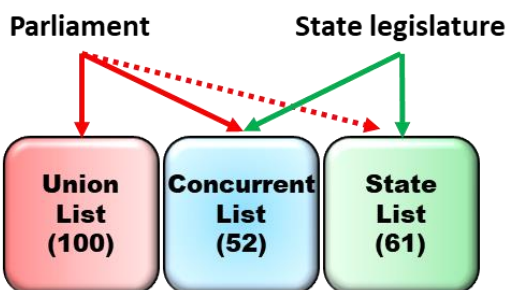


### CENTRE-STATE RELATIONS



#### Parliament can legislate for State List

- ✓ During President's rule
- ✓ During a National Emergency
- ✓ To implement international agreements
- ✓ When RS passes resolution by 2/3<sup>rd</sup> majority
- ✓ When two or more states pass resolution (then those states lose power)

#### Union list:

- Rail, Air, Port, Post, Telegraph
- Banking, Currency, Insurance
- Stock exchange, Foreign trade
- Labour/safety in mines/oilfields
- Fisheries beyond territorial water
- Tax: Income, Corporation, Capital

#### Prelims 2013

Parliament can make any law for whole or any part of India for implementing international treaties

(a) with the consent of all the States  
 (b) with the consent of the majority of States  
 (c) with the consent of the States concerned  
**(d) without the consent of any State**

#### Concurrent list:

- Education
- Forest, protection of animals
- Trade Union
- Adulteration
- Population control, family planning
- Adoption, Succession
- Transfer of property other than agri land
- Economic and Social Planning

**42<sup>nd</sup> amendment** transferred 5 subjects from State list to Concurrent List:

- (a) Education    (b) forests    (c) weights & measures  
 (d) protection of wild animals and birds  
 (e) administration of justice (constituting courts except SC/HC)

**Residuary powers:** (for matters not in any list, e.g. cyber laws)

- ✓ Centre (India, Canada, GoI Act 1935)
- ✓ States (USA, Australia, Objectives Resolution)

#### State list:

- Health, Sanitation, Liquor
- Agri, Tax on agri income
- Animal husbandry, Fisheries
- Trade & Commerce
- Capitation tax, Treasure trove
- Land, Police, Prison
- Local govt

**Constitution divides b/w Centre & States:**

- ✓ Legislative power
- ✓ Executive power
- ✓ Financial power
- ✗ Judicial power (integrated judiciary)

**Predominance of Union law:**

Union law prevails over State law in case of conflict/overlap

#### Prelims 1992

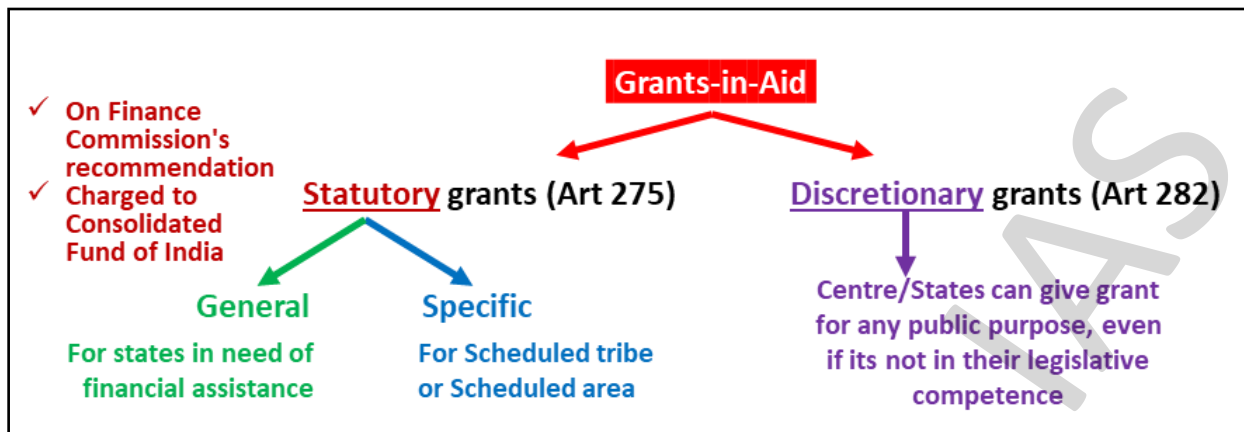
Which one of the following is **not** in the **State List** under the Constitution of India?

