



















































## Document Information

Analyzed document	Indian Consitution.pdf (D165840535)
Submitted	2023-05-04 08:14:00
Submitted by	Mumtaz B
Submitter email	mumtaz@code.dbuniversity.ac.in
Similarity	23%
Analysis address	mumtaz.dbuni@analysis.arkund.com

## Sources included in the report

<b>W</b>	URL: <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)...</a> Fetched: 2022-10-22 03:23:08	 <b>13</b>
<b>W</b>	URL: <a href="https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions">https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions</a> Fetched: 2020-11-06 07:04:44	 <b>6</b>
<b>SA</b>	<b>159E1210_Indian Constitution.pdf</b> Document 159E1210_Indian Constitution.pdf (D165648310)	 <b>18</b>
<b>W</b>	URL: <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a> Fetched: 2021-06-16 05:09:45	 <b>24</b>
<b>W</b>	URL: <a href="https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-consti...">https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-consti...</a> Fetched: 2021-08-15 08:44:46	 <b>5</b>
<b>W</b>	URL: <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a> Fetched: 2019-09-25 09:34:10	 <b>22</b>
<b>W</b>	URL: <a href="https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a> Fetched: 2021-11-15 06:35:28	 <b>48</b>
<b>W</b>	URL: <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a> Fetched: 2022-11-14 08:04:36	 <b>36</b>
<b>W</b>	URL: <a href="https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET(2014)493046...">https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET(2014)493046...</a> Fetched: 2020-08-24 16:52:42	 <b>3</b>
<b>W</b>	URL: <a href="https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004201521035216nupur_sen_Philosoph...">https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004201521035216nupur_sen_Philosoph...</a> Fetched: 2020-12-06 10:54:34	 <b>1</b>
<b>SA</b>	<b>Unit 6.docx</b> Document Unit 6.docx (D133604267)	 <b>2</b>
<b>SA</b>	<b>Constitution Meaning and Features.docx</b> Document Constitution Meaning and Features.docx (D126247950)	 <b>4</b>

<b>W</b>	URL: <a href="https://www.studyadda.com/notes/upsc/indian-polity-and-civics/the-indian-constitution/notes-am...">https://www.studyadda.com/notes/upsc/indian-polity-and-civics/the-indian-constitution/notes-am...</a> Fetched: 2021-01-28 09:20:07	 3
<b>W</b>	URL: <a href="http://anucde.info/Indian%20Constitution.pdf">http://anucde.info/Indian%20Constitution.pdf</a> Fetched: 2021-05-13 08:40:54	 8
<b>SA</b>	<b>FINAL.pdf</b> Document FINAL.pdf (D141953180)	 5
<b>SA</b>	<b>Political Process &amp; Politics in India (EM).pdf</b> Document Political Process & Politics in India (EM).pdf (D139291481)	 23
<b>SA</b>	<b>Jithin_Political Science_Constitution.pdf</b> Document Jithin_Political Science_Constitution.pdf (D108461172)	 3
<b>W</b>	URL: <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a> Fetched: 2021-05-19 10:34:06	 18
<b>W</b>	URL: <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a> Fetched: 2021-08-13 10:17:30	 12
<b>W</b>	URL: <a href="https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf">https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf</a> Fetched: 2022-07-04 05:31:24	 9
<b>W</b>	URL: <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a> Fetched: 2020-12-17 15:32:27	 22
<b>SA</b>	<b>Indian political system block 1.pdf</b> Document Indian political system block 1.pdf (D165318270)	 6
<b>SA</b>	<b>CC-PS-02.pdf</b> Document CC-PS-02.pdf (D149043601)	 29
<b>W</b>	URL: <a href="https://www.iitr.ac.in/internalcomplaintscommittee/annexure.pdf">https://www.iitr.ac.in/internalcomplaintscommittee/annexure.pdf</a> Fetched: 2019-09-27 13:18:07	 3
<b>W</b>	URL: <a href="https://blog.ipleaders.in/100-101-and-102-amendment-of-the-indian-constitution/">https://blog.ipleaders.in/100-101-and-102-amendment-of-the-indian-constitution/</a> Fetched: 2022-06-17 06:37:57	 1
<b>W</b>	URL: <a href="https://docslib.org/doc/7178430/f-y-b-a-politicalpaper-i-indianpoliticalsystem">https://docslib.org/doc/7178430/f-y-b-a-politicalpaper-i-indianpoliticalsystem</a> Fetched: 2022-04-27 10:26:00	 3
<b>W</b>	URL: <a href="https://www.studyiq.com/articles/fundamental-rights-of-indian-constitution/">https://www.studyiq.com/articles/fundamental-rights-of-indian-constitution/</a> Fetched: 2022-11-26 17:40:21	 1
<b>W</b>	URL: <a href="https://loksabhadocs.nic.in/Refinput/Research_notes/English/04122019_153433_1021204140.pdf">https://loksabhadocs.nic.in/Refinput/Research_notes/English/04122019_153433_1021204140.pdf</a> Fetched: 2023-03-27 18:43:45	 3
<b>W</b>	URL: <a href="https://www.lawyersjurists.com/article/constitution-amending-power-of-the-parliament/">https://www.lawyersjurists.com/article/constitution-amending-power-of-the-parliament/</a> Fetched: 2019-11-25 08:36:01	 3
<b>SA</b>	<b>14 Amir Ullah PLB 352 SLM CDOE AMU.docx</b> Document 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)	 27
<b>W</b>	URL: <a href="http://www.humanrights.com/what-are-human-rights.html">http://www.humanrights.com/what-are-human-rights.html</a> Fetched: 2023-05-04 08:14:00	 3

<b>W</b>	URL: <a href="http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/whatare.htm">http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/whatare.htm</a> Fetched: 2023-05-04 08:14:00	 3
<b>SA</b>	<b>Indian Constitution (OEL) EM.docx</b> Document Indian Constitution (OEL) EM.docx (D159148560)	 30
<b>SA</b>	<b>COI project.docx</b> Document COI project.docx (D145282444)	 1
<b>W</b>	URL: <a href="https://paidiblog825102560.files.wordpress.com/2020/08/polity-and-polities-in-india.pdf">https://paidiblog825102560.files.wordpress.com/2020/08/polity-and-polities-in-india.pdf</a> Fetched: 2021-08-07 17:23:05	 3
<b>W</b>	URL: <a href="http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf">http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf</a> Fetched: 2021-01-03 16:16:17	 5
<b>W</b>	URL: <a href="https://www.legalserviceindia.com/legal/article-1682-preamble-the-spirit-of-constitution-of-in...">https://www.legalserviceindia.com/legal/article-1682-preamble-the-spirit-of-constitution-of-in...</a> Fetched: 2021-08-31 20:24:47	 1
<b>SA</b>	<b>MA Politics SEM 2 Indian Constitution.pdf</b> Document MA Politics SEM 2 Indian Constitution.pdf (D118114822)	 5
<b>W</b>	URL: <a href="https://www.icsi.edu/media/webmodules/CONSTITUTION.pdf">https://www.icsi.edu/media/webmodules/CONSTITUTION.pdf</a> Fetched: 2020-07-02 06:06:54	 1
<b>W</b>	URL: <a href="https://www.clearias.com/fundamental-rights/">https://www.clearias.com/fundamental-rights/</a> Fetched: 2020-12-29 12:49:25	 1
<b>SA</b>	<b>CHAPTERS.docx</b> Document CHAPTERS.docx (D104265488)	 2
<b>W</b>	URL: <a href="https://www.clearias.com/parliament/">https://www.clearias.com/parliament/</a> Fetched: 2020-12-03 00:16:51	 6
<b>W</b>	URL: <a href="https://en.wikipedia.org/wiki/Parliament_of_India">https://en.wikipedia.org/wiki/Parliament_of_India</a> Fetched: 2019-10-11 20:22:29	 2
<b>W</b>	URL: <a href="https://knowindia.india.gov.in/profile/the-union/legislature.php">https://knowindia.india.gov.in/profile/the-union/legislature.php</a> Fetched: 2021-10-14 05:52:17	 4
<b>SA</b>	<b>For plag check_ Legislative authorities in democracy- a critical study of rule of law under indian constitution.docx</b> Document For plag check_ Legislative authorities in democracy- a critical study of rule of law under indian constitution.docx (D142715293)	 1
<b>W</b>	URL: <a href="https://www.vedantu.com/civics/the-union-parliament">https://www.vedantu.com/civics/the-union-parliament</a> Fetched: 2022-01-25 05:36:14	 1
<b>SA</b>	<b>THESIS FINAL.pdf</b> Document THESIS FINAL.pdf (D16635872)	 3
<b>W</b>	URL: <a href="http://www.politics.co.uk/reference/judicial-independence">http://www.politics.co.uk/reference/judicial-independence</a> Fetched: 2023-05-04 08:15:00	 1
<b>SA</b>	<b>constitutional law 1 project.docx</b> Document constitutional law 1 project.docx (D50370537)	 5
<b>W</b>	URL: <a href="http://www.legalserviceindia.com/articles/lok_a.htm">http://www.legalserviceindia.com/articles/lok_a.htm</a> Fetched: 2023-05-04 08:15:00	 6

## Entire Document

### INDIAN CONSTITUTION

CONTENTS Unit 1: Framing of Indian Constitution 1 Unit 2: Constitution and Amendments 17 Unit 3: Human Rights and Environment Protection 37 Unit 4: Specific Rights 72 Unit 5: Directive Principles of State Policy 91 Unit 6: Union Executive 106 Unit 7: Union Legislature 124 Unit 8: State Government 137 Unit 9: Central - State Relations and State Legislature 151 Unit 10: Judiciary 166

4 LOVELY PROFESSIONAL UNIVERSITY Corporate and Business Law

Unit 1 – Framing of Indian Constitution Notes 1 UNIT 1 – FRAMING OF INDIAN CONSTITUTION CONTENTS Learning Objectives Introduction 1.1 Constitution 1.1.1 Importance of Constitution 1.2 Indian Constitution 1.2.1 Development of Indian Constitution 1.3 Sources of Indian Constitution 1.3.1 Features of Indian Constitution Summary Keywords Review Questions Further Readings LEARNING

61%

**MATCHING BLOCK 1/445**

W

OBJECTIVES After studying this lesson, you should be able to: ? Understand the meaning of constitution ? Describe the

Indian constitution ? Explain the sources of Indian constitution INTRODUCTION Modern constitution making began in the late eighteenth century. Between 1780 and 1791, constitutions were written for the various American states, the United States, Poland, and France. The next wave occurred in the wake of the 1848 revolutions in Europe. Counting all the small German and Italian states, revolutions took place in more than fifty countries. Many of these also adopted new constitutions often replaced within a short period by constitutions imposed by the victorious counterrevolutionary forces. A third wave broke out after the First World War. The newly created or recreated states of Poland and Czechoslovakia wrote their constitutions. The defeated German state adopted the Weimar Constitution.

Indian Constitution Notes 2 Next, the fourth wave occurred after the Second World War. The defeated nations- Japan, Germany and Italy adopted new constitutions under the more or less strict tutelage of the Allied Powers. A fifth wave was connected with the break-up of the French and British colonial empires. It began in India and Pakistan in the 1940s, but the process did not really gain momentum until the 1960s. In many cases, the new constitutions were modelled closely on those of the former colonial powers. To name only a few examples, the constitution of the Ivory Coast was modelled on that of the Fifth French Republic, whereas those of Ghana and Nigeria followed the British "Westminster model." The next wave is linked to the fall of the dictatorships in Southern Europe in the mid 1970s. Between 1974 and 1978, Portugal, Greece, and Spain adopted new democratic constitutions. Finally, a number of former Communist countries in Eastern and Central Europe adopted new constitutions after the fall of communism in 1989. Although we do not have an exact count, there must be a couple of dozen new constitutions in the region. 1.1 CONSTITUTION A constitution is a set of rules that are foundational to the country, institution or organisation to which they relate. Example: You can have a constitution for a soccer club or a professional association, such as a press council. Such constitutions set out the rules by which members of the organisation agree to operate. However, constitutions can also govern much larger entities, indeed, entire nations.

100%

**MATCHING BLOCK 4/445**

W

A constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed.

These rules together make up, i.e. constitute, what the entity is. When

71%

**MATCHING BLOCK 2/445**

W

these principles are written down into a single document or set of legal documents, those documents may be said to embody a written constitution; if they are written

down in a single comprehensive document, it is said to embody a codified constitution. Constitutions concern different levels of organizations, from sovereign states to companies and unincorporated associations. A treaty which establishes an international organization is also its constitution, in that it would define how that organization is constituted. Within states,

59%

**MATCHING BLOCK 3/445**

W

a constitution defines the principles upon which the state is based, the procedure in which laws are made and by whom. Some constitutions, especially codified constitutions, also act as limiters of state power,

by establishing lines which a state's rulers cannot cross, such as fundamental rights.

Unit 1 – Framing

79%

**MATCHING BLOCK 5/445**

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

of Indian Constitution Notes 3 The Constitution of India is the longest written constitution of any sovereign country in the world, containing 444 articles in 22 parts, 12 schedules and 118 amendments,

with 117,369 words in its English-language translation, while the United States Constitution is the shortest written constitution, at 7 articles and 27 amendments. 1.1.1 Importance of Constitution ? The primary function of a constitution is to lay out the basic structure of the government according to which the people are to be governed. It

50%

**MATCHING BLOCK 8/445**

**W**

is the constitution of a country, which establishes the three main organs of the government, namely, the legislature, executive and judiciary. ? The constitution of

a country not only defines the powers allotted to each of the three main organs, but it also significantly makes a clear demarcation of the responsibilities assigned to each of them. It effectively regulates the relationship between these organs as well as the relationship between the government and its people. ? Since the country's constitution stands superior to all the laws framed within the territorial precincts of the country, any law enacted by the ruling government has to be in conformity with the concerned constitution. As such, the citizens would, in turn, be abiding by not just the law, but also working in sync with the demarcations of the constitution laid by the country. ? The constitution does not simply provide a recipe for an efficient government, but also deals with limitations on power. Since power corrupts and absolute power corrupts absolutely, a constitution is established to restrict the abuse of power by those who conduct governmental functions. ? The constitution of a particular country lays down the national goals which form the basic edifice on which the nation rests upon. For instance, the constitution of India has inscribed in it the primary facets of the nation which are democracy, socialism, secularism and national integration. ? A constitution, besides thrusting on the rights of the citizens of the concerned nation, also has embedded in it the duties that the citizens require to adhere to as well. Self-Assessment Question: State whether the following statements are true or false: 1. Modern constitution making began in the late eighteenth century. 2. A constitution is a set of rules that are foundational to the country, institution or organisation to which they relate.

Indian

87%

**MATCHING BLOCK 6/445**

**W**

Constitution Notes 4 3. A preamble is a set of fundamental principles or established precedents according to which a state or other organization is governed. 4.

Constitutions concern different levels of organizations, from sovereign states to companies and unincorporated associations. 5. A set of governing rules which establishes an international organization is also its constitution, in that it would define how that

95%

**MATCHING BLOCK 7/445**

**W**

organization is constituted. 1.2 INDIAN CONSTITUTION The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers, and duties of government institutions, and sets out fundamental rights, directive principles, and the duties of citizens.

89%

**MATCHING BLOCK 9/445**

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

Dr. Bhimrao Ramji Ambedkar is widely regarded as the father of the Indian Constitution.

69%

**MATCHING BLOCK 10/445**

**W**

The Constitution follows parliamentary system of government and the executive is directly accountable to the legislature. Article 74 provides that there shall be a Prime Minister of India as the head of government. It also states that there shall be a President of India and a Vice-President of India under Articles 52 and 63. Unlike the Prime Minister, the President largely performs

ceremonial roles. The Constitution of India is federal in nature. Each state and each Union territory of India

83%

**MATCHING BLOCK 11/445**

W

has its own government. Analogues to President and Prime Minister, each has a Governor (in case of states) or Lieutenant Governor (in the case of Union territories) and a Chief Minister.

76%

**MATCHING BLOCK 12/445**

W

The 73rd and 74th Amendment Act also introduced the system of Panchayati Raj in rural areas and Municipality in urban areas.

Also,

75%

**MATCHING BLOCK 13/445**

W

Article 370 of the Constitution gives special status to the State of Jammu and Kashmir.

India, also known as Bharat, is a Union of States. It is a Sovereign Socialist Secular Democratic Republic with a parliamentary system of government. The Republic is governed in terms of the Constitution of India

80%

**MATCHING BLOCK 16/445**

W

which was adopted by the Constituent Assembly on 26th November, 1949 and came into force on 26th January, 1950.

98%

**MATCHING BLOCK 14/445**

W

The Constitution provides for a Parliamentary form of government which is federal in structure with certain unitary features. The constitutional head of the Executive of the Union is the President. As per Article 79 of the Constitution of India, the council of the Parliament of the Union consists of the President and two Houses known as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). Article 74(1) of the Constitution provides that there shall be a Council of Ministers with the Prime Minister as its head to aid and advise the President, who shall exercise his/

her,

Unit 1 – Framing of Indian Constitution Notes 5

88%

**MATCHING BLOCK 15/445**

W

functions in accordance to the advice. The real executive power is thus vested in the Council of Ministers with the Prime Minister as its head.

100%

**MATCHING BLOCK 19/445**

W

Constitution is a living document, an instrument which makes the government system work.

Its flexibility lies in its amendments. 1.2.1 Development of Indian Constitution Present day India is a federal state with 29 federated entities divided among seven unions. Its system of government is parliamentary and based on the Westminster model. India first came into contact with the west in the early 18th century when it was annexed by the British East India Company. In the mid 19th century, it fell under British colonial rule. The colonial administration in British India or British Raj as it was also called - was headed by a Viceroy who also cumulated the title of Governor General until 1947 when a struggle for independence, marked by a widespread non-violent resistance movement resulted in independence from the British Colonial Empire. Prior to the constituent assembly that convened in 1948 to draft the Indian constitution adopted in 1950 and still in force to date, the fundamental law of India was mostly embodied in a series of statutes enacted by the British Parliament. The history of the Constitutional development in India can be traced back to the Regulating Act of 1773, which for the first time made the provision for the post of Governor General in India. Since then a number of constitutional experiments were introduced aiming at streamlining the Indian Administration. However, the year 1858 serves as watershed when the Indian Administration came under the direct rule of the British Crown and the centralization of the administration was at its pinnacle. Thus the period of British constitutional development experiment in India can be divided in: Regulating Act, 1773 ? Subjected the Company's actions to the supervision of the British Govt ? End of Dual Government ? Governor of Bengal to be the Governor-General of British territories of India ? Establishment of Supreme Court in Calcutta ? The servants of the Company were forbidden to engage in private trade, accept presents or bribes, etc.

Indian Constitution Notes 6 Pitts Act of 1784 ? The commercial and political activities of the Company were now separated. Board of Control of six members (including two cabinet ministers) set-up to guide and supervise the affairs of the Company in India ? Three members will be there in Governor-General's Executive Council. ? Secret Committee of three Directors was to look into political and military affairs. [Governor General and the council were forbidden to declare war and make treaties without the sanction of secret committee]. ? Madras and Bombay Presidencies were subordinated to the Governor- General-in-Council of Bengal in all matters. ? This act gave the British Government a measure of control over the Company's affairs. In fact, the Company became a subordinate department of the State. Act of 1786 ? Governor General given the power to over-ride the council and was made Commander-in-Chief also. Charter Act of 1793 ? Company given monopoly of trade for 20 more years ? Expenses and salaries of the Board of Control to be charged on Indian revenue ? The Governor General and the Governors could now over-ride the decisions of their respective Councils ? All laws were to be translated in Indian languages ? It laid the foundation of Govt. by written laws, interpreted by courts Charter Act of 1813 ? Company deprived of its trade monopoly in India except in t. and trade with China. ? This made the Company more of an administrative body. ? All Englishmen could trade with India subject to few restrictions. ? A sum of Rs. 1 Lakh earmarked annually for education of Indians. ? Further, Christian missionaries were also permitted to come to India and preach their religion. Charter Act of 1833 ? End of Company's monopoly even in tea and trade with China. Company was asked to close its commercial business at the earliest.

Unit 1 – Framing of Indian Constitution Notes 7 ? All restrictions on European immigration into India and acquisition land and property in India by them were removed, legalizing European colonization of India. ? Governor General of Bengal to be Governor General of India; all powers, administrative and financial, were centralized in the hands of the Governor- General-in-Council. ? President of Board of Control became the minister for Indian affairs. A law member (without power to vote) was added to the Executive Council of the Governor General. ? Macaulay was the first Law member. This increased the Council, strength to four. With it began the Indian Legislature. A law commission was constituted for codification of laws. ? The Act threw open to all, irrespective of religion, place of birth, descent and colour, services under the Company. Charter Act of 1853 ? The Act renewed the powers of

72%

**MATCHING BLOCK 17/445**

**W**

the Company and allowed it to retain the possession of Indian territories in trust for the British Crown but not for any specified period. ? The

number of members of the Court of Directors was reduced from 24 to 18 of which 6 were to be nominated by the Crown. ? The Law member was made a full member of the Governor General, Executive Council ? Legislation was treated for the first time as separate from executive functions. ? Questions could be asked and the policy of the Executive Council could be discussed, though the Executive Council could veto a bill of the Legislative Council. ? Recruitment to Civil Services was based on annual competition examination (excluding Indians). Self-Assessment Question: Fill in the Blanks: 6.

67%

**MATCHING BLOCK 18/445**

**W**

The Constitution follows parliamentary system of government and the executive is directly accountable to the\_\_\_\_\_. 7. Article 74 provides that there shall be a \_\_\_\_\_of India as the head of government. 8.

The  
Constitution provides for a Parliamentary form of government  
which is federal in structure with certain \_\_\_\_\_features.

Indian Constitution Notes 8 9. The history of the Constitutional development in India can be traced back to the Regulating Act of \_\_\_\_\_, which for the first time made the provision for the post of Governor General in India. 10. Pitts Act of \_\_\_\_\_ gave the British Government a measure of control over the Company's affairs. In fact, the Company became a subordinate department of the State. 1.3 SOURCES OF INDIAN CONSTITUTION The Constitution framers adopted from several sources, features which are present in the Indian Constitution. Sources

94%

**MATCHING BLOCK 20/445**

W

Government of India Act, 1935 Federal Scheme, Office of Governor, Judiciary, Public Service Commissions, Emergency provisions, Administrative details British Constitution Parliamentary government, Rule of Law, Legislative procedure, Single citizenship, Cabinet System, Prerogative Writs US Constitution Fundamental Rights, Independence of Judiciary, Judicial Review, Impeachment of the President, Removal of Supreme Court and High Court judges and post of Vice-President Irish Constitution Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of President, Federation with a strong centre, Vesting of residuary powers in the Centre, appointment of State Governors by the Centre and advisory jurisdiction of the Supreme Court. Canadian Constitution

Federation with a strong centre, residuary powers with

91%

**MATCHING BLOCK 21/445**

W

the centre, appointment of state governors by the centre and advisory jurisdiction of the Supreme Court Australian Constitution Concurrent List, Freedom of trade, commerce and intercourse joint sitting of the two Houses of Parliament. Weimar Constitution Suspension of Fundamental Rights during Emergency

Unit 1 – Framing of Indian Constitution Notes 9

92%

**MATCHING BLOCK 22/445**

W

Soviet Constitution Fundamental duties, the ideal of justice (social, economic and political) in the Preamble French Constitution Republic and the ideals of liberty equality and fraternity in the Preamble South African Constitution Procedure for amendment, the Constitution and election of the members of Rajya Sabha Japanese Constitution Procedure established by law.

The drafted Constitution was finally adopted on November 26, 1949. In India, the Constituent Assembly was constituted in November 1946, under the scheme formulated by the Cabinet Mission Plan.

98%

**MATCHING BLOCK 23/445**

W

The Constituent Assembly was to be a partly elected and partly nominated body. The members were to be indirectly elected by the members of the provincial assemblies, who themselves were elected on a limited franchise.

It comprised of representatives of all sections

84%

**MATCHING BLOCK 24/445**

W

of Indian society. 1.3.1 Features of Indian Constitution The Constitution of India has some

distinct and unique features as compared to other constitutions to the world. As

100%

**MATCHING BLOCK 25/445**

W

Dr. B.R. Ambedkar, the Chairman of the Drafting Committee

puts it; the framers had tried to accumulate and accommodate the best features of other constitutions, keeping in view the peculiar problems and needs of our country.

68%

**MATCHING BLOCK 27/445**

SA

Unit 6.docx (D133604267)

The following are the salient features of the Constitution of India: Longest Written Constitution Indian Constitution



can be called the largest written constitution in the world because of its contents. In its original form, it consisted of 395 Articles and 8 Schedules to which additions have been made through subsequent amendments. At present it contains 395 Articles and 12 Schedules, and more than 80 amendments. There are various factors responsible for the long size of the constitution. One major factor was that the framers of the constitution- borrowed provisions from several sources and several other constitutions of the world.

Indian Constitution Notes 10

81%

**MATCHING BLOCK 26/445**

W

Partly Rigid and Partly Flexible The Constitution of India is neither purely rigid nor purely flexible.

There is a harmonious blend of rigidity and flexibility. Some parts

84%

**MATCHING BLOCK 28/445**

SA Constitution Meaning and Features.docx (D126247950)

of the Constitution can be amended by the ordinary law-making process by Parliament. Certain provisions can be amended, only when a Bill for that purpose is passed in each house of Parliament by a majority of the total membership of that house and by a majority of not less than two-third of the members

of that house present and voting. Then there are certain other provisions which can be amended by the second method described above and are ratified

81%

**MATCHING BLOCK 30/445**

W

by the legislatures of not less than one-half of the states before being presented to the President for his assent.

It must also be noted that the power to initiate bills for amendment lies in Parliament alone, and not in the state legislatures. A Democratic Republic

88%

**MATCHING BLOCK 29/445**

W

India is a democratic republic. It means that sovereignty rests with the people of India. They govern themselves through their representatives elected on the basis of universal adult franchise. The

President of India, the highest official of the state is elected for a fixed term. Although, India is a sovereign republic, yet it continues to be a member of

100%

**MATCHING BLOCK 31/445**

W

the Commonwealth of Nations with the British Monarch as its head.

Her membership of the Commonwealth does not compromise her position as a sovereign republic. The commonwealth is an association of free and independent nations. The British Monarch is only a symbolic head of that association. Parliamentary System of Government India has adopted the Parliamentary system as found in Britain. In this system,

82%

**MATCHING BLOCK 33/445**

SA fINAL.pdf (D141953180)

the executive is responsible to the legislature, and remains in power only as long

and it enjoys the confidence of the legislature. The president of India, who remains in office for five years, is the nominal, titular or constitutional head. The Union

63%

**MATCHING BLOCK 32/445**

W

Council of Ministers with the Prime Minister as its head is drawn from the legislature. It is collectively responsible to the House of People (Lok Sabha),

and has

100%

**MATCHING BLOCK 35/445**

SA

Political Process & Politics in India (EM).pdf (D139291481)

to resign as soon as it loses the confidence of

that house.

The President, the nominal executive shall exercise

95%

**MATCHING BLOCK 34/445**

W

his powers according to the advice of the Union Council of Ministers,

the real executive.

100%

**MATCHING BLOCK 36/445**

SA

Constitution Meaning and Features.docx (D126247950)

In the states also, the government is Parliamentary in nature.

A Federation

70%

**MATCHING BLOCK 37/445**

SA

Jithin\_Political Science\_Constitution.pdf (D108461172)

Article 1 of the Constitution of India says: - "India that is Bharat shall be a Union of States."

Though the

word 'Federation' is not used, the government is federal. A state is federal when (a) there are two sets of governments and there is distribution

63%

**MATCHING BLOCK 42/445**

W

of powers between the two, (b) there is a written constitution, which is the supreme law of the land

and (c) there is an independent judiciary to interpret the constitution and settle disputes between the centre and the states. All these features are present in India. There are two sets of government,

Unit 1 – Framing of Indian Constitution Notes 11 one at the centre, the other at state level and the distribution of powers between them is quite detailed in our

78%

**MATCHING BLOCK 38/445**

W

Constitution. The Constitution of India is written and the supreme law of the land.

At the apex of single integrated judicial system, stands the Supreme Court which is independent from the control of the executive and the legislature. Fundamental Rights The constitution of India

100%

**MATCHING BLOCK 39/445**

W

affirms the basic principle that every individual is entitled to enjoy certain

basic rights and part III of the Constitution deals with those rights which are known as fundamental rights. Originally there were seven categories of rights, but now they are six in number.

They are (i)

**70%****MATCHING BLOCK 40/445****W**

Right to equality, (ii) Right to freedom, (iii) Right against exploitation, (iv) Right to freedom of Religion, v) Cultural and Educational rights and vi) Right to constitutional remedies. Right to property (Article-31) originally a fundamental right has been

omitted by the 44th Amendment Act. 1978. It is now a legal right. These fundamental rights are justifiable and the individual can move the higher judiciary that is the Supreme Court or the High Courts, if there is an encroachment on any of these rights.

**90%****MATCHING BLOCK 41/445****W**

The right to move to the Supreme Court straight for the enforcement of fundamental rights

has been guaranteed under Article 32 (Right to Constitutional Remedies). However, fundamental rights in India are not absolute. Reasonable restrictions can be imposed keeping in view the security-requirements

**78%****MATCHING BLOCK 43/445****SA**

Constitution Meaning and Features.docx (D126247950)

of the state. Directive Principles of State Policy A novel feature of the Constitution is that it contains a chapter in the Directive Principles of State Policy. These

principles are in the nature of directives to the government to implement them for establishing social and economic democracy in the country. It embodies important principles like adequate means to livelihood, equal pay for both men and women,

**100%****MATCHING BLOCK 44/445****SA**

Constitution Meaning and Features.docx (D126247950)

distribution of wealth so as to sub-serve the common good,

free and compulsory primary education, right to work, public assistance in case of old age, unemployment, sickness and disablement, the organisation of village Panchayats, special care to the economically back ward sections of the people etc. Most of these principles could help in making India welfare state. These principles have been stated as; "fundamental in the governance of the country". Fundamental Duties A new part IV (A) after the Directive Principles of State Policy was incorporated in the constitution by the 42nd Amendment, 1976 for fundamentals duties. These duties are: ?

**92%****MATCHING BLOCK 45/445****W**

To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem; Indian Constitution Notes 12 ? To cherish and follow the noble ideals, which inspired our national struggle for freedom; ? To uphold and protect the sovereignty, unity and integrity of India; ? To defend the country and render national service when called upon to do so; ? To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, regional or sec-tional diversities, to renounce practices derogatory to the dignity of woman; ? To value and preserve the rich heritage of our composite culture; ? To protect and improve the natural environments including forests, lakes, rivers and wild life and to have compassion for living creatures; ? To develop scientific temper, humanism and the spirit of inquiry and reform; ? To safeguard public property and to abjure violence; ? To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of Endeavour and achievement

The purpose of

incorporating these duties in the Constitution is just to remind the people that while enjoying their right as citizens, should also perform their duties for rights and duties are correlative.

**100%****MATCHING BLOCK 46/445****SA**

Political Process &amp; Politics in India (EM).pdf (D139291481)

Secular State A secular state is neither religious nor irreligious, or anti-religious. Rather it is

quite neutral in matters of religion. India being a land of many religions, the founding fathers of the Constitution thought it proper to make it a secular state. India is a secular state, because it makes no discrimination between individuals on the basis of religion. It neither encourages nor discourages any religion. On the contrary, right to freedom of religion is ensured in the Constitution and people belonging to any religious group have the right to profess, practice or propagate any religion they like. An Independent Judiciary The judiciary occupies an important place in our Constitution and it is also made independent of the legislature and

73%

**MATCHING BLOCK 47/445**

**SA** Indian political system block 1.pdf (D165318270)

the executive. The Supreme Court of India stands at the apex of single integrated judicial system. It

acts as protector of fundamental rights of Indian citizens and

50%

**MATCHING BLOCK 50/445**

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

guardian of the Constitution. If any law passed by the legislature or action taken by the executive contravenes the provisions of the Constitution, they can be declared

as

70%

**MATCHING BLOCK 48/445**

**W**

null and void by the Supreme Court. Thus, it has the power of judicial review.

But judicial review in India constitutes a middle path between the American judicial supremacy in one hand and British Parliamentary supremacy in the other.

Unit 1 – Framing of Indian Constitution Notes 13 Single Citizenship The Constitution of India recognises only single citizenship. In the United States, there is provision of dual citizenship. In India, we are citizens of India only, not of the respective states to which we belong. This provision would help in promoting unity and integrity of the nation. Self-Assessment Question: State whether the following statements are true or false: 11.

96%

**MATCHING BLOCK 49/445**

**W**

Federal Scheme, Office of Governor, Judiciary, Public Service Commissions, Emergency provisions, Administrative details

is the part of British Constitution. 12. Australian Constitution states that federation with a strong centre, residuary powers with the centre, appointment. 13. In India,

100%

**MATCHING BLOCK 51/445**

**SA** Political Process & Politics in India (EM).pdf (D139291481)

the Constituent Assembly was constituted in November 1946, under the scheme formulated by the Cabinet Mission Plan. 14.

Indian Constitution can be called the largest written constitution in the world because of its contents. In its original form, it consisted of 395 Articles and 8 Schedules to which additions have been made through subsequent amendments. At present it contains 415 Articles and 15 Schedules, and more than 100 amendments. 15.

100%

**MATCHING BLOCK 56/445**

**SA** Political Process & Politics in India (EM).pdf (D139291481)

A secular state is neither religious nor irreligious, or anti-religious.

Task Prepare a detailed note on Indian Constitutional Drafting Committee. Your note must include the name of famous persons involved in drafting the Indian Constitution. SUMMARY ? Modern constitution making began in the late eighteenth century. Between 1780 and 1791, constitutions were written for the various American states, the United States, Poland, and France. ? A constitution is a set of rules that are foundational to the country, institution or organisation to which they relate. ? When

71%

**MATCHING BLOCK 52/445**

**W**

these principles are written down into a single document or set of legal documents, those documents may be said to embody a written constitution; if they are written

down in a single comprehensive document, it is said to embody a codified constitution. ? Constitutions concern different levels of organizations, from sovereign states to companies and unincorporated associations.

Indian Constitution Notes 14 ? The primary function of a constitution is to lay out the basic structure of the government according to which the people are to be governed. It

is the constitution of a country, which establishes

the three main organs of the government, namely, the legislature, executive and judiciary. ?

100%

**MATCHING BLOCK 53/445**

W

The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers, and duties of government institutions, and sets out fundamental rights, directive principles, and the duties of citizens. ?

India, also known as Bharat, is a Union of States. It is a Sovereign Socialist Secular Democratic Republic with a parliamentary system of government. The Republic is governed in terms

of

the Constitution

of India

80%

**MATCHING BLOCK 54/445**

W

which was adopted by the Constituent Assembly on 26th November, 1949 and came into force on 26

th January, 1950. KEYWORDS

100%

**MATCHING BLOCK 55/445**

W

Constitution: A constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed.

Treaty: A treaty; which establishes an international organization is also its constitution, in that it would define how that organization is constituted. Democracy: Means government by the people; a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system Parliament: A parliament is a legislature. More generally, "parliament" may simply refer to a democratic government's legislature. Judiciary: The judiciary is the system of courts that interprets and applies the law in the name of the state. The judiciary also provides a mechanism for the resolution of disputes. Fundamental Rights: Fundamental rights are a generally regarded set of legal protections in the context of a legal system, wherein such system is itself based upon this same set of basic, fundamental, or inalienable rights. REVIEW QUESTIONS 1. Define the constitution. 2. Explain the evolution of constitution in the world. 3. Describe the importance of constitution. 4. Write a short note on the Indian Constitution. 5. Explain the development of Indian Constitution. 6. Write a short note on:

Unit 1 – Framing of Indian Constitution Notes 15 ? Charter Act of 1793 ? Charter Act of 1813 ? Charter Act of 1853 7. Describe the various sources of Indian Constitution. 8. Explain the features of Indian Constitution in short. 9. What are fundamental rights? 10. What are fundamental duties? Answers: Self-Assessment 1. True 2. True 3. False 4. True 5. False 6. Legislature 7. Prime minister 8. Unitary 9. 1773 10. 1784 11. False 12. False 13. True 14. False 15. True

95%

**MATCHING BLOCK 65/445**

SA

CC-PS-02.pdf (D149043601)

FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

New Delhi

100%

**MATCHING BLOCK 57/445**

W

Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book

Company, New Delhi

Indian Constitution Notes 16 Hasan Zoya, Sridharan Eswaran & Sudarshan R., (2004), India's Living Constitution: Ideas, Practices, Controversies, Permanent Black,

New Delhi

93%

**MATCHING BLOCK 58/445**

W

Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,

New Delhi Reddy G B & Suhaib Mohd. (2006), Constitution of India and Professional Ethics, I K International Publishing, New Delhi

WEB LINKS [http://www.answers.com/Q/What\\_was\\_the\\_main\\_source\\_of\\_Indian\\_Constitution](http://www.answers.com/Q/What_was_the_main_source_of_Indian_Constitution)

<http://polityofindia.blogspot.in/2013/07/sources-of-constitution-of-india.html> <http://www.importantindia.com/1986/main-features-of-indian-constitution/>

Unit 2 – Constitution and Amendments Notes 17 UNIT 2 – CONSTITUTION AND AMENDMENTS CONTENTS Learning Objectives

Introduction 2.1 Philosophy of the Constitution 2.1.1 The Preamble – Amendment 2.1.2 Importance of the Preamble 2.1.3

Procedure of Amending the Constitution 2.1.4 Social Factors Impacted

87%

**MATCHING BLOCK 59/445**

W

Indian Constitution 2.2 Fundamental Rights and Fundamental Duties 2.3 Directive Principles of State Policy 2.3.1

Balance between Rigidity and Flexibility 2.3.2 Parliamentary Democracy with an Elected Principle Summary Keywords Review

Questions Further Readings

LEARNING

36%

**MATCHING BLOCK 60/445**

W

OBJECTIVES After studying this lesson, you should be able to: ? Understand the philosophy of the constitution ? Describe the fundamental rights and duties ? Explain the directive principle of state policy

INTRODUCTION In the previous unit, we have discussed the historical background and various sources of the Indian Constitution. We also discussed how the Indian Constitution was framed.

92%

**MATCHING BLOCK 61/445**

W

The Constitution is the embodiment of ideas, objectives and aspirations of the people of a state. Keeping in mind the peculiar need of our country, the Constitution of India is framed on the basis of some strong philosophical

foundation.

Indian Constitution Notes 18 2.1 PHILOSOPHY OF THE CONSTITUTION

Mr. Justice H. R. Khanna in his 'Making of Constitution said: "The framing of a Constitution calls for the highest statecraft. Those entrusted with it have to realize

the practical needs of the government and have, at the same time,

to keep in view the ideals, which have inspired the nation. They have to be men of vision, yet they cannot forget the grass roots'. A Constitution at the same time has to be a living thing, living not for one or two generations but for succeeding generations of men and women. It is for that reason the provisions of the Constitution are couched in general terms, for the great generalities the Constitution have a content and significance that vary from age to age and have, at the same time transcendental continuity about them. A constitution states, or ought to state, not the rules of the passing hour, but the principles for an expanding future.

The Indian Constitution is based on the philosophy of evolving an egalitarian society free from fear and bias based on promoting individual freedom

in shaping the government of their choice. The whole foundation of constitutional democracy is building a system of governance in systematic machinery functioning automatically on the wheels of norms and regulations but not on individual whims and fancies. It is easy to dream such a system of rule of law than framing a mechanism for it.

The Indian Constitution is a marathon effort to translate philosophical

rule of law into practical set up divided into three significant estates checking each other exercising parallel sovereignty and non-egoistic supremacy in their own way. Apart from excellent separation of powers to avoid the absolute concentration, the Constitution of India envisages a distinct distribution of powers between two major levels of Governments- central and provincial with a fair scope for a third tier – the local bodies. However, the operation of the system came in contrast with men and their manipulations leading to different opinions and indifferent options. Whatever may be the consequential aberrations, the system of rule of law is perfectly reflected in framing of the Constitutional norms codifying the best governing mechanisms tested and trusted in various democratic societies world over.

The

philosophy and ideals of the Indian Constitution are reflected in the Preamble to the Constitution of India.

Our Constitution may be said to be an expansion and explanation of the Preamble. Supreme Court Chief Justice, Justice Subba Rao opined, "Preamble contains, in a nutshell, its ideals and its aspirations." To understand the philosophy and ideals of the Indian Constitution, we must know the Preamble in the first place.

Let us define and analyze the Preamble to

85%

**MATCHING BLOCK 62/445**

W

the Indian Constitution. 2.1.1 The Preamble – Amendment The Oxford Advanced Learner's Dictionary defines the word "Preamble" as an introduction to a book or a written document. The Constitution of India starts

Unit 2 – Constitution and Amendments Notes 19

100%

**MATCHING BLOCK 63/445**

W

with a Preamble. It is the most precious part of the Constitution. It is the soul of the Constitution. The Preamble of the Indian Constitution says: "WE, THE PEOPLE OF INDIA having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the nation;

100%

**MATCHING BLOCK 64/445**

W

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION." From the Preamble we can understand the philosophy and ideals of the Indian Constitution. The

philosophy and ideals of the Indian Constitution are discussed as follows: Popular Sovereignty This

100%

**MATCHING BLOCK 70/445**

SA Political Process & Politics in India (EM).pdf (D139291481)

Preamble begins with the words "We the people of India....."

and ends with the words ".....adopt, enact and give to ourselves this Constitution".

100%

**MATCHING BLOCK 66/445**

W

It indicates that ultimate sovereignty lies with the people of India who collectively constitute the supreme source of authority in the country. The

Constitution is regarded as the supreme law of the state, but the supreme power of the state is vested upon the people of India. India as a Sovereign State The Preamble declares India as a sovereign state. It is free from any external control. No foreign power can interfere in the internal affairs of India. India can determine her foreign affairs according to her free will.

India as a Socialist State

The word 'Socialist' has been added in the Preamble by the 42nd Amendment in 1976.

It means

the Constitution of

India has a great objective to secure social and economic equality and fair distribution of wealth among all sections of people in the country. By inserting the term 'socialist', it has not only brought a feeling of equal status among the people but also strengthened the philosophical foundation of the Indian Constitution. Some socialistic principles are also distinctly reflected in the Articles 39, 41, 42 and 43 which are incorporated in the Directive Principles of State Policy.

Indian Constitution Notes 20 India as a Secular State

89%

**MATCHING BLOCK 67/445**

W

The word 'Secular' has been included in the Preamble by the 42nd Amendment in 1976.

The characteristic of Indian secularism is that

82%

**MATCHING BLOCK 68/445**

W

India does not recognize any religion as the official or state religion and treats all religions equally.

Moreover, different communities in India have the right to practice their own faiths. Thus, secularism is one of the ideals of the Indian Constitution.

91%

**MATCHING BLOCK 69/445**

W

India as a Democratic State The Preamble describes India as a democratic state. The prime philosophy and ideal of the Indian Constitution is to make India a democratic state.

India is regarded as the largest democratic state in the World. According to Abraham Lincoln, "Democracy

100%

**MATCHING BLOCK 72/445**

SA

Unit 6.docx (D133604267)

is by the people, for the people and of the people."

82%

**MATCHING BLOCK 71/445**

W

The Constitution of India has established a parliamentary democracy in India marked by universal adult franchise, periodic election to choose the government, majority rule, rule of law, decentralization of power, rule of law, independence of the judiciary, etc. India as a Republic The Preamble declares India to be a republic. What it means is that the Head of the State in India, that is the President of India, is an elected head.

He is not a hereditary ruler. The President of India who is the Chief Executive and nominal head of our country is indirectly elected by the people. To Ensure Justice Justice implies that the Government will try to promote the welfare of all the sections of the people. The Preamble embraces three types of Justice- social, economic and political. To ensure Social Justice the Constitution has made special arrangements for the weaker sections of the society, abolished untouchability, provided free education up to a certain standard, etc. With a view to providing political justice, the Constitution has introduced the principle of universal adult franchise and has given an equal right to all adult citizens to be elected or appointed to public services. Economic justice implies that the Constitution seeks to ensure economic security for the common people and to do way with unequal distribution of income and wealth. To Ensure Liberty The other important philosophy and ideal of the Indian Constitution is to ensure liberty to its citizens for the all round development of their personality. Accordingly, the Preamble provides for liberty of thought, expression, belief, faith and worship. The Constitution of India provides a number of Fundamental Rights to the citizens and also protects these rights.

Unit 2 – Constitution and Amendments Notes 21 To Ensure Equality Equality is the basis of a democratic state. Equality is necessary for the development of a society. Hence, the term 'equality' has been inserted in the Preamble to our Constitution. Equality has been guaranteed by the 'Rule of Law'. To establish equality, our Constitution has provided for the Right to Equality as a Fundamental Right. The Indian Constitution ensures equality before the eyes of law to all persons, citizens and non- citizens. The Constitution also prohibits discrimination

86%

**MATCHING BLOCK 76/445**

W

on grounds of religion, race, caste, sex, and place of birth or any of them.

To Promote Fraternity among the people The term fraternity has been incorporated in the Preamble as a means of assuring

the dignity of the individual and the unity and integrity of the nation.

The term 'dignity of the

individual' means that the personality of the individual should be recognized, because, the recognition of the personality and the dignity of the individual is an essential condition to promote fraternity among the people. To promote fraternity and a feeling of brotherhood among the people, certain attempts have been made for the removal of social distinctions and inequalities based on caste, class, creed, language, religion, region, etc. Without unity among its citizens, a state could not be successful. The framers of the Indian Constitution were fully aware of the diversities prevailing in the country. Accordingly, the word integrity was added in the Preamble by the 42nd Amendment to emphasize the fundamental unity of the country against the divisive forces of regionalism, communalism and the like. India as a Welfare State



**82%****MATCHING BLOCK 73/445****W**

India is committed to the ideal of a welfare state and must establish socio- economic justice. The Preamble lays the

foundation of a welfare state in India. Acharya Kripalani says, "The Preamble contains the mystic principle of a welfare state." India is committed to democracy and respects individual liberty, providing to all her citizens, the equality of status and opportunity. The Directive Principles of State Policy involving social, economic, political and cultural goals are like instructions to the state. They, aim at establishing a welfare state in India.

**100%****MATCHING BLOCK 74/445****W**

The Preamble to the Indian Constitution has a great significance. It is important to mention here that, in the 'Biruberi Case' (AIR1960 SC 845) the Supreme Court held that the Preamble is not a part of the Constitution. But the famous 'Keshavananda Bharti – vs. - State of Kerala' (AIR 1973 SC 1461) has held that the Preamble is a part of the Constitution. It was also held in this case that, the Preamble could be amended by the Parliament under Article 368 but the 'Basic Structure' of the Constitution could not be changed. Thus, the

Indian Constitution Notes 22

Preamble can be amended but our Parliament cannot amend the Constitution in a way that it damages or destroys the objectives specified in the Preamble.

Preamble

is a statement of objects, which are expected by the Constitution makers to be realized through the implementation of the Constitution. In Berubari Union and Exchange of Enclaves, AIR 1960 SC 845, the Supreme Court considered the preamble a key to open the mind of the Constitution makers. It is a guide to interpretation of

the provisions of the Constitution. Preamble made it clear that Constitution emanated from the people of India and not from any external authority or any less authority than the people of India.

Many Constitution experts and the Supreme Court stated that it is a conclusive assumption and a legal fiction, which cannot be tested or questioned in any court. Supreme Court held that the preamble was part of the constitution and it could be amended except the basic features in the Preamble. 42nd Amendment inserted three "Secularism, Socialism and Integrity" in Preamble. As these concepts were already implied in the Constitution, the addition was not considered to be the amendment of the basic features. Dr. B.R.

Ambedkar in his concluding speech in the Assembly stated that "Political democracy cannot last unless there lies at the base of it social democracy.

What does social democracy mean? It means a way of life, which recognizes liberty, equality and fraternity, which are not to be treated as separate items in a trinity.

They form a union of the

trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality; equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity."

Self-Assessment Question: State whether the following statements are true or false: 1.

A Constitution at the same time has to be a living thing, living not for one or two generations but for succeeding generations of men and women. 2.

The Indian Constitution is based on the philosophy of evolving an egalitarian society free from fear and bias based on promoting individual freedom

in shaping the government of their choice. 3. The whole foundation of constitutional autocracy is building a system of governance in systematic machinery functioning automatically on the wheels of norms and regulations but not on individual whims and fancies. 4.

The British Constitution is a marathon effort to translate philosophical rule of law into practical set up divided into three significant estates checking each other exercising parallel sovereignty and non-egoistic supremacy in their own way.

Unit 2 – Constitution and Amendments Notes 23 5.

**100%****MATCHING BLOCK 75/445****W**

The prime philosophy and ideal of the Indian Constitution is to make India

an autocratic state. 2.1.2 Importance of the Preamble The term 'Preamble' refers to the introduction of preface to

81%

**MATCHING BLOCK 77/445**

W

the Constitution. The Preamble to the Indian Constitution is based on the 'Objective Resolution' drafted by Jawaharlal Nehru and adopted by the

framers of the Constitution. The importance of the Preamble lies in its components: ?

76%

**MATCHING BLOCK 79/445**

SA

Political Process & Politics in India (EM).pdf (D139291481)

It embodies the source of the Constitution i.e., the people of India. ? The

terms sovereign, socialist, secular, democratic, republic in the Preamble suggests the nature of the state. ? The ideals of justice, liberty, equality, fraternity reflects the objectives of the Constitution. ? The amendment inserted the word 'Secular' to reflect the secular nature of Indian society. ? The word 'Republic' in the Preamble indicates that India has an elected head, though indirectly elected, the Indian President is the choice of the people of India. These values are further strengthened by the word 'Democratic' in the Preamble. ? To emphasize these values the Constitution framers have resorted to the use of the concepts like justice, liberty, equality and fraternity. ? Liberty is guaranteed to the individuals through the provision of Fundamental Rights, which are enforceable in the court of law. ? The Preamble secures to all citizens equality of States and opportunity in civic, political. ? The unity and integrity of the nation is sought to secure by the use of the word 'Fraternity' in the Preamble and by the provisions of fundamental duties and single citizenship in the Constitution. The use of these words in

51%

**MATCHING BLOCK 78/445**

W

the Preamble shows, it embodies the basic philosophy and fundamental values on which the Constitution is based. It very well reflects the dreams and aspirations of the

founding fathers of the Constitution. 2.1.3 Procedure of Amending the Constitution A constitutional amendment refers to the modification of the Constitution of a nation or state. In many jurisdictions the text of the constitution itself is altered; in others the text is not changed, but the amendments change its effect. Most constitutions require that amendments cannot be enacted unless they have passed a special procedure that is more stringent than that required of ordinary legislation. Examples of such special procedures include supermajorities in the legislature, or direct approval by the electorate in a referendum, or even a Indian Constitution Notes 24 combination of two or more different special procedures. A referendum to amend the constitution may also be triggered in some jurisdictions by popular initiative. Amendment of the Constitution of India is the process of making changes to

44%

**MATCHING BLOCK 80/445**

W

the nation's fundamental law or supreme law. The procedure of amendment in the constitution is laid down in Part XX (Article 368) of the Constitution

of India. This procedure ensures the sanctity of the Constitution of India and keeps a check on arbitrary power of the Parliament of India.

78%

**MATCHING BLOCK 81/445**

SA

CC-PS-02.pdf (D149043601)

The Constitution of India provides for a distinctive amending process when compared to the Constitutions of other nations. It can be described as partly flexible and partly rigid. The Constitution provides for a variety in the amending process. This feature has been commended by

Australian academic Sir Kenneth where who felt

91%

**MATCHING BLOCK 82/445**

SA

CC-PS-02.pdf (D149043601)

that uniformity in the amending process imposed "quite unnecessary restrictions" upon the amendment of parts of a Constitution.

An

**86%****MATCHING BLOCK 83/445****SA** CC-PS-02.pdf (D149043601)

amendment of the Constitution can be initiated only by the introduction of a Bill in either House of Parliament. The Bill must then be passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting. There is no provision for a joint sitting in case of disagreement between the two Houses. The Bill, passed by the required majority, is then presented to the President who shall give his assent to the Bill. If the amendment seeks to make any change in any of the provisions mentioned in the proviso to article 368, it must be ratified by the Legislatures of not less than one-half of the States.

Although, there is no prescribed time limit for ratification, it must

**89%****MATCHING BLOCK 93/445****SA** CC-PS-02.pdf (D149043601)

be completed before the amending Bill is presented to the President for his assent.

Every constitutional amendment is formulated as a statute. The first amendment is called the "Constitution (First Amendment) Act", the second, the "Constitution (Second Amendment) Act", and so forth. Each usually has the long title "An Act further to amend the Constitution of India".

2.1.4 Social Factors Impacted Indian Constitution Social factors that have affected the Indian Constitution are as follows: Poverty India suffers from substantial poverty. According to World Bank's estimates on poverty based on 2005 data, India has 456 million people, 41.6% of its population, living below the new international poverty line of \$1.25 (PPP) per day. The World Bank further estimates that 33% of the global poor now reside in India. Moreover, India also has 828 million people, or 75.6% of the population living below \$2 a day, compared to 72.2% for Sub-Saharan Africa. Official figures estimate that 27.5% of Indians lived below the national poverty line in 2004–2005. A 2007 report by the state-run National Commission for Enterprises in the Unorganized Sector (NCEUS) found that 25% of Indians, or 236 million people, lived on less than 20 rupees per day with most working in "informal labour sector with no job or social security, living in abject poverty."

Education Since the Indian Constitution was completed in 1949, education has remained one of the priorities of the Indian government. The first education minister Maulana Azad founded a system of education which aimed to provide free education at the primary level. Primary education was made free and compulsory for children from 6-14, and child labour was banned. The government introduced incentives to education and disincentives for not receiving education – for instance, the provision of mid-day meals in schools were introduced. Many similar initiatives echoed, and the largest of such initiatives is Sarva Shiksha Abhiyan, which actively promoted "Education for All". In line with this, the United Progressive Alliance (UPA) aimed to increase their expenditure on education to 6% of its Gross Domestic Product (GDP) from values fluctuating about 3% through their National Common Minimum Programme (NCMP) in 2004.

**100%****MATCHING BLOCK 84/445****W**

The Right of Children to Free and Compulsory Education Act was

also imposed in 2009. Despite these initiatives, education continues to persist as an impediment to development. Violence Constitutionally India is a secular state, but large-scale violence has periodically occurred in India since independence. In recent decades, communal tensions and religion-based politics have become more prominent. Some of the other social issues are: population and over population, poor sanitation, corruption, religious violence, caste related violence, etc. Naxalism is an informal name given to communist groups that were born out of the Sino-Soviet split in the Indian communist movement. Ideologically they belong to various trends of Maoism.

2.2 FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES Fundamental Rights Fundamental Rights are a charter of rights contained in the Constitution of India. It guarantees civil liberties such that all Indians can lead their lives in peace and harmony as citizens

**92%****MATCHING BLOCK 85/445****W**

of India. These include individual rights common to most liberal democracies, such as equality before law, freedom of speech and expression, and peaceful assembly, freedom to practice religion, and the right to constitutional remedies for the protection of civil rights by means of writs such as habeas corpus.

Violation of these rights result in

Indian Constitution Notes 26 punishments as prescribed in the Indian Penal Code or other special laws, subject to discretion of the judiciary. The Fundamental Rights are defined as basic human freedoms which every Indian citizen has the right to enjoy for a proper and harmonious development of personality. These

58%

**MATCHING BLOCK 86/445**

W

rights universally apply to all citizens, irrespective of race, place of birth, religion, caste or gender. Indian

Constitution defines Fundamental Rights as – "

100%

**MATCHING BLOCK 87/445**

W

In this Part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India."

The seven fundamental rights recognised by the Indian constitution

92%

**MATCHING BLOCK 88/445**

W

are: Right to Equality This includes equality before law, prohibition of discrimination on grounds of religion, race, caste, gender or place of birth, and equality of opportunity in matters of employment, abolition of untouchability and abolition of titles. Right to Freedom Which includes speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation (

some of these rights are subject to

87%

**MATCHING BLOCK 89/445**

W

security of the State, friendly relations with foreign countries, public order, decency

94%

**MATCHING BLOCK 90/445**

W

or morality), right to life and liberty, right to education, protection in respect to conviction in offences and protection against arrest and detention in certain cases. Right against Exploitation

This prohibits

94%

**MATCHING BLOCK 91/445**

W

all forms of forced labour, child labour and traffic in human beings. Right to Freedom of Religion This includes freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instructions in certain educational institutes. Cultural and Educational Rights

Preserve the

100%

**MATCHING BLOCK 92/445**

W

right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice. Right to Constitutional Remedies

This is present for enforcement of Fundamental Rights.

Unit 2 – Constitution and Amendments Notes 27 Right to Elementary Education This implies that any child between the ages of 6 to 14 should and can be educated. Originally, there were seven Fundamental Rights in the Constitution. Besides the above-mentioned six rights, there was the Right to Property also. Since this Right created many problems in the way of attaining the goal of socialism and equitable distribution of wealth,

**78%****MATCHING BLOCK 99/445****W**

it was removed from the list of Fundamental Rights in 1978 by 44th constitutional amendment.

However, its deletion does not mean that we do not have the right to acquire, hold and dispose of property. Citizens are still free to enjoy this right. But now it is just a legal right and not a Fundamental Right. Fundamental Duties Indian Constitution stated that;

**97%****MATCHING BLOCK 94/445****W**

It shall be the duty of every citizen of India ? To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem; ? To cherish and follow the noble ideals which inspired our national struggle for freedom; ? To uphold and protect the sovereignty, unity and integrity of India; ? To defend the country and render national service when called upon to do so; ? To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women; ? To value and preserve the rich heritage of our composite culture; ? To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures; ? To develop the scientific temper, humanism and the spirit of inquiry and reform; ? To safeguard public property and to abjure violence; ? To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement; ? Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

Indian Constitution Notes 28 2.3  
DIRECTIVE PRINCIPLES OF STATE POLICY

**96%****MATCHING BLOCK 95/445****W**

Directive Principles of State Policy: Application of the principles contained in this Part. State to secure a social order for the promotion of welfare of the people and certain principles of policy to be followed by the State. ?

**93%****MATCHING BLOCK 96/445****W**

In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III. ? 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. ?

**94%****MATCHING BLOCK 97/445****W**

The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. ? The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. ? The State shall, in particular, direct its policy towards securing – ? That the citizens, men and women equally, have the right to an adequate means of livelihood; ? That the ownership and control of the material resources of the community are so distributed as best to sub-serve the common good; ? That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; ? That there is equal pay for equal work for both men and women; ? That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; ? Those children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. ? The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Unit 2 – Constitution and Amendments Notes 29 ?

100%

**MATCHING BLOCK 98/445**

W

The State shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. ?

100%

**MATCHING BLOCK 100/445**

W

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. ?

96%

**MATCHING BLOCK 101/445**

W

The State shall make provision for securing just and humane conditions of work and for maternity relief. ? The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage,

and

96%

**MATCHING BLOCK 102/445**

W

conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas. ? The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry. ? The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. ?

The

State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory

94%

**MATCHING BLOCK 103/445**

W

education for all children until they complete the age of fourteen years. ? The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. ?

97%

**MATCHING BLOCK 104/445**

W

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. ? The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle. ? The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. ?

98%

**MATCHING BLOCK 105/445**

SA 159E1210\_Indian Constitution.pdf (D165648310)

It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, to be of national importance, from

Indian Constitution Notes 30

86%

**MATCHING BLOCK 106/445**

SA CC-PS-02.pdf (D149043601)

spoliation, disfigurement, destruction, removal, disposal or export, as the case may be. ? The State shall take steps to separate the judiciary from the executive in the public services of the State. ? The State shall endeavour to – ? Promote international peace and security; ? Maintain just and honorable relations between nations; ? Foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and ? Encourage settlement of international disputes by arbitration.

Self-Assessment Question: Fill in the Blanks: 6. A constitutional \_\_\_\_\_ refers to the modification of the Constitution of a nation or state. 7. Fundamental \_\_\_\_\_ are a charter of rights contained in the Constitution of India. 8.

98%

**MATCHING BLOCK 108/445**

W

The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the \_\_\_\_\_ life. 9.

