

Important judgments for Affirmative Action:

No	Case Name:	Important provisions:
1.	Champakam Dorairajan case (1951)	Supreme Court observed that while Article 16(4) provides for reservations in favour of backward class of citizens, no such provision was made in Article 15. Led to Parliament adding Article 15 (4)
2.	Indira Sawhney case (1993)	<ul style="list-style-type: none">• It upheld 27% reservation for OBCs but excluded the advanced sections of OBCs (creamy layer) from it.• Total reservation should not exceed 50% except in extraordinary circumstances.• Required establishment of a permanent statutory body to look onto the demands of OBCs- NCBC in 1993.• No reservation in promotion- over-ruled by 77th CAA in 1995.• Carry forward rule should not violate the 50% ceiling which was over-ruled by 81st CAA in 2000.

No	Case Name:	Important provisions:
3	M. Nagraj case (2006)	<p>For providing quota in promotion under Article 16, the states must provide:</p> <ul style="list-style-type: none">• quantifiable data on the backwardness of SCs and STs.• facts about their inadequate representation.• overall administrative efficiency• not breach the ceiling-limit of 50% or obliterate the creamy layer or extend the reservation indefinitely.
4	Ashok Kumar Thakur v Union of India (2008)	<ul style="list-style-type: none">• Validity of 93rd constitutional amendment act 2005 was questioned.• 5 judge bench held that it was not against basic structure of constitution• No need to account for creamy layer in case of SC and ST

No	Case Name:	Important provisions:
5	Dr Jaishree LaxmanRao Patil versus Chief Minister 2021	<ul style="list-style-type: none">• 5 judge bench quashed the Maratha reservation and held that the granting of 12% and 13% reservation to maratha community in addition to 50% social reservation is not covered by exceptional circumstances as contemplated by the constitution bench in the Indira Sahwney Case.

No	Case Name:	Important provisions:
6	Jarnail Singh case (2018)	<ul style="list-style-type: none">• It held that Indra Sawhney does not allow for the collection of quantifiable data as a pre-requisite for granting reservations in promotions.• The Bench clarified that the second condition of states giving quantifiable data with respect to inadequate representation still stands and that inadequacy of representation has to be in relation to specific cadre and not in proportion to SC/ST population in the State.• The Court read creamy layer exclusion as an ingrained principle of Equality and applies to SC/STs.

No.	Case Name:	Important provisions:
7	Janhit Abhiyan versus UOI 2022	<p>103rd Constitutional Amendment Act was upheld.</p> <ul style="list-style-type: none">• Supreme Court upheld validity of EWS reservation.• 103rd CAA does not breach basic structure doctrine (Equality principle)• Reservation as instrument of affirmative action by state for inclusion of backward classes.• Reservations for EWS does not violate basic structure on account of 50% ceiling limit fixed by Mandal Commission because ceiling limit is not inflexible.• Further, it had applied only to SC/ST/SEBC/OBC communities and not the general category.• The Scheduled Castes, Scheduled Tribes and the backward class for whom the special provisions have already been provided in Article 15(4), 15(5) and 16(4) form a separate category as distinguished from the general or unreserved category.

No.	Case Name:	Important provisions:
8	State of Punjab versus Davinder Singh 2024	<ul style="list-style-type: none">• 6-1 majority decision overturns the 2004 ruling in E.V. Chinnaiah vs. State of Andhra Pradesh.• States are constitutionally allowed to sub-classify SCs and STs based on varying levels of backwardness.• States can now sub-classify SCs within the 15% reservation quota to provide better support for the most disadvantaged groups.• Sub-classification should be based on empirical data and historical evidence of systemic discrimination, rather than arbitrary or political reasons.• 100% reservation for any sub-class is not permissible. State decisions on sub-classification are subject to judicial review to prevent political misuse.• 'Creamy layer' principle, previously applied only to Other Backward Classes (OBCs) (as highlighted in Indra Sawhney Case), could now also be applied to SCs and STs.