- (a) Fisheries  
 (b) Agriculture  
**(c) Insurance**  
 (d) Betting and Gambling

#### Prelims 2004

With reference to the Constitution of India, which one of the following pairs is not correctly matched?

- (a) Forests: Concurrent List  
**(b) Stock Exchanges: Concurrent List**  
 (c) Post Office Savings Bank: Union List  
 (d) Public Health: State List



**Borrowing by Centre and States:**

- ✓ Centre can borrow from within or outside India, on security of Consolidated Fund of India, but within limit set by Parliament.
- ✓ State can borrow from within India, on security of Consolidated Fund of State.
- ✓ State cannot borrow without Centre's permission, if it still owes Centre money.

**Centre-State relations:**

- 1966: First ARC under Morarji Desai followed by K Hanumanthayya
- 1969: Rajamannar Committee by Tamil Nadu Govt
- 1973: Anandpur Sahib Resolution by Akali Dal
- 1977: West Bengal Memorandum by WB govt
- 1983: Sarkaria Commission for Centre-State relations
- 2005: Second ARC under Veerappa Moily
- 2007: Punchhi Commission for Centre-State relations

**Prelims 1984**

Sarkaria Commission has been set up to study

- (a) Centre-State relations
- (b) Inter-State relations
- (c) Financial aid to States
- (d) Splitting of LIC

**Prelims 2008**

For which one of following reforms was a Commission set up under the Chairmanship of Veerappa Moily by the Government of India?

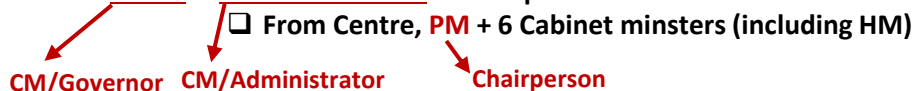
- (a) Police Reforms
- (b) Tax Reforms
- (c) Reforms in Technical Education
- (d) Administrative Reforms

# INTER-STATE RELATIONS

Article 262: inter-state water disputes    Article 263: inter-state disputes

### Inter-State Council:

- Set up u/a 263, but **not permanent** Constitutional body (think of ECI)
- Set up by a **Presidential order** in **1990**, on recommendation of **Sarkaria** Commission
- To promote coordination, dialogue, etc.
- All **States & Union Territories** have representation.



Can it discuss some legal controversy b/w governments?  
Yes, but its decision is **advisory** (SC decision u/a 131 is binding)

### Inter-State Council Secretariat:

- Set-up in **1991**
- Headed by a secretary to the Central govt.
- Since 2011, also functioning as secretariat of Zonal Councils.

### Standing Committee:

- set-up in **1996**
- Union **HM** is Chairman
- 5 Union Cabinet ministers
- 9 CMs

	ISC	Five Zonal Councils	North-Eastern Council
Type of body	Constitutional (Article 263)	Statutory (States Reorganization Act, 1956)	Statutory (North Eastern Council Act, 1971)
Chairman	PM	Union HM	Union HM
Vice-Chairman	--	CMs by rotation	MoS in Ministry of DoNER

### Prelims 2013:

Which of these bodies do **not** find mention in Constitution?

1. National Development Council
2. Planning Commission
3. Zonal Councils

Select the correct answer using the codes given below.