Violation of Fundamental Rights result in punishments as prescribed in the Indian Penal Code or other special laws, subject to discretion

88%

**MATCHING BLOCK 107/445**

W

of the \_\_\_\_\_. 10. State to secure a \_\_\_\_\_ order for the promotion of welfare of the people and certain principles of policy to be followed by the State. 2.3.1

Balance between Rigidity and Flexibility

100%

**MATCHING BLOCK 109/445**

W

Indian Constitution is a balanced Constitution. The framers of the Constitution desired to secure balance and moderation in incorporating various provisions in our Constitution. As far as the amendment of the Constitution is concerned, a balance is struck in making the Constitution partly rigid and partly flexible. A flexible Constitution is one, which can be easily amended like ordinary law of the land. On the contrary, a rigid Constitution is one whose amendment is very difficult and where there is a distinction between the amendment of constitutional law and ordinary law. Both the types of Constitutions had their merits and demerits. But the framers of the Indian Constitution did not go to the extreme. They incorporated a unique procedure of amendment which combines both rigidity

Unit 2 – Constitution and Amendments Notes 31

**99%****MATCHING BLOCK 113/445****W**

and flexibility (Article 368 of Constitution deals with procedure of amendment of the Constitution). The Constitution can be amended in three different ways: - ? Some categories of amendment like creation of new States, creation or abolition of second chamber of the States, changes in the citizenship, etc., require only a simple majority in both the Houses of the Union Parliament. In this case amendment of the Constitution is made in a flexible manner. ? Certain other provisions of the Constitution in order to be amended require a majority of the total membership in each House of Parliament and a majority of not less than two-thirds of the members present and voting in each House of parliament. The bulk of the Constitution can be amended in this way. ? Certain categories of amendment like the Presidential powers and mode of election, the extent of the Executive and Legislative Powers of the Union or the States, the provision regarding the Supreme Court and the High Court, the representation of States in Parliament etc. require: - ? A majority of the total membership in each House of Parliament. ? A majority of not less than two-thirds of all the members present and voting in each House of Parliament, and ? Ratification by the legislatures of at least one half of the States. The analysis of the above three procedures of the Indian Constitution reveals that the amendment procedures strike a wise balance between rigidity and flexibility: - K. C. Where, eulogizing the procedure of amendment of Indian Constitution, observes. "This variety in the amending process is wise but is rarely found" The process of amendment is a dynamic one. It does not stop the growth of a nation. In this connection, it is worthwhile to quote Pandit Nehru who clearly stated, "While one wants this Constitution to be as solid and permanent as we can make it, there is no permanence in the Constitution. There should be certain flexibility. If you make anything rigid and permanent, you stop the nation's growth, the growth of a living vital organic people. While the world is in turmoil and we are passing through a swept period of transition, what we may do today may not be wholly applicable tomorrow". Thus, our Constitution strikes a balance between the extreme flexibility of the British Constitution and the extreme rigidity of the American Constitution. Dr. B. R. Ambedkar rightly said that "...this Assembly has not only refrained from putting a seal of finality and infallibility upon the Constitution by denying the people the right to amend the Constitution as in Canada, or by making the amendment of the Constitution subject to the fulfillment of extra-ordinary terms and conditions as in America or Australia, but has provided a most facile procedure".

Indian Constitution Notes 32 2.3.2 Parliamentary Democracy with an Elected Principle Representative democracy (also indirect democracy) is a variety of democracy founded on the principle of elected officials representing a group of people, as opposed to direct democracy.

**99%****MATCHING BLOCK 110/445****W**

Representatives are elected by the public, as in national elections for the national legislature. Elected representatives may hold the power to select other representatives, presidents, or other officers of government or of the legislature, as the Prime Minister in the latter case. ? The power of representatives is usually curtailed by a constitution (as in a constitutional democracy or a constitutional monarchy) or other measures to balance representative power: ? An independent judiciary, which may have the power to declare legislative, acts unconstitutional (e.g. Constitutional Court, Supreme Court) ?

It

**96%****MATCHING BLOCK 111/445****W**

may also provide for some deliberative democracy or direct popular measures (e.g., initiative, referendum, recall elections). However, these are not always binding and usually require some legislative action legal power usually remains firmly with representatives. ? In some cases, a bicameral legislature may have an "upper house" that is not directly elected.

Parliamentary democracy is a representative democracy where government is appointed by, or can be dismissed by, a representative as opposed to a "presidential rule" wherein

**87%****MATCHING BLOCK 112/445****W**

the president is both head of state and the head of government



and is elected by the voters. Under a parliamentary democracy, government is exercised by delegation to an executive ministry and subject to ongoing review, checks and balances by the legislative parliament elected by the people. Parliamentary systems have the right to dismiss a Prime Minister at any point in time that they feel he or she is not doing their job to the expectations of the legislature. This is done through a Vote of No Confidence where the legislature decides whether or not to remove the Prime Minister from office by a majority support for his or her dismissal. In some countries, the Prime Minister can also call an election whenever he or she so chooses, and typically the Prime Minister will hold an election when he or she knows that they are in good favour with the public as to get re-elected. In other parliamentary democracies extra elections are virtually never held, a minority government being preferred until the next ordinary elections. An important feature of the parliamentary democracy is the concept of the "loyal opposition". The essence of the concept is that the second largest political party (or coalition) opposes the governing party (or coalition), while still remaining loyal to the state and its democratic principles.

Unit 2 – Constitution and Amendments Notes 33 Self-Assessment Question: State whether the following statements are true or false: 11.

100%

**MATCHING BLOCK 114/445**

SA

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. 12. The

State

100%

**MATCHING BLOCK 120/445**

SA

CC-PS-02.pdf (D149043601)

shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. 13.

100%

**MATCHING BLOCK 115/445**

W

A flexible Constitution is one, which can be easily amended like ordinary law of the land. 14.

88%

**MATCHING BLOCK 116/445**

W

Representative democracy (also indirect democracy) is a variety of democracy founded on the principle of elected officials representing a group of people, as opposed to direct democracy. 15.

Parliamentary democracy is a representative democracy where government is appointed by, or can be dismissed by, a representative as opposed to a "presidential rule" wherein

87%

**MATCHING BLOCK 117/445**

W

the president is both head of state and the head of government

and is elected by the voters. Task Prepare a detailed note or report on Fundamental Rights and Duties of several countries (other than India). SUMMARY ?

A Constitution at the same time has to be a living thing, living not for one or two generations but for succeeding generations of men and women. ? It is for that reason the provisions of the Constitution are couched in general terms, for the great generalities the Constitution have a content and significance that vary from age to age and have, at the same time transcendental continuity about them. ? A constitution states, or ought to state, not the rules of the passing hour, but the principles for an expanding future. ?

The Indian Constitution is based on the philosophy of evolving an egalitarian society free from fear and bias based on promoting individual freedom

in shaping the government of their choice. ? The whole foundation of constitutional democracy is building a system of governance in systematic machinery functioning automatically on the wheels of norms and regulations but not on individual whims and fancies. It is easy to dream such a system of rule of law than framing a mechanism for it.

Indian Constitution

Notes 34 ?

The Indian Constitution is a marathon effort to translate philosophical

rule of law into practical set up divided into three significant estates checking each other exercising parallel sovereignty and non-egoistic supremacy in their own way. ? Apart from excellent separation of powers to avoid the absolute concentration, the Constitution of India envisages a distinct distribution of powers between two major levels of Governments- central and provincial with a fair scope for a third tier – the local bodies. ?

59%

**MATCHING BLOCK 118/445**

W

A Preamble is the most precious part of the Constitution. It is the soul of the Constitution. From the Preamble we can understand the philosophy and ideals of the Indian Constitution.

**KEYWORDS** Preamble: Preamble is an introduction to a book or a written document. Amendment: A constitutional amendment refers to the modification of the Constitution of a nation or state. In many jurisdictions the text of the constitution itself is altered; in others the text is not changed, but the amendments change its effect. Fundamental Rights: Fundamental Rights are a charter of rights contained in the Constitution of India. It guarantees civil liberties such that all Indians can lead their lives in peace and harmony as citizens of India.

94%

**MATCHING BLOCK 119/445**

W

**Representative Democracy:** Representative democracy is a variety of democracy founded on the principle of elected officials representing a group of people, as opposed to direct democracy.

**Parliamentary Democracy:** Parliamentary democracy is a representative democracy where government is appointed by, or can be dismissed by, a representative as opposed to a "presidential rule" wherein

87%

**MATCHING BLOCK 121/445**

W

the president is both head of state and the head of government

and is elected by the voters. Rigid Constitution:

100%

**MATCHING BLOCK 122/445**

W

A rigid Constitution is one whose amendment is very difficult and where there is a distinction between the amendment of constitutional law and ordinary law.

**REVIEW QUESTIONS** 1. Describe the philosophy of the constitution. 2. What is Preamble? What are the various amendments made in the Indian Preamble? 3. Explain the importance of the Preamble. 4. Explain the procedure of amending the constitution. 5. What are the various social factors impacted Indian constitution.

Unit 2 – Constitution and Amendments Notes 35 6. What are Fundamental Rights? 7. What are Fundamental Duties? 8. Describe the Directive Principles of state policy. 9. What is representative democracy? 10. What is parliamentary democracy? Answers: Self-Assessment 1. True 2. True 3. False 4. False 5. False 6. Amendments 7. Rights 8. National 9. Judiciary 10. Social 11. True 12. True 13. True 14. True 15. True

95%

**MATCHING BLOCK 127/445**

SA

CC-PS-02.pdf (D149043601)

**FURTHER READINGS** Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

New Delhi

100%

**MATCHING BLOCK 123/445**

W

Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book

Company, New Delhi Hasan Zoya, Sridharan Eswaran & Sudarshan R., (2004), India's Living Constitution: Ideas, Practices, Controversies, Permanent Black, New Delhi  
Indian Constitution Notes 36

93%

MATCHING BLOCK 124/445

W

Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,

New Delhi Reddy G B & Suhaib Mohd. (2006), Constitution of India and Professional Ethics, I K International Publishing, New Delhi

WEB LINKS <http://www.importantindia.com/1990/importance-of-preamble-in-indian-constitution/>

<http://www.simplydecoded.com/2013/10/28/indian-preamble-and-its-importance/>

<http://www.hrdiap.gov.in/87fc/images11/4.pdf>

Unit 3 – Human Rights and Environment Protection Notes 37 UNIT 3 – HUMAN RIGHTS AND ENVIRONMENT PROTECTION

CONTENTS Learning Objectives Introduction 3.1 Human Rights 3.1.1 Meaning and Importance 3.1.2 Universal Declaration of

Human Rights 3.1.3 Development of Human Rights and Fundamental Rights 3.1.4 International law and Position of India 3.1.5 Two

Human Rights Covenants 3.2 Discrimination 3.2.1 Social and Gender Discrimination 3.2.2 Torture and Genocide 3.3 Environment

Protection in India 3.3.1 Approaches to Environment Protection and Human Rights 3.3.2 Enforcement of Environmental Laws

Summary Keywords Review Questions Further Readings LEARNING OBJECTIVES After studying this lesson, you should be able to:

? Understand the concepts of human rights ? Describe the discrimination ? Explain environment protection in India

Indian Constitution Notes 38 INTRODUCTION In previous unit, we have discussed the Indian Constitution and their preamble and

various amendments into that. We also discussed about the fundamental rights and duties of Indian Constitution. We have

discussed about the directive principles of state policy. Keeping in mind, in this unit we will discuss about the human rights and

their universal declaration. We will also discuss about the discrimination and environmental protection in India. 3.1

99%

MATCHING BLOCK 125/445

W

**HUMAN RIGHTS** Human: Noun A member of the Homo sapiens species; a man, woman or child; a person Rights: Noun Things to which you are entitled or allowed; freedoms that are guaranteed Human Rights: Noun The rights you have simply because you are human. If you were to ask people in the street, "What are human rights?" you would get many different answers. They would tell you the rights they know about, but very few people know all their rights. As covered in the definitions above, a right is a freedom of some kind. It is something to which you are entitled by virtue of being human. Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal. Whereas nations or specialized groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled no matter who they are or where they live simply because they are alive. Yet many people, when asked to name their rights, will list only freedom of speech and belief and perhaps one or two others. There is no question these are important rights, but the full scope of human rights is very broad. They mean choice and opportunity. They mean the freedom to obtain a job, adopt a career, select a partner of one's choice and raise children. They include the right to travel widely and the right to work gainfully without harassment, abuse and threat of arbitrary dismissal. They even embrace the right to leisure. In ages past, there were no human rights. Then the idea emerged that people should have certain freedoms. And that idea, in the wake of World War II, resulted finally in the document called the Universal Declaration of Human Rights and the thirty rights to which all people are entitled.

Unit 3 – Human Rights and Environment Protection Notes 39 3.1.1 Meaning and Importance Meaning or definition of human rights The basic rights and freedoms, to which all humans are entitled, often held to include the right to life and liberty, freedom of thought and expression, and equality before the law. Human rights are moral principles or norms that describe certain standards of human behaviour, and are regularly protected as legal rights in national and international law. Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. Universal and Inalienable The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems. Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law. Interdependent and Indivisible All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

Indian Constitution Notes 40 Equal and Non-discriminatory Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and

96%

**MATCHING BLOCK 126/445**

W

the Convention on the Elimination of All Forms of Discrimination against Women. The

principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: "

87%

**MATCHING BLOCK 129/445**

SA Indian Constitution (OEL) EM.docx (D159148560)

All human beings are born free and equal in dignity and rights."

Both Rights and Obligations Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others. Importance of Human Rights Human Rights are important for all human being. Some of the importance of human rights is discussed below:

100%

**MATCHING BLOCK 128/445**

W

Human Rights as Inspiration and Empowerment Human rights are both inspirational and practical. Human rights principles hold up the vision of a free, just, and peaceful world and set minimum standards for how individuals and institutions everywhere should treat people. Human rights also empower people with a framework for action when those minimum standards are not met, for people still have human rights even if the laws or those in power do not recognize or protect them.

Common Roots of Democracy The greatest protection of human rights emanates from a democratic framework grounded in the rule of law. A functional democracy that accommodates diversity is increasingly becoming the planet's best bet against the concentration of power in the hands of a few and the abuse that inevitably results from it. Democracy is premised on the recognition and protection of people's right to have a say in all decision making processes which is itself based on the central principle of equality of all human beings.

Unit 3 – Human Rights and Environment Protection Notes 41 Good Governance The goals of human rights are sometimes summed up as freedom from fear and want and to be able to develop one's potential. These are also the aims of governance. Governance is much more than the business of running the State machinery to keep one's borders safe and the law and order situation under control. States also have the mandate to eliminate inequalities and inequities entrenched in society those results in the exploitation and the marginalization of certain groups, depriving them of basic rights to a life of dignity. Reducing Poverty The rights based approach is by definition pro-poor in nature as it requires developmental planning to target the weakest and the most vulnerable first and foremost. Human rights standards provide the benchmarks against which success of development policies must be measured. Setting targets based on human rights allows policymakers to create realistic frameworks for achieving rights and making informed evaluations of the effectiveness of their policies and programmes. The history of human rights can be traced to past documents, particularly the Magna Carta (1215), the English Bill of Rights (1689),

100%

**MATCHING BLOCK 130/445**

SA COI project.docx (D145282444)

the French Declaration of the Rights of Man and of the Citizen (1789),

and

the Bill of Rights in the United States Constitution (1791). 3.1.2 Universal Declaration of Human Rights In 1948, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights (UDHR) for all people and all nations. In the UDHR, the United Nations stated in clear and simple terms rights that belong equally to every person. These rights belong to you. Familiarize yourself with them. Help to promote and defend them. Adopted by UN General Assembly Resolution 217A (III) of 10 December 1948. WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Indian Constitution Notes 42 WHEREAS it is essential to promote the development of friendly relations between nations, WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, WHEREAS Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, therefore, the General Assembly Proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. ?

88%

**MATCHING BLOCK 131/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

All human beings are born free and equal in dignity and rights. They

are endowed with reason and conscience and

100%

**MATCHING BLOCK 138/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

should act towards one another in a spirit of brotherhood. ?

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. ? Everyone has the right to life, liberty and security

88%

**MATCHING BLOCK 132/445**

**W**

of person. ? No one shall be held in slavery or servitude; slavery and

the slave trade shall be prohibited in all their forms. ? No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. ? Everyone has the right to recognition everywhere as a person before the law. ?

91%

**MATCHING BLOCK 133/445**

**W**

All are equal before the law and are entitled without any discrimination to equal protection of the law.

All are entitled to equal protection against any

Unit 3 – Human Rights and Environment Protection Notes 43 discrimination in violation of the Declaration and against any incitement to such discrimination. ? Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. ?

100%

**MATCHING BLOCK 134/445**

**W**

No one shall be subjected to arbitrary arrest, detention or exile. ? Everyone

is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. ? Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. ? No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed. ? No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks. ?

100%

**MATCHING BLOCK 135/445**

W

Everyone has the right to freedom of movement and residence within the borders of each state. ? Everyone has the right to

leave any country, including his own, and to return to his country. ? Everyone has the right to seek and to enjoy in other countries asylum from persecution. ? This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations. ? Everyone has the right to a nationality. ? No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. ? Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. ? Marriage shall be entered into only with the free and full consent of the intending spouses.

Indian Constitution Notes 44 ? The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. ? Everyone has the right to own property alone as well as in association with others. ? No one shall be arbitrarily deprived of his

100%

**MATCHING BLOCK 136/445**

W

property. ? Everyone has the right to freedom of thought, conscience and religion;

this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. ? Everyone has the right to freedom of opinion and expression: this right includes

80%

**MATCHING BLOCK 137/445**

W

freedom to hold opinions without interference and to seek, receive and impart information and ideas

through any media and regardless of frontiers. ? Everyone has the right to freedom of peaceful assembly and association. ? No one may be compelled to belong to an association. ?

58%

**MATCHING BLOCK 139/445**

W

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. ? Everyone has the right

of equal access to public service in his country. ? The will of the people shall be the basis of the authority of government; this will be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. ? Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co- operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development

85%

**MATCHING BLOCK 140/445**

W

of his personality. ? Everyone has the right to work, to free choice of employment,

to just and favorable conditions of work and to protection against unemployment. ? Everyone, without any discrimination, has the right to equal pay for equal work. ? Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. ? Everyone has the right to form and to join trade unions for the protection of his interests. ? Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.



Unit 3 – Human Rights and Environment Protection Notes 45 ? Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. ? Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection. ? Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. ? Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. ? Parents have a prior right to choose the kind of education that shall be given to their children. ? Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. ? Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. ? Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized. ? Everyone has duties to the community in which alone the free and full development of his personality is possible. ? In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. ? These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations. ? Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Indian Constitution Notes 46 Self-Assessment Question: State whether the following statements are true or false: 1. Fundamental

100%

**MATCHING BLOCK 141/445**

**W**

rights are based on the principle of respect for the individual. 2.

Human rights are moral principles or norms that describe certain standards of human behaviour, and are regularly protected as legal rights in national and international law. 3. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. 4. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. 5. Everyone has the right to recognition everywhere as a person before the law. 3.1.3 Development of Human Rights and Fundamental Rights "Human development and human rights are close enough in motivation and concern to be compatible and congruous, and they are different enough in strategy and design to supplement each other fruitfully," according to the Human Development Report 2000. Human rights and development both aim to promote well-being and freedom, based on the inherent dignity and equality of all people. The concern of human development is the realization by all of basic freedoms, such as having the choice to meet bodily requirements or to escape preventable disease. It also includes enabling opportunities, such as those given by schooling, equality guarantees and a functioning justice system. The human rights framework shares these concerns. Human rights and human development share a preoccupation with necessary outcomes for improving people's lives, but also with better processes. Being people-centered, they reflect a fundamental concern with institutions, policies and processes as participatory and comprehensive in coverage as possible, respecting the agency of all individuals. For instance, in the human rights and human development frameworks, the development of new technologies for effective malaria prevention is a legitimate and even desirable outcome. But in rolling out these technologies development actors should clearly assess and explain the possible negative effects of the testing, as well as ensure that the technologies are accessible and affordable and that vulnerable groups are not excluded. Human rights contribute to human development by guaranteeing a protected space where the elite cannot monopolize development processes, policies and programmes. The human rights framework also introduces the important idea

Unit 3 – Human Rights and Environment Protection Notes 47 that certain actors have duties to facilitate and foster development. For people to be enabled to assert a legally binding claim that specific duty-bearer provide free and compulsory primary education is more empowering than it is to rely on "needs" alone or to observe the high economic returns on investments in education, for example. When human rights go unfulfilled, the responsibilities of different actors must be analyzed. This focus on locating accountability for failures within a social system significantly broadens the scope of claims usually associated with human development analysis. In the other direction, human development analysis helps to inform the policy choices necessary for the realization of human rights in particular situations. Fundamental Rights and Human Rights The judicially enforceable fundamental rights which encompass all seminal civil and political rights and some of the rights of minorities are enshrined in part III of the Constitution (Articles 12 to 35). These include

**89%****MATCHING BLOCK 142/445****W**

the right to equality, the right to freedom, the right against exploitation, the right to freedom of religion, cultural and educational rights and the right to Constitutional remedies.

Fundamental rights

differ from ordinary rights in the sense that the former are inviolable. No law, ordinance, custom, usage, or administrative order can abridge or take them away. Any law, which is violative of any of the fundamental right, is void. The Supreme Court of India recognizes these fundamental rights as 'Natural Rights' or 'Human Rights'. 3.1.4 International Law and Position of India International Human Rights Law The international human rights movement was strengthened when the United Nations General Assembly adopted of the Universal Declaration of Human Rights (UDHR) on 10 December 1948. Drafted as 'a common standard of achievement for all peoples and nations', the Declaration for the first time in human history spell out basic civil, political, economic, social and cultural rights that all human beings should enjoy. It has over time been widely accepted as the fundamental norms of human rights that everyone should respect and protect. The UDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols,

**100%****MATCHING BLOCK 143/445****W**

and the International Covenant on Economic, Social and Cultural Rights,

form the so - called International Bill of Human Rights. A series of international human rights treaties and other instruments adopted since 1945 have conferred legal form on inherent human rights and developed the body of international human rights. Other instruments have been adopted at the regional level reflecting the particular human rights concerns of the region and providing for specific mechanisms of protection. Most States have also Indian Constitution Notes 48 adopted constitutions and other laws which formally protect basic human rights. While international treaties and customary law form the backbone of international human rights law other instruments, such as declarations, guidelines and principles adopted at the international level contribute to its understanding, implementation and development. Respect for human rights requires the establishment of the rule of law at the national and international levels. International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual complaints or communications are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level. Position of India The National Report seeks to identify various steps taken by India in the ongoing effort of making fundamental human rights real and meaningful. A summary of some important judicial pronouncements which have enabled this progressive evolution of the fundamental rights incorporated in the Constitution is at Annexure II. In recent years, India has taken several important initiatives aimed at securing human rights, including the following: ? In 2010, in a unique development and to ensure citizens their right to live with dignity in a healthy environment, the National Green Tribunal Act was enacted providing for effective legal protection for environment, forests and other natural resources. ? In the same year, the Government introduced in Parliament the Protection of Women against Sexual Harassment at Workplace Bill covering both organized and unorganized sectors. ? In 2009, the Right to Education Act was enacted, which introduced a new fundamental right for free and compulsory education of children in a neighbourhood school. Unit 3 – Human Rights and Environment Protection Notes 49 ? In 2008, a Constitutional amendment bill was introduced in Parliament to reserve for women nearly one-third of seats in the Lok Sabha (Lower House of Parliament) and the state legislative assemblies for a period of 15 years. The Rajya Sabha (Upper House of Parliament) passed this bill in 2010. It is currently in the Lok Sabha. ? In 2007, the National Commission for the Protection of Child Rights (NCPCR) was established to ensure that all legislative and administrative measures are in consonance with the Child Rights perspective as enshrined in the Constitution of India and the Convention on the Rights of the Child. ?

**100%****MATCHING BLOCK 144/445****W**

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006



rests forest rights and occupation with forest dwelling tribal and other forest dwellers. ? In 2005, the landmark Mahatma Gandhi National Rural Employment Guarantee Act was passed and the programme launched in 2006 to confer livelihood right on the poor. ? The Protection of Women from Domestic Violence Act 2005 came into force in 2006. ? During 2005, the historic Right to Information Act (RTI) was enacted.

### 3.1.5 Two Human Rights Covenants

The two human rights covenants are: International Covenant on Economic, Social and Cultural Rights (ICESCR) Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976, in accordance with article 27. Preamble The States Parties to the present Covenant, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Recognizing that these rights derive from the inherent dignity of the human person, Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights, Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Indian Constitution Notes 50 Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant, Agree upon the following articles: PART I Article 1 ? All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. ? All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence. ? The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations. PART II Article 2 ? Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures. ? The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. ? Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals. Article 3 The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Unit 3 – Human Rights and Environment Protection Notes 51 Article 4 The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society. Article 5 ? Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant. ? No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent. PART III Article 6 ? The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. ? The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual. Article 7 The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: ? Remuneration which provides all workers, as a minimum, with: ? Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; ? A decent living for themselves and their families in accordance with the provisions of the present Covenant;

Indian Constitution Notes 52 ? Safe and healthy working conditions; ? Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; ? Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8 ? The States Parties to the present Covenant undertake to ensure: ? The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; ? The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations; ? The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; ? The right to strike provided that it is exercised in conformity with the laws of the particular country. ? This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State. ? Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9 The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10 The States Parties to the present Covenant recognize that: ? The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, Unit 3 – Human Rights and Environment Protection Notes 53 particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses. ? Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits. ? Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11 ? The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent. ? The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed: ? To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; ? Taking into account the problems of both food-importing and food- exporting countries, to ensure an equitable distribution of world food supplies in relation to need

Article 12 ? The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. ? The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

Indian Constitution Notes 54 ? The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; ? The improvement of all aspects of environmental and industrial hygiene; ? The prevention, treatment and control of epidemic, endemic, occupational and other diseases; ? The creation of conditions which would assure to all medical service and medical attention in the event of sickness

Article 13 ? The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. ? The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: ? Primary education shall be compulsory and available free to all; ? Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; ? Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; ? Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; ? The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved. ? The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

Unit 3 – Human Rights and Environment Protection Notes 55 ? No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State. Article 14 Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all. Article 15 ? The States Parties to the present Covenant recognize the right of everyone: ? To take part in cultural life; ? To enjoy the benefits of scientific progress and its applications; ? To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. ? The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. ? The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity. ? The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields. PART IV Article 16 1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein. ? All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

Indian Constitution Notes 56 ? The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts there from, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts there from, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments. Article 17 ? The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned. ? Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant. ? Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice. Article 18 Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs. Article 19 The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18. Article 20 The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Unit 3 – Human Rights and Environment Protection Notes 57 Article 21 The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant. Article 22 The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant. Article 23 The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned. Article 24 Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant. Article 25 Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources. PART V Article 26 ? The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant. ? The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Indian Constitution Notes 58 ? The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article. ? Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations. ? The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession. Article 27 ? The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty- fifth instrument of ratification or instrument of accession. ? For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession. Article 28 The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions Article 29 ? Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary- General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval. ? Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. ? When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Unit 3 – Human Rights and Environment Protection Notes 59 Article 30 ? Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars: ? Signatures, ratifications and accessions under article 26; ? The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29 Article 31 ? The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations. ? The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26. India interprets the right of self-determination as applying "only to the peoples under foreign domination" and not to apply to peoples within sovereign nation-states. It also interprets the limitation of rights clause and the rights of equal opportunity in the workplace within the context of its constitution.

70%

**MATCHING BLOCK 145/445**

**W**

The International Covenant on Civil and Political Rights (ICCPR) The International Covenant on Civil and Political Rights (

ICCPR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, and in force from 23 March 1976. It commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. As of April 2014, the Covenant has 74 signatories and 168 parties. The ICCPR is part of the Declaration on the Granting of Independence to Colonial Countries and Peoples, International Bill of Human Rights, along with

100%

**MATCHING BLOCK 146/445**

**SA**

Political Process & Politics in India (EM).pdf (D139291481)

the International Covenant on Economic, Social and Cultural Rights (ICESCR)

and the Universal Declaration of Human Rights (UDHR). The ICCPR is monitored by the United Nations Human Rights Committee (a separate body to the United Nations Human Rights Council), which reviews regular reports of States parties on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee normally meets in Geneva and normally holds three sessions per year. The Covenant follows the structure of the UDHR and ICESCR, with a preamble and fifty-three articles, divided into six parts.

Indian Constitution Notes 60 Part 1 (Article 1) Part 1 (Article 1) recognizes the right of all peoples to self-determination, including the right to "freely determine their political status", pursue their economic, social and cultural goals, and manage and dispose of their own resources. It recognises a negative right of a people not to be deprived of its means of subsistence, and imposes an obligation on those parties still responsible for non-self governing and trust territories (colonies) to encourage and respect their self-determination. Part 2 (Articles 2 – 5) Part 2 (Articles 2 – 5) obliges parties to legislate where necessary to give effect to the rights recognised in the Covenant, and to provide an effective legal remedy for any violation of those rights. It also requires the rights be recognised "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status," and to ensure that they are enjoyed equally by women. The rights can only be limited "in time of public emergency which threatens the life of the nation," and even then no derogation is permitted from the rights to life, freedom from torture and slavery, the freedom from retrospective law, the right to personhood, and freedom of thought, conscience and religion. Part 3 (Articles 6 – 27) Part 3 (Articles 6 – 27) lists the rights themselves. These include rights to physical integrity, in the form of the right to life and freedom from torture and slavery (Articles 6, 7, and 8); liberty and security of the person, in the form of freedom from arbitrary arrest and detention and the right to habeas corpus (Articles 9 – 11); procedural fairness in law, in the form of rights to due process, a fair and impartial trial, the presumption of innocence, and recognition as a person before the law (Articles 14, 15, and 16); individual liberty, in the form of the freedoms of movement, thought, conscience and religion, speech, association and assembly, family rights, the right to a nationality, and the right to privacy (Articles 12, 13, 17 – 24); prohibition of any propaganda for war as well as any advocacy of national or religious hatred that constitutes incitement to discrimination, hostility or violence by law (Article 20); political participation, including the right to join a political party and the right to vote (Article 25); Non-discrimination, minority rights and equality before the law (Articles 26 and 27). Many of these rights include specific actions which must be undertaken to realise them. Part 4 (Articles 28 – 45) Part 4 (Articles 28 – 45) governs the establishment and operation of the Human Rights Committee and the reporting and monitoring of the Covenant. It also allows parties to recognise the competence of the Committee to resolve disputes between parties on the implementation of the Covenant (Articles 41 and 42).

Unit 3 – Human Rights and Environment Protection Notes 61 Part 5 (Articles 46 – 47) Part 5 (Articles 46 – 47) clarifies that the Covenant shall not be interpreted as interfering with the operation of the United Nations or "the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources". Part 6 (Articles 48 – 53) Part 6 (Articles 48 – 53) governs ratification, entry into force, and amendment of the Covenant. Self-Assessment Question: Fill in the Blanks: 6. Human rights and development both aim to promote well-being and freedom based on the inherent dignity and \_\_\_\_\_ of all people. 7. The international human rights movement was strengthened when the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) on 10 December \_\_\_\_\_. 8. In \_\_\_\_\_, in a unique development and to ensure citizens their right to live with dignity in a healthy environment, the National Green Tribunal Act was enacted providing for effective legal protection for environment, forests and other natural resources. 9. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international \_\_\_\_\_co-operation, based upon the principle of mutual benefit, and international\_\_\_\_\_.

10. The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a \_\_\_\_\_society in the interests of national security or public order or for the protection of the rights and freedoms of others; 3.2 DISCRIMINATION Discrimination is action that denies social participation or human rights to categories of people based on prejudice. This includes treatment of an individual or group based on their actual or perceived membership in a certain group or social category, "in a way that is worse than the way people are usually treated". It involves the group's initial reaction or interaction, influencing the individual's actual behavior towards the group or the group leader, restricting members of one group from opportunities or privileges that are available to another group, leading to the exclusion of the individual or entities based on logical or irrational decision making. Discriminatory traditions, policies, ideas, practices, and laws exist in many countries and institutions in every part of the world, even in ones where discrimination is generally looked down upon.

Indian Constitution Notes 62 In some places, controversial attempts such as quotas or affirmative action have been used to benefit those believed to be current or past victims of discrimination but have sometimes been called reverse discrimination themselves.

### 3.2.1 Social and Gender Discrimination

#### Social Discrimination

The differential treatment of a person based on their social class, cultural background, education, etc. Social discrimination takes several forms. Discrimination can be either direct or indirect. Direct discrimination describes a phenomenon where there is a deliberate and explicit policy to exclude a specific individual or a social group from some possible opportunities. Indirect discrimination occurs when supposedly neutral provisions, criteria or practices disadvantage individual due to their social status or due to capabilities derived from a socialization differentiated by social status. A few caveats are in order before we elaborate on the concept of a regime of discrimination. First, the three specific social groups with which this essay is concerned with are Dalits, Adivasis, and Muslims. Second, discrimination in India is commonly practised in both forms as a syndrome of instituted practices which are historically recognized as having effects in inverse proportion to peoples' position in the class system, caste/religious status groups and the gender hierarchy. Gender-based social discrimination is accentuated if the woman belongs to a lower caste or belongs to a religious community associated with 'low' social status. However, this is not to argue that the form and content of discrimination practised against each of the social group. Gender Discrimination In India, discriminatory attitude towards men and women have existed for generations and affect the lives of both genders. Although the constitution of India has granted men and women equal rights, gender disparity still remains. There is specific research on gender discrimination mostly in favour of men over women. Due to a lack of objective research on gender discrimination against men, it is perceived that it is only women who are suffering. The research often conducted is selectively sampled, where men are left out of the picture. Women are perceived to be disadvantaged at work, and conclusions are drawn that their capabilities are often underestimated.

### Unit 3 – Human Rights and Environment Protection Notes 63

#### Discrimination towards Women

##### Infancy to Childhood

Female infanticide and sex-selective abortion is adopted and strongly reflects the low status of Indian women. Census 2011 shows decline of girl population (as a percentage to total population) under the age of seven, with activists estimating that eight million female fetuses may have been aborted in the past decade. The 2005 census shows infant mortality figures for females and males are 61 and 56, respectively, out of 1000 live births, with females more likely to be aborted than males due to biased attitudes.

##### Childhood to adulthood

#### Education

Education is not widely attained by Indian women. Although literacy rates are increasing, female literacy rate lags behind the male literacy rate.

##### Adulthood

#### Discrimination against women

Discrimination against women has contributed to gender wage differentials, with Indian women on average earning 64% of what their male counterparts earn for the same occupation and level of qualification. Discrimination against women has led to their lack of autonomy and authority. Although equal rights are given to women, equality may not be well implemented. In practice, land and property rights are weakly enforced, with customary laws widely practised in rural areas. Women do not own property under their own names and usually do not have any inheritance rights to obtain a share of parental property.

### 3.2.2 Torture and Genocide

#### Torture

Torture is the act of deliberately inflicting severe physical or psychological pain and possibly injury to a person (or animal), usually to one who is physically restrained or otherwise under the torturer's control or custody and unable to defend against what is being done to them. Torture has been carried out or sanctioned by individuals, groups and states throughout history from ancient times to modern day, and forms of torture can vary greatly in duration from only a few minutes to several days or even longer. Reasons for torture can include punishment, revenge, political re-education, deterrence, interrogation or coercion of the victim or a third party, or simply the sadistic gratification of those carrying out or observing the torture.

#### Genocide

Genocide is the deliberate and systematic destruction, in completely or in part, of an ethnic, racial, religious or national group. The term was coined in 1944 by Raphael Lemkin. It is defined in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) of 1948 as

Indian Constitution Notes 64 "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the groups conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group." The preamble to the CPPCG states that "genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world" and that "at all periods of history genocide has inflicted great losses on humanity". Human Rights – Torture and Genocide To protect human rights is to ensure that people receive some degree of decent, humane treatment. To violate the most basic human rights, on the other hand, is to deny individuals their fundamental moral entitlements. It is, in a sense, to treat them as if they are less than human and undeserving of respect and dignity. Examples are acts typically deemed "crimes against humanity," including genocide, torture, slavery, rape, enforced sterilization or medical experimentation, and deliberate starvation. Because these policies are sometimes implemented by governments, limiting the unrestrained power of the state is an important part of international law. Underlying laws that prohibit the various "crimes against humanity" is the principle of non-discrimination and the notion that certain basic rights apply universally. The number of deaths related to combat and the collateral damage caused by warfare are only a small part of the tremendous amount of suffering and devastation caused by conflicts. Over the course of protracted conflict, assaults on political rights and the fundamental right to life are typically widespread. Some of the gravest violations of the right to life are massacres, the starvation of entire populations, and genocide. Genocide is commonly understood as the intentional extermination of a single ethnic, racial, or religious group. Killing group members, causing them serious bodily or mental harm, imposing measures to prevent birth, or forcibly transferring children are all ways to bring about the destruction of a group. Genocide is often regarded as the most offensive crime against humanity. Rather than simply killing off whole populations, government forces may carry out programs of torture. Torture can be either physical or psychological, and aims at the "humiliation or annihilation of the dignity of the person." Physical torture might include mutilation, beatings, and electric shocks to lips, gums, and genitals. In psychological torture, detainees are sometimes deprived of food and water for long periods, kept standing upright for hours, deprived of sleep, or tormented by high-level noise. Torture is used in some cases as a way to carry out interrogations and extract confessions or information. Today, it is increasingly used as a means of

Unit 3 – Human Rights and Environment Protection Notes 65 suppressing political and ideological dissent, or for punishing political opponents who do not share the ideology of the ruling group. In addition to torture, tens of thousands of people detained in connection with conflicts "disappear" each year, and are usually killed and buried in secret. Government forces "take people into custody, hold them in secret, and then refuse to acknowledge responsibility for their whereabouts or fate." This abduction of persons is typically intended to secure information and spread terror. In most cases, interrogations involve threats and torture, and those who are arrested are subsequently killed. Corpses are buried in unmarked graves or left at dumpsites in an attempt to conceal acts of torture and summary execution of those in custody. Because people disappear without any trace, families do not know whether their loved ones are alive or dead. 3.3 ENVIRONMENT PROTECTION IN INDIA There are many environmental issues in India. Air pollution, water pollution, garbage, and pollution of the natural environment are all challenges for India. The situation was worse between 1947 through 1995. According to data collection and environment assessment studies of World Bank experts, between 1995 through 2010, India has made one of the fastest progresses in the world, in addressing its environmental issues and improving its environmental quality. Still, India has a long way to go to reach environmental quality similar to those enjoyed in developed economies. Pollution remains a major challenge and opportunity for India. Environmental issues are one of the primary causes of disease, health issues and long-term livelihood impact for India. The protection and preservation of environment is integral to the culture and religion of most human communities; nature is seen as an essential part of the society at large. Good environment is also essential to ensure basic human rights, even the right to life, for no human right can be secured in a degraded environment. An example will highlight the importance of a green and healthy environment. Misuse of our natural resources, a key environmental issue, has direct impact on fundamental human rights such as right to food, right to water, right to air and right to life itself. It is important to draw linkages between environment and human rights to further build bridges between legislations relating to the two. Importance of Human Rights Human rights are fundamental, ethical principles that empower citizens and communities to experience freedom and dignity in their lives. They have been defined to include civil and political rights such as the

65%

**MATCHING BLOCK 147/445**

**W**

right to life, liberty, and security; right to property, right to freedom of speech and expression;

and the right to live without discrimination.

Indian Constitution Notes 66 Human rights also include socio-economic and cultural rights: the right to an adequate standard of living and decent work; right to health, right to an education; and the right to one's own culture, language, and religion. All these rights have an essential relationship with the environment of a human being. If we look at society from a historical perspective, the importance of protection and preservation of environment integral to the cultural and religious ethos of humanity can be ascertained. The Environment (Protection) Act was enacted in 1986 with the objective of providing for the protection and improvement of the environment. It empowers the Central Government to establish authorities [under section 3(3)] charged with the mandate of preventing environmental pollution in all its forms and to tackle specific environmental problems that are peculiar to different parts of the country. The Act was last amended in 1991. 3.3.1 Approaches to Environment Protection and Human Rights Article 48 (A) of the Indian Constitution incorporated "environmental protection and improvement as part of state policy" through the forty-second amendment. The Environment Protection Act, 1986, imposed a similar responsibility on every citizen "

85%

**MATCHING BLOCK 148/445**

W

to protect and improve the natural environment including forests, trees, rivers and wildlife, and to have compassion for all living creatures".

Article 51A(g) under Article 21 and the right to life of the constitution have been used in diversified manner in India, including the right to survive as a species, quality of life, the right to live with dignity and the right to livelihood. They all relate to environment protection and basic human rights. The Supreme Court has also dealt with issues relating to the environment and ecological balance in rural litigation and entitlement – the *Kendra v. State of U.P.* was one of its earliest cases relating to environment protection. The apex court had expanded the concept of the right to life in the *Francis Coralie Mullin v. Union Territory of Delhi*, where it set out a list of positive obligation on the state as part of its duty correlative to the right to life. In this case, the court showed assertiveness in adopting an expanded understanding of human rights. The constitution bench of the Supreme Court in the *Charan Lal Sahu vs. Union of India* and similarly in *Subash Kumar vs. State of Bihar* cases had observed that the right to life guaranteed by Article 21 includes

100%

**MATCHING BLOCK 153/445**

W

the right of enjoyment of pollution-free water and air for full enjoyment of life.

The court had addressed the link between environment quality and right to life.

Unit 3 – Human Rights and Environment Protection Notes 67 The court also recognized that the right to wholesome environment was an essential part of the fundamental right to life. The municipalities and a large number of other concerned government agencies could no longer rest content with unimplemented measures for abatement and the prevention of pollution. In this case they may be compelled to take positive measures to improve environment, the court had ruled. 3.3.2 Enforcement of Environmental Laws The environment rules and regulation are enforced by the concerned administrative authorities. They act upon the direction of the court and the pollution control boards (PCBs). Different approaches, ex-post & ex-ante, are playing an active role in improvement of environment quality in the county. To prevent environment degradation through formulation of standards, insurance of consents for the establishment and operation and closure orders to rogue industries by PCBs are other important steps being taken.

81%

**MATCHING BLOCK 149/445**

W

To protect and improve the natural environment including river, forest and wildlife, and to have compassion for living creatures,

is imposed as a duty on every citizen by clause (g) of Article 51A. This and Article 48A have cumulative effect that the 'state' as well as the 'citizen' are under constitutional obligation to conserve, perceive, protect and improve the environment. In both the Articles, the words 'protect and improve' appear to contemplate affirmative agreement action to improve the quality of environment and not just to preserve the environment in its degraded form. There are plenty of legislations on the subject but more relevant enactments for our purpose are: The Water (Prevention and Control of Pollution) Act, 1974; The Water (Prevention and Control of Pollution) Cess Act, 1977; The Air (Prevention and Control of Pollution) Act, 1981; The Environment (Protection) Act 1986; The Public Liability Insurance Act, 1991; The National Environment Tribunal Act, 1995; The Environment Protection Rules, 1986; The National Environment Appellate Authority Act, 1997; The Wildlife (Protection) Act, 1972, The Forest (Conservation) Act, 1980. Self-Assessment Question: State whether the following statements are true or false: 11. Discrimination is action that denies social participation or human rights to categories of people based on prejudice.



Indian Constitution Notes 68 12. Direct discrimination describes a phenomenon where there is a deliberate and explicit policy to exclude a specific individual or a social group from some possible opportunities. 13. Indirect discrimination occurs when supposedly neutral provisions, criteria or practices disadvantage individual due to their social status or due to capabilities derived from a socialization differentiated by social status. 14. Census 2011 shows decline of girl population (as a percentage to total population) under the age of seven, with activists estimating that eight million female fetuses may have been aborted in the past decade. 15. Genocide is the deliberate and systematic destruction, in completely or in part, of an ethnic, racial, religious or national group. Task Prepare a detailed note or report of your understanding about the Human Rights. Include the various Human Rights or Laws regulating throughout in the world in different countries. SUMMARY ?

100%

**MATCHING BLOCK 150/445**

W

Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal. ? Whereas nations or specialized groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled no matter who they are or where they live simply because they are alive. ?

The basic rights and freedoms, to which all humans are entitled, often held to include the right to life and liberty, freedom of thought and expression, and equality before the law. ? Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. ? International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. ?

95%

**MATCHING BLOCK 151/445**

W

Human rights principles hold up the vision of a free, just, and peaceful world and set minimum standards for how individuals and institutions everywhere should treat people. Unit 3 – Human Rights

and Environment Protection Notes 69 ?

96%

**MATCHING BLOCK 152/445**

W

Human rights also empower people with a framework for action when those minimum standards are not met, for people still have human rights even if the laws or those in power do not recognize or protect them. ? Human rights

contribute to human development by guaranteeing a protected space where the elite cannot monopolize development processes, policies and programmes. ? Discrimination is action that denies social participation or human rights to categories of people based on prejudice. ? Gender-based social discrimination is accentuated if the woman belongs to a lower caste or belongs to a religious community associated with 'low' social status. ? Good environment is also essential to ensure basic human rights, even the right to life, for no human right can be secured in a degraded environment. ? The Environment (Protection) Act was enacted in 1986 with the objective of providing for the protection and improvement of the environment. It empowers the Central Government to establish authorities [under section 3(3)] charged with the mandate of preventing environmental pollution in all its forms and to tackle specific environmental problems that are peculiar to different parts of the country. KEYWORDS Human Rights: Human rights are moral principles or norms that describe certain standards of human behaviour, and are regularly protected as legal rights in national and international law. Discrimination: Discrimination is action that denies social participation or human rights to categories of people based on prejudice. Direct Discrimination: Direct discrimination describes a phenomenon where there is a deliberate and explicit policy to exclude a specific individual or a social group from some possible opportunities. Indirect Discrimination: Indirect discrimination occurs when supposedly neutral provisions, criteria or practices disadvantage individual due to their social status or due to capabilities derived from a socialization differentiated by social status. Torture: Torture is the act of deliberately inflicting severe physical or psychological pain and possibly injury to a person (or animal), usually to one who is physically restrained or otherwise under the torturer's control or custody and unable to defend against what is being done to them. Genocide: Genocide is the deliberate and systematic destruction, in completely or in part, of an ethnic, racial, religious or national group.

Indian Constitution Notes 70 REVIEW QUESTIONS 1. Describe the Human Rights and their importance. 2. Explain the universal declaration of human rights. 3. Explain the two human rights covenants. 4. Describe the position of India as per international human rights. 5. What is torture? 6. What is genocide? 7. Describe the discrimination and their types. 8. Explain the social discrimination in India. 9. Describe the gender discrimination in India. 10. Explain the environmental position in India and various laws working for environment in India. Answers: Self-Assessment 1. False 2. True 3. True 4. True 5. True 6. Equality 7. 1948 8. 2010 9. Economic; Law 10. Democratic 11. True 12. True 13. True 14. True 15. True Unit 3 – Human Rights and Environment Protection Notes 71

**95%****MATCHING BLOCK 157/445****SA** CC-PS-02.pdf (D149043601)

FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

New Delhi

**100%****MATCHING BLOCK 154/445****W**

Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book

Company, New Delhi Hasan Zoya, Sridharan Eswaran & Sudarshan R., (2004), India's Living Constitution: Ideas, Practices, Controversies, Permanent Black, New Delhi

**93%****MATCHING BLOCK 155/445****W**

Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,

New Delhi Reddy G B & Suhaib Mohd. (2006), Constitution of India and Professional Ethics, I K International Publishing, New Delhi  
WEB LINKS <http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/whatare.htm>

<http://www.humanrights.com/what-are-human-rights.html> <http://www.amnestyusa.org/research/human-rights-basics>

Indian Constitution Notes 72 UNIT 4 – SPECIFIC RIGHTS CONTENTS Learning Objectives Introduction 4.1 Specific Rights 4.1.1 Minorities 4.1.2 Special Privilege for SC/STs 4.1.3 Backward Classes 4.1.4 Women, Children, Religious and Linguistic Minorities 4.2 Social Welfare 4.2.1 Central Social Welfare Board 4.2.2 Women Welfare Programmes Summary Keywords Review Questions

Further Readings LEARNING OBJECTIVES After studying this lesson, you should be able to: ? Understand the concepts of specific rights ? Describe the social welfare INTRODUCTION In the previous unit, we have discussed the human rights and their universal declaration. We also discussed how human rights are related to fundamental rights and their international laws. At the last we discussed about the environment protection in India and various laws related to it. In this unit we will discuss about the specific rights available to the Indian citizens according to the constitution. We will learn about the minorities and women conditions in India. We will discuss about the various programmes for development and empowerment of women in India, sponsored by Indian government.

Unit 4 – – Specific Rights Notes 73 4.1 SPECIFIC RIGHTS Rights are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory. Rights are of essential importance in such disciplines as law and ethics, especially theories of justice and deontology. Rights are often considered fundamental to civilization, being regarded as established pillars of society and culture and the history of social conflicts can be found in the history of each right and its development. According to the Stanford Encyclopedia of Philosophy, "rights structure the form of governments, the content of laws, and the shape of morality as it is currently perceived." Specific or Special rights is a term originally used by libertarians to refer to laws granting rights to one or more groups which are not extended to other groups. Ideas of special rights are controversial, as they clash with the principle of equality before the law. Potential examples of special rights include affirmative action policies or hate crime legislation with regard to ethnic, religious or sexual minorities, or the state recognition of marriage as a group with different taxation than those who are non-married. Concepts of special rights are closely aligned with notions of group rights and identity politics. Rights are widely regarded as the basis of law, but what if laws are bad? Some theorists suggest civil disobedience is, itself, a right, and it was advocated by thinkers such as Henry David Thoreau, Martin Luther King, Jr., and Mohandas Karamchand Gandhi. 4.1.1 Minorities In common parlance, the expression "minority" means a group comprising less than half of the population and differing from others, especially the predominant section, in race, religion, traditions and culture, language, etc. Recognition and protection of minority rights under a legal framework has two fold objectives – firstly to prevent state from being oppressive against the minorities as in a democratic setup government is run by majority, secondly to provide the minority a protective zone whereby they can preserve their separate identity while contributing in national development and progress. This Article analyses the concept of minority and minority rights in India by giving an insight to the constituent assembly stand on minority issues with special focus on religious and linguistic minorities. It also seeks to analyze the legal status of several other vulnerable minorities not expressly recognized under the constitution.

Indian Constitution Notes 74 The term 'Minority' represent a group numerically inferior to the rest of the population of a state, and in a non-dominant position whose members – being nationals of the state poses ethnic, religious or linguistic characteristics differing from those of the rest of the dominant population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religions and language.' On a close analysis of Constitution we find that minorities have been conferred several rights which can be either placed in a common or separate domain. The rights which fall in the 'common domain' are those which are applicable to all citizens of our country. The rights which fall in 'separate domain' are those which are applicable to the minorities only and these are reserved to protect their identity. The distinction between 'common domain' and 'separate domain' and their combination have been well kept and protected in the Constitution. Rights of Minorities The subcommittee after thorough analysis of present future aspect of minorities and country prepared an interim report which dealt with the question of Fundamental Rights from the point of view of minorities. The report recommended:- ? All citizens are entitled to use their mother tongue and the script thereof, and to adopt study or use any other language and script of their choice. ? Minorities in every unit shall be adequately protected in respect of their language and culture, and no government may enact any laws or regulations that may act oppressively or prejudicially in this regard. ? No minority, whether of religion, community or language shall be deprived of its rights or discriminated against in regard to the admission into state educational institutions, nor shall any religious instruction be compulsorily imposed upon them. ? Notwithstanding any custom, law, decree or usage, presumption or terms of dedication, no Hindu on grounds of caste, birth or denomination shall be precluded from entering in educational institutions dedicated or intended for the use of the Hindu community or any action thereof. ? No disqualification shall arise on account of sex in respect of public services or professions or admission to educational institutions saves and except that this shall not prevent the establishment of separate educational institutions for boys and girls.

Unit 4 – – Specific Rights Notes 75 In order to preserve the country's secular traditions, to pro-mote national integration and to remove any feeling of inequality and discrimination amongst minorities, the Government of India constituted a Minorities' Commission in 1978 through adminis-trative order which was later on regularized by 'The National Commission for Minorities Act, 1992.' 4.1.2 Special Privilege for SC/STs The Scheduled Castes (SCs) and Scheduled Tribes (STs) are two groups of historically disadvantaged people recognized in the Constitution of India. During the period of British rule in the Indian subcontinent, they were known as the Depressed Classes. In modern literature, the Scheduled Castes are sometimes referred to as Dalits. The Scheduled Castes and Scheduled Tribes comprise about 16.6 percent and 8.6 percent, respectively, of India's population (according to the 2011 census). The Constitution (Scheduled Castes) Order, 1950 lists 1,108 castes across 29 states in its First Schedule, and the Constitution (Scheduled Tribes) Order, 1950 lists 744 tribes across 22 states in its First Schedule. Since independence, the Scheduled Castes and Scheduled Tribes were given Reservation status, guaranteeing political representation. The Constitution lays down the general principles of affirmative action for SCs and STs. Special Privileges for SC/STs The constitution has adopted the principle of Compensatory Discrimination to uplift the weaker sections. Under this principle, the constitution has made provisions that compensate these sections by discriminating in favor of them for past wrongs. The following are the various provisions provided in the constitution for this purpose: ? Art. 15(4) Clause 4 of article 15 is the fountain head of all provisions regarding compensatory discrimination for SCs/STs. This clause was added in the first amendment to the constitution in 1951 after the SC judgment in the case of Champakam Dorairajan vs State of Madras AIR 1951.

69%

**MATCHING BLOCK 156/445**

W

It says thus, "Nothing in this article or in article 29(2) shall prevent the state from making any provisions for the advancement of any socially and economically backward classes of citizens or for Scheduled Castes and Scheduled Tribes." This clause started the era of reservations in India.

In the case of Balaji vs State of Mysore AIR 1963, the SC held that reservation cannot be more than 50%. Further that art. 15(4) talks about backward classes and not backward castes thus caste is not the only criterion for backwardness and other criteria must also be considered.

Indian Constitution Notes 76 Finally,

100%

**MATCHING BLOCK 159/445**

W

in the case of Indra Sawhney vs Union of India

AIR 1993, SC upheld the decision given under Balaji vs State of Mysore that reservation should not exceed 50% except only in special circumstances. It further held that it is valid to sub-categorize the reservation between backward and more backward classes. However, total should still not exceed 50%. It also held that the carry forward rule is valid as long as reservation does not exceed 50%. ? Art. 15 (5) This clause was added in 93rd amendment in 2005 and allows the state to make special provisions for backward classes or SCs or STs for admissions in private educational institutions, aided or unaided. ? Art. 16 (4A) This allows the state to implement reservation in the matter of promotion for SCs and STs. ? Art. 16(4B) This allows the state to consider unfilled vacancies reserved for backward classes as a separate class of vacancies not subject to a limit of 50% reservation. ? Art. 17 This abolishes untouchability and its practice in any form. Although

**85%****MATCHING BLOCK 158/445****W**

the term untouchability has not been defined in the constitution or in any act

but its meaning is to be understood not in a literal sense but in the context of Indian society. Due to the Varna system, some people were relegated to do menial jobs such as cleaning toilets. Such people were not to be touched and it was considered a sin to even touch their shadow. They were not even allowed to enter public places such as temples and shops. The constitution strives to remove this abhorring practice by not only making the provision a fundamental right but also allows punishment to whoever practices or abets it in any form. Towards this end, Protection of Civil Rights Act 1955 was enacted. It has implemented several measures to eradicate this evil from the society. It stipulates up to 6 months imprisonment or 500 Rs fine or both. It impresses upon the public servant to investigate fully any complaint in this matter and failing to do so will amount to abetting this crime. In the case of State of Karnataka. vs Appa Balu Ingle 1993, SC upheld the conviction for preventing a lower caste person from filling water from a bore well. In Asiatic Projects Workers Case 1982, SC has held that right under Art 17 is available against private individuals as well

**75%****MATCHING BLOCK 160/445****W**

and it is the duty of the state to ensure that this right is not violated. ?

Art. 19(5) It allows the state to impose restriction on freedom of movement or of residence in the benefit of Scheduled Tribes. Unit 4 – – Specific Rights Notes 77 ? Art. 40 Provides reservation in 1/3 seats in Panchayats to SC/ST. ? Art. 46 Enjoins the states to

**95%****MATCHING BLOCK 161/445****W**

promote with care the educational and economic interests of the weaker sections,

especially SC and STs ? Art. 164 Appoint special minister for tribal welfare in the states of MP, Bihar, and Orissa. ? Art. 275 Allows special grant in aids to states for tribal welfare ? Art. 330/332 Allows reservation of seats for SC/ST in the parliament as well as in state legislatures ? Art. 335 Allows relaxation in qualifying marks for admission in educational institutes or promotions for SCs/STs In the case of State of MP vs Nivedita Jain AIR 1981, SC held that complete relaxation of qualifying marks for SCs/STs in Pre-Medical Examinations for admission to medical colleges is valid. ? Art. 338/338A/339 Establishes a National Commission of SCs and STs, Art. 339 allow the central govt. to direct states to implement and execute plans for the betterment of SC/STs. ? Art. 340 Allows

**73%****MATCHING BLOCK 162/445****W**

the president to appoint a commission to investigate the condition of socially and economically backward classes and

table the report in the parliament. 4.1.3 Backward Classes The constitution does not define the term backward classes. It is up to the center and the states to specify the classes that belong to this group. However, it is understood that classes that are not represented adequately in the services of the state can be termed backward classes. Further, the President can, under Art. 340 can constitute

**87%****MATCHING BLOCK 163/445****W**

a commission to investigate the condition of socially and educationally backward classes.

Based on this report, the president may specify the backward classes. Indian Constitution Notes 78 Special Privilege for Backward Classes ? Art. 16(4) This clause allows the state to reserve vacancies in public service for any backward classes of the state that are not adequately represented in the public services. ?

**100%****MATCHING BLOCK 164/445****W**

Equality before Law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. ? Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex,

and

place of birth or any of them. ?

100%

**MATCHING BLOCK 165/445**

W

Equality of opportunity in matters of public employment There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

The

peoples economically & socially backward other than SC, ST and FC are an Other Backward Class (OBC). The peoples who belong to Backward Class (BC), Most Backward Class (MBC) and Denotified Community (DCN) category in the respective Indian states government's criteria are grouped & called as Other Backward Class (OBC). 4.1.4 Women, Children, Religious and Linguistic Minorities Women Historically, the condition of women in India has also been very bad. They have always been treated as second-class citizens and did not have any decision making power and lacked in education. Due to the social structure in India, there is a marked prejudice against women in every field. Women as Minority: Women form a special class of minority who has low status as compared to men in Indian society and are considered generally political minority. They have little control on the resources and on important decisions related to their lives. Women face double discrimination being members of specific caste, class, or ethnic group apart from experiencing gendered vulnerabilities which includes infanticide, sexual violence, forced abortion etc. In India, early marriage and childbearing affects women's health adversely. About 28 per cent of girls in India get married below the legal age and experience pregnancy. During infancy and growing years a girl child faces different forms of violence like infanticide, neglect of nutrition needs, education, and healthcare. As adults they face violence due to unwanted pregnancies, domestic violence, sexual abuse at the workplace and sexual

Unit 4 – – Specific Rights Notes 79 violence including marital rape and honour killings. Constitution besides under the general articles of equality and prohibition of discrimination based on sex under Article 14,15(1)&(2), also empowers the state for making special provision for women and children. It also provides for adequate means of livelihood to women, equal pay for equal work to sexes, health facilities, and maternity relief to women, fundamental duty of citizens to renounce practices derogatory to the dignity of women. Besides all these articles 243-D and 243-T brought through 73rd and 74th amendment to the Constitution on year 1992 provides for reservation of seats for women in Panchayats and municipalities respectively. Besides it there are several provisions of I.P.C. (113-A, 498-A, 312,) and section 125 of I.P.C. several legislations specifically deals with women protection and empowerment. Now there is ongoing consensus to reserve one third of the seats in legislature for women to grant them political justice. Special privilege for Women ? Art. 15(3) It allows

100%

**MATCHING BLOCK 166/445**

W

the state to make special provisions for women and children.

Several acts such as Dowry Prevention Act have been passed including the most recent one of Protection of women from domestic violence Act 2005. ? Art. 23 Under the fundamental right against exploitation, flesh trade has been banned. ? Art. 39 Ensures equal pay to women for equal work In the case of Randhir Singh vs Union of India 1982, SC held that the concept of equal pay for equal work is indeed a constitutional goal and is capable of being enforced through constitutional remedies under Art. 32. ? Art. 40 Provides 1/3 reservation in Panchayat. ? Art. 42 Provides free pregnancy care and delivery. ? Art. 44 It urges the state to implement uniform civil code, which will help improve the condition of women across all religions. It has, however, not been implemented due to politics. In the case of Sarla Mudgal vs Union of India AIR 1995, SC has held that in Indian Republic there is to be only one nation i.e. Indian nation and no community could claim to be a separate entity on the basis of religion. There is a plan to provide reservation to women in parliament as well.

