establish it by notification.







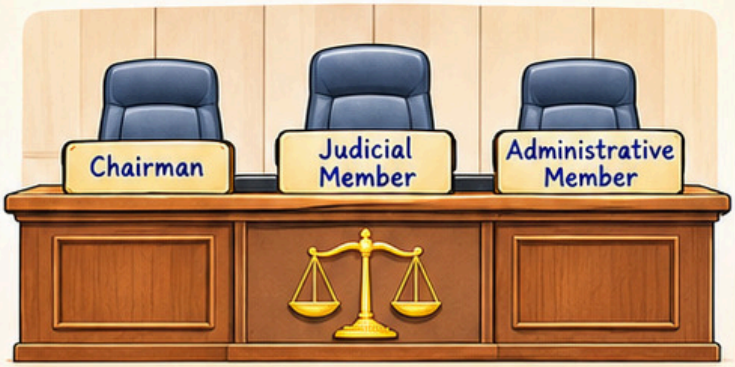
Who is left out

Section 2: members of the armed forces of the Union; officers and servants of the Supreme Court or of any High Court or courts subordinate to it; the secretarial staff of either House of Parliament or of a State Legislature.



Members and Benches

Section 5: a Chairman, Judicial and Administrative Members; a Bench has one of each, or the Chairman or an authorised Member sits alone.



Procedure

Section 22: not bound by the Civil Procedure Code but "guided by the principles of natural justice".



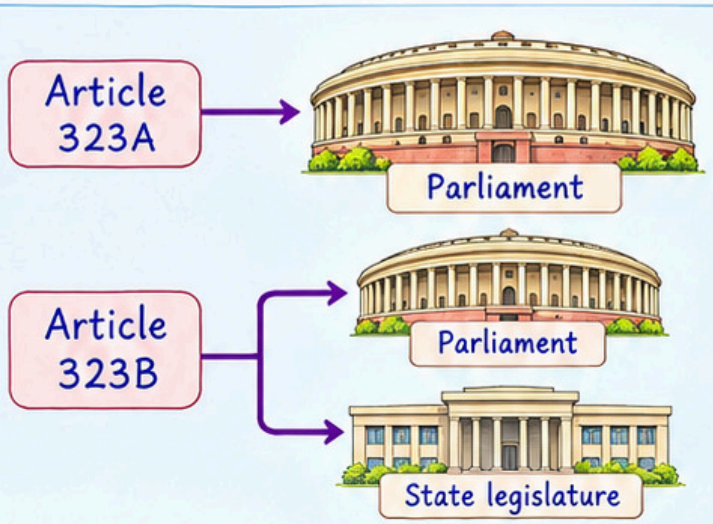
2.4 The Central Administrative Tribunal and the State Administrative Tribunals

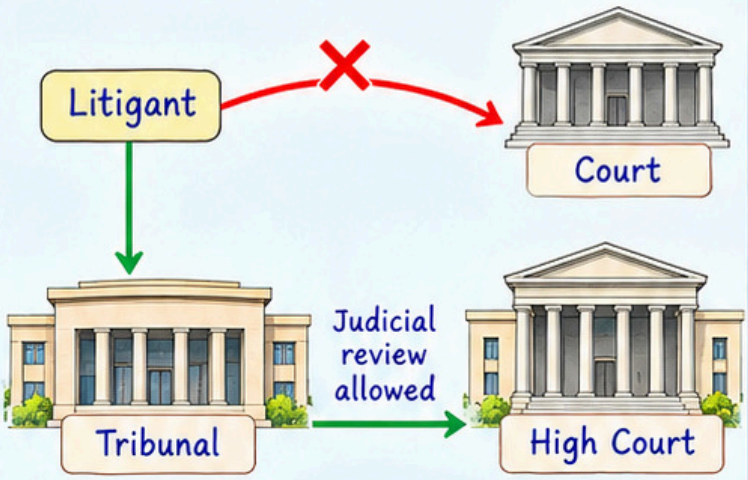
Point	Statutory provision
Courts shut out	Section 28: in service matters "no court except" the Supreme Court (and industrial tribunals, labour courts and similar authorities) has jurisdiction; read down by L. Chandra Kumar

CAT:

- Established in 1985 under Article 323A.
- Listed strength as at 7 November 2026: 19 Benches, 19 Circuit Benches and 69 Members (34 Judicial and 35 Administrative).

