

## Constitution:

### What is a Constitution?

- It is a system of beliefs and laws by which a country or state is governed.
- It is a document with special legal sanctity that outlines the framework and principal functions of the government's organs and declares the principles governing their operations.
- The constitution is a collection of legal rules providing a framework for the government.

### Key Characteristics:

- It reflects dominant beliefs and interests or compromises between conflicting beliefs and interest's characteristic of the society.
- It is a document of the people's faith and aspirations.
- The constitution derives its power and authority directly from the people.
- It is the fundamental and supreme law of the land, enjoying legal sanctity, and is above all laws enacted by Parliament.
- It symbolizes the independence and sovereignty of the country.
- The constitution sets out the roles and functions of the principal organs of the government—namely the Legislature, Judiciary, and Executive—and the relationships between them.

### Indian Constitution as a Living Document

- The Indian Constitution must be amended periodically to accommodate necessary changes.
- A living document is one that is regularly updated and modified.

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- Like a living being, the Indian Constitution grows and evolves over time, making it a dynamic and living document.

## Functions of the Constitution

### 1. Providing Basic Rules for Coordination:

- The primary function of a constitution is to establish a set of basic rules that enable minimal coordination among society's members.

### 2. Specifying Decision-Making Authority:

- The constitution designates who has the power to make decisions within a society and outlines how the government will be constituted.

- In the Indian Constitution, Parliament is empowered to decide laws and policies.

- In a monarchical constitution, the monarch holds decision-making authority.

### 3. Setting Limits on Government Power:

- The constitution imposes fundamental limits on what the government can impose on its citizens, ensuring a system of limited government.
  - Fundamental rights protect citizens from arbitrary arrest and ensure basic liberties such as freedom of speech, conscience, association, and the right to conduct trade or business.

- These rights can be limited during times of national emergency, with the constitution specifying the conditions under which rights may be withdrawn.

#### 4. Enabling Government to Fulfill Societal Aspirations:

- Constitutions provide an enabling framework for the government to achieve the aspirations of society and create conditions for a just society.
  - Many 20th-century constitutions, including the Indian Constitution, include provisions that empower the government to take positive measures to address inequalities and deprivation.
  - For example, provisions for reservations for certain classes aim to overcome entrenched societal inequalities.

#### 5. Expressing Fundamental Identity:

- The constitution reflects the fundamental identity of a people, bringing them together as a collective entity through a shared agreement on governance norms.
  - By agreeing to a basic set of norms and principles, citizens form a collective political identity.
  - The constitution also provides a moral identity by defining fundamental values and setting authoritative constraints on acceptable behavior.

#### Evolved and Enacted Constitutions

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## Evolved Constitutions:

- **Characteristics:**
  - Develop gradually over time.
  - Lack a specific date of origin.
  - Typically unwritten, relying on conventions and customs.
  - Highly flexible, adapting to changing values and social beliefs.
  - The legislature creates the constitution, making the legislature supreme.
  - Generally unitary in nature.
- **Example:**
  - English Constitution.

## Enacted Constitutions:

- **Characteristics:**
  - Have a specific date of origin.
  - Deliberately created and written with a clear purpose.
  - Include conventions, but to a lesser extent than evolved constitutions.
  - Usually rigid and federal in nature.
  - The constitution is supreme, creating the governmental organs.
- **Examples:**
  - Constitutions of the United States of America and India.

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## Federal or Unitary Constitutions

### Federal Constitutions:

- **Characteristics:**
  - Feature a central government with powers exercised over the entire country.
  - Include regional governments, each with jurisdiction within its region.
  - Govern the relationships between the central and regional governments.
  - More complex and legalistic than unitary constitutions.
  - Detail the distribution of powers between the central and regional governments.
- **Examples:**
  - India, USA, Canada, Australia, Malaysia, Germany.

### Unitary Constitutions:

- **Characteristics:**
  - Have one central government in which all governmental powers are concentrated.
  - The central government can delegate powers to various agencies as it deems fit.
  - Less complicated than federal constitutions, as they do not need to address the distribution of powers between different levels of government.

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- **Examples:**

- Britain, Sri Lanka, Singapore.