- (a) 1 and 2 only                      (b) 2 only  
(c) 1 and 3 only                      (d) 1, 2 and 3

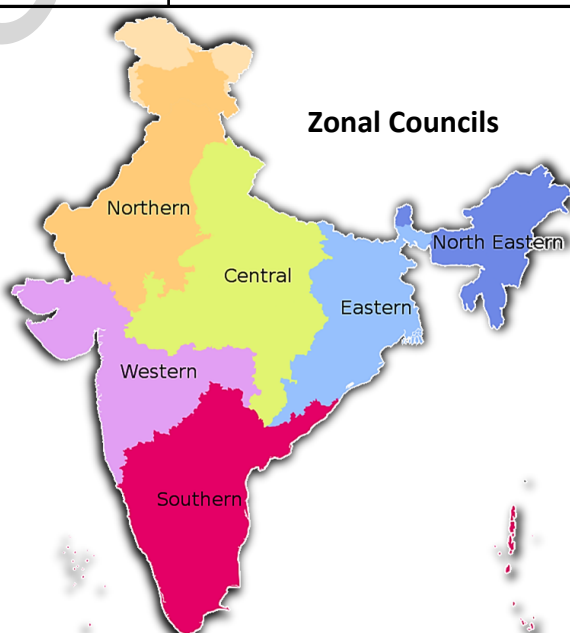
### Prelims 1995:

Which of the following are **extra-constitutional** and **extra-legal** device(s) for securing cooperation and coordination between the States in India?

1. National Development Council
2. The Governor's Conference
3. Zonal Councils
4. Inter-State Council

Codes:

- (a) 1 and 2                      (b) 1, 2 and 3  
(c) 3 and 4                      (d) 4 only



### National Development Council:

- Neither constitutional nor statutory body
- First meeting **1952**; last **2012**
- Composition similar to NITI's Governing Council
- No work assigned, no meetings

## EMERGENCY PROVISIONS

	National Emergency	State Emergency	Financial Emergency
Article	352	356	360
Orders issues by	President		
Parliament's approval	Within a month	Within two months	
If Lok Sabha dissolved	30 days from the first sitting of the Lok Sabha after its reconstitution, provided the Rajya Sabha has in the meantime approved it.		
Majority	Special majority	Simple majority	
Duration	Six months	<input type="checkbox"/> Six months <input type="checkbox"/> after 1 year only if National Emergency and ECI certifies <input type="checkbox"/> max 3 years	Indefinitely until revoked
Re-approval	Same as approval		Not needed
Revocation	By President anytime Or if LS (not RS) passes resolution	By President anytime	
How many times	1962-68 External 1971-77 External 1975-77 Internal	More than 100 times First in 1951 in Punjab Never: Chhattisgarh, Telangana	Never

Declaration of Emergency can be challenged in Court? **Yes**

### National Emergency:

- It can continue **indefinitely**, if re-approved by Parliament every **six months**.
- It can be limited to **specified part** of India by President (42<sup>nd</sup> Amendment)
- Parliament can **extend term** of LS/SLAs one year at a time, any number of times
- 44<sup>th</sup> Amendment Act 1978:
  - It replaced '**internal disturbance**' with '**armed rebellion**'.
  - Prez needs written recommendation from **cabinet** (not PM) to declare Nat. Emergency.
- State govt** are not suspended, but come in complete control of Centre.
- Parliament** can make law on **state list**. If parliament not in session, Prez can issue ordinance.
- President can modify constitutional distribution of **revenue** between Centre and States.

### President's Rule: proclaimed u/a 356 on two grounds

State not acting as per Constitution  
(mentioned in 356)

State fails to comply with any direction from Centre  
(mentioned in 365)

#### President's rule can be imposed if:

- ✓ Hung assembly after elections
- ✓ Govt resigns and no other party is able to form govt.
- ✓ Constitutional direction by Centre is disregarded by State
- ✓ State govt is acting against the Constitution
- ✗ Maladministration, corruption, financial exigencies
- ✗ Governor recommends Prez rule on his own assessment, without allowing govt to prove majority on floor of house

#### During President's Rule:

- ✓ Council of Ministers dismissed
- ✓ State assembly either suspended or dissolved
- ✓ No impact on Fundamental rights
- ✓ No impact on power of High Court