Indian Constitution Notes 80 Special Privileges for Children ? Art. 19 A Education up to 14 yrs has been made a fundamental right. Thus, the state is required to provide school education to children. In the case of Unni Krishnan vs State of AP AIR 1993, SC held that right to education for children between 6 to 14 yrs of age is a fundamental right as it flows from Right to Life. After this decision, education was made a fundamental right explicitly through 86th amendment in 2002. ? Art. 24 Children have a fundamental right against exploitation and it is prohibited to employ children below 14 yrs of age in factories and any hazardous processes. Recently the list of hazardous processes has been update to include domestic, hotel, and restaurant work. Several PILs have been filed in the benefit of children. For example, MC Mehta vs State of TN AIR 1991, SC has held that children cannot be employed in match factories or which are directly connected with the process as it is hazardous for the children. In the case of Lakshmi Kant Pandey vs Union of India, AIR 1984, J Bhagwati has laid down guidelines for adoption of Indian children by foreigners. ? Art. 45 Urges

95%

**MATCHING BLOCK 167/445**

W

the state to provide early childhood care and education for children

up to 6 yrs of age Religious and Linguistic Minorities As far as linguistic minority is considered India has more than 1650 mother tongues, belonging to five different language families. They are rationalized into 216 mother tongues, and grouped under 114 languages by the 1991 Census: Austro-Asiatic (14 languages, with a total population of 1.13%), Dravidian (17 languages, with a total population of 22.53%), Indo-European (Indo-Aryan, 19 languages, with a total population of 75.28%, and Germanic, 1 language, with a total population of 0.02%), Semito-Harmitic (1 language, with a total population of 0.01%), and Tibeto-Burman (62 languages with a total population of 0.97%). Earlier the territorialities of provinces or states were done mostly for administrative convenience ignoring the ethnic, religious, social, and linguistic aspect of the society. The Constitution of India originally listed fourteen languages

96%

**MATCHING BLOCK 168/445**

W

Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Tamil, Telugu,

and Urdu,

into its Eighth Schedule in 1950. Since then, this has been expanded thrice, to include Sindhi, Konkani, Manipuri and Nepali, Bodo, Santhali, Maithili and Dogri. The Language Policy of India relating to the use of languages in administration, education, judiciary, legislature, mass

Unit 4 – – Specific Rights Notes 81 communication etc. is pluralistic in its scope. It is both language development oriented and language survival oriented. The language policy is intended to encourage the citizens to use their mother tongue in certain delineated levels and domains through some gradual processes, but the stated goal of the policy is to help all languages to develop into fit vehicles of communication at their designated areas of use, irrespective of their nature or status like major, minor, or tribal languages. ? Special Privileges for religious and linguistic minorities Our Constitution clearly says that our state is a 'secular state'. That is

100%

**MATCHING BLOCK 169/445**

SA

MA Politics SEM 2 Indian Constitution.pdf (D118114822)

a state which observes an attitude of neutrality and impartiality towards all religions.

Every citizen can enjoys the right to his or her religion, but this religions freedom cannot be exercised in a manner prejudicial to public order, health and morality. It also says that every religions group or any section of any group

66%

**MATCHING BLOCK 171/445**

SA

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

has the right to establish and maintain its own institutions fro religions and charitable purposes to manage its own affairs in matters of religion.

Articles 29 and 30 guarantees cultural and educational interests of religious and linguistic minorities ? Article 29 Article 29 ensures to every minority the right to have

70%

**MATCHING BLOCK 170/445**

W

a distinct language, script or culture of its own and to ensure the same. Further

it  
lays down that

85%

**MATCHING BLOCK 172/445**

W

no citizen shall be denied admission into any educational institutions maintained by the state or receiving aid out of state funds on grounds only of religion, race, caste, language or any of them. ? Article 30 Article 30 guarantees to all minorities based on religion or language

to

100%

**MATCHING BLOCK 173/445**

SA

MA Politics SEM 2 Indian Constitution.pdf (D118114822)

have the right to establish and administer educational institutions of their choice



and  
declare that while giving grants state will not discriminate on the ground

100%

**MATCHING BLOCK 179/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

that it is managed by a religious or linguistic minority.

Thus special provisions have been included in the Constitution itself to protect the rights of the linguistic or religious minorities. Self-Assessment Question: State whether the following statements are true or false: 1. Rights are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory. 2. Rights are of essential importance in such disciplines as law and ethics, especially theories of justice and deontology. 3. Rights are a term originally used by libertarians to refer to laws granting rights to one or more groups which are not extended to other groups.

Indian Constitution Notes 82 4. The Scheduled Castes and Scheduled Tribes comprise about 20 percent and 10 percent, respectively, of India's population (according to the 2011 census). 5. Art. 17 (4A) allows the state to implement reservation in the matter of promotion for SCs and STs. 6. Art. 16(4B) allows the state to consider unfilled vacancies reserved for backward classes as a separate class of vacancies not subject to a limit of 50% reservation. 7. Art. 164 allow appointments special minister for tribal welfare in the states of MP, Bihar, and Orrisa. 8. Art. 275 allows special grant in aids to states for tribal welfare. 9. Art. 335/336 allows reservation of seats for SC/ST in the parliament as well as in state legislatures. 10. Art. 335 allow relaxation in qualifying marks for admission in educational institutes or promotions for SCs/STs. 4.2 SOCIAL WELFARE Welfare is the provision of a minimal level of well-being and social support for all citizens, sometimes referred to as public aid. In most developed countries welfare is largely provided by the government, and to a lesser extent, charities, informal social groups, religious groups, and inter-governmental organizations. The Central Government of India welfare expenditures are a substantial portion of the official budget, and state and local governments play roles in developing and implementing welfare policies.

89%

**MATCHING BLOCK 174/445**

**W**

The Directive Principles of State Policy, enshrined in Part IV of the Indian Constitution

reflects that India is a welfare state.

Seats are reserved for scheduled castes and scheduled tribes in government jobs, educational institutions, Lok Sabha and Vidhan Sabha. The government has passed laws for the abolition of untouchability, Begar and Zamindari. The government has opened Fair Price Shops, where essential commodities are sold at reasonable prices to the poorer sections of the society. In 2000, the union government's expenditure on social services (includes education, health, family welfare, women and child development, and social justice and empowerment), rural development, and basic minimum services was approximately US\$7.7 billion (Rs361.7 billion), which was 11.1 percent of total government expenditures and 1.7 percent of gross domestic product (GDP). The union and state governments maintain reserved seats in political and education institutions for lower castes, indigenous persons, and others based on their percentage of the population. Development programs have been produced often at state or local levels for social development and the empowerment of women and lower castes.

Unit 4 – – Specific Rights Notes 83 The Social Welfare Division handles two sectors; (i) Social Welfare; and (ii) Women and Child Development. The Social Welfare Sector deals the welfare, rehabilitation and development of persons with disabilities, social deviants and other disadvantaged in close co-ordination with the nodal Ministry of Social Justice and Empowerment and the Women and Child Development sector handles Empowerment of women and Development of Children in close co- ordination with the nodal Department of Women and Child Development. Some articles of the Indian Constitution which directs the government towards a welfare state: ?

100%

**MATCHING BLOCK 175/445**

**W**

The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life (

Article 38). ?

90%

**MATCHING BLOCK 176/445**

**W**

That the citizen, men and women equally, have the right to an adequate means of livelihood; (

Article 39a) ?



97%

**MATCHING BLOCK 177/445**

W

The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas (Article 43). ? The State shall,

100%

**MATCHING BLOCK 178/445**

W

within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases

of undeserved want (Article 41). ?

100%

**MATCHING BLOCK 184/445**

SA

CC-PS-02.pdf (D149043601)

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation (Article 46). ?

In this spirit, striving towards the similar objectives, this portal provides state specific content and information in Indian languages on entitlements, schemes, programmes and institution details related to women, children, SC, ST, OBC, Minorities, Senior Citizens, differently-abled and others. 4.2.1 Central Social Welfare Board (CSWB) The Central Social Welfare Board came into being in an era when welfare services for the disadvantaged sections of society were not systematized and the welfare infrastructure was not yet a formal construct. In the newly independent nation, visionaries such as Pt. Jawahar Lal Nehru, Pt. Govind Vallabh Pant and Sh. C.D. Deshmukh were preparing the blue print for the holistic development of all sections of the community against the background

Indian Constitution Notes 84 of recent Partition and communal disharmony. Dr. Durgabai Deshmukh, veteran social worker, parliamentarian and member of the Planning Commission was entrusted the responsibility of standing at the helm of the nascent Board that was perceived as an interface between the resources of the Government and the energy and outreach of the voluntary sector. The early days of the Board in an uncharted territory were a time of determining the felt needs of society and formulating programmes to address those needs, while simultaneously creating an environment of voluntarism at every level so that voluntary organizations that could implement these programmes could be established. This seemingly impossible, Herculean task was given to the founder Chairperson of the Board, Dr. Durgabai Deshmukh. Over the years, the Board has been steadily evolving into a mature instrument of social change that has its anchor in the changing realities of our society. In order to maintain the topicality of its schemes and programmes and to remain responsive to the needs of society, the Board has been revamping and redesigning or formulating programmes that best fulfill emerging requirements. 4.2.2 Women Welfare Programmes Under Article 15(3), the Constitution of India allows for positive discrimination in favour of women. The article, under right to

94%

**MATCHING BLOCK 180/445**

W

equality, states: "Nothing in this article shall prevent the State from making any special provision for women and children."

In addition, the directive principles of State Policy 39(a) state

98%

**MATCHING BLOCK 181/445**

W

that: "The State shall, in particular, direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood."

The Rashtriya Mahila Kosh (National Credit Fund for Women) was set up in 1993 to make credit available for lower income women in India. More recent programmes initiated by the Government of India include the Mother and Child Tracking System (MCTS), the Indira Gandhi Matritva Sahyog Yojana Conditional Maternity Benefit plan (CMB), and the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls – Sabla. Mother and Child Tracking System (MCTS) The Mother and Child Tracking System, launched in 2009, helps monitor the health care system to ensure that all mothers and their children have access to a range of services, including pregnancy care, medical care during delivery, and immunizations. The system consists of a database of all pregnancies registered at health care facilities since 1 December 2009, and all births since 1 December 2009. The Indira Gandhi Matritva Sahyog Yojana (IGMSY) or Conditional Maternity Benefit plan (CMB) Indira Gandhi Matritva Sahyog Yojana (IGMSY), Conditional Maternity Benefit (CMB) is a scheme sponsored by the national government for pregnant

Unit 4 – – Specific Rights Notes 85 and lactating women age 19 and over for their first two live births. The programme, which began in October 2010, provides money to help ensure the good health and nutrition of the recipients. As of March 2013 the programme is being offered in 53 districts around the country. Rajiv Gandhi Scheme for Empowerment of Adolescent Girls – Sabla The Rajiv Gandhi Scheme for Empowerment of Adolescent Girls – Sabla is an initiative launched in 2012 that targets adolescent girls. The scheme offers a package of benefits to at-risk girls between the ages of 10 to 19. It is being offered initially as a pilot programme in 200 districts. The programme offers a variety of services to help young women become self-reliant, including nutritional supplementation and education, health education and services, and life skills and vocational training.

Rashtriya Mahila Kosh Rashtriya Mahila Kosh (The National Credit Fund for Women) was created by the Government of India in 1993. Its purpose is to provide lower income women with access to loans to begin small businesses. Women’s Empowerment and Livelihood Programme in Mid-Gangetic Plain (WELP) or Priyadarshini Priyadarshini, initiated in April 2011, is a programme that offers women in seven districts access to self-help groups. Priyadarshini is being implemented with assistance of International Fund for Agricultural Development in 13 Blocks spread over 5 Districts in Uttar Pradesh i.e. Bahraich, CSM Nagar, Raebareli, Shravasti and Sultanpur and 2 Districts Madhubani and Sitamarhi in Bihar. It aims at holistic empowerment of vulnerable groups of women and adolescent girls in the project area through formation of Women’s Self Help Groups (SHGs) and promotion of improved livelihood opportunities. Over 1,00,000 households are to be covered under the project and 7,200 SHGs will be formed during the project period ending 2016-17. The beneficiaries are expected to be empowered to address their political, legal and health issues through rigorous capacity building. National Bank for Agriculture and Rural Development is the lead programme agency for implementation of the programme which became effective in December 2009. Ujjawala Ujjawala is a comprehensive scheme for prevention of trafficking and rescue, rehabilitation and reintegration of victims of trafficking for commercial sexual exploitation. Funds are released to NGOs as the scheme is being implemented mainly through NGOs. National Mission for Empowerment of Women (NMEW) National Mission for Empowerment of Women (NMEW) is an initiative of the Government of India for empowering women holistically. It is a Centrally

Indian Constitution Notes 86 Sponsored Scheme sanctioned in April 2011 and acts as an umbrella Mission with a mandate to strengthen inter-sectoral convergence and facilitate the process of coordination of all the women’s welfare and socio-economic development programmes across Ministries and Departments. NMEW is being implemented in all the 35 States and Union Territories. Working Women’s Hostel (WWH) Working Women’s Hostel (WWH) Scheme envisages provision of safe and affordable hostel accommodation to working women, single working women, women working at places away from their home-towns and for women being trained for employment. The scheme has been revised recently. Self-Assessment Question: Fill in the Blanks: 11. \_\_\_\_\_ is the provision of a minimal level of well-being and social support for all citizens, sometimes referred to as public aid. 12. The Rashtriya Mahila Kosh (National Credit Fund for Women) was set up in \_\_\_\_\_ to make credit available for lower income women in India. 13. The Mother and Child Tracking System, launched in \_\_\_\_\_, helps monitor the health care system to ensure that all mothers and their children have access to a range of services, including pregnancy care, medical care during delivery, and immunizations. 14. Conditional Maternity Benefit (CMB) is a scheme sponsored by the national government for pregnant and lactating women age \_\_\_\_\_ and over for their first two live births. 15. \_\_\_\_\_, initiated in April 2011, is a programme that offers women in seven districts access to self-help groups. Task Prepare a detailed note or report on social welfare programmes running by state govt, central govt and various NGOs in India for society and women’s welfare. SUMMARY ? Rights are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory.

Unit 4 – – Specific Rights Notes 87 ? Rights are of essential importance in such disciplines as law and ethics, especially theories of justice and deontology. ? Rights are often considered fundamental to civilization, being regarded as established pillars of society and culture and the history of social conflicts can be found in the history of each right and its development. ? Ideas of special rights are controversial, as they clash with the principle of equality before the law. ? In common parlance, the expression “minority” means a group comprising less than half of the population and differing from others, especially the predominant section, in race, religion, traditions and culture, language, etc. ? Recognition and protection of minority rights under a legal framework has two fold objectives – firstly to prevent state from being oppressive against the minorities as in a democratic setup government is run by majority, secondly to provide the minority a protective zone whereby they can preserve their separate identity while contributing in national development and progress. ? The Scheduled Castes and Scheduled Tribes comprise about 16.6 percent and 8.6 percent, respectively, of India’s population (according to the 2011 census). ? The Constitution (Scheduled Castes) Order, 1950 lists 1,108 castes across 29 states in its First Schedule, and the Constitution (Scheduled Tribes) Order, 1950 lists 744 tribes across 22 states in its First Schedule. ? The constitution does not define the term backward classes. It is up to the center and the states to specify the classes that belong to this group. However, it is understood that classes that are not represented adequately in the services of the state can be termed backward classes. Further, the President can, under Art. 340 can constitute

87%

**MATCHING BLOCK 182/445**

**W**

a commission to investigate the condition of socially and educationally backward classes.

Based on this report, the president may specify the backward classes. ? In most developed countries welfare is largely provided by the government, and to a lesser extent, charities, informal social groups, religious groups, and inter-governmental organizations. ? The Central Government of India welfare expenditures are a substantial portion of the official budget, and state and local governments play roles in developing and implementing welfare policies. ?

89%

**MATCHING BLOCK 183/445**

**W**

The Directive Principles of State Policy, enshrined in Part IV of the Indian Constitution

reflects that India is a welfare state.

Seats are reserved for scheduled castes and scheduled tribes in government jobs, educational institutions, Lok Sabha and Vidhan Sabha.

Indian Constitution Notes 88 ? The Central Social Welfare Board came into being in an era when welfare services for the disadvantaged sections of society were not systematized and the welfare infrastructure was not yet a formal construct.

**KEYWORDS** Rights: Rights structure the form of governments, the content of laws, and the shape of morality as it is currently perceived. Specific Rights: Specific or Special rights are a term originally used by libertarians to refer to laws granting rights to one or more groups which are not extended to other groups. Welfare: Welfare is the provision of a minimal level of well-being and social support for all citizens, sometimes referred to as public aid. Minority: The term ‘Minority’ represent a group numerically inferior to the rest of the population of a state, and in a non-dominant position whose members – being nationals of the state poses ethnic, religious or linguistic characteristics differing from those of the rest of the dominant population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religions and language.’ Scheduled Caste/ Tribes: The Scheduled Castes (SCs) and Scheduled Tribes (STs) are two groups of historically disadvantaged people recognised in the Constitution of India. Other Backward Class (OBC): Other Backward Class (OBC) is a collective term used by the Government of India to classify castes which are educationally and socially disadvantaged. **REVIEW QUESTIONS** 1. Define the term welfare and social welfare. 2. Describe the term minorities and their special privileges. 3. Explain the term SC/STs and their special privileges granted according to the Indian constitution. 4. What is backward class? What are the privileges granted to the backward classes in India? 5. Explain the special privileges offered to women in India. 6. Describe the special privileges offered to children in India. 7. What are religious minorities? 8. What are linguistic minorities? 9. What are the special privileges exercised by religious and linguistic minorities in India?

Unit 4 – – Specific Rights Notes 89 10. Describe the CSWB and the various women welfare programmes run by central and state government in India. **Answers: Self-Assessment** 1. True 2. True 3. False 4. False 5. False 6. True 7. True 8. True 9. False 10. True 11. Welfare 12. 1993 13. 2009 14. 19 15. Priyadarshini

95%

**MATCHING BLOCK 187/445**

**SA**

CC-PS-02.pdf (D149043601)

**FURTHER READINGS** Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

New Delhi

**100%****MATCHING BLOCK 185/445****W**

Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book

Company, New Delhi Hasan Zoya, Sridharan Eswaran & Sudarshan R., (2004), India's Living Constitution: Ideas, Practices, Controversies, Permanent Black, New Delhi

**93%****MATCHING BLOCK 186/445****W**

Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,

New Delhi Reddy G B & Suhaib Mohd. (2006), Constitution of India and Professional Ethics, I K International Publishing, New Delhi  
 Indian Constitution Notes 90 WEB LINKS <http://www.indiastat.com/socialandwelfareschemes/27/stats.aspx>  
<http://vikaspedia.in/social-welfare/women-and-child-development/women-development>  
<http://planningcommission.gov.in/sectors/index.php?sectors=social>  
 Unit 5 –

**56%****MATCHING BLOCK 188/445****SA**

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

Directive Principles of State Policy Notes 91 UNIT 5 – DIRECTIVE PRINCIPLES OF STATE POLICY CONTENTS Learning Objectives Introduction 5.1 Directive Principles of State Policy 5.1.1 Distinction between Fundamental Rights and Directive Principles of State Policy 5.1.2 Classification of the Directive Principles of State Policy 5.1.3 Values and Limitations of Directive Principles of State Policy 5.2 Reorganization of

States and National Integration 5.2.1 The States Reorganization Act, 1956 Summary Keywords Review Questions Further Readings LEARNING

**56%****MATCHING BLOCK 189/445****SA**

Indian Constitution (OEL) EM.docx (D159148560)

OBJECTIVES After studying this lesson, you should be able to: ? Understand the concepts of directive principles of state policy ? Describe the reorganization of

states and national integration INTRODUCTION In the previous unit, we have discussed the specific rights available to the Indian citizens according to the constitution. We also discussed about minorities and women conditions in India. We learn about the various programmes for development and empowerment of women in India, sponsored by Indian government. In this unit we will discuss about

**24%****MATCHING BLOCK 191/445****SA**

Indian Constitution (OEL) EM.docx (D159148560)

the directive principles of state policy. We will learn about the reorganization of states and national integration. Indian Constitution Notes 92 5.1 DIRECTIVE PRINCIPLES OF STATE POLICY One of the noblest features of the Indian Constitution given in Part IV deals with the Directive Principles of State Policy. It is one of the

few constitutions of the world that has incorporated such provisions as a part of the main body of the Constitution. The other countries that have such provisions are: Austria, Spain, Brazil, France, Italy, Burma and West Germany. However, our constitution makers were inspired to include these provisions in the Constitution by the Constitution of Ireland. One of the main objectives of the constitution makers in including such a provision in the Constitution was to lay down certain principles for the guidance of the Governments. While formulating their policies the Governments are expected to act according to these principles. During the freedom struggle of India our national leaders had made promises regarding the fundamental rights that the citizens of free India should get. These fundamental rights included not only civil and political rights but also social and economic rights. But when India got independence the leaders realized that it would not be possible for them to grant immediately some of the social and economic rights that they had promised in the past. But at the same time they did not want to go back on their past promises. They wanted some way to get out of this hurdle. They assigned this task to a sub-committee of the Constituent Assembly. The subcommittee suggested that the Fundamental Rights should be divided into two categories. Some rights could be granted immediately and others may be granted in future, if and when the country was in a position to grant them. This was the genesis of the two Parts of the Constitution. Part Three of the Constitution deals with Fundamental Rights while Part IV relates

91%

**MATCHING BLOCK 190/445**

W

to Directive Principles of State Policy. Directive Principles of state policy, which

are

related to

distributive justice, moulded the property relations by influencing the inter-relationship doctrine both directly strive for promoting justice, social, economic and political, in the social order. According to article 39(b) and (c),

90%

**MATCHING BLOCK 193/445**

SA

Indian Constitution (OEL) EM.docx (D159148560)

the state shall direct its policy towards equitable distribution of the material resources of the community, and non-concentration of wealth and means of production

to the common detriment.

Article 38(2) directs state

53%

**MATCHING BLOCK 192/445**

W

to minimize inequalities in income and status amongst individuals and groups of people residing in different areas or engaged in different vocations. Unit 5 – Directive Principles of State Policy

Notes 93 5.1.1 Distinction

90%

**MATCHING BLOCK 194/445**

SA

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

between Fundamental Rights and Directive Principles of State Policy The distinction between Fundamental Rights and Directive Principles of State Policy are

as follows: ? One

of the main distinctions

100%

**MATCHING BLOCK 196/445**

SA

Political Process & Politics in India (EM).pdf (D139291481)

between Fundamental Rights and Directive Principles of State Policy is

that while the Fundamental Rights are enforceable through courts of law, the Directive Principles are not enforceable. ? Another distinction between the two is that while the

66%

**MATCHING BLOCK 195/445**

W

Fundamental Rights prohibit the State from doing certain things, the Directives are affirmative instructions to 'the State' to do certain things. ?

While there is dominance of civil and political rights in the Fundamental Rights, economic and social rights are predominant in the Directive Principles. ? Fundamental Rights are meant for the citizen while Directive Principles of State Policy are meant for the State. They are some socio-economic instructions for the establishment of a welfare State. ? Fundamental Rights are individualistic and meant for individual citizens. On the other hand, Directive Principles of State Policy are socialistic in nature and want to establish equality and justice in the society. ? Fundamental Rights are enforceable in the courts. Individual can move to the court seeking legal assistance if Fundamental Rights are usurped by force. On the other hand Directive Principles of State Policy are not enforceable and no one can go to the courts to compel the State for their proper implementation. ? Fundamental Rights are automatically enforced. While Directive Principles, on the other hand, need legislation for their proper implementation so long as there is no law carrying out the policy laid down in the Directive Principles. ? Fundamental Rights seek to establish political democracy while directive principles seek to establish social and economic democracy. ? Some Fundamental Rights are positive and some are negative in nature. On the contrary, almost all Directive Principles are positive in character. ? Fundamental Rights are political in character. These rights guarantee some democratic rights to the citizen. On the other hand contrary, Directive Principles are economic in nature and want to ensure economic security of the people. ? Some Fundamental Rights of the citizens remain suspended during national emergency. But the question of suspension of Directive Principles does not arise during emergency or in any time.

Indian Constitution Notes 94 ? Fundamental Rights are not absolute and citizens are subject to reasonable restrictions. On the other hand, Directive Principles are not subject to any constitutional limitations. Based on political will the government may or may not implement them. ?

91%

**MATCHING BLOCK 204/445**

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

Fundamental Rights are enforceable by the courts and the courts are bound to declare as void any law that is inconsistent with any of the Fundamental Rights On the

other hand,

88%

**MATCHING BLOCK 197/445**

**W**

Directive Principles are not enforceable by the courts and the courts can not

declare as void any law which in conflict with any of the Directive Principles. ?

87%

**MATCHING BLOCK 198/445**

**W**

In case of conflict between Fundamental Rights and Directive Principles, the former

gets supremacy in the court. Every legislation made to implement Directive Principles of State Policy is subject to scrutiny of the court to determine whether it is violative of the Fundamental Rights, particularly Article 14 and Article 19. ? Fundamental Rights are more precise and concrete while Directive Principles are of wider significance. 5.1.2 Classification of the

Directive Principles of State Policy Major classifications

88%

**MATCHING BLOCK 199/445**

**W**

of Directive Principles of State Policy are: Socialist and Economic Principles The socialist and economic principles always aim

to shape our country in to

99%

**MATCHING BLOCK 200/445**

**W**

a Welfare State. Art. 38(1) provides that the State shall promote the welfare of the people by securing and protecting as it may a social order in which justice – social, economic, and political shall inform all the institutions of national life. The State shall strive to minimize the inequalities in income and try to eliminate inequalities in status, facilities and opportunities among individuals and groups engaged in different vocations within the country (Art.38-2). Thus promotion of welfare of people by securing a social order where justice shall prevail is the objective of our constitution. To ensure such objectives the State shall direct its policy in securing:- ? Adequate means of livelihood for all citizen irrespective of men and women equally ? Equal distribution of wealth and resources among all classes ? Equal pay for equal work for both men and women ? Just and humane conditions of work, a decent standard of living , full employment, leisure and social and cultural opportunities ? Participation of workers in the management of undertakings and establishments ? Protection of children, youth against exploitation and against moral and material abandonment.

The forty-two amendment altered this provision and Unit 5 – Directive Principles of State Policy Notes 95 provides

95%

**MATCHING BLOCK 201/445**

**W**

that "children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against moral and material abandonment" ?

Provision of work and compulsory

80%

**MATCHING BLOCK 202/445**

W

education for all people, relief in case of unemployment, old age, sickness and disability and other cases of undeserved want ?

Equality of opportunity and status for all individuals ? Level of nutrition and standard of living of the people ? Public health and enforce prohibition of consumption

97%

**MATCHING BLOCK 203/445**

W

of intoxicating drinks and drugs ? Environment safeguarding forest and wild life of the country ? A uniform civil code throughout the country ? Protection of adult and child labour. Gandhian Principles Principles enjoined under Gandhian principles in Article 40, Article 43, Article 47 and Article 48 are some ideals of Mahatma Gandhi followed during his life time. Our constitution framers wanted to implement these ideals to fulfill his dream. The State shall take steps:- ? To organize village Panchayats and endow them power and authority to enable them to function as unit of self-government. ? To promote cottage industries and village industries on an individual or co- operative basis in rural areas ? To prohibit consumption of intoxicating and injurious drinks and drugs ? To promote educational and economic interests of the weaker sections of the people particularly SCs, STs to establish social justice and equity ? To organize agricultural and animal husbandry on modern and scientific lines ? To prohibit the slaughter of cows and other useful cattle ? To protect and improve environment and safeguard the forests and wild life of the country ? To protect, preserve and maintain places of national historical importance ? To separate the judiciary from the executive. Indian Constitution Notes 96 International Principles Principles enjoined in Art. 51 under international principles are some provisions to the State relating to ensure international peace and security. The State shall attempt:- ? To promote international peace and security ? To maintain just and honorable relations between nations ? To foster respect for international law and treaty obligation ? To encourage settlement of international disputes by arbitration

The Directive Principles call upon the state:- ? To secure for all Indians a uniform civil code ? To protect historical monuments ? To save environment from pollution and protect wild life ? To make arrangements for disbursement of free legal justice through suitable legislation 5.1.3 Values and Limitations of

Directive Principles of State Policy Values

93%

**MATCHING BLOCK 205/445**

SA

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

of Directive Principles of State Policy ? Directive Principles of State Policy are some instructions to the State for achieving socio-economic development. ?

Directive Principles of State Policy

100%

**MATCHING BLOCK 206/445**

SA

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

are not enforceable in the courts and no one can go near the court for its proper implementation. ?

Directive Principles of State Policy

100%

**MATCHING BLOCK 207/445**

SA

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

are positive in nature. These principles increase power and functions of the State. ?

Directive Principles

88%

**MATCHING BLOCK 208/445**

SA

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

of State Policy aims at establishment of a welfare state by securing social and economic justice. These principles

are based on socialist thinking. ? These principles are indispensable for socio-economic development of our country .Because welfare and justice is the twin objectives of our Constitution. ?



100%

**MATCHING BLOCK 209/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

These principles have great moral value also. It constitutes the conscience of our Constitution.

No responsible govt. can dare to go against these principles. ? Directive Principles of State Policy

78%

**MATCHING BLOCK 211/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

constitute the mirror of public opinion. These principles always reflect the will of the people .These are embodied in the Constitution to the meet the aspirations of the people. Unit 5 – Directive Principles of State Policy Notes 97 ? These are fundamental in the governance of the country. The State should follow these principles for progress of the country. Limitations of Directive Principles of State

Policy ? Can lead to 'situations of conflict' between the center and the states ? If the Parliament passes a law to enforce DPs, even if it is beyond the fiscal reach of the states to implement the laws, failure to do so will be subject to art 256 (state governments are supposed to

70%

**MATCHING BLOCK 210/445**

**W**

exercise their executive powers in accordance with the laws passed by the Parliament). If the

state does not follow 256, then by art 365 (if the state does not follow the mandates of the Parliament, then the President can deem this to be a 'breakdown of constitutional machinery') ? Social values combined with sentimental values – prevention of cow- slaughter and alcohol consumption combined with principles of social and economic justice (39b, 39c). ? It is said they imbibe the spirit of Fabian socialism – which is now losing relevance ? The ideas of 5 year plans, setting up large and diversified public sector and nationalization of key industries came from erstwhile USSR ? However, unlike USSR, India became a democracy with a Fabian aim of socialism – that is– achieve socialism through evolution, not revolution (e.g. Bolshevik Revolution of 1917) ? After Liberalization, Privatization, Globalization (LPG) in 1991, leading to a restricted role of public sector, the very idea of socialism is under threat ? Right after independence, we acquired land from the big landlords and distributed it to the landless tillers – now we do the opposite – we acquire land from poor farmers and hand it over to big capitalists! ? These are Non-justifiable – then how can the courts monitor their implementation. Although, the courts, especially since the 1990s, have started giving significance to the DPs through 'judicial activism'. ? No proper classification is done – the segregation into Socialist, Gandhian, and Liberal and International principles was not there in the Constitution. ? Some Directive Principles are not practicable – strict nation-wide ban on alcohol can never be practically enforced. ? No mention of methods to implement these – no time frame, no process, no agencies prescribed.

Indian Constitution Notes 98 Sanctions behind the Directive Principles are: Constitution itself & Public opinion Practical utility of a few DPs Constitutional amendments Laws made by the government & Executive orders Self-Assessment Question: State whether the following statements are true or false: 1. One of the noblest features

71%

**MATCHING BLOCK 212/445**

**SA** CHAPTERS.docx (D104265488)

of the Indian Constitution given in Part IV deals with the Directive Principles of State Policy.

It is one of the few constitutions of the world that has incorporated such provisions as a part of the main body of the Constitution. 2. One of the main objectives of the constitution makers in including such a provision in the Constitution was to lay down certain principles for the guidance of the Governments. 3. Directive Principles of state policy, which are related to distributive justice, moulded the property relations by influencing the inter-relationship doctrine both directly strive for promoting justice, social, economic and political, in the social order. 4.

55%

**MATCHING BLOCK 214/445**

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

The Fundamental Rights are not enforceable through courts of law; the Directive Principles are enforceable. 5. Fundamental Rights are

meant for the state while Directive Principles of State Policy are meant for the citizen. 6. Fundamental Rights seek to establish political democracy while directive principles seek to establish social and economic democracy. 7. Fundamental Rights are of wider significance, while Directive Principles are more precise and concrete. 8. The socialist and economic principles always aim to shape our country in to a Welfare State. 9.

**100%****MATCHING BLOCK 213/445****W**

The State shall strive to minimize the inequalities in income and try to eliminate inequalities in status, facilities and opportunities among individuals and groups engaged in different vocations within the country (Art.38-2). 10.

Directive Principles of State Policy

**100%****MATCHING BLOCK 216/445****SA**

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

constitute the mirror of public opinion. These principles always reflect the will of the people. These are embodied in the Constitution to meet the aspirations of the people

Unit 5 – Directive Principles of State Policy Notes 99 5.2 REORGANIZATION OF STATES AND NATIONAL INTEGRATION National Integration: It means incorporation of individuals belonging to different groups as equals into the nation. Nation-building and national integration look like internal parts of the same phenomenon. The term national integration requires its understanding in a comprehensive sense. Here an attempt has been made to discuss the subject of national integration in India in a broad theoretical framework. The demand for a redrawing of the State boundaries in India is long-standing, dating back to the year 1903 when Sir Herbert Risley, Home Secretary in the Central Government, wrote to Bengal proposing the historic partition of those provinces, affected in 1905. The authors state, as formed by the British be carved into two separate i.e. Tamil and Telugu-speaking states. This movement got a big fillip when a respected leader, Potti Sriramulu, undertook a fast unto death. Nehru told his cabinet colleagues he would not be intimidated by these tactics. But when the fasting leader died and the tragedy was followed by widespread riots and destruction, Nehru yielded and in 1953 the State of Andhra Pradesh was created. National Integration: Prior to the advent of the British, Indians lived in harmony. The British adopted the policy of 'divide and rule' that aroused communal and sectional feelings. Our leaders stood for equality of all people irrespective of any other consideration. They laid emphasis on national integration of all sections of society. 5.2.1 The States Reorganization Act, 1956 The States Reorganization Act, 1956 was a major reform of the boundaries of India's states and territories, organizing them along linguistic lines. Although additional changes to India's state boundaries have been made since 1956, the States Reorganisation Act of 1956 remains the single most extensive change in state boundaries since the independence of India in 1947. The Act came into effect at the same time as the Constitution (Seventh Amendment) Act, 1956, which (among other things) restructured the constitutional framework for India's existing states and the requirements to pass the States Reorganisation Act, 1956 under the provisions of Articles 3 & 4 of the constitution. The States Reorganisation Commission In December 1953, Prime Minister Jawaharlal Nehru appointed the States Reorganisation to reorganize the Indian states. This was headed by the retired chief Justice of supreme court Fazal Ali and the commission itself was also

Indian Constitution Notes 100 known as the Fazal Ali Commission. The other two members of the commission were H.N. Kunzru and Mr. K.M. Panikkar. The efforts of this commission were overseen by Govind Ballabh Pant, who served as Home Minister from December 1954. The commission created a report on September 30, 1955 recommending the reorganisation of India's states. The parliament debated on the report. Finally, a bill making changes in the constitution and reorganizing states was passed and was implemented from November 1, 1956. The four principles that the State Reorganization Commission followed are: ?

**70%****MATCHING BLOCK 215/445****W**

Preservation and strengthening of the unity and security of India; ? Linguistic and cultural homogeneity; ? Financial, economic and administrative considerations; and ? Successful working of the

national plan. While examining the related issues the Commission looked into: ? Minimum of internal cohesion, ? Scope of positive expression of the collective personality of a people inhabiting a state or region, ? Common language may not only promote the growth of such regional consciousness but also cause administrative convenience, and ? In democracy it is the duty of the Government to ensure that the administration is conducted in a language which the people can understand. The Commission had to operate within certain 'limiting factors' because it had to consider the multilingual situation. The limiting factors were: ? Not all the language groups are so placed that they can be grouped into separate states ? There are a large number of bilingual belts between different linguistic zones. ? There exist areas with a mixed population even within unilingual area. Because of such limitations, a considerable number of people speaking languages other than the dominant language of the state remain as minority in a state. To safeguard the interests of these people, regarding use of languages of such minority groups in administration, the States Reorganization Commission suggested for administrative purposes that ? A state should be considered monolingual when about 70% or more of the entire population of the state speaks the same language. ? A State should be considered as bilingual when about 30% or more of the entire population of the state speaks a language other than the language of the region.

Unit 5 – Directive Principles of State Policy Notes 101 ? The language of the minority should be used for conducting official business in a district and not the official language of the state if 70% or more of the population of the District speaks it. ? In bilingual districts, municipal areas or in Taluks where minorities contribute 15% to 20%, documents like Government notices, electoral rolls, ration cards, etc., are to be reprinted in both the languages. The Commission in its recommendation allocated Kolar and Belgaum to Karnataka. Kolar town has a Tamil majority, the district has Telugu speaking majority and Kolar has strong relation with Karnataka (then Mysore State). Similarly regarding Belgaum it was stated that "all Taluks (ten) of Belgaum district have economic relations with both Marathi as well as the Kannada speaking areas. The Belgaum town is the centre of the transit trade in this area. Neither the Belgaum town nor the other disputed areas have any particular marked economic affiliation with Marathi speaking districts of Bombay. There is no case, therefore, for detaching either Khanapur or Belgaum or portions of Chikkodi from the rest of the Belgaum district. If as many as nine out of the eleven taluks go to Karnataka (Chandgad going to Bombay and Belgaum being disputed), then, on administrative grounds, the Belgaum town which is the district headquarters along with Belgaum taluk should also go to Karnataka". Justice Mahajan in his Report on the Commission on Maharashtra-Mysore- Kerala Boundary Disputes, 1967 recommended that "The claim to the town of Belgaum is disallowed and the city is not recommended for transfer to the State of Maharashtra". It is nearly 30 years since reorganization, whenever any issue relating to use of language in education or administration is discussed passions rise and disharmony grows in this border. Language issue becomes a tool to revive the boundary dispute. Related changes by other legislation The States Reorganisation Act was enacted on 31 August 1956. Before it came into effect on 1 November, an important amendment to the Constitution was also enacted; this amendment (the Seventh) was timed to come into force on the same day. Under the Seventh Amendment, the existing distinction among

100%

**MATCHING BLOCK 217/445**

W

Part A, Part B, Part C, and Part D states

was abolished.

100%

**MATCHING BLOCK 218/445**

W

The distinction between Part A and Part B states was

removed, becoming known simply as "states". A new type of entity, the union territory, replaced the classification as a Part C or Part D state. A further Act also came into effect on 1 November, transferring territories from Bihar to West Bengal. Indian Constitution Notes 102 Self-Assessment Question: Fill in the Blanks: 11. The term national integration requires its understanding in a \_\_\_\_\_sense. 12. The States Reorganization Act, \_\_\_\_\_ was a major reform of the boundaries of India's states and territories, organizing them along linguistic lines. 13. In December \_\_\_\_\_, Prime Minister Jawaharlal Nehru appointed the States Reorganisation to reorganize the Indian states. 14. A state should be considered monolingual when about \_\_\_\_\_or more of the entire population of the state speaks the same language. 15. A State should be considered as bilingual when about \_\_\_\_\_or more of the entire population of the state speaks a language other than the language of the region. Task Prepare a detailed note on formation of Indian states like- Andhra Pradesh, Maharashtra, Goa, Punjab, Haryana, Nagaland, Aasam, etc. SUMMARY ? One of the noblest features

71%

**MATCHING BLOCK 220/445**

SA

CHAPTERS.docx (D104265488)

of the Indian Constitution given in Part IV deals with the Directive Principles of State Policy.

It is one of the few constitutions of the world that has incorporated such provisions as a part of the main body of the Constitution. ? One of the main objectives of the constitution makers in including such a provision in the Constitution was to lay down certain principles for the guidance of the Governments. ? The socialist and economic principles always aim to shape our country in to

100%

**MATCHING BLOCK 219/445**

W

a Welfare State. Art. 38(1) provides that the State shall promote the welfare of the people by securing and protecting as it may a social order in which justice – social, economic, and political shall inform all the institutions of national life. ? The State shall strive to minimize the inequalities in income and try to eliminate inequalities in status, facilities and opportunities among individuals and groups engaged in different vocations within the country (Art.38-2). ?

100%

**MATCHING BLOCK 221/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

Directive Principles of State Policy are some instructions to the State for achieving socio-economic development.

Unit 5 –

Directive Principles of State Policy Notes 103 ? Directive Principles of State Policy

100%

**MATCHING BLOCK 222/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

are not enforceable in the courts and no one can go near the court for its proper implementation. ?

Directive Principles of State Policy

100%

**MATCHING BLOCK 225/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

are positive in nature. These principles increase power and functions of the State. ?

Nation-building and national integration look like internal parts of the same phenomenon. The term national integration requires its understanding in a comprehensive sense. ? The States Reorganization Act, 1956 was a major reform of the boundaries of India's states and territories, organizing them along linguistic lines. KEYWORDS

95%

**MATCHING BLOCK 223/445**

**W**

Directive Principles of State Policy: Directive Principles of state policy, which

are

related to

distributive justice, moulded the property relations by influencing the inter-relationship doctrine both directly strive for promoting justice, social, economic and political, in the social order. National Integration: It means incorporation of individuals belonging to different groups as equals into the nation. State: State commonly refers to either the present condition of a system or entity, or to a governed entity (such as a country) or sub-entity (such as an autonomous territory of a country). Fundamental Rights: Fundamental Rights are a charter of rights contained in the Constitution of India. It guarantees civil liberties such that all Indians can lead their lives in peace and harmony as citizens of India.

Directive Principles of State Policy: The

57%

**MATCHING BLOCK 224/445**

**W**

Directive Principles of State Policy are guidelines to the central and state governments of India, to be kept in mind while framing laws and policies.

Welfare State: A welfare state is a concept of government

100%

**MATCHING BLOCK 226/445**

**SA** Jithin\_Political Science\_Constitution.pdf (D108461172)

in which the state plays a key role in the protection and promotion of the economic and social well-being of its citizens. It is based on the principles of

equality of opportunity,

100%

**MATCHING BLOCK 227/445**

**SA** Jithin\_Political Science\_Constitution.pdf (D108461172)

equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life

REVIEW QUESTIONS 1. What are the fundamental rights? 2. Define the term directive principles of state policy. 3. What are the differences between fundamental rights and

**69%****MATCHING BLOCK 228/445****SA** CC-PS-02.pdf (D149043601)

the directive principles of state policy? 4. Describe the values of the directive principles of state policy. 5. Describe the limitations of the directive principles of state policy.

Indian Constitution Notes 104 6. What are the various classifications of the directive principles of state policy? 7. Explain the term national integration. 8. Describe the reorganization of the state. 9. Describe the States Reorganization Act, 1956. 10. Describe the States Reorganisation Commission and their functionality. Answers: Self-Assessment 1. True 2. True 3. True 4. False 5. False 6. True 7. False 8. True 9. True 10. True 11. Comprehensive 12. 1956 13. 1953 14. 70% 15. 30%

**95%****MATCHING BLOCK 232/445****SA** CC-PS-02.pdf (D149043601)

FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

New Delhi

**100%****MATCHING BLOCK 229/445****W**

Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book

Company, New Delhi Hasan Zoya, Sridharan Eswaran & Sudarshan R., (2004), India's Living Constitution: Ideas, Practices, Controversies, Permanent Black, New Delhi

Unit 5 – Directive Principles of State Policy Notes 105

**93%****MATCHING BLOCK 230/445****W**

Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,

New Delhi Reddy G B & Suhaib Mohd. (2006), Constitution of India and Professional Ethics, I K International Publishing, New Delhi  
 WEB LINKS <http://www.kooladdict.com/indian-polity-and-constitution/classification-of-directive-principles-of-state-policy>  
<http://download.nos.org/srsec317newE/317EL7.pdf> <http://www.importantindia.com/2032/directive-principles-of-state-policy-in-the-indian-constitution/>

Indian Constitution Notes 106 UNIT 6 – UNION EXECUTIVE CONTENTS Learning Objectives Introduction 6.1 Election 6.1.1 Eligibility of Election and Term of Office 6.1.2 Procedure of Election 6.1.3 Powers and Working of Parliament System 6.2 The President 6.2.1 Qualifications, Tenure, Impeachment and Privileges for President 6.2.2 Powers of the President 6.3 Council of Minister - Prime Minister 6.3.1 Appointments, Salaries and Collective Responsibilities of Ministers 6.3.2 The Prime Minister 6.3.3 The Position of Prime Minister 6.3.4 Role and Power of the Prime Minister Summary Keywords Review Questions Further Readings LEARNING OBJECTIVES After studying this lesson, you should be able to: ? Understand the concepts of election ? Explain the concepts of president ? Understand the concepts of council of minister and prime minister

Unit 6 – Union Executive Notes 107 INTRODUCTION In the previous unit, we have discussed about the directive principles of state policy available to the Indian citizens according to the constitution. We also discussed about the differences between

**95%****MATCHING BLOCK 231/445****W**

the fundamental rights and the directive principles of state policy, their

classifications, values and limitations. We learn about the reorganization of state and national integration. In this unit we will discuss about the union executive. We will learn about the election and their procedures, along with the President, Prime Minister and the council of ministers. 6.1 ELECTION India is a Socialist, Secular, Democratic Republic and the largest democracy in the World. The modern Indian nation state came into existence on 15th of August 1947. Since then free and fair elections have been held at regular intervals as per the principles enshrined in the Constitution, Electoral Laws and System. The Constitution of India has vested in the Election Commission of India

**77%****MATCHING BLOCK 233/445****SA** Political Process & Politics in India (EM).pdf (D139291481)

the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President

of India. Election Commission of India is a permanent Constitutional Body. The Election Commission was established in accordance with the Constitution on 25th January 1950. The Commission celebrated its Golden Jubilee in 2001. Originally the commission had only a Chief Election Commissioner. It currently consists of Chief Election Commissioner and two Election Commissioners. For the first time two additional Commissioners were appointed on 16th October 1989 but they had a very short tenure till 1st January 1990. Later, on 1st October 1993 two additional Election Commissioners were appointed. The concept of multi-member Commission has been in operation since then, with decision making power by majority vote. India has an asymmetric federal government, with elected officials at the federal, state and local levels. At the national level, the head of government, prime minister, is elected by the members of Lok Sabha, lower house of the parliament of India. All members of Lok Sabha except two, who can be nominated by president of India, are directly elected through general elections which take place every five years, in normal circumstances, by universal adult suffrage.

40%

**MATCHING BLOCK 234/445**

SA

MA Politics SEM 2 Indian Constitution.pdf (D118114822)

Members of Rajya Sabha, upper house of Indian parliament, are elected by elected members of the legislative assemblies of states and Electoral College for Union Territories of

India.

Indian Constitution Notes 108 6.1.1 Eligibility of Election and Term of Office Eligibility of Election Eligibility criteria for contesting state Legislative Assemblies (MLA) and for Lok Sabha are: ? He/She should be citizen of India, ? Minimum age for contesting in election is 25 years in both the cases, ? Candidate should be registered as voter ? If he/she wants to contest election for MLA, it is mandatory to be registered as a voter at least in one of the constituency anywhere in that state. ? ii. If he/she wants to contest election for Parliament member, he/she can be registered in any state, and can contest from any of MP constituency in the country. ? Candidate should not be a Criminal background. i.e. he/she should not jailed for more than 2 years imprisonment, in that case, his/her candidature would be disqualified ? At least one proposer should propose his/her name for candidature in the case of candidate contesting from a recognized party. ? If he/she contesting as an independent candidate, then there should be 10 proposer to approve his candidature. ? Still now, there is no limit on the number of candidates for contesting from a constituency, there were examples of more than 1000 candidates contested from a constituency. Regarding Security Deposits (not fees): ? To contest for MP election, candidates has to deposit Rs. 10000/- as security deposit, but there is a concession for a SC/ST candidate contesting in MP election, he/she has to deposit Rs.5000 as security amount. ? For those contesting in assembly elections, he/she has to make Rs. 5000 as security deposit, while for SC/ST candidates, it is Rs. 2500 only. After completion of election process, the above security deposit would be refunded to the candidates, only if he/she succeeds to get more than one sixth of the valid votes polled in the particular constituency, otherwise he/she will lose deposit. But even though candidate loses in election, but able to secure more than one sixth of the valid votes will get refund of the deposit.

Unit 6 – Union Executive Notes 109 Term of Office Term of office is the length of time a person (usually a politician) serves in a particular office. The Chief Election Commissioner or an Election Commissioner holds

90%

**MATCHING BLOCK 235/445**

SA

159E1210\_Indian Constitution.pdf (D165648310)

office for a term of six years from the date on which he assumes his office.

However,

where the Chief Election Commissioner or an Election Commissioner attains the age of sixty-five years before the expiry of the said term of six years, he shall vacate his office on the date on which he attains sixty-five years of age. Article 83 (2) of the Constitution stipulates that Lok Sabha shall have a normal term of 5

89%

**MATCHING BLOCK 237/445**

W

years from the date appointed for its first meeting and no longer. However, the



President may dissolve the House earlier. The President appoints Chief Election Commissioner and Election Commissioners. They have tenure of six years, or up to the age of 65 years, whichever is earlier. The Election Commission of India has taken several new initiatives in the recent past. Notable among these are, a scheme for use of State owned Electronic Media for broadcast/telecast by Political parties, checking criminalization of politics, computerization of electoral rolls, providing electors with Identity Cards, simplifying the procedure for maintenance of accounts and filling of the same by candidates and a variety of measures for strict compliance of Model Code of Conduct, for providing a level playing field to contestants during the elections.

### 6.1.2 Procedure of Election

An election is a contest between different candidates from various parties out of which the voters elect one as their representative. There may also be independent candidates taking part in the election. There are following stages in the electoral procedure: **Delimitation of Constituencies** First of all the entire area-the whole country in the case of Lok Sabha elections and of that particular State in the case of Legislative Assembly elections-is divided into as many constituencies as there are seats. **Preparation of Voter's List** After the demarcation of constituency, the voters' list of each constituency is prepared and published. **Indian Constitution Notes 110 Filing of Nomination Papers** The dates of election, filing of nomination papers and withdrawals are fixed by the Election Commission. Any person, who wants to fight the election, can file his nomination papers by the due date. His name must be there in the voters' list and he should be eligible to fight election. His name should be proposed and seconded by the voters of that Constituency. Every candidate has to deposit some security along with his nomination papers. **Scrutiny of Nomination Papers and Withdrawals** A date is fixed for the scrutiny of all the nomination papers. If the nomination papers of any candidate are found to be not in order, they are rejected. The candidates can also withdraw their names from elections up to a certain date fixed by the Election Commission. **Election Campaign** The next stage in the election is the election campaign by various candidates and political parties. Posters are distributed, meetings are held and speeches are delivered. Processions are also taken out and sometimes use of Radio and Television is also made. Through all these means voters are requested for votes. The election campaign normally ends 48 hours before the election. Although every political party and candidate are free to do their election campaign yet according to our election laws no party or candidate can: ? Bribe or threaten the voters. ? Appeal to the voters in the name of caste or religion. ? Use government resources for election campaign. ? Spend more than 25 lakhs for a Lok Sabha Election and Rs. 10 lakh for an Assembly Election. In case they indulge in any of the above practices their election can be annulled by the court even after they have been duly elected. **Model Code of Conduct** In addition to the laws, all the political parties in the country have agreed to a model code of conduct for the election campaign. This includes: ? Any place of worship shall not be used for election propaganda. ? Criticism of the opposing candidates shall be limited to their policies and programmes past record of public service and not mention of their private personal lives. ? The government official transport like car, vehicles, machinery and aircraft and personnel shall not be used by government officials or ministers.

**Unit 6 – Union Executive Notes 111** ? No posters, pamphlets or notice, slogans shall be placed on any building with-out the permission of the owner. ? Any minister shall not lay down foundation stones of any project, make ap-pointments and transfer of officials or make any promises for providing public facilities after the elections have been announced. **Voting** On the date fixed earlier, voting takes place. For voting, election booths are set up. Voters go to the polling booths and cast their votes for the candidates of their choice. Voting is held by secret ballot. These days Electronic Voting Machines (EVM) is used to record votes. EVM has the names of the candidates and their election symbols. The voters have to press the button against the name and symbol of the candidate they wish to vote for. **Counting of Votes and Declaration of Result** After the voting is over, the ballot-boxes are sealed and taken to the counting centers. There the ballot boxes are opened before the candidates or their agents and votes are counted under the super-vision of the returning officer. A candidate who gets the highest number of votes is declared elected. **Election Petition** If any candidate feels that the election in his Constituency has not been held properly, or if he has any objection against the result, he can file an election petition in the Court. If the objections raised are found to be correct the court can set aside that election. In that Constituency, the election will be held again.

### 6.1.3 Powers and Working of

77%

**MATCHING BLOCK 236/445**

**W**

Parliamentary System A parliamentary system is a system of democratic governance of a state in which the executive branch derives its democratic legitimacy from,

and is held accountable to, the legislature (parliament); the executive and legislative branches are thus interconnected.

80%

**MATCHING BLOCK 239/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

In a parliamentary system, the head of state is normally a different person from the head of government. This is in contrast to a presidential system in a democracy, where the head of state often is also the head of government, and most importantly: the executive branch does not derive its democratic legitimacy from the legislature.

The Parliament of India (Bhartiya Sansad) is the supreme legislative body in India. The Parliament comprises



the President of India and the

100%

**MATCHING BLOCK 238/445**

W

two Houses - Lok Sabha (House of the People) and Rajya Sabha (Council of States). The President has the power to summon and prorogue either House of Parliament or to dissolve Lok Sabha.

India's government is bicameral; Rajya Sabha is the upper house and Lok Sabha is the lower house. The two Houses meet in separate chambers in the Sansad Bhavan (located on the Sansad Marg or "Parliament Street") in New Delhi.

58%

**MATCHING BLOCK 240/445**

W

Those elected or nominated (by the President) to either house of Parliament are referred to as members of Indian Constitution Notes 112 parliament or MPs. The MPs of Lok Sabha are directly elected by the Indian public and the MPs of Rajya Sabha are elected by the members of the State Legislative Assemblies, in accordance with proportional representation. The Parliament

consists of the

President of Republic of India and both the Chambers. The House and the Council are equal partners in the legislative process; however, the Constitution grants the House of People some unique powers. Revenue raising or "Money" bills must originate in the House of People.

85%

**MATCHING BLOCK 242/445**

W

The Council of States can only make recommendations suggestions over these bills to the House, within a period of fourteen days-

lapse

57%

**MATCHING BLOCK 241/445**

W

of which the bill is assumed to have been passed by both the Chambers. The cardinal functions of the

Legislature include

89%

**MATCHING BLOCK 243/445**

W

overseeing of administration, passing of budget, ventilation of public grievances, and discussing various subjects like development plans, international relations,

and national policies.

95%

**MATCHING BLOCK 245/445**

W

The Parliament can, under certain circumstances, assume legislative power with respect to a subject falling within the sphere, exclusively reserved for the states. The Parliament is also vested with powers to impeach the President, remove judges of Supreme and High Courts, the Chief Election Commissioner, and Comptroller and Auditor General in accordance with the procedure laid down in the Constitution. All legislation

requires the

82%

**MATCHING BLOCK 244/445**

W

consent of both Houses of Parliament. In the case of Money Bills, the will of the Lok Sabha prevails. The Parliament is also

vested with the power to initiate amendments in the Constitution. Self-Assessment Question: State whether the following statements are true or false: 1. India is a Socialist, Secular, Democratic Republic and the largest democracy in the World. 2. The Election Commission was established in accordance with the Constitution on 26th January 1950. 3. The Chief Election Commissioner or an Election Commissioner holds

100%

**MATCHING BLOCK 246/445**

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

office for a term of five years from the date on which he assumes his office. 4.

Article 83 (2) of the Constitution stipulates that Lok Sabha shall have a normal term of 5

100%

**MATCHING BLOCK 247/445**

**SA** FINAL.pdf (D141953180)

years from the date appointed for its first meeting and no longer. 5.

An election is a contest between different candidates from various parties out of which the voters elect one as their representative.

Unit 6 – Union Executive Notes 113 6.2 THE PRESIDENT

87%

**MATCHING BLOCK 251/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

Union Executive The Union executive constitutes of the President, Vice-President, and the Council of Ministers. The President of India The President of India is the head of state of the Republic of India. The President is the formal head of the executive, legislature and judiciary of India and is the commander-in-chief of the Indian Armed Forces.

The President is indirectly elected by the people through elected members of the Parliament of India (Lok Sabha and Rajya Sabha) as well as of the Legislative Assemblies in States of India (Vidhan Sabha) and serves for a term of five years. Historically, ruling party (majority in the Lok Sabha) nominees (for example, United Progressive Alliance nominee Pranab Mukherjee) have been elected or largely elected unanimously. Incumbent presidents are permitted to stand for re-election. A formula is used to allocate votes so there is a balance between the population of each state and the number of votes assembly members from a state can cast, and to give an equal balance between State Assembly members and the members of the Parliament of India. If no candidate receives a majority of votes, then there is a system by which losing candidates are eliminated from the contest and their votes are transferred to other candidates, until one gains a majority.

87%

**MATCHING BLOCK 248/445**

**W**

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

Government of India. This Executive power is

88%

**MATCHING BLOCK 249/445**

**W**

exercised by the Prime Minister with the help of the Council of Ministers. 6.2.1

Qualifications, Tenure, Impeachment and Privileges for President Qualification for the

98%

**MATCHING BLOCK 250/445**

**W**

Post of President A candidate for the President's post must possess following qualifications: ? Must be a Citizen of India ? Must have completed the age of thirty-five years ? Must be qualified for election as a member of the House Of the People and ? Must not hold any office of profit under the Government of India, or the Government of any State or under any local or other authority subject to the control of any of the said Government ? But a sitting President or Vice President of the Union or the Governor of any state or a Minister either for the Union or for any State is not disqualified for election as President.

Indian Constitution Notes 114

Tenure

The normal tenure

of the President is

five

years from the date

on which he enters upon his office,

but he

continues to hold office even thereafter till his successor enters upon his

office. A person who

is or has been the President is eligible for re-election to that office if he fulfils the necessary conditions for this purpose as

mentioned above. The President may resign his office before the

expiry of his normal tenure of five years by writing to the Vice-President. The Vice-President has to communicate the President's

resignation to the speaker

of the Lok Sabha. Impeachment

The President may

be removed from his office, before the expiry of his term,

by the

process of impeachment on

the ground of violation of the Constitution.

Following is the procedure for impeachment: ?

The proposal to prefer the charge is to be put in the form of a resolution

of the

House. Such a resolution can be moved only after a

fourteen

days written notice

signed

by not less than

one fourth

of the total number

of members

of the

House. ?

The

resolution must

be

passed

by

a majority of not less than

two thirds of the

total membership of the

House

Privileges The office of the President enjoys many privileges and immunities. He

is

not

answerable to

any court for the exercise and performance of

the powers and duties of

his office,

or

for "

any act done or

purporting to be

done by him"

in

the exercise and performance of these powers and duties.

The

privileges by the members individually are freedom from arrest, exemption from attendance as jurors and witnesses and freedom

of speech.

At the same time the privileges enjoyed collectively by

the House are the right to publish debates and proceedings and the right to restrain publication by others, the right to exclude others, right to regulate the internal affairs of the House and to decide matters arising within its walls, the right to publish Parliamentary misbehaviour and the right to punish members and outsiders for breach of its privileges. 6.2.2

Powers of the President

The

President of India is a

head

of the “

executive power”

of the Union

According to

Article 53 of the Indian

Constitution,

the “

executive power” of the Union shall

be vested

in President.

The

literal meaning of the term “executive power” is the execution of the laws enacted by the legislature; but nowadays the function of executive is not limited only to the execution of laws.

Unit 6 – Union Executive Notes 115

With the expansion of the state’s function, all the residuary functions of state have passed on to the Executive. Hence in short Executive power can be explained as the residue of powers remaining after deducting the legislative and judicial function.

Administrative Power Administrative means the execution of the laws and the administration of the departments of Government.

In matters of administration, not being a real head of the Executive like the American President, the Indian President shall not have any administrative function to discharge nor shall he have that power of control and supervision over the Departments of the Government as the American President possesses. Though

he may not be the real head of the administration, all officers of the Union

shall be his subordinates and he shall have a right to

be informed of the affairs of the Union. The administrative power also includes the power to appoint and remove the high dignitaries of the

State. In making some appointments the President has to consult some persons other than the ministers as well, for e. g.

In appointment

of

the

judges

of the Supreme Court of India

the President shall consult the

Chief Justice of India

and

such other Judges

of the Supreme Court and

of

the High Court

as he

deems necessary.

Military Power Military power means the command of the armed forces and the conduct of war. The Supreme command of the defence forces is, of course, vested in the President of India, but the Constitution expressly lays down that the exercise of this power shall be regulated by law<sup>31</sup>. This

means that though the President may have the power to take action as to declaration of war or peace or the employment of the Defence Forces, it is competent for Parliament to regulate or control the exercise of such power. The President’s powers as Commander-in-chief cannot be construed, as in the U.S.A as a power independent of legislative control. Further Constitution states that certain acts cannot be done without the authority of law, it must be held that such acts cannot be done by the President without approaching Parliament for sanction e.g., acts which involve the expenditure of the money, such as the raising, training and maintenance of the Defence Forces. The Diplomatic Power Include all matters which bring the Union into relation with any foreign country.

The legislative power as regards these matters as well as the power of making treaties and implementing them, of course, belongs to Parliament. But though the final power as regards these things is vested in Parliament, the Legislature cannot take initiative in such matters. The task of negotiating

Indian Constitution Notes 116 treaties and agreements with other countries, subject to ratification by Parliament, will thus belong to the President, acting on the advice of his Ministers. Though diplomatic representation as a subject of legislation belongs to the Parliament, like the Head of the other states, the President of India will represent India in International affairs and will have the power of appointing Indian representative to other countries and of receiving diplomatic representatives of other states, as shall be recognized by Parliament.

Legislative Powers The President of India is a component part of the Union Parliament

and here is one of the instances where the Indian Constitution departs from the principle of Separation of Powers underlying the Constitution.

100%

**MATCHING BLOCK 252/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

Before entering upon his office the President is required to take an oath in

a  
prescribed form

100%

**MATCHING BLOCK 257/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

in the presence of Chief Justice or the senior most Judge of the Supreme Court of India.