## Legal and Non-Legal Norms in Constitutional Law

### Legal Norms:

- Enforced and applied by courts.
- Courts provide relief and redress if these norms are violated.

### Non-Legal Norms:

- Arise over time through repeated practices.
- Known as conventions, usages, customs, and practices of the constitution.
- Exist without explicit constitutional sanction.
- More significant in unwritten constitutions but are also relevant in written ones.

- **Examples:**

- In Britain, conventions play a very active role.
- In India, conventions are significant, particularly in the relationship between the Executive and the Legislature.

## Constitutional Laws

### Written Constitutions:

- Serve as the formal source of all constitutional law in a country, regarded as the supreme or fundamental law of the land.

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- Control and permeate each institution within the country, requiring all organs to act in accordance with it.
- Any exercise of power outside the constitution is deemed unconstitutional.
- The constitution delineates the powers of governmental organs, and any action beyond these parameters is unauthorized.
- Laws made by the legislature or actions taken by the executive that are inconsistent with the constitution can be declared unconstitutional by the courts.

## **Organic and Living Nature of Constitutions:**

- Constitutions are dynamic and must adapt to changing times, as interpreted by the judiciary.
- Fundamental principles and basics of the constitution remain unalterable.

## **Role of the Judiciary:**

- Courts are the interpreters and guardians of the constitution, scrutinizing government actions to ensure conformity with the constitution.
- They can declare laws or executive actions unconstitutional if they violate constitutional provisions.
- The judiciary ensures that no governmental organ violates the constitution, thereby protecting it.

## **Judicial Review:**

- Integral to a written constitution, allowing courts to interpret laws and ensure they align with constitutional principles.

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- Courts play a creative role, giving meaning to the text of the constitution, affecting the constitutional process.

## **Amendment Process:**

- Written constitutions require a special, more complicated procedure for amendments, distinguishing it from ordinary legislative processes.
- This characteristic renders written constitutions relatively rigid compared to unwritten, more flexible constitutions.

## **Parliamentary Sovereignty:**

- Under a written constitution, parliament does not possess unlimited power.
- While parliament in a sovereign country like India is not subject to external control, it must operate within constitutional limits.
- Parliament and the executive can only act within the bounds set by the constitution, and cannot do what the constitution prohibits.

## **Constitutionalism**

- **Distinction Between 'Constitution' and 'Constitutionalism':**
  - Modern political thought differentiates between having a constitution and practicing constitutionalism.
  - A country may have a constitution without necessarily adhering to constitutionalism.
- **Example:**

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- A dictatorship where the dictator's word is law can have a constitution but lacks constitutionalism.
- **Key Differences:**
  - A constitution confers powers on the various organs of the government.
  - Constitutionalism seeks to restrain those powers.
- **Core Principles of Constitutionalism:**
  - Recognizes the necessity of government but insists on limitations on governmental powers.
  - Envisions checks and balances, placing restraints on the powers of the legislature and executive to prevent them from becoming uncontrolled and arbitrary.
  - Unlimited power poses a threat to the freedom of the people.
- **Philosophical Basis:**
  - "Power corrupts, and absolute power corrupts absolutely."
  - A constitution that grants unrestrained power to the legislature or executive may lead to an authoritarian and oppressive government.
- **Purpose:**
  - To preserve basic freedoms and maintain the dignity and personality of individuals.
  - A constitution should be imbued with constitutionalism, incorporating built-in restrictions on the powers it grants to governmental organs.

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## Fundamental Law

- **The Constitution as Fundamental Law:**

- The Constitution of India, being a written document, constitutes the fundamental law of the land.
- Under this fundamental law, all laws are made and executed, all governmental authorities act, and the validity of their functioning is adjudged.
- No legislature can enact a law, and no governmental agency can act, in a manner contrary to the Constitution.
- Any act—executive, legislative, judicial, or quasi-judicial—by any administrative agency that contradicts the Constitution cannot stand.

- **Role of the Judiciary:**

- The judiciary is obligated to ensure that the provisions of the Constitution are not violated by any governmental organ.
- This oversight function entitles the judiciary to be called the "Guardian" of the Constitution.
- The judiciary has the authority to declare an act of the legislature or an administrative action invalid if it is contrary to the Constitution.