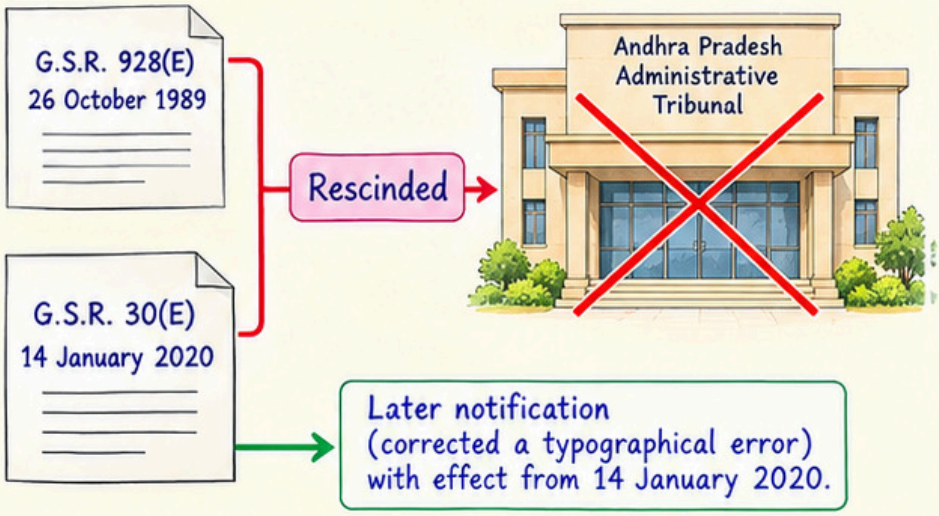






Andhra Pradesh:

- A Ministry of Personnel, Public Grievances and Pensions notification, G.S.R. 30(E) of 14 January 2020, rescinded G.S.R. 928(E) of 26 October 1989, abolishing the Andhra Pradesh Administrative Tribunal at the State's request, made with the High Court's concurrence.
- A later notification corrected a typographical error, with effect from 14 January 2020.



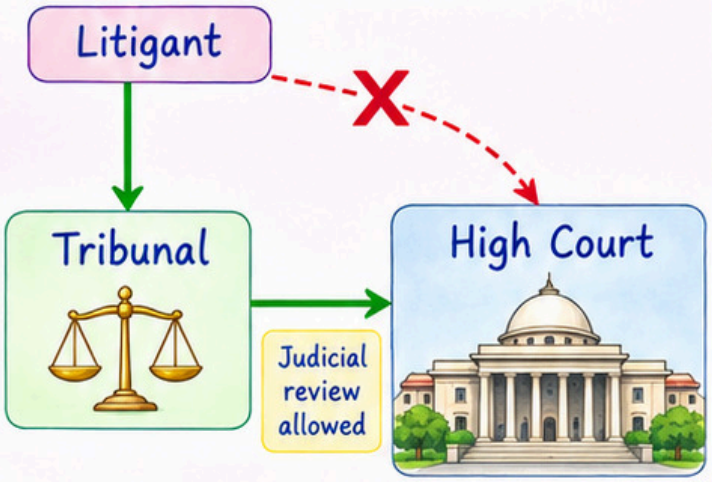
2.5 Other tribunals and their laws

Tribunal	Law it works under	Point to remember
Armed Forces Tribunal 	Armed Forces Tribunal Act, 2007 	The Administrative Tribunals Act, 1985 does not apply to the armed forces (section 2) 
Income Tax Appellate Tribunal 	Previously Income-tax Act, 1961; now section 361 of the Income-tax Act, 2025 	Established in 1941; India's first tribunal 
National Green Tribunal 	National Green Tribunal Act, 2010 	Environmental adjudication 

Institutional architecture

Article 323A	Parliament 
Article 323B	Competent Parliament / State legislature 

Litigation and judicial review



2.6 The Tribunals Reforms Act, 2021 and the Madras Bar Association cases

The Act.

The Tribunals Reforms Act, 2021 received assent on 13 August 2021, is deemed to have come into force on 4 April 2021, and repealed the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021.



Selection and terms, as enacted.

- A Search-cum-Selection Committee recommends a panel of two names.
- For central tribunals it is chaired by the Chief Justice of India or a Supreme Court judge he nominates; for a State Administrative Tribunal, by the Chief Justice of the High Court.
- Section 5: a Chairperson holds office "for a term of four years or till he attains the age of seventy years, whichever is earlier", and a Member for four years or till sixty-seven.
- A person under fifty is not eligible (section 3(1)).



Madras Bar Association v. Union of India (14 July 2021; 2 to 1).