Self-Assessment Question: Fill in the Blanks: 6. The dates of election, filing of nomination papers and withdrawals are fixed by the \_\_\_\_\_ Commission. 7. The election campaign normally ends \_\_\_\_\_ before the election. 8.

73%

**MATCHING BLOCK 253/445**

**W**

In a parliamentary system, the head of state is normally a different person from the head of \_\_\_\_\_ 9.

88%

**MATCHING BLOCK 254/445**

**W**

Article \_\_\_\_\_ of the Constitution of India states that the President can exercise his or her powers directly or by subordinate authority, with few exceptions, all of the executive authorities vested in the President are, in practice, exercised by the

Government of India. 10.

The President

may resign his office before the expiry of his normal tenure of five years by writing to the \_\_\_\_\_ 6.3  
COUNCIL OF MINISTER - PRIME MINISTER

The Council Of Ministers: Constitution of Council of Ministers The Council of ministers  
consists of the cabinet system where

the number of the ministers is not specified in the Constitution; it is

decided on the basis of exigencies of time. This is so because the Indian Constitution has based its cabinet system on the basis of the English System which works on the basis of conventional practices. The council of Ministers belongs three categories of ministers, firstly Cabinet Ministers who are not necessarily part of cabinet but they have to attend the meetings if specially invited by the Prime Minister or

Unit 6 – Union Executive Notes 117

for discussing the matters concern with their respectively departments. Secondly the State Ministers who hold separate departments and are responsible for their own departments. Thirdly Deputy Ministers who don't hold any independent departments. 6.3.1 Appointments,

Salaries and Collective Responsibilities  
of Ministers

Appointments

of Ministers The Prime Minister is selected by the President; and

the President has to restrict the selection to

the leader of the majority party in the

house of

the people,

or a person who is in position to win

the confidence of the

majority in that house.

Other Ministers are appointed by the President on the advice of Prime Minister. De Jure the President has power to dismiss the individual Ministers. However the defacto power of dismissing the Ministers lies in the hands of the Prime Minister. Salaries of Ministers The salaries and allowances of ministers depend upon the decision of parliament which it may determine by law from time to time. Ministerial and Collective Responsibility The Council of Ministers shall be collectively responsible to the house of people. Hence the Ministry of the body shall be under constitutional obligation to resign as soon as it loses the confidence of the popular house of legislature. The term collective responsibility means that all the members of the Government are united in support of its policies and exhibit that unanimity on public occasions even if they differ in the cabinet meeting and another meaning is the Minister who had an opportunity to speak for or against the policies in the cabinet are personally and morally responsible for their successes and failures. Simultaneously the Minister is individually responsible to the President. The Ministers shall hold office during the pleasure of the President and hence even if the Ministers are collectively responsible to the Legislature still they are individually liable to be dismissed by the executive head. 6.3.2 Prime Minister The Prime Minister of India, as addressed to in the Constitution

80%

**MATCHING BLOCK 255/445**

W

of India, is the chief of government, chief adviser to the President of India, head of the Council of Ministers and the leader of the majority party in the parliament. The prime minister leads the executive branch of the Government of India. The

prime minister is the senior member of cabinet in the executive branch of government in a parliamentary system. The prime minister

64%

**MATCHING BLOCK 256/445**

W

selects and can dismiss other members of the cabinet; allocates posts to members within the Government; is the presiding member and chairman of the cabinet and is Indian Constitution Notes 118 responsible for bringing proposal of legislation. The resignation or death of the prime minister dissolves the cabinet.

34%

**MATCHING BLOCK 260/445**

SA

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

The prime minister is appointed by the president to assist the latter in the administration of the affairs of the executive. 6.3.3 Position of the Prime Minister The Prime Minister occupies a unique position in the

Council of Ministers.

It is he who chooses other Ministers. Whenever there is a conflict between a Minister and the Prime Minister, the Minister has to give way to the Prime Minister. The Prime Minister may ask any Minister to resign from his post. If he does not do so, the President may remove him from Council of

**61%****MATCHING BLOCK 258/445****W**

Ministers on the advice of the Prime Minister. The Prime Minister presides over meetings of Council of Ministers.

It is he who communicates the decision of the Council of Ministers to the President. Whenever the President wants to communicate to the Council of Ministers, he does so through the Prime Minister. Prime Minister is the chief spokesman of the government. It appears from the above that the Prime Minister is very powerful but actually it is not so. While forming his Council of Ministers he has to take a number of considerations such as representation of different sections of society, different geographical regions, and different ideological groups in the party etc. As a result of these considerations, the choice of the Ministers for the Prime Minister becomes very limited. By and large, it can be stated that about half the members of Council of Ministers are there because the Prime Minister wants them, but about half the members are there because the Prime Minister has no other alternative. It is because of these things that the Prime Minister is called primus inter pares which means that he is first amongst the equals. The Council of Ministers meets very rarely. It is the Cabinet that meets frequently. The Cabinet takes all the major policy decisions. But the Council of Ministers takes the responsibility for those decisions. It may be that an individual Minister may differ on a particular decision but he cannot express it publicly unless he first submits his resignation from

**81%****MATCHING BLOCK 259/445****W**

the Council of Ministers. The Council of Ministers is collectively responsible to the Lok Sabha. It

implies that a  
censure motion against one Minister amounts to no confidence against the whole Ministry in which case all the members including the Prime Minister have to go out of office. The members of both the Houses of Parliament keep control over Ministers by asking questions and supplementary questions and by moving adjournment motions, call: attention notices, and by appointing various committees such as Public Account Committee, Estimates Committee,

**66%****MATCHING BLOCK 261/445****W**

Committee on Government Assurances, Committee on Public Undertakings, Committee on Privileges, Committee on Subordinate Legislation

etc. The Council of Ministers takes policy decisions on all matters of administration. It supervises the execution of all policy decisions. It prepares Bills and pilots them in the two Houses of Parliament so that they become laws. It prepares the Budget and regulates income and expenditure of the  
Unit 6 – Union Executive Notes 119 Union Government. It formulates foreign policy and conducts its affairs with other countries.  
6.3.4 Roles and Power of the Prime Minister

**96%****MATCHING BLOCK 262/445****SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

Roles and Responsibilities The roles and responsibilities of the Prime Minister are as follows: ? Link between President and Council of Ministers: The Prime Minister is the leader of the Council of Ministers and serves as the channel of communication between the President and the Council of Ministers. ?

Allocation of Portfolios: He/she

**96%****MATCHING BLOCK 263/445****SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

allocates portfolios among the Ministers and distributes work among various ministries and offices. The Prime Minister coordinates work among various ministries and departments through the Cabinet Secretariat. ? In charge of Ministries: Prime Minister also retains certain portfolios that have not

been



95%

**MATCHING BLOCK 266/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

allocated to other ministers. He/she is generally in charge of the following ministries/departments: ? Ministry of Personnel, Public Grievances and Pensions ? Ministry of Planning ? Department of Atomic Energy ? Department of Space and ? Appointments Committee of the Cabinet ? Leader of the Cabinet: The Prime Minister summons and presides over meetings of the cabinet and determines what business shall be transacted in these meetings. ? Link between the Parliament and the Cabinet: The Prime Minister is also the link between the Cabinet and the Parliament. He/She is the chief spokesperson of the government in the Parliament, along with the leader of the party in majority in the Lok Sabha. It is his/her responsibility to announce important policy decisions. The Prime Minister can also intervene in debates of general importance in the Parliament to clarify the Government's stand or policy. ? Official Representative: The Prime Minister represents India in various delegations, high-level meetings and international organisations and also addresses the nation on issues of national importance.

Powers/Authority The various powers and authority enjoyed by the Prime Minister are as follows:

Indian Constitution Notes 120 ?

Head of the Government:

69%

**MATCHING BLOCK 264/445**

**W**

The Prime Minister of India is the head of the Government. Though the President is the head of the State, most of the

executive

decisions are taken by the Prime Minister. All the important decision-making bodies in India, like the Union Cabinet and the Planning Commission, run under his/her supervision. ?

55%

**MATCHING BLOCK 265/445**

**W**

Leader of the Council of Ministers: As far as the Prime Minister's relation to the Council of Ministers

is concerned, his/her position is that of "First among Equals". If the

78%

**MATCHING BLOCK 267/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

case of death or resignation of the Prime Minister, the entire Council of Ministers

has to resign. The ministers directly report to the Prime Minister. He/she can also remove a minister by asking for his resignation or having him dismissed by the President. If any difference of opinion arises between the Prime Minister and any other minister,

52%

**MATCHING BLOCK 268/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

the opinion of the Prime Minister prevails. ? Leader of the Parliament: The Prime Minister is the leader of the

House

to which he/

she belongs. He/she can also take part in debates

100%

**MATCHING BLOCK 269/445**

**SA** CC-PS-02.pdf (D149043601)

in the house of which he/she is not a member.

He/she can also advise the President to dissolve the Lok Sabha. ? Represents the country: In international affairs, he/she is the spokesperson of the country. The Prime Minister plays a major role in directing India's foreign policy. Self-Assessment Question: State whether the following statements are true or false: 11.

The Council of ministers consists of the cabinet system where

the number of the ministers is not specified in the Constitution; it is decided on the basis of exigencies of time. 12.

100%

**MATCHING BLOCK 270/445**

**SA** fINAL.pdf (D141953180)

The Council of Ministers shall be collectively responsible to the

house

of

states. 13. The

salaries and allowances of ministers

depend upon the decision of parliament which it may determine by law from time to time. 14.

90%

**MATCHING BLOCK 271/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

The Prime Minister represents India in various delegations, high-level meetings and international organisations and also addresses the nation on issues of national importance. 15. The

prime minister is the senior member of cabinet in the executive branch of government in a parliamentary system.

Task Prepare a detailed note on the presidents and the prime ministers of India and their working tenure.

Unit 6 – Union Executive Notes 121 SUMMARY ? India is a Socialist, Secular, Democratic Republic and the largest democracy in the World. The modern Indian nation state came into existence on 15th of August 1947. Since then free and fair elections have been held at regular intervals as per the principles enshrined in the Constitution, Electoral Laws and System. ? The Constitution of India has vested in the Election Commission of India

77%

**MATCHING BLOCK 272/445**

**SA** Political Process & Politics in India (EM).pdf (D139291481)

the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President

of India. ? Election Commission of India is a permanent Constitutional

Body. The Election Commission was established in accordance with the Constitution on 25th January 1950. ? The Chief Election Commissioner or an Election Commissioner

holds

90%

**MATCHING BLOCK 276/445**

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

office for a term of six years from the date on which he assumes his office. ?

Article 83 (2) of the

Constitution stipulates that Lok Sabha shall have a normal term of 5

89%

**MATCHING BLOCK 273/445**

**W**

years from the date appointed for its first meeting and no longer. However, the

President may dissolve the House earlier. ?

75%

**MATCHING BLOCK 274/445**

**W**

In a parliamentary system, the head of state is normally a different person from the head of government. ?

The Parliament comprises

the President of India and the

100%

**MATCHING BLOCK 275/445**

**W**

two Houses - Lok Sabha (House of the People) and Rajya Sabha (Council of States). ? The

House and the Council are equal partners in the legislative process; however, the Constitution grants the House of People some unique powers. ?

98%

**MATCHING BLOCK 281/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

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

The Council of ministers consists of the cabinet system where the number of the ministers is not specified in the Constitution; it is decided on the basis of exigencies of time. ?  
The Prime Minister of India, as addressed to in the Constitution

79%

**MATCHING BLOCK 277/445**

**W**

of India, is the chief of government, chief adviser to the President of India, head of the Council of Ministers and the leader of the majority party in the parliament. The prime minister leads the executive branch of the Government of India.

**KEYWORDS** Election: An election is a contest between different candidates from various parties out of which the voters elect one as their representative.

Indian Constitution Notes 122 Term of Office: Term of office is the length of time a person (usually a politician) serves in a particular office.

77%

**MATCHING BLOCK 278/445**

**W**

Parliamentary System: A parliamentary system is a system of democratic governance of a state in which the executive branch derives its democratic legitimacy from,

and is held accountable to, the legislature (parliament); the executive and legislative branches are thus interconnected.  
Administrative: Administrative means the execution of the laws and the administration of the departments of Government.  
Military Power: Military power means the command of the armed forces and the conduct of war.  
Prime Minister: The Prime Minister of India, as addressed to in the Constitution

93%

**MATCHING BLOCK 279/445**

**W**

of India, is the chief of government, chief adviser to the President of India, head of the Council of Ministers and the leader of the majority party in the

parliament.

**REVIEW QUESTIONS** 1. What is an election? 2. What is the various eligibility of election? 3. Describe the procedures of election in India? 4. What is parliamentary system? 5. What are the powers vested in the Indian parliament? 6. Describe the president. What is the eligibility for being

51%

**MATCHING BLOCK 280/445**

**W**

the president of India? 7. What are the powers of the President of India? 8. Explain the council of ministers. 9. Describe the appointments, salaries and collective responsibilities of council of ministers. 10.

Explain the Prime Minister. Describe the position and roles and power of the Prime Minister. Answers: Self-Assessment 1. True 2. False 3. False 4. True 5. True 6. Election

Unit 6 – Union Executive Notes 123 7. 48 hours 8. Government 9. 53 10. Vice-President 11. True 12. False 13. True 14. True 15. True

95%

**MATCHING BLOCK 284/445**

**SA** CC-PS-02.pdf (D149043601)

**FURTHER READINGS** Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

New Delhi

100%

**MATCHING BLOCK 282/445**

W

Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book

Company, New Delhi Hasan Zoya, Sridharan Eswaran & Sudarshan R., (2004), India's Living Constitution: Ideas, Practices, Controversies, Permanent Black, New Delhi

93%

**MATCHING BLOCK 283/445**

W

Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,

New Delhi Reddy G B & Suhaib Mohd. (2006), Constitution of India and Professional Ethics, I K International Publishing, New Delhi  
WEB LINKS <http://www.preservearticles.com/201012251620/functions-of-the-prime-minister-of-india.html>

<http://www.importantindia.com/2071/powers-and-functions-of-the-prime-minister-of-india/>

<http://vnk.fi/paaministeri/tehtavat/en.jsp>

Indian Constitution Notes 124 UNIT 7 – UNION LEGISLATURE CONTENTS Learning Objectives Introduction 7.1 Parliament 7.1.1

Composition of Parliament 7.1.2 Chairman of the House 7.1.3 Indian Federalism and Political Parties 7.1.4 Qualifications of

Members 7.15 Powers of Speaker 7.2 Lok Sabha 7.2.1 Powers and Functions 7.3 Rajya Sabha 7.3.1 Limitations Summary Keywords

Review Questions Further Readings LEARNING OBJECTIVES After studying this lesson, you should be able to: ? Understand the

concepts of parliament ? Explain the concepts of lok sabha ? Understand the concepts of rajya sabha INTRODUCTION In the

previous unit, we have discussed about the union executive. We also discussed about the president of Indian and the prime

minister of India. We learnt about the powers, roles, and responsibilities of the president and the prime minister of India.

Unit 7 – Union Legislature Notes 125 In this unit we will discuss about the union legislature. We will learn about the lok sabha and

the rajya sabha. 7.1

82%

**MATCHING BLOCK 289/445**

SA

Political Process & Politics in India (EM).pdf (D139291481)

PARLIAMENT The Parliament of India consists of the President and the two houses – the Lower House or Lok Sabha and the Upper House

or

Rajya Sabha. 7.1.1

Composition of Parliament The Parliament of India is bicameral which consists of 2 houses

lower house is called as

house of people or Lok Sabha and the upper house called

as Council of States

or

Rajya

Sabha.

Rajya

Sabha

The maximum strength

of Rajya Sabha has been fixed at 250 members out of

these 238 members are

elected representatives of the States and

the

Union Territories.

The 12 members are

nominated by the President

from

amongst those who have

special knowledge or practical experience

of such matter as

Literature, Science, Art and Social

Services .

The

representatives of a State in

Rajya Sabha

are  
elected by the  
elected member of the State Legislative Assembly  
in accordance with the system of proportional representation  
by means of  
the single transferable vote.  
The  
Rajya Sabha  
is  
a permanent body,  
and

96%

**MATCHING BLOCK 285/445**

W

not subject to dissolution. One third of its members retire every 2- year. The

members

100%

**MATCHING BLOCK 286/445**

W

are elected by the elected members of the State Legislative Assemblies

for a six year term. There are no seats reserved for Scheduled Castes & Tribes in the Rajya Sabha.

91%

**MATCHING BLOCK 287/445**

W

Lok Sabha Lok Sabha is the popular house consisting of directly elected members. The maximum strength of Lok Sabha has been fixed at 550 members of whom not more than 530 are elected by the voters in the State and not more than 20 represent the union territories. The members from the State are elected by the system of direct election from territorial constituencies on the basis of adult suffrage. Every citizen of India who is not less than 18 years of age on a date fixed by Parliament and does not suffer from any disqualification as laid down in the Constitution, or in any law on the ground of non residence, unsoundness of mind, crime or corruption or illegal practice, is entitled to vote at an election for the Lok Sabha. Seats in the house are allotted to each state in such a way that as far as practicable, the ration between the number of seats allotted to a state and its Indian Constitution Notes 126 population is the same for all the states this provision does not apply to the state having a population of less than 6 millions. 7.1.2 Chairman of the House Chairman of the

97%

**MATCHING BLOCK 288/445**

W

Rajya Sabha The presiding officer of Rajya Sabha is known as the Chairman. The Vice President of India is ex-officio Chairman of the house. The house also elects the Deputy Chairman from amongst its members to vacate his office as soon as he ceases to be a member of the house. He may resign his office by writing to the Chairman. The Deputy Chairman performs the duties of the Chairman when that office is vacant or when the Vice President is acting as President of India. If the office of the Deputy Chairman is also vacant then the duties of the Chairman are performed by such member of Rajya Sabha as President may appoint for the purpose till any of these offices is filled. 7.1.3

Indian Federalism and Political Parties

Federal constitution provides for expression of regional goals and national objectives. It has a special advantage that the Federal Government can

absorb some of the costs of new technology or programs that would have to be absorbed completely by member units in a unitary or con-

federal government system. It can accommodate the aspirations and sovereign interests of different provinces with ethnic groups, linguistic characteristics. Federation is suitable

to a plural society with multiple cultures and multiple language speaking populations. Federalism allows countries involved to maximize the growth and political strength, while at the same time allowing the expressions of regional characteristics. In

situations of large size,

involving separation and divergence of communities the federation will be a useful and

working system of government. Around 21 nations are federal in this world, which occupy largest part

of the globe. While China is Unitary, other four big nations like, Canada, the United States, Brazil and Australia are the federations. The USSR was also a federation, till it had split into some smaller federations. Mexico, Venezuela and Argentina in Latin America; Nigeria in Africa; Switzerland Yugoslavia and Czechoslovakia ( till it was split into nations) in Europe and India in Asia are the other federations.

The Indian Constitution does not easily lend itself to the standard binary classification of unitary and federal. On the one hand, the provision of legislative bodies in different states makes it a federal constitution; on the other, through a number of legislative and executive powers that the Constitution bestows on the central government, relating to both commands

Unit 7 – Union Legislature Notes 127 over resources and exercise of political power, its unitary character is too prominent. The Indian Constitution is generally characterized as a “federal constitution with unitary bias,” a description that is far from definitive and only underlines its dual character. As a consequence, over the last 60 years, federalism in India has had to face not only the challenge of an evolving modus operandi, but also a parallel one of holding its own space, often threatened by the elements of unitarism. At the root of this contestation lies the political structure that the British bequeathed to the colonial administration, finding it advantageous to promote sub-national political entities to forestall the emergence of a strong national identity, starting with the partition of Bengal in 1905, which had to be reversed but was pursued in other ways after the Government of India Act of 1912. When the Constitution was drafted, its authors felt that, after independence, what could possibly hold together a large nation like India was a strong central government, even when the contradictions due to such a centralizing state were apparent in the debates in the Constituent Assembly and the National Planning Committee. The working of Indian federalism since independence appears to be a telling example of a divergence. To take the case of political federalism first, the democratic and political process has triggered a gradual but significant dispersion of power to state-level political parties, and regional parties have become a more important, often critical, part of coalitions at the centre in the period of economic reform. This is not an isolated view. Another summative judgment on the working of federalism in India notes that it would be an exaggeration to maintain that federalism has withered away in the actual working of the Constitution. The most conclusive evidence of the survival of the federal system is the coexistence of state governments with sharply divergent ideological complexions. A more assured space for the federal components of overall political power is also apparent now, as the arbitrary use of Article 356 of the Constitution has been tempered after a series of political and judicial contestations, though the constitutional provision has not been amended. 7.1.4 Qualifications of Members Qualifications for Membership for Rajya Sabha In order to be qualified

64%

**MATCHING BLOCK 290/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

to become a member of the Rajya Sabha, a person must be: ? Be a citizen of India ? Not be less than 30 years of age ?

Have registered as a voter in any parliamentary constituency. Qualifications for Membership of Lok Sabha In order to be

50%

**MATCHING BLOCK 292/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

a member of the Lok Sabha, a person must: Indian Constitution Notes 128 ? Be a citizen of India ? Not be less than 25 years of age ?

Has registered as a voter in any Parliamentary constituency. 7.1.5 Powers of Speaker

59%

**MATCHING BLOCK 291/445**

**W**

Speaker and Deputy Speaker of the Lok Sabha The Speaker is the Chief Presiding Officer of the Lok Sabha. The Speaker and the Deputy Speaker of the Lok Sabha are elected by the members of the Lok Sabha

amongst themselves. When the office of the Speaker falls vacant or when the Speaker is absent from any sitting of the house, the Deputy Speaker performs the duties of

75%

**MATCHING BLOCK 294/445**

**SA** fINAL.pdf (D141953180)

the Speaker. The Speaker and the Deputy Speaker remain in office so long as they are members of the house.

61%

**MATCHING BLOCK 293/445**

W

The Speaker continues in his office, even after the Lok Sabha is dissolved until the newly elected Lok Sabha is constituted. The Speaker and the Deputy Speaker may be removed from their office by a resolution of the House after serving a 14-day notice on them. The Speaker

90%

**MATCHING BLOCK 295/445**

W

does not vote in the first instance, but exercises his casting vote in the case of

a tie i.e. in the case of equality of votes. The Speaker possesses certain powers that do not belong to the Chairman of the Rajya Sabha. They are as follows: ? It is the Speaker who presides over a joint sitting of the Houses of the Parliament ?

43%

**MATCHING BLOCK 296/445**

W

When a Money Bill is transmitted from the Lok Sabha to the Rajya Sabha the power to certify it as a money bill

is given to the Speaker ? The decision of the Speaker as to whether a bill is money bill is final. Self-Assessment Question: State whether the following statements are true or false: 1.

The Parliament of India consists of the President and the two houses – the

Lower House

or Lok

Sabha and the Upper House

or

Rajya Sabha. 2.

The maximum strength

of Rajya Sabha has been fixed at 250 members out of

these 238 members are

elected representatives of the States and

the

Union Territories. 3.

The 15 members are

nominated by the President

from

amongst those who have

special knowledge or practical experience

of such matter as Literature, Science, Art and Social

Services . 4.

The

maximum strength of Lok Sabha has been fixed at 550 members of whom

76%

**MATCHING BLOCK 299/445**

SA

159E1210\_Indian Constitution.pdf (D165648310)

not more than 530 are elected by the voters in the State and not more than 20 represent the union territories.

Unit 7 – Union Legislature Notes 129 5.

Federal constitution provides for expression of regional goals and national objectives. 7.2

LOK SABHA It is the lower

71%

**MATCHING BLOCK 297/445**

W

house of the Parliament. It consists of not more than five hundred thirty members

elected directly by the people of



77%

**MATCHING BLOCK 298/445**

W

the States and not more than twenty members representing the Union Territories chosen in such a manner as

the Parliament may, by law, provide.

100%

**MATCHING BLOCK 300/445**

SA

159E1210\_Indian Constitution.pdf (D165648310)

Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in

proportion to their population. The  
President of India  
can nominate  
not more than two members of

85%

**MATCHING BLOCK 301/445**

SA

Indian Constitution (OEL) EM.docx (D159148560)

the Anglo- Indian community, if it is not adequately represented in the Lok Sabha.

Each State is allotted a number of seats in proportion to its population.

87%

**MATCHING BLOCK 305/445**

SA

CC-PS-02.pdf (D149043601)

Each State is divided into territorial constituencies so that the ratio between the population of each constituency and the number of seats allotted to it, as far as practicable, is the same throughout the State. The

members of  
Lok Sabha  
are elected

59%

**MATCHING BLOCK 302/445**

W

on the basis of universal adult franchise. Anyone who is a citizen of India, and has attained eighteen years of age

and  
whose name is in the voters' list is entitled to cast vote in the election to the Lok Sabha. To get oneself elected  
to the Lok Sabha one needs to  
be  
a citizen of India must be

91%

**MATCHING BLOCK 303/445**

W

not less than twenty-five years of age and possesses such other qualifications as may be prescribed by or under any law made  
by

the  
Parliament.

71%

**MATCHING BLOCK 304/445**

W

A person shall be disqualified for being chosen as, and for being, a member of Lok Sabha if he holds an office of profit under the Government of India or the Government of any State, other than an office declared by the Parliament, by law, not to disqualify its holder; is of unsound mind and

is an insolvent or  
is not a

89%

**MATCHING BLOCK 307/445**

**SA** Political Process & Politics in India (EM).pdf (D139291481)

citizen of India or has voluntarily acquired the citizenship of a foreign State or is so disqualified by or under any law made by

the  
Parliament.

95%

**MATCHING BLOCK 306/445**

**W**

The tenure of the Lok Sabha is five years but the

President is empowered to dissolve it earlier also.  
While a Proclamation of Emergency (under Article 352) is in operation

56%

**MATCHING BLOCK 308/445**

**SA** MA Politics SEM 2 Indian Constitution.pdf (D118114822)

the term of the Lok Sabha can be extended by the Parliament, by Law, for a period of one year at a time. The

House elects its own presiding officer, called Speaker, who conducts its business.  
In his absence from the House, Deputy Speaker, who is also elected by the House, performs his functions. The functions of the Speaker are as follows: he presides over the meetings of Lok Sabha and conducts all its proceedings except when the resolution for his removal is under consideration; he determines the order of business and prescribes the time limit for the speeches which are invariably addressed to him; he maintains order and discipline in the House; he prevents the use of unparliamentary language in the House; he can name the member for suspension or ask him to leave the House or order his physical removal by the Marshal of the house if a member disregards or flouts his ruling; he can suspend the business of the House if the House becomes unmanageable and the members are unruly; he enforces the Indian Constitution Notes 130 rules of conduct; he gives his ruling whether a resolution or a question is admissible or not; he protects the members against the violation of their privileges; ordinarily he does not vote but when the house is divided equally on any issue he exercises casting vote, he decides whether an adjournment motion moved by a member is admissible or not; he decides

87%

**MATCHING BLOCK 309/445**

**SA** CC-PS-02.pdf (D149043601)

whether a Bill is a Money-Bill or not; he presides over the joint sitting of

both the houses of Parliament.

100%

**MATCHING BLOCK 312/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

One-tenth of the total number of members forms the quorum of any meeting of the House. 7.2.1

42%

**MATCHING BLOCK 310/445**

**W**

Powers and Functions The primary function of the Parliament is legislation. It has an exclusive power to legislate on the subjects mentioned in the Union List as well as all the residuary subjects (subjects not included in any of the three lists).

It shares the power of legislation on subjects in the Concurrent List with the State Legislatures. Both of them can legislate on them but if there is a conflict between the laws passed by the Parliament and that of a State Legislature) the law of the Parliament prevails to the extent of inconsistency. Law making Procedure The Bills introduced in, and passed by the Parliament are of two types: Ordinary or Non-Money Bills and Money Bills. The procedure for passing a Money Bill is different from that of an Ordinary Bill. An Ordinary Bill can be introduced first in either of the two Houses. Every Ordinary Bill, before it becomes an Act, has to pass through the following stages. The draft of the proposed Bill has to be sent to the Secretariat of the House.

100%

**MATCHING BLOCK 311/445**

W

The Speaker of the Lok Sabha or the Chairman of Rajya Sabha, as the case may be,

after consulting the Business Advisory Committee, determines the day and time when the Bill is to be moved in the House. On the appointed day and time, the mover seeks the permission of the presiding officer to move the Bill. On receiving his assent, the mover reads the title of the Bill and gives a short speech highlighting the aims and objectives of the Bill. If there is no opposition from anyone, the Bill is supposed to have been passed in the First Reading. Procedure in Financial Matters The famous saying 'one who controls the purse controls the mind' is fully applicable in the case of Parliament. Parliament exercises full control over the finances of the Union Government. In the beginning of every financial year an Annual Financial Statement or the Budget, showing the receipts and expenditure, is laid before the Parliament. Control over the Executive

96%

**MATCHING BLOCK 313/445**

SA Indian Constitution (OEL) EM.docx (D159148560)

The Council of Ministers is collectively responsible to the Lok Sabha. The Lok Sabha

is empowered to pass a vote of censure against the Ministry. Whenever  
Unit 7 – Union Legislature Notes 131

100%

**MATCHING BLOCK 314/445**

SA Indian Constitution (OEL) EM.docx (D159148560)

such a motion is passed, the Ministry has to resign. Both

the Houses exercise control over the executive through asking questions, discussing matters of urgent public importance,

88%

**MATCHING BLOCK 315/445**

SA Indian Constitution (OEL) EM.docx (D159148560)

moving call-attention notices and adjournment motions, and also by appointing various committees

such as Public Accounts Committee, Estimates Committee, Committee on Public Undertakings, Committee on Government Assurances, the Committee on Privileges, the Committee on Subordinate Legislation etc. All these activities keep the executive alert. Other Powers

45%

**MATCHING BLOCK 316/445**

SA For plag check\_ Legislative authorities in dem ... (D142715293)

The elected members of the two Houses of Parliament, along with the elected members of the State Legislative Assemblies form the Electoral College that elects the President of India. The

two Houses also possess the power to remove the President from his office through the process of impeachment. They elect the Vice President of India and also have the power to remove the Comptroller and Auditor General

92%

**MATCHING BLOCK 321/445**

SA 159E1210\_Indian Constitution.pdf (D165648310)

of India and the Chief Justice and other Judges of the Supreme Court

as well as that of the High Courts through a special procedure and voting. The Lok Sabha enjoys the following powers which are not available to the Rajya Sabha: ? A confidence or no confidence motion can be initiated and passed only in

57%

**MATCHING BLOCK 317/445**

W

the Lok Sabha. ? Money and financial bills can be introduced only in the Lok Sabha. The Rajya Sabha cannot reject or amend a Money bill

by virtue of its legislative powers. It possesses only a recommendatory role in the passage of a money bill and can delay it for a maximum period of 14 days only. The Lok Sabha enjoys full legislative power in this regard. Self-Assessment Question: Fill in the Blanks: 6. The working of Indian federalism since independence appears to be a telling example of a \_\_\_\_\_. 7. Each State is allotted a number of seats in proportion to its \_\_\_\_\_. 8.

95%

**MATCHING BLOCK 318/445**

W

The tenure of the Lok Sabha is five years but the \_\_\_\_\_

is empowered to dissolve it earlier also. 9. To get oneself elected to the Lok Sabha one needs to be a citizen of India must be

88%

**MATCHING BLOCK 319/445**

W

not less than \_\_\_\_\_ years of age and possesses such other qualifications as may be prescribed by or under any law made by

the Parliament.

Indian Constitution Notes 132 10. The famous saying 'one who controls the purse controls the mind' is fully applicable in the case of \_\_\_\_\_. 7.3 RAJYA SABHA It is the upper house of the Parliament. It consists

76%

**MATCHING BLOCK 320/445**

W

of 12 members nominated by the President from amongst those persons who have special knowledge or practical experience in such matters as literature, science, art, and social service and not more than 238 representatives from the States and the Union Territories.

Hence, the total number of Rajya Sabha should not exceed 250.

75%

**MATCHING BLOCK 323/445**

SA

CC-PS-02.pdf (D149043601)

The representatives of each State are elected by the elected members of the Legislative Assembly of that State in accordance with the system of proportional representation by means of single transferable vote. The representatives of each Union Territory are chosen in such manner as Parliament

by law

prescribes. According to the Representation of the People

Act, 1950 and Electoral College is constituted in each Union Territory for the purpose. Any

citizen of India, who is

84%

**MATCHING BLOCK 322/445**

W

not less than 30 years of age and who possesses such other qualifications as may be prescribed by or under any law made by

the Parliament,

can be elected to the Rajya Sabha. No candidate should possess any of the following disqualifications: (i)

36%

**MATCHING BLOCK 325/445**

SA

Indian Constitution (OEL) EM.docx (D159148560)

if he holds any office of profit (excepting of a Minister under the Government of India/any State/Union Territory), (ii) if he is of unsound mind and (iii) if he is an insolvent.

The tenure of every member of Rajya Sabha is six years but every second year one - third of its members retire and fresh elections are held for those seats. The House is not subject to dissolution.

96%

**MATCHING BLOCK 324/445**

W

The Vice President of India is the ex- officio Chairman of Rajya Sabha. He presides over

its meetings  
and conducts its business. In his absence,

77%

**MATCHING BLOCK 326/445**

SA Indian Constitution (OEL) EM.docx (D159148560)

the Deputy Chairman, who is elected by the House, performs his functions. One-tenth of the total number of members forms the quorum of any meeting of the House.

The Rajya Sabha held its first sitting on 13 May 1952. 7.3.1 Limitations There are certain limitations, which makes Lok Sabha more powerful than Rajya Sabha. Financial Bills In case of financial bills, if the Rajya Sabha returns the bill to Lok Sabha, opposing the bill, it is deemed to have passed. Though the Rajya Sabha can send recommendations to the Lok Sabha, it is not binding on the Lok Sabha to act on it. Also, the house cannot exercise Pocket Veto; if the house does not Unit 7 – Union Legislature Notes 133 pass the bill within 14 days, it is again deemed to have been passed by the house. No-Confidence Motion Unlike Lok Sabha, it cannot pass motion of no confidence against the government. Legislation The number of members of Lok Sabha is more than twice the members of Rajya Sabha. As a result, in case a non-financial bill is rejected by the Rajya Sabha, if passed by the Lok Sabha, then in the joint-session of the parliament, the bill is most likely to be passed. So, in general, the Lok Sabha has more power than Rajya Sabha does in matters of legislation. Self-Assessment Question: State whether the following statements are true or false: 11. In the beginning of every financial year an Annual Financial Statement or the Budget, showing the receipts and expenditure, is laid before the Parliament. 12.

61%

**MATCHING BLOCK 327/445**

SA MA Politics SEM 2 Indian Constitution.pdf (D118114822)

The elected members of the two Houses of Parliament, along with the elected members of the State Legislative Assemblies form the

Electoral College that elects  
the President

73%

**MATCHING BLOCK 329/445**

SA CC-PS-02.pdf (D149043601)

of India. 13. The representatives of each State are elected by the elected members of the Legislative Assembly of that State in accordance with the system of proportional representation by means of single transferable vote. 14. The representatives of each Union Territory are chosen in such manner as Parliament

by law  
prescribes. According to the Representation of the People Act, 1950 and Electoral College is constituted in each Union Territory for the purpose. 15. Any citizen of India, who is

84%

**MATCHING BLOCK 328/445**

W

not less than 30 years of age and who possesses such other qualifications as may be prescribed by or under any law made by

the  
Parliament,  
can be elected to the Rajya Sabha. Task Prepare a detailed list of Rajya Sabha members according to the states they represent and your list must includes the persons nominated apart from the legislative assembly.  
Indian Constitution Notes 134 SUMMARY ? The working of Indian federalism since independence appears to be a telling example of a divergence. ? To take the case of political federalism first, the democratic and political process has triggered a gradual but significant dispersion of power to state- level political parties, and regional parties have become a more important, often critical, part of coalitions at the centre in  
the period of economic reform. ?  
The Parliament of India consists  
of the President and the two houses –  
the

Lower House  
or Lok  
Sabha and the  
Upper House  
or  
Rajya Sabha. ?  
The maximum strength  
of Rajya Sabha has been fixed at 250 members out of  
these 238 members are  
elected representatives of the States and  
the  
Union Territories. ?

The 12 members are  
nominated by the President  
from  
amongst those who have  
special knowledge or practical experience  
of such matter as Literature,  
Science, Art and Social  
Services. ?

Lok Sabha is the popular house consisting of directly elected members. ?  
The maximum strength of Lok Sabha has been fixed at 550 members of whom  
not more than 530 are elected by the  
voters in the State and not more than 20 represent the  
union territories. ?

The members from the State are elected by the system of direct election from territorial constituencies on the basis of adult  
suffrage. ?

The presiding officer of Rajya Sabha is known as  
the  
Chairman.

The Vice President of India is ex-officio Chairman of  
the  
house. ? The  
house also elects the Deputy Chairman from amongst its  
members to vacate

his office as soon as he ceases to be a member of the house. ?

Federalism allows countries involved to maximize the growth and political strength, while at the same time allowing the  
expressions of regional characteristics.

KEYWORDS Chairman:

52%

**MATCHING BLOCK 330/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

The presiding officer of Rajya Sabha is known as the Chairman. Speaker: The Speaker is the Chief Presiding Officer of the Lok  
Sabha.

Federalism: Federalism is a political concept in which a group of members is bound together by covenant with a governing  
representative head. The term "federalism" is also used to describe

63%

**MATCHING BLOCK 331/445**

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

a system of government in which sovereignty is constitutionally divided between a central governing authority and constituent  
political units (

such as states or provinces).

Unit 7 – Union Legislature Notes 135 Parliament: A parliament is a legislature. More generally, "parliament" may simply refer to a  
democratic government's legislature. Political Party: A political party is an organization of people which seeks to achieve goals  
common to its members through the acquisition and exercise of political power. Law: Law is, generally, a system of rules which  
are enforced through social institutions to govern behaviour. Laws can be made by legislatures through legislation (resulting in  
statutes), the executive through decrees and regulations, or judges through binding precedents (normally in common law  
jurisdictions). REVIEW QUESTIONS 1. What is parliament? 2. What are the compositions of the parliament? 3. Describe the

**50%****MATCHING BLOCK 332/445****SA** Indian Constitution (OEL) EM.docx (D159148560)

Lok Sabha. 4. Explain the power and functions of Lok Sabha. 5. Describe the Rajya Sabha. 6. Explain the functions of Rajya Sabha. 7.

Who is the chairman of the house? 8. Who is the speaker? What are the powers of a speaker? 9. Describe the qualifications to become a member of the Rajya Sabha and the Lok Sabha. 10. Explain the Indian federalism. Answers: Self-Assessment 1. True 2. True 3. False 4. True 5. True 6. Divergence 7. Population 8. President 9. Twenty-five 10. Parliament  
Indian Constitution Notes 136 11. True 12. True 13. True 14. True 15. True

**95%****MATCHING BLOCK 335/445****SA** CC-PS-02.pdf (D149043601)

FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

New Delhi

**100%****MATCHING BLOCK 333/445****W**

Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book

Company, New Delhi Hasan Zoya, Sridharan Eswaran & Sudarshan R., (2004), India's Living Constitution: Ideas, Practices, Controversies, Permanent Black, New Delhi

**93%****MATCHING BLOCK 334/445****W**

Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,

New Delhi Reddy G B & Suhaib Mohd. (2006), Constitution of India and Professional Ethics, I K International Publishing, New Delhi  
WEB LINKS [http://rajyasabha.nic.in/rsnew/Parliament\\_of\\_India.pdf](http://rajyasabha.nic.in/rsnew/Parliament_of_India.pdf)

<http://164.100.47.132/LssNew/our%20parliament/parliament.htm> [http://www.kkhsou.in/main/polscience/indian\\_federalism.html](http://www.kkhsou.in/main/polscience/indian_federalism.html)

Unit 8 – State Government Notes 137 UNIT 8 – STATE GOVERNMENT CONTENTS Learning Objectives Introduction 8.1 State Government 8.1.1 State Legislature 8.1.2 Powers and Functions of Legislature 8.1.3 Union State Relations 8.2 Governors 8.2.1 Appointment of Governor 8.2.2 Powers of Governor 8.3 Council of Minister - Chief Minister 8.3.1 Position of Chief Minister 8.3.2 Collective Responsibility of the Council of Ministers Summary Keywords Review Questions Further Readings LEARNING OBJECTIVES After studying this lesson, you should be able to: ? Understand the concepts of state government ? Explain the concepts of governors ? Understand the concepts of council of ministers – chief minister INTRODUCTION In the previous unit, we have discussed about the union legislature. We also discussed about the Lok Sabha and Rajya Sabha. In this unit we will discuss about the state legislature. We will learn about the governors and the council of minister – chief minister.

Indian Constitution Notes 138 8.1 STATE GOVERNMENT State governments in India are the governments ruling States of India, and the head of the council of ministers in a state is chief minister. Power is divided between central government and state governments. While central government handles military, external affairs etc., the state government deals with internal security (through state police), and other state issues. Income for central govt. is through customs duty, excise tax, income tax etc., while state government income comes from sales tax (VAT), stamp duty etc. 8.1.1 State Legislature

The Indian parliament being the federal we have the two-tier system and so the state executive is based on the similar pattern as that of

the Union Executive. The State Executive constitutes of the Governor, Chief Minister, and the ministers.

Every State has a Legislature. Some States have two Houses of legislature - Legislative Council (Vidhan Parishad) and Legislative Assembly (Vidhan Sabha). Other States have only one House i.e. Legislative Assembly. Legislative Council The Parliament may, by law, create or abolish a

Legislative Council

in a State

**78%****MATCHING BLOCK 337/445****SA** 159E1210\_Indian Constitution.pdf (D165648310)

if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total number of members of the Assembly and by a majority of not less than two-thirds of the members present and voting.



At present, five States (viz. Bihar, Jammu and Kashmir, Karnataka, Maharashtra and Uttar Pradesh) have Legislative Councils. The Legislative Council is the Upper House of a State Legislature.

80%

**MATCHING BLOCK 336/445**

W

The total number of members in the Legislative Council of a State does not exceed one- third of the total number of members in the Legislative Assembly of that State. However, the total number of members in the Legislative Council of a State should, in no case, be less than forty. Until Parliament, by law, provides otherwise, one-third of the

total number

54%

**MATCHING BLOCK 338/445**

SA CC-PS-02.pdf (D149043601)

of members of the Council are elected by electorates consisting of members of Municipalities, District Boards and other local authorities in the State; one- third are elected by members of the Legislative Assembly of the State; one- twelfth are elected by

graduates of three years standing; one-twelfth are elected by teachers

who have taught in secondary schools and above for at least three years and one-sixth

67%

**MATCHING BLOCK 339/445**

SA Political Process & Politics in India (EM).pdf (D139291481)

are nominated by the Governor from amongst those persons who have special knowledge or practical experience in such matters as literature, science, art, cooperative movement and social service.

All these elections are

100%

**MATCHING BLOCK 340/445**

SA Political Process & Politics in India (EM).pdf (D139291481)

held in accordance with the system of proportional representation by means of single transferable vote.

Unit 8 – State Government Notes 139

64%

**MATCHING BLOCK 341/445**

SA Indian Constitution (OEL) EM.docx (D159148560)

In order to become a member of the Legislative Council, a person should be a citizen of India, should not be less than 30 years of age and possess such other qualifications as may be prescribed, by law, by the Parliament. He, however, should not be of unsound mind, an insolvent and should not hold any office of profit (

excepting that of a minister) under the Government of India or that of a State. The tenure of every member of the Council is six years but every second year one-third of its members retire and new members are elected.

86%

**MATCHING BLOCK 343/445**

SA Political Process & Politics in India (EM).pdf (D139291481)

Ten or one-tenth of the total number of members, whichever is greater, forms the

quorum of any meeting of the House.

The Legislative Council

chooses two of its members as

Chairman and Deputy Chairman respectively. A member holding office as Chairman

or

72%

**MATCHING BLOCK 342/445**

W

Deputy Chairman vacates his office if he ceases to be a member of the Council. He may resign his office or may be removed from his office by a resolution of the Council passed by a majority of members of the Council. But, before moving such a resolution,

fourteen days' notice must be given.

71%

**MATCHING BLOCK 346/445**

SA FINAL.pdf (D141953180)

The Chairman and the Deputy Chairman are paid such salaries and allowances as are fixed by

the Legislature.  
Legislative Assembly

86%

**MATCHING BLOCK 344/445**

W

The Legislative Assembly of each State consists of not more than five hundred and not less than sixty members elected by direct election from territorial constituencies

of  
the State.  
For this purpose,

91%

**MATCHING BLOCK 345/445**

W

each State is divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is almost the same throughout the State. The Constitution,

however,

95%

**MATCHING BLOCK 347/445**

SA CC-PS-02.pdf (D149043601)

provides for reservation of seats for the Scheduled Castes and Scheduled Tribes

90%

**MATCHING BLOCK 348/445**

SA Indian Constitution (OEL) EM.docx (D159148560)

in the Legislative Assembly of each State in proportion to their population. If the Governor

of a State feels, after a general election for the Legislative Assembly, that the Anglo-Indian Community is not adequately represented therein, he may nominate one member of that community to the Assembly. The members of Legislative Assembly are elected

90%

**MATCHING BLOCK 350/445**

SA Indian Constitution (OEL) EM.docx (D159148560)

on the basis of universal adult franchise. A voter should be a citizen of India, should have attained eighteen years of age and his name should be in the voters list.

To get oneself elected to the Legislative Assembly one needs to be a citizen of India must be

81%

**MATCHING BLOCK 349/445**

W

not less than twenty-five years of age and must possess such other qualifications as may be prescribed by or under any law made by

the

Parliament.

95%

**MATCHING BLOCK 351/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

A person can be disqualified from the membership of Legislative Assembly if he holds an office of profit under the Government of India or of a State or is of unsound mind or is an insolvent.

Indian Constitution Notes 140 The tenure of Legislative Assembly is five years but the Governor is empowered to dissolve it earlier also.

95%

**MATCHING BLOCK 353/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

The House elects its own presiding officer, called Speaker, who conducts its business. During the absence of Speaker from any sitting of the Assembly, the Deputy Speaker, who is also elected by the House, acts as Speaker.

The Speaker presides over the meetings of Legislative Assembly and conducts all its proceedings except when the resolution for his removal is under consideration. He determines the order of business and prescribes the time limit for the speeches. He maintains order and discipline in the House and prevents the use of un-parliamentary language in the House. If a member disregards or flouts his ruling, he can name the member for suspension or ask him to leave the House or order his physical removal by the Marshal of the House. Similarly, if the House becomes unruly, he can suspend the business of the House. Whenever, there is a division in the House on any issue, he counts the votes and declares the result. Ordinarily, he does not vote but when the House is divided equally on any issue, he exercises casting vote. He decides whether an adjournment motion moved by a member is admissible or not.

100%

**MATCHING BLOCK 352/445**

**W**

He decides whether a Bill is a Money Bill or not.

100%

**MATCHING BLOCK 357/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

One-tenth of the total number of members forms the quorum of any meeting of the House.

State governments' legislatures are bicameral in seven states and unicameral in the rest. All the members of lower house are elected for a five- year term, and one-third of the members of the upper house, in bicameral states, are elected every two years for a six-year term. 8.1.2

77%

**MATCHING BLOCK 354/445**

**W**

Powers and Functions of Legislature The powers and functions of the Legislature can be studied under the following heads.

Legislation The primary function of Legislature is legislation. It has an

46%

**MATCHING BLOCK 355/445**

**W**

exclusive power to legislate on the subjects mentioned in the State List. It shares the power of legislation on subjects in the Concurrent List with

Parliament. In case of a conflict between the law passed by the Parliament and that of a State Legislature, the law of the Parliament prevails to the extent of inconsistency. The Procedure Adopted for Money Bills The State Legislature exercises full control over the finances of the State Government. In the beginning of every financial year an Annual Financial Statement or the Budget, showing the receipts and expenditure, is laid down before the State Legislature.

83%

**MATCHING BLOCK 356/445**

**W**

The Budget shows separately the expenditure charged on the Consolidated Fund of

the State,

which can be discussed but not voted upon and the amount required meeting other expenditure proposed to be Unit 8 – State Government Notes 141 made from the Consolidated Fund of the State which are discussed and voted upon by the Legislature. Control over the Executive

92%

**MATCHING BLOCK 358/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

The Council of Ministers is collectively responsible to the Legislative Assembly. The Legislative Assembly is empowered to pass a vote of

censure against the

88%

**MATCHING BLOCK 359/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

Ministry. Whenever such a motion is passed the Ministry has to resign. Both

the Houses exercise control over the Executive through asking questions, supplementary questions, discussing matters of urgent public importance,

88%

**MATCHING BLOCK 361/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

moving call-attention notices and adjournment motions, and also by appointing various committees

such as Public Accounts Committee, Estimates Committee, Committee on Privileges, the Committee on Subordinate Legislation etc. All these activities keep the executive alert. Constitutional Amendments A Constitutional Amendment Bill proposing changes in the federal character of the Constitution requires the approval of half the State Legislatures if the same has been passed by both

the Houses of the Parliament. Electoral Powers The elected members of the State Legislative Assemblies along with the elected members of

two Houses of Parliament form the Electoral College that elects the President of India. The legislature of a State plays a very important role in the governance of the State. It not only legislates

76%

**MATCHING BLOCK 360/445**

**W**

on the subjects mentioned in the State list and Concurrent list but also

keeps control over the Council of Ministers.

71%

**MATCHING BLOCK 363/445**

**SA** Indian political system block 1.pdf (D165318270)

The Council of Ministers can remain in power so long as it commands the confidence of the Legislative Assembly of the

State. 8.1.3 Union State Relations Co- operative Federalism The Indian Constitution provides for a number of mechanisms to promote co- operative federalism. Article 263 empowers the President to establish Inter- State Council to promote better co- ordination between the Centre and States. Inter -State Council Inter -State Council was formally constituted in 1990. It is headed by the Prime Minister and includes six Cabinet ministers of the Union and Chief Ministers of all the states and union territories. Indian Constitution Notes 142 Zonal Councils Zonal Councils were set up under the State Re-organization Act, 1956, to ensure greater cooperation amongst states in the field of planning and other matters of national importance. The act divided the country into six zones and provided a Zonal Council in each zone. Each council consists of the Chief Minister and two other ministers of each of the states in the zone and the administrator in the case of the union territory. The Union Home Minister has been nominated to be the common chairman of all the Zonal Councils. Finance Commission One of the instruments which the Constitution has evolved for the purpose of distributing financial resources between the Centre and the states is the Finance Commission. The Finance Commission according to Article 280 of the Constitution is constituted by the President once every five year and is a high- power body.

84%

**MATCHING BLOCK 362/445**

**W**

The duty of the Commission is to make recommendations to the President as to: ? The distribution between the union and the states of the net proceeds of the taxes which are to be divided between them and the allocation between the states themselves of the respective share of such proceeds ? The principles which should govern the grants-in-aid of the revenues amongst the states out of the Consolidated Fund of India

Self-Assessment Question: State whether the following statements are true or false: 1. State governments in India are the governments ruling States of India, and the head of the council of ministers in a state is chief minister. Power is divided between central government and state governments. 2. Income for central govt. is through sales tax (VAT), stamp duty etc., while state government income comes from customs duty, excise tax, income tax etc. 3. The Parliament may, by law, create or abolish a Legislative Council in a State

78%

**MATCHING BLOCK 364/445**

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total number of members of the Assembly and by a majority of not less than two-thirds of the members present and voting. 4.

63%

**MATCHING BLOCK 365/445**

**SA** Indian Constitution (OEL) EM.docx (D159148560)

In order to become a member of the Legislative Council, a person should be a citizen of India, should not be less than 18 years of age and possess such other qualifications as may be prescribed, by

law, by the Parliament. 5. The tenure of every member of the Council is six years but every second year one-third of its members retire and new members are elected

Unit 8 – State Government Notes 143 8.2 GOVERNORS

The Governor is

the head

of the state executive. The executive power is vested in the

governor and all the

executive action of the state

has to be taken in the name of the governor.

Normally

there shall be

Governor for each State but

the

amendment of 1956 makes it possible to appoint

the same person as

the Governor for two or more States. 8.2.1

Appointment of Governor

The Governor is

not elected but

is appointed by the

President and holds its office at the pleasure of the President.

Any citizen

of India who has completed who has completed 35 years of his age is eligible for the office

of

the Governor but he must not hold any other office of profit, nor be a member of the Legislature of union or of any

State. There is no bar to the selection of a Governor from amongst

the

members of a Legislature but if a member of Legislature is appointed as Governor then he ceases to be member immediately

upon such appointment. The

normal terms of a Governor's office shall be 5 years, but it may be terminated earlier either by the

dismissal by

the President or resignation. 8.2.3

Powers of the Governor Unlike the President the Governor does not have diplomatic or military powers but he possesses

executive, Legislative

and

Judicial power. Executive Powers The Governor has a power to appoint his council of Ministers, Advocate- General and the member State Public Service Commission. The Ministers as well as the Advocate – General holds office during the pleasure of the Governor, however the members of State Public Service Commission cannot be removed by him, they can

be removed by the President on the report of the Supreme Court on reference made by the President and, in some cases on the happening of certain disqualifications.

Like the President even the Governor has the power to nominate the members of the Anglo Indian Community to the Legislative Assembly of his State.

Legislative Powers The Governor is the part of the State Legislature as the President is the part of the Parliament. He has a right of addressing and sending messages, and summoning, proroguing and dissolving the State Legislature just as the President has in case of Parliament. He also possess a similar power of causing to be laid before the State Legislature the annual financial statement and

of making demands for grants and recommending money bills.

Indian Constitution Notes 144

Judicial Powers

The Governor

has

the power

to grant pardons, reprieves, respites or remission of punishments

or to

suspend,

remit or commute

the sentence of any person

convicted of any

offence

against any law

relating to a matter to which executive power of the

State extends.

He is also

consulted by the President in the appointment of the

Chief Justice and the Judges of High Court of State.

Emergency Powers The Governor has no emergency powers

to meet the situation arising from external

aggression or armed rebellion like the President, However

he has the power to make a report to the President that

whenever he

is

satisfied

that

a situation has arisen in which Government of the

State cannot be carried on

in accordance with the provisions of

the constitution,

thereby inviting the

President to

assume to himself

the functions of the Government of the State or any

of

them.

The

Governor of  
a State

100%

**MATCHING BLOCK 366/445**

SA CC-PS-02.pdf (D149043601)

shall be appointed by the President by warrant under his hand and seal.

98%

**MATCHING BLOCK 367/445**

SA CC-PS-02.pdf (D149043601)

The Governor shall hold office during the pleasure of the President. The Governor may, by writing under his hand addressed to the President, resign his office.

Self-Assessment Question: Fill in the Blanks: 6. Zonal Councils were set up under the State \_\_\_\_\_ Act, \_\_\_\_\_, to ensure greater cooperation amongst states in the field of planning and other matters of national importance. 7. The Finance Commission according to Article \_\_\_\_\_ of the Constitution is constituted by the President once every five year and is a high- power body. 8. The \_\_\_\_\_ is the head of the state executive 9. The \_\_\_\_\_ is not elected but is appointed by the President and holds its office at the pleasure of the President. 10. The Governor has a power to appoint his council of Ministers, \_\_\_\_\_ and the member State Public Service Commission. 8.3 COUNCIL OF MINISTER - CHIEF MINISTER The Constitution of India has vested the executive powers of the State in the Governor of the State. But; he is actually a nominal head. While exercising his powers he is aided and advised by a Council of Ministers. The Governor first appoints the Chief Minister and then appoints other Ministers on his advice. The Governor appoints such a person as the Chief

Unit 8 – State Government Notes 145 Minister about whom he feels that he would be able to get support of the majority of members of the Legislative Assembly. If a party commands absolute majority in the Legislative Assembly and elects its own leader, the Governor has to appoint him the Chief Minister. If no party commands absolute majority but two or more than two parties combine together and form an alliance with a common programme and that alliance is able to command absolute majority in the Legislative Assembly, the leader of such an alliance is called upon by the Governor to assume the office of the Chief Minister. The Governor, then, asks the Chief Minister to give a list of persons whom he would like to appoint

50%

**MATCHING BLOCK 368/445**

SA 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

as members of the Council of Ministers. The Governor has to appoint such persons as Ministers, who have been so recommended by the Chief Minister. 8.3.1

Position of Chief Minister The Chief Minister occupies a unique position in the Council of Ministers. It is he who chooses other Ministers. Whenever there arises a conflict between a Minister and the Chief Minister, the Minister has to give way to the Chief Minister. The Chief Minister may ask any Minister to resign from his post. If he does not do so, he may be removed from

78%

**MATCHING BLOCK 369/445**

SA CC-PS-02.pdf (D149043601)

the Council of Ministers by the Governor on the advice of the Chief Minister. Chief Minister presides over the meetings of the Council of Ministers.

It is he who communicates the decision of the Council of Ministers



to the Governor. Whenever Governor wants to communicate to the Council of Ministers, he does so through the Chief Minister. Chief Minister is the chief spokesman of the government. It appears from the above that the Chief Minister is very powerful. But actually it is not so. While forming his Council of Ministers he has to take number of considerations such as representation of different sections of society, different geographical regions and different ideological groups in the party etc. As a result of these considerations the choice of the Chief Minister becomes very limited. By and large, it can be stated that about half the members of the Council of Ministers are there because the Chief Minister wants them, but about half the members are there because the Chief Minister has no other alternative. It is because of these things that the Chief Minister is called 'primus inter pares' which means that he is first amongst the equals. Serving since December 1994 (for 19 years, 287 days), Sikkim's Pawan Kumar Chamling has the longest incumbency. Parkash Singh Badal (b. 1927) of Punjab is the oldest chief minister, while Jharkhand's Hemant Soren (b. 1975) is the youngest.

Indian Constitution Notes 146 8.3.2

87%

**MATCHING BLOCK 373/445**

**SA** Political Process & Politics in India (EM).pdf (D139291481)

Collective Responsibility of the Council of Ministers The whole Council of Ministers

meets very rarely. It is the Cabinet that meets frequently. The Cabinet takes all the major policy decisions. But the whole Council of Ministers takes the responsibility for those decisions. It may be that an individual Minister may differ with a particular decision but he cannot make it public unless he first submits his resignation from

100%

**MATCHING BLOCK 370/445**

**W**

the Council of Ministers. The Council of Ministers is collectively responsible to the Legislative Assembly.

It implies that a censure motion against one Minister amounts to no confidence against the whole Ministry in which case all the members, including the Chief Minister, have to go out of office. The members of both the Houses of Legislature keep control over the Ministers through asking questions, supplementary questions and by moving adjournment motions, call-attention notices, and by appointing various committees such as Public Account Committee, Estimates Committee, Committee on Government Assurances, Committee on Public Undertakings, Committee on Privileges, and Committee on Subordinate Legislation etc. The Council of Ministers takes policy decisions on all matters of administration. It supervises the execution of all the policy decisions. It prepares Bills and pilots them in the Legislature so that they become laws.

83%

**MATCHING BLOCK 371/445**

**W**

It prepares the Budget and gets it passed by the Legislature. It

regulates income and expenditure of the State. In fact, it is the Council of Ministers that really governs the State. Self-Assessment Question: State whether the following statements are true or false: 11.

The Governor

has

the

power

to grant pardons, reprieves, respites or remission

of punishments

or to

suspend,

remit or commute

the sentence of any person

convicted of any

offence

against any law

relating to a matter to which executive power of the State extends. 12.

The

Governor has emergency powers to meet the situation arising from external aggression or armed rebellion like the President. 13.

The Governor appoints such a person as the Chief Minister about whom he feels that he would be able to get support of the

majority of members of the Legislative Assembly. 14. The Governor occupies a unique position in the Council of Ministers. 15. The

Council of Ministers takes policy decisions on all matters of administration.

Unit 8 – State Government Notes 147 SUMMARY ? State governments in India are the governments ruling States of India, and the head of the council of ministers in a state is chief minister. Power is divided between central government and state governments. ? While central government handles military, external affairs etc., the state government deals with internal security (through state police), and other state issues. Income for central govt. is through customs duty, excise tax, income tax etc., while state government income comes from sales tax (VAT), stamp duty etc. ?

The Indian parliament being the federal we have the two-tier system and so the state executive is based on the similar pattern as that of

the Union Executive. The State Executive constitutes of the Governor, Chief Minister, and the ministers. ?

Every State has a Legislature. Some States have two Houses of legislature -

100%

**MATCHING BLOCK 372/445**

W

Legislative Council (Vidhan Parishad) and Legislative Assembly (Vidhan Sabha). ? The

Parliament may, by law, create or abolish a  
Legislative Council  
in a State

78%

**MATCHING BLOCK 375/445**

SA

159E1210\_Indian Constitution.pdf (D165648310)

if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total number of members of the Assembly and by a majority of not less than two-thirds of the members present and voting. ?

The  
Legislative Council is the Upper House of a State Legislature. ?

95%

**MATCHING BLOCK 374/445**

W

The total number of members in the Legislative Council of a State does not exceed one-third of the total number of members in the Legislative Assembly of that State. ? The

66%

**MATCHING BLOCK 378/445**

SA

Political Process & Politics in India (EM).pdf (D139291481)

Legislative Assembly of each State consists of not more than five hundred and not less than sixty members elected by direct election from territorial constituencies

of the State. ? The primary function of Legislature is legislation. It has an  
exclusive power to legislate on the subjects mentioned

in  
the  
State List. ?

