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Indian Polity – Part 4

FRAMING OF THE CONSTITUTION

The idea to have Constitution was given by M.N. Roy (A pioneer of Communist Movement in India).

The present constitution was framed by the Constituent Assembly of India setup under Cabinet Mission Plan of May 16, 1946.

Composition of Constituent Assembly

- The Constituent Assembly consisted of 389 members, of which 292 were elected by the elected members of the Provincial Legislative Assemblies while 93 members were nominated by the Princely States.
- A representative from each of the four Chief Commissioners Provinces of Delhi, Ajmer–Marwaf, Coorg and British Baluchistan was also added.
- Each Province and each Indian State or group of States were allotted the total number of seats proportional to their respective population roughly in die ratio of one to a million.
- The seats in each province were distributed among the three main communities – Muslim, Sikh and General, in proportion to their respective populations.
- Members of each community in the Provincial Legislative Assembly elected their own representatives by the method of proportional representation with single transferable vote.
- The method of selection in the case of representatives of Indian States was to be determined by consultation.
- But when the Muslim League decided to withdraw its members from the Constituent Assembly of India and with the creation of a separate Constituent Assembly for Pakistan on July 16, 1947, the membership of the Constituent Assembly of India was

reduced to 299, out of which 229 represented the provinces and 70 were nominated by the Princely states.

Drafting Committee

Drafting Committee, which bore the responsibility of drafting the Constitutional document during the recess of the of the Constituent Assembly, from July 1947 to Sept 1948, was formed on Aug 29, 1947.

Its members were .

1. Dr. B.R. Ambedkar – Chairman
2. N. Gopaldaswami Ayyangar
3. Alladi Krishnaswami Ayyar (a distinguished jurist)
4. K.M. Munshi (a distinguished jurist)
5. Syyed Mohd. Saadulla
6. N. Madhav Rao fin place of B.L. Mitra)
7. D.P Khaitan (T Krishnamachari, after Khaitan’s death in 1948).

Functioning of the Constituent Assembly

- B N Rao was appointed the constitutional advisor of the Assembly.
- The first meeting of the Constituent Assembly took place on Dec 9, 1946 with Dr. Sachidanand Sinha as its interim President. Dr. Rajendra Prasad was elected as its President on Dec 11, 1946.
- The Assembly had 13 committees for framing the constitution.

The important ones were .

Committee	Chairman
Union Power Committee	Jawaharlal Nehru
Fundamental Rights and Minority Committee	V.B Patel
Provincial Constitution Committee	V.B Patel
Union Constitution Committee	Jawaharlal Nehru
Drafting Committee	B.R Ambedkar
Flag Committee	Jivatram Kripalani
Steering Committee	K.M Munshi

All these Committees submitted their reports, which were widely discussed by the Constituent Assembly.

CONSTITUTIONAL DEVELOPMENT IN INDIA

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 into two phases:

1. Constitutional experiments during the rule of the East India Company (1773-1857)
2. Constitutional experiments under the British Crown (1857-1947).

Constitutional Experiments During the Rule of The East India Company (1773-1857)

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

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 tea 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 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.

All restrictions on European immigration into India and acquisition of 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. (1st Governor General of India – Lord William Bentinck).

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's 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 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's 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 open annual competition examination (excluding Indians).

Government of India Act 1858

- Rule of Company in India ended and that of the Crown began.
- System of Dual government ended. Court of Directors and Board of Control abolished and substituted them with a post of Secretary of State (a member of the British cabinet).
- He was assisted by a 15 member council (called Indian Council).
- He was to exercise the powers of the Crown.
- Secretary of State governed India through the Governor General.
- Governor General received the title of Viceroy.
- He represented Secretary of State and was assisted by an Executive Council, which consisted of high officials of the Government

Indian Council Act 1861

- A fifth member, who was to be a jurist, was added to the Viceroy's Executive Council.
- 6 – 12 additional members to be added to the Executive Council for legislation purpose
- This implied that Viceroy's Executive Council, which was so long composed of officials, would now include certain additional non-official members.
- Some of Non – Official seats were offered to natives of high ranks.
- Thus, a minute element of 'popular' participation was introduced in the legislative process.
- The additional members, though, had little powers.