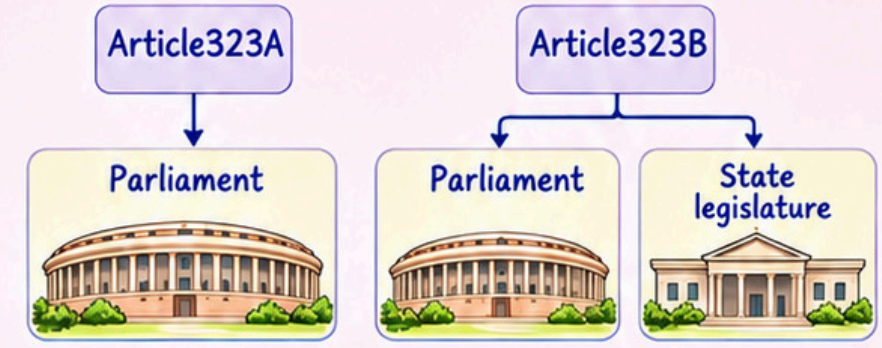
- On the Ordinance.
- Justices L. Nageswara Rao and S. Ravindra Bhat (majority) struck down the four-year term and the minimum age of 50.
- Justice Hemant Gupta dissented.

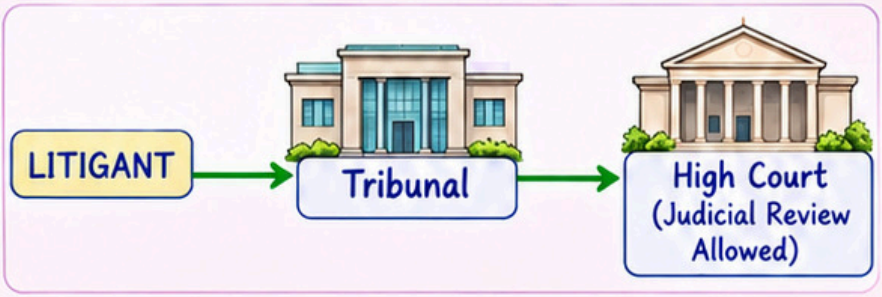


Restating its 2020 directions, the Court held that:

- a Chairperson serves five years or till 70,
- a Member five years or till 67,
- and that advocates with at least 10 years' experience are eligible.







2.6 The Tribunals Reforms Act, 2021 and the Madras Bar Association cases

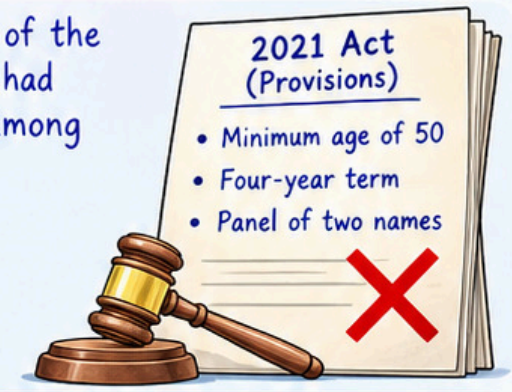
Madras Bar Association v. Union of India (19 November 2025).

On the Act. Chief Justice B.R. Gavai wrote the judgment; Justice K. Vinod Chandran concurred.



The Court struck down provisions of the 2021 Act that repeated what it had struck down in the Ordinance, among them:

- the minimum age of 50,
- the four-year term and
- the panel of two names.



Parliament may remove the basis of a judgment, but may not re-enact a provision with the same defect.

It directed the Centre to set up a National Tribunals Commission within four months.



The Tribunals Reforms Act, 2026 (No. 17 of 2026).



It received assent on 13 August 2026,



all its provisions came into force on 25 August 2026,

and it repeals the Tribunals Reforms Act, 2021.



It provides for a National Tribunals Commission of a Chairperson (a former Supreme Court judge or High Court Chief Justice), two Judicial and two Technical Members.



- Chairperson (a former Supreme Court judge or High Court Chief Justice)
- Judicial Member
- Judicial Member
- Technical Member
- Technical Member

A tribunal Chairperson now holds office for five years or till 70.



A Member for five years or till 67.