No.	Case Name:	Important provisions:
9	Tanvi Behl v Shrey Goel and others 2025	<ul style="list-style-type: none">• Declared Domicile Based reservation for Post Graduate medical admissions as unconstitutional• Residence/domiciled based reservations for PG medical courses is constitutionally impermissible• It creates inequality amongst students based on state of residence• Violates Article 14• Indian citizens have right to reside and practice their profession anywhere in the country.• There is only one domicile, “Domicile of India” and all Indians share this single domicile.• There is no concept of state specific domicile under the Indian legal system.



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1st Constitutional Amendment Act 1951

1. Empowered the state to make special provisions for the advancement of socially and economically backward classes. (Article 15)
2. Provided for the saving of laws providing for acquisition of estates, etc. (Article 31 A)
3. Added Ninth Schedule to protect the land reform and other laws included in it from the judicial review. (Article 31 B)
4. Public order, friendly relations with foreign states and incitement to an offence. (Article 19(2))

1st Constitutional Amendment Act 1951

5. State trading and nationalization of any trade or business by the state is not to be invalid on the ground of violation of the right to trade or business.(Article 19 (6))

ARTICLE 30- RIGHT OF MINORITIES TO ESTABLISH AND ADMINISTER EDUCATIONAL INSTITUTIONS

- The term "minority" is not defined in the Indian constitution. However, the constitution recognises only religious and linguistic minorities.
- Currently, the linguistic minorities are identified on a state-wise basis thus determined by the state government whereas religious minorities are determined by the central government.

Article 30 grants the following rights to minorities:

All minorities shall have the right to establish and administer educational institutions of their choice.

44th Amendment provided that compensation amount fixed by the State for the compulsory acquisition of any property of a minority educational institution shall not restrict or abrogate the right guaranteed to them.

In granting aid, the State shall not discriminate against any educational institution managed by a minority.

NATIONAL EMERGENCY 50 YEARS



38th Constitutional Amendment Act 1975

- Made the declaration of emergency by the president non-justiciable.(Article 352,356,360)
- Made the promulgation of ordinances by the president, governors and administrators of union territories non-justiciable.(Article 123,213,239B)
- Empowered the president to declare different proclamations of national emergency on different grounds simultaneously.(Article 352)

Provision	National Emergency	State Emergency	Financial Emergency
Article	352	356	360
Who Declares	President (Only on written recommendation of cabinet)	President	President
Grounds	1. War 2. External Aggression 3. Armed Rebellion	Government of state cannot be carried out in accordance with provisions of constitution Art 365 spl mention	Financial Stability or credit of India or any part is threatened
Approval within	1 month	2 months	2 months

Provision	National Emergency	State Emergency	Financial Emergency
Approval Frequency	Every 6 months	Every six months	Once only
Approval by	Special majority of both houses	Simple Majority of both houses	Simple majority of both houses
Revocation	1. President 2. Parliament – Lok Sabha by simple majority	President only	President only
Effect on Centre State relations	1. Centre can give executive directions on any matter. 2. Parliament becomes empowered to legislate on state subject	N/A	N/A

Provision	National Emergency	State Emergency	Financial Emergency
Effect on Centre State Relations	<ul style="list-style-type: none"> • President can issue ordinances on state subject • President can modify constitutional distribution of revenues 	<p>President dismisses State Council of Ministers headed by CM</p> <p>President takes over functions of state government and transfers to governor</p> <p>Parliament can take over powers of state legislature in case of suspension.</p>	<p>Executive Authority centre extends to financial provisions like reduction of salaries of state officials.</p> <p>Reservation of all</p>
Effect on life of Lok Sabha and State Assembly	<ul style="list-style-type: none"> • Lok Sabha and Legislative assembly term can be extended one year at a time 	N/A	N/A

Provision	National Emergency	State Emergency	Financial Emergency
Effect on Fundamental Rights	1. Article 358 – Article 19 automatic suspension	N/A	N/A
Effect on F.R	• Article 359 Any article except 20 and 21	N/A	N/A



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10. Writs

Habeas Corpus- 'To have the body of'

- Ordered by the court to a person who has detained another person, to produce the body of the latter before it to examine the cause and legality of detention.
- It can be issued against both public authorities as well as private individuals.
- It is not issued where the **(a)** detention is lawful, **(b)** the proceeding is for contempt of a legislature or a court, **(c)** detention is by a competent court, and **(d)** detention is outside the jurisdiction of the court.