- The Executive Council was now to be called Central Legislative Council.
- Viceroy could issue ordinances in case of emergency.

Indian Council Act 1892

- Two improvements in both the Central and the Provincial Legislative Councils were suggested to the following :
 - a. Though the majority of the official members was retained, the Non – Official members were to be nominated by the Bengal Chamber of Commerce and Provincial Legislative Councils (The Non – Official members of the Provincial Councils were to be nominated by certain local bodies such as Universities, District Boards, Municipalities]. Indian leaders like G.K.Gokhale, Ashutosh Mukherjee, Ras Bihari Ghosh and S.N.Banerjee found their way in the Legislative Council.
 - b. The Councils were to have the powers to discuss the annual statement of revenue and expenditure (i.e. the budget and of addressing questions to the Executive). They could also put questions, within certain limits, to the Government on matters of public interest after giving six days' notice.

Indian Council Act 1909 or Morley – Minto Reforms

- Morley was the Secretary of State, while Minto was the Indian Viceroy.
- Legislative Councils, both at the Centre and in the Provinces, were expanded.
- With regard to Central Government, an Indian member was taken in the Executive Council of the Governor General.
- The size of the Provincial Legislative Councils were enlarged by including elected Non – Official members so that the official majority was gone. Their functions were also increased.
- Now, they could move resolutions on Budget and on some matters of public matters.
- An element of election was also introduced in the Central Legislative Council, but the official majority was maintained.
- The most notable and retrograde change introduced was that Muslims were given separate representation.
- Thus, communal representation was introduced.

ENACTMENT OF THE CONSTITUTION

The Drafting Committee prepared the draft of the Constitution, which came out in the open on Feb 4, 1948 (first reading) to elicit the public opinion and reaction to it.

The Assembly had a general discussion on it for five days.

The Constituent Assembly next met on Nov 15, 1948 when the provisions of the Draft were considered and discussed in detail (second reading).

During this stage, as many as 7,653 amendments were proposed and 2,473 were actually discussed in the Assembly.

The third reading of the draft started on Nov 14, 1949. It was finally passed and accepted on Nov 26, 1949.

The last session of the Assembly was held on Jan 24, 1950, which unanimously elected Dr. Rajendra Prasad as the President of India

In all, 284 members of the Assembly signed the official copies of the Indian Constitution which came into effect on Jan 26, 1950, known and celebrated as the Republic Day of India.

The Constitution, adopted on Nov 26, 1949, contained a Preamble, 395 articles & 8 schedules (12 at present).

Constituent Assembly took 2 years – 11 months – 18 days to complete the constitution

Although Constitution was ready on Nov 26, 1949 but was delayed till Jan 26, 1950 because in 1929

on this day Indian National Congress demanded 'Poorna Swaraj' in Lahore session under Jawaharlal Nehru.

[Some of the provisions as those related to citizenship, elections, provisional Parliament etc, were given immediate effect].

Constituent Assembly adopted our National Flag on July 22, 1947.

It was designed by Pingali Venkaiah of Andhra Pradesh.

CITIZENSHIP

- A citizen is a person who enjoys full membership of the community in which he lives.
- Single Citizenship : No State Citizenships.
- Citizens are different from aliens who do not enjoy the following Fundamental Rights :
 1. The right not to be discriminated against on grounds of religion, race, caste, sex or place of birth (Article 15).
 2. The right to equality of opportunity in the matter of public employment (Article 16).
 3. The right to six freedoms in Article 19, i.e. freedom of speech and expression, assembly, association, movement, residence and profession.
 4. Cultural and educational rights conferred by Articles 29 and 30.
- Again, citizens alone have the right to hold certain high offices such as those of the President, Vice-President, Governor of a State, Judge of Supreme Court and High Courts, Attorney General, etc. the right to vote to elect a member of the Lok Sabha and a Vidhan Sabha and the right to become a Member of the Parliament and a State Legislature are reserved for citizens only.

