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TNPSC Material
INDIAN POLITY



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pertaining to borrowing of money by the government custody & maintenance of consolidated funds etc.

- ❖ It can originate only in Lok Sabha on the recommendation of the President. The Rajya Sabha can only delay it by 14 days. Its final authority lies with Lok Sabha only.

Consolidated Fund of India: (Article 266)

- ❖ It is fund to which all the revenue, loans raised and income of the Government of India are deposited.
- ❖ Similarly no money can be spent out of this Fund except through the grants made by the Parliament and expenditures charged on the Consolidated Fund of India.

Contingency Fund Of India (Article 267):

- ❖ Through an act of parliament in 1950, Contingency fund of India exists for disasters and related unforeseen expenditures.
- ❖ In 2005 it was raised from Rs. 50 crore to Rs. 500 crores.
- ❖ It is at the disposal of the President. He can make

advances out of this fund to meet unforeseen expenses (no need of Parliament's approval)

- ❖ The states have their own Consolidated and Contingency Funds.

Question Hour:

- ❖ The First hour of every sitting in both houses (11 am - 12 noon).
- ❖ In this questions are asked by members & answered by ministers.

1. Starred Questions (1 member can ask only one/day) for which oral answers is required.
2. Unstarred Questions for which written answer (10 days notice) is required.
3. Short Notice Questions are the ones which relates to matters of urgent public importance and can be asked by members with notice shorter than the ten days prescribed for an ordinary question.

Zero Hour:

- ❖ 12-1 PM daily. Time allotted everyday for miscellaneous business is call-attention notices,

questions on official statements
& adjournment motions.

Motion:

- ❖ It is a proposal brought before the house for its opinion/decision.

Types:**a. Privilege Motion**

- ❖ A resolution introduced by the opposition that a minister has misled the house by giving wrong information.

b. Censure Motion

- ❖ Moved only in Lok Sabha only by the opposition.
- ❖ It can be brought against the ruling government or against any minister (failure to act or seek disapproval of their policy).
- ❖ A censure motion must specify the charges against the government for which it is moved (no leave of the House is required).
- ❖ If a censure motion is passed in the Lok Sabha, the Council of Minister is bound to seek the confidence of the Lok Sabha as early as possible.

c. No Confidence Motion:

- ❖ Can be moved only in Lok Sabha and only by the opposition. It can be brought only against the Council of ministers and not against any individual minister.
- ❖ If the motion is adopted by the house, the council of Ministers is bound to resign.
- ❖ It needs 50 members support in Lok Sabha.

d. Call- Attention Motion:

- ❖ A member (after permission from Speaker) calls the attention of the Minister to any matter of 'urgent public importance'.
- ❖ There is no Call-Attention motion in the Rajya Sabha. Instead there exist a motion called 'Motion for Papers'.

e. Adjournment Motion:

- ❖ Leads to setting aside the normal business of the House for discussing a definite matter of urgent public importance.
- ❖ Its available only for Lok Sabha.

f. Cut Motions:

- ❖ They are moved in the Lok Sabha only. They are part of the Budgetary Process which seeks to reduce the amounts for grants.

Cut Motions can be divided into three categories:

- Policy Cut:** A cut motion which says "The amount of the demand be reduced to Re. 1.
- Economy Cut:** The object of the motion is to reduce the amount of the expenditure and the form of the motion is "The amount of the demand reduced by Rs (a specified amount)".
- Token Cut:** Where the object of the motion is to ventilate a specific grievance within the sphere of responsibility of the Government of India form is "The amount of the demand be reduced by Rs.100".

1. Whip:

A directive issued by any political party to ensure the support of its members voting in favour or against a particular issue on the floor of the

House. A person may lose the membership of the party and the legislature if he votes against the whip or abstains from voting.

2. Lamé duck session:

This refers to the last session of the old parliament which is held after a new Lok Sabha has been elected after the general election (not eligible for re-election).

3. Snap vote:

Refers to a vote taken unexpectedly without voters being briefed or informed about it in advance.

4. Speaker Pro-tem:

As soon as the new Lok Sabha is constituted a President appoints a Speaker Pro-tem who is usually the senior most member of the House. (Two members are equally qualified, weightage given to members age)

Functions:

- ❖ Include administering the oath to the newly elected Lok Sabha members and presiding over the election of the new Speaker.

- ❖ His term ceases as soon as the Speaker is elected.

5. Guillotine:

- ❖ When due to lack of time, demand for grants are put to vote whether they are discussed or not in the House on the last day of the allotted time, it is called Guillotine and it concludes the discussion on demands for grants.

6. Quorum:

- ❖ A Quorum is the Minimum number of members of a deliberative assembly necessary to conduct the business of that group. Quorum for either house (Article 100(c) is $\frac{1}{10}$ the of the total numbers of members)

COMMITTEES IN PARLIAMENT:

- ❖ Appointed to save time
- ❖ Most of them functions under the direction of Speaker

Classified under two heads:

- a. Standing Committees
- b. Ad hoc Committees

- ❖ Members of the Rajya Sabha are associated with all committees (Except estimate committees).

- ❖ Strength 1/3 of members on each committee

- ❖ Either elected by Rajya Sabha or nominated by the Chairman of Rajya Sabha.

- ❖ The members of the Committee are generally elected for not more than one year

- ❖ Chairman of all the Committees (except the Joint Committee on Salaries and Allowances of MPs) are appointed by the Speaker from amongst the members of the Committee.

- ❖ Joint Committee on Salaries and Allowances appoints its own Chairman.