Mandamus- 'We Command'

- It is a command issued by the court to a public official asking him to perform his official duties that he has failed or refused to perform.
- It can also be issued against any **public body, a corporation, an inferior court, a tribunal or government for the same purpose.**
- It cannot be issued **(a)** against a private individual or body; **(b)** to enforce departmental instruction that does not possess statutory force; **(c)** when the duty is discretionary and not mandatory; **(d)** to enforce a contractual obligation; **(e)** against the president of India or the state governors; and **(f)** against the chief justice of a high court acting in judicial capacity.

Prohibitio n- 'To forbid'

- It is issued by a higher court to a lower court or tribunal to prevent the latter from exceeding its jurisdiction or usurping a jurisdiction that it does not possess.
- Can be issued only against judicial and quasi-judicial authorities.
- It is not available against **administrative authorities, legislative bodies, and private individuals or bodies.**

Certiorari- 'To be Certified/ informed'

- It is issued by a higher court to a lower court or tribunal either to transfer a case pending with the latter to itself or to squash the order of the latter in a case on grounds of excess of jurisdiction or lack of jurisdiction or error of law.
- It can be issued against **judicial, quasi-judicial authorities and administrative authorities** (since 1991).
- It is also not available against legislative bodies and private individuals or bodies.

Quo- Warranto- 'By what authority'

- It is issued by the court to enquire into the legality of claim of a person to a public office.
- It can be issued only in case of a substantive public office of a permanent character created by a statute or by the Constitution.
- It cannot be issued in cases of ministerial office or private office. Unlike the other four writs, this can be sought by any interested person and not necessarily by the aggrieved person.

Private companies and Writ

Case Name : S Shobha versus Muthoot Finance Ltd Case 2025

- Private companies including scheduled banks and NBFC's are not subject to writ jurisdiction as they do not perform public functions.
- NBFC's are not STATE under Article 12 and "Function Test" should be used to decide maintainability of Writ application.
- A body, public or private, should not be categorised as "amenable" or "not amenable" to writ jurisdiction as the most important and vital consideration should be the "function" test as regards the maintainability of a writ application.
- In exceptional cases a writ of mandamus or a writ in the nature of mandamus may be issued to a private body, but only where a public duty is cast upon such private body by a statute or statutory rule and only to compel such body to perform its public.

11. 42nd Amendment Act 1976

- Added three new words (i.e., socialist, secular and integrity) in the Preamble.
- Scope of Article 31C was expanded to all Directive Principles of State Policy
- Inserted Article 31D that provided for saving of laws in respect of anti-national activities and the formation of anti-national associations. “Anti-national activity” from being challenged under Article 14,19,31.

42nd Amendment Act 1976

- Inserted Article 32 A - provided that the Supreme Court will have no jurisdiction to decide the constitutional validity of a State law in any writ proceedings under article 32 unless the validity of a Central law is also in issue in such proceedings.

42nd Amendment Act 1976

New Directives Under part IV

1. Article 39 f children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity.
2. Article 39A -Equal Justice and Free legal Aid
3. Article 43 A – Participation of workers in management of industries
4. Article 48 A – Protection of environment and forest and wildlife

42nd Amendment Act 1976

- Inserted Part IV A – Article 51A – 10 Fundamental Duties
- Article 74(1) – Explicitly state that President shall act on the aid and advise of C.O.M
- Freezing the allocation of seats in Lok Sabha and Rajya Sabha as per 1971 census till 2000.
- Duration of Lok Sabha and Assembly changed from 5 years to 6 years.