Citizenship at the Commencement of the Constitution

Every person who has domicile in the territory of India and :

- Who was born in the territory of India (or)
 - Either of whose parents was born in the territory of India (or)
 - Who has been ordinarily residing in the territory of India for not less than five years immediately preceding such commencement; shall be a citizen of India.
- ii. Persons who migrated to India from Pakistan before 19th July, 1948 and since then have been ordinarily residing in India.
 - iii. Persons who migrated to India from Pakistan on or after 19th July, 1948 but got themselves, duly registered as citizens with a competent officer appointed for that purpose.
 - iv. Persons who migrated to Pakistan after 1st March but returned to India under a permit for resettlement.
 - v. Any person who or either of whose parents or any of whose grandparents was born in India.

- vi. However, no person will be deemed to be a citizen, if he voluntarily acquires the citizenship of a foreign State.

Citizenship Act, 1955 as Amended by Citizenship (Amendment) Act, 1986

- The Act provides for the acquisition of Indian Citizenship after the commencement of the Constitution in five ways, i.e. Birth, Descent, Registration, Naturalization and Incorporation of territory.

1.Citizenship by Birth :

- a. Every person born in India on or after 26th January, 1950 shall be a citizen of India by birth provided either or both of his parents are citizens of India at the time of his birth.
- b. However, such a person shall not be a citizen of India, if at the time of his birth :
 - His father is a foreign diplomat (or)
 - His father is an enemy alien.

2.Citizenship by Descent :

- A person born outside India on or after 26th January, 1950 shall be a citizen of India by descent, if his father is a citizen of India at the time of that person's birth.

3.Citizenship by Registration :

- Any person who is not a citizen and belongs to any of the following categories, can apply for registration as a citizen.
- However, he must have resided in India for at least five years immediately before making an application for registration as a citizen.

These are :

- a. Persons of Indian origin who are ordinarily resident in India for five years immediately before making an application for registration
- b. Persons of Indian origin who are ordinarily resident in any country or place outside India
- c. Women who are married to citizens of India
- d. Minor children of persons who are citizens of India (and)
- e. Persons of full age and capacity who are citizens of a country mentioned in the first schedule of the Act.

4.Citizenship by Naturalization :

- A foreigner, on application for naturalization to a competent authority appointed by the State, can acquire Indian citizenship provided he satisfies certain conditions like having normally resided for at least ten years in India immediately before making an application.

5.Citizenship by Incorporation of Territory :

- If any new territory becomes a part of India, the Government of India shall notify the persons of that territory to be citizens of India.

Loss of Indian Citizenship Under the Act

- The Citizenship Act, 1955 also lays down the three modes by which an Indian citizen, whether a citizen at the commencement of the Constitution or subsequent to it, may lose his citizenship.
- These are renunciation, Termination and deprivation.
- Renunciation is a voluntary act by which a person after acquiring the citizenship of another country gives up his Indian citizenship.
- Termination takes place by operation of law. When the Indian citizen voluntarily acquires the citizenship of another country, he automatically ceases to be an Indian citizen.
- Deprivation is a compulsory termination of the citizenship of India obtained by registration or naturalization. The citizenship is deprived on the basis of an order of the Government of India, in cases involving acquisition of Indian citizenship by fraud, false representation and concealment of material fact or being disloyal to the Constitution.

Citizenship Amendment Act, 1992

- According to this Amendment Bill, the child who is born outside India and if his mother belongs to India, can have the Indian citizenship.
- Before this Act, any child born outside India could acquire citizenship only if his father was a citizen of India.

Overseas Citizen of India Status

- Parliament has passed the Citizenship (Amendment) Act, which says that all the people of Indian origin in various countries, except in Pakistan and Bangladesh, whose parents / grand parents migrated from India after 26th January, 1950 or were eligible to become Indian citizens on 26th January, 1950 or belonged to a territory that became part of India after 15th August, 1947 will become eligible to

be registered as the Overseas Citizens of India (OCI). All legal steps in this direction have been completed.

Entitled

- OCIs are entitled to multiple-entry, multi – purpose, life – long visas with no requirement of registration with police.
- They can live and work in India or in the country of their naturalization.
- They are eligible to work in the private sector.
- OCIs enjoy parity with NRIs in respect of economic, financial and educational fields except in relation to acquisition of agricultural or plantation property.