Public Accounts Committee

- ❖ This committee was setup first in 1921 under the provisions of the Government of India Act of 1919 and has since been in existence.
- ❖ At present, it consists of 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha).

The term of office of the members is one year.

- ❖ The function of the committee is to examine the annual audit reports of the comptroller and auditor general of India (CAG), which are laid before the Parliament by the president.

Estimates Committee

- ❖ The origin of this committee can be traced to the standing financial committee set up in 1921.

The functions of the committee are :

1. To report what economies, improvements in organisation, efficiency and administrative reform consistent with the policy underlying the estimates, can be affected.
2. To suggest alternative policies in order to bring about efficiency and economy in administration.
3. To examine whether the money is well laid out within the limits of the policy implied in the estimates.
4. To suggest the form in which the estimates are to be presented to Parliament.

Committee on Public Undertakings

This committee was created in 1964 on the recommendation of the Krishna Menon Committee. Originally, it had 15 members (10 from the Lok Sabha and 5 from the Rajya Sabha). However, in 1974, its membership was raised to 22 (15 from the Lok Sabha and 7 from the Rajya Sabha).

The functions of the committee are :

- ❖ To examine the reports and accounts of public undertakings.
- ❖ To examine the reports of the comptroller and auditor general on public undertakings.
- ❖ To examine whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices.
- ❖ To exercise such other functions vested in the public accounts committee and the estimates committee in relation to public undertakings which are allotted to it by the Speaker from time to time.

Departmental Standing Committees

- ❖ On the recommendation of the Rules Committee of the Lok Sabha, 17 departmentally related standing committees were set-up in 1993. In 2004, seven more such committees were set up, thus increasing their number from 17 to 24.

The functions of each of the standing committees are:

1. To consider the demands for grants of the concerned ministries/departments before they are discussed and voted in the Lok Sabha. Its report should not suggest anything of the nature of cut motions.
2. To examine bills pertaining to the concerned ministries departments.
3. To consider annual reports of ministries/departments.
4. To consider national basic long-term policy documents presented to the Houses.

10.6 SUPREME COURT OF INDIA

- ❖ Stands at the apex of the judicial system of India

- ❖ Consists of Chief Justice and 30 other judges

Appointment:

Senior most judge of the Supreme Court is appointed as the Chief Justice of India.

Qualification:

- ❖ Must be a Citizen of India
- ❖ Has been a judge of High Court for five years or an advocate of High Court for ten years minimum.
or in Presidents view a distinguished jurist of the country.

Terms and Salary:

- ❖ The chief Justice and other Judges hold office till 65 years of age.

Resignation & Removal:

- a. Can give resignation in writing to the President.
- b. Can be removed by the Parliament
- c. After retirement, a Judge of Supreme Court cannot lead or act before any authority.

Salary:

- ❖ Chief Justice - 1 Lakh

- ❖ Judges - 90,000

Removal Of Judges:

- ❖ A motion can be preferred before either house of the Parliament.
- ❖ If it is introduced in Lok Sabha, it should be signed by not less than 100 members.
- ❖ If it is introduced in Rajya Sabha, then it should be signed by not less than 50 members.
- ❖ Resolution - supported by a majority of total membership of the houses & by 2/3 majority of the members present & voting.

Other Points:

- ❖ Chief Justice can appoint adhoc judges in the Supreme Court with the (Consent of President)

INDEPENDENCE OF JUDGES

- ❖ The Constitution has ensured this by:
 - a) Salaries from Consolidated Fund.
 - b) Salaries cannot be changed to their disadvantage.
 - c) Removal difficult.
 - d) Cannot practice after retirement.
 - e) Decision & actions of judges cannot be criticized & the person doing so can be punished

- f) Conduct of judges cannot be discussed in parliament.
- g) President cannot appoint judges of the Supreme Court himself, he has to consult the judges also.
- h) Separation from Executive – Article 32.

Jurisdiction of The Supreme Court:

- a) **Original Jurisdiction:** The Supreme Court settles all disputes between Centre - State, etc.
- b) **Writ Jurisdiction:** Every individual has the right to move the Supreme Court, (directly enforcement of his Fundamental Rights). The Supreme Court is empowered to issue writs including habeas corpus, etc. this is a Original Jurisdiction.
- c) **Appellate Jurisdiction:**
 - It has appellate jurisdiction in both civil and criminal matters
 - The appellate jurisdiction of a high court is wider than its original jurisdiction.
- d) **Advisory Jurisdiction:** President seeks the advice of Supreme Court, on any question of law or fact it is duty bound to

give its opinion. (Its opinion isn't a binding on President) Art 143.

- e) **Revisory Jurisdiction:** The Supreme Court under Article 137 is empowered to review any judgement or order made by it with a view to removing any mistake or error that might have crept in the judgement or order.
- f) It is a court of record as its decisions are of evidentiary value and cannot be questioned in any court.
- g) Supreme Court enjoys the power of judicial review.
- h) Supreme Court decides disputes regarding the election of the President and the Vice President.
- i) Supreme Court recommends the removal of Members of UPSC to the Parliament.

Public Interest Litigation (PIL):

- ❖ Any member of the public can now initiate a proceeding on behalf of the aggrieved person (especially if the person is too poor or unable to move the court on his or her own) in either the High Court or the Supreme Court for the enforcement of Constitutional Rights.
- ❖ This derives from the right to be heard, as implied by Article 32.
- ❖ Justice PN Bhagwati and Justice V.R. Krishna Iyer were among the first judges to admit PIL in the court.