42nd Amendment Act 1976

- Provision related to Quorum removed from Article 100 and Article 189.
- New Article 131 A - Supreme Court with exclusive jurisdiction as regards determination of the constitutional validity of Central laws.
- Article 144A - Minimum size of bench in such a hearing is 7 and $\frac{2}{3}$ rd judges must agree on constitutional invalidity.

42nd Amendment Act 1976

- High Court power to issue writs under Article 226 restricted.
- Minimum size of bench in such a hearing is 5 and $\frac{2}{3}$ rd judges must agree on constitutional invalidity.
- Article 311 – No second opportunity to civil servant to make representation at awarding stage.
- Article 312 – Creation of All India Judicial Service by a parliamentary law

42nd Amendment Act 1976

- Article 323A and 323 B- Tribunals
- Article 352 –Emergency can be declared in whole as well as part of country.
- Article 356 – Emergency can be renewed for one year at a time
- Article 368 – No Constitutional Amendment shall be called in question in any court on any ground

42nd Amendment Act 1976

- 5 entries shifted from state list to concurrent list
 1. Administration of justice, constitution and organisation of all Courts except the Supreme Court and the High Courts.
 2. Education
 3. Weights and measures except establishment of standards
 4. Forests
 5. Protection of wild animals and birds

43rd Constitutional Amendment Act

1. Restored the jurisdiction of the Supreme Court and the high courts in respect of judicial review and issue of writs.
2. Deprived the Parliament of its special powers to make laws to deal with anti-national activities.

44th Constitutional Amendment Act

- Right to property removed from fundamental rights (Article 19 and 31) and moved it to Article 300A.

- New DPSP (Article 38)

“State shall strive to minimise inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities”

- Restored jurisdiction of Supreme Court to enquire into disputes regarding President/Vice President/PM/Lok Sabha speaker elections.

44th Constitutional Amendment Act

- Empowered the President to send back once the advice of cabinet for reconsideration.
- Terms of Lok Sabha and Legislative assembly were restored to 5 years.(83,172)
- Omitted the reference to British House of Commons in parliamentary privileges(105 and 194)
- Distinguished jurists not eligible for appointment as High Court Judges
- Writ jurisdiction of High Courts restored(Art 226)
- Deleted the provision making satisfaction of President and Governor final in issuing ordinances.

44th Constitutional Amendment Act

Restored power of superintendence of High Courts over tribunals.

44th Constitutional Amendment Act

Changes to Emergency : (National Emergency)

- Internal Disturbance replaced by armed rebellion.
- No proclamation of National Emergency without written recommendation of Union Cabinet.
- Approval of N.E - within 1 month of proclamation.
- Approval by special majority- (Article 368 vaali)
- Approval needs to be renewed every 6 months.
- Lok Sabha through simple majority can pass resolution to revoke proclamation.

44th Constitutional Amendment Act

Changes to Emergency : (National Emergency)

Article 19 will be suspended only in case of emergency by external aggression or war.

Article 20 and 21 can never be suspended during National Emergency

44th Constitutional Amendment Act

Changes to Emergency : (State Emergency Art 356)

➤ Approval of Six months at a time.

44th Constitutional Amendment Act

Changes to Emergency : (Financial Emergency)

- Proclamation may be revoked or varied by subsequent proclamation.

Legal Aid

- People Eligible for free legal aid :
 1. a member of a Scheduled Caste or Scheduled Tribe
 2. a victim of trafficking in human beings or begar as referred to in article 23 of the Constitution
 3. a woman or a child
 4. a person with disability
 5. a person under circumstances of underserved want such as being a victim of a mass disaster, ethnic, violence, caste atrocity, flood, drought, earthquake or industrial disaster;
 6. an industrial workman
 7. in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986, or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987

Legal Aid

- People Eligible for free legal aid :

8. Those persons who have annual income of less than the amount prescribed by the respective State Government, if the case is before any court other than the Supreme Court, and less than Rs. 5 Lakhs, if the case is before the Supreme Court