Not Entitled

- They are not entitled to hold constitutional posts and employment with the government.
- They cannot vote.
- **Note** : A proposal to grant voting rights to Indian citizens who are not ordinarily residing in India on account of employment, education or otherwise has been approved by the government.
- This will meet a long – standing demand of Indian workers in the Gulf who take up employment there on a contract basis and cannot be naturalized in the country they work.
- The facility will be granted after Parliament approves the necessary amendments to the Representation of the People Act.

ATTORNEY GENERAL OF INDIA

Highest legal officer of the Union Government. He is Appointed by the President. The person should be qualified to be appointed a judge of the SC.

He is entitled to audience in all courts of the country & can take part in the proceedings of the Parliament & its committees. However, he is not given the right to vote.

He is also allowed to take up private practice provided the other party is not the State. Because of this, he is not paid salary but a retainer to be determined by the President

In England, the Attorney General is a member of the Cabinet, but in India he is not.

It is a political appointment and therefore, whenever there is a change in the party in power, the Attorney General resigns from his post to enable the new Government to appoint a nominee of his choice.

The Attorney General is assisted by two Solicitors – General and four Additional Solicitors – General.

The Attorney General gets a retainer equivalent to the salary of a judge of the Supreme Court.

State Attorney General Function

- Gives advice on all such legal matters which may be referred or assigned to him by the President.
- Appears before the Supreme Court and various High Courts in cases involving the Government of India.
- [Every state shall have an Advocate - General to advise the government on legal matters - Article 165].

PANCHAYATI RAJ

Ensures the direct participation of people at the grass root level.

In 1956, the National Development Council appointed a committee under Balwant Rai Mehta, which submitted its report in 1957 in which it recommended :

- A 3 – tier structure consisting of Zila Parishad at the District Level, Panchayat Samiti at the Block Level and Gram Panchayat at the Village Level.
- Genuine transfer of power & responsibility to these institutions.
- Adequate resources to them.
- All social & economic development programs channelized through these.

The 3 – tier system of Panchayat Raj was 1st adopted by Rajasthan (Nagaur District) on Oct 2, 1959.

This was followed by Andhra Pradesh, Bihar Gujarat, Himachal Pradesh, Maharashtra, Punjab, Tamil Nadu, UP & West Bengal.

Three Tier System

It envisages Panchayat at the village level, Panchayat Samitis at the block level & Zila Parishad at the district level.

a. Village Panchayat

- Consists of elected representatives of the people.
- Membership varies from 5 – 31.
- Seats reserved for SC, ST, women, etc.
- Chairman is elected from among its members, known as ‘Sarpanch’.

- The Panchayat is accountable for all its actions to the Gram Sabha, the general body of villagers.
- Gram Sabha consists of all the adults residing within the jurisdiction of the Panchayat.
- It exercises general supervision over the working of the Panchayat & lays down necessary guidelines for its working.

b. Block & Panchayat Samiti

- The block, consisting of 20 – 60 villagers is administered through a Panchayat Samiti, consisting of indirectly elected members of village panchayat.
- The chairman of Panchayat Samiti is called ‘Pradhan’.

c. Zila Parishad

- It is the top level of the 3 – tier structure.
- Elect its chairman from amongst its members who is known as the District Collector.

Ashok Mehta Committee

Appointed in Dec, 1977 by the Janta government

Submitted its report in 1978, which said :

- Replacement of 3 – tier system by 2 – tier system consisting of Mandal Panchayats at the base (consisting of a group of villages comprising a population of 15,000 to 20,000) & the Zila Parishad at the top.
- To reduce the dependence of Panchayati Raj Institutions on State govt, by giving them powers to collect certain taxes like profession tax, entertainment tax, etc in their areas.
- Suggested the setting up of Social Justice Committee in each Zila Parishad to protect the interests of vulnerable sections of society.
- Favoured the open participation of political parties in the working of Panchayati Raj Institutions.

In Dec, 1992 73rd constitutional amendment was passed to decentralize the power, down to village level. It said (envisaged) :

- Panchayati Raj institutions to be constituted through direct elections, with reservation as well.
- Fixed term of 5 yrs, & if dissolved earlier, elections must be held within 6 months.
- They are authorized to make laws concerning economic & social development of villages. These have been listed in the eleventh schedule & comprise 29 subjects.