## Constitutional Development

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Various features of the Indian Constitution and polity have their roots in British rule. Certain events during British rule laid down the legal framework for the organization and functioning of government and administration in British India. These events have greatly influenced the Indian Constitution and polity. They can be classified into two periods:

- **The Company Rule (1773–1858)**
- **The Crown Rule (1858–1947)**

## **Company Rule**

- **Regulating Act of 1773**
- **Pitt's India Act of 1784**
- **Act of 1786**
- **Charter Act of 1793**
- **Charter Act of 1813**
- **Charter Act of 1833**
- **Charter Act of 1853**

## **Crown Rule**

- **Government of India Act of 1858**
- **Indian Councils Act, 1861**
- **Indian Councils Act, 1892**
- **Act of 1909 / Morley-Minto Reforms**
- **Act of 1919 / Montagu-Chelmsford Reforms**
- **Government of India Act, 1935 – Till 1947**

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## Regulating Act of 1773

The main aim of the Regulating Act was to regulate the activities of the East India Company (EIC) in both India and England and to address various deficiencies.

- **Significance:**

- First step by the British Government to control and regulate the affairs of the EIC.
- Recognized for the first time the political and administrative functions of the Company.
- Laid the foundations of central administration in India.

## Provisions Related to Company's Government in Britain

- The Company's administration was overseen by two institutions in England:
  - **Court of Proprietors (CoP)**
  - **Court of Directors (CoD)**
- **Court of Directors (CoD):**
  - The executive body of the Company in England, elected by the shareholders (CoP).
  - Shareholders holding shares worth £500 were entitled to vote in the CoP, while those with shares worth £100 could be elected to the CoD.

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- The position of Director was highly sought after, providing opportunities for nepotism. Many Company servants aimed to return to England and join the CoD using wealth acquired in India.
- **Reforms Introduced by the Regulating Act:**
  - Raised the qualification for voting in the CoP to £1000 and for election to the CoD to £2000.
  - Introduced direct parliamentary control over the CoD. Directors were required to submit all correspondence related to revenues to the Treasury and all correspondence concerning civil and military administration to a Secretary of State.

## Provisions Related to Company's Government in India

### Addressing Corruption:

The most serious concern in Bengal administration was the Company's inability to check corruption by its servants. The Regulating Act addressed this issue through several key provisions:

- **New Executive for Bengal Presidency:**
  - Established a new executive body comprising a Governor-General (GG) and four Councillors (Governor-General-in-Council).
  - Vested the civil and military powers of Bengal, Bihar, and Orissa in this executive body.
  - The Parliament aimed to control the Governor by requiring him to function within a council, making the council's decisions binding upon him.
- **Council Composition:**

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- The council included men specially sent from England, who were not servants of the Company.
- Decisions were to be made by majority vote, with the GG having the casting vote in case of a tie.
- The council was given a term of five years, with a quorum of three members.
- The Act named the first Governor-General (Warren Hastings) and Councillors (Philip Francis, Clavering, Monson, and Barwell).
- **Salaries and Prohibited Activities:**
  - To address corruption arising from low salaries, the Act provided for liberal salaries.
  - Prohibited immoral activities such as private trade, receiving or giving bribes, and money lending.

## **Establishing Central Authority:**

- **Supremacy of Bengal Presidency:**
  - Before the Act, Bengal, Madras, and Bombay Presidencies were separate and independent, each with direct relations with the Court of Directors in England.
  - The Act made Bengal Presidency supreme with exclusive powers over matters of war and peace.
  - Other Presidencies (Madras and Bombay) were made subordinate to Bengal.
  - The Governor of Bengal was now called the Governor-General of Bengal (or of all British territories in India).

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## Judicial Oversight:

- **Supreme Court of Justice at Calcutta:**
  - The Act provided for the establishment of a Supreme Court of Justice at Calcutta in 1774.
  - The court's jurisdiction included civil, criminal, admiralty, and ecclesiastical matters.
  - It comprised a Chief Justice and three puisne Judges, with Sir Elijah Impey appointed as the first Chief Justice.
  - All British subjects, both European and Indian, could seek redressal in the Supreme Court against oppression.