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<p><b>Prelims 2003</b></p> <p>Which one of the following Articles of the Indian Constitution provides that it shall be the duty of the <b>Union to protect every State</b> against external aggression and internal disturbance?</p> <p>(a) Article 215                      (b) Article 275 (c) Article 325                      (d) Article 355</p>	<p><b>Prelims 2017</b></p> <p>Which of the following are <b>not necessarily the consequences</b> of proclamation of <b>President's rule</b> in a State?</p> <ol style="list-style-type: none"> <li>1. Dissolution of State Legislative Assembly</li> <li>2. Removal of Council of Ministers in the State</li> <li>3. Dissolution of local bodies</li> </ol> <p>Select the correct answer:</p> <p>(a) 1 and 2 only (b) 1 and 3 only (c) 2 and 3 only (d) 1, 2 and 3</p>
<p><b>Article 355</b> → <b>It is duty of Centre to :</b></p> <ul style="list-style-type: none"> <li>✓ Protect every state from external aggression and internal disturbance</li> <li>✓ Ensure that State govt act as per Constitution</li> </ul>	
<p><b>Prelims 2006</b></p> <p>Consider the following statements:</p> <ol style="list-style-type: none"> <li>1. The Rajya Sabha alone has the power to declare that it would be in national interest for the Parliament to legislate with respect to a matter in the State List.</li> <li>2. Resolution approving the <b>Proclamation of Emergency</b> are passed only by Lok Sabha.</li> </ol> <p>Which of above statements are correct?</p> <p>(a) 1 only                      (b) 2 only (c) Both 1 and 2              (d) Neither 1 nor 2</p>	<p><b>Prelims 2018</b></p> <p>If the President of India exercises his power as provided under <b>Article 356</b> of the Constitution in respect of a particular State, then</p> <ol style="list-style-type: none"> <li>a) the Assembly of the State is automatically dissolved</li> <li>b) the powers of the Legislature of that State shall be exercisable by or under the authority of the Parliament</li> <li>c) Article 19 is suspended in that State</li> <li>d) the President can make laws relating to that State</li> </ol>
<p><b>Prelims 2007</b>                      <b>Article 360:</b> when financial stability or credit of India or any part of its territory is threatened</p> <p>Consider the following statements in respect of <b>financial emergency</b> under <b>Article 360</b> of the Constitution of India:</p> <ol style="list-style-type: none"> <li>1. A Proclamation of financial emergency issued shall cease to operate at the expiration of <b>two months</b>, unless before the expiration of that period it has been approved by the resolution of both houses of Parliament.</li> <li>2. If any proclamation of financial emergency is in operation, it is competent for the president of India to issue directions for the <b>reduction of salaries and allowances</b> of all or any class of persons serving in connection with the affairs of the Union but <b>excluding the Judges of the Supreme Court and the High Courts</b>.</li> </ol> <p>Which of the statements given above is/are correct?</p> <p>(a) 1 only              (b) 2 only              (c) Both 1 and 2              (d) Neither 1 nor 2</p>	
<p style="text-align: center; font-size: 2em; opacity: 0.5;">ALL</p>	
<p>I read I forget, I see I remember   See explanation of this PDF on  <b>YouTube</b> <a href="http://www.youtube.com/c/allinclusiveias">www.youtube.com/c/allinclusiveias</a></p> <p>Prelims 2022   Static Crash Course   <b>Class-4 : Polity</b>   Page-27   © All Inclusive IAS</p>	

# PRESIDENT

## President:

- Part of **Executive** (Prez/VP/PM/CoM/AG)
- Part of **Parliament** (Prez, LS, RS)
- Head of State**, not Head of Govt
- All Executive actions taken **in his name**

## Qualifications:

- Citizen (But in USA he should be citizen-by-birth)
- 35** years; qualified for **LS election**; no OoP
- 50** electors each as proposers and seconders
- ₹15,000 deposit with RBI; forfeited if < 1/6<sup>th</sup> votes

## Elections:

- by electoral college of **elected MPs & MLAs** (including Delhi/Puducherry)
- Non-participants: Nominated MP/MLA; MLC; MLA of dissolved assembly
- PR by single transferable vote; **not FPTP**; this ensures **absolute majority**
- Secret** ballot; Conducted by **ECI**; Returning Officer is LS/RS **Secy General**
- Disputes** inquired and decided by **Supreme Court**
- Even if election is declared void, actions already taken are not void