2.7 Issues the courts keep raising

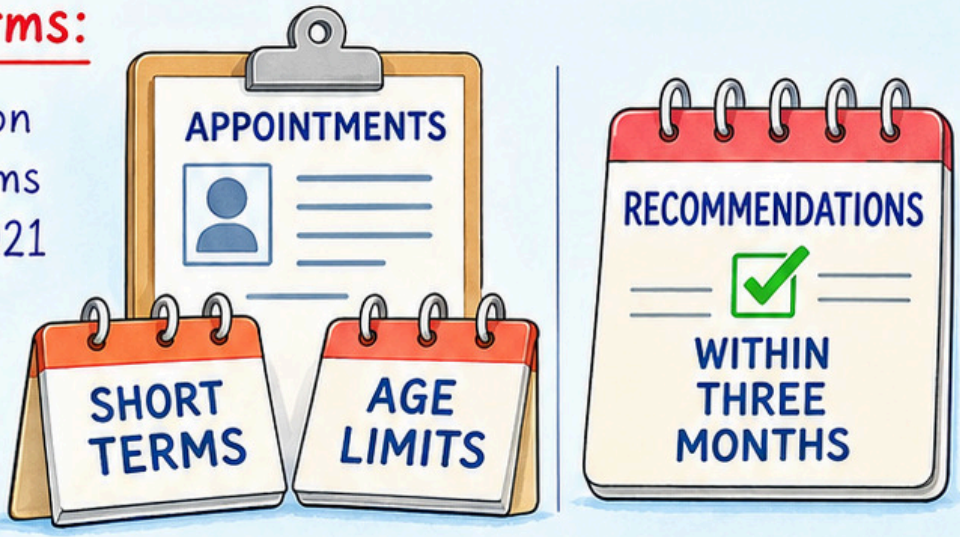
Independence:

In 2021, the single nodal Ministry recommended in L. Chandra Kumar had not been established.



Appointments and terms:

the Madras Bar Association cases turned on short terms and the age limits; the 2021 judgment also wanted recommendations decided within three months.



Vacancies:

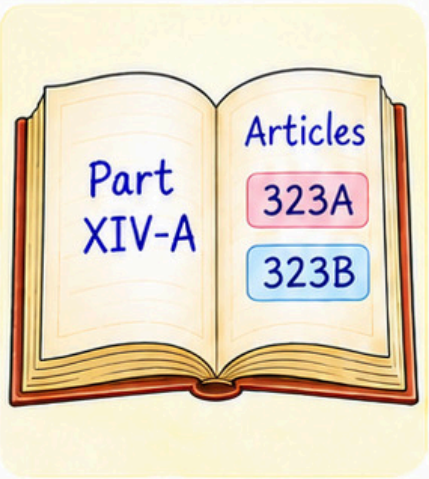
On 3 March 2021, 23 of the 34 sanctioned judicial and administrative posts in the Armed Forces Tribunal were vacant.

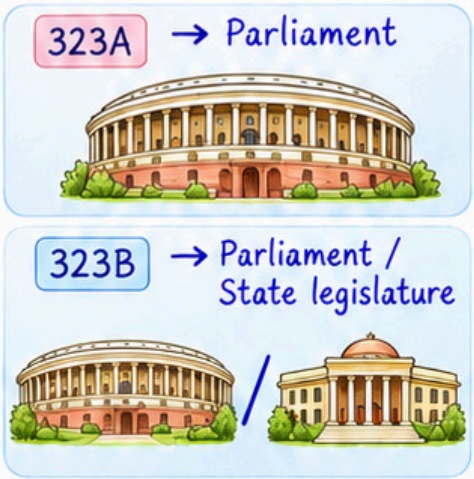


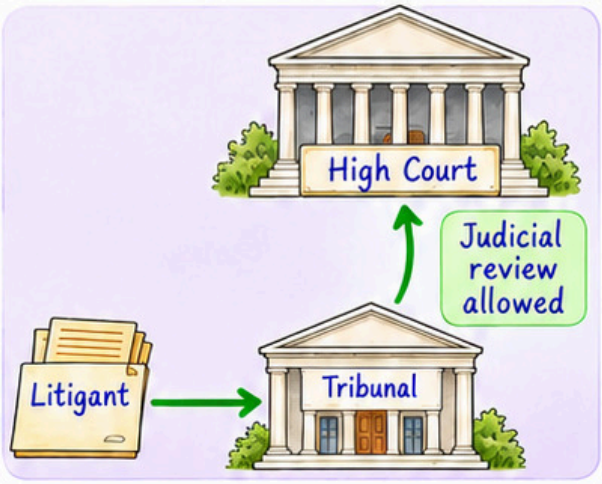
Sanctioned posts	Vacant posts
34	23



Tribunals in the Constitution, the statute book and the Supreme Court, 1976 to 2026