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Basic Structure Doctrine

Shankari Prasad case (1951)

1. Article 31A and 31B was introduced which supports 9th Schedule, by this any act in this schedule can't be void .
2. The SC ruled that the power to amend the Constitution under Article 368 also included the power to amend fundamental rights and that the word "law" in Article 13 (8) includes only an ordinary law made in exercise of the legislative powers and does not include Constitutional amendment which is made in exercise of constituent power.
3. Therefore, a Constitutional amendment will be valid even if it abridges or takes any of the fundamental rights.


Kerala Education Bill case (1958)

1. Doctrine of Harmonious Construction: It says that you need to constitute the provision of the constitution in such a way that fundamental rights and DPSP go hand in hand so this was there to avoid the situation of conflict while enforcing DPSP and Fundamental rights.
2. The Court held that there is no inherent conflict between FRs and DPSPs and the courts while interpreting a law should attempt to give effect to both as far as possible i. e. should try to harmonize the two as far as possible.
3. The court further said that where two interpretations of the law are possible, and one interpretation validates the law while other interpretation makes the law unconstitutional and void, then the first interpretation which validates the law should be adopted.

Golaknath case (1967)


1. Six judges in an 11 judge bench of Supreme Court. The Court ruled that Parliament's power to amend Constitution is also legislative power under Article 245, so that even a constitution amendment was also a law within the purview of Article 13 (2).
2. The court ruled that the Parliament cannot take away or abridge any of the Fundamental Rights, which are 'sacrosanct' in nature and can't be amended for the implementation of DPSPs.

24th
Constitutional
Amendment Act
1971



1. New Clause (4) added to Article 13 to provide that provisions of Article 13 will not apply on any amendment made under Article 368.
2. Amended Article 368 to state that Parliament has power to amend any part of the Constitution.
3. Made it obligatory for President to give assent to a constitutional amendment bill.

25th
Constitutional
Amendment Act
1971



1. Word 'Compensation' replaced by 'amount' in Article 31 (2)
2. Introduced New Article 31 (C) : If any law is passed to give effect to Article 39(b) or (c) of DPSP, it cannot be challenged on the ground of violation of the rights guaranteed by Articles 14, 19 and 31.
3. No law containing a declaration for giving effect to such policy shall be questioned in any court on any ground that it does not give effect to such a policy.

Kesavanand
a Bharati
case (1973)

1. After the Golaknath case, the Parliament sought to supersede it by amending Article 368 through 24th and 25th CAA (added Article 31 C).
2. It asserted that Article 368 is not 'law' within the definition of article 13 and CAA will not be open to question even if they affect the fundamental rights.
3. Decision by a full bench by 13 judges- upheld cl. 4 of article 13 added by 24th CAA that nothing in this article shall apply to any amendment made under Article 368. But second part of article 31 C was seen as violative of judicial review.
4. Further it overruled Golaknath judgment and accepted that Fundamental Rights can be amended by the Parliament.

- Parliament reacted to this judicially innovated doctrine of 'basic structure' by enacting the 42nd Amendment Act (1976). This Act amended Article 368 and declared that there is no limitation on the constituent power of Parliament and no amendment can be questioned in any court on any ground including that of the contravention of any of the Fundamental Rights.

Minerva Mills case (1980)

1. It invalidated this provision as it excluded judicial review which is a 'basic feature' of the Constitution.
2. Parliament cannot, under article 368, expand its amending power so as to acquire for itself the right to repeal or abrogate the Constitution or to destroy its basic features.
3. Indian Constitution is founded on the bedrock of the harmony and balance between the Fundamental Rights and the Directive Principles.

Waman Rao case (1981)

1. Supreme Court clarified that it would apply to constitutional amendments enacted after April 24, 1973 (i.e., the date of the judgement in the Kesavananda Bharati case).