## Pitt's India Act (1784)

The aim of Pitt's India Act was to address the weaknesses of the Regulating Act and bring the Company's administration in India under the supreme control of the British Parliament.

## Main Provisions

- **Management Division:**
  - The Act allowed the Court of Directors to manage the commercial affairs of the Company.
  - For political affairs, the Act appointed a Board of six Commissioners, known as the Board of Control. This Board included:
    - Chancellor of the Exchequer
    - A Secretary of State

- Four Privy Councillors
- **Double Government:**
  - The members of the Board of Control were appointed by the King, introducing a system of Double Government.
  - The Board's approval was necessary for all dispatches that were not purely commercial.
  - The Act placed the civil and military government of the Company under the subordination of the Government in England. This system continued until 1858.

## Changes in Company's Governance

- **Governor-General's Council:**
  - The number of members in the Governor-General's Council was reduced to three. One of these three members would be the Commander-in-Chief of the British Crown's army in India.
  - The Governor-General-in-Council's power over the subordinate presidencies was extended to include all matters of war, diplomatic relations, and revenue.
  - The Governor-General and Council were made subordinate to the British Government, and they were forbidden to declare war without the prior sanction of the directors.
- **Non-Intervention Principle:**
  - The Act introduced the principle of non-intervention in the affairs of Indian princely states to end further wars and conquests.

## Impact of Pitt's India Act

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Pitt's India Act was significant in that it:

- Strengthened the control of the British Parliament over the East India Company, thereby ensuring that the political and administrative actions of the Company were in line with the interests of the British Government.
- Reduced the number of members in the Governor-General's Council, aiming to streamline the decision-making process.
- Extended the Governor-General's powers over the subordinate presidencies, centralizing authority and creating a more cohesive governance structure.
- Established the principle of non-intervention in the affairs of Indian princely states, signaling a shift in British policy towards non-expansionism and a more diplomatic approach in dealing with Indian states.

## Act of 1786

In 1786, Pitt introduced this Act to persuade Cornwallis to accept the Governor-Generalship of India. The key provisions were:

- **Governor-General and Commander-in-Chief:**
  - Cornwallis was given the powers of both the Governor-General (GG) and the Commander-in-Chief (CnC). This unification of offices allowed for more centralized authority.
  - The GG was empowered to override the majority of his Council in matters of war and peace on his own responsibility. This power was extended to all future Governor-Generals and Governors by the Act of 1793.

## Charter Act of 1793

The Charter Act of 1793 extended the Company's privileges and introduced several key provisions:

- **Trade Privileges:**
  - The Company's exclusive privileges of trade were extended for another 20 years.
- **Regulation Code:**
  - A code was framed for all regulations that could be enacted in Bengal.
- **Printed Laws:**
  - The Act required all laws relating to the rights of persons and property to be printed with translations in Indian languages, laying the foundation for governance based on written laws.
- **Salaries from Indian Revenues:**
  - Members of the Home government were to be paid salaries from Indian revenues, not the State Exchequer, continuing until 1919.
- **Payment to British Government:**
  - After necessary expenses, interest, dividends, and salaries, the Company was to pay £500,000 annually to the British government.
- **Royal Approval:**
  - The royal approval was mandated for the appointment of the Governor-General, the Governors, and the Commander-in-Chief.
- **Restrictions on Officials:**

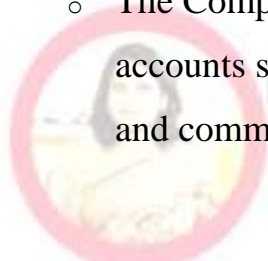
- Senior Company officials were prohibited from leaving India without permission.
- **Licenses for Trade:**
  - The Company could grant licenses, known as 'Privilege' or 'Country Trade,' to individuals and employees to trade in India, paving the way for opium shipments to China.
- **Separation of Revenue Administration:**
  - The revenue administration was separated from judiciary functions, leading to the disappearance of the Maal Adalats.