FINANCE COMMISSION

The Finance Commission is constituted by the President of India every fifth year or at such an early time as he considers necessary.

It consists of a Chairman & 4 other members. They are eligible for re – appointment.

The Chairman is selected from persons who have had experience in public affairs, while the members are selected from the persons who:

- Qualified to be appointed judges of High Court.
- Have special knowledge of the finance & accounts of govt.
- Wide experience in financial matter & in administration.
- Have special knowledge of Economics.

Presently 12th Finance Commission is working. (C. Rangarajan – Chairman).

Functions

- To recommend to the President distribution of net proceeds of the taxes which are divisible between Union and States
- To recommend the principles this should govern the Grants of the revenues of the State out of the Consolidated Fund of India.
- The recommendations made by it are only of advisory nature and hence, not binding on the Government.
- To tender advice to the President on any other matter referred to the Commission in the interest of sound finance.

Anti – Defection Law

To curb political defection, added by 52nd amendment in 1985.

Any Member of Parliament belonging to any political party can be disqualified.

- If he voluntarily gives up the membership of that political party.
- If he votes or abstains from voting according to the party ‘whip’.

Any independent member can be disqualified if he joins any political party after election.

Any nominated member can be disqualified if he joins any political party after the expiry of 6 month from the date of his joining.

This law shall not apply:

- To a situation of 'merger' in which at least 2/3 members of any party are involved.
- To a person who resigns membership of his party after becoming the Presiding officer of the house & he rejoins the party after laying down that office.

Recently, the Supreme Court in a significant ruling held that a Member of Parliament or a State Legislature can be disqualified for defying a whip only on two counts, that is voting on a motion of confidence or no-confidence and when the matter relates to the programme and policies of that political party.

OFFICIAL LANGUAGE

The Constitution declared Hindi as the official language of India.

However, it permitted the use of English for official purposes for a period of 15 years from the commencement of the Constitution.

The Parliament was authorized to allow the use of English even beyond this period.

In 1964, the Parliament passed the Official Language Act, 1964, which permitted the use of English as official language up to Jan. 26, 1971.

Again, through the Official Language (Amendment) Act, 1967, it was provided that use of English would continue indefinitely

NATIONAL INSIGNIA

1. National Emblem

The state emblem of India is an adaptation from the Sarnath Lion, capital of Ashoka the Emperor as preserved in the Sarnath Museum.

The Government adopted the emblem on 26th January, 1950, the day when India became a republic.

In the original of Sarnath Capital, there are four lions, standing back to back, mounted on an abacus with a frieze carrying sculpture in high relief of an elephant, a galloping horse, a bull and a lion separated by intervening wheels (chakras) over a bell – shaped lotus.

Carved out of a single block of polished sandstone, the Capital is crowned by the Wheel of the Law (Dharma Chakra).

In the state emblem adopted by the Government only three lions are visible, the fourth being hidden from view.

The wheel appears in relief in the centre of the abacus with a bull on the right and a horse on the left and the outlines of the other wheels on the extreme right and left.

The words, Satyameva Jayate from the Mundaka Upanishad meaning 'Truth alone triumphs', are inscribed below the abacus in Devanagari script.

2. National Flag

The National Flag is a horizontal tri – colour of deep saffron (Kesari) at the top, white in the middle and dark green at the bottom in equal proportion.

The ratio of the width of the flag to its length is two to three.

In the centre of the white band is a wheel, in navy blue.

Its design is that of the wheel (Chakra) which appears on the abacus of the Sarnath Lion Capital of Asoka.

Its diameter approximates the width of the white band. It has 24 spokes.

The design of the National Flag was adopted by the Constituent Assembly of India on 22nd July, 1947.

Its use and display are regulated by a code.

3. National Anthem

Rabindranath Tagore's song Jana-gana-mana was adopted by the Constituent Assembly as the National Anthem of India on 24th January 1950 and gave Vande Mataram – the national song equal honour.

It was first sung on 27th Dec. 1911 at the Calcutta session of the Indian National Congress.

The first stanza (out of 5 stanzas) of the song forms the National Anthem.