Basic Structure Doctrine:

- Supremacy of the Constitution
- Unity and sovereignty of India
- Democratic and republican form of government
- Federal character of the Constitution
- Secular character of the Constitution
- Separation of power
- Individual freedom
- Rule of law
- Judicial review
- Parliamentary system
- Rule of equality
- Harmony and balance between the Fundamental Rights and DPSP
- Free and fair elections
- Limited power of the parliament to amend the Constitution
- Power of the Supreme Court of India under Articles 32, 136, 142 and 147
- Power of the High Court under Articles 226 and 227

Comparison of Pardon Powers: United States vs. India

Aspect	United States	India
Constitutional Provision	Article II, Section 2, Clause 1	Article 72
Authority Granted To	President of the United States	President of India
Nature of Power	Broad, discretionary executive power	Executive power but must act on advice of Central Government (Maru Ram v. Union of India, 1980)
Scope of Power	Federal crimes only; excludes impeachment	Offenses under Union law, court-martial sentences, and death sentences
Can Overturn Conviction?	No conviction remains, only punishment nullified	No judicial review allowed only on limited grounds (e.g., mala fide)
Need for Reason/Justification	No legal requirement to provide a reason	Advice of the Council of Ministers must be followed, unless sent once for reconsideration under Article 74(1)
Discretion	Sole discretion of President	President acts on binding advice of Central Government
Historical Roots	English monarchys 'prerogative of mercy', e.g., King Ine of Wessex	Inherited from colonial administrative practices under British India
Process	Department of Justice (Office of the Pardon Attorney) reviews petitions and gives non-binding advice; final decision lies with President	Cabinet prepares advice; President may return it once for reconsideration but must accept final advice
Timing of Pardon	Can be granted before, during, or after legal proceedings (Ex Parte Garland, 1866)	Not explicitly mentioned; governed by advice mechanism
Effect on Criminal Record	Pardon does not erase record or imply innocence	Same principle generally applies; courts permit limited judicial review
Impeachment Exception	President cannot pardon in cases of impeachment	Not applicable in same context (India follows parliamentary form)
Preemptive Pardons	Cannot pardon future crimes; can issue for past uncharged crimes (e.g., Nixon, draft evaders)	No known equivalent provision; pardons are reactive, not speculative

Vice President : IMP Points

Article 67 of the Constitution provides that the Vice-President holds office for a term of five years from the date on which he enters upon his office. However, he can resign from his office at any time by addressing the resignation letter to the President.

He can also be removed from the office before completion of his term. A formal impeachment is not required for his removal. He can be removed by a resolution of the Rajya Sabha passed by an effective majority (ie, a majority of the total members of the House) and agreed to by the Lok Sabha.

But, no such resolution can be moved unless at least 14 days' advance notice has been given. Notably, no ground has been mentioned in the Constitution for his removal.

The Vice-President can hold office beyond his term of five years until his successor assumes charge. He is also eligible for re-election to that office. He may be elected for any number of terms.

The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister.

The total number of ministers, including the Prime Minister, in the Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha. This provision was added by the 91st Amendment Act of 2003.

A member of either house of Parliament belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister. This provision was also added by the 91st Amendment Act of 2003.

The ministers shall hold office during the pleasure of the President. The President shall administer the oaths of office and secrecy to a minister.

The council of ministers shall be collectively responsible to the Lok Sabha. Further, salaries and allowances of ministers shall be determined by the Parliament.

A minister who is not a member of the Parliament (either house) for any period of six consecutive months shall cease to be a minister.

Article 75 – Other Provisions as to Ministers

Article 88 – Rights of Ministers as Respects the Houses

Every minister shall have the right to speak and take part in the proceedings of either House, any joint sitting of the Houses and any Committee of Parliament of which he may be named a member. But he shall not be entitled to vote.

Before a minister enters upon his office, the President administers to him the oaths of office and secrecy.

Oath of Office

1. to bear true faith and allegiance to the Constitution of India,
2. to uphold the sovereignty and integrity of India,
3. to faithfully and conscientiously discharge the duties of his office, and
4. to do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill will.