The  
Governor is

the head  
of the state  
executive. ? The

executive power is vested in the governor and all the  
executive action of the state

has to be taken in the name of the governor. ?

The Constitution of India has vested the executive powers of the State in the Governor of the  
State. But; he is actually a nominal head. While exercising his powers he is aided and advised by a Council of Ministers. ? The  
Governor first appoints the Chief Minister and then appoints other Ministers on his advice.

Indian Constitution Notes 148 ? The Governor appoints such a person as the Chief Minister about whom he feels that he would  
be able to get support of the majority of members of the Legislative Assembly. ? The Chief Minister occupies a unique position in  
the Council of Ministers. It is he who chooses other Ministers  
KEYWORDS Legislature: A legislature is a decision-making  
organization, usually associated with national government that has the power to enact, amend and repeal laws. Vidhan Sabha:

The Vidhan Sabha or the 'Legislative Assembly' is the lower house (in states with bicameral) or the sole house (in unicameral  
states) of the provincial (state) legislature in the different states of India. Vidhan Parishad: The

47%

**MATCHING BLOCK 376/445**

W

Vidhan Parishad or Legislative Council is the upper house in those states of India that have a bicameral legislature. Chief Minister: In the

Republic of India, a chief minister is the

95%

**MATCHING BLOCK 377/445**

W

head of government of each of twenty-nine states and union territories.

Governor:

The Governor is the head

of the state executive. The executive power is vested in the governor and all the executive action of the state has to be taken in the name of the governor.

Zonal Councils: Zonal Councils were set up under the State Re-organization Act, 1956, to ensure greater cooperation amongst states in the field of planning and other matters of national importance  
REVIEW QUESTIONS 1. Define the legislature. 2. Define state legislature of India. 3. Explain the state legislative assembly and state legislative council. 4. Describe the functions and powers of the legislature. 5. Explain the union state relations. 6. Who is Governor? What are the powers of the Governor? 7. Explain how a Governor can be appointed. 8. Describe the state council of ministers. 9. Who is a Chief Minister? Describe the position of a Chief Minister of a state. 10. Explain the collective responsibility of state council of ministers.

Unit 8 – State Government Notes 149 Answers: Self-Assessment 1. True 2. False 3. True 4. False 5. True 6. Re-organization; 1956 7. 280 8. Governor 9. Governor 10. Advocate-General 11. True 12. False 13. True 14. False 15. True

95%

**MATCHING BLOCK 383/445**

SA

CC-PS-02.pdf (D149043601)

FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

New Delhi

100%

**MATCHING BLOCK 379/445**

W

Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book

Company, New Delhi Hasan Zoya, Sridharan Eswaran & Sudarshan R., (2004), India's Living Constitution: Ideas, Practices, Controversies, Permanent Black, New Delhi

93%

**MATCHING BLOCK 380/445**

W

Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,

New Delhi Reddy G B & Suhaib Mohd. (2006), Constitution of India and Professional Ethics, I K International Publishing, New Delhi  
WEB LINKS <http://lawmin.nic.in/ncrwc/finalreport/v1ch8.htm>

Indian Constitution Notes 150 <http://legislativebodiesinindia.nic.in/> <http://www.gkshorttricks.com/vidhan-parishad-or-legislative-council-in-india/>

Unit 9 – Central – State Relations and State Legislature Notes 151  
UNIT 9 – CENTRAL – STATE RELATIONS AND STATE LEGISLATURE CONTENTS  
Learning Objectives  
Introduction  
9.1 Central – State Relations  
9.1.1 Legislative Doctrine  
9.1.2 Administrative and Financial Relations  
9.2 Adult Franchise and Election Commission  
9.2.1 Methods of Representation  
9.2.2 Simple Majority System  
9.2.3 Election Commission of India  
9.2.4 Compositions, Tenure and Removal  
9.3 Legislature Council  
9.3.1 Compositions & Qualification of Members  
9.4 Legislative Assembly  
9.4.1 Compositions and Procedures  
Summary  
Keywords  
Review Questions  
Further Readings  
LEARNING OBJECTIVES  
After studying this lesson, you should be able to:  
? Understand the concepts of central – state relations  
? Explain the concepts of adult franchise and election commission  
? Understand the concepts of legislative council  
? Explain the concepts of legislative assembly

Indian Constitution Notes 152 INTRODUCTION In the previous unit, we have discussed about the state government. We also discussed about the Governor and Chief Minister of state. We learnt about the powers and responsibilities of the Governor and the state council of ministers. In this unit we will discuss about the central – state relations. We will learn about the adult franchise and the election commission of India. We will also discuss about the legislative council and the legislative assembly. 9.1 CENTRAL – STATE RELATIONS In a federal constitution, Center-State relationship is a matter of crucial importance. While other federal constitutions have only skeletal provisions on this matter the Indian Constitution has detailed norms. The Constitution of India is federal in form but is more unitary in character. Strengthening the federal system is necessary for meeting the aspirations of the people who are governed through State Governments and for preserving the unity of India. Therefore, Centre-State relations, i.e.

61%

**MATCHING BLOCK 381/445**

W

the arrangements between the Union Government and the States in regard to their powers, functions and responsibilities,

have always been a crucial issue. The basic structure remains to be one where legislative, administrative and financial powers are disproportionately concentrated in the Union Government with the States having a large number of responsibilities without sufficient autonomy. Along with significant socio-economic and political changes occurring in the post – independence period, Centre-State relations have also undergone some changes. The period since 1991, which witnessed a paradigm shift in the economic strategy from planned development to a market-oriented one, has also thrown up new issues and challenges for the federal set-up. These have an important bearing on the functioning of our democracy as well as the well being of our people. The need for a thorough restructuring of Centre-State relations, in order to correct existing imbalances and strengthen the federal system by empowering the States with genuine autonomy, is therefore being felt strongly. This note is being put forward to initiate a discussion among political parties and organizations that are genuinely committed to federalism and enable the emergence of a common platform to bring about a restructuring of Centre-State relations.

Unit 9 – Central – State Relations and State Legislature Notes 153 The Sarkaria Commission feels that there is no dichotomy between a strong Union and strong States. Both are needed. The relationship between the Union and the States is a relationship between the whole body and its parts. For the body being healthy it is necessary that its parts are strong. It is felt that the real source of many of our problems is the tendency of centralization of powers and misuse of authority. 9.1.1 Legislative Doctrine

95%

**MATCHING BLOCK 382/445**

W

The Constitution divides legislative authority between the Union and the States in three lists- the Union List, the State List and the Concurrent List. The Union list consists of 99 items. The Union Parliament has exclusive authority to frame laws on subjects enumerated in the list. These include foreign affairs, defense, armed forces, communications, posts and telegraph, foreign trade etc. The State list consists of 61 subjects on which ordinarily the States alone can make laws. These include public order, police, administration of justice, prison, local governments, agriculture etc. The Concurrent list comprises of 52 items including criminal and civil procedure, marriage and divorce, economic and special planning trade unions, electricity, newspapers, books, education, population control and family planning etc. Both the Parliament and the State legislatures can make laws on subjects given in the Concurrent list, but the Centre has a prior and supreme claim to legislate on current subjects. In case of conflict between the law of the State and Union law on a subject in the Concurrent list, the law of the Parliament prevails. Residuary powers

rest with the Union government.

70%

**MATCHING BLOCK 384/445**

SA

14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

Parliament can also legislate on subjects in the State list if the Rajya Sabha passes a resolution by two-third majority that it is necessary

to do so in

the national interest. During times of emergency, Parliament can make laws on subjects in the State List. Under Article 356 relating to the failure of constitutional machinery in the state, Parliament can take over the legislative authority of the state. Likewise, for the implementation of international treaties or agreements, Parliament can legislate on state subjects. Finally, Parliament can make laws on subjects in the State list if two or more states make a joint request to it to do so. Thus, the Centre enjoys more extensive powers than

the states. The Constitution adopts a three-fold distribution of legislative powers by placing them in any one of the three lists, namely I (Union List), II (State List) and III (Concurrent List). Articles 245 and 246 demarcate the legislative domain, subject to the controlling principle of the supremacy of the Union which is the basis of the entire system.

Indian Constitution Notes 154 9.1.2 Administrative and Financial Relations Administrative Relations The Indian Constitution is based on the principle that the executive power is co-extensive with legislative power, which means that the Union executive or the state executive can deal with all matters on which Parliament/state legislature can legislate. The executive power over subjects in the Concurrent list is also exercised by the states unless the Union government decides to do so. The Centre can issue directives to the state to ensure compliance with the laws made by Parliament for

81%

**MATCHING BLOCK 386/445**

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

construction and maintenance of the means of communications declared to be of national or military importance,

on

48%

**MATCHING BLOCK 385/445**

**W**

the measures to be adopted for protection of the railways, for the welfare of the scheduled tribes and for providing facilities for instruction in mother tongue at primary stage

to linguistic minorities. The Centre acquires control over states through All India Services, grants-in-aid and the fact that the Parliament can alone adjudicate in inter-state river disputes. During a proclamation of national emergency as well as emergency due to the failure of constitutional machinery in a state the Union government assumes all the executive powers of the state. Financial Relations Both the Union government and the states have been provided with independent sources of revenue by the Constitution. Parliament can

45%

**MATCHING BLOCK 389/445**

**SA** CC-PS-02.pdf (D149043601)

levy taxes on the subjects included in the Union list. The states can levy taxes on the subjects in the state list. Ordinarily, there are no taxes on the subjects in the Concurrent List. In the

financial sphere also the States are greatly dependent on the Centre for finances. The Centre can exercise control over state finances through the Comptroller and Auditor General of India and grants. But during financial emergency the President has the power to suspend the provision regarding division of taxes between the centre and the states. The Finance Commission is only one stream of transfer of resources from the Union to the States. The Planning Commission advises the Union Government regarding the desirable transfer of resources to the States over and above those recommended by the Finance Commission.

Bulk of the transfer of revenue and capital resources from the Union to the States is determined largely on the advice of these two Commissions. Mostly, such transfers are formula-based. Then there are some discretionary transfers as well to meet the exigencies of specific situations in individual States.

Unit 9 – Central – State Relations and State Legislature Notes 155 Self-Assessment Question: State whether the following statements are true or false: 1. In a federal constitution, Center-State relationship is a matter of crucial importance. 2. Strengthening the federal system is necessary for meeting the aspirations of the people who are governed through State Governments and for preserving the unity of India. 3. Centre-State relations, i.e.

61%

**MATCHING BLOCK 387/445**

**W**

the arrangements between the Union Government and the States in regard to their powers, functions and responsibilities,

have always been a crucial issue. 4. The need for a thorough restructuring of Centre-State relations, in order to correct existing imbalances and strengthen the federal system by empowering the States with genuine autonomy, is therefore being felt strongly. 5.

94%

**MATCHING BLOCK 388/445**

**W**

The State list consists of 16 subjects on which ordinarily the States alone can make laws. These include public order, police, administration of justice, prison, local governments, agriculture etc. 9.2

**ADULT FRANCHISE AND ELECTION COMMISSION** Adult franchise means that the right to vote should be given to all adult citizens without the discrimination of caste, class, colour, religion or sex. It is based on equality which is a basic principle of democracy. It demands that the right to vote should be equally available among all. To deny any class of persons from exercising this right is to violate their right to equality. In fact, the spirit of democracy can be maintained only if the people are given the right to vote without any discrimination. The exercise of right to vote adds to the individual's self-respect, dignity, sense of responsibility, and political and civic education. In other words, the system of adult franchise is the bedrock of a democratic system. People are called political sovereign because they possess the right to vote a government into power, or to vote a government out of power. That is why democracy has sometimes been described as a mode of appointing, controlling and dismissing governments by the people. As provided for, in the Constitution of the land, the citizens cast their votes at regular intervals to elect their representatives to the Parliament, to the Legislative Assemblies, and such other institutions as are essential organs of political power in a democracy. These institutions are called representative institutions precisely because they represent the will of the peoples. Universal Adult Franchise: It's Evolution Historically, adult franchise has been slow in making itself a universal law. In fact one of the major demands in the long-drawn struggle for democracy in the world has been the acceptance of the principle of universal adult franchise, as

Indian Constitution Notes 156 the basis of ascertaining the wishes of people. Until the second decade of the twentieth century, not all the countries were practising universal adult franchise. Many democratic systems had restricted to male franchise only, based on property, education and other qualifications. It is interesting to note that most of the western countries, which are known for their long experience of some sort of representative system of governance, introduced adult franchise only in the wake of the First World War (1914 – 18), a war which was proclaimed to be fought by the Allied Powers (Great Britain, France and United States and the allies) to make the 'world safe for democracy'. But while the 'defeated' Germany incorporated the People standing in queue for casting their vote principle of universal adult franchise in 1919, it took nine more years for Great Britain to extend franchise to women in 1928. In 1918, Britain had granted franchise to limited number of women. It was decided that while all adult men, 21 years of age and above would have the right to vote, women only above the age of 30 years could possess the right to vote. This discrimination was removed only in 1928. France, the land that gave the popular slogans of Liberty, Equality and Fraternity, could introduce the right of universal adult franchise to its people only after the end of the Second World War i.e. 1945. Equally strange is the fact that Switzerland, the home of direct democracy denied the right to vote to women until 1973. India adopted the principle of universal adult franchise when the present Constitution was enacted in 1949 which as you know was implemented on January 26, 1950.

95%

**MATCHING BLOCK 391/445**

SA

Political Process & Politics in India (EM).pdf (D139291481)

The 61 st Amendment Act of 1989 lowered the voting age from 21 to 18 years.

There are certain qualifications prescribed for a voter in India. As you have already read, a voter: ?

88%

**MATCHING BLOCK 390/445**

W

Must be a citizen of India, ? Must have attained 18 years of age, ? Must

not be

of unsound mind, ? Must not have been declared bankrupt by a competent court The voting age varies from country to country. In Denmark and Japan, a person, man or woman, is entitled to vote after attaining the age of 25 years. In Norway, the age limit is 23, in Great Britain, the United States, Russia and Turkey it is 18. In Switzerland, it is 20 years. In our country, now the minimum age for exercising franchise is 18 years. 9.2.1 Methods of Representation Universal adult franchise enables all citizens to be involved in the governance of their state. They do so by electing their representatives who govern to serve and protect the interests of the people. There are two main methods of electing representatives. These are known as Territorial and Functional representation.

Unit 9 – Central – State Relations and State Legislature Notes 157 Territorial Representation This is the most popular method of electing representatives in most of the democratic countries. In this system all eligible voters living in a specified area vote to elect their representative. The total electorate of the country, irrespective of their profession or group is divided into territorial constituencies, which elect one or more representatives. The entire population is divided into constituencies with more or less equal number of voters. Functional Representation Functional representation means that representatives are elected by various professional and functional groups like – industrial workers, trading functionaries, medical practitioners, lawyers, teachers, transporters, etc. According to this method separate constituencies are set up for people belonging to specific group. For example, there may be a constituency of teachers who elect their representative. The electorate is professionally or functionally categorised and each of professional categories is called upon to elect one or more representatives, irrespective of their place of residence in the country. Unlike the territorial representation the electorate is not divided on the basis of territorial constituencies but on the basis of their profession. It is a scheme of representation to various occupational groups.

9.2.2 Simple Majority System Simple majority system means that in case of a single-member constituency, the person or the candidate getting the highest number of votes is declared elected. The result is decided by the majority of votes secured by a candidate. Many a time in this system, there is a multi-cornered contest, as the number of candidates is more than two. There are cases where four or five or even more than five candidates contest. In such a situation, a candidate with even less than 50 percent of the total votes is elected. Such cases are very often found in India, and elsewhere. The system of simple majority system is prevalent in Britain, USA, Canada and some other countries. This simple majority system is also called the first past the post system. Members of our Lok Sabha and the State Assemblies are elected by this system.

Self-Assessment Question: Fill in the Blanks: 6. Adult franchise means that the right to vote should be given to all adult citizens without the \_\_\_\_\_ of caste, class, colour, religion or sex. 7. People are called political \_\_\_\_\_ because they possess the right to vote a government into power, or to vote a government out of power.

Indian Constitution Notes 158 8.

85%

**MATCHING BLOCK 392/445**

**SA** Political Process & Politics in India (EM).pdf (D139291481)

The 61 st Amendment Act of \_\_\_\_\_ lowered the voting age from 21 to 18 years 9.  
 \_\_\_\_\_Representation is

the most popular method of electing representatives in most of the democratic countries. 10. The \_\_\_\_\_ is professionally or functionally categorised and each of professional categories is called upon to elect one or more representatives, irrespective of their place of residence in the country 9.2.3 Election Commission of India

85%

**MATCHING BLOCK 393/445**

**SA** Political Process & Politics in India (EM).pdf (D139291481)

The architects of the Indian Constitution attached special significance to independent electoral machinery for the conduct of elections. The Constitution of India provides for an Election

26%

**MATCHING BLOCK 395/445**

**SA** Political Process & Politics in India (EM).pdf (D139291481)

Commission of India which is responsible for superintendence direction and control of all elections. It is responsible for conducting elections to both the Houses of Parliament and State Legislatures and for the offices of President and Vice-President.

Besides, it is also responsible for the preparation revision, updation and maintenance of lists of voters. It delimits constituencies for election to the Parliament and the State Legislatures, fixes the election programme and settles election disputes. It performs many other functions related to elections. 9.2.4 Compositions, Tenure and Removal Composition

The Election Commission consists

73%

**MATCHING BLOCK 394/445**

**W**

of the Chief Election Commissioner and such other Election Commissioners as may be decided by the President

from time to time. Ever since the first Chief Election Commissioner was appointed in 1950, there was no other Election Commissioner until 1989. The Chief Election Commissioner was assisted by a larger number of officials.



45%

**MATCHING BLOCK 396/445**

**SA** THESIS FINAL.pdf (D16635872)

The Election Commission became a multi-member body on 16 October 1989 when the President appointed two more Election Commissioners. The senior of the two Election

Commissioners is appointed as the Chief Election Commissioner. Tenure and Removal Chief Election Commissioner and other Election Commissioners are appointed

89%

**MATCHING BLOCK 403/445**

**SA** THESIS FINAL.pdf (D16635872)

for a term of six years, or until the age of 65 whichever is earlier.

It is important that Chief Election Commissioner and other Election Commissioners should be free from all political interferences. Therefore, even if they are appointed by the President, they cannot be removed by him. And no changes can be brought in the conditions of service and the tenure of office after their appointment.

100%

**MATCHING BLOCK 397/445**

**W**

The Chief Election Commissioner cannot be removed from office, except

on the grounds and in the manner on which the Supreme Court judges can be removed. However, since the other Election Commissioners and the Regional Election Commissioners work under the Chief Commissioner, they may be removed by the President on his recommendations.

Unit 9 – Central – State Relations and State Legislature Notes 159 9.3 LEGISLATURE COUNCIL

State Legislature:

Composition of State Legislature The composition of State Legislature is uniform, however the Constitution a distinction between small and bigger states. While the Legislature of every State shall include the Governor and in some of the States it shall consist of two Houses namely the Legislative Assembly and Legislative Council and while in the remaining there shall be

one House i.e. Legislative Assembly.

Legislative Council The size of the Legislative Council varies with the size of the Legislative Assembly.

The membership of the Legislative

Council is not more than 1/3 of the membership of the Legislative Assembly but not less than 40.

This provision

has been adopted so that the upper House may not get predominance in the Legislature. 9.3.1

Compositions & Qualification of Members & Functions Composition

The system of the

composition of the council as laid down in the Constitution is not final. The

final power of providing the composition of this chamber of the State Legislature is given to the Union Parliament. But until Legislates on the

matter the composition shall be as given in the Constitution. This is as follows. It will be a partly nominated and partly elected body, the election being the indirect one and in accordance with the principle of the proportional by the single transferable vote.

The members are drawn from various sources

and hence the council consists of variety of composition. Broadly 5/6 of the total number of member

of the council shall be directly elected and 1/6 will be nominated by the Governor. Where – ? 1/3

of the total number of members of the council shall be elected by electorate consisting of members of local bodies, such as Municipalities. ? 1/12

shall be elected by electorates consisting of graduates of 3 years standing residing in

that State. ? 1/12

shall be

elected by electorates consisting of persons engaged for at least three years in teaching in education institution within the State not lower in standard than

Secondary schools. ? 1/3 shall be elected by member of Legislative Assembly from amongst member who

is

member

of Assembly. ? The remainders

shall

be nominated by the Governor from persons having knowledge or practical experience in respect of such matters as Literature, Science, Art, Co-operative movement and Social Service.  
Indian Constitution Notes 160 Qualification of Members

96%

**MATCHING BLOCK 398/445**

W

A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he or she: - ? Is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule; ? Is, in the case of a seat in the Legislative Assembly, not less than twenty- five years of age and in the case of a seat in the Legislative Council, not less than thirty years of age; and ? Possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament. ?

84%

**MATCHING BLOCK 399/445**

W

He should not hold any office of profit under the Central or State Government. ? He should not

be mad or insane & should not have been disqualified to become a member of the Council. Functions ? Financial: In financial matters the Legislative Council does not enjoy much power. Money Bills cannot be introduced in this Chamber. The money Bill can only be introduced in the Legislative Assembly & after it is passed there, it is sent to the Legislative Council & the Council can delay

58%

**MATCHING BLOCK 400/445**

W

it at the most for 14 days. It may reject the Bill or may not take any action

over if for 14 days & in both these cases

61%

**MATCHING BLOCK 401/445**

W

the bill is considered as passed by both the Houses & is sent to the Governor for assent.

Budget is only introduced in the Legislative Assembly. ? Control over the executive: The Legislative Council does not exercise much control over the Executive. Some ministers are of course taken from the Council. Its members can question to the ministers & they are to give satisfactory answers to the questions. The Council can discuss & pass resolutions of the matter of public importance & relating to the administration of the state. The Council can criticize the functioning of the departments under the Ministers. More than this it does not have any control over the Council of Ministers. The Council of Ministers cannot be removed from office by the Legislative Council. 9.4

LEGISLATIVE ASSEMBLY Legislative Assembly of each State shall be composed of members chosen by direct election on the basis of

Adult suffrage

from territorial constituencies.

The number of members of the Assembly shall not be more than 500 or less than 60.

The Assembly in Mizoram and Goa shall have only 40 members each.

Unit 9 – Central – State Relations and State Legislature Notes 161

There shall be a

proportionately equal representation according to population in respect each territorial constituency within a State.

There shall be are adjustment by Parliament by law upon the completion of each census. The duration of the Legislative Assembly is 5 years but it may be dissolved before that by the Governor and the term of 5 years may be extended in case of a proclamation of emergency by the President. In such a case the Union Parliament shall have the power to extend the life of the Legislative Assembly up to a period not exceeding 6 months after the proclamation ceases to have effect, subject to the condition that such extension shall not exceed 1 year

at a time. The Legislative Council

is subject to dissolution but 1/3 of its members shall retire on the expiry of every second year.

It will thus be a permanent body like the Council of States, only a fraction of its membership will be change every third year. 9.4.1

Compositions and Procedures

**100%****MATCHING BLOCK 402/445****W**

Composition of the Legislative Assemblies ? Subject to the provisions of Article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State. ? For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

Legislative Assembly Procedures

The Legislative procedure in the State having two chambers is broadly similar to that in the Parliament.

Except for the following:- ? As Regards Money Bill: he position is the same. The Legislative Council shall have no power except to make recommendations to the Assembly for amendments or to with hold the bill for the

period of 14 days from the date of receipt of the bill.

In any case the will of the Assembly shall prevail, and the Assembly is not bound to accept

any such recommendations. ? As regards bill other than money bills, in this case too the only power of Council is to interpose some delay in the passage of the bill for a period of 3 months which is of course larger then as in case of money bills. Hence the Legislative Council shall not be revising but merely advisory and dilatory chamber. If it disagrees to the bill then the bill shall have second journey from the Assembly to the Council but ultimately the view of Assembly shall prevail and in the second journey the Council have no power to withhold the bill for more than a month.

Indian Constitution Notes 162 Self-Assessment Question: State whether the following statements are true or false: 11. The Constitution of India provides for an Election Commission of India which is responsible for superintendence direction and control of all elections. 12.

**42%****MATCHING BLOCK 404/445****SA** 159E1210\_Indian Constitution.pdf (D165648310)

The Election Commission consists of the Chief Election Commissioner and such other Election Commissioners as may be decided by the President from time to time. 13. Chief Election Commissioner and other Election Commissioners

are appointed

**89%****MATCHING BLOCK 407/445****SA** THESIS FINAL.pdf (D16635872)

for a term of six years, or until the age of 65 whichever is earlier. 14.

The membership of the

Legislative Council is not more than 1/3 of the membership of the Legislative Assembly but not less than 40. 15.

Legislative Assembly of each State shall be composed of members chosen by direct election on the basis of Adult suffrage from territorial constituencies.

Task Prepare a detailed list of legislative council and the legislative assembly of the states of India and their heads (the Governor and the Chief Minister). SUMMARY ? In a federal constitution, Center-State relationship is a matter of crucial importance. While other federal constitutions have only skeletal provisions on this matter the Indian Constitution has detailed norms. ? Strengthening the federal system is necessary for meeting the aspirations of the people who are governed through State Governments and for preserving the unity of India. ? Therefore, Centre-State relations, i.e.

**61%****MATCHING BLOCK 405/445****W**

the arrangements between the Union Government and the States in regard to their powers, functions and responsibilities,

have always been a crucial issue. ? The period since 1991, which witnessed a paradigm shift in the economic strategy from planned development to a market-oriented one, has also thrown up new issues and challenges for the federal set-up. ? The need for a thorough restructuring of Centre-State relations, in order to correct existing imbalances and strengthen the federal system by empowering the States with genuine autonomy, is therefore being felt strongly.

100%

**MATCHING BLOCK 406/445**

**W**

The Constitution divides legislative authority between the Union and the States in three lists- the Union List, the State List and the Concurrent List. ? The

Indian Constitution is based on the principle that the executive power is co-extensive with legislative power, which means that the Union executive or the state executive can deal with all matters on which Parliament/state legislature can legislate. ? The exercise of right to vote adds to the individual's self-respect, dignity, sense of responsibility, and political and civic education. In other words, the system of adult franchise is the bedrock of a democratic system. ?

85%

**MATCHING BLOCK 409/445**

**SA**

Political Process & Politics in India (EM).pdf (D139291481)

The architects of the Indian Constitution attached special significance to independent electoral machinery for the conduct of

elections. The Constitution of India provides for an Election Commission of India which is responsible for superintendence direction and control of all elections. ?

The

Election Commission consists

73%

**MATCHING BLOCK 408/445**

**W**

of the Chief Election Commissioner and such other Election Commissioners as may be decided by the President

from time to time. ?

The size of the Legislative Council varies with the size of the Legislative Assembly.

The membership of the Legislative

Council is not more than 1/3 of the membership of the Legislative Assembly but not less than 40. ?

Legislative Assembly of each State shall be composed of members chosen by direct election on the basis of

Adult suffrage

from territorial constituencies. The number of members of the Assembly shall not be more than 500 or less than 60.

**KEYWORDS** Adult Franchise: Adult franchise means that the right to vote should be given to all adult citizens without the

discrimination of caste, class, colour, religion or sex. It is based on equality which is a basic principle of democracy. Territorial

Representation: This is the most popular method of electing representatives in most of the democratic countries. In this system all

eligible voters living in a specified area vote to elect their representative. Functional Representation: Functional representation

means that representatives are elected by various professional and functional groups like – industrial workers, trading

functionaries, medical practitioners, lawyers, teachers, transporters, etc. According to this method separate constituencies are set

up for people belonging to specific group. Simple Majority System: Simple majority system means that in case of a single-member

constituency, the person or the candidate getting the highest number of votes is declared elected. The result is decided by the

majority of votes secured by a candidate.

Indian Constitution Notes 164 Constituency: A body of voters who elect a representative is known as constituency. Single

Member Constituency: When only one member is elected from a constituency, it is known as single member constituency.

**REVIEW QUESTIONS** 1. Describe the central – state relations. 2. Explain the legislative doctrine of central – state relations. 3.

Describe the administrative and financial relations of central – state relations. 4. What is adult franchise? Describe the evolution of

universal adult franchise. 5. What are the various methods of representation? 6. Explain the simple majority system. 7. Describe the

Election Commission of India. 8. Explain the composition, tenure and removal of the Election Commission members. 9. Describe

the Legislative Council and the legislative Assembly. 10. Explain the compositions & qualification of members and functions of the

legislative Council and the Legislative Assembly. **Answers:** Self-Assessment 1. True 2. True 3. True 4. True 5. False 6. Discrimination

7. Sovereign 8. 1989 9. Territorial 10. Electorate 11. True 12. True 13. True

Unit 9 – Central – State Relations and State Legislature Notes 165 14. True 15. True

95%

**MATCHING BLOCK 415/445**

**SA** CC-PS-02.pdf (D149043601)

FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

New Delhi

100%

**MATCHING BLOCK 410/445**

**W**

Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book

Company, New Delhi Hasan Zoya, Sridharan Eswaran & Sudarshan R., (2004), India's Living Constitution: Ideas, Practices, Controversies, Permanent Black, New Delhi

93%

**MATCHING BLOCK 411/445**

**W**

Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,

New Delhi Reddy G B & Suhaib Mohd. (2006), Constitution of India and Professional Ethics, I K International Publishing, New Delhi

WEB LINKS <http://lawmin.nic.in/ncrwc/finalreport/v1ch8.htm>

[http://persmin.gov.in/otraining/UNDPProject/undp\\_modules/Administrative% 20Law%20N%20DLM.pdf](http://persmin.gov.in/otraining/UNDPProject/undp_modules/Administrative%20Law%20N%20DLM.pdf)

[http://www.forumfed.org/en/products/magazine/vol7\\_num1/india\\_restructurin g.php](http://www.forumfed.org/en/products/magazine/vol7_num1/india_restructurin g.php)

Indian Constitution Notes 166 UNIT 10 – JUDICIARY CONTENTS Learning Objectives Introduction 10.1 Judiciary 10.1.1

Independence of Judiciary 10.1.2 Enforcing Rights through Writs 10.2 The Supreme Court 10.2.1 Constitution of the Supreme

Court 10.2.2 Appointment, Qualifications and Tenure of Judges 10.2.3 Impeachment of Judges 10.2.4 Types of Jurisdiction 10.3

The High Court 10.3.1 Constitution of High Court 10.3.2 Appointment and Qualification of Judges of High Court 10.3.3

Jurisdiction of High Court 10.4 Subordinate Courts or District Court 10.4.1 Qualification and Appointment of Judges 10.4.2 Civil

Courts 10.4.3 Criminal Courts 10.4.4 Revenue Courts 10.5 Administrative Tribunals and Lok Adalats 10.5.1 Administrative Tribunal

10.5.2 Lok Adalats Summary Keywords Review Questions Further Readings

Unit 10 – Judiciary Notes 167 LEARNING OBJECTIVES After studying this lesson, you should be able to: ? Understand the

concepts of judiciary ? Explain the concepts of supreme court ? Understand the concepts of high court ? Describe the

subordinate court ? Discuss administrative tribunals and lok adalats INTRODUCTION In the previous unit, we have discussed about the central – state relations. We also discussed about the adult franchise and the election commission of India. We learnt about the legislative council and the legislative assembly and their procedures. In this unit we will discuss about the judiciary. We

will learn about the Supreme Court, high court, administrative tribunal and the lok adalats. 10.1

JUDICIARY Unlike the other two organs of the

State there is no federal distribution of judicial powers. Under the Indian

Constitution there is one single integrated system

of courts for the Union as well as the States which administers both union

and State laws.

The Supreme Court of India

stands at the head of the entire judicial system.

The judiciary' (also known as the judicial system or 'court system) is the system of courts that interprets and applies the law in the name of the state. The judiciary also provides a mechanism for the resolution of disputes. Under the doctrine of the separation of powers, the judiciary generally does not make law (that is, in a plenary fashion, which is the responsibility of the legislature) or

enforce law (which is the responsibility of the executive), but rather interprets law and applies it to the facts of each case. This branch of the state is often tasked with ensuring equal justice under law. It usually consists of a court of final appeal (called the

"Supreme court" or "Constitutional court"), together with lower courts. In civil law jurisdictions, courts interpret the law, but are prohibited from creating law, and thus do not issue rulings more general than the actual case to be judged.

Indian Constitution Notes 168 10.1.1 Independence of Judiciary

90%

**MATCHING BLOCK 412/445**

**W**

Most constitutional theories require that the judiciary is separate from and independent of the government, in order to ensure the rule of law - that is, to ensure that the law is enforced impartially and consistently no matter who is in power, and without undue influence from any other source. ? The independence of the

judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary. ? The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason. ? The judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law. ? There shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law. ? Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals. ? The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected. ? It is the duty of each Member State to provide adequate resources to enable the judiciary to properly perform its functions. ? In accordance with the Universal Declaration of Human Rights, members of the judiciary are like other citizens entitled to freedom of expression, belief, association and assembly; provided, however, that in exercising such rights, judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary. ? Judges shall be free to form and join associations of judges or other organizations to represent their interests, to promote their professional training and to protect their judicial independence. ? Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. Any method of

Unit 10 – Judiciary Notes 169 judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges, there shall be no discrimination against a person on the grounds of race, colour, sex, religion, political or other opinion, national or social origin, property, birth or status, except that a requirement, that a candidate for judicial office must be a national of the country concerned, shall not be considered discriminatory. ? The term of office of judges, their independence, security, adequate remuneration, and conditions of service, pensions and the age of retirement shall be adequately secured by law. ? Judges, whether appointed or elected, shall have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists. ? Promotion of judges, wherever such a system exists, should be based on objective factors, in particular ability, integrity and experience. ? The assignment of cases to judges within the court to which they belong is an internal matter of judicial administration. ? The judiciary shall be bound by professional secrecy with regard to their deliberations and to confidential information acquired in the course of their duties other than in public proceedings, and shall not be compelled to testify on such matters. ? Without prejudice to any disciplinary procedure or to any right of appeal or to compensation from the State, in accordance with national law, judges should enjoy personal immunity from civil suits for monetary damages for improper acts or omissions in the exercise of their judicial functions. ? A charge or complaint made against a judge in his/her judicial and professional capacity shall be processed expeditiously and fairly under an appropriate procedure. The judge shall have the right to a fair hearing. The examination of the matter at its initial stage shall be kept confidential, unless otherwise requested by the judge. ? Judges shall be subject to suspension or removal only for reasons of incapacity or behaviour that renders them unfit to discharge their duties. ? All disciplinary, suspension or removal proceedings shall be determined in accordance with established standards of judicial conduct. ? Decisions in disciplinary, suspension or removal proceedings should be subject to an independent review. This principle may not apply to the decisions of the highest court and those of the legislature in impeachment or similar proceedings.

Indian Constitution Notes 170 10.1.2 Enforcing Rights through Writs In common law, a

100%

**MATCHING BLOCK 413/445**

**W**

writ is a formal written order issued by a body with

administrative or judicial jurisdiction; in modern usage, this body is generally a court. Warrants, prerogative writs and subpoenas are common types of writs but there are many others. In some Westminster systems, for example Canada, and some other parliamentary systems, the phrase 'dropping the writ' refers to the dissolution of parliament and the beginning of an election campaign to form a new one. This phrase derives from the fact that to hold an election in such a system a writ of election must be issued. The Indian Constitution empowers

71%

**MATCHING BLOCK 414/445**

**W**

the Supreme Court to issue writs for enforcement of any of the fundamental rights

conferred by Part III

of Indian Constitution under Article 32. Thus the power to issue writs is primarily a provision made to make available the Right to Constitutional Remedies to every citizen. The Right to Constitutional Remedies, as we know, is a guarantor of all other fundamental rights available to the people of India. In addition to the above, the Constitution also provides for

82%

**MATCHING BLOCK 416/445**

W

the Parliament to confer on the Supreme Court power to issue writs, for purposes

other than those mentioned above. Similarly High Courts in India are also empowered to issue writs

100%

**MATCHING BLOCK 417/445**

W

for the enforcement of any of the rights conferred by Part III and for any other purpose. "

71%

**MATCHING BLOCK 418/445**

SA constitutional law 1 project.docx (D50370537)

Habeas Corpus" is a Latin term which literally means you may have the body. The writ

is issued to produce a person who has been detained, whether in prison or in private custody, before a court and to release him if such detention is found illegal. Enforcement Proceedings Whether or not a writ of habeas corpus may be used to establish custody, it may be used to enforce custody orders or to challenge an existing custody order. Where a state agency has taken custody of a child, usually under a child- in-need-of- assistance proceeding, a parent or other interested person may file for a writ of habeas corpus to contest the right of the agency to keep the child. In circumstances where one parent obtains a custody order in one state, and the other parent obtains a custody order in a different state, a petition for a writ of habeas corpus is sometimes used to challenge the jurisdiction of the second state to grant an award of custody. Where parents cannot care for a child, Unit 10 – Judiciary Notes 171 relatives who compete for custody may also use a writ of habeas corpus to challenge custody.

70%

**MATCHING BLOCK 419/445**

SA Indian political system block 1.pdf (D165318270)

The writ of prohibition is issued by a higher court to a lower court prohibiting it from

taking up a case because it falls outside the jurisdiction of the lower court. Thus, the higher court transfers the case to itself. The writ of habeas corpus is issued to a detaining authority, ordering the detainer to produce the detained person in the issuing court, along with the cause of his or her detention. If the detention is found to be illegal, the court issues an order to set the person free. The writ of certiorari is issued to a lower court directing that the record of a case be sent up for review, together with all supporting files, evidence and documents, usually with the intention of overruling the judgement of the lower court. It is one of the mechanisms by which the fundamental rights of the citizens are upheld. The writ of mandamus is issued to a subordinate court, an officer of government, or a corporation or other institution commanding the performance of certain acts or duties.

100%

**MATCHING BLOCK 420/445**

SA constitutional law 1 project.docx (D50370537)

The writ of quo warranto is issued against a person

who claims or usurps a public office. Through a writ the court inquires 'by what authority' the person supports his or her claim. Self-Assessment Question: State whether the following statements are true or false: 1. The judiciary' (also known as the judicial system or 'court system) is the system of courts that interprets and applies the law in the name of the state. 2. In civil law jurisdictions, courts interpret the law, but are allowed to creating law, and thus do issue rulings more general than the actual case to be judged. 3. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. 4. Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. 5. A charge or complaint made against a judge in his/her judicial and professional capacity shall be processed expeditiously and fairly under an appropriate procedure. 10.2 THE SUPREME COURT The Supreme Court of India which is also called as the guardian of the constitution. Since the language of the constitution is not free from ambiguities and its meaning is likely to be interpreted differently by different authorities. Indian Constitution Notes 172 Hence there might be a controversy in this regard. In order to resolve this controversy their, has to be an independent and impartial authority. And this function can be performed efficiently by none other than the judicial body. Hence the Supreme Court of India is conferred



the responsibility of  
the final interpreter and the  
guardian of the constitution. Simultaneously  
it is also the guardian of the fundamental rights of the people. 10.2.1 Constitution of  
the Supreme Court

It is the power of  
the  
Parliament to make laws regulating the constitution organization,  
jurisdiction and powers  
of  
the  
Supreme Court. The  
Supreme Court of  
India

consists of Chief Justice  
of India and not more than 25 other judges. 10.2.2  
Appointment,

Qualifications and Tenure of  
Judges

Appointment of Judges Every Judge of Supreme Court is appointed by the President  
of India.

He shall consult other persons besides taking the advice of his ministers.

In case of appointment of  
Chief Justice he shall consult  
such

judges of the Supreme Court and of the High  
Court as  
he may deem  
necessary.

It is a conventional practice  
that the senior most judge of the Supreme Court to  
hold the office of the Chief Justice.

It was also laid down in the case of  
Supreme Court advocates

V. Union of India. In case of appointment of other judges of Supreme Court the President appoints them  
in consultation

with the Chief Justice of India. The said provision hence modifies the appointment of judges by the executive by providing that  
the executive should consult members of the judiciary itself who are well qualified to  
give their opinion in this matter. Qualification for a Judge A person shall not be qualified for the  
appointment

as a judge of the Supreme Court unless he is ? A citizen of India  
and ? Either ? A

distinguished jurist ? Has been a High Court  
Judge

for 5 years ? Has been an advocate for at least 10 years.

Tenure of Judges

No minimum age is prescribed for appointment  
as neither a judge of the Supreme Court nor, any fixed period of office. Once appointed a judge of the Supreme Court may cease  
to be so on happening of any of the following contingencies.

Unit 10 – Judiciary Notes 173 ? On attaining the age of 65 years. ? On resigning his office by writing addressed to the President ?  
On being removed by the President upon an address to that effect being passed by a special majority of each house of Parliament.  
The only grounds upon which such removal may take place are proved misbehavior. 10.2.3 Impeachment of Judges Article 124 (4)  
combined with Judges (Inquiry) Act 1968 lays down the following procedure of impeachment the  
President. ?

A motion addressed to the President signed by at least 100 members of the Lok Sabha or 50 members of the Rajya Sabha is  
delivered to the speaker or the Chairman. ? The motion is to be investigated by a  
committee

of three (2 judges of Supreme  
Court and a distinguished jurist) ? If the committee finds the judge guilty of misbehavior or



that he suffers from in capacity the motion together with the report of the committee is taken up for consideration in the House where

the motion is pending. ? If the motion is passed in each House of two-thirds of that House present and voting the address is presented to the President. ? The Judge will be removed after the President gives his order for removal on the said address. The procedure of impeachment is the same for judges of Supreme Court and High Courts. 10.2.4 Types of Jurisdiction Original Jurisdiction The function of the Supreme Court under the original jurisdiction is purely

of a federal character is confined to

the

disputes

between the Government of India and any of the States of the Union,

the

Government of India

and any State or states on one side and

any other state or states on

the other

side, or between two or more states.

The

original jurisdiction

of Supreme Court is exclusive which means that no other court in India shall have the power to

entertain any

such suit. On the other hand the Supreme Court in its original jurisdiction will not be entitled to

entertain any suit where both the parties are not units of the federation. If any suit is brought either against the State of the Government of India by a private citizen, that

will not lie within

the original jurisdiction of the Supreme Court but will be brought in the

ordinary courts under the ordinary law.

Indian Constitution Notes 174 Writ Jurisdiction The Writ Jurisdiction of the Supreme Court is conferred under Article 32 of the constitution which

is used for enforcement of fundamental rights. This jurisdiction is also considered some times as original jurisdiction. However it can be treated as a separate jurisdiction since the dispute in such cases is not in

between the units of

the union but an aggrieved individual

and the Government or any of its agencies. Appellate Jurisdiction The Supreme Court of India is the highest court of appeal for all the courts in the territory of India. However

the appellate jurisdiction of Supreme Court may be divided under three heads. ?

Cases involving

interpretation of constitution – Civil, Criminal or otherwise. ? Civil cases irrespective of any constitutional question ? Criminal

cases irrespective of any constitutional question Advisory Jurisdiction The Supreme Court shall have an advisory jurisdiction i.e. it can give its opinion any question of law or fact of public importance as may be referred to it for consideration by the President.

Miscellaneous Jurisdiction Article 317 (1) of the constitution confers the power of reference to

the Supreme Court of India under various other provisions like s. 257 of Income Tax Act 1961, s.7 (2) of the Monopolies and

Restrictive Trade Practices Act 1969, s.130 (A) of the Customs Act 1962. Appeals also lie to the Supreme Court under the

Representation of the People Act, Advocates Act, Contempt of Courts Act, Customs Act, Terrorists and Disruptive Activities Act etc.

Self-Assessment Question: Fill in the Blanks: 6. The

Supreme Court of India which is also called as

the \_\_\_\_\_

of

the constitution. 7. The

Supreme Court of India consists of Chief Justice of India and not more than \_\_\_\_\_ other judges. 8.

Every Judge

of Supreme Court

is appointed by the \_\_\_\_\_

of India. 9.

In

case of appointment of \_\_\_\_\_ he shall

consult

such

judges of the Supreme Court and of the High

Court as

he may deem  
necessary.  
Unit 10 – Judiciary Notes 175 10.

70%

**MATCHING BLOCK 421/445**

**SA** Political Process & Politics in India (EM).pdf (D139291481)

The original \_\_\_\_\_ of Supreme Court is exclusive which means that no other court in India shall have the power to entertain any

such suit. 10.3

THE

HIGH COURT There shall be a High Court in each State; however

a

Parliament

has

the power

to

establish

a common High Court for two or more States

as

stated above.

The High Court at the head of the judiciary in the State 10.3.1

Constitution

of High Court Every High Court

shall consist of a Chief Justice and

some other judges.

President has the power to appoint. ? Additional judges for a temporary period not exceeding two years for the clearance of arrears of work in a High Court ? An acting Judge, when a permanent Judge of High Court (other than

a

Chief

Justice) is

temporarily absent or

unable to perform his duties or is appointed to act temporarily as Chief Justice. 10.3.2

Appointment and Qualification of Judges

of High Court

Appointment

of Judges of High Court Every Judge

of High

Court is appointed by a President. In making the appointment

the President shall consult

the Chief Justice of India, Governor of the

State also the Chief Justice of that High Court

in the

matter of appointment of a Judge other than Chief Justice.

Hence it is a participatory consultative process. Qualifications of High Court Judge The Indian

constitution lays down

the qualifications for the Judge of the High Court which are as follows. ? He must be a citizen of India,

not being over 62 years and must

have ? Held

for at least 10 years of

judicial office

in the territory of India

or has been for at least 10 years

an advocate of

a High Court

or

of two or more such courts in succession. 10.3.3

Jurisdiction of High

Court

Territorial Jurisdiction Except where

Parliament establishes  
a common High Court for two or more states  
or  
extends  
the jurisdiction of  
a  
High Court to a union territory, the jurisdiction of the High Court  
of the state  
is a co-terminus with the  
territorial limits of that state.  
Indian Constitution Notes 176

Ordinary Jurisdiction The Constitution does not make any provision relating to the general jurisdiction of the High Courts, but maintains their jurisdiction as it existed at the commencement of the Constitution with this improvement that any restrictions upon their jurisdiction as to revenue matters that existed prior to the Constitution shall no longer exist. Original Jurisdiction The High Courts at the three Presidency towns at Calcutta, Bombay and Madras had an original jurisdiction, both civil and criminal, over cases arising within the respective Presidency towns. The original criminal jurisdiction of the High Court has however been taken away by the criminal procedure code of 1973. Though City Civil Courts have also been set up to try civil cases within the same area, the original jurisdiction of these

High Court are not altogether been abolished but retained in the respect of action of higher value. Appellate Jurisdiction The Appellate Jurisdiction can be categorized in two categories i.e. civil and criminal. ? Civil: On the civil side, an appeal to the High Court is either a first or second appeal; firstly from the decisions of District Judges and from those of subordinate judges in cases of higher value lie direct to the High Court on questions of fact as well as law secondly when any Court subordinate to High Court decides an appeal from the decision of an inferior, a second appeal lies to the High Court from the decision of the lower appellate court, but only on question on law and procedure, as distinguished from question of fact. Thirdly there is provision for appeal under the letters patent of Allahabad, Bombay, Calcutta Madras and Patna High Courts. These appeals lie to the appellate side of the High Court from the decision of a single of the High Court itself, whether made by such judge in exercise of the original or appellate jurisdiction of the High Court. ? Criminal: The criminal appellate jurisdiction of the High Court consist of appeal from the decision of firstly a Session Judge or an Additional Session Judge where the sentences is of imprisonment exceeding seven years. Secondly Assistant Session's Judge, Metropolitan Magistrate or other Judicial Magistrates in certain specified cases other then petty cases. Jurisdiction

of Superintendence Every  
High Court has a power of  
superintendence over all courts and tribunals  
throughout the territory  
in relation to which it exercises jurisdiction,  
excepting military tribunals.

Unit 10 – Judiciary Notes 177

This power of superintendence is a very wide power  
in as much as it extends to all courts as well as tribunals within the states, whether such court or tribunal is  
subject to the appellate jurisdiction of the High Court or not.

Writ Jurisdiction Article 226 confers upon the High Court the powers to issue writs jurisdiction according to which  
every High Court shall have power throughout the territorial limits  
in relation to which it exercises jurisdiction to any person or authority including  
the appropriate cases, any Government within those territories, directions, orders  
of  
writs

in the nature of habeas corpus, mandamus, prohibition, quo-warranto  
and certiorari  
or any of them. 10.4

SUBORDINATE COURTS OR DISTRICT COURTS Under the

96%

**MATCHING BLOCK 424/445**

SA

constitutional law 1 project.docx (D50370537)

High Court, there is a hierarchy of courts which are referred to in the

Indian constitution as subordinate courts. Since these courts have come into existence because of enactments by the state government, their nomenclature and designation differs from state to state. However, broadly in terms of organisational structure there is uniformity. The state is divided into districts and each district has a district court which has an appellate jurisdiction in the district. Under the district courts, there are the lower courts such as the Additional District Court, Sub-Court, Munsiff Magistrate Court, Court of Special Judicial Magistrate of the II Class, Court of Special Judicial Magistrate of I Class, Court of Special Munsiff Magistrate for Factories Act and Labour Laws, etc. At the bottom of the hierarchy of Subordinate Courts are the Panchayat Courts (Nyaya Panchayat, Panchayat Adalat etc). These are, however, not considered as courts under the purview of the criminal courts jurisdiction. The principle function of the District Court is to hear appeals from the subordinate courts. However, the courts can also take cognisance of original matters under special status for instance, the Indian Succession Act, the Guardian Act and Wards Act and Land Acquisition Act. The Constitution ensures independence of subordinate judiciary. Appointments to the District Courts

90%

**MATCHING BLOCK 422/445**

W

are made by the Governor in consultation with the High Court. A person to be

eligible for appointment should be either an advocate or a pleader of seven years standing, or an officer in the service of the Union or the State. Appointment of persons other than the

37%

**MATCHING BLOCK 423/445**

W

District Judges to the judicial service of a State is made by the Governor in accordance with the rules made by him in that behalf after consultation with the High Court and the State Public Service Commission. The High Court exercises control over the District Courts and the courts subordinate to them, in matters as posting, promotions and granting of leave to all persons belonging to the

State judicial service.

Indian Constitution Notes 178 In each district of India there are various types of subordinate or lower courts. They are civil courts, criminal courts and revenue courts. These Courts hear civil cases, criminal cases and revenue cases, respectively. Civil cases pertain to disputes between two or more persons regarding property, breach of agreement or contract, divorce or property owner – tenant disputes. Civil Courts settle these disputes. They do not award any punishment as violation of law is not involved in civil cases. Criminal cases relate to violation of laws. These cases involves theft, dacoity, rape, pick-pocketing, physical assault, murder, etc. These cases are filed in the lower court by the police, on behalf of the state, against the accused. In such cases the accused, if found guilty, is awarded punishment like fine, imprisonment or even death sentence. Revenue cases relate to land revenue on agriculture land in the district. 10.4.1 Qualification and

Appointment of Judges The judges of subordinate courts are appointed by the Governor in

100%

**MATCHING BLOCK 425/445**

W

consultation with the Chief Justice of the High Court of the concerned State.

These days, in most of the

States judicial service officers including the magistrates are selected through competitive examinations held by the State Public Service Commission. They are finally appointed by the Governor. Any person who has been an advocate for at least seven years or one who is in the Structure of Government service of the State or the Central Government is eligible to be a judge of the District Court provided he/she possess the required legal qualifications. 10.4.2 Civil Courts

89%

**MATCHING BLOCK 428/445**

SA

Indian political system block 1.pdf (D165318270)

The Court of the District Judge is the highest civil court in a district

to deal with civil cases. Very often the same court is called the Court of District and Sessions Judge, when it deals with both civil and criminal cases at the district level. The judge of this court is appointed by the Governor of the State. Below the Court of District Judge, there may be one or more courts of sub judges in the district. Separate family courts, which are equal to courts of sub judge, have been established in districts to exclusively hear cases of family disputes, like divorce, custody of children, etc. Below them there are courts of Munsifs and small cause's courts which decide cases involving petty amounts. No appeal can be made against the decisions of the small cause's courts. All these courts hear and settle civil disputes. Civil Courts deal with cases pertaining to disputes between two or more persons regarding property, divorce, contract, and breach of agreement or property owner – tenant disputes.

Unit 10 – Judiciary Notes 179 The Court of the District Judge (called the District Courts) hears not only

25%

**MATCHING BLOCK 426/445**

W

appeals against the decisions of the courts of sub judges, but also some of the cases begin directly in the Court of District Judge itself. Appeals against the decisions of this court may be heard by the High Court of

the State. 10.4.3 Criminal Courts The Court of the Sessions Judge (known as Sessions Courts) is the highest court for criminal cases in a district. Below this court, there are courts of magistrates of First, Second and Third class. In metropolitan cities like Delhi, Calcutta, Mumbai and Chennai, First Class Magistrates are called Metropolitan Magistrates. All these criminal courts are competent to try the accused and to award punishment, as sanctioned by law, to those who are found guilty of violation of law. Criminal Courts hear criminal cases which are related to violation of laws. These cases involve theft, dacoity, rape, arson, pick-pocketing, physical assault, murder etc. In such cases the guilty person is awarded punishment. It may be fine, imprisonment or even death sentence. Normally every accused is presented by the police before a magistrate. The magistrate can finally dispose off cases of minor crime. But, when a magistrate finds prima-facie case of serious crime he/she may commit the accused to the sessions court. Thus, sessions courts try the accused that are sent up to them by the magistrate concerned. As mentioned above, an accused who is awarded death sentence by the sessions court can be hanged to death only after his sentence is confirmed by the High Court. 10.4.4 Revenue Courts Revenue courts deal with cases of land revenue in the State. The highest revenue court in the district is the Board of Revenue. Under it are the Courts of Commissioners, Collectors, Tehsildars and Assistant Tehsildars. The Board of Revenue hears the final appeals against all the lower revenue courts under it. 10.5 ADMINISTRATIVE TRIBUNALS AND LOK ADALATS 10.5.1 Administrative Tribunals An Act to

95%

**MATCHING BLOCK 427/445**

W

provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation [or society] owned or controlled by the Government [

in pursuance

Indian Constitution Notes 180 of Article 323-A of the Constitution] and for matters connected therewith or incidental thereto. This Act may be called the Administrative Tribunals Act, 1985. It extends – ? In so far as it relates to the Central Administrative Tribunal, to the whole of India; ? In so far as it relates to Administrative Tribunals for States, to the whole of India, except the State of Jammu and Kashmir. ? The provisions of this Act, as far as they relate to the Central Administrative Tribunal,

87%

**MATCHING BLOCK 432/445**

SA 159E1210\_Indian Constitution.pdf (D165648310)

shall come into force on such date as the Central Government may, by notification, appoint. ? The

provisions of this Act, as far as they relate to an Administrative Tribunal for a State, shall come into force in a State on such date as the Central Government may, by notification, appoint. Act not to apply to certain persons. -The provisions of this Act shall not apply to:- ? Any member of the naval, military or air forces or of any other armed forces of the Union; ? Any officer or servant of the Supreme Court or of any High Court [or courts subordinate thereto]; ? Any person

100%

**MATCHING BLOCK 429/445**

W

appointed to the secretarial staff of either House of Parliament

or to the secretarial staff of any State Legislature or a House thereof or, in the case of a Union Territory having a Legislature, of that Legislature. 10.5.2 Lok Adalats

**98%****MATCHING BLOCK 430/445****W**

The zero, the concept of Lok Adalat (Peoples' Court) is an innovative Indian contribution to the world jurisprudence. The institution of Lok Adalat in India, as the very name suggests, means, People's Court. "Lok" stands for "people" and the vernacular meaning of the term "Adalat" is the court. India has a long tradition and history of such methods being practiced in the society at grass roots level. These are called Panchayat and in the legal terminology, these are called arbitration. These are widely used in India for resolution of disputes both commercial and non-commercial. Other alternative methods being used are Lok Adalat (People's Court), where justice is dispensed summarily without too much emphasis on legal technicalities. It has been proved to be a very effective alternative to litigation. The ancient concept of settlement of dispute through mediation, negotiation or through arbitral process known as "Peoples' Court verdict" or decision of "Nyaya-Panch" is conceptualized and institutionalized in the philosophy of Lok Adalat. Some people equate Lok Adalat to conciliation or mediation; some Unit 10 – Judiciary Notes 181 treat it with negotiations and arbitration. Those who find it different from all these, call it "Peoples' Court". It involves people who are directly or indirectly affected by dispute resolution. The salient features of this form of dispute resolution are participation, accommodation, fairness, expectation, voluntaries, neighbourliness, transparency, efficiency and lack of animosity. The concept of Lok Adalats was pushed back into oblivion in last few centuries before independence and particularly during the British regime. Now, this concept has, once again, been rejuvenated. It has, once again, become very popular and familiar amongst litigants. This is the system which has deep roots in Indian legal history and its close allegiance to the culture and perception of justice in Indian ethos. Experience has shown that it is one of the very efficient and important ADRs and most suited to the Indian environment, culture and societal interests. Camps of Lok Adalats were started initially in Gujarat in March 1982 and now it has been extended throughout the Country. The evolution of this movement was a part of the strategy to relieve heavy burden on the Courts with pending cases and to give relief to the litigants who were in a queue to get justice. The first Lok Adalat was held on March 14, 1982 at Junagarh in Gujarat the land of Mahatma Gandhi. Lok Adalats have been very successful in settlement of motor accident claim cases, matrimonial/family disputes, labour disputes,

and

**100%****MATCHING BLOCK 431/445****W**

disputes relating to public services such as telephone, electricity, bank recovery cases and so on. Some statistics may give us a feeling of tremendous satisfaction and encouragement. Up to the middle of last year (2004), more than 200,000 Lok Adalats have been held and therein more than 16 million cases have been settled, half of which were motor accident claim cases. More than one billion US dollars were distributed by way of compensation to those who had suffered accidents. 6.7 million Persons have benefited through legal aid and advice. The Statistics of the Gujarat State Legal Services Authority as to the number of cases disposed, the amount of compensation paid etc have been annexed herewith. Legislation pertaining to Lok Adalats The advent of Legal Services Authorities Act, 1987 gave a statutory status to Lok Adalats, pursuant to the constitutional mandate in Article 39-A of the Constitution of India, contains various provisions for settlement of disputes through Lok Adalat. It is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. Even before the enforcement of the Act, the concept of Lok Adalat has been getting wide acceptance as People's Courts as the very name

Indian Constitution Notes 182

signifies. Settlement of disputes at the hands of Panchayat Heads or tribal heads was in vogue since ancient times. When statutory recognition had been given to Lok Adalat, it was specifically provided that the award passed by the Lok Adalat formulating the terms of compromise will have the force of decree of a court which can be executed as a civil court decree.

**Procedure at Lok Adalat** The procedure followed at a Lok Adalat is very simple and shorn of almost all legal formalism and rituals. The Lok Adalat is presided over by a sitting or retired judicial officer as the chairman, with two other members, usually a lawyer and a social worker. It is revealed by experience that in Lok Adalats it is easier to settle money claims since in most such cases the quantum alone may be in dispute. Thus the motor accident compensation claim cases are brought before the Lok Adalat and a number of cases were disposed of in each Lok Adalat. One important condition is that both parties in dispute should agree for settlement through Lok Adalat and abide by its decision. A Lok Adalat has the jurisdiction to settle, by way of effecting compromise between the parties, any matter which may be pending before any court, as well as matters at pre-litigative stage i.e. disputes which have not yet been formally instituted in any Court of Law. Such matters may be civil or criminal in nature, but any matter relating to an offence not compoundable under any law cannot be decided by the Lok Adalat even if the parties involved therein agree to settle the same. Lok Adalats can take cognizance of matters involving not only those persons who are entitled to avail free legal services but of all other persons also, be they women, men, or children and even institutions. Anyone, or more of the parties to a dispute can move an application to the court where their matter may be pending, or even at pre-litigative stage, for such matter being taken up in the Lok Adalat whereupon the Lok Adalat Bench constituted for the purpose shall attempt to resolve the dispute by helping the parties to arrive at an amicable solution and once it is successful in doing so, the award passed by it shall be final which has as much force as a decree of a Civil Court obtained after due contest.

**Finality of Lok Adalat award** One issue which raises its head often is the finality of the award of the Lok Adalat. During the Lok Adalat, the parties agree to abide by the decision of the judge at the Lok Adalat. However, it is often seen that later, the same order is challenged on several grounds. In one of the recent decisions, the Supreme Court of India has once again laid to rest all such doubts. In unequivocal terms, the Court has held that award of the Lok Adalat is as good as the decree of a Court. The award of the Lok Adalat is fictionally deemed to be decrees of Court and therefore the courts have all the powers in relation thereto as it has in relation to a decree passed by itself. This includes the powers to extend time in appropriate cases. The award passed by the Lok Adalat is the decision of the

Unit 10 – Judiciary Notes 183

court itself though arrived at by the simpler method of conciliation instead of the process of arguments in court.

**Consent of Parties** The most important factor to be considered while deciding the cases at the Lok Adalat is the consent of both the parties. It cannot be forced on any party that the matter has to be decided by the Lok Adalat. However, once the parties agree that the matter has to be decided by the Lok Adalat, then any party cannot walk away from the decision of the Lok Adalat. In several instances, the Supreme Court has held that if there was no consent the award of the Lok Adalat is not executable and also if the parties fail to agree to get the dispute resolved through Lok Adalat, the regular litigation process remains open for the contesting parties. The Supreme Court has also held that compromise implies some element of accommodation on each side. It is not apt to describe it as total surrender. A compromise is always bilateral and means mutual adjustment. Settlement is termination of legal proceedings by mutual consent. If no compromise or settlement is or could be arrived at, no order can be passed by the Lok Adalat.