## Charter Act of 1813

In response to business interests in England pressing for an end to the Company's trade monopoly, the Charter Act of 1813 introduced significant changes:

- **End of Trade Monopoly:**
  - The Company's monopoly on trade with India was ended, although it retained its monopoly on the tea trade and trade with China. Indian trade was thus opened to all British merchants.
- **Sovereignty of the Crown:**
  - The Act explicitly declared the sovereignty of the Crown over the territories acquired by the Company, clearly defining the constitutional position of British territories in India for the first time.
- **Missionary Activities:**

- The Act allowed missionaries to settle in India under a license, marking the beginning of ecclesiastical settlement in India.
- **Fund for Literature and Sciences:**
  - A yearly fund of £100,000 was provided for the promotion of literature and sciences among Indian subjects.
- **Taxation Authority:**
  - Local governments in India were authorized to impose taxes on individuals and to punish those who did not pay taxes.
- **Regulation of Revenues and Profits:**
  - The Company was required to keep its territorial and commercial accounts separate, regulating the Company's territorial revenues and commercial profits.



Where Passion Meets Purpose

## National Disaster Response Force (NDRF)

### Overview:

- **Establishment:** The NDRF is India's specialized force for disaster response, established to integrate disaster preparedness, mitigation, and Disaster Risk Reduction (DRR) into national planning.
- **Scope:**
  - Largest rapid response force dedicated to disaster response globally.
  - Equipped and trained to respond to various types of disasters promptly.
- **Role:**

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- Acts as a frontline responder during disasters, providing search, rescue, and relief operations.
- Trains regularly and updates its response strategies to enhance efficiency.
- **Integration:** NDRF works closely with NDMA and other disaster management authorities to ensure coordinated response efforts at national, state, and local levels.

## Co-operative Societies in India

### Definition and Purpose:

- A co-operative society is an autonomous association of individuals united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise.

### Constitutional Status:

- The 97th Constitutional Amendment Act provides the constitutional framework for co-operative societies in India.

### Key Constitutional Provisions:

#### 1. Incorporation and Regulation:

- State legislatures can make laws for incorporation, regulation, and winding-up of co-operative societies.
- Principles include voluntary formation, democratic member-control, member-economic participation, and autonomous functioning.

## 2. Board Members:

- The board of a co-operative society can have a maximum of 21 directors.
- State legislatures must reserve one seat for SCs/STs and two seats for women on every co-operative society's board.
- Co-option of experts in banking, management, finance, or related fields is allowed, not exceeding two members who cannot vote or hold office.

## 3. Term and Election of Board Members:

- Board members serve a term of 5 years.
- Elections must be conducted before the term expiry.
- State legislature oversees the electoral process.

## 4. Supersession and Suspension of Board:

- Boards can be superseded or suspended for a maximum of six months for reasons like persistent default, negligence, acts prejudicial to the society, or electoral failures.
- Exception: Boards cannot be superseded if there is no government shareholding, loan, financial assistance, or guarantee.

## 5. Audit of Accounts:

- State legislatures regulate the maintenance and auditing of accounts, with audits conducted annually.
- Auditors must meet minimum qualifications and are appointed from a panel approved by the state government or authorized body.

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- Audit reports of apex co-operative societies are presented to the state legislature.

## **Role and Functioning:**

- Co-operative societies play a vital role in promoting economic activities, especially in rural areas, by providing credit, marketing facilities, and other support services to their members.

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The reasons for the 97th Constitutional Amendment, which focused on reforming co-operative societies in India, can be summarized as follows:

## 1. Weaknesses in Governance and Accountability:

- Co-operative societies, despite their significant contributions to the economy, faced issues such as indefinite postponement of elections and prolonged terms of nominated office bearers or administrators.
- These issues reduced accountability and governance transparency within co-operatives, impacting their ability to serve the interests of their members effectively.

## 2. Need for Professional Management:

- Many co-operatives lacked professionalism in their management, leading to poor services and low productivity.
- Reforms aimed to ensure co-operatives adhered to democratic principles, conducted elections timely and fairly, and implemented professional management practices to enhance efficiency.

## 3. Constitutional Framework and State Legislation:

- Co-operative societies were originally under the purview of state legislation (Entry 32, State List, Seventh Schedule of the Constitution).
- Despite state-level efforts, the qualitative performance of co-operatives did not meet expectations, necessitating reforms at the constitutional level to ensure autonomy and efficient functioning.