Playing time of the full version of the national anthem is approximately 52 seconds.

A shorter version consisting of the first and last lines of the stanza takes 20 seconds to play and it is played only on certain occasions.

4. National song

The song Vande Mataram, composed by Bankimchandra Chatterji, has an equal status with Jana-gana-mana.

The first political occasion when it was sung was the 1896 session of the Indian National Congress.

THE NEW STATES CREATED AFTER 1950

Andhra Pradesh

Created by the State of Andhra Pradesh Act, 1953 by carving out some areas from the State of Madras.

Gujarat and Maharashtra

The State of Bombay was divided into two States, i.e., Maharashtra and Gujarat by the Bombay (Reorganization) Act, 1960.

Kerala

Created by the State Reorganization Act, 1956. It comprised Travancor and Cochin areas.

Karnataka

Created from the Princely State of Mysore by the State Reorganization Act, 1956. It was renamed Karnataka in 1973

Nagaland

It was carved out from the State of Assam by the State of Nagaland Act, 1962

Haryana

It was carved out from the State of Punjab by the Punjab (Reorganization) Act, 1966.

Himachal Pradesh

The Union Territory of Himachal Pradesh was elevated to the status of State by the State of Himachal Pradesh Act, 1970.

Meghalaya

First carved out as a sub – State within the State of Assam by 23rd Constitutional Amendment, 1969. Later, in 1971, it received the status of a full – fledged State by the North – Eastern Areas (Reorganization) Act, 1971.

Manipur and Tripura

Both these States were elevated from the status of Union Territories by the North – Eastern Areas (Reorganization) Act, 1971.

Sikkim

Sikkim was first given the Status of Associate State by the 35th Constitutional Amendment Act, 1974; It got the status of a full State in 1975 by the 36th Amendment Act, 1975.

Mizoram

It was elevated to the status of a full State by the State of Mizoram Act, 1986.

Arunachal Pradesh

It received the status of a full State by the State of Arunachal Pradesh Act, 1986

Goa

Goa was separated from the Union Territory of Goa, Daman and Diu and was made a full – fledged State by the Goa, Daman and Diu Reorganization Act, 1987. But Daman and Diu remained as Union Territory.

Chhattisgarh

Formed by the Constitutional Amendment Act, 2000 by dividing Madhya Pradesh on November 1, 2000.

Uttarakhand

Formed by the Constitutional Amendment Act, 2000 by dividing Uttar Pradesh on November 9, 2000.

Jharkhand

Formed by the Constitutional Amendment Act, 2000 by dividing Bihar on November 15, 2000

Telangana

Formed by the Andhra Pradesh Reorganisation Act, 2014 by dividing Telangana on 2nd June, 2014.

The procedure followed is :

- A Bill giving effect to any or all the changes stated above can be introduced in either house of the Parliament, only on the recommendation of the President.
- If such a Bill affects the boundary or name of the State, then the President, before introducing it in the Parliament, shall refer the Bill to the State Legislature concerned for its opinion, fixing a time limit within which an opinion may be expressed by the State Legislature. The President may extend the time limit so specified.
- If the State Legislature fails to express an opinion within the stipulated time limit then it is deemed that it has expressed its views. If it submits its views within the period so specified or extended, the Parliament is not bound to accept or act upon the views of the State Legislature. Further, it is not necessary to make fresh reference to the State Legislature every time an amendment to the Bill is proposed and accepted.
- The Bill is passed with simple majority.
- However, in the case of Union Territories, it is not necessary to obtain the views of legislatures of Union Territories before a Bill affecting their boundaries or names is introduced.

POLITICAL PARTIES

To be recognized as a National Party, a party needs to secure at least six percent of the valid votes polled in any four or more states in a general election to the Lok Sabha or State Assembly.

In addition to it, it has to win at least four seats in the Lok Sabha from any State or States as well.

As an alternative, a party can also secure the status of a national party if it secures at least two percent seats in the Lok Sabha subject to the conditions that these members are elected from at least three separate states.

For getting recognition as a State Party, a political party has to poll at least six percent of the valid votes in the State during a general election, either to that of the Lok Sabha or the State Assembly.

Apart from this, the party should also win minimum two seats in the Assembly of the State concerned.