Oath of Secrecy

The Minister swears that he will not directly or indirectly communicate or reveal to any person(s) any matter that is brought under his consideration or becomes known to him as a Union Minister except as may be required for the due discharge of his duties as such minister.

Composition of the Council of Ministers:

The council of ministers consists of three categories of ministers:

Cabinet Ministers:

They head the important ministries of the Central government like home, defence, finance, external affairs and so forth.

They are members of the cabinet, attend its meetings and play an important role in deciding policies.

Minister of state:

They can either be given independent charge of ministries/ departments or can be attached to cabinet ministers.

They work under the supervision and under the overall charge and responsibility of the cabinet ministers. In case of independent charge, they perform the same functions and exercise the same powers in relation to their ministries/ departments as cabinet ministers.

However, they are not members of the cabinet and do not attend the cabinet meetings unless specially invited.

Deputy Minister:

They are not given independent charge of ministries/ departments. They are attached to the cabinet ministers or ministers of state and assist them in their administrative, political, and parliamentary duties.

They are not members of the cabinet and do not attend cabinet meetings.

Salaries and Allowances of Ministers' Act 1952

^{5*} 5. There shall be paid a sumptuary allowance to each Minister at the following rates, namely:-

- (a) The Prime Minister - Rupees three thousand per mensem;
- (b) every other Minister - Rupees two thousand per mensem;
who is a Member of
the Cabinet
- (c) a Minister of State - Rupees one thousand per mensem;
- (d) a Deputy Minister - Rupees six hundred per mensem.

130th constitutional amendment bill 2025

The **Constitution (130th Amendment) Bill, 2025**, introduced in Lok Sabha (August 2025), proposes **automatic removal of Ministers, including the Prime Minister and Chief Ministers**, upon prolonged arrest and detention for serious criminal offences.

Similar Bills have also been introduced for the **Union Territories of Puducherry and Jammu & Kashmir**. The Bills are currently under examination by a **Joint Parliamentary Committee (JPC)**.

130th constitutional amendment bill 2025

- The Bill seeks to insert constitutional provisions to mandate **removal from office** under specific criminal law conditions.
- **Conditions for Removal of a Minister**
- A Minister shall be removed if:
- He/She is **accused of an offence punishable with imprisonment of five years or more, and**
- He/She is **arrested and detained for 30 consecutive days.**

130th constitutional amendment bill 2025

Mode of Removal

- Removal may be done by the **President or Governor**, on the advice of the **Prime Minister or Chief Minister**, respectively, **or**
- **Automatic cessation** of office on the **31st consecutive day of detention**, even without executive advice.
- **Special Provision for PM and CMs**
- The **Prime Minister or a Chief Minister must resign after 30 days of detention**.
- Failure to resign results in **automatic removal from office on the 31st day**.

130th constitutional amendment bill 2025

Constitutional Context

- **Existing Qualification & Disqualification Framework**
- **Articles 84 & 173:** Prescribe basic qualifications for MPs/MLAs/MLCs (citizenship, age).
- **Articles 102 & 191, and the Tenth Schedule:** Specify grounds for disqualification such as office of profit, insolvency, unsound mind, loss of citizenship, and defection.
- **Representation of the People Act, 1951:**
 - Adds grounds such as **conviction for certain offences**, corrupt practices, and failure to submit election expenses.
 - Disqualification generally hinges on **conviction**, not mere accusation.

130th constitutional amendment bill 2025

- **Ministers and Disqualification**
- The Constitution does **not prescribe separate qualifications or disqualifications for Ministers**, except in cases of **defection** under **Articles 75(1B) and 164(1B)**.

(1B) A member of the Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council belonging to any political party who is disqualified for being a member of that House under paragraph 2 of the Tenth Schedule shall also be disqualified to be appointed as a Minister under clause (1) for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such member would expire or where he contests any election to the Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council, as the case may be, before the expiry of such period, till the date on which he is declared elected, whichever is earlier.]