## 4. Central Government Initiative:

- The Central Government aimed to promote democratic, professional, autonomous, and economically sound functioning of co-operatives.
- The amendment was proposed to embed provisions in the Constitution that would uphold democratic practices, ensure autonomy, and promote professional management in co-operatives.

## 5. Accountability and Deterrence:

- The reforms aimed to establish accountability of co-operative management to their members and other stakeholders.
- Provisions were expected to deter violations of co-operative laws and ensure compliance with democratic norms and professional standards.

These reasons underscored the importance of the 97th Constitutional Amendment Act in revitalizing co-operative societies, aligning them with modern governance practices, and enhancing their role in India's economic development.

The Multi-State Cooperative Societies (MSCS) Act of 2002 was introduced to consolidate and amend laws related to cooperative societies operating across multiple states. Here's a detailed overview:

### Overview of the MSCS Act of 2002:

#### 1. Objective:

- Facilitate the incorporation, functioning, and organization of cooperative societies that operate in more than one state.

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- Ensure voluntary formation and proper operation of member-driven institutions based on self-help and mutual aid principles.

## 2. Eligibility and Jurisdiction:

- A society doesn't necessarily need branches in more than one state to qualify as an MSCS. As long as it serves the interests of members in more than one state, it retains its status.
- Conversion into an MSCS is possible through amendments to its bye-laws, registered by the Central Registrar.

## 3. Right to Vote:

- Every member entitled to subscribe to the society's shares has the right to vote.

## 4. Amendments and Need for Change:

- **Contextual Changes:** Since the enactment in 2002, significant developments have occurred in the cooperative sector, including the establishment of a separate Cooperation Ministry in July 2021.
- **Constitutional Insertion:** The 97th Constitutional Amendment Act (2011) inserted Part IXB into the Constitution, necessitating amendments to align with constitutional provisions.
- **Strengthening Cooperative Movement:** Amendments are aimed at strengthening the cooperative movement within MSCS.

## 5. Proposed Amendments (Multi-State Co-operative Societies (Amendment) Bill 2022):

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- **Merger of Cooperatives:** The bill proposes allowing any cooperative society to merge into an existing MSCS with a 2/3rd majority resolution at a general meeting.
- **Co-operative Election Authority:** Establishes a Co-operative Election Authority for electoral reforms in the cooperative sector, consisting of a Chairperson, Vice-Chairperson, and up to 3 more members appointed by the Centre.
- **Stricter Punishments:** Increases penalties for offenses, including imprisonment for up to one year or fines for unlawful gains by board members or officers.

## 6. Co-operative Education and Welfare:

- MSCS are mandated to organize cooperative education programs for members, employees, and directors, promoting social and economic betterment through self-help and mutual aid.

## Additional Provisions and Criticisms of the Multi-State Co-operative Societies (Amendment) Bill 2022:

### 1. Co-operative Ombudsman:

- **Role and Powers:** The bill proposes the appointment of one or more Co-operative Ombudsman with territorial jurisdiction to handle member complaints.
- **Powers:** Ombudsmen will have powers akin to civil courts, including summoning and examination.

### 2. Rehabilitation and Development Fund:

- **Purpose:** Establishment of a Co-operative Rehabilitation, Reconstruction, and Development Fund aimed at reviving financially distressed Multi-State Cooperative Societies (MSCS).
- **Concurrent Audit:** Introduces a new provision (Section 70A) for concurrent audit in MSCSs with significant turnovers or deposits, as determined by the Central Government.

### 3. Criticisms of the Proposed Bill:

- **Federalism Concerns:** Opposition members in Lok Sabha argue that the bill encroaches upon states' rights. Cooperative societies are listed under Entry 32 of the State List (Seventh Schedule), indicating that they fall under state jurisdiction.
- **Union List Exclusion:** Entry 43 of the Union List explicitly excludes cooperative societies from the Centre's domain, specifying that regulation and incorporation of cooperative societies are solely under state purview.

### National Level Multistate Cooperative Export Society:

#### 1. Establishment and Purpose:

- **Approval:** The Union Cabinet has approved the establishment of a National Level Multistate Cooperative Export Society under the MSCS Act, 2002.
- **Function:** It will serve as an umbrella organization facilitating the export of surplus goods and services produced by various cooperative societies across India.
- **Benefits:** Helps cooperative societies access export-related schemes and policies, enhancing their export capabilities.