## Oath:

- to preserve, protect and defend Constitution & law
- Given by CJI / senior most SC Judge

## Term:

- 5 year term (or **until successor comes**)
- Resigns to VP (not CJI); VP informs L S Speaker
- Re-election any no. of times (USA total two terms)

## Impeachment:

- for violation of Constitution (not defined)
- for proven misbehaviour? No
- by LS and RS MPs (elected and **nominated**)
- Pass by 2/3<sup>rd</sup> of strength in each house

## Immunity:

- Official acts:**  
→ personal immunity from legal liability
- Personal acts:**  
→ criminal proceedings: no  
→ civil proceedings: after two months notice  
→ He cannot be arrested or imprisoned

## Vacancy: (death, resign, etc... but not expiry of term)

- Acting Prez: VP → CJI → senior-most SC judge
- Hold elections within 6 months

## Mohammad Hidayatullah:

- only one to have served as President, VP, CJI
- 1968-70 **CJI**; July-August 1969 **Acted as Prez**
- 1979-84 **VP**; October 1982 **Acted as Prez**

## Important:

- Impeachment** of President → violation of **Constitution**
- Removal** of SC/HC Judge → proven **misbehaviour** or incapacity

## Veto power:

1. **Absolute veto**: withhold assent
  2. **Qualified veto**: legislature can override by higher majority (USA yes, India No)
  3. **Suspensive veto**: legislature can override by ordinary majority
  4. **Pocket veto**: take no action (as there is no time limit in Constitution)
- (USA: Prez must decide in 10 days. Hence, pocket of Indian Prez is bigger)
- Note: no veto power in case of Constitution amendment bill, due to 24<sup>th</sup> Amendment 1971
- 1954 → Rajendra Prasad → Absolute veto → PEPSU Appropriation Bill
- 1991 → R Venkataraman → Absolute veto → Salary, Allowances, Pension of MPs Bill
- 1986 → Giani Zail Singh → Pocket veto → Indian Post Office (Amendment) Bill

## Ordinance making power

- ✓ Article **123** (Article for Governor is 213)
- ✓ Only when **either or both** houses not in session
- ✓ President must be satisfied on need for immediate action (can be challenged in SC)
- ✓ Parliament must take action within **6 weeks** of reassembly, else ordinance lapses.
- ✓ So, maximum life of ordinance can be **6 months and 6 weeks**

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**Prelims 2002**

Which one of the following amendments to the Indian Constitution empowers the President to send back any matter for reconsideration by the Council of Ministers?

- (a) 39  
(b) 40  
(c) 42  
(d) 44

**Prelims 1997**

Which one of the following are/is stated in the Constitution of India?

1. President shall not be a member of either House of Parliament.
  2. Parliament shall consist of the President and two Houses.
- Choose the correct answer from the codes given below: Codes:  
(a) Neither 1 nor 2  
(b) Both 1 and 2  
(c) 1 alone  
(d) 2 alone

$$\text{Value of an MLA's vote} = \frac{\text{Population of state (1971 census)}}{\text{Number of elected MLAs}} \times \frac{1}{1000}$$

$$\text{Value of an MP's vote} = \frac{\text{Total value of MLA votes}}{\text{Number of elected MPs}}$$

$$\text{Electoral quota} = \frac{\text{Valid votes}}{2} + 1$$

**Prelims 2018:**

With reference to the election of the President of India, consider the following statements:

1. The value of the vote of each MLA varies from State to State.
2. The value of the vote of MPs of the Lok Sabha is more than the value of the vote of MPs of the Rajya Sabha

Which of the statements given above is/are correct?