As an alternate, a political party has to obtain at least three percent of the total number of seats in the Legislative Assembly of the State, or minimum three seats in the Assembly, whichever is more.

In case a political party loses recognition as national or state party, it will not lose its allotted symbol with immediate effect.

They will be given a period of six years to elevate their status and in that period, they are free to use their symbols in the elections.

Deposits and Nominations

Every candidate has to make a deposit of 10,000 for the Lok Sabha election and 5,000 for the Rajya Sabha elections, except for the Scheduled Castes and Scheduled Tribes who pay half of these amounts.

The deposit is returned if the candidate receives more than one – sixth of the total number of valid votes polled in the constituency.

Nominations must be supported at least by one registered elector of the constituency, in the case of candidate sponsored by a registered party and by ten registered electors from the constituency in the case of other candidates

LEGISLATIVE ASSEMBLY [VIDHAN SABHA]

- Also known as Lower House, just like the Lok Sabha.
- Consists of directly elected representatives.
- Has a term of 5 yrs but can be dissolved by the Governor earlier. Term can be extended by one year during national emergency.
- The Council of ministers is collectively responsible to the Assembly. The Chief Minister is the leader of the house.

Strength

Consists of not more than 500 members & not less than 60 members.

The strength varies according to the population of the State concerned.

However, the Legislative Assembly of Sikkim, Goa, Mizoram, Arunachal Pradesh and Pondicherry have less than 60 members.

Qualification

Same as that of Lok Sabha or Legislative Council except that the minimum age is 25 yrs.

Speaker / Deputy Speaker

Every Legislative Assembly chooses its two members to be the Speaker and Deputy Speaker. Their functioning, resignation, removal procedures are exactly the same as the Speaker / Deputy Speakers of the Lok Sabha.

Legislative Procedure

With reference to Money Bill, the position is the same at Union and State levels: the Bill can be introduced only in the Assembly; the will of the Assembly prevails; and the Assembly is not bound to accept any recommendation by the Council which may at the most withhold the Bill for 14 days from the date of its receipt.

In case of Ordinary Bill, the only power of the Council is to interpose some delay in the passage of the Bill for a period of three months at the most

Ultimately the will of the Assembly prevails and when the Bill comes to the Council a second time the Council can delay it for not more than a month.

There is no provision of joint sitting for solving differences between the two Houses. In the case of a Bill originating in the Council, the Assembly has the power of rejecting and putting an end to it forthwith.

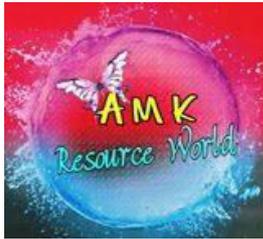
Powers of State Legislature

- Can legislate on subjects contained in the State List as well as Concurrent List.
- Exercise control over State expenses.
- Exercise control over State Council of Ministers (can even remove it by passing the no – confidence motion).
- Participates in the election of the President.
- Has a share in the Amendment of Constitution as some provisions can be amended after ratification by the legislatures of half of the states

NUMBER OF SEATS IN LEGISLATIVE ASSEMBLY'S & LEGISLATIVE COUNCIL'S

States / UTs	Legislative Assembly	Legislative Council
Andhra Pradesh	294	90
Arunachal Pradesh	40	Nil
Assam	126	Nil
Delhi	70	Nil
Bihar	243	75
Jharkhand	81	Nil
Goa	40	Nil
Gujarat	182	Nil
Haryana	90	Nil
Himachal Pradesh	68	Nil
Jammu & Kashmir	76	36
Karnataka	224	75
Kerala	140	Nil
Madhya Pradesh	230	Nil
Chhatisgarh	90	Nil
Maharashtra	288	78
Manipur	60	Nil
Meghalaya	60	Nil
Mizoram	40	Nil
Nagaland	60	Nil
Orissa	147	Nil
Pondicherry	30	Nil
Punjab	117	Nil
Rajasthan	200	Nil
Sikkim	32	Nil
Tamil Nadu	234	Nil
Tripura	60	Nil
Uttar Pradesh	403	104
Uttarakhand	70	Nil
West Bengal	294	Nil

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