**Benefits of Lok Adalat** The benefits that litigants derive through the Lok Adalats are many. ? First, there is no court fee and even if the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalat. ? Secondly, there is no strict application of the procedural laws and the Evidence Act while assessing the merits of the claim by the Lok Adalat. The parties to the disputes though represented by their advocate can interact with the Lok Adalat judge directly and explain their stand in the dispute and the reasons therefore, which is not possible in a regular court of law. ? Thirdly, disputes can be brought before the Lok Adalat directly instead of going to a regular court first and then to the Lok Adalat. ? Fourthly, the decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process. No appeal lies against the order of the Lok Adalat whereas in the regular law courts there is always a scope to appeal to the higher forum on the decision of the trial court, which causes delay in the settlement of the dispute finally. The reason being that in a regular court, decision is that of the court but in Lok Adalat it is mutual settlement and hence no case for appeal will arise. In every respect the scheme of Lok Adalat is a boon to the litigant public, where they can get their disputes settled fast and free of cost. ? Last but not the least, faster and inexpensive remedy with legal status.

Indian Constitution Notes 184

100%

**MATCHING BLOCK 435/445**

**W**

The system has received laurels from the parties involved in particular and the public and the legal functionaries, in general. It also helps in emergence of jurisprudence of peace in the larger interest of justice and wider sections of society. Its process is voluntary and works on the principle that both parties to the disputes are willing to sort out their disputes by amicable solutions. Through this mechanism, disputes can be settled in a simpler, quicker and cost-effective way at all the three stages i.e. pre-litigation, pending-litigation and post-litigation.

Self-Assessment Question: State whether the following statements are true or false: 11.

The Constitution does not make any provision relating to the general jurisdiction of the High Courts, but maintains their jurisdiction as it existed at the commencement of the Constitution with this improvement that any restrictions upon their jurisdiction as to revenue matters that existed prior to the Constitution shall no longer exist. 12.

The criminal appellate jurisdiction of the High Court consist of appeal from the decision of firstly a Session Judge or an Additional Session Judge where the sentences is of imprisonment exceeding seven years. 13.

Under the

96%

**MATCHING BLOCK 436/445**

**SA**

constitutional law 1 project.docx (D50370537)

High Court, there is a hierarchy of courts which are referred to in the

Indian constitution as subordinate courts. 14. The principle function of the District Court is to hear appeals form the subordinate courts. 15. The High Court exercises control over the District Courts and the courts subordinate to them, in matters as posting, promotions and granting of leave to all persons belonging to the State judicial service. Task Prepare a detailed list of Lok Adalats throughout in India and make a small presentation on the working of it. Explain how Lok Adalats work with help of the Panchayat. SUMMARY ?

Unlike the other two organs of the

State there is no federal distribution of judicial powers. ? Under the Indian Constitution there is one single integrated system of courts for the Union as well as the States which administers both union and State laws. ?

The Supreme Court of India

stands at the head of the entire judicial system.

Unit 10 – Judiciary Notes 185 ? The judiciary' (also known as the judicial system or 'court system) is the system of courts that interprets and applies the law in the name of the state. ? The judiciary also provides a mechanism for the resolution of disputes. ? The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. ? It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary. ? Judges shall be free to form and join associations of judges or other organizations to represent their interests, to promote their professional training and to protect their judicial independence. ? Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. ?

70%

**MATCHING BLOCK 440/445**

**SA**

Indian political system block 1.pdf (D165318270)

The writ of prohibition is issued by a higher court to a lower court prohibiting it from

taking up a case because it falls outside the jurisdiction of the lower court. Thus, the higher court transfers the case to itself. ? The writ of mandamus is issued to a subordinate court, an officer of government, or a corporation or other institution commanding the performance of certain acts or duties. ?

The

Supreme Court of India which is also called as the guardian of the constitution. ?

The

Writ Jurisdiction of the

Supreme Court is conferred under Article 32 of the constitution which is used for enforcement of fundamental rights. ?

The principle function of the District Court is to hear appeals form the subordinate courts. ? An Act to



95%

**MATCHING BLOCK 437/445**

W

provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation [or society] owned or controlled by the Government [

in pursuance of Article 323-A of the Constitution] and for matters connected therewith or incidental thereto. ?

100%

**MATCHING BLOCK 438/445**

W

The zero, the concept of Lok Adalat (Peoples' Court) is an innovative Indian contribution to the world jurisprudence. ? The institution of Lok Adalat in India, as the very name suggests, means, People's Court. "Lok" stands for "people" and the vernacular meaning of the term "Adalat" is the court.

Indian Constitution Notes 186 KEYWORDS Judiciary: The judiciary (also known as the judicial system or court system) is the system of courts that interprets and applies the law in the name of the state. The judiciary also provides a mechanism for the resolution of disputes. Writ: In common law, a

100%

**MATCHING BLOCK 439/445**

W

writ is a formal written order issued by a body with

administrative or judicial jurisdiction; in modern usage, this body is generally a court.

69%

**MATCHING BLOCK 441/445**

SA constitutional law 1 project.docx (D50370537)

Habeas Corpus: "Habeas Corpus" is a Latin term which literally means you may have the body. The writ

is issued to produce a person who has been detained, whether in prison or in private custody, before a court and to release him if such detention is found illegal. Writ of Prohibition:

70%

**MATCHING BLOCK 442/445**

SA Indian political system block 1.pdf (D165318270)

The writ of prohibition is issued by a higher court to a lower court prohibiting it from

taking up a case because it falls outside the jurisdiction of the lower court. Thus, the higher court transfers the case to itself. Writ of Certiorari: The writ of certiorari is issued to a lower court directing that the record of a case be sent up for review, together with all supporting files, evidence and documents, usually with the intention of overruling the judgement of the lower court. It is one of the mechanisms by which the fundamental rights of the citizens are upheld. Writ of Mandamus: The writ of mandamus is issued to a subordinate court, an officer of government, or a corporation or other institution commanding the performance of certain acts or duties. REVIEW QUESTIONS 1. Define judiciary. Explain the independence of judiciary. 2. What are writs? Describe the enforcing rights through writs. 3. Describe the Supreme Court. 4. What are the various types of jurisdiction of the Supreme Court? 5. What is impeachment of judges? 6. Describe the High Court. Explain the appointment and qualification of Judges of High Court. 7. Describe the jurisdiction of High Court. 8. What are Subordinate Courts or District Court? 9. Define ? Civil Courts ? Criminal Courts

Unit 10 – Judiciary Notes 187 ? Revenue Courts 10. Define ? Administrative Tribunal ? Lok Adalats Answers: Self-Assessment 1. True 2. False 3. True 4. True 5. True 6. Guardian 7. 25 8. President 9. Chief-Justice 10. Jurisdiction 11. True 12. True 13. True 14. True 15. True

95%

**MATCHING BLOCK 445/445**

SA CC-PS-02.pdf (D149043601)

FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

New Delhi

**100%** **MATCHING BLOCK 443/445** **W**

Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book

Company, New Delhi Hasan Zoya, Sridharan Eswaran & Sudarshan R., (2004), India's Living Constitution: Ideas, Practices, Controversies, Permanent Black, New Delhi

**93%** **MATCHING BLOCK 444/445** **W**

Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,

New Delhi  
 Indian Constitution Notes 188 Reddy G B & Suhaib Mohd. (2006), Constitution of India and Professional Ethics, I K International Publishing, New Delhi  
 WEB LINKS <http://www.politics.co.uk/reference/judicial-independence> [http://www.cscja-acjcs.ca/independent\\_impartial-en.asp?l=5](http://www.cscja-acjcs.ca/independent_impartial-en.asp?l=5) [http://www.legalserviceindia.com/articles/lok\\_a.htm](http://www.legalserviceindia.com/articles/lok_a.htm)

**Hit and source - focused comparison, Side by Side**

**Submitted text** As student entered the text in the submitted document.  
**Matching text** As the text appears in the source.

**1/445** **SUBMITTED TEXT** 21 WORDS **61% MATCHING TEXT** 21 WORDS

OBJECTIVES After studying this lesson, you should be able to:  
 ? Understand the meaning of constitution ? Describe the

OBJECTIVES After going through this unit, you will be able to:  
 ? To understand the meaning of rigid constitution. ? To describe the

**W** [https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG\\_B.A.\\_History%20\(English\)\\_10 ...](https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10...)

**2/445** **SUBMITTED TEXT** 29 WORDS **71% MATCHING TEXT** 29 WORDS

these principles are written down into a single document or set of legal documents, those documents may be said to embody a written constitution; if they are written

These principles are written as a single document or sets of legal documents, and those documents said to embody a written constitution. If they are written

**W** [https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG\\_B.A.\\_History%20\(English\)\\_10 ...](https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10...)

**3/445** **SUBMITTED TEXT** 34 WORDS **59% MATCHING TEXT** 34 WORDS

a constitution defines the principles upon which the state is based, the procedure in which laws are made and by whom. Some constitutions, especially codified constitutions, also act as limiters of state power,

A constitution defines the principles and ideologies, upon which the state is founded, and the procedure in which laws are made and also act as limiters of state power.

**W** [https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG\\_B.A.\\_History%20\(English\)\\_10 ...](https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10...)

**4/445** **SUBMITTED TEXT** 22 WORDS **100% MATCHING TEXT** 22 WORDS

A constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed.

A constitution is a set of fundamental principles or established precedents according to which a state or other organization governed." -

**W** <https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions>

**5/445**      **SUBMITTED TEXT**      37 WORDS      **79% MATCHING TEXT**      37 WORDS

of Indian Constitution Notes 3 The Constitution of India is the longest written constitution of any sovereign country in the world, containing 444 articles in 22 parts, 12 schedules and 118 amendments,

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

**6/445**      **SUBMITTED TEXT**      29 WORDS      **87% MATCHING TEXT**      29 WORDS

Constitution Notes 4 3. A preamble is a set of fundamental principles or established precedents according to which a state or other organization is governed. 4.

Constitution? " A is a set of fundamental principles or established precedents according to which a state or other organization governed." -

**W** <https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions>

**7/445**      **SUBMITTED TEXT**      49 WORDS      **95% MATCHING TEXT**      49 WORDS

organization is constituted. 1.2 INDIAN CONSTITUTION The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers, and duties of government institutions, and sets out fundamental rights, directive principles, and the duties of citizens.

organization is governed." - Wikipedia • 3. Constitution The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers, and duties of government institutions, and sets out fundamental rights, directive principles, and duties of citizens.

**W** <https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions>

**8/445**      **SUBMITTED TEXT**      26 WORDS      **50% MATCHING TEXT**      26 WORDS

is the constitution of a country, which establishes the three main organs of the government, namely, the legislature, executive and judiciary. ? The constitution of

is the supreme law of the the three organs of the Government i.e.: the Executive, Legislature and Judiciary function under the of

**W** [https://kkhsou.ac.in/eslm/E-SLM\\_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf](https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf)

**9/445**      **SUBMITTED TEXT**      15 WORDS      **89% MATCHING TEXT**      15 WORDS

Dr. Bhimrao Ramji Ambedkar is widely regarded as the father of the Indian Constitution.

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

**10/445**      **SUBMITTED TEXT**      63 WORDS      **69% MATCHING TEXT**      63 WORDS

The Constitution follows parliamentary system of government and the executive is directly accountable to the legislature. Article 74 provides that there shall be a Prime Minister of India as the head of government. It also states that there shall be a President of India and a Vice-President of India under Articles 52 and 63. Unlike the Prime Minister, the President largely performs

The Constitution follows the parliamentary arrangement of government and the executive is legitimately responsible to the assembly. Article 74 gives that there will be a Prime Minister of India as the head of government.[6] It additionally expresses that there will be a President of India[7] and a Vice President of India[8] under Articles 52 and 63. In contrast to the Prime Minister, the President generally performs

**W** [https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-constitut ...](https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-constitut...)

<b>11/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>83% MATCHING TEXT</b>	16 WORDS
<p>has its own government. Analogues to President and Prime Minister, each has a Governor (in</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>has its own government. Analogous to the president and prime minister, each has a governor or (in</p>		
<b>12/445</b>	<b>SUBMITTED TEXT</b>	22 WORDS	<b>76% MATCHING TEXT</b>	22 WORDS
<p>The 73rd and 74th Amendment Act also introduced the system of Panchayati Raj in rural areas and Municipality in urban areas.</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>The 73rd and 74th Amendment Acts introduced the system of panchayati raj in rural areas and Nagar Palikas urban areas.[13]</p>		
<b>13/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>75% MATCHING TEXT</b>	16 WORDS
<p>Article 370 of the Constitution gives special status to the State of Jammu and Kashmir.</p> <p><b>W</b> <a href="https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>Article 370 of the Constitution which had a special status to the erstwhile state of Jammu and Kashmir.</p>		
<b>14/445</b>	<b>SUBMITTED TEXT</b>	101 WORDS	<b>98% MATCHING TEXT</b>	101 WORDS
<p>The Constitution provides for a Parliamentary form of government which is federal in structure with certain unitary features. The constitutional head of the Executive of the Union is the President. As per Article 79 of the Constitution of India, the council of the Parliament of the Union consists of the President and two Houses known as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). Article 74(1) of the Constitution provides that there shall be a Council of Ministers with the Prime Minister as its head to aid and advice the President, who shall exercise his/</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>		<p>The Constitution provides for a Parliamentary form of government which is federal in structure with certain unitary features. The constitutional head of the Executive of the Union is the President. As per Article 79 of the Constitution of India, the council of the Parliament of the Union consists of the President and two Houses known as the Council of States (Rajya Sabha) and the House of People (Lok Sabha). Article 74(1) of the Constitution provides that there shall be a Council of Ministers with the Prime Minister as its head to aid and advise the President, who shall exercise his</p>		
<b>15/445</b>	<b>SUBMITTED TEXT</b>	28 WORDS	<b>88% MATCHING TEXT</b>	28 WORDS
<p>functions in accordance to the advice. The real executive power is thus vested in the Council of Ministers with the Prime Minister as its head.</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>		<p>functions in accordance with the Prime Minister's The real executive power is thus vested in the Council of Ministers with the Prime Minister as its head.</p>		
<b>16/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>80% MATCHING TEXT</b>	17 WORDS
<p>which was adopted by the Constituent Assembly on 26th November, 1949 and came into force on 26</p> <p><b>W</b> <a href="https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET(2014)493046_EN.pdf">https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET(2014)493046_EN.pdf</a></p>		<p>which was adopted by the constituent assembly on 22 and came into force on 1</p>		

<b>17/445</b>	<b>SUBMITTED TEXT</b>	27 WORDS	<b>72% MATCHING TEXT</b>	27 WORDS
<p>the Company and allowed it to retain the possession of Indian territories in trust for the British Crown but not for any specified period. ? The</p>		<p>the Company's rule and allowed it to retain the possession of Indian territories on trust for the British Crown. But, it did not specify any particular period, unlike the</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>18/445</b>	<b>SUBMITTED TEXT</b>	33 WORDS	<b>67% MATCHING TEXT</b>	33 WORDS
<p>The Constitution follows parliamentary system of government and the executive is directly accountable to the_____ 7. Article 74 provides that there shall be a _____of India as the head of government. 8.</p>		<p>The Constitution follows the parliamentary arrangement of government and the executive is legitimately responsible to the assembly. Article 74 that there will be a Prime Minister of India as the head of government.[6]</p>		
<p><b>W</b> <a href="https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-constitut...">https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-constitut ...</a></p>				
<b>19/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
<p>Constitution is a living document, an instrument which makes the government system work.</p>		<p>constitution is a living document, an instrument which makes the government system work.</p>		
<p><b>W</b> <a href="https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004201521035216nupur_sen_Philosophy_a...">https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004201521035216nupur_sen_Philosophy_a ...</a></p>				
<b>20/445</b>	<b>SUBMITTED TEXT</b>	106 WORDS	<b>94% MATCHING TEXT</b>	106 WORDS
<p>Government of India Act, 1935 Federal Scheme, Office of Governor, Judiciary, Public Service Commissions, Emergency provisions, Administrative details British Constitution Parliamentary government, Rule of Law, Legislative procedure, Single citizenship, Cabinet System, Prerogative Writs US Constitution Fundamental Rights, Independence of Judiciary, Judicial Review, Impeachment of the President, Removal of Supreme Court and High Court judges and post of Vice-President Irish Constitution Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of President, Federation with a strong centre, Vesting of residuary powers in the Centre, appointment of State Governors by the Centre and advisory jurisdiction of the Supreme Court. Canadian Constitution</p>		<p>Government of India Act of 1935 Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details. 2. British Constitution Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and US Constitution Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice- president. 4. Irish Constitution Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of president. 5. Canadian Constitution Federation a strong vesting of residuary powers in the appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court. 6. Australian Constitution</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>21/445</b>	<b>SUBMITTED TEXT</b>	47 WORDS	<b>91% MATCHING TEXT</b>	47 WORDS
<p>the centre, appointment of state governors by the centre and advisory jurisdiction of the Supreme Court Australian Constitution Concurrent List, Freedom of trade, commerce and intercourse joint sitting of the two Houses of Parliament. Weimar Constitution Suspension of Fundamental Rights during Emergency</p>		<p>the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court. 6. Australian Constitution Concurrent freedom of trade, commerce and inter-course, and joint of the two Houses of Parliament. 7. Weimar Constitution of Germany Suspension of Fundamental Rights during Emergency. 8.</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				

<b>22/445</b>	<b>SUBMITTED TEXT</b>	52 WORDS	<b>92% MATCHING TEXT</b>	52 WORDS
<p>Soviet Constitution Fundamental duties, the ideal of justice (social, economic and political) in the Preamble French Constitution Republic and the ideals of liberty equality and fraternity in the Preamble South African Constitution Procedure for amendment, the Constitution and election of the members of Rajya Sabha Japanese Constitution Procedure established by law.</p>		<p>Soviet Constitution (USSR, now Russia) Fundamental duties and the ideal of justice (social, economic and political) in the Preamble. 9. French Constitution Republic and the ideals of liberty, equality and fraternity in the Preamble. 10. South African Constitution Procedure for amendment of the Constitution and election of members of Rajya Sabha. 11. Japanese Constitution Procedure established by Law.</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>23/445</b>	<b>SUBMITTED TEXT</b>	36 WORDS	<b>98% MATCHING TEXT</b>	36 WORDS
<p>The Constituent Assembly was to be a partly elected and partly nominated body. The members were to be indirectly elected by the members of the provincial assemblies, who themselves were elected on a limited franchise.</p>		<p>the Constituent Assembly was to be a partly elected and partly nominated Moreover, the members were to be indirectly elected by the members of the provincial assemblies, who themselves were elected on a limited franchise 4 .</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>24/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>84% MATCHING TEXT</b>	15 WORDS
<p>of Indian society. 1.3.1 Features of Indian Constitution The Constitution of India has some</p>		<p>of Indian Consti... Salient Features Of Indian Constitution The Constitution of India has some</p>		
<p><b>W</b> <a href="https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions">https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions</a></p>				
<b>25/445</b>	<b>SUBMITTED TEXT</b>	10 WORDS	<b>100% MATCHING TEXT</b>	10 WORDS
<p>Dr. B.R. Ambedkar, the Chairman of the Drafting Committee</p>		<p>Dr. B.R. Ambedkar, the Chairman of the Drafting Committee,</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>26/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>81% MATCHING TEXT</b>	17 WORDS
<p>Partly Rigid and Partly Flexible The Constitution of India is neither purely rigid nor purely flexible.</p>		<p>Partly rigid and partly flexible: The Constitution of India is neither too rigid nor too flexible.</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>27/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>68% MATCHING TEXT</b>	17 WORDS
<p>The following are the salient features of the Constitution of India: Longest Written Constitution Indian Constitution</p>				
<p><b>SA</b> Unit 6.docx (D133604267)</p>				

<b>28/445</b>	<b>SUBMITTED TEXT</b>	55 WORDS	<b>84% MATCHING TEXT</b>	55 WORDS
<p>of the Constitution can be amended by the ordinary law-making process by Parliament. Certain provisions can be amended, only when a Bill for that purpose is passed in each house of Parliament by a majority of the total membership of that house and. by a majority of not less than two-third of the members</p>				
<p><b>SA</b> Constitution Meaning and Features.docx (D126247950)</p>				
<b>29/445</b>	<b>SUBMITTED TEXT</b>	31 WORDS	<b>88% MATCHING TEXT</b>	31 WORDS
<p>India is a democratic republic. It means that sovereignty rests with the people of India. They govern themselves through their representatives elected on the basis of universal adult franchise. The</p>				
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>30/445</b>	<b>SUBMITTED TEXT</b>	21 WORDS	<b>81% MATCHING TEXT</b>	21 WORDS
<p>by the legislatures of not less than one-half of the states before being presented to the President for his assent.</p>				
<p><b>W</b> <a href="https://www.studyadda.com/notes/upsc/indian-polity-and-civics/the-indian-constitution/notes-amend...">https://www.studyadda.com/notes/upsc/indian-polity-and-civics/the-indian-constitution/notes-amend ...</a></p>				
<b>31/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>100% MATCHING TEXT</b>	12 WORDS
<p>the Commonwealth of Nations with the British Monarch as its head.</p>				
<p><b>W</b> <a href="http://anucde.info/Indian%20Constitution.pdf">http://anucde.info/Indian%20Constitution.pdf</a></p>				
<b>32/445</b>	<b>SUBMITTED TEXT</b>	27 WORDS	<b>63% MATCHING TEXT</b>	27 WORDS
<p>Council of Ministers with the Prime Minister as its head is drawn from the legislature. It is collectively responsible to the House of People (Lok Sabha),</p>				
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>33/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>82% MATCHING TEXT</b>	15 WORDS
<p>the executive is responsible to the legislature, and remains in power only as long</p>				
<p><b>SA</b> fINAL.pdf (D141953180)</p>				

<b>34/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>95% MATCHING TEXT</b>	13 WORDS
his powers according to the advice of the Union Council of Ministers,		his/her powers according to the advice of the Union Council of Ministers		
<b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Parliamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Parliamentary%20Studies/DPCS%2002.pdf</a>				
<b>35/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
to resign as soon as it loses the confidence of				
<b>SA</b> Political Process & Politics in India (EM).pdf (D139291481)				
<b>36/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
In the states also, the government is Parliamentary in nature.				
<b>SA</b> Constitution Meaning and Features.docx (D126247950)				
<b>37/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>70% MATCHING TEXT</b>	20 WORDS
Article 1 of the Constitution of India says: - "India that is Bharat shall be a Union of States."				
<b>SA</b> Jithin_Political Science_Constitution.pdf (D108461172)				
<b>38/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>78% MATCHING TEXT</b>	15 WORDS
Constitution. The Constitution of India is written and the supreme law of the land.		Constitution The Constitution of India is the supreme law of land,		
<b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a>				
<b>39/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>100% MATCHING TEXT</b>	13 WORDS
affirms the basic principle that every individual is entitled to enjoy certain		affirms the basic principle that every individual is entitled to enjoy certain		
<b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a>				
<b>40/445</b>	<b>SUBMITTED TEXT</b>	39 WORDS	<b>70% MATCHING TEXT</b>	39 WORDS
Right to equality, (ii) Right to freedom, (iii) Right against exploitation, (iv) Right to freedom of Religion, v) Cultural and Educational rights and vi) Right to constitutional remedies. Right to property (Article-31) originally a fundamental right has been		Right to Equality (Article 14 - Article 18) Right to Freedom (Articles 19 - Article 22) Right against Exploitation (Articles 23 - Article 24) Right to Freedom of Religion (Articles 25 - V Cultural and Educational Rights (Article 30) VI Right to Constitutional Remedies (Article 32) US KNOW Right Property, which was a fundamental right has been		
<b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Parliamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Parliamentary%20Studies/DPCS%2002.pdf</a>				



<b>41/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>90% MATCHING TEXT</b>	16 WORDS
<p>The right to move to the Supreme Court straight for the enforcement of fundamental rights</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>		<p>the right to move to the Supreme Court for the enforcement of Fundamental Rights</p>		
<b>42/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>63% MATCHING TEXT</b>	20 WORDS
<p>of powers between the two, (b) there is a written constitution, which is the supreme law of the land</p> <p><b>W</b> <a href="https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf">https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf</a></p>		<p>of powers between the Central and state Governments. This division is made by a written constitution, which is the Supreme Law of the Land.</p>		
<b>43/445</b>	<b>SUBMITTED TEXT</b>	29 WORDS	<b>78% MATCHING TEXT</b>	29 WORDS
<p>of the state. Directive Principles of State Policy A novel feature of the Constitution is that it contains a chapter in the Directive Principles of State Policy. These</p> <p><b>SA</b> Constitution Meaning and Features.docx (D126247950)</p>				
<b>44/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>distribution of wealth so as to sub-serve the common good,</p> <p><b>SA</b> Constitution Meaning and Features.docx (D126247950)</p>				
<b>45/445</b>	<b>SUBMITTED TEXT</b>	184 WORDS	<b>92% MATCHING TEXT</b>	184 WORDS
<p>To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem; Indian Constitution Notes 12 ? To cherish and follow the noble ideals, which inspired our national struggle for freedom; ? To uphold and protect the sovereignty, unity and integrity of India; ? To defend the country and render national service when called upon to do so; ? To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, regional or sectional diversities, to renounce practices derogatory to the dignity of woman; ? To value and preserve the rich heritage of our composite culture; ? To protect and improve the natural environments including forests, lakes, rivers and wild life and to have compassion for living creatures; ? To develop scientific temper, humanism and the spirit of inquiry and reform; ? To safeguard public property and to abjure violence; ? To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of Endeavour and achievement</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>		<p>to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem; ( to cherish and follow the noble ideals which inspired our national struggle for freedom; (to uphold and protect the sovereignty, unity and integrity of India; (to defend the country and render national service when called upon to do so; (to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and or diversities; to renounce practices derogatory to the dignity of women; (to value and preserve the rich heritage of our composite culture; (g) to protect and improve the natural including forests, lakes, rivers and wild life, and to have compassion for living creatures; (h) to the scientific temper, humanism and the spirit of inquiry and reform; (to safeguard public property and to abjure violence; (to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;] [(</p>		

<b>46/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>100% MATCHING TEXT</b>	16 WORDS
<p>Secular State A secular state is neither religious nor irreligious, or anti-religious. Rather it is</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>47/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>73% MATCHING TEXT</b>	18 WORDS
<p>the executive. The Supreme Court of India stands at the apex of single integrated judicial system. It</p> <p><b>SA</b> Indian political system block 1.pdf (D165318270)</p>				
<b>48/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>70% MATCHING TEXT</b>	16 WORDS
<p>null and void by the Supreme Court. Thus, it has the power of judicial review.</p> <p>null and void by the Supreme Court. Since then, the power of judicial review</p> <p><b>W</b> <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...</a></p>				
<b>49/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>96% MATCHING TEXT</b>	14 WORDS
<p>Federal Scheme, Office of Governor, Judiciary, Public Service Commissions, Emergency provisions, Administrative details</p> <p>Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details. 2.</p> <p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>50/445</b>	<b>SUBMITTED TEXT</b>	28 WORDS	<b>50% MATCHING TEXT</b>	28 WORDS
<p>guardian of the Constitution. If any law passed by the legislature or action taken by the executive contravenes the provisions of the Constitution, they can be declared</p> <p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				
<b>51/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>100% MATCHING TEXT</b>	19 WORDS
<p>the Constituent Assembly was constituted in November 1946, under the scheme formulated by the Cabinet Mission Plan. 14.</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>52/445</b>	<b>SUBMITTED TEXT</b>	29 WORDS	<b>71% MATCHING TEXT</b>	29 WORDS
<p>these principles are written down into a single document or set of legal documents, those documents may be said to embody a written constitution; if they are written</p> <p>These principles are written as a single document or sets of legal documents, and those documents said to embody a written constitution. If they are written</p> <p><b>W</b> <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...</a></p>				

<b>53/445</b>	<b>SUBMITTED TEXT</b>	43 WORDS	<b>100% MATCHING TEXT</b>	43 WORDS
<p>The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers, and duties of government institutions, and sets out fundamental rights, directive principles, and the duties of citizens. ?</p>		<p>The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers, and duties of government institutions, and sets out fundamental rights, directive principles, and duties of citizens.</p>		
<p><b>W</b> <a href="https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions">https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions</a></p>				
<b>54/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>80% MATCHING TEXT</b>	17 WORDS
<p>which was adopted by the Constituent Assembly on 26th November, 1949 and came into force on 26</p>		<p>which was adopted by the constituent assembly on 22 and came into force on 1</p>		
<p><b>W</b> <a href="https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET(2014)493046_EN.pdf">https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET(2014)493046_EN.pdf</a></p>				
<b>55/445</b>	<b>SUBMITTED TEXT</b>	23 WORDS	<b>100% MATCHING TEXT</b>	23 WORDS
<p>Constitution: A constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed.</p>		<p>Constitution? "A constitution is a set of fundamental principles or established precedents according to which a state or other organization governed." -</p>		
<p><b>W</b> <a href="https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions">https://www.slideshare.net/Donzak/salient-features-of-indian-constitutions</a></p>				
<b>56/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>100% MATCHING TEXT</b>	13 WORDS
<p>A secular state is neither religious nor irreligious, or anti-religious.</p>				
<p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>57/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book</p>		<p>Khanna, Hans Raj (1981). Making of India's Constitution. Eastern Book</p>		
<p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>				
<b>58/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>93% MATCHING TEXT</b>	17 WORDS
<p>Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,</p>		<p>Austin, Granville (2003). Working a Democratic Constitution: A History of the Indian Experience (2nd Oxford University Press.</p>		
<p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>				
<b>59/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>87% MATCHING TEXT</b>	17 WORDS
<p>Indian Constitution 2.2 Fundamental Rights and Fundamental Duties 2.3 Directive Principles of State Policy 2.3.1</p>		<p>Indian Constitution UNIT 2: Preamble, Citizenship, Fundamental Rights and Fundamental Duties, Directive Principles of State Policy,</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				

<b>60/445</b>	<b>SUBMITTED TEXT</b>	35 WORDS	<b>36% MATCHING TEXT</b>	35 WORDS
<p>OBJECTIVES After studying this lesson, you should be able to:          ? Understand the philosophy of the constitution ? Describe the fundamental rights and duties ? Explain the directive principle of state policy</p>		<p>OBJECTIVES After going through this unit, you will be able to:          ?Discuss the fundamental rights in the Constitution ?Describe the fundamental duties of an Indian citizen ?Evaluate the directive principles of state policy ?</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				

<b>61/445</b>	<b>SUBMITTED TEXT</b>	39 WORDS	<b>92% MATCHING TEXT</b>	39 WORDS
<p>The Constitution is the embodiment of ideas, objectives and aspirations of the people of a state. Keeping in mind the peculiar need of our country, the Constitution of India is framed on the basis of some strong philosophical</p>		<p>The Constitution is the embodiment of ideas, objectives and aspirations of the people of a state. Keeping in mind the of our country, the Constitution of India is framed on the basis of some strong philosophical</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				

<b>62/445</b>	<b>SUBMITTED TEXT</b>	36 WORDS	<b>85% MATCHING TEXT</b>	36 WORDS
<p>the Indian Constitution. 2.1.1 The Preamble – Amendment          The Oxford Advanced Learner’s Dictionary defines the word “Preamble” as an introduction to a book or a written document. The Constitution of India starts</p>		<p>the Indian Constitution, we must know the Preamble in the first place. The Oxford Advanced Learner’s Dictionary defines the word “Preamble” as an introduction to a book or a written document. The Constitution of India starts</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				

<b>63/445</b>	<b>SUBMITTED TEXT</b>	91 WORDS	<b>100% MATCHING TEXT</b>	91 WORDS
<p>with a Preamble. It is the most precious part of the Constitution. It is the soul of the Constitution. The Preamble of the Indian Constitution says: “WE, THE PEOPLE OF INDIA having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the nation;</p>		<p>with a Preamble. It is the most precious part of the Constitution. It is the soul of the Constitution. The Preamble of the Indian Constitution says: “WE, THE PEOPLE OF INDIA having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and opportunity; and to promote among them all FRATERNITY assuring dignity of the individual and the unity and integrity of the nation; 18</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				

<b>64/445</b>	<b>SUBMITTED TEXT</b>	36 WORDS	<b>100% MATCHING TEXT</b>	36 WORDS
<p>IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.” From the Preamble we can understand the philosophy and ideals of the Indian Constitution. The</p>		<p>IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.” From the Preamble we can understand the philosophy and ideals of the Indian Constitution. The</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				

<b>65/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>95% MATCHING TEXT</b>	15 WORDS
<p>FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>66/445</b>	<b>SUBMITTED TEXT</b>	24 WORDS	<b>100% MATCHING TEXT</b>	24 WORDS
<p>It indicates that ultimate sovereignty lies with the people of India who collectively constitute the supreme source of authority in the country. The</p> <p>It indicates that ultimate sovereignty lies with the people of India who collectively constitute the supreme source of authority in the country. The</p> <p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>67/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>89% MATCHING TEXT</b>	16 WORDS
<p>The word 'Secular' has been included in the Preamble by the 42nd Amendment in 1976.</p> <p>The word has been included in the Preamble by the 42nd Amendment in 1976.</p> <p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>68/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>82% MATCHING TEXT</b>	18 WORDS
<p>India does not recognize any religion as the official or state religion and treats all religions equally.</p> <p>India does not recognize any religion as the state or official religion and treats all religions equally.</p> <p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>69/445</b>	<b>SUBMITTED TEXT</b>	30 WORDS	<b>91% MATCHING TEXT</b>	30 WORDS
<p>India as a Democratic State The Preamble describes India as a democratic state. The prime philosophy and ideal of the Indian Constitution is to make India a democratic state.</p> <p>India as a sovereign, socialist, secular state. The Preamble describes India as a democratic state. The prime philosophy and ideal of the Indian Constitution is to make India a democratic state.</p> <p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>70/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Preamble begins with the words "We the people of India....."</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				

<b>71/445</b>	<b>SUBMITTED TEXT</b>	73 WORDS	<b>82% MATCHING TEXT</b>	73 WORDS
<p>The Constitution of India has established a parliamentary democracy in India marked by universal adult franchise, periodic election to choose the government, majority rule, rule of law, decentralization of power, rule of law, independence of the judiciary, etc. India as a Republic The Preamble declares India to be a republic. What it means is that the Head of the State in India, that is the President of India, is an elected head.</p>		<p>The Constitution of India has established a parliamentary democracy in India marked by universal adult franchise, periodic election to choose the government, majority rule, rule of law, decentralization of power, independence of the judiciary, etc. The Preamble also declares India to be a republic. What it means is that the Head of the State in India, that is the President of India, is an elected head.</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>72/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>100% MATCHING TEXT</b>	12 WORDS
<p>is by the people, for the people and of the people.”</p>				
<p><b>SA</b> Unit 6.docx (D133604267)</p>				
<b>73/445</b>	<b>SUBMITTED TEXT</b>	21 WORDS	<b>82% MATCHING TEXT</b>	21 WORDS
<p>India is committed to the ideal of a welfare state and must establish socio- economic justice. The Preamble lays the</p>		<p>India is committed to the ideal of a welfare state and tries to establish socio- economic justice. The Preamble to the</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>74/445</b>	<b>SUBMITTED TEXT</b>	100 WORDS	<b>100% MATCHING TEXT</b>	100 WORDS
<p>The Preamble to the Indian Constitution has a great significance. It is important to mention here that, in the 'Biruberi Case' (AIR1960 SC 845) the Supreme Court held that the Preamble is not a part of the Constitution. But the famous 'Keshavananda Bharti – vs. - State of Kerala' (AIR 1973 SC 1461) has held that the Preamble is a part of the Constitution. It was also held in this case that, the Preamble could be amended by the Parliament under Article 368 but the 'Basic Structure' of the Constitution could not be changed. Thus, the</p>		<p>The Preamble to the Indian Constitution has a great significance. It is important to mention here that, in the 'Biruberi Case' (AIR1960 SC 845) the Supreme Court held that the Preamble is not a part of the Constitution. But the famous 'Keshavananda Bharti - vs. - State of Kerala' (AIR 1973 SC 1461) has held that the Preamble is a part of the Constitution. It was also held in this case that, the Preamble could be amended by the Parliament under Article 368 but the 'Basic Structure' of the Constitution could not be changed. Thus, the</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>75/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
<p>The prime philosophy and ideal of the Indian Constitution is to make India</p>		<p>The prime philosophy and ideal of the Indian Constitution is to make India</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>76/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>86% MATCHING TEXT</b>	16 WORDS
<p>on grounds of religion, race, caste, sex, and place of birth or any of them.</p>		<p>on the grounds of religion, race, caste, sex or place of birth or any of them.</p>		
<p><b>W</b> <a href="https://www.iitr.ac.in/internalcomplaintscommittee/annexure.pdf">https://www.iitr.ac.in/internalcomplaintscommittee/annexure.pdf</a></p>				

<b>77/445</b>	<b>SUBMITTED TEXT</b>	23 WORDS	<b>81% MATCHING TEXT</b>	23 WORDS
<p>the Constitution. The Preamble to the Indian Constitution is based on the 'Objective Resolution' drafted by Jawaharlal Nehru and adopted by the</p>		<p>the Constitution.' The Preamble to the Indian Constitution is based on the 'Objectives Resolution', drafted and moved by Pandit and adopted by the</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>78/445</b>	<b>SUBMITTED TEXT</b>	28 WORDS	<b>51% MATCHING TEXT</b>	28 WORDS
<p>the Preamble shows, it embodies the basic philosophy and fundamental values on which the Constitution is based. It very well reflects the dreams and aspirations of the</p>		<p>The Preamble embodies the basic philosophy and fundamental values—political, moral and religious—on which the Constitution is based. It contains the grand and noble vision of the</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>79/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>76% MATCHING TEXT</b>	15 WORDS
<p>It embodies the source of the Constitution i.e., the people of India. ? The</p>				
<p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>80/445</b>	<b>SUBMITTED TEXT</b>	26 WORDS	<b>44% MATCHING TEXT</b>	26 WORDS
<p>the nation's fundamental law or supreme law. The procedure of amendment in the constitution is laid down in Part XX (Article 368) of the Constitution</p>		<p>the nation's fundamental Constitution, or supreme law, is known as amending the Indian Constitution. The mechanism for amending the Constitution is outlined in Part XX (Article 368) of Indian Constitution.</p>		
<p><b>W</b> <a href="https://blog.ipleaders.in/100-101-and-102-amendment-of-the-indian-constitution/">https://blog.ipleaders.in/100-101-and-102-amendment-of-the-indian-constitution/</a></p>				
<b>81/445</b>	<b>SUBMITTED TEXT</b>	45 WORDS	<b>78% MATCHING TEXT</b>	45 WORDS
<p>The Constitution of India provides for a distinctive amending process when compared to the Constitutions of other nations. It can be described as partly flexible and partly rigid. The Constitution provides for a variety in the amending process. This feature has been commended by</p>				
<p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>82/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>91% MATCHING TEXT</b>	19 WORDS
<p>that uniformity in the amending process imposed "quite unnecessary restrictions" upon the amendment of parts of a Constitution.</p>				
<p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				

83/445	SUBMITTED TEXT	129 WORDS	86% MATCHING TEXT	129 WORDS
	amendment of the Constitution can be initiated only by the introduction of a Bill in either House of Parliament. The Bill must then be passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting. There is no provision for a joint sitting in case of disagreement between the two Houses. The Bill, passed by the required majority, is then presented to the President who shall give his assent to the Bill. If the amendment seeks to make any change in any of the provisions mentioned in the proviso to article 368, it must be ratified by the Legislatures of not less than one-half of the States.			
	<b>SA</b> CC-PS-02.pdf (D149043601)			

84/445	SUBMITTED TEXT	12 WORDS	100% MATCHING TEXT	12 WORDS
	The Right of Children to Free and Compulsory Education Act was		the Right of Children to Free and Compulsory Education Act, 2009 was	
	<b>W</b> <a href="https://www.iitr.ac.in/internalcomplaintscommittee/annexure.pdf">https://www.iitr.ac.in/internalcomplaintscommittee/annexure.pdf</a>			

85/445	SUBMITTED TEXT	49 WORDS	92% MATCHING TEXT	49 WORDS
	of India. These include individual rights common to most liberal democracies, such as equality before law, freedom of speech and expression, and peaceful assembly, freedom to practice religion, and the right to constitutional remedies for the protection of civil rights by means of writs such as habeas corpus.		of India. These includes individual rights common to most liberal democracies, such as equality before the law, freedom of speech and expression, religious and cultural 14 freedom, peaceful assembly, freedom to practice religion, and the right to constitutional remedies for the protection of civil rights by means of writs such as habeas corpus,	
	<b>W</b> <a href="https://docslib.org/doc/7178430/f-y-b-a-politicalpaper-i-indianpoliticalsystem">https://docslib.org/doc/7178430/f-y-b-a-politicalpaper-i-indianpoliticalsystem</a>			

86/445	SUBMITTED TEXT	18 WORDS	58% MATCHING TEXT	18 WORDS
	rights universally apply to all citizens, irrespective of race, place of birth, religion, caste or gender. Indian		rights apply universally to all citizens, irrespective of race, birth place, religion, caste or gender. The Indian	
	<b>W</b> <a href="https://docslib.org/doc/7178430/f-y-b-a-politicalpaper-i-indianpoliticalsystem">https://docslib.org/doc/7178430/f-y-b-a-politicalpaper-i-indianpoliticalsystem</a>			

87/445	SUBMITTED TEXT	49 WORDS	100% MATCHING TEXT	49 WORDS
	In this Part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India."		In this Part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India 13.	
	<b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a>			



<b>88/445</b>	<b>SUBMITTED TEXT</b>	63 WORDS	<b>92% MATCHING TEXT</b>	63 WORDS
<p>are: Right to Equality This includes equality before law, prohibition of discrimination on grounds of religion, race, caste, gender or place of birth, and equality of opportunity in matters of employment, abolition of untouchability and abolition of titles. Right to Freedom Which includes speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation (</p>		<p>are: 1. Right to equality, equality before law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, and equality of opportunity in matters of employment, abolition of untouchability and abolition of titles. 2. Right to freedom which includes speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation,</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>89/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>87% MATCHING TEXT</b>	13 WORDS
<p>security of the State, friendly relations with foreign countries, public order, decency</p>		<p>security of the state, friendly relations with foreign states, public order, decency,</p>		
<p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>				
<b>90/445</b>	<b>SUBMITTED TEXT</b>	30 WORDS	<b>94% MATCHING TEXT</b>	30 WORDS
<p>or morality), right to life and liberty, right to education, protection in respect to conviction in offences and protection against arrest and detention in certain cases. Right against Exploitation</p>		<p>or occupation, right to life and liberty, right to education, protection in respect to conviction in offences and protection against arrest and detention in certain cases. 3. Right against exploitation,</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>91/445</b>	<b>SUBMITTED TEXT</b>	53 WORDS	<b>94% MATCHING TEXT</b>	53 WORDS
<p>all forms of forced labour, child labour and traffic in human beings. Right to Freedom of Religion This includes freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instructions in certain educational institutes. Cultural and Educational Rights</p>		<p>all forms of forced labour, child labour and traffic in human beings. 4. Right to freedom of religion, freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instructions in certain educational institutes. 5. Cultural and Educational rights</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>92/445</b>	<b>SUBMITTED TEXT</b>	31 WORDS	<b>100% MATCHING TEXT</b>	31 WORDS
<p>right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice. Right to Constitutional Remedies</p>		<p>Right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice. 6. Right to constitutional remedies</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				

<b>93/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>89% MATCHING TEXT</b>	15 WORDS
<p>be completed before the amending Bill is presented to the President for his assent.</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>94/445</b>	<b>SUBMITTED TEXT</b>	221 WORDS	<b>97% MATCHING TEXT</b>	221 WORDS
<p>It shall be the duty of every citizen of India ? To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem; ? To cherish and follow the noble ideals which inspired our national struggle for freedom; ? To uphold and protect the sovereignty, unity and integrity of India; ? To defend the country and render national service when called upon to do so; ? To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women; ? To value and preserve the rich heritage of our composite culture; ? To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures; ? To develop the scientific temper, humanism and the spirit of inquiry and reform; ? To safeguard public property and to abjure violence; ? To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement; ? Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				
<b>95/445</b>	<b>SUBMITTED TEXT</b>	40 WORDS	<b>96% MATCHING TEXT</b>	40 WORDS
<p>Directive Principles of State Policy: Application of the principles contained in this Part. State to secure a social order for the promotion of welfare of the people and certain principles of policy to be followed by the State. ?</p> <p><b>W</b> <a href="https://www.studyadda.com/notes/upsc/indian-polity-and-civics/the-indian-constitution/notes-amend...">https://www.studyadda.com/notes/upsc/indian-polity-and-civics/the-indian-constitution/notes-amend ...</a></p>				
<b>96/445</b>	<b>SUBMITTED TEXT</b>	65 WORDS	<b>93% MATCHING TEXT</b>	65 WORDS
<p>In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III. ? 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. ?</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				

<b>97/445</b>	<b>SUBMITTED TEXT</b>	308 WORDS	<b>94% MATCHING TEXT</b>	308 WORDS
<p>The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. ? The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. ? The State shall, in particular, direct its policy towards securing – ? That the citizens, men and women equally, have the right to an adequate means of livelihood; ? That the ownership and control of the material resources of the community are so distributed as best to subserve the common good; ? That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; ? That there is equal pay for equal work for both men and women; ? That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; ? Those children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. ? The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.</p>		<p>The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. [(2) The State shall, in particular, strive to the inequalities in income, and endeavour eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.] 39. Certain principles of policy the State. - The State shall, in particular, direct its policy towards securing- ( a) that the citizens, and women equally, have the right to an adequate means of livelihood; (that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; (that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; (that there is equal pay for equal work for both men and women; (that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; [(f) that are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.] [39A. Equal and free aid. - The shall secure the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.] 40.</p>		
<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				

<b>98/445</b>	<b>SUBMITTED TEXT</b>	32 WORDS	<b>100% MATCHING TEXT</b>	32 WORDS
<p>The State shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. ?</p>		<p>The state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.”</p>		
<p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>				

<b>99/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>78% MATCHING TEXT</b>	16 WORDS
<p>it was removed from the list of Fundamental Rights in 1978 by 44th constitutional amendment.</p>		<p>it was removed from the list of Fundamental Rights by the 44th Constitutional Amendment</p>		
<p><b>W</b> <a href="https://www.studyiq.com/articles/fundamental-rights-of-indian-constitution/">https://www.studyiq.com/articles/fundamental-rights-of-indian-constitution/</a></p>				

<b>100/445</b>	<b>SUBMITTED TEXT</b>	45 WORDS	<b>100% MATCHING TEXT</b>	45 WORDS
<p>The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. ?</p>		<p>The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. 42.</p>		
<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				

<b>101/445</b>	<b>SUBMITTED TEXT</b>	47 WORDS	<b>96% MATCHING TEXT</b>	47 WORDS
<p>The State shall make provision for securing just and humane conditions of work and for maternity relief. ? The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage,</p>		<p>The State shall make provision for securing just and humane conditions of work and for maternity relief. 5. Article 43 states that : The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage,</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				

<b>102/445</b>	<b>SUBMITTED TEXT</b>	93 WORDS	<b>96% MATCHING TEXT</b>	93 WORDS
<p>conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas. ? The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry. ? The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. ?</p>		<p>conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to cottage industries on an individual or co-operative basis in rural areas. 6. A states The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry. 7. Article 44 states The State shall endeavour to secure for the citizens a uniform civil code throughout the of India.</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				

<b>103/445</b>	<b>SUBMITTED TEXT</b>	57 WORDS	<b>94% MATCHING TEXT</b>	57 WORDS
<p>education for all children until they complete the age of fourteen years. ? The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. ?</p>		<p>education for all children until they complete the age of six years. 9. Article 46 that: State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. (</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				

<b>104/445</b>	<b>SUBMITTED TEXT</b>	125 WORDS	<b>97% MATCHING TEXT</b>	125 WORDS
<p>The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. ? The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle. ? The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. ?</p>		<p>The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. 3. Article 48 states The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle. 4. Article 48states that: The State shall to protect and improve the environment and to safeguard the forests and wild life of the country. (</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				

<b>105/445</b>	<b>SUBMITTED TEXT</b>	31 WORDS	<b>98% MATCHING TEXT</b>	31 WORDS
<p>It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, to be of national importance, from</p>				
<p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				

<b>106/445</b>	<b>SUBMITTED TEXT</b>	82 WORDS	<b>86% MATCHING TEXT</b>	82 WORDS
<p>spoliation, disfigurement, destruction, removal, disposal or export, as the case may be. ? The State shall take steps to separate the judiciary from the executive in the public services of the State. ? The State shall endeavour to – ? Promote international peace and security; ? Maintain just and honorable relations between nations; ? Foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and ? Encourage settlement of international disputes by arbitration.</p>				
<p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				

<b>107/445</b>	<b>SUBMITTED TEXT</b>	29 WORDS	<b>88% MATCHING TEXT</b>	29 WORDS
<p>of the_____ 10. State to secure a _____order for the promotion of welfare of the people and certain principles of policy to be followed by the State. 2.3.1</p>		<p>of the directive State to secure a social order for the promotion of welfare of the people 39. Certain principles of policy to be followed by the State 39</p>		
<p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				

<b>108/445</b>	<b>SUBMITTED TEXT</b>	40 WORDS	<b>98% MATCHING TEXT</b>	40 WORDS
<p>The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the _____life. 9.</p>		<p>the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic, and political, shall inform all the institutions of the life.</p>		
<p><b>W</b> <a href="https://loksabhadocs.nic.in/Refinput/Research_notes/English/04122019_153433_1021204140.pdf">https://loksabhadocs.nic.in/Refinput/Research_notes/English/04122019_153433_1021204140.pdf</a></p>				

<b>109/445</b>	<b>SUBMITTED TEXT</b>	129 WORDS	<b>100% MATCHING TEXT</b>	129 WORDS
<p>Indian Constitution is a balanced Constitution. The framers of the Constitution desired to secure balance and moderation in incorporating various provisions in our Constitution. As far as the amendment of the Constitution is concerned, a balance is struck in making the Constitution partly rigid and partly flexible. A flexible Constitution is one, which can be easily amended like ordinary law of the land. On the contrary, a rigid Constitution is one whose amendment is very difficult and where there is a distinction between the amendment of constitutional law and ordinary law. Both the types of Constitutions had their merits and demerits. But the framers of the Indian Constitution did not go to the extreme. They incorporated a unique procedure of amendment which combines both rigidity</p>		<p>Indian Constitution is a balanced Constitution. The framers of the Constitution desired to secure balance and moderation in incorporating various provisions in our Constitution. As far as the amendment of the Constitution is concerned, a balance is struck in making the Constitution partly rigid and partly flexible. A flexible Constitution is one, which can be easily amended like ordinary law of the land. On the contrary, a rigid Constitution is one whose amendment is very difficult and where there is a distinction between the amendment of constitutional law and ordinary law. Both the types of Constitutions had their merits and demerits. But the framers of the Indian Constitution did not go to the extreme. They incorporated a unique procedure of amendment which combines both rigidity</p>		
<p><b>W</b> <a href="https://www.lawyersjurists.com/article/constitution-amending-power-of-the-parliament/">https://www.lawyersjurists.com/article/constitution-amending-power-of-the-parliament/</a></p>				

<b>110/445</b>	<b>SUBMITTED TEXT</b>	90 WORDS	<b>99% MATCHING TEXT</b>	90 WORDS
<p>Representatives are elected by the public, as in national elections for the national legislature. Elected representatives may hold the power to select other representatives, presidents, or other officers of government or of the legislature, as the Prime Minister in the latter case. ? The power of representatives is usually curtailed by a constitution (as in a constitutional democracy or a constitutional monarchy) or other measures to balance representative power: ? An independent judiciary, which may have the power to declare legislative, acts unconstitutional (e.g. Constitutional Court, Supreme Court) ?</p>		<p>Representatives are elected by the public, as in national elections for the national legislature. Elected representatives may hold the power to select other representatives, presidents, or other officers of the government or of the legislature, as the Prime Minister in the latter case. The power of representatives is usually curtailed by a constitution (as in a constitutional democracy or a constitutional monarchy) or other measures to balance representative power. An independent judiciary, which may have the power to declare legislative acts unconstitutional (e.g. constitutional court, supreme court).</p>		
<p><b>W</b> <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...</a></p>				

<b>111/445</b>	<b>SUBMITTED TEXT</b>	53 WORDS	<b>96% MATCHING TEXT</b>	53 WORDS
<p>may also provide for some deliberative democracy or direct popular measures (e.g., initiative, referendum, recall elections). However, these are not always binding and usually require some legislative action legal power usually remains firmly with representatives. ? In some cases, a bicameral legislature may have an "upper house" that is not directly elected.</p>		<p>may also provide for some deliberative democracy (e.g., Royal Commissions) or direct popular measures (e.g., initiative, referendum, recall elections). However, these are not always binding and usually require some legislative action—legal power usually remains firmly with representatives. In some cases, a bicameral legislature may have an "upper house" that is not directly elected,</p>		
<p><b>W</b> <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...</a></p>				

112/445

SUBMITTED TEXT

13 WORDS

87% MATCHING TEXT

13 WORDS

the president is both head of state and the head of government

The American President is both the head of the State and the head of government.

**W** <https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf>

113/445

SUBMITTED TEXT

465 WORDS

99% MATCHING TEXT

465 WORDS

and flexibility (Article 368 of Constitution deals with procedure of amendment of the Constitution). The Constitution can be amended in three different ways:- ? Some categories of amendment like creation of new States, creation or abolition of second chamber of the States, changes in the citizenship, etc., require only a simple majority in both the Houses of the Union Parliament. In this case amendment of the Constitution is made in a flexible manner. ? Certain other provisions of the Constitution in order to be amended require a majority of the total membership in each House of Parliament and a majority of not less than two-thirds of the members present and voting in each House of parliament. The bulk of the Constitution can be amended in this way. ? Certain categories of amendment like the Presidential powers and mode of election, the extent of the Executive and Legislative Powers of the Union or the States, the provision regarding the Supreme Court and the High Court, the representation of States in Parliament etc. require:- ? A majority of the total membership in each House of Parliament. ? A majority of not less than two-thirds of all the members present and voting in each House of Parliament, and ? Ratification by the legislatures of at least one half of the States. The analysis of the above three procedures of the Indian Constitution reveals that the amendment procedures strike a wise balance between rigidity and flexibility: - K. C. Where, eulogizing the procedure of amendment of Indian Constitution, observes. "This variety in the amending process is wise but is rarely found" The process of amendment is a dynamic one. It does not stop the growth of a nation. In this connection, it is worthwhile to quote Pandit Nehru who clearly stated, "While one wants this Constitution to be as solid and permanent as we can make it, there is no permanence in the Constitution. There should be certain flexibility. If you make anything rigid and permanent, you stop the nation's growth, the growth of a living vital organic people. While the world is in turmoil and we are passing through a swept period of transition, what we may do today may not be wholly applicable tomorrow". Thus, our Constitution strikes a balance between the extreme flexibility of the British Constitution and the extreme rigidity of the American Constitution. Dr. B. R. Ambedkar rightly said that "...this Assembly has not only refrained from putting a seal of finality and infallibility upon the Constitution by denying the people the right to amend the Constitution as in Canada, or by making the amendment of the Constitution subject to the fulfillment of extra-ordinary terms and conditions as in America or Australia, but has provided a most facile procedure".

and flexibility. Article 368 of Constitution deals with procedure of amendment of the Constitution. The Constitution can be amended in three different ways :- (Some categories of amendment like creation of new States, creation or abolition of second chamber of the States, changes in the citizenship, etc., require only a simple majority in both the Houses of the Union Parliament. In this case amendment of the Constitution is made in a flexible manner. (b) Certain other provisions of the Constitution in order to be amended require a majority of the total membership in each House of Parliament and a majority of not less than two-thirds of the members and voting in each House of parliament. The bulk of the Constitution can be amended in this way. (c) Certain categories of amendment like the Presidential powers and mode of election, the extent of the Executive and Legislative Powers of the Union or the States, the provision regarding the Supreme Court and the High Court, the representation of States in Parliament etc. require :- • A majority of the total membership in each House of Parliament. • A majority of not less than two-thirds of all the members present and voting in each House of Parliament, and • Ratification by the legislatures of at least one half of the States. The analysis of the above three procedures of the Indian Constitution reveals that the amendment procedures strike a wise balance between rigidity and flexibility:- K. C. Where, eulogizing the procedure of amendment of Indian Constitution, observes. "This variety in the amending process is wise but is rarely found" The process of amendment is a dynamic one. It does not stop the growth of a nation. In this connection, it is worthwhile to quote Pundit Nehru who clearly stated, "While one wants this Constitution to be as solid and permanent as we can make it, there is no permanence in the Constitution. There should be certain flexibility. If you make anything rigid and permanent, you stop the nation's growth, the growth of a living vital organic people. While the world is in turmoil and we are passing through a swept period of transition, what we may do today may not be wholly applicable tomorrow". Thus, our Constitution strikes a balance between the extreme flexibility of the British Constitution and the extreme rigidity of the American Constitution. Dr. B. R. Ambedkar rightly said that "...this Assembly has not only refrained from putting a seal of finality and infallibility upon the Constitution by denying the people the right to amend the Constitution as in Canada, or by making the amendment of the Constitution subject to the fulfillment of extra-ordinary terms and conditions as in America or Australia, but has provided a most facile procedure". •

**W** <https://www.lawyersjurists.com/article/constitution-amending-power-of-the-parliament/>



<b>114/445</b>	<b>SUBMITTED TEXT</b>	45 WORDS	<b>100% MATCHING TEXT</b>	45 WORDS
<p>The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. 12. The</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>115/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>100% MATCHING TEXT</b>	18 WORDS
<p>A flexible Constitution is one, which can be easily amended like ordinary law of the land. 14.</p> <p><b>W</b> <a href="https://www.studyadda.com/notes/upsc/indian-polity-and-civics/the-indian-constitution/notes-amend...">https://www.studyadda.com/notes/upsc/indian-polity-and-civics/the-indian-constitution/notes-amend ...</a></p>				
<b>116/445</b>	<b>SUBMITTED TEXT</b>	29 WORDS	<b>88% MATCHING TEXT</b>	29 WORDS
<p>Representative democracy (also indirect democracy) is a variety of democracy founded on the principle of elected officials representing a group of people, as opposed to direct democracy. 15.</p> <p><b>W</b> <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...</a></p>				
<b>117/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>87% MATCHING TEXT</b>	13 WORDS
<p>the president is both head of state and the head of government</p> <p><b>W</b> <a href="https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>118/445</b>	<b>SUBMITTED TEXT</b>	33 WORDS	<b>59% MATCHING TEXT</b>	33 WORDS
<p>A Preamble is the most precious part of the Constitution. It is the soul of the Constitution. From the Preamble we can understand the philosophy and ideals of the Indian Constitution.</p> <p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>119/445</b>	<b>SUBMITTED TEXT</b>	27 WORDS	<b>94% MATCHING TEXT</b>	27 WORDS
<p>Representative Democracy: Representative democracy is a variety of democracy founded on the principle of elected officials representing a group of people, as opposed to direct democracy.</p> <p><b>W</b> <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...</a></p>				



<b>120/445</b>	<b>SUBMITTED TEXT</b>	21 WORDS	<b>100% MATCHING TEXT</b>	21 WORDS
<p>shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. 13.</p>				
<p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>121/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>87% MATCHING TEXT</b>	13 WORDS
<p>the president is both head of state and the head of government</p>				
<p>The American President is both the head of the State and the head of government.</p>				
<p><b>W</b> <a href="https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>122/445</b>	<b>SUBMITTED TEXT</b>	26 WORDS	<b>100% MATCHING TEXT</b>	26 WORDS
<p>A rigid Constitution is one whose amendment is very difficult and where there is a distinction between the amendment of constitutional law and ordinary law.</p>				
<p>a rigid Constitution is one whose amendment is very difficult and where there is a distinction between the amendment of constitutional law and ordinary law.</p>				
<p><b>W</b> <a href="https://www.lawyersjurists.com/article/constitution-amending-power-of-the-parliament/">https://www.lawyersjurists.com/article/constitution-amending-power-of-the-parliament/</a></p>				
<b>123/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book</p>				
<p>Khanna, Hans Raj (1981). Making of India's Constitution. Eastern Book</p>				
<p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>				
<b>124/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>93% MATCHING TEXT</b>	17 WORDS
<p>Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,</p>				
<p>Austin, Granville (2003). Working a Democratic Constitution: A History of the Indian Experience (2nd Oxford University Press.</p>				
<p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>				

125/445

SUBMITTED TEXT

334 WORDS

99% MATCHING TEXT

334 WORDS

HUMAN RIGHTS Human: Noun A member of the Homo sapiens species; a man, woman or child; a person Rights: Noun Things to which you are entitled or allowed; freedoms that are guaranteed Human Rights: Noun The rights you have simply because you are human. If you were to ask people in the street, "What are human rights?" you would get many different answers. They would tell you the rights they know about, but very few people know all their rights. As covered in the definitions above, a right is a freedom of some kind. It is something to which you are entitled by virtue of being human. Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal. Whereas nations or specialized groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled no matter who they are or where they live simply because they are alive. Yet many people, when asked to name their rights, will list only freedom of speech and belief and perhaps one or two others. There is no question these are important rights, but the full scope of human rights is very broad. They mean choice and opportunity. They mean the freedom to obtain a job, adopt a career, select a partner of one's choice and raise children. They include the right to travel widely and the right to work gainfully without harassment, abuse and threat of arbitrary dismissal. They even embrace the right to leisure. In ages past, there were no human rights. Then the idea emerged that people should have certain freedoms. And that idea, in the wake of World War II, resulted finally in the document called the Universal Declaration of Human Rights and the thirty rights to which all people are entitled.

human rights definitions: Human: noun A member of the Homo sapiens species; a man, woman or child; a person. Rights: noun Things to which you are entitled or allowed; freedoms that are guaranteed. Human Rights: noun The rights you have simply because you are human. If you were to ask people in the street, "What are human rights?" you would get many different answers. They would tell you the rights they know about, but very few people know all their rights. As covered in the definitions above, a right is a freedom of some kind. It is something to which you are entitled by virtue of being human. Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal. Whereas nations or specialized groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled—no matter who they are or where they live—simply because they are alive. Yet many people, when asked to name their rights, will list only freedom of speech and belief and perhaps one or two others. There is no question these are important rights, but the full scope of human rights is very broad. They mean choice and opportunity. They mean the freedom to obtain a job, adopt a career, select a partner of one's choice and raise children. They include the right to travel widely and the right to work gainfully without harassment, abuse and threat of arbitrary dismissal. They even embrace the right to leisure. In ages past, there were no human rights. Then the idea emerged that people should have certain freedoms. And that idea, in the wake of World War II, resulted finally in the document called the Universal Declaration of Human Rights and the thirty rights to which all people are entitled.