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- **Financials:** Authorized share capital of ₹2,000 crore, with operations nationwide and headquartered in Delhi.
- **Operational Aspects:** Authorized to open foreign bank accounts and manage export permissions, ensuring direct dividends to manufacturers without brokerage fees.

## Official Language

### Part XVII (17th) from Articles 343 to 351

The provisions under Part XVII of the Indian Constitution are categorized into four main heads:

1. **Language of the Union**
2. **Regional languages**
3. **Language of the judiciary**
4. **Texts of laws and Special directives**

### Language Of The Union (Article 343)

The Constitution specifies the official language of the Union as follows:

- **Hindi** written in Devanagari script is designated as the official language of the Union.
- During the initial 15 years from the Constitution's commencement (1950 to 1965), English continued to be used alongside Hindi, following the Munshi-Ayyangar formula.
- Parliament has the authority to extend the use of the English language for specific purposes beyond this initial period.

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- Periodically, every five years initially, and later every ten years, the President appoints a Commission to recommend measures for the progressive use of Hindi, restrictions on English, and related issues.
- Recommendations of the Commission are reviewed by a parliamentary committee which submits its views to the President.
- In 1955, the Official Language Commission was constituted under B G Kher's chairmanship, and its report was subsequently examined by a parliamentary committee led by Gobind Ballabh Pant in 1957.
- However, no Official Language Commission was appointed in 1960 as envisaged by the Constitution.
- The **Official Language Act of 1963** enables the continued use of English alongside Hindi indefinitely for all official purposes of the Union and parliamentary business. This Act was amended in 1967 to make the use of English compulsory in certain cases.

## Regional Languages Or Language Of States

- The Constitution does not specify the official language for individual states.
- State legislatures have the authority to adopt any language or languages in use within the state or Hindi as the official language.
- Until a state legislature makes such a determination, English continues as the official language of that state.
- Importantly, states are not limited to languages listed in the Eighth Schedule of the Constitution for official language adoption.

## Language Of The Judiciary And Texts Of Laws

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## Historical Transition

- The language used in Indian courts has evolved over centuries. During the Mughal period, Urdu and Persian/Farsi scripts were prevalent, a tradition that continued in subordinate courts under British rule.
- The British introduced English as the official language for a codified system of law in India.

## Constitutional Provisions

- **Article 348(1)(a)** stipulates that unless Parliament provides otherwise, all proceedings before the Supreme Court and every High Court shall be conducted in English.
- **Article 348(2)** allows the Governor of a state, with the President's consent, to authorize the use of Hindi or any other official language in proceedings in the High Court.
  - States like Uttar Pradesh, Bihar, Rajasthan, and Madhya Pradesh have authorized Hindi in their High Courts, with Tamil Nadu also moving towards authorizing Tamil.
- Judgments of High Courts in languages other than English must be translated into English.

## Official Languages Act 1963

- The Act empowers state Governors, with the President's consent, to authorize the use of Hindi or the state's official language alongside English for judgments, decrees, or orders passed by High Courts.
- It mandates that such judgments must be accompanied by an English translation, reinforcing the primacy of English in legal proceedings.



## Language of Subordinate Courts

- **Civil Procedure Code 1908:** The language of subordinate courts generally follows that of the state on the commencement of the Civil Procedure Code 1908, until determined otherwise by the state government.
- **Code of Civil Procedure, Section 137:** District courts' language aligns with the language of the Act, though judgments, orders, and decrees may be passed in English.
- **Code of Criminal Procedure 1973, Section 272:** State governments determine the language of all courts except High Courts, typically resulting in regional languages for district courts.

## Parliamentary Committee on Official Language

- **Establishment:** The Parliamentary Committee on Official Languages was established in 1976 under section 4 of the Official Languages Act, 1963.
- **Mandate:** The committee's primary responsibility is to review the progress of Hindi's usage for official purposes of the Union and submit a report to the President. The President then presents the report to both Houses of Parliament and forwards it to all State Governments.
- **Composition:** The committee consists of 30 Members of Parliament, with 20 from Lok Sabha and 10 from Rajya Sabha.
- **Chairperson:** The chairperson of the committee is elected by its members.