Year	Event	What to remember
1976	Forty-second Amendment Act, section 46	Part XIV-A (Articles 323A and 323B) inserted
1985	Administrative Tribunals Act	CAT established by the Central Government under section 4(1)
1986 (reported 1987)	S.P. Sampath Kumar	A tribunal may stand in for the High Court if it is an effective and real substitute
1993	Seventy-fifth Amendment Act	Rent and tenancy added to Article 323B(2) as sub-clause (h)
18 March 1997	L. Chandra Kumar	Exclusion clauses read down; Division Bench of the High Court scrutinises tribunal decisions
2007	Armed Forces Tribunal Act	A separate tribunal for the armed forces
2010	National Green Tribunal Act	Environmental adjudication
14 January 2020	Notification G.S.R. 30(E)	Andhra Pradesh Administrative Tribunal abolished
2020	Madras Bar Association	National Tribunals Commission; five-year terms
4 April 2021	Tribunals Reforms Ordinance	Appellate bodies abolished; four-year terms

Tribunals in the Constitution, the statute book and the Supreme Court, 1976 to 2026

Year	Event	What to remember
14 July 2021	Madras Bar Association	Four-year term and minimum age of 50 in the Ordinance struck down (2 to 1)
13 August 2021	Tribunals Reforms Act, 2021	Assent; deemed in force from 4 April 2021
19 November 2025	Madras Bar Association	Provisions of the Act that repeated the Ordinance struck down; Commission within four months; the Tribunals Reforms Act, 2026 later replaced the 2021 Act

The pattern

The 1976 text let laws shut out every court except the Supreme Court under Article 136; Sampath Kumar accepted tribunals as substitutes; L. Chandra Kumar brought the High Courts back; the later cases have been about how independent the tribunals are.



Article 323A: Parliament



Article 323B: Parliament / State legislature



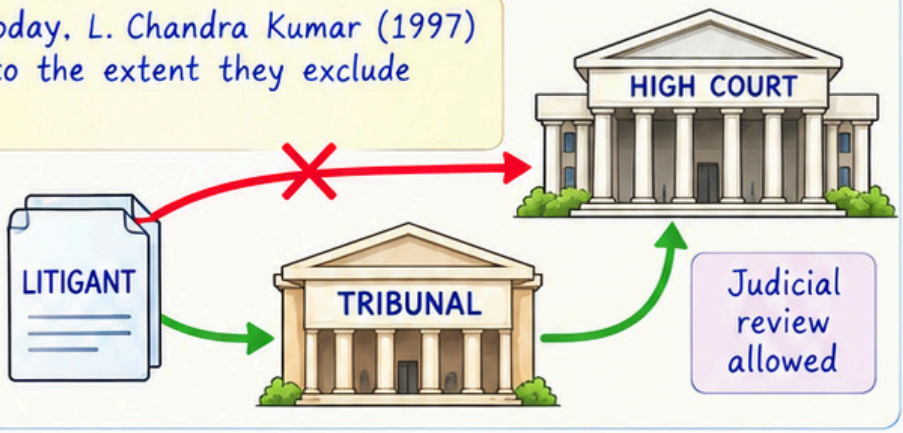


Three common exam traps

"Because Articles 323A(2)(d) and 323B(3)(d) save only Article 136, the High Courts have no say over tribunals." — FALSE

That is the 1976 text, not the law today. L. Chandra Kumar (1997) held these clauses unconstitutional to the extent they exclude Articles 226/227 and 32.

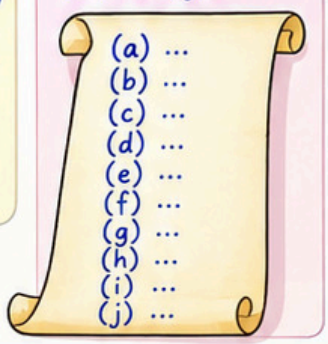
Tribunal decisions now go before a Division Bench of the High Court, and CAT orders are challenged by writ petition under Article 226/227.



"Every matter in Article 323B(2) has been there from the start." — FALSE

The list as first enacted had nine sub-clauses, (a) to (i). Rent, its regulation and control and tenancy issues came as sub-clause (h) by the Seventy-fifth Amendment Act, 1993, and the old (h) and (i) became (i) and (j).

So the present list runs from (a) to (j).



For 323A: Parliament



For 323B: competent Parliament/ State legislature



"Mixing up the two Madras Bar Association judgments and the Act's own words." — FALSE

The judgment of 14 July 2021 was on the Ordinance; the judgment of 19 November 2025 was on the Tribunals Reforms Act, 2021.

The 2021 Act as enacted says four years; the Court's 2021 ruling says five years.



Ordinance



Tribunals Reforms Act, 2021