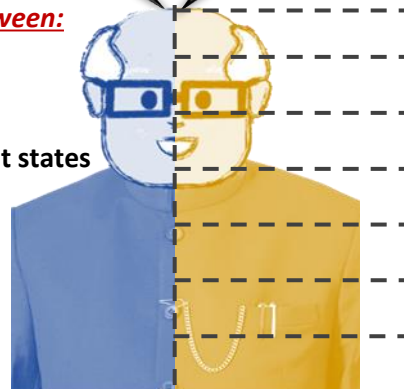
- (a) 1 only                      (b) 2 only  
(c) Both 1 and 2            (d) Neither 1 or 2

I equally represent the Union and States (collectively)

I equally represent all the states

**There is parity between:**

- ✓ Union & States
- ✓ Different States
- ✗ MP and MLA
- ✗ MLAs of different states



**Union**

**States**

**Prelims 1993**

The Chief Minister of a State in India is NOT eligible to vote in the Presidential election if

- a) he himself is a candidate  
b) he is yet to prove his majority on the floor of the Lower House of the State legislature  
(c) he is a member of the Upper House of the State legislature  
d) he is a caretaker Chief Minister

**Prelims 1996**

Which one of the following is part of the electoral college for the election of the President of India but does not form part of the forum for his impeachment?

- (a) Lok Sabha  
(b) Rajya Sabha  
(c) State Legislative Councils  
(d) State Legislative Assemblies

**Prelims 1990**

The value of a vote of a member of the Parliament for the election of the President of India is determined by dividing the

- a) Nation's population as per the latest census by the number of Lok Sabha members  
b) Population as per the latest census by the total strength of the two Houses of the Parliament  
(c) The total value of votes of the members of all the State Legislative Assemblies by the elected members of the two Houses of the Parliament  
d) Particular State's population as per the latest census by the number of members of Parliament elected from that State

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### Pardoning power of the President

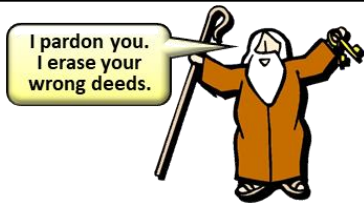
- On advice of Union **Cabinet** (no such restriction in US)
- It is **Executive** power independent of Judiciary
- President does **not** sit as **court** of appeal.
- Can be challenged** in court if it is arbitrary, irrational, mala fide or discriminatory.

#### President uses these powers when:

- Person broke **Union law** (not State law)
- Death** sentence (by Union or State law)
- Punishment is by **military court**

	President	Governor
Article	72	161
Laws of	Union	State
Court martial	Yes	No
Death sentence	Pardon, Commute	Commute

	President	Governor
<b>Pardon</b> (भूल जाओ जो हुआ)	Removes conviction and sentence	As if he never did the crime
<b>Commutation</b> (commute)	Replace hard punishment with lighter one	Jail instead of hanging
<b>Remission</b> (Remittance)	Reduce amount of sentence without changing character	5 years jail reduced to 2 years
<b>Respite</b> (pity)	Lesser punishment due to special fact	Pregnancy; Disability
<b>Reprieve</b> (evening)	Give time to seek pardon	Temporarily suspend hanging



## VICE-PRESIDENT *Ex-officio chairperson of RS*

- Elected by **all members of both houses** of parliament
- Like Prez voting is by PR by STV by secret ballot
- Term: 5 years from date of entering office.
- Can be re-elected any number of times.
- Salary: not in Constitution**, gets as RS Chairperson
- Resigns to President. Removed by RS resolution passed by **absolute majority**, and agreed by LS
- Constitution mentions **no ground** for his removal.

**Qualifications:** *Correction: effective majority*

- Citizen
- 35 years**; qualified for **RS election**; no OoP
- 20 electors each as proposers and seconders
- ₹15,000 deposit with RBI

#### *Indian VP modeled on USA VP, but different*

When office of Prez falls vacant:

- USA:** VP becomes Prez and remains Prez for remaining term of Prez.
- India:** VP acts like Prez till new Prez comes.

### Prelims 2013

Consider the following statements:

1. The Chairman and the Deputy Chairman of the Rajya Sabha are not the members of that House.
2. While the nominated members of the two Houses of the Parliament have no voting right in the presidential election, they have the right to vote in the election of the Vice President.

Which of the above statements are correct?

- (a) 1 only (b) 2 only (c) Both 1&2 (d) Neither 1 nor 2

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