## Official Language Committee Report

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Recently, the Official Language Committee, chaired by Home Minister Amit Shah, submitted a report to President Droupadi Murmu. The report has sparked debate over the imposition of Hindi due to its recommendations:

- **Medium of Instruction:** Recommends Hindi as the medium of instruction in Central institutions of higher education in Hindi-speaking states, and regional languages in other states.
- **Government Recruitment:** Suggests Hindi as the language for recruitment examinations in the government.
- **Education System:** Proposes Hindi as the sole medium of instruction in Kendriya Vidyalayas, Indian Institutes of Technology (IITs), Indian Institutes of Management (IIMs), and central universities.
- **State Government Role:** Advocates constitutional obligations on state governments to promote Hindi.

## Language Groups in India

- **Major Language Groups:**
  - **Indo-European Group:** Includes languages like Hindi.
  - **Dravidian Group:** Includes languages such as Tamil, Telugu, Malayalam, and Kannada, known for their rich literary traditions.
    - Tamil, in particular, is noted for its antiquity, older than Sanskrit.
- **Historical Perspective:** English historically played a pivotal role in unifying India's north and south. During the Constituent Assembly debates, Maulana Azad emphasized that English facilitated linguistic cohesion between these regions.

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The debate around language policy in India, especially regarding Hindi's role and the continuation of English, remains complex and sensitive, reflecting diverse linguistic and cultural identities across the country.

## Classical Language Status in India

India recognizes six languages with the prestigious status of 'Classical Language', each listed in the Eighth Schedule of the Constitution:

- **Tamil** (declared in 2004)
- **Sanskrit** (2005)
- **Kannada** (2008)
- **Telugu** (2008)
- **Malayalam** (2013)
- **Odia** (2014)

## Guidelines for Declaring a Language as 'Classical'

The Ministry of Culture provides guidelines for determining the 'Classical' status of a language, which include:

- **High Antiquity:** The language must have a recorded history or early texts dating back over a period of 1500-2000 years.
- **Ancient Literature:** It should possess a rich body of ancient literature that is considered a valuable heritage by generations of speakers.
- **Original Literary Tradition:** The literary tradition of the language should be original and not borrowed from another speech community.
- **Distinctiveness:** The classical language and its literature should be distinct from modern forms or offshoots, showing a clear discontinuity.

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## Benefits and Promotion

Once a language is recognized as a Classical language:

- **Education Ministry Support:** Various benefits are provided to promote these languages, including setting up a Centre of Excellence for studies in Classical Languages.
- **International Recognition:** Two major annual international awards are instituted to honor scholars of eminence in classical Indian languages.
- **UGC Support:** The University Grants Commission (UGC) is encouraged to establish a certain number of Professional Chairs for the Classical Languages in Central Universities.

## Historical Background of Public Services in India:

- **British Administration:** Civil services were initially established by the British to strengthen their administration in India, initially serving regulatory roles and later taking on developmental roles.
- **Lord Wellesley's Contribution:** Recognized the need for educated administrators and established the College of Fort William in India, though it was later relocated to England as the East India College in Haileybury.
- **Method of Recruitment:** Initially through a competitive examination held in London, which favored wealthy Indians educated in England. This changed over time with broader curriculum and introduction of examinations in India.
- **Role of Indian National Congress:** Advocated for greater Indian representation in civil services, leading to reforms in recruitment and training.

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## Classification of Public Services:

- **All-India Services (AIS):** Common to both Central and State governments, including IAS, IPS, and IFS. Governed by rules set by the Central government but serve in states, returning after deputation.
- **Central Services:** Work exclusively under the Central government, classified historically into different classes and currently into groups (A, B, C, D). Includes specialized positions across various departments.
- **Indian Foreign Service (IFS):** Highest in prestige among Central services, known for its international role and responsibilities.

## Contributions and Significance:

- **Sardar Vallabhbhai Patel:** Played a pivotal role in advocating for and shaping the framework of All-India Services, earning the title of the "Father of all-India Services."

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