**W** <http://www.humanrights.com/what-are-human-rights.html>

126/445

SUBMITTED TEXT

14 WORDS

96% MATCHING TEXT

14 WORDS

the Convention on the Elimination of All Forms of Discrimination against Women. The

the UN Convention on the Elimination of All Forms of Discrimination against Women, the

**W** [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI\\_ET\(2014\)493046\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493046/IPOL-JURI_ET(2014)493046_EN.pdf)

127/445

SUBMITTED TEXT

15 WORDS

95% MATCHING TEXT

15 WORDS

FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,

**SA** CC-PS-02.pdf (D149043601)

<b>128/445</b>	<b>SUBMITTED TEXT</b>	78 WORDS	<b>100% MATCHING TEXT</b>	78 WORDS
<p>Human Rights as Inspiration and Empowerment Human rights are both inspirational and practical. Human rights principles hold up the vision of a free, just, and peaceful world and set minimum standards for how individuals and institutions everywhere should treat people. Human rights also empower people with a framework for action when those minimum standards are not met, for people still have human rights even if the laws or those in power do not recognize or protect them.</p>		<p>Human Rights as Inspiration and Empowerment Human rights are both inspirational and practical. Human rights principles hold up the vision of a free, just, and peaceful world and set minimum standards for how individuals and institutions everywhere should treat people. Human rights also empower people with a framework for action when those minimum standards are not met, for people still have human rights even if the laws or those in power do not recognize or protect them.</p>		
<p><b>W</b> <a href="http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/whatare.htm">http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/whatare.htm</a></p>				

<b>129/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>87% MATCHING TEXT</b>	13 WORDS
<p>All human beings are born free and equal in dignity and rights.”</p>		<p>Indian Constitution (OEL) EM.docx (D159148560)</p>		

<b>130/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
<p>the French Declaration of the Rights of Man and of the Citizen (1789),</p>		<p>COI project.docx (D145282444)</p>		

<b>131/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>88% MATCHING TEXT</b>	14 WORDS
<p>All human beings are born free and equal in dignity and rights. They</p>		<p>Indian Constitution (OEL) EM.docx (D159148560)</p>		

<b>132/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>88% MATCHING TEXT</b>	15 WORDS
<p>of person. ? No one shall be held in slavery or servitude; slavery and</p>		<p>of birth. No one shall be held in slavery or servitude; slavery and</p>		
<p><b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a></p>				

<b>133/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>91% MATCHING TEXT</b>	19 WORDS
<p>All are equal before the law and are entitled without any discrimination to equal protection of the law.</p>		<p>All are equal before the law and are entitled without discrimination to equal protection of the law”.</p>		
<p><b>W</b> <a href="https://paidiblog825102560.files.wordpress.com/2020/08/polity-and-polities-in-india.pdf">https://paidiblog825102560.files.wordpress.com/2020/08/polity-and-polities-in-india.pdf</a></p>				

<b>134/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
<p>No one shall be subjected to arbitrary arrest, detention or exile. ? Everyone</p> <p><b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a></p>		<p>No one shall be subjected to arbitrary arrest, detention or exile. Everyone</p>		
<b>135/445</b>	<b>SUBMITTED TEXT</b>	23 WORDS	<b>100% MATCHING TEXT</b>	23 WORDS
<p>Everyone has the right to freedom of movement and residence within the borders of each state. ? Everyone has the right to</p> <p><b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a></p>		<p>Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to</p>		
<b>136/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
<p>property. ? Everyone has the right to freedom of thought, conscience and religion;</p> <p><b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a></p>		<p>property. Everyone has the right to freedom of thought, conscience and religion.</p>		
<b>137/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>80% MATCHING TEXT</b>	16 WORDS
<p>freedom to hold opinions without interference and to seek, receive and impart information and ideas</p> <p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>freedom to hold opinions and to seek, receive and impart information and ideas'. 3.</p>		
<b>138/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>100% MATCHING TEXT</b>	12 WORDS
<p>should act towards one another in a spirit of brotherhood. ?</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>139/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>58% MATCHING TEXT</b>	25 WORDS
<p>Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. ? Everyone has the right</p> <p><b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a></p>		<p>Everyone has the right to take part in the government of his / her country. Everyone has the right</p>		
<b>140/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>85% MATCHING TEXT</b>	16 WORDS
<p>of his personality. ? Everyone has the right to work, to free choice of employment,</p> <p><b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a></p>		<p>of his / her country. Everyone has the right to work to free choice of employment.</p>		

<b>141/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>100% MATCHING TEXT</b>	13 WORDS
	rights are based on the principle of respect for the individual. 2.		rights are based on the principle of respect for the individual.	
	<b>W</b> <a href="http://www.humanrights.com/what-are-human-rights.html">http://www.humanrights.com/what-are-human-rights.html</a>			
<b>142/445</b>	<b>SUBMITTED TEXT</b>	29 WORDS	<b>89% MATCHING TEXT</b>	29 WORDS
	the right to equality, the right to freedom, the right against exploitation, the right to freedom of religion, cultural and educational rights and the right to Constitutional remedies.		the right of equality, the right of freedom, the right against exploitation, the right to freedom of religion, cultural and educational rights, and the right to constitutional remedies.	
	<b>W</b> <a href="https://loksabhadocs.nic.in/Refinput/Research_notes/English/04122019_153433_1021204140.pdf">https://loksabhadocs.nic.in/Refinput/Research_notes/English/04122019_153433_1021204140.pdf</a>			
<b>143/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
	and the International Covenant on Economic, Social and Cultural Rights,		and the International Covenant on Economic, Social and Cultural Rights	
	<b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a>			
<b>144/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>100% MATCHING TEXT</b>	15 WORDS
	The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006		the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006,	
	<b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a>			
<b>145/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>70% MATCHING TEXT</b>	18 WORDS
	The International Covenant on Civil and Political Rights (ICCPR) The International Covenant on Civil and Political Rights (		the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights	
	<b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a>			
<b>146/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
	the International Covenant on Economic, Social and Cultural Rights (ICESCR)			
	<b>SA</b> Political Process & Politics in India (EM).pdf (D139291481)			
<b>147/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>65% MATCHING TEXT</b>	17 WORDS
	right to life, liberty, and security; right to property, right to freedom of speech and expression;		Right to Life and Liberty (b) Right to Equality (c) Right to Freedom of Speech and Expression (	
	<b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a>			

<b>148/445</b>	<b>SUBMITTED TEXT</b>	22 WORDS	<b>85% MATCHING TEXT</b>	22 WORDS
<p>to protect and improve the natural environment including forests, trees, rivers and wildlife, and to have compassion for all living creatures”.</p>		<p>to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures; (</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>149/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>81% MATCHING TEXT</b>	20 WORDS
<p>To protect and improve the natural environment including river, forest and wildlife, and to have compassion for living creatures,</p>		<p>to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures; (</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>150/445</b>	<b>SUBMITTED TEXT</b>	81 WORDS	<b>100% MATCHING TEXT</b>	81 WORDS
<p>Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal. ? Whereas nations or specialized groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled no matter who they are or where they live simply because they are alive. ?</p>		<p>Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal. Whereas nations or specialized groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled—no matter who they are or where they live—simply because they are alive.</p>		
<p><b>W</b> <a href="http://www.humanrights.com/what-are-human-rights.html">http://www.humanrights.com/what-are-human-rights.html</a></p>				
<b>151/445</b>	<b>SUBMITTED TEXT</b>	36 WORDS	<b>95% MATCHING TEXT</b>	36 WORDS
<p>Human rights principles hold up the vision of a free, just, and peaceful world and set minimum standards for how individuals and institutions everywhere should treat people. Unit 3 – Human Rights</p>		<p>Human rights principles hold up the vision of a free, just, and peaceful world and set minimum standards for how individuals and institutions everywhere should treat people. Human rights</p>		
<p><b>W</b> <a href="http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/whatare.htm">http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/whatare.htm</a></p>				
<b>152/445</b>	<b>SUBMITTED TEXT</b>	41 WORDS	<b>96% MATCHING TEXT</b>	41 WORDS
<p>Human rights also empower people with a framework for action when those minimum standards are not met, for people still have human rights even if the laws or those in power do not recognize or protect them. ? Human rights</p>		<p>Human rights also empower people with a framework for action when those minimum standards are not met, for people still have human rights even if the laws or those in power do not recognize or protect them. We experience our human rights</p>		
<p><b>W</b> <a href="http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/whatare.htm">http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/whatare.htm</a></p>				
<b>153/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>100% MATCHING TEXT</b>	15 WORDS
<p>the right of enjoyment of pollution-free water and air for full enjoyment of life.</p>		<p>the right of enjoyment of pollution-free water and air for full enjoyment of life”</p>		
<p><b>W</b> <a href="http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf">http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf</a></p>				

<b>154/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>Khanna, Hans Raj (1981). Making of India's Constitution. Eastern Book</p>		
<b>155/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>93% MATCHING TEXT</b>	17 WORDS
<p>Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>Austin, Granville (2003). Working a Democratic Constitution: A History of the Indian Experience (2nd Oxford University Press.</p>		
<b>156/445</b>	<b>SUBMITTED TEXT</b>	48 WORDS	<b>69% MATCHING TEXT</b>	48 WORDS
<p>It says thus, "Nothing in this article or in article 29(2) shall prevent the state from making any provisions for the advancement of any socially and economically backward classes of citizens or for Scheduled Castes and Scheduled Tribes." This clause started the era of reservations in India.</p> <p><b>W</b> <a href="http://anucde.info/Indian%20Constitution.pdf">http://anucde.info/Indian%20Constitution.pdf</a></p>		<p>it says " nothing in this article or in clause (2) the Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for Scheduled Castes and Scheduled tribes". this judgment the law of protective discrimination in India.</p>		
<b>157/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>95% MATCHING TEXT</b>	15 WORDS
<p>FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>158/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>85% MATCHING TEXT</b>	15 WORDS
<p>the term untouchability has not been defined in the constitution or in any act</p> <p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>The term 'untouchability' has not been defined either in the Constitution or in the Act.</p>		
<b>159/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>in the case of Indra Sawhney vs Union of India</p> <p><b>W</b> <a href="https://www.legalserviceindia.com/legal/article-1682-preamble-the-spirit-of-constitution-of-india...">https://www.legalserviceindia.com/legal/article-1682-preamble-the-spirit-of-constitution-of-india ...</a></p>		<p>in the case of Indra Sawhney Vs Union of India, 1992</p>		
<b>160/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>75% MATCHING TEXT</b>	18 WORDS
<p>and it is the duty of the state to ensure that this right is not violated. ?</p> <p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>and it is the constitutional obligation of the State to take necessary action to ensure that this right is not violated. 5.</p>		

<b>161/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>95% MATCHING TEXT</b>	13 WORDS
<p>promote with care the educational and economic interests of the weaker sections,</p> <p><b>W</b> <a href="https://mpbou.edu.in/news/m/bae/ba1pol2.pdf">https://mpbou.edu.in/news/m/bae/ba1pol2.pdf</a></p>		<p>promote with special care the educational and economic interests of the weaker sections</p>		
<b>162/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>73% MATCHING TEXT</b>	18 WORDS
<p>the president to appoint a commission to investigate the condition of socially and economically backward classes and</p> <p><b>W</b> <a href="https://www.apsc-tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc-tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>The President may appoint a commission to investigate the conditions of socially and educationally backward classes and</p>		
<b>163/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>87% MATCHING TEXT</b>	13 WORDS
<p>a commission to investigate the condition of socially and educationally backward classes.</p> <p><b>W</b> <a href="https://www.apsc-tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc-tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>a commission to investigate the conditions of socially and educationally backward classes</p>		
<b>164/445</b>	<b>SUBMITTED TEXT</b>	59 WORDS	<b>100% MATCHING TEXT</b>	59 WORDS
<p>Equality before Law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. ? Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex,</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>		<p>Equality before law. - The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. - (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex,</p>		
<b>165/445</b>	<b>SUBMITTED TEXT</b>	32 WORDS	<b>100% MATCHING TEXT</b>	32 WORDS
<p>Equality of opportunity in matters of public employment There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>		<p>Equality of opportunity in matters of public employment. - (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state. (2)</p>		
<b>166/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>the state to make special provisions for women and children.</p> <p><b>W</b> <a href="https://paidiblog825102560.files.wordpress.com/2020/08/polity-and-polities-in-india.pdf">https://paidiblog825102560.files.wordpress.com/2020/08/polity-and-polities-in-india.pdf</a></p>		<p>the State to make special provisions for women and children</p>		
<b>167/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>95% MATCHING TEXT</b>	12 WORDS
<p>the state to provide early childhood care and education for children</p> <p><b>W</b> <a href="https://www.apsc-tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc-tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>the State to provide early childhood care and education for all children</p>		



<b>168/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>96% MATCHING TEXT</b>	14 WORDS
Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Tamil, Telugu,		Assamese; Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Punjabi, Sindhi, Tamil, Telugu,		
<b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a>				
<b>169/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
a state which observes an attitude of neutrality and impartiality towards all religions.				
<b>SA</b> MA Politics SEM 2 Indian Constitution.pdf (D118114822)				
<b>170/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>70% MATCHING TEXT</b>	16 WORDS
a distinct language, script or culture of its own and to ensure the same. Further		a distinct language, script or culture of its own shall have the right to conserve the same. ? Further,		
<b>W</b> <a href="https://www.icsi.edu/media/webmodules/CONSTITUTION.pdf">https://www.icsi.edu/media/webmodules/CONSTITUTION.pdf</a>				
<b>171/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>66% MATCHING TEXT</b>	25 WORDS
has the right to establish and maintain its own institutions fro religions and charitable purposes to manage its own affairs in matters of religion.				
<b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)				
<b>172/445</b>	<b>SUBMITTED TEXT</b>	48 WORDS	<b>85% MATCHING TEXT</b>	48 WORDS
no citizen shall be denied admission into any educational institutions maintained by the state or receiving aid out of state funds on grounds only of religion, race, caste, language or any of them. ? Article 30 Article 30 guarantees to all minorities based on religion or language		No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them. Article 30 : Right of to establish administer educational institutions (1) All minorities, whether based on religion or language,		
<b>W</b> <a href="https://www.clearias.com/fundamental-rights/">https://www.clearias.com/fundamental-rights/</a>				
<b>173/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>100% MATCHING TEXT</b>	13 WORDS
have the right to establish and administer educational institutions of their choice				
<b>SA</b> MA Politics SEM 2 Indian Constitution.pdf (D118114822)				
<b>174/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>89% MATCHING TEXT</b>	15 WORDS
The Directive Principles of State Policy, enshrined in Part IV of the Indian Constitution		The Directive Principles of State Policy mentioned in Part IV of the Indian Constitution		
<b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a>				

<b>175/445</b>	<b>SUBMITTED TEXT</b>	40 WORDS	<b>100% MATCHING TEXT</b>	40 WORDS
<p>The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life (</p>		<p>the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic, and political, shall inform all the institutions of the national life.</p>		
<p><b>W</b> <a href="https://loksabhadocs.nic.in/Refinput/Research_notes/English/04122019_153433_1021204140.pdf">https://loksabhadocs.nic.in/Refinput/Research_notes/English/04122019_153433_1021204140.pdf</a></p>				
<b>176/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>90% MATCHING TEXT</b>	17 WORDS
<p>That the citizen, men and women equally, have the right to an adequate means of livelihood; (</p>		<p>that the citizens, men and women equally, have the right to an adequate means of livelihood;</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>177/445</b>	<b>SUBMITTED TEXT</b>	74 WORDS	<b>97% MATCHING TEXT</b>	74 WORDS
<p>The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas (Article 43). ? The State shall,</p>		<p>The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to cottage industries on an individual or co-operative basis in rural areas. 6. Article 43A states The State shall</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>178/445</b>	<b>SUBMITTED TEXT</b>	38 WORDS	<b>100% MATCHING TEXT</b>	38 WORDS
<p>within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases</p>		<p>within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>179/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>that it is managed by a religious or linguistic minority.</p>				
<p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>180/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>94% MATCHING TEXT</b>	20 WORDS
<p>equality, states: "Nothing in this article shall prevent the State from making any special provision for women and children."</p>		<p>equality. It states nothing in this article shall prevent the State from making any special provision for women and children".</p>		
<p><b>W</b> <a href="https://www.iitr.ac.in/internalcomplaintscommittee/annexure.pdf">https://www.iitr.ac.in/internalcomplaintscommittee/annexure.pdf</a></p>				

<b>181/445</b>	<b>SUBMITTED TEXT</b>	28 WORDS	<b>98% MATCHING TEXT</b>	28 WORDS
<p>that: "The State shall, in particular, direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood."</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>		<p>that: The State shall, in particular, direct its policy towards securing— ( a) that the citizens, and women equally, have the right to an adequate means of livelihood;</p>		
<b>182/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>87% MATCHING TEXT</b>	13 WORDS
<p>a commission to investigate the condition of socially and educationally backward classes.</p> <p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>a commission to investigate the conditions of socially and educationally backward classes</p>		
<b>183/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>89% MATCHING TEXT</b>	15 WORDS
<p>The Directive Principles of State Policy, enshrined in Part IV of the Indian Constitution</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>		<p>The Directive Principles of State Policy mentioned in Part IV of the Indian Constitution</p>		
<b>184/445</b>	<b>SUBMITTED TEXT</b>	46 WORDS	<b>100% MATCHING TEXT</b>	46 WORDS
<p>The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation (Article 46). ?</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>185/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>Khanna, Hans Raj (1981). Making of India's Constitution. Eastern Book</p>		
<b>186/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>93% MATCHING TEXT</b>	17 WORDS
<p>Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>Austin, Granville (2003). Working a Democratic Constitution: A History of the Indian Experience (2nd Oxford University Press.</p>		
<b>187/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>95% MATCHING TEXT</b>	15 WORDS
<p>FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				

<b>188/445</b>	<b>SUBMITTED TEXT</b>	70 WORDS	<b>56% MATCHING TEXT</b>	70 WORDS
<p>Directive Principles of State Policy Notes 91 UNIT 5 –  DIRECTIVE PRINCIPLES OF STATE POLICY CONTENTS  Learning Objectives Introduction 5.1 Directive Principles of  State Policy 5.1.1 Distinction between Fundamental Rights and  Directive Principles of State Policy 5.1.2 Classification of the  Directive Principles of State Policy 5.1.3 Values and Limitations  of Directive Principles of State Policy 5.2 Reorganization of</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>189/445</b>	<b>SUBMITTED TEXT</b>	27 WORDS	<b>56% MATCHING TEXT</b>	27 WORDS
<p>OBJECTIVES After studying this lesson, you should be able to:  ? Understand the concepts of directive principles of state  policy ? Describe the reorganization of</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>190/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>91% MATCHING TEXT</b>	15 WORDS
<p>to Directive Principles of State Policy. Directive Principles of  state policy, which</p> <p>to perform. 5. Directive Principles of State Policy: The  Directive Principles of State Policy which</p> <p><b>W</b> <a href="https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf">https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf</a></p>				
<b>191/445</b>	<b>SUBMITTED TEXT</b>	61 WORDS	<b>24% MATCHING TEXT</b>	61 WORDS
<p>the directive principles of state policy. We will learn about the  reorganization of states and national integration. Indian  Constitution Notes 92 5.1 DIRECTIVE PRINCIPLES OF STATE  POLICY One of the noblest features of the Indian Constitution  given in Part IV deals with the Directive Principles of State  Policy. It is one of the</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>192/445</b>	<b>SUBMITTED TEXT</b>	37 WORDS	<b>53% MATCHING TEXT</b>	37 WORDS
<p>to minimize inequalities in income and status amongst  individuals and groups of people residing in different areas or  engaged in different vocations. Unit 5 – Directive Principles of  State Policy</p> <p>to eliminate inequalities in status, facilities and opportunities,  not only amongst individuals but also amongst groups of  people residing in different areas or engaged in different  vocations.] 39. Certain principles of policy</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				
<b>193/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>90% MATCHING TEXT</b>	25 WORDS
<p>the state shall direct its policy towards equitable distribution  of the material resources of the community, and non-  concentration of wealth and means of production</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				

<b>194/445</b>	<b>SUBMITTED TEXT</b>	22 WORDS	<b>90% MATCHING TEXT</b>	22 WORDS
<p>between Fundamental Rights and Directive Principles of State Policy The distinction between Fundamental Rights and Directive Principles of State Policy are</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>195/445</b>	<b>SUBMITTED TEXT</b>	23 WORDS	<b>66% MATCHING TEXT</b>	23 WORDS
<p>Fundamental Rights prohibit the State from doing certain things, the Directives are affirmative instructions to 'the State' to do certain things. ?</p> <p>Fundamental Rights are injunctions to prohibit the government from doing certain things, and the Directive Principles are affirmative instructions to the government to do certain things".</p> <p><b>W</b> <a href="http://anucde.info/Indian%20Constitution.pdf">http://anucde.info/Indian%20Constitution.pdf</a></p>				
<b>196/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>between Fundamental Rights and Directive Principles of State Policy is</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>197/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>88% MATCHING TEXT</b>	14 WORDS
<p>Directive Principles are not enforceable by the courts and the courts can not</p> <p>Directive Principles are not enforceable by the courts. The courts can not</p> <p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>198/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>87% MATCHING TEXT</b>	13 WORDS
<p>In case of conflict between Fundamental Rights and Directive Principles, the former</p> <p>in case of any conflict between the Fundamental Rights and the Directive Principles, the former</p> <p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>199/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>88% MATCHING TEXT</b>	19 WORDS
<p>of Directive Principles of State Policy are: Socialist and Economic Principles The socialist and economic principles always aim</p> <p>of the Directive Principles of State Policy (i) Socialist and Economic Principles: The socialist and economic principles always aim</p> <p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				

200/445	SUBMITTED TEXT	188 WORDS	99% MATCHING TEXT	188 WORDS
	<p>a Welfare State. Art. 38(1) provides that the State shall promote the welfare of the people by securing and protecting as it may a social order in which justice – social, economic, and political shall inform all the institutions of national life. The State shall strive to minimize the inequalities in income and try to eliminate inequalities in status, facilities and opportunities among individuals and groups engaged in different vocations within the country (Art.38-2). Thus promotion of welfare of people by securing a social order where justice shall prevail is the objective of our constitution. To ensure such objectives the State shall direct its policy in securing:- ? Adequate means of livelihood for all citizen irrespective of men and women equally ? Equal distribution of wealth and resources among all classes ? Equal pay for equal work for both men and women ? Just and humane conditions of work, a decent standard of living , full employment, leisure and social and cultural opportunities ? Participation of workers in the management of undertakings and establishments ? Protection of children, youth against exploitation and against moral and material abandonment.</p>		<p>a welfare state. Art. 38(1) provides that the State shall promote the welfare of the people by securing and protecting as it may a social order in which justice - social, economic, and political shall inform all the institutions of national life. The State shall strive to minimize the inequalities in income and try to eliminate inequalities in status, facilities and opportunities among individuals and groups engaged in different vocations within the country- Art.38(2). Thus promotion of welfare of people by securing a social order where justice shall prevail is the objective of our Constitution. To ensure such objectives, the State shall direct its policy in securing- ? adequate means of livelihood for all citizens irrespective of men and women equally ; ? equal distribution of wealth and resources among all classes ; ? equal pay for equal work for both men and women ; ? just and humane conditions of work, a decent standard of living , full employment, leisure and social and cultural opportunities; ? participation of workers in the management of undertakings and establishments; ? protection of children, youth against exploitation and against moral and material abandonment. ?</p>	
	<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>			

201/445	SUBMITTED TEXT	34 WORDS	95% MATCHING TEXT	34 WORDS
	<p>that "children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against moral and material abandonment" ?</p>		<p>that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and moral and material abandonment. 2.</p>	
	<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>			

202/445	SUBMITTED TEXT	22 WORDS	80% MATCHING TEXT	22 WORDS
	<p>education for all people, relief in case of unemployment, old age, sickness and disability and other cases of undeserved want ?</p>		<p>education for all people, relief in the of unemployment, old age, sickness and disablement and in other cases of want; 3.</p>	
	<p><b>W</b> <a href="http://anucde.info/Indian%20Constitution.pdf">http://anucde.info/Indian%20Constitution.pdf</a></p>			

203/445

SUBMITTED TEXT

279 WORDS

97% MATCHING TEXT

279 WORDS

of intoxicating drinks and drugs ? Environment safeguarding forest and wild life of the country ? A uniform civil code throughout the country ? Protection of adult and child labour. Gandhian Principles Principles enjoined under Gandhian principles in Article 40, Article 43, Article 47 and Article 48 are some ideals of Mahatma Gandhi followed during his life time. Our constitution framers wanted to implement these ideals to fulfill his dream. The State shall take steps:- ? To organize village Panchayats and endow them power and authority to enable them to function as unit of self-government. ? To promote cottage industries and village industries on an individual or co- operative basis in rural areas ? To prohibit consumption of intoxicating and injurious drinks and drugs ? To promote educational and economic interests of the weaker sections of the people particularly SCs, STs to establish social justice and equity ? To organize agricultural and animal husbandry on modern and scientific lines ? To prohibit the slaughter of cows and other useful cattle ? To protect and improve environment and safeguard the forests and wild life of the country ? To protect, preserve and maintain places of national historical importance ? To separate the judiciary from the executive. Indian Constitution Notes 96 International Principles Principles enjoined in Art. 51 under international principles are some provisions to the State relating to ensure international peace and security. The State shall attempt:- ? To promote international peace and security ? To maintain just and honorable relations between nations ? To foster respect for international law and treaty obligation ? To encourage settlement of international disputes by arbitration

of India drinks and drugs; ? environment safeguarding forest and wild life of the country ; ? a uniform civil code throughout the country; ? protection of adult and child labour. (ii) Gandhian Principles: Principles enjoined under Gandhian principles in Article 40, Article 43, Article 47 and Article 48 are some ideals of Mahatma Gandhi followed during his life time. Our constitution framers wanted to implement these ideals to fulfill his dream. The State shall take steps- ? to organize village panchayats and endow them power and authority to enable them to function as unit of self-government. ; ? to promote cottage industries and village industries on an individual or co-operative basis in rural areas ; ? to prohibit consumption of intoxicating and injurious drinks and drugs; ? to promote educational and economic interests of the weaker sections of the people particularly SCs, STs to establish social justice and equity; ? to organize agricultural and animal husbandry on modern and scientific lines; ? to prohibit the slaughter of cows and other useful cattle; ? to protect and improve environment and safeguard the forests and wild life of the country; ? to protect, preserve and maintain places of national historical importance; ? to separate the judiciary from the executive. ( iii)International Principles: Principles enjoined in Art. 51 under international principles are some provisions to the State relating to ensure international peace and security. The State shall attempt - ? to promote international peace and security ; ? to maintain just and honorable relations between nations ; ? to foster respect for international law and treaty obligation ; ? to encourage settlement of international disputes by arbitration. 31

**W** [https://kkhsou.ac.in/eslm/E-SLM\\_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf](https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf)

204/445

SUBMITTED TEXT

30 WORDS

91% MATCHING TEXT

30 WORDS

Fundamental Rights are enforceable by the courts and the courts are bound to declare as void any law that is inconsistent with any of the Fundamental Rights On the

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

205/445

SUBMITTED TEXT

24 WORDS

93% MATCHING TEXT

24 WORDS

of Directive Principles of State Policy ? Directive Principles of State Policy are some instructions to the State for achieving socio-economic development. ?

**SA** 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)

<b>206/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>100% MATCHING TEXT</b>	20 WORDS
<p>are not enforceable in the courts and no one can go near the court for its proper implementation. ?</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>207/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>100% MATCHING TEXT</b>	15 WORDS
<p>are positive in nature. These principles increase power and functions of the State. ?</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>208/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>88% MATCHING TEXT</b>	19 WORDS
<p>of State Policy aims at establishment of a welfare state by securing social and economic justice. These principles</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>209/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>100% MATCHING TEXT</b>	15 WORDS
<p>These principles have great moral value also. It constitutes the conscience of our Constitution.</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>210/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>70% MATCHING TEXT</b>	16 WORDS
<p>exercise their executive powers in accordance with the laws passed by the Parliament). If the</p> <p>exercise its executive powers in accordance with the laws made by the Parliament. The</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>				
<b>211/445</b>	<b>SUBMITTED TEXT</b>	72 WORDS	<b>78% MATCHING TEXT</b>	72 WORDS
<p>constitute the mirror of public opinion. These principles always reflect the will of the people .These are embodied in the Constitution to the meet the aspirations of the people. Unit 5 – Directive Principles of State Policy Notes 97 ? These are fundamental in the governance of the country. The State should follow these principles for progress of the country. Limitations of Directive Principles of State</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>212/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>71% MATCHING TEXT</b>	17 WORDS
<p>of the Indian Constitution given in Part IV deals with the Directive Principles of State Policy.</p> <p><b>SA</b> CHAPTERS.docx (D104265488)</p>				



<b>213/445</b>	<b>SUBMITTED TEXT</b>	34 WORDS	<b>100% MATCHING TEXT</b>	34 WORDS
<p>The State shall strive to minimize the inequalities in income and try to eliminate inequalities in status, facilities and opportunities among individuals and groups engaged in different vocations within the country (Art.38-2). 10.</p>		<p>The State shall strive to minimize the inequalities in income and try to eliminate inequalities in status, facilities and opportunities among individuals and groups engaged in different vocations within the country- Art.38(2).</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>214/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>55% MATCHING TEXT</b>	20 WORDS
<p>The Fundamental Rights are not enforceable through courts of law; the Directive Principles are enforceable. 5. Fundamental Rights are</p>				
<p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				
<b>215/445</b>	<b>SUBMITTED TEXT</b>	28 WORDS	<b>70% MATCHING TEXT</b>	28 WORDS
<p>Preservation and strengthening of the unity and security of India; ? Linguistic and cultural homogeneity; ? Financial, economic and administrative considerations; and ? Successful working of the</p>		<p>Preservation and strengthening of the unity and security of the country. (b) Linguistic and cultural homogeneity. (c) Financial, economic and administrative considerations. (d) Planning and promotion of the</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>216/445</b>	<b>SUBMITTED TEXT</b>	33 WORDS	<b>100% MATCHING TEXT</b>	33 WORDS
<p>constitute the mirror of public opinion. These principles always reflect the will of the people .These are embodied in the Constitution to the meet the aspirations of the people</p>				
<p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>217/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Part A, Part B, Part C, and Part D states</p>		<p>Part A, Part B, Part C and Part D states,</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>218/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>The distinction between Part A and Part B states was</p>		<p>the distinction between Part A and Part B states was</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				

<b>219/445</b>	<b>SUBMITTED TEXT</b>	77 WORDS	<b>100% MATCHING TEXT</b>	77 WORDS
<p>a Welfare State. Art. 38(1) provides that the State shall promote the welfare of the people by securing and protecting as it may a social order in which justice – social, economic, and political shall inform all the institutions of national life. ? The State shall strive to minimize the inequalities in income and try to eliminate inequalities in status, facilities and opportunities among individuals and groups engaged in different vocations within the country (Art.38-2). ?</p>		<p>a welfare state. Art. 38(1) provides that the State shall promote the welfare of the people by securing and protecting as it may a social order in which justice - social, economic, and political shall inform all the institutions of national life. The State shall strive to minimize the inequalities in income and try to eliminate inequalities in status, facilities and opportunities among individuals and groups engaged in different vocations within the country- Art.38(2).</p>		
<p><b>W</b> <a href="https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf">https://kkhsou.ac.in/eslm/E-SLM_Main/1st%20Sem/Diploma/Pariamentary%20Studies/DPCS%2002.pdf</a></p>				
<b>220/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>71% MATCHING TEXT</b>	17 WORDS
<p>of the Indian Constitution given in Part IV deals with the Directive Principles of State Policy.</p>				
<p><b>SA</b> CHAPTERS.docx (D104265488)</p>				
<b>221/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>100% MATCHING TEXT</b>	19 WORDS
<p>Directive Principles of State Policy are some instructions to the State for achieving socio-economic development.</p>				
<p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>222/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>100% MATCHING TEXT</b>	20 WORDS
<p>are not enforceable in the courts and no one can go near the court for its proper implementation. ?</p>				
<p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>223/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>95% MATCHING TEXT</b>	12 WORDS
<p>Directive Principles of State Policy: Directive Principles of state policy, which</p>		<p>Directive Principles of State Policy: The Directive Principles of State Policy which</p>		
<p><b>W</b> <a href="https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf">https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf</a></p>				
<b>224/445</b>	<b>SUBMITTED TEXT</b>	26 WORDS	<b>57% MATCHING TEXT</b>	26 WORDS
<p>Directive Principles of State Policy are guidelines to the central and state governments of India, to be kept in mind while framing laws and policies.</p>		<p>Directive Principles of State Policy are guidelines or given to the federal institutes governing the of India, to be kept in citation while framing lows and policies.</p>		
<p><b>W</b> <a href="https://docslib.org/doc/7178430/f-y-b-a-politicalpaper-i-indianpoliticalsystem">https://docslib.org/doc/7178430/f-y-b-a-politicalpaper-i-indianpoliticalsystem</a></p>				

<b>225/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>100% MATCHING TEXT</b>	15 WORDS
<p>are positive in nature. These principles increase power and functions of the State. ?</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>226/445</b>	<b>SUBMITTED TEXT</b>	30 WORDS	<b>100% MATCHING TEXT</b>	30 WORDS
<p>in which the state plays a key role in the protection and promotion of the economic and social well-being of its citizens. It is based on the principles of</p> <p><b>SA</b> Jithin_Political Science_Constitution.pdf (D108461172)</p>				
<b>227/445</b>	<b>SUBMITTED TEXT</b>	22 WORDS	<b>100% MATCHING TEXT</b>	22 WORDS
<p>equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life</p> <p><b>SA</b> Jithin_Political Science_Constitution.pdf (D108461172)</p>				
<b>228/445</b>	<b>SUBMITTED TEXT</b>	32 WORDS	<b>69% MATCHING TEXT</b>	32 WORDS
<p>the directive principles of state policy? 4. Describe the values of the directive principles of state policy. 5. Describe the limitations of the directive principles of state policy.</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>229/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book</p> <p>Khanna, Hans Raj (1981). Making of India's Constitution. Eastern Book</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>				
<b>230/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>93% MATCHING TEXT</b>	17 WORDS
<p>Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,</p> <p>Austin, Granville (2003). Working a Democratic Constitution: A History of the Indian Experience (2nd Oxford University Press.</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>				
<b>231/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>95% MATCHING TEXT</b>	12 WORDS
<p>the fundamental rights and the directive principles of state policy, their</p> <p>the Fundamental Rights and the Directive Principles of State Policy) their</p> <p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				

<b>232/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>95% MATCHING TEXT</b>	15 WORDS
<p>FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>233/445</b>	<b>SUBMITTED TEXT</b>	29 WORDS	<b>77% MATCHING TEXT</b>	29 WORDS
<p>the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>234/445</b>	<b>SUBMITTED TEXT</b>	28 WORDS	<b>40% MATCHING TEXT</b>	28 WORDS
<p>Members of Rajya Sabha, upper house of Indian parliament, are elected by elected members of the legislative assemblies of states and Electoral College for Union Territories of</p> <p><b>SA</b> MA Politics SEM 2 Indian Constitution.pdf (D118114822)</p>				
<b>235/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>90% MATCHING TEXT</b>	17 WORDS
<p>office for a term of six years from the date on which he assumes his office.</p> <p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				
<b>236/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>77% MATCHING TEXT</b>	25 WORDS
<p>Parliamentary System A parliamentary system is a system of democratic governance of a state in which the executive branch derives its democratic legitimacy from,</p> <p>Parliamentary system of government A parliamentary system is a system of democratic governance of a state where the executive derives its democratic legitimacy from</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>				
<b>237/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>89% MATCHING TEXT</b>	15 WORDS
<p>years from the date appointed for its first meeting and no longer. However, the</p> <p>years from the date appointed for its first meeting and no longer and the</p> <p><b>W</b> <a href="https://www.clearias.com/parliament/">https://www.clearias.com/parliament/</a></p>				

<b>238/445</b>	<b>SUBMITTED TEXT</b>	34 WORDS	<b>100% MATCHING TEXT</b>	34 WORDS
<p>two Houses - Lok Sabha (House of the People) and Rajya Sabha (Council of States). The President has the power to summon and prorogue either House of Parliament or to dissolve Lok Sabha.</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>		<p>two Houses—Lok Sabha (House of the People) and Rajya Sabha (Council of States). The President has the power to summon and prorogue either House of Parliament or to dissolve Lok Sabha.</p>		
<b>239/445</b>	<b>SUBMITTED TEXT</b>	57 WORDS	<b>80% MATCHING TEXT</b>	57 WORDS
<p>In a parliamentary system, the head of state is normally a different person from the head of government. This is in contrast to a presidential system in a democracy, where the head of state often is also the head of government, and most importantly: the executive branch does not derive its democratic legitimacy from the legislature.</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>240/445</b>	<b>SUBMITTED TEXT</b>	66 WORDS	<b>58% MATCHING TEXT</b>	66 WORDS
<p>Those elected or nominated (by the President) to either house of Parliament are referred to as members of Indian Constitution Notes 112 parliament or MPs. The MPs of Lok Sabha are directly elected by the Indian public and the MPs of Rajya Sabha are elected by the members of the State Legislative Assemblies, in accordance with proportional representation. The Parliament</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Parliament_of_India">https://en.wikipedia.org/wiki/Parliament_of_India</a></p>		<p>Those elected or nominated (by the President) to either house of Parliament are referred to as Members of Parliament ( The Members of Parliament, Lok Sabha are directly elected by the Indian public voting in member districts and Members of Rajya Sabha are elected by the members of all State Legislative Assembly by proportional representation. The Parliament</p>		
<b>241/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>57% MATCHING TEXT</b>	20 WORDS
<p>of which the bill is assumed to have been passed by both the Chambers. The cardinal functions of the</p> <p><b>W</b> <a href="https://paidiblog825102560.files.wordpress.com/2020/08/polity-and-polities-in-india.pdf">https://paidiblog825102560.files.wordpress.com/2020/08/polity-and-polities-in-india.pdf</a></p>		<p>of 14 the Bill is deemed to have been passed by both the Houses at the expiration of the</p>		
<b>242/445</b>	<b>SUBMITTED TEXT</b>	21 WORDS	<b>85% MATCHING TEXT</b>	21 WORDS
<p>The Council of States can only make recommendations suggestions over these bills to the House, within a period of fourteen days-</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Parliament_of_India">https://en.wikipedia.org/wiki/Parliament_of_India</a></p>		<p>The Council of States can only make recommendations over the bills to the House, within a period of fourteen days.[14]</p>		

<b>243/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>89% MATCHING TEXT</b>	20 WORDS
<p>overseeing of administration, passing of budget, ventilation of public grievances, and discussing various subjects like development plans, international relations,</p>		<p>overseeing of administration, passing of the Budget, ventilation of public grievances and discussing various subjects like development plans, national policies and international relations.</p>		
<p><b>W</b> <a href="https://knowindia.india.gov.in/profile/the-union/legislature.php">https://knowindia.india.gov.in/profile/the-union/legislature.php</a></p>				
<b>244/445</b>	<b>SUBMITTED TEXT</b>	24 WORDS	<b>82% MATCHING TEXT</b>	24 WORDS
<p>consent of both Houses of Parliament. In the case of Money Bills, the will of the Lok Sabha prevails. The Parliament is also</p>		<p>consent of both the Houses of Parliament. In the case of money bills, however, the will of the Lok Sabha prevails. Delegated legislation is also</p>		
<p><b>W</b> <a href="https://knowindia.india.gov.in/profile/the-union/legislature.php">https://knowindia.india.gov.in/profile/the-union/legislature.php</a></p>				
<b>245/445</b>	<b>SUBMITTED TEXT</b>	63 WORDS	<b>95% MATCHING TEXT</b>	63 WORDS
<p>The Parliament can, under certain circumstances, assume legislative power with respect to a subject falling within the sphere, exclusively reserved for the states. The Parliament is also vested with powers to impeach the President, remove judges of Supreme and High Courts, the Chief Election Commissioner, and Comptroller and Auditor General in accordance with the procedure laid down in the Constitution. All legislation</p>		<p>the Parliament can, under certain circumstances, assume legislative power with respect to a subject falling within the sphere exclusively reserved for the States. The Parliament is also vested with powers to impeach the President and to remove Judges of Supreme Court and High Courts, the Chief Election Commissioner and the Comptroller and Auditor General in accordance with the procedure laid down in the Constitution. All legislation</p>		
<p><b>W</b> <a href="https://knowindia.india.gov.in/profile/the-union/legislature.php">https://knowindia.india.gov.in/profile/the-union/legislature.php</a></p>				
<b>246/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>100% MATCHING TEXT</b>	18 WORDS
<p>office for a term of five years from the date on which he assumes his office. 4.</p>				
<p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				
<b>247/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
<p>years from the date appointed for its first meeting and no longer. 5.</p>				
<p><b>SA</b> fINAL.pdf (D141953180)</p>				
<b>248/445</b>	<b>SUBMITTED TEXT</b>	42 WORDS	<b>87% MATCHING TEXT</b>	42 WORDS
<p>Although Article 53 of the Constitution of India states that the President can exercise his or her powers directly or by subordinate authority, with few exceptions, all of the executive authorities vested in the President are, in practice, exercised by the</p>		<p>Although the Article 53 of the Constitution of India states that the president can exercise his powers directly or by subordinate authority, with few exceptions, all of the executive powers vested in the president are, in practice, exercised by the</p>		
<p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>				

<b>249/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>88% MATCHING TEXT</b>	15 WORDS
<p>exercised by the Prime Minister with the help of the Council of Ministers. 6.2.1</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>		<p>exercised by the prime minister (a subordinate authority) with the help of the Council of Ministers.</p>		
<b>250/445</b>	<b>SUBMITTED TEXT</b>	120 WORDS	<b>98% MATCHING TEXT</b>	120 WORDS
<p>Post of President A candidate for the President's post must possess following qualifications: ? Must be a Citizen of India ? Must have completed the age of thirty-five years ? Must be qualified for election as a member of the House Of the People and ? Must not hold any office of profit under the Government of India, or the Government of any State or under any local or other authority subject to the control of any of the said Government ? But a sitting President or Vice President of the Union or the Governor of any state or a Minister either for the Union or for any State is not disqualified for election as President.</p> <p><b>W</b> <a href="http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf">http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf</a></p>		<p>Post of President A candidate for the President's post must possess following qualifications (Must be a Citizen of India. ( b) have completed the age of thirty five years. (Must be qualified for election as a member of the House Of the People d) Must not hold any office of profit under the Government of India, or the Government of any State or under any local or other authority subject to the control of any of the said Government. But a sitting President or Vice President of the Union or the Governor of any state or a Minister either for the Union or for any State is not disqualified for election as President. ?</p>		
<b>251/445</b>	<b>SUBMITTED TEXT</b>	57 WORDS	<b>87% MATCHING TEXT</b>	57 WORDS
<p>Union Executive The Union executive constitutes of the President, Vice-President, and the Council of Ministers. The President of India The President of India is the head of state of the Republic of India. The President is the formal head of the executive, legislature and judiciary of India and is the commander-in-chief of the Indian Armed Forces.</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>252/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>100% MATCHING TEXT</b>	15 WORDS
<p>Before entering upon his office the President is required to take an oath in</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>253/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>73% MATCHING TEXT</b>	20 WORDS
<p>In a parliamentary system, the head of state is normally a different person from the head of _____.</p> <p>9.</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>		<p>In a parliamentary system, the head of state is usually a person distinct from the head of</p>		

<b>254/445</b>	<b>SUBMITTED TEXT</b>	40 WORDS	<b>88% MATCHING TEXT</b>	40 WORDS
<p>Article _____of the Constitution of India states that the President can exercise his or her powers directly or by subordinate authority, with few exceptions, all of the executive authorities vested in the President are, in practice, exercised by the</p>		<p>Article 53 of the Constitution of India states that the president can exercise his powers directly or by subordinate authority, with few exceptions, all of the executive powers vested in the president are, in practice, exercised by the</p>		
<p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>				
<b>255/445</b>	<b>SUBMITTED TEXT</b>	44 WORDS	<b>80% MATCHING TEXT</b>	44 WORDS
<p>of India, is the chief of government, chief adviser to the President of India, head of the Council of Ministers and the leader of the majority party in the parliament. The prime minister leads the executive branch of the Government of India. The</p>		<p>of India is the chief of government, chief advisor to the President of India, head of the Council of Ministers and the leader of the majority party in Parliament. The Prime Minister leads the executive Fundamental Rights, Duties and the Union Executive NOTES Self - Learning 34 Material branch of the Government of India. The</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>256/445</b>	<b>SUBMITTED TEXT</b>	54 WORDS	<b>64% MATCHING TEXT</b>	54 WORDS
<p>selects and can dismiss other members of the cabinet; allocates posts to members within the Government; is the presiding member and chairman of the cabinet and is Indian Constitution Notes 118 responsible for bringing proposal of legislation. The resignation or death of the prime minister dissolves the cabinet.</p>		<p>selects and can dismiss other members of the cabinet; allocates posts to members within the Government; is the presiding member and chairman of the cabinet and is responsible for bringing proposal of legislation. The resignation or the of the Prime Minister dissolves the cabinet. 2.1</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>257/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>100% MATCHING TEXT</b>	18 WORDS
<p>in the presence of Chief Justice or the senior most Judge of the Supreme Court of India.</p>				
<p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>258/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>61% MATCHING TEXT</b>	19 WORDS
<p>Ministers on the advice of the Prime Minister. The Prime Minister presides over meetings of Council of Ministers.</p>		<p>ministers on the proposal of the Prime Minister. presides over the meetings of the council of Ministers.</p>		
<p><b>W</b> <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...</a></p>				
<b>259/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>81% MATCHING TEXT</b>	17 WORDS
<p>the Council of Ministers. The Council of Ministers is collectively responsible to the Lok Sabha. It</p>		<p>the Council of Ministers. Article 75 mentions that the Council of Ministers is to be collectively responsible to the Lok Sabha. it</p>		
<p><b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a></p>				



<b>260/445</b>	<b>SUBMITTED TEXT</b>	37 WORDS	<b>34% MATCHING TEXT</b>	37 WORDS
<p>The prime minister is appointed by the president to assist the latter in the administration of the affairs of the executive. 6.3.3 Position of the Prime Minister The Prime Minister occupies a unique position in the</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>261/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>66% MATCHING TEXT</b>	16 WORDS
<p>Committee on Government Assurances, Committee on Public Undertakings, Committee on Privileges, Committee on Subordinate Legislation</p> <p>Committee on Government Assurances 1. 1923 B. Committee on Public Undertakings 2. 1953 C. Committee on Subordinate Legislation 3. 1921</p> <p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>262/445</b>	<b>SUBMITTED TEXT</b>	50 WORDS	<b>96% MATCHING TEXT</b>	50 WORDS
<p>Roles and Responsibilities The roles and responsibilities of the Prime Minister are as follows: ? Link between President and Council of Ministers: The Prime Minister is the leader of the Council of Ministers and serves as the channel of communication between the President and the Council of Ministers. ?</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>263/445</b>	<b>SUBMITTED TEXT</b>	42 WORDS	<b>96% MATCHING TEXT</b>	42 WORDS
<p>allocates portfolios among the Ministers and distributes work among various ministries and offices. The Prime Minister coordinates work among various ministries and departments through the Cabinet Secretariat. ? In charge of Ministries: Prime Minister also retains certain portfolios that have not</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>264/445</b>	<b>SUBMITTED TEXT</b>	24 WORDS	<b>69% MATCHING TEXT</b>	24 WORDS
<p>The Prime Minister of India is the head of the Government. Though the President is the head of the State, most of the</p> <p>The Prime Minister is the head of the administration[14] though the President is the head of the state[15]. The highlight of the</p> <p><b>W</b> <a href="https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-constitut...">https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-constitut ...</a></p>				
<b>265/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>55% MATCHING TEXT</b>	19 WORDS
<p>Leader of the Council of Ministers: As far as the Prime Minister's relation to the Council of Ministers</p> <p>Leader of the Council of Ministers. As soon as he is appointed, the Prime Minister selects his ministers. He constitutes the council of ministers.</p> <p><b>W</b> <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...</a></p>				

<b>266/445</b>	<b>SUBMITTED TEXT</b>	169 WORDS	<b>95% MATCHING TEXT</b>	169 WORDS
<p>allocated to other ministers. He/she is generally in charge of the following ministries/departments: ? Ministry of Personnel, Public Grievances and Pensions ? Ministry of Planning ? Department of Atomic Energy ? Department of Space and ? Appointments Committee of the Cabinet ? Leader of the Cabinet: The Prime Minister summons and presides over meetings of the cabinet and determines what business shall be transacted in these meetings. ? Link between the Parliament and the Cabinet: The Prime Minister is also the link between the Cabinet and the Parliament. He/She is the chief spokesperson of the government in the Parliament, along with the leader of the party in majority in the Lok Sabha. It is his/her responsibility to announce important policy decisions. The Prime Minister can also intervene in debates of general importance in the Parliament to clarify the Government's stand or policy. ? Official Representative: The Prime Minister represents India in various delegations, high-level meetings and international organisations and also addresses the nation on issues of national importance.</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>267/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>78% MATCHING TEXT</b>	15 WORDS
<p>case of death or resignation of the Prime Minister, the entire Council of Ministers</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>268/445</b>	<b>SUBMITTED TEXT</b>	21 WORDS	<b>52% MATCHING TEXT</b>	21 WORDS
<p>the opinion of the Prime Minister prevails. ? Leader of the Parliament: The Prime Minister is the leader of the</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>269/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>in the house of which he/she is not a member.</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>270/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>The Council of Ministers shall be collectively responsible to the</p> <p><b>SA</b> fINAL.pdf (D141953180)</p>				

<b>271/445</b>	<b>SUBMITTED TEXT</b>	26 WORDS	<b>90% MATCHING TEXT</b>	26 WORDS
<p>The Prime Minister represents India in various delegations, high-level meetings and international organisations and also addresses the nation on issues of national importance. 15. The</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>272/445</b>	<b>SUBMITTED TEXT</b>	29 WORDS	<b>77% MATCHING TEXT</b>	29 WORDS
<p>the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>273/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>89% MATCHING TEXT</b>	15 WORDS
<p>years from the date appointed for its first meeting and no longer. However, the</p> <p>years from the date appointed for its first meeting and no longer and the</p> <p><b>W</b> <a href="https://www.clearias.com/parliament/">https://www.clearias.com/parliament/</a></p>				
<b>274/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>75% MATCHING TEXT</b>	20 WORDS
<p>In a parliamentary system, the head of state is normally a different person from the head of government. ?</p> <p>In a parliamentary system, the head of state is usually a person distinct from the head government.</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>				
<b>275/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>100% MATCHING TEXT</b>	18 WORDS
<p>two Houses - Lok Sabha (House of the People) and Rajya Sabha (Council of States). ? The</p> <p>two Houses—Lok Sabha (House of the People) and Rajya Sabha (Council of States). The</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>276/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>90% MATCHING TEXT</b>	18 WORDS
<p>office for a term of six years from the date on which he assumes his office. ?</p> <p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				

<b>277/445</b>	<b>SUBMITTED TEXT</b>	43 WORDS	<b>79% MATCHING TEXT</b>	43 WORDS
<p>of India, is the chief of government, chief adviser to the President of India, head of the Council of Ministers and the leader of the majority party in the parliament. The prime minister leads the executive branch of the Government of India.</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>		<p>of India is the chief of government, chief advisor to the President of India, head of the Council of Ministers and the leader of the majority party in Parliament. The Prime Minister leads the executive Fundamental Rights, Duties and the Union Executive NOTES Self - Learning 34 Material branch of the Government of India.</p>		
<b>278/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>77% MATCHING TEXT</b>	25 WORDS
<p>Parliamentary System: A parliamentary system is a system of democratic governance of a state in which the executive branch derives its democratic legitimacy from,</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>		<p>Parliamentary system of government A parliamentary system is a system of democratic governance of a state where the executive derives its democratic legitimacy from</p>		
<b>279/445</b>	<b>SUBMITTED TEXT</b>	30 WORDS	<b>93% MATCHING TEXT</b>	30 WORDS
<p>of India, is the chief of government, chief adviser to the President of India, head of the Council of Ministers and the leader of the majority party in the</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>		<p>of India is the chief of government, chief advisor to the President of India, head of the Council of Ministers and the leader of the majority party in Parliament. The</p>		
<b>280/445</b>	<b>SUBMITTED TEXT</b>	34 WORDS	<b>51% MATCHING TEXT</b>	34 WORDS
<p>the president of India? 7. What are the powers of the President of India? 8. Explain the council of ministers. 9. Describe the appointments, salaries and collective responsibilities of council of ministers. 10.</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>		<p>the President of India. 6. What are the judicial powers of the President of India? 7. Write a short note on the Council of Ministers. 8. Discuss the relationship between the President and the Council of Ministers.</p>		
<b>281/445</b>	<b>SUBMITTED TEXT</b>	39 WORDS	<b>98% MATCHING TEXT</b>	39 WORDS
<p>The President of India is the head of state of the Republic of India. The President is the formal head of the executive, legislature and judiciary of India and is the commander-in-chief of the Indian Armed Forces. ?</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				
<b>282/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>Khanna, Hans Raj (1981). Making of India's Constitution. Eastern Book</p>		

<b>283/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>93% MATCHING TEXT</b>	17 WORDS
Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,		Austin, Granville (2003). Working a Democratic Constitution: A History of the Indian Experience (2nd Oxford University Press.		
<b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a>				
<b>284/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>95% MATCHING TEXT</b>	15 WORDS
FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,				
<b>SA</b> CC-PS-02.pdf (D149043601)				
<b>285/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>96% MATCHING TEXT</b>	15 WORDS
not subject to dissolution. One third of its members retire every 2- year. The		not subject to dissolution; one-third of its members retire every second The		
<b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a>				
<b>286/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>100% MATCHING TEXT</b>	12 WORDS
are elected by the elected members of the State Legislative Assemblies		are elected by the elected members of the State Legislative Assemblies		
<b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a>				
<b>287/445</b>	<b>SUBMITTED TEXT</b>	205 WORDS	<b>91% MATCHING TEXT</b>	205 WORDS
Lok Sabha Lok Sabha is the popular house consisting of directly elected members. The maximum strength of Lok Sabha has been fixed at 550 members of whom not more than 530 are elected by the voters in the State and not more than 20 represent the union territories. The members from the State are elected by the system of direct election from territorial constituencies on the basis of adult suffrage. Every citizen of India who is not less than 18 years of age on a date fixed by Parliament and does not suffer from any disqualification as laid down in the Constitution, or in any law on the ground of non residence, unsoundness of mind, crime or corruption or illegal practice, is entitled to vote at an election for the Lok Sabha. Seats in the house are allotted to each state in such a way that as far as practicable, the ration between the number of seats allotted to a state and its Indian Constitution Notes 126 population is the same for all the states this provision does not apply to the state having a population of less than 6 millions. 7.1.2 Chairman of the House Chairman of the		Lok Sabha Lok Sabha is the popular house consisting of directly elected members. The maximum strength of Lok Sabha has been fixed at 550 members of whom not more than 530 are elected by the voters in the State and not more than 20 represent the union territories. The member from the State are elected by the system of direct election from territorial constituencies on the basis of adult suffrage 48 . Every citizen of India who is not less than 18 years of age on a date fixed by Parliament and does not suffer from any disqualification as laid down in the Constitution, or in any law on the ground of non residence, unsoundness of mind, crime or currept or illegal practice, is entitled to vote at an election for the Lok Sabha 49 . Seats in the house are allotted to each state in such a way that as far as practicable, the ration between the number of seats allotted to a state and its 45 Article 81 (Article 80 (1)(a),80 (3) 47 b), 80 (4) 48 Article 81 (1) (Article 326 71 population is the same for all the states this provision does not apply to the state having a population of less than 6 millions. ? Functions of Parliament Following the various of the		
<b>W</b> <a href="http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf">http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf</a>				

<b>288/445</b>	<b>SUBMITTED TEXT</b>	126 WORDS	<b>97% MATCHING TEXT</b>	126 WORDS
<p>Rajya Sabha The presiding officer of Rajya Sabha is known as the Chairman. The Vice President of India is ex-officio Chairman of the house. The house also elects the Deputy Chairman from amongst its members to vacate his office as soon as he ceases to be a member of the house. He may resign his office by writing to the Chairman. The Deputy Chairman performs the duties of the Chairman when that office is vacant or when the Vice President is acting as President of India. If the office of the Deputy Chairman is also vacant then the duties of the Chairman are performed by such member of Rajya Sabha as President may appoint for the purpose till any of these offices is filled. 7.1.3</p>		<p>Rajya Sabha The presiding officer of Rajya Sabha is known as the The Vice President of India is ex-officio Chairman of the house. The house also elects the Deputy Chairman from amongst its members to his office as soon as he ceases to be a member of the house. may resigned his by writing to the Chairman. The Deputy Chairman performs the duties of the Chairman when that office is vacant or when the Vice President is acting as President of India. If the office of the Deputy Chairman is also vacant then the duties of the Chairman are performed by such member of Rajya Sabha as President may appoint for the purpose till any of these offices is filled.</p>		
<p><b>W</b> <a href="http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf">http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf</a></p>				

<b>289/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>82% MATCHING TEXT</b>	25 WORDS
<p>PARLIAMENT The Parliament of India consists of the President and the two houses – the Lower House or Lok Sabha and the Upper House</p>				
<p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				

<b>290/445</b>	<b>SUBMITTED TEXT</b>	29 WORDS	<b>64% MATCHING TEXT</b>	29 WORDS
<p>to become a member of the Rajya Sabha, a person must be: ? Be a citizen of India ? Not be less than 30 years of age ?</p>				
<p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				

<b>291/445</b>	<b>SUBMITTED TEXT</b>	39 WORDS	<b>59% MATCHING TEXT</b>	39 WORDS
<p>Speaker and Deputy Speaker of the Lok Sabha The Speaker is the Chief Presiding Officer of the Lok Sabha. The Speaker and the Deputy Speaker of the Lok Sabha are elected by the members of the Lok Sabha</p>		<p>Speaker and deputy speaker of the Lok Sabha The Speaker is the Chief Presiding Officer of the Lok Sabha. The two are elected amongst the members of the Lok Sabha</p>		
<p><b>W</b> <a href="https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf">https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf</a></p>				

<b>292/445</b>	<b>SUBMITTED TEXT</b>	35 WORDS	<b>50% MATCHING TEXT</b>	35 WORDS
<p>a member of the Lok Sabha, a person must: Indian Constitution Notes 128 ? Be a citizen of India ? Not be less than 25 years of age ?</p>				
<p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				

<b>293/445</b>	<b>SUBMITTED TEXT</b>	49 WORDS	<b>61% MATCHING TEXT</b>	49 WORDS
<p>The Speaker continues in his office, even after the Lok Sabha is dissolved until the newly elected Lok Sabha is constituted. The Speaker and the Deputy Speaker may be removed from their office by a resolution of the House after serving a 14-day notice on them. The Speaker</p>		<p>The Speaker continues to hold office even after the Lok Sabha is dissolved till the newly elected Lok Sabha is constituted. The Speaker and Deputy Speaker may be removed from their offices by a resolution passed by the House with an majority of House after a prior notice of 14 days to The Speaker,</p>		
<p><b>W</b> <a href="https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf">https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf</a></p>				
<b>294/445</b>	<b>SUBMITTED TEXT</b>	21 WORDS	<b>75% MATCHING TEXT</b>	21 WORDS
<p>the Speaker. The Speaker and the Deputy Speaker remain in office so long as they are members of the house.</p>				
<p><b>SA</b> FINAL.pdf (D141953180)</p>				
<b>295/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>90% MATCHING TEXT</b>	17 WORDS
<p>does not vote in the first instance, but exercises his casting vote in the case of</p>		<p>does not vote in the first instance, but exercises a casting vote in the case of</p>		
<p><b>W</b> <a href="https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>296/445</b>	<b>SUBMITTED TEXT</b>	24 WORDS	<b>43% MATCHING TEXT</b>	24 WORDS
<p>When a Money Bill is transmitted from the Lok Sabha to the Rajya Sabha the power to certify it as a money bill</p>		<p>When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the president for assent, the Speaker endorses it as a money bill.</p>		
<p><b>W</b> <a href="https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>297/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>71% MATCHING TEXT</b>	15 WORDS
<p>house of the Parliament. It consists of not more than five hundred thirty members</p>		<p>House of the People shall consists of – (a) not more than five hundred and thirty members</p>		
<p><b>W</b> <a href="https://www.clearias.com/parliament/">https://www.clearias.com/parliament/</a></p>				
<b>298/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>77% MATCHING TEXT</b>	19 WORDS
<p>the States and not more than twenty members representing the Union Territories chosen in such a manner as</p>		<p>the States, and (b) not more than twenty members to represent the Union territories, chosen in such manner as</p>		
<p><b>W</b> <a href="https://www.clearias.com/parliament/">https://www.clearias.com/parliament/</a></p>				
<b>299/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>76% MATCHING TEXT</b>	25 WORDS
<p>not more than 530 are elected by the voters in the State and not more than 20 represent the union territories.</p>				
<p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				

<b>300/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
<p>Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in</p> <p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				
<b>301/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>85% MATCHING TEXT</b>	14 WORDS
<p>the Anglo- Indian community, if it is not adequately represented in the Lok Sabha.</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>302/445</b>	<b>SUBMITTED TEXT</b>	22 WORDS	<b>59% MATCHING TEXT</b>	22 WORDS
<p>on the basis of universal adult franchise. Anyone who is a citizen of India, and has attained eighteen years of age</p> <p>on the basis of adult franchise. Thus, person who is a citizen of India and who is 18 3 years of age,</p> <p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>303/445</b>	<b>SUBMITTED TEXT</b>	24 WORDS	<b>91% MATCHING TEXT</b>	24 WORDS
<p>not less than twenty-five years of age and possesses such other qualifications as may be prescribed by or under any law made by</p> <p>not less than twenty-five years of age; and ( c) such other qualifications as may be prescribed or under any law made by</p> <p><b>W</b> <a href="https://www.clearias.com/parliament/">https://www.clearias.com/parliament/</a></p>				
<b>304/445</b>	<b>SUBMITTED TEXT</b>	56 WORDS	<b>71% MATCHING TEXT</b>	56 WORDS
<p>A person shall be disqualified for being chosen as, and for being, a member of Lok Sabha if he holds an office of profit under the Government of India or the Government of any State, other than an office declared by the Parliament, by law, not to disqualify its holder; is of unsound mind and</p> <p>A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative of a State- (if he holds office of profit under the Government of India or the Government of any State specified in the First other than an office declared by Legislature of State by law not to disqualify its holder; (b) if is of unsound mind and</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				
<b>305/445</b>	<b>SUBMITTED TEXT</b>	37 WORDS	<b>87% MATCHING TEXT</b>	37 WORDS
<p>Each State is divided into territorial constituencies so that the ratio between the population of each constituency and the number of seats allotted to it, as far as practicable, is the same throughout the State. The</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				



<b>306/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>95% MATCHING TEXT</b>	12 WORDS
The tenure of the Lok Sabha is five years but the		The normal tenure of the Lok Sabha is five years. But the		
<b>W</b> <a href="https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf">https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf</a>				
<b>307/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>89% MATCHING TEXT</b>	25 WORDS
citizen of India or has voluntarily acquired the citizenship of a foreign State or is so disqualified by or under any law made by				
<b>SA</b> Political Process & Politics in India (EM).pdf (D139291481)				
<b>308/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>56% MATCHING TEXT</b>	25 WORDS
the term of the Lok Sabha can be extended by the Parliament, by Law, for a period of one year at a time. The				
<b>SA</b> MA Politics SEM 2 Indian Constitution.pdf (D118114822)				
<b>309/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>87% MATCHING TEXT</b>	16 WORDS
whether a Bill is a Money-Bill or not; he presides over the joint sitting of				
<b>SA</b> CC-PS-02.pdf (D149043601)				
<b>310/445</b>	<b>SUBMITTED TEXT</b>	43 WORDS	<b>42% MATCHING TEXT</b>	43 WORDS
Powers and Functions The primary function of the Parliament is legislation. It has an exclusive power to legislate on the subjects mentioned in the Union List as well as all the residuary subjects (subjects not included in any of the three lists).		Powers and Functions The primary function of Parliament is to make laws for the governance the country. It exclusive power to make laws on the subjects enumerated in the Union List (which at present has 98 originally 97 subjects) and on the residuary subjects (that is, subjects not enumerated in any of the three lists).		
<b>W</b> <a href="https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a>				
<b>311/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>100% MATCHING TEXT</b>	18 WORDS
The Speaker of the Lok Sabha or the Chairman of Rajya Sabha, as the case may be,		the Speaker of the Lok Sabha or the Chairman of Rajya Sabha as the case may be.		
<b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a>				
<b>312/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>100% MATCHING TEXT</b>	18 WORDS
One-tenth of the total number of members forms the quorum of any meeting of the House. 7.2.1				
<b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)				

<b>313/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>96% MATCHING TEXT</b>	15 WORDS
<p>The Council of Ministers is collectively responsible to the Lok Sabha. The Lok Sabha</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>314/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>100% MATCHING TEXT</b>	12 WORDS
<p>such a motion is passed, the Ministry has to resign. Both</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>315/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>88% MATCHING TEXT</b>	13 WORDS
<p>moving call-attention notices and adjournment motions, and also by appointing various committees</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>316/445</b>	<b>SUBMITTED TEXT</b>	31 WORDS	<b>45% MATCHING TEXT</b>	31 WORDS
<p>The elected members of the two Houses of Parliament, along with the elected members of the State Legislative Assemblies form the Electoral College that elects the President of India. The</p> <p><b>SA</b> For plag check_ Legislative authorities in democracy- a critical study of rule of law under india ... (D142715293)</p>				
<b>317/445</b>	<b>SUBMITTED TEXT</b>	27 WORDS	<b>57% MATCHING TEXT</b>	27 WORDS
<p>the Lok Sabha. ? Money and financial bills can be introduced only in the Lok Sabha. The Rajya Sabha cannot reject or amend a Money bill</p> <p>the Lok Sabha: 1. A Money Bill can be introduced only in the Lok Sabha and not in the Rajya Sabha cannot amend or reject a Money Bill.</p> <p><b>W</b> <a href="https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>318/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>95% MATCHING TEXT</b>	12 WORDS
<p>The tenure of the Lok Sabha is five years but the _____</p> <p>The normal tenure of the Lok Sabha is five years. But the</p> <p><b>W</b> <a href="https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf">https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf</a></p>				
<b>319/445</b>	<b>SUBMITTED TEXT</b>	23 WORDS	<b>88% MATCHING TEXT</b>	23 WORDS
<p>not less than _____years of age and possesses such other qualifications as may be prescribed by or under any law made by</p> <p>not less than thirty years of age; and ( c) such other qualifications as may be prescribed or under any law made by</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				

<b>320/445</b>	<b>SUBMITTED TEXT</b>	42 WORDS	<b>76% MATCHING TEXT</b>	42 WORDS
<p>of 12 members nominated by the President from amongst those persons who have special knowledge or practical experience in such matters as literature, science, art, and social service and not more than 238 representatives from the States and the Union Territories.</p>		<p>of members be by the President from amongst persons special knowledge or practical experience in respect such matters as literature, science, art and social service; and not more than 238 representatives the States and of the Union Territories.</p>		
<p><b>W</b> <a href="https://knowindia.india.gov.in/profile/the-union/legislature.php">https://knowindia.india.gov.in/profile/the-union/legislature.php</a></p>				
<b>321/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>92% MATCHING TEXT</b>	14 WORDS
<p>of India and the Chief Justice and other Judges of the Supreme Court</p>				
<p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				
<b>322/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>84% MATCHING TEXT</b>	25 WORDS
<p>not less than 30 years of age and who possesses such other qualifications as may be prescribed by or under any law made by</p>		<p>not less than thirty years of age; and (c) possesses such other qualifications as may be prescribed or under any law made by</p>		
<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				
<b>323/445</b>	<b>SUBMITTED TEXT</b>	46 WORDS	<b>75% MATCHING TEXT</b>	46 WORDS
<p>The representatives of each State are elected by the elected members of the Legislative Assembly of that State in accordance with the system of proportional representation by means of single transferable vote. The representatives of each Union Territory are chosen in such manner as Parliament</p>				
<p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>324/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>96% MATCHING TEXT</b>	16 WORDS
<p>The Vice President of India is the ex- officio Chairman of Rajya Sabha. He presides over</p>		<p>The Vice-President of India is the ex-officio chairman of the Rajya Sabha. He presides over</p>		
<p><b>W</b> <a href="https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf">https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf</a></p>				
<b>325/445</b>	<b>SUBMITTED TEXT</b>	33 WORDS	<b>36% MATCHING TEXT</b>	33 WORDS
<p>if he holds any office of profit (excepting of a Minister under the Government of India/any State/Union Territory), (ii) if he is of unsound mind and (iii) if he is an insolvent.</p>				
<p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				

<b>326/445</b>	<b>SUBMITTED TEXT</b>	30 WORDS	<b>77% MATCHING TEXT</b>	30 WORDS
<p>the Deputy Chairman, who is elected by the House, performs his functions. One-tenth of the total number of members forms the quorum of any meeting of the House.</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>327/445</b>	<b>SUBMITTED TEXT</b>	22 WORDS	<b>61% MATCHING TEXT</b>	22 WORDS
<p>The elected members of the two Houses of Parliament, along with the elected members of the State Legislative Assemblies form the</p> <p><b>SA</b> MA Politics SEM 2 Indian Constitution.pdf (D118114822)</p>				
<b>328/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>84% MATCHING TEXT</b>	25 WORDS
<p>not less than 30 years of age and who possesses such other qualifications as may be prescribed by or under any law made by</p> <p>not less than thirty years of age; and (c) possesses such other qualifications as may be prescribed or under any law made by</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				
<b>329/445</b>	<b>SUBMITTED TEXT</b>	50 WORDS	<b>73% MATCHING TEXT</b>	50 WORDS
<p>of India. 13. The representatives of each State are elected by the elected members of the Legislative Assembly of that State in accordance with the system of proportional representation by means of single transferable vote. 14. The representatives of each Union Territory are chosen in such manner as Parliament</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>330/445</b>	<b>SUBMITTED TEXT</b>	24 WORDS	<b>52% MATCHING TEXT</b>	24 WORDS
<p>The presiding officer of Rajya Sabha is known as the Chairman. Speaker: The Speaker is the Chief Presiding Officer of the Lok Sabha.</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>331/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>63% MATCHING TEXT</b>	20 WORDS
<p>a system of government in which sovereignty is constitutionally divided between a central governing authority and constituent political units (</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				

<b>332/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>50% MATCHING TEXT</b>	25 WORDS
<p>Lok Sabha. 4. Explain the power and functions of Lok Sabha. 5. Describe the Rajya Sabha. 6. Explain the functions of Rajya Sabha. 7.</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>333/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book</p> <p>Khanna, Hans Raj (1981). Making of India's Constitution. Eastern Book</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>				
<b>334/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>93% MATCHING TEXT</b>	17 WORDS
<p>Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,</p> <p>Austin, Granville (2003). Working a Democratic Constitution: A History of the Indian Experience (2nd Oxford University Press.</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>				
<b>335/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>95% MATCHING TEXT</b>	15 WORDS
<p>FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>336/445</b>	<b>SUBMITTED TEXT</b>	60 WORDS	<b>80% MATCHING TEXT</b>	60 WORDS
<p>The total number of members in the Legislative Council of a State does not exceed one- third of the total number of members in the Legislative Assembly of that State. However, the total number of members in the Legislative Council of a State should, in no case, be less than forty. Until Parliament, by law, provides otherwise, one-third of the</p> <p>The total number of members in the Legislative Council of a State having such a Council not exceed [one-third] of the total number of members in the Legislative Assembly of that State: Provided the total number of members in the Legislative Council of a State in no case be less than forty. (2) Until Parliament by law otherwise provides, the of the</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				
<b>337/445</b>	<b>SUBMITTED TEXT</b>	41 WORDS	<b>78% MATCHING TEXT</b>	41 WORDS
<p>if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total number of members of the Assembly and by a majority of not less than two-thirds of the members present and voting.</p> <p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				

<b>338/445</b>	<b>SUBMITTED TEXT</b>	40 WORDS	<b>54% MATCHING TEXT</b>	40 WORDS
<p>of members of the Council are elected by electorates consisting of members of Municipalities, District Boards and other local authorities in the State; one- third are elected by members of the Legislative Assembly of the State; one- twelfth are elected by</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>339/445</b>	<b>SUBMITTED TEXT</b>	29 WORDS	<b>67% MATCHING TEXT</b>	29 WORDS
<p>are nominated by the Governor from amongst those persons who have special knowledge or practical experience in such matters as literature, science, art, cooperative movement and social service.</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>340/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>100% MATCHING TEXT</b>	19 WORDS
<p>held in accordance with the system of proportional representation by means of single transferable vote.</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>341/445</b>	<b>SUBMITTED TEXT</b>	60 WORDS	<b>64% MATCHING TEXT</b>	60 WORDS
<p>In order to become a member of the Legislative Council, a person should be a citizen of India, should not be less than 30 years of age and possess such other qualifications as may be prescribed, by law, by the Parliament. He, however, should not be of unsound mind, an insolvent and should not hold any office of profit (</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>342/445</b>	<b>SUBMITTED TEXT</b>	49 WORDS	<b>72% MATCHING TEXT</b>	49 WORDS
<p>Deputy Chairman vacates his office if he ceases to be a member of the Council. He may resign his office or may be removed from his office by a resolution of the Council passed by a majority of members of the Council. But, before moving such a resolution,</p> <p>Deputy Chairman shall vacate his office if he ceased to be a member of the Council. He may resign his office writing to Chairman. He may be removed from his office by a resolution of the Council passed by a majority all the members of the Council [But such a resolution</p> <p><b>W</b> <a href="https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf">https://yusuflaw.com/wp-content/uploads/2020/07/Constitutional-Law-in-India-YAL.pdf</a></p>				
<b>343/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>86% MATCHING TEXT</b>	15 WORDS
<p>Ten or one-tenth of the total number of members, whichever is greater, forms the</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				

<b>344/445</b>	<b>SUBMITTED TEXT</b>	27 WORDS	<b>86% MATCHING TEXT</b>	27 WORDS
<p>The Legislative Assembly of each State consists of not more than five hundred and not less than sixty members elected by direct election from territorial constituencies</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>		<p>the Legislative Assembly of each State consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies</p>		
<b>345/445</b>	<b>SUBMITTED TEXT</b>	37 WORDS	<b>91% MATCHING TEXT</b>	37 WORDS
<p>each State is divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is almost the same throughout the State. The Constitution,</p> <p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>Each state is divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it is the same throughout the state. In the Constitution</p>		
<b>346/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>71% MATCHING TEXT</b>	17 WORDS
<p>The Chairman and the Deputy Chairman are paid such salaries and allowances as are fixed by</p> <p><b>SA</b> fINAL.pdf (D141953180)</p>				
<b>347/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>95% MATCHING TEXT</b>	13 WORDS
<p>provides for reservation of seats for the Scheduled Castes and Scheduled Tribes</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>348/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>90% MATCHING TEXT</b>	16 WORDS
<p>in the Legislative Assembly of each State in proportion to their population. If the Governor</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>349/445</b>	<b>SUBMITTED TEXT</b>	25 WORDS	<b>81% MATCHING TEXT</b>	25 WORDS
<p>not less than twenty-five years of age and must possess such other qualifications as may be prescribed by or under any law made by</p> <p><b>W</b> <a href="https://www.clearias.com/parliament/">https://www.clearias.com/parliament/</a></p>		<p>not less than twenty-five years of age; and (c) possesses such other qualifications as may be prescribed or under any law made by</p>		
<b>350/445</b>	<b>SUBMITTED TEXT</b>	32 WORDS	<b>90% MATCHING TEXT</b>	32 WORDS
<p>on the basis of universal adult franchise. A voter should be a citizen of India, should have attained eighteen years of age and his name should be in the voters list.</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				

<b>351/445</b>	<b>SUBMITTED TEXT</b>	40 WORDS	<b>95% MATCHING TEXT</b>	40 WORDS
<p>A person can be disqualified from the membership of Legislative Assembly if he holds an office of profit under the Government of India or of a State or is of unsound mind or is an insolvent.</p>				
<p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>352/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>100% MATCHING TEXT</b>	12 WORDS
<p>He decides whether a Bill is a Money Bill or not. He decides whether a bill is a money bill or not</p>				
<p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>353/445</b>	<b>SUBMITTED TEXT</b>	38 WORDS	<b>95% MATCHING TEXT</b>	38 WORDS
<p>The House elects its own presiding officer, called Speaker, who conducts its business. During the absence of Speaker from any sitting of the Assembly, the Deputy Speaker, who is also elected by the House, acts as Speaker.</p>				
<p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>354/445</b>	<b>SUBMITTED TEXT</b>	20 WORDS	<b>77% MATCHING TEXT</b>	20 WORDS
<p>Powers and Functions of Legislature The powers and functions of the Legislature can be studied under the following heads. POWERS AND FUNCTIONS OF CHIEF The powers and functions of the Chief Minister can be studied under the following heads:</p>				
<p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>355/445</b>	<b>SUBMITTED TEXT</b>	26 WORDS	<b>46% MATCHING TEXT</b>	26 WORDS
<p>exclusive power to legislate on the subjects mentioned in the State List. It shares the power of legislation on subjects in the Concurrent List with exclusive power make laws on the subjects which are mentioned in the Union List. States have the power to make law on the subjects which are included in the Concurrent List. With</p>				
<p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>				
<b>356/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>83% MATCHING TEXT</b>	13 WORDS
<p>The Budget shows separately the expenditure charged on the Consolidated Fund of the budget shall show the expenditure charged on the Consolidated Fund of</p>				
<p><b>W</b> <a href="https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apscutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				



<b>357/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>100% MATCHING TEXT</b>	18 WORDS
<p>One-tenth of the total number of members forms the quorum of any meeting of the House.</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>358/445</b>	<b>SUBMITTED TEXT</b>	22 WORDS	<b>92% MATCHING TEXT</b>	22 WORDS
<p>The Council of Ministers is collectively responsible to the Legislative Assembly. The Legislative Assembly is empowered to pass a vote of</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>359/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>88% MATCHING TEXT</b>	14 WORDS
<p>Ministry. Whenever such a motion is passed the Ministry has to resign. Both</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>360/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>76% MATCHING TEXT</b>	14 WORDS
<p>on the subjects mentioned in the State list and Concurrent list but also</p> <p>on the subjects mentioned in the Union list and Concurrent list. It also</p> <p><b>W</b> <a href="https://www.vedantu.com/civics/the-union-parliament">https://www.vedantu.com/civics/the-union-parliament</a></p>				
<b>361/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>88% MATCHING TEXT</b>	13 WORDS
<p>moving call-attention notices and adjournment motions, and also by appointing various committees</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>362/445</b>	<b>SUBMITTED TEXT</b>	73 WORDS	<b>84% MATCHING TEXT</b>	73 WORDS
<p>The duty of the Commission is to make recommendations to the President as to: ? The distribution between the union and the states of the net proceeds of the taxes which are to be divided between them and the allocation between the states themselves of the respective share of such proceeds ? The principles which should govern the grants-in-aid of the revenues amongst the states out of the Consolidated Fund of India</p> <p>the duty of the Commission to make recommendations to the President as a) the distribution between the Union and the States of the net proceeds of taxes which are to be, or may be, divided between them under this Chapter the allocation between the States of the respective shares of such proceeds; (the principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India; [(</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				

<b>363/445</b>	<b>SUBMITTED TEXT</b>	22 WORDS	<b>71% MATCHING TEXT</b>	22 WORDS
<p>The Council of Ministers can remain in power so long as it commands the confidence of the Legislative Assembly of the</p> <p><b>SA</b> Indian political system block 1.pdf (D165318270)</p>				
<b>364/445</b>	<b>SUBMITTED TEXT</b>	42 WORDS	<b>78% MATCHING TEXT</b>	42 WORDS
<p>if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total number of members of the Assembly and by a majority of not less than two-thirds of the members present and voting. 4.</p> <p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				
<b>365/445</b>	<b>SUBMITTED TEXT</b>	38 WORDS	<b>63% MATCHING TEXT</b>	38 WORDS
<p>In order to become a member of the Legislative Council, a person should be a citizen of India, should not be less than 18 years of age and possess such other qualifications as may be prescribed, by</p> <p><b>SA</b> Indian Constitution (OEL) EM.docx (D159148560)</p>				
<b>366/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
<p>shall be appointed by the President by warrant under his hand and seal.</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>367/445</b>	<b>SUBMITTED TEXT</b>	27 WORDS	<b>98% MATCHING TEXT</b>	27 WORDS
<p>The Governor shall hold office during the pleasure of the President. The Governor may, by writing under his hand addressed to the President, resign his office.</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>368/445</b>	<b>SUBMITTED TEXT</b>	27 WORDS	<b>50% MATCHING TEXT</b>	27 WORDS
<p>as members of the Council of Ministers. The Governor has to appoint such persons as Ministers, who have been so recommended by the Chief Minister. 8.3.1</p> <p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>				

<b>369/445</b>	<b>SUBMITTED TEXT</b>	26 WORDS	<b>78% MATCHING TEXT</b>	26 WORDS
<p>the Council of Ministers by the Governor on the advice of the Chief Minister. Chief Minister presides over the meetings of the Council of Ministers.</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>370/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>100% MATCHING TEXT</b>	16 WORDS
<p>the Council of Ministers. The Council of Ministers is collectively responsible to the Legislative Assembly.</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>371/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>83% MATCHING TEXT</b>	13 WORDS
<p>It prepares the Budget and gets it passed by the Legislature. It</p> <p>It prepares the federal budget and gets it approved by the legislature. It</p> <p><b>W</b> <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...</a></p>				
<b>372/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>100% MATCHING TEXT</b>	12 WORDS
<p>Legislative Council (Vidhan Parishad) and Legislative Assembly (Vidhan Sabha). ? The</p> <p>Legislative Council (Vidhan Parishad) and Legislative Assembly (Vidhan Sabha). The</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>373/445</b>	<b>SUBMITTED TEXT</b>	13 WORDS	<b>87% MATCHING TEXT</b>	13 WORDS
<p>Collective Responsibility of the Council of Ministers The whole Council of Ministers</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>374/445</b>	<b>SUBMITTED TEXT</b>	32 WORDS	<b>95% MATCHING TEXT</b>	32 WORDS
<p>The total number of members in the Legislative Council of a State does not exceed one-third of the total number of members in the Legislative Assembly of that State. ? The</p> <p>The total number of members in the Legislative Council of a state not exceed one-third of the total number of members in the Legislative Assembly of that state. 5. The</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>375/445</b>	<b>SUBMITTED TEXT</b>	42 WORDS	<b>78% MATCHING TEXT</b>	42 WORDS
<p>if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total number of members of the Assembly and by a majority of not less than two-thirds of the members present and voting. ?</p> <p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				

<b>376/445</b>	<b>SUBMITTED TEXT</b>	24 WORDS	<b>47% MATCHING TEXT</b>	24 WORDS
<p>Vidhan Parishad or Legislative Council is the upper house in those states of India that have a bicameral legislature. Chief Minister: In the</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>		<p>Vidhan Parishad ( Legislative Council) It is the Upper House of the State Legislature in those states which have a bicameral state legislature. As in the</p>		
<b>377/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>95% MATCHING TEXT</b>	12 WORDS
<p>head of government of each of twenty-nine states and union territories.</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>		<p>head of government of each of twenty-nine states and two union territories (</p>		
<b>378/445</b>	<b>SUBMITTED TEXT</b>	26 WORDS	<b>66% MATCHING TEXT</b>	26 WORDS
<p>Legislative Assembly of each State consists of not more than five hundred and not less than sixty members elected by direct election from territorial constituencies</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>379/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>Khanna, Hans Raj (1981). Making of India's Constitution. Eastern Book</p>		
<b>380/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>93% MATCHING TEXT</b>	17 WORDS
<p>Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>Austin, Granville (2003). Working a Democratic Constitution: A History of the Indian Experience (2nd Oxford University Press.</p>		
<b>381/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>61% MATCHING TEXT</b>	18 WORDS
<p>the arrangements between the Union Government and the States in regard to their powers, functions and responsibilities,</p> <p><b>W</b> <a href="http://anucde.info/Indian%20Constitution.pdf">http://anucde.info/Indian%20Constitution.pdf</a></p>		<p>the existing arrangements between the Union and States in regard to powers, functions and responsibilities</p>		

382/445	SUBMITTED TEXT	180 WORDS	95% MATCHING TEXT	180 WORDS
	<p>The Constitution divides legislative authority between the Union and the States in three lists- the Union List, the State List and the Concurrent List. The Union list consists of 99 items. The Union Parliament has exclusive authority to frame laws on subjects enumerated in the list. These include foreign affairs, defense, armed forces, communications, posts and telegraph, foreign trade etc. The State list consists of 61 subjects on which ordinarily the States alone can make laws. These include public order, police, administration of justice, prison, local governments, agriculture etc. The Concurrent list comprises of 52 items including criminal and civil procedure, marriage and divorce, economic and special planning trade unions, electricity, newspapers, books, education, population control and family planning etc. Both the Parliament and the State legislatures can make laws on subjects given in the Concurrent list, but the Centre has a prior and supreme claim to legislate on current subjects. In case of conflict between the law of the State and Union law on a subject in the Concurrent list, the law of the Parliament prevails. Residuary powers</p>		<p>The Constitution divides legislative authority between the Union and the States in three lists- the Union List, the State List and the Concurrent List. 1. The Union List: Union list consists of 99 items. The Union Parliament has exclusive authority to frame laws on subjects enumerated in the list. These include foreign affairs, defence, armed forces, communications, posts and telegraph, foreign trade etc. 2. The State List: The State list consists of 61 subjects on which ordinarily the States alone can make laws. These include public order, police, administration of justice, prison, local governments, agriculture etc. 3. The Concurrent List: The Concurrent list comprises of 52 items including criminal and civil procedure, marriage and divorce, economic and special planning trade unions, electricity, newspapers, books, education, population control and family planning etc. Both the Parliament and the State legislatures can make laws on subjects given in the Concurrent list, but the Centre has a prior and supreme claim to legislate on current subjects. In case of conflict between the law of the State and Union law on a subject in the Concurrent list, the law of the Parliament prevails. 4. Residuary Powers:</p>	
	<p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>			

383/445	SUBMITTED TEXT	15 WORDS	95% MATCHING TEXT	15 WORDS
	<p>FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,</p>			
	<p><b>SA</b> CC-PS-02.pdf (D149043601)</p>			

384/445	SUBMITTED TEXT	25 WORDS	70% MATCHING TEXT	25 WORDS
	<p>Parliament can also legislate on subjects in the State list if the Rajya Sabha passes a resolution by two-third majority that it is necessary</p>			
	<p><b>SA</b> 14 Amir Ullah PLB 352 SLM CDOE AMU.docx (D144112225)</p>			

385/445	SUBMITTED TEXT	30 WORDS	48% MATCHING TEXT	30 WORDS
	<p>the measures to be adopted for protection of the railways, for the welfare of the scheduled tribes and for providing facilities for instruction in mother tongue at primary stage</p>		<p>the measures to be taken for the protection of the railways within the state; (iii) the of adequate facilities for instruction in the mother- tongue at the stage</p>	
	<p><b>W</b> <a href="https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsctutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>			

<b>386/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>81% MATCHING TEXT</b>	17 WORDS
<p>construction and maintenance of the means of communications declared to be of national or military importance,</p> <p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				
<b>387/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>61% MATCHING TEXT</b>	18 WORDS
<p>the arrangements between the Union Government and the States in regard to their powers, functions and responsibilities,</p> <p><b>W</b> <a href="http://anucde.info/Indian%20Constitution.pdf">http://anucde.info/Indian%20Constitution.pdf</a></p>				
<b>388/445</b>	<b>SUBMITTED TEXT</b>	31 WORDS	<b>94% MATCHING TEXT</b>	31 WORDS
<p>The State list consists if 16 subjects on which ordinarily the States alone can make laws. These include public order, police, administration of justice, prison, local governments, agriculture etc. 9.2</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>				
<b>389/445</b>	<b>SUBMITTED TEXT</b>	37 WORDS	<b>45% MATCHING TEXT</b>	37 WORDS
<p>levy taxes on the subjects included in the Union list. The states can levy taxes on the subjects in the state list. Ordinarily, there are no taxes on the subjects in the Concurrent List. In the</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>390/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>88% MATCHING TEXT</b>	17 WORDS
<p>Must be a citizen of India, ? Must have attained 18 years of age, ? Must</p> <p><b>W</b> <a href="http://anucde.info/Indian%20Constitution.pdf">http://anucde.info/Indian%20Constitution.pdf</a></p>				
<b>391/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>95% MATCHING TEXT</b>	19 WORDS
<p>The 61 st Amendment Act of 1989 lowered the voting age from 21 to 18 years.</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>392/445</b>	<b>SUBMITTED TEXT</b>	21 WORDS	<b>85% MATCHING TEXT</b>	21 WORDS
<p>The 61 st Amendment Act of _____lowered the voting age from 21 to 18 years 9. _____Representation is</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				

<b>393/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>85% MATCHING TEXT</b>	18 WORDS
<p>The architects of the Indian Constitution attached special significance to independent electoral machinery for the conduct of</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>394/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>73% MATCHING TEXT</b>	18 WORDS
<p>of the Chief Election Commissioner and such other Election Commissioners as may be decided by the President</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>395/445</b>	<b>SUBMITTED TEXT</b>	38 WORDS	<b>26% MATCHING TEXT</b>	38 WORDS
<p>Commission of India which is responsible for superintendence direction and control of all elections. It is responsible for conducting elections to both the Houses of Parliament and State Legislatures and for the offices of President and Vice-President.</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>396/445</b>	<b>SUBMITTED TEXT</b>	26 WORDS	<b>45% MATCHING TEXT</b>	26 WORDS
<p>The Election Commission became a multi-member body on 16 October 1989 when the President appointed two more Election Commissioners. The senior of the two Election</p> <p><b>SA</b> THESIS FINAL.pdf (D16635872)</p>				
<b>397/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>The Chief Election Commissioner cannot be removed from office, except</p> <p><b>W</b> <a href="https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf">https://aryacollegeludhiana.in/E_BOOK/political_science/Indian_Constitution.pdf</a></p>				

<b>398/445</b>	<b>SUBMITTED TEXT</b>	121 WORDS	<b>96% MATCHING TEXT</b>	121 WORDS
<p>A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he or she: - ? Is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule; ? Is, in the case of a seat in the Legislative Assembly, not less than twenty- five years of age and in the case of a seat in the Legislative Council, not less than thirty years of age; and ? Possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament. ?</p>		<p>A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he- [( a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;] (b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and in the case of a seat in the Legislative Council, not than thirty years of age; and (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament. [174.</p>		
<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				
<b>399/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>84% MATCHING TEXT</b>	19 WORDS
<p>He should not hold any office of profit under the Central or State Government. ? He should not</p>		<p>He should not hold any office of profit under the Union or the State government. he should not</p>		
<p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>400/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>58% MATCHING TEXT</b>	19 WORDS
<p>it at the most for 14 days. It may reject the Bill or may not take any action</p>		<p>it to the assembly for reconsideration; 3. it may reject the bill altogether; and 4. it may not take any action</p>		
<p><b>W</b> <a href="https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>401/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>61% MATCHING TEXT</b>	19 WORDS
<p>the bill is considered as passed by both the Houses &amp; is sent to the Governor for assent.</p>		<p>the bill is deemed to have been passed by both the Houses and the same is sent to the the governor for his assent.</p>		
<p><b>W</b> <a href="https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>402/445</b>	<b>SUBMITTED TEXT</b>	90 WORDS	<b>100% MATCHING TEXT</b>	90 WORDS
<p>Composition of the Legislative Assemblies ? Subject to the provisions of Article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State. ? For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.</p>		<p>Composition of the Legislative Assemblies. - (1) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State. [</p>		
<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				



<b>403/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>89% MATCHING TEXT</b>	16 WORDS
<p>for a term of six years, or until the age of 65 whichever is earlier.</p> <p><b>SA</b> THESIS FINAL.pdf (D16635872)</p>				
<b>404/445</b>	<b>SUBMITTED TEXT</b>	34 WORDS	<b>42% MATCHING TEXT</b>	34 WORDS
<p>The Election Commission consists of the Chief Election Commissioner and such other Election Commissioners as may be decided by the President from time to time. 13. Chief Election Commissioner and other Election Commissioners</p> <p><b>SA</b> 159E1210_Indian Constitution.pdf (D165648310)</p>				
<b>405/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>61% MATCHING TEXT</b>	18 WORDS
<p>the arrangements between the Union Government and the States in regard to their powers, functions and responsibilities,</p> <p>the existing arrangements between the Union and States in regard to powers, functions and responsibilities</p> <p><b>W</b> <a href="http://anucde.info/Indian%20Constitution.pdf">http://anucde.info/Indian%20Constitution.pdf</a></p>				
<b>406/445</b>	<b>SUBMITTED TEXT</b>	27 WORDS	<b>100% MATCHING TEXT</b>	27 WORDS
<p>The Constitution divides legislative authority between the Union and the States in three lists- the Union List, the State List and the Concurrent List. ? The</p> <p>The Constitution divides legislative authority between the Union and the States in three lists- the Union List, the State List and the Concurrent List. 1. The</p> <p><b>W</b> <a href="https://www.lasdes.com/study14.html">https://www.lasdes.com/study14.html</a></p>				
<b>407/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>89% MATCHING TEXT</b>	17 WORDS
<p>for a term of six years, or until the age of 65 whichever is earlier. 14.</p> <p><b>SA</b> THESIS FINAL.pdf (D16635872)</p>				
<b>408/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>73% MATCHING TEXT</b>	18 WORDS
<p>of the Chief Election Commissioner and such other Election Commissioners as may be decided by the President</p> <p>of the chief election commissioner and such other election commissioners, as are appointed by the President. ?</p> <p><b>W</b> <a href="https://mpbou.edu.in/newslm/bae/ba1pol2.pdf">https://mpbou.edu.in/newslm/bae/ba1pol2.pdf</a></p>				
<b>409/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>85% MATCHING TEXT</b>	18 WORDS
<p>The architects of the Indian Constitution attached special significance to independent electoral machinery for the conduct of</p> <p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				

<b>410/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>Khanna, Hans Raj (1981). Making of India's Constitution. Eastern Book</p>		
<b>411/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>93% MATCHING TEXT</b>	17 WORDS
<p>Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>		<p>Austin, Granville (2003). Working a Democratic Constitution: A History of the Indian Experience (2nd Oxford University Press.</p>		
<b>412/445</b>	<b>SUBMITTED TEXT</b>	56 WORDS	<b>90% MATCHING TEXT</b>	56 WORDS
<p>Most constitutional theories require that the judiciary is separate from and independent of the government, in order to ensure the rule of law - that is, to ensure that the law is enforced impartially and consistently no matter who is in power, and without undue influence from any other source. ? The independence of the</p> <p><b>W</b> <a href="http://www.politics.co.uk/reference/judicial-independence">http://www.politics.co.uk/reference/judicial-independence</a></p>		<p>Most constitutional theories require that the judiciary is separate from and independent of the government. This is said to ensure the rule of law – that is, to ensure that the law is enforced impartially and consistently no matter who is in power, and without undue influence from any other source. The doctrine of the “</p>		
<b>413/445</b>	<b>SUBMITTED TEXT</b>	12 WORDS	<b>100% MATCHING TEXT</b>	12 WORDS
<p>writ is a formal written order issued by a body with</p> <p><b>W</b> <a href="https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-constitut...">https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-constitut ...</a></p>		<p>Writ is a formal written order issued by a body with</p>		
<b>414/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>71% MATCHING TEXT</b>	15 WORDS
<p>the Supreme Court to issue writs for enforcement of any of the fundamental rights</p> <p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>The Supreme Court shall have power to issue directions or orders or for the enforcement of any of the fundamental rights.</p>		
<b>415/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>95% MATCHING TEXT</b>	15 WORDS
<p>FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				
<b>416/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>82% MATCHING TEXT</b>	15 WORDS
<p>the Parliament to confer on the Supreme Court power to issue writs, for purposes</p> <p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>		<p>the Parliament can confer on the Supreme Court, the power to issue writs for other purposes</p>		

<b>417/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>100% MATCHING TEXT</b>	19 WORDS
<p>for the enforcement of any of the rights conferred by Part III and for any other purpose. "</p>		<p>for the enforcement of any of the rights conferred by Part III and for any other purpose. (2)</p>		
<p><b>W</b> <a href="http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf">http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part1.pdf</a></p>				
<b>418/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>71% MATCHING TEXT</b>	17 WORDS
<p>Habeas Corpus" is a Latin term which literally means you may have the body. The writ</p>				
<p><b>SA</b> constitutional law 1 project.docx (D50370537)</p>				
<b>419/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>70% MATCHING TEXT</b>	18 WORDS
<p>The writ of prohibition is issued by a higher court to a lower court prohibiting it from</p>				
<p><b>SA</b> Indian political system block 1.pdf (D165318270)</p>				
<b>420/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>The writ of quo warranto is issued against a person</p>				
<p><b>SA</b> constitutional law 1 project.docx (D50370537)</p>				
<b>421/445</b>	<b>SUBMITTED TEXT</b>	24 WORDS	<b>70% MATCHING TEXT</b>	24 WORDS
<p>The original _____ of Supreme Court is exclusive which means that no other court in India shall have the power to entertain any</p>				
<p><b>SA</b> Political Process &amp; Politics in India (EM).pdf (D139291481)</p>				
<b>422/445</b>	<b>SUBMITTED TEXT</b>	16 WORDS	<b>90% MATCHING TEXT</b>	16 WORDS
<p>are made by the Governor in consultation with the High Court. A person to be</p>		<p>are made by the governor of the state in consultation with the high court. A person to be</p>		
<p><b>W</b> <a href="https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apsc tutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				

<b>423/445</b>	<b>SUBMITTED TEXT</b>	68 WORDS	<b>37% MATCHING TEXT</b>	68 WORDS
<p>District Judges to the judicial service of a State is made by the Governor in accordance with the rules made by him in that behalf after consultation with the High Court and the State Public Service Commission. The High Court exercises control over the District Courts and the courts subordinate to them, in matters as posting, promotions and granting of leave to all persons belonging to the</p>		<p>district judges to the judicial service of a State shall be made by the Governor of the in accordance with rules made by him in that behalf after consultation with the State Service Commission and the High Court exercising jurisdiction relation to such State. 235. Control over subordinate Courts. - The control over district Courts and Courts subordinate thereto including the posting and promotion of, and the grant of leave to, persons belonging to the</p>		
<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				
<b>424/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>96% MATCHING TEXT</b>	15 WORDS
<p>High Court, there is a hierarchy of courts which are referred to in the</p>				
<p><b>SA</b> constitutional law 1 project.docx (D50370537)</p>				
<b>425/445</b>	<b>SUBMITTED TEXT</b>	14 WORDS	<b>100% MATCHING TEXT</b>	14 WORDS
<p>consultation with the Chief Justice of the High Court of the concerned State.</p>		<p>consultation with the Chief Justice of the High Court of the concerned state.</p>		
<p><b>W</b> <a href="https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf">https://www.apstutorials.com/wp-content/uploads/2020/06/Laxmikanth6thEdition-2.pdf</a></p>				
<b>426/445</b>	<b>SUBMITTED TEXT</b>	41 WORDS	<b>25% MATCHING TEXT</b>	41 WORDS
<p>appeals against the decisions of the courts of sub judges, but also some of the cases begin directly in the Court of District Judge itself. Appeals against the decisions of this court may be heard by the High Court of</p>		<p>appeals against the decisions of the Courts of the states but in Switzerland, the Federal Tribunal hears the appeals against the decisions of the Court of Cantons. 7. The Supreme Court of</p>		
<p><b>W</b> <a href="https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10...">https://mis.alagappauniversity.ac.in/siteAdmin/dde-admin/uploads/3/UG_B.A._History%20(English)_10 ...</a></p>				
<b>427/445</b>	<b>SUBMITTED TEXT</b>	75 WORDS	<b>95% MATCHING TEXT</b>	75 WORDS
<p>provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation [or society] owned or controlled by the Government [</p>		<p>provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government. (2)</p>		
<p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>				

<b>428/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>89% MATCHING TEXT</b>	15 WORDS
The Court of the District Judge is the highest civil court in a district				
<b>SA</b> Indian political system block 1.pdf (D165318270)				

<b>429/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
appointed to the secretarial staff of either House of Parliament		appointed, to the secretarial staff of either House of Parliament. (3)		
<b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a>				

The zero, the concept of Lok Adalat (Peoples' Court) is an innovative Indian contribution to the world jurisprudence. The institution of Lok Adalat in India, as the very name suggests, means, People's Court. "Lok" stands for "people" and the vernacular meaning of the term "Adalat" is the court. India has a long tradition and history of such methods being practiced in the society at grass roots level. These are called Panchayat and in the legal terminology, these are called arbitration. These are widely used in India for resolution of disputes both commercial and non-commercial. Other alternative methods being used are Lok Adalat (People's Court), where justice is dispensed summarily without too much emphasis on legal technicalities. It has been proved to be a very effective alternative to litigation. The ancient concept of settlement of dispute through mediation, negotiation or through arbitral process known as "Peoples' Court verdict" or decision of "Nyaya-Panch" is conceptualized and institutionalized in the philosophy of Lok Adalat. Some people equate Lok Adalat to conciliation or mediation; some Unit 10 – Judiciary Notes 181 treat it with negotiations and arbitration. Those who find it different from all these, call it "Peoples' Court". It involves people who are directly or indirectly affected by dispute resolution. The salient features of this form of dispute resolution are participation, accommodation, fairness, expectation, voluntaries, neighbourliness, transparency, efficiency and lack of animosity. The concept of Lok Adalats was pushed back into oblivion in last few centuries before independence and particularly during the British regime. Now, this concept has, once again, been rejuvenated. It has, once again, become very popular and familiar amongst litigants. This is the system which has deep roots in Indian legal history and its close allegiance to the culture and perception of justice in Indian ethos. Experience has shown that it is one of the very efficient and important ADRs and most suited to the Indian environment, culture and societal interests. Camps of Lok Adalats were started initially in Gujarat in March 1982 and now it has been extended throughout the Country. The evolution of this movement was a part of the strategy to relieve heavy burden on the Courts with pending cases and to give relief to the litigants who were in a queue to get justice. The first Lok Adalat was held on March 14, 1982 at Junagarh in Gujarat the land of Mahatma Gandhi. Lok Adalats have been very successful in settlement of motor accident claim cases, matrimonial/family disputes, labour disputes,

**W** [http://www.legalserviceindia.com/articles/lok\\_a.htm](http://www.legalserviceindia.com/articles/lok_a.htm)

the zero, the concept of Lok Adalat (Peoples' Court) is an innovative Indian contribution to the world jurisprudence. The institution of Lok Adalat in India, as the very name suggests, means, People's Court. "Lok" stands for "people" and the vernacular meaning of the term "Adalat" is the court. India has a long tradition and history of such methods being practiced in the society at grass roots level. These are called panchayat and in the legal terminology, these are called arbitration. These are widely used in India for resolution of disputes ? both commercial and non-commercial. Other alternative methods being used are Lok Adalat (People's Court), where justice is dispensed summarily without too much emphasis on legal technicalities. It has been proved to be a very effective alternative to litigation. The ancient concept of settlement of dispute through mediation, negotiation or through arbitral process known as "Peoples' Court verdict" or decision of "Nyaya-Panch" is conceptualized and institutionalized in the philosophy of Lok Adalat. Some people equate Lok Adalat to conciliation or mediation, some treat it with negotiations and arbitration. Those who find it different from all these, call it "Peoples' Court". It involves people who are directly or indirectly affected by dispute resolution. The salient features of this form of dispute resolution are participation, accommodation, fairness, expectation, voluntariness, neighbourliness, transparency, efficiency and lack of animosity. The concept of Lok Adalats was pushed back into oblivion in last few centuries before independence and particularly during the British regime. Now, this concept has, once again, been rejuvenated. It has, once again, become very popular and familiar amongst litigants. This is the system which has deep roots in Indian legal history and its close allegiance to the culture and perception of justice in Indian ethos. Experience has shown that it is one of the very efficient and important ADRs and most suited to the Indian environment, culture and societal interests. Camps of Lok Adalats were started initially in Gujarat in March 1982 and now it has been extended throughout the Country. The evolution of this movement was a part of the strategy to relieve heavy burden on the Courts with pending cases and to give relief to the litigants who were in a queue to get justice. The first Lok Adalat was held on March 14, 1982 at Junagarh in Gujarat the land of Mahatma Gandhi. Lok Adalats have been very successful in settlement of motor accident claim cases, matrimonial/family disputes, labourdisputes, disputes

**431/445****SUBMITTED TEXT**

250 WORDS

**100% MATCHING TEXT**

250 WORDS

disputes relating to public services such as telephone, electricity, bank recovery cases and so on. Some statistics may give us a feeling of tremendous satisfaction and encouragement. Up to the middle of last year (2004), more than 200,000 Lok Adalats have been held and therein more than 16 million cases have been settled, half of which were motor accident claim cases. More than one billion US dollars were distributed by way of compensation to those who had suffered accidents. 6.7 million Persons have benefited through legal aid and advice. The Statistics of the Gujarat State Legal Services Authority as to the number of cases disposed, the amount of compensation paid etc have been annexed herewith. Legislation pertaining to Lok Adalats The advent of Legal Services Authorities Act, 1987 gave a statutory status to Lok Adalats, pursuant to the constitutional mandate in Article 39-A of the Constitution of India, contains various provisions for settlement of disputes through Lok Adalat. It is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. Even before the enforcement of the Act, the concept of Lok Adalat has been getting wide acceptance as People's Courts as the very name

disputes relating to public services such as telephone, electricity, bank recovery cases and so on. Some statistics may give us a feeling of tremendous satisfaction and encouragement. Up to the middle of last year (2004), more than 200,000 Lok Adalats have been held and therein more than 16 million cases have been settled, half of which were motor accident claim cases. More than one billion US dollars were distributed by way of compensation to those who had suffered accidents. 6.7 million persons have benefited through legal aid and advice. The Statistics of the Gujarat State Legal Services Authority as to the number of cases disposed, the amount of compensation paid etc have been annexed herewith. Legislation pertaining to Lok Adalats The advent of Legal Services Authorities Act, 1987 gave a statutory status to Lok Adalats, pursuant to the constitutional mandate in Article 39-A of the Constitution of India, contains various provisions for settlement of disputes through Lok Adalat. It is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. Even before the enforcement of the Act, the concept of Lok Adalat has been getting wide acceptance as People's Courts as the very name

**W** [http://www.legalserviceindia.com/articles/lok\\_a.htm](http://www.legalserviceindia.com/articles/lok_a.htm)**432/445****SUBMITTED TEXT**

18 WORDS

**87% MATCHING TEXT**

18 WORDS

shall come into force on such date as the Central Government may, by notification, appoint. ? The

**SA** 159E1210\_Indian Constitution.pdf (D165648310)

signifies. Settlement of disputes at the hands of Panchayat Heads or tribal heads was in vogue since ancient times. When statutory recognition had been given to Lok Adalat, it was specifically provided that the award passed by the Lok Adalat formulating the terms of compromise will have the force of decree of a court which can be executed as a civil court decree. Procedure at Lok Adalat The procedure followed at a Lok Adalat is very simple and shorn of almost all legal formalism and rituals. The Lok Adalat is presided over by a sitting or retired judicial officer as the chairman, with two other members, usually a lawyer and a social worker. It is revealed by experience that in Lok Adalats it is easier to settle money claims since in most such cases the quantum alone may be in dispute. Thus the motor accident compensation claim cases are brought before the Lok Adalat and a number of cases were disposed of in each Lok Adalat. One important condition is that both parties in dispute should agree for settlement through Lok Adalat and abide by its decision. A Lok Adalat has the jurisdiction to settle, by way of effecting compromise between the parties, any matter which may be pending before any court, as well as matters at pre-litigative stage i.e. disputes which have not yet been formally instituted in any Court of Law. Such matters may be civil or criminal in nature, but any matter relating to an offence not compoundable under any law cannot be decided by the Lok Adalat even if the parties involved therein agree to settle the same. Lok Adalats can take cognizance of matters involving not only those persons who are entitled to avail free legal services but of all other persons also, be they women, men, or children and even institutions. Anyone, or more of the parties to a dispute can move an application to the court where their matter may be pending, or even at pre-litigative stage, for such matter being taken up in the Lok Adalat whereupon the Lok Adalat Bench constituted for the purpose shall attempt to resolve the dispute by helping the parties to arrive at an amicable solution and once it is successful in doing so, the award passed by it shall be final which has as much force as a decree of a Civil Court obtained after due contest. Finality of Lok Adalat award One issue which raises its head often is the finality of the award of the Lok Adalat. During the Lok Adalat, the parties agree to abide by the decision of the judge at the Lok Adalat. However, it is often seen that later, the same order is challenged on several grounds. In one of the recent decisions, the Supreme Court of India has once again laid to rest all such doubts. In unequivocal terms, the Court has held that award of the Lok Adalat is as good as the decree of a Court. The award of the Lok Adalat is fictionally deemed to be decrees of Court and therefore the courts have all the powers in relation thereto as it has in relation to a decree passed by itself. This includes the powers to extend time in appropriate cases. The award passed by the Lok Adalat is the decision of the

signifies. Settlement of disputes at the hands of Panchayat Heads or tribal heads was in vogue since ancient times. When statutory recognition had been given to Lok Adalat, it was specifically provided that the award passed by the Lok Adalat formulating the terms of compromise will have the force of decree of a court which can be executed as a civil court decree. Procedure at Lok Adalat: The procedure followed at a Lok Adalat is very simple and shorn of almost all legal formalism and rituals. The Lok Adalat is presided over by a sitting or retired judicial officer as the chairman, with two other members, usually a lawyer and a social worker. It is revealed by experience that in Lok Adalats it is easier to settle money claims since in most such cases the quantum alone may be in dispute. Thus the motor accident compensation claim cases are brought before the Lok Adalat and a number of cases were disposed of in each Lok Adalat. One important condition is that both parties in dispute should agree for settlement through Lok Adalat and abide by its decision. A Lok Adalat has the jurisdiction to settle, by way of effecting compromise between the parties, any matter which may be pending before any court, as well as matters at pre-litigative stage i.e. disputes which have not yet been formally instituted in any Court of Law. Such matters may be civil or criminal in nature, but any matter relating to an offence not compoundable under any law cannot be decided by the Lok Adalat even if the parties involved therein agree to settle the same. Lok Adalats can take cognizance of matters involving not only those persons who are entitled to avail free legal services but of all other persons also, be they women, men, or children and even institutions. Anyone, or more of the parties to a dispute can move an application to the court where their matter may be pending, or even at pre-litigative stage, for such matter being taken up in the Lok Adalat whereupon the Lok Adalat Bench constituted for the purpose shall attempt to resolve the dispute by helping the parties to arrive at an amicable solution and once it is successful in doing so, the award passed by it shall be final which has as much force as a decree of a Civil Court obtained after due contest. Finality of Lok Adalat award: One issue which raises its head often is the finality of the award of the Lok Adalat. During the Lok Adalat, the parties agree to abide by the decision of the judge at the Lok Adalat. However, it is often seen that later, the same order is challenged on several grounds. In one of the recent decisions, the Supreme Court of India has once again laid to rest all such doubts. In unequivocal terms, the Court has held that award of the Lok Adalat is as good as the decree of a Court. The award of the Lok Adalat is fictionally deemed to be decrees of Court and therefore the courts have all the powers in relation thereto as it has in relation to a decree passed by itself. This, includes the powers to extend time in appropriate cases. The award passed by the Lok Adalat is the decision of the



court itself though arrived at by the simpler method of conciliation instead of the process of arguments in court. Consent of Parties The most important factor to be considered while deciding the cases at the Lok Adalat is the consent of both the parties. It cannot be forced on any party that the matter has to be decided by the Lok Adalat. However, once the parties agree that the matter has to be decided by the Lok Adalat, then any party cannot walk away from the decision of the Lok Adalat. In several instances, the Supreme Court has held that if there was no consent the award of the Lok Adalat is not executable and also if the parties fail to agree to get the dispute resolved through Lok Adalat, the regular litigation process remains open for the contesting parties. The Supreme Court has also held that compromise implies some element of accommodation on each side. It is not apt to describe it as total surrender. A compromise is always bilateral and means mutual adjustment. Settlement is termination of legal proceedings by mutual consent. If no compromise or settlement is or could be arrived at, no order can be passed by the Lok Adalat. Benefits of Lok Adalat The benefits that litigants derive through the Lok Adalats are many. ? First, there is no court fee and even if the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalat. ? Secondly, there is no strict application of the procedural laws and the Evidence Act while assessing the merits of the claim by the Lok Adalat. The parties to the disputes though represented by their advocate can interact with the Lok Adalat judge directly and explain their stand in the dispute and the reasons therefore, which is not possible in a regular court of law. ? Thirdly, disputes can be brought before the Lok Adalat directly instead of going to a regular court first and then to the Lok Adalat. ? Fourthly, the decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process. No appeal lies against the order of the Lok Adalat whereas in the regular law courts there is always a scope to appeal to the higher forum on the decision of the trial court, which causes delay in the settlement of the dispute finally. The reason being that in a regular court, decision is that of the court but in Lok Adalat it is mutual settlement and hence no case for appeal will arise. In every respect the scheme of Lok Adalat is a boon to the litigant public, where they can get their disputes settled fast and free of cost. ? Last but not the least, faster and inexpensive remedy with legal status.

**W** [http://www.legalserviceindia.com/articles/lok\\_a.htm](http://www.legalserviceindia.com/articles/lok_a.htm)

court itself though arrived at by the simpler method of conciliation instead of the process of arguments in court. Consent of Parties The most important factor to be considered while deciding the cases at the Lok Adalat is the consent of both the parties. It can not be forced on any party that the matter has to be decided by the Lok Adalat. However, once the parties agree that the matter has to be decided by the Lok Adalat, then any party cannot walk away from the decision of the Lok Adalat. In several instances, the Supreme Court has held that if there was no consent the award of the Lok Adalat is not executable and also if the parties fail to agree to get the dispute resolved through Lok Adalat, the regular litigation process remains open for the contesting parties. The Supreme Court has also held that compromise implies some element of accommodation on each side. It is not apt to describe it as total surrender. A compromise is always bilateral and means mutual adjustment. Settlement is termination of legal proceedings by mutual consent. If no compromise or settlement is or could be arrived at, no order can be passed by the Lok Adalat. Benefits of Lok Adalat The benefits that litigants derive through the Lok Adalats are many. # First, there is no court fee and even if the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalat. # Secondly, there is no strict application of the procedural laws and the Evidence Act while assessing the merits of the claim by the Lok Adalat. The parties to the disputes though represented by their advocate can interact with the Lok Adalat judge directly and explain their stand in the dispute and the reasons therefore, which is not possible in a regular court of law. # Thirdly, disputes can be brought before the Lok Adalat directly instead of going to a regular court first and then to the Lok Adalat? Fourthly, the decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process. No appeal lies against the order of the Lok Adalat whereas in the regular law courts there is always a scope to appeal to the higher forum on the decision of the trial court, which causes delay in the settlement of the dispute finally. The reason being that in a regular court, decision is that of the court but in Lok Adalat it is mutual settlement and hence no case for appeal will arise. In every respect the scheme of Lok Adalat is a boon to the litigant public, where they can get their disputes settled fast and free of cost. # Last but not the least, faster and inexpensive remedy with legal status.

435/445	SUBMITTED TEXT	90 WORDS	100% MATCHING TEXT	90 WORDS
	<p>The system has received laurels from the parties involved in particular and the public and the legal functionaries, in general. It also helps in emergence of jurisprudence of peace in the larger interest of justice and wider sections of society. Its process is voluntary and works on the principle that both parties to the disputes are willing to sort out their disputes by amicable solutions. Through this mechanism, disputes can be settled in a simpler, quicker and cost- effective way at all the three stages i.e. pre-litigation, pending-litigation and post-litigation.</p> <p><b>W</b> <a href="http://www.legalserviceindia.com/articles/lok_a.htm">http://www.legalserviceindia.com/articles/lok_a.htm</a></p>		<p>The system has received laurels from the parties involved in particular and the public and the legal functionaries, in general. It also helps in emergence of jurisprudence of peace in the larger interest of justice and wider sections of society. Its process is voluntary and works on the principle that both parties to the disputes are willing to sort out their disputes by amicable solutions. Through this mechanism, disputes can be settled in a simpler, quicker and cost-effective way at all the three stages i.e. pre-litigation, pending-litigation and post-litigation.</p>	

436/445	SUBMITTED TEXT	15 WORDS	96% MATCHING TEXT	15 WORDS
	<p>High Court, there is a hierarchy of courts which are referred to in the</p> <p><b>SA</b> constitutional law 1 project.docx (D50370537)</p>			

437/445	SUBMITTED TEXT	75 WORDS	95% MATCHING TEXT	75 WORDS
	<p>provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation [or society] owned or controlled by the Government [</p> <p><b>W</b> <a href="http://www.bareactslive.com/ACA/ACT401.HTM">http://www.bareactslive.com/ACA/ACT401.HTM</a></p>		<p>provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government. (2)</p>	

438/445	SUBMITTED TEXT	54 WORDS	100% MATCHING TEXT	54 WORDS
	<p>The zero, the concept of Lok Adalat (Peoples' Court) is an innovative Indian contribution to the world jurisprudence. ? The institution of Lok Adalat in India, as the very name suggests, means, People's Court. "Lok" stands for "people" and the vernacular meaning of the term "Adalat" is the court.</p> <p><b>W</b> <a href="http://www.legalserviceindia.com/articles/lok_a.htm">http://www.legalserviceindia.com/articles/lok_a.htm</a></p>		<p>the zero, the concept of Lok Adalat (Peoples' Court) is an innovative Indian contribution to the world jurisprudence. The institution of Lok Adalat in India, as the very name suggests, means, People's Court. "Lok" stands for "people" and the vernacular meaning of the term "Adalat" is the court.</p>	

439/445	SUBMITTED TEXT	12 WORDS	100% MATCHING TEXT	12 WORDS
	<p>writ is a formal written order issued by a body with</p> <p><b>W</b> <a href="https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-constitut...">https://www.legalserviceindia.com/legal/article-4001-a-study-on-the-impact-of-the-world-constitut ...</a></p>		<p>Writ is a formal written order issued by a body with</p>	

<b>440/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>70% MATCHING TEXT</b>	18 WORDS
<p>The writ of prohibition is issued by a higher court to a lower court prohibiting it from</p> <p><b>SA</b> Indian political system block 1.pdf (D165318270)</p>				
<b>441/445</b>	<b>SUBMITTED TEXT</b>	19 WORDS	<b>69% MATCHING TEXT</b>	19 WORDS
<p>Habeas Corpus: "Habeas Corpus" is a Latin term which literally means you may have the body. The writ</p> <p><b>SA</b> constitutional law 1 project.docx (D50370537)</p>				
<b>442/445</b>	<b>SUBMITTED TEXT</b>	18 WORDS	<b>70% MATCHING TEXT</b>	18 WORDS
<p>The writ of prohibition is issued by a higher court to a lower court prohibiting it from</p> <p><b>SA</b> Indian political system block 1.pdf (D165318270)</p>				
<b>443/445</b>	<b>SUBMITTED TEXT</b>	11 WORDS	<b>100% MATCHING TEXT</b>	11 WORDS
<p>Khanna Hans Raj, (2008), Making of India's Constitution, Eastern Book</p> <p>Khanna, Hans Raj (1981). Making of India's Constitution. Eastern Book</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>				
<b>444/445</b>	<b>SUBMITTED TEXT</b>	17 WORDS	<b>93% MATCHING TEXT</b>	17 WORDS
<p>Austin Granville, (2003), Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press,</p> <p>Austin, Granville (2003). Working a Democratic Constitution: A History of the Indian Experience (2nd Oxford University Press.</p> <p><b>W</b> <a href="https://en.wikipedia.org/wiki/Constitution_of_India">https://en.wikipedia.org/wiki/Constitution_of_India</a></p>				
<b>445/445</b>	<b>SUBMITTED TEXT</b>	15 WORDS	<b>95% MATCHING TEXT</b>	15 WORDS
<p>FURTHER READINGS Bakshi, P M, (2011), The Constitution of India, Universal Law Publishing,</p> <p><b>SA</b> CC-PS-02.pdf (D149043601)</p>				