Disqualifications of MP/MLA

S.no.	Section	Disqualification	Duration
1.	8	Disqualification on conviction for certain offences section 153A, section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband ,UAPA,NDPS Act,PCA, Sati etc.	6 years (from release)
2	8A	Corrupt Practices under Section 99	6 years
3	9	Dismissal for corruption and Disloyalty	5 years from dismissal
4	9A	Government Contracts	As long as contract runs
5	10	Office under government company	As long as office is held
6	10A	Failure to lodge election expense	Three Years

Lapsing of Bills

- When the Lok Sabha is dissolved, all business including bills, motions, resolutions, notices, petitions and so on pending before it or its committees lapse. However, some pending bills and all pending assurances that are to be examined by the Committee on Government Assurances do not lapse on the dissolution of the Lok Sabha.

Bills that lapse:

- A bill pending in the Lok Sabha lapses (whether originating in the Lok Sabha or transmitted to it by the Rajya Sabha).
- A bill passed by the Lok Sabha but pending in the Rajya Sabha lapses.

Lame Duck Session refers to the last session of the existing Lok Sabha, after a new Lok Sabha has been elected. Those members of the existing Lok Sabha who could not get re-elected to the new Lok Sabha are called lame-ducks.

Bills that don't lapse:

- A bill not passed by the two Houses due to disagreement and if the president has notified the holding of a joint sitting before the dissolution of Lok Sabha, does not lapse.
- A bill pending in the Rajya Sabha but not passed by the Lok Sabha does not lapse.
- A bill passed by both Houses but pending assent of the president does not lapse.
- A bill passed by both Houses but returned by the president for reconsideration of Houses does not lapse.

Presiding Officers of Parliament:

Speaker of Lok Sabha

Election: The Speaker is elected by the Lok Sabha from amongst its members (as soon as may be, after its first sitting). Whenever the office of the Speaker falls vacant, the Lok Sabha elects another member to fill the vacancy. The date of election of the Speaker is fixed by the President.

Tenure: Usually, the Speaker remains in office during the life of the Lok Sabha. However, he has to vacate his office earlier in any of the following three cases:

1. if he ceases to be a member of the Lok Sabha;
2. if he resigns by writing to the Deputy Speaker; and
3. if he is removed by a resolution passed by a majority of all the then members of the Lok Sabha. Such a resolution can be moved only when it has the support of at least 50 members and only after giving 14 days' advance notice.

Removal: When a resolution for the removal of the Speaker is under consideration of the House, he can't preside sitting of the House, though he may be present and can speak and take part in the proceedings of the House at such a time and vote in the first instance, though not in the case of an equality of votes. Whenever the Lok Sabha is dissolved, the Speaker does not vacate his office and continues till the newly-elected Lok Sabha meets.

Role and Powers of Speaker:

- He can allow a 'secret' sitting of the House at the request of the Leader of the House. When the House sits in secret, no stranger can be present in the chamber, lobby or galleries except with the permission of the Speaker.
- He decides whether a bill is a money bill or not and his decision on this question is final. When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the President for assent, the Speaker endorses on the bill his certificate that it is a money bill.
- He decides the questions of disqualification of a member of the Lok Sabha, arising on the ground of defection under the provisions of the Tenth Schedule.
- He acts as the ex-officio chairman of the Indian Parliamentary Group which acts as a link between the Parliament of India and the various parliaments of the world. He also acts as the ex-officio chairman of the conference of presiding officers of legislative bodies in the country.
- He appoints the chairman of all the parliamentary committees of the Lok Sabha and supervises their functioning. He himself is the chairman of the **Business Advisory Committee, the Rules Committee and the General Purpose Committee.**

Money Bill:

Parliament can reduce or abolish a tax but cannot increase it.

- The imposition, abolition, remission, alteration or regulation of any tax;
- The regulation of the borrowing of money by the Union government;
- The custody of the Consolidated Fund of India or the contingency fund of India, the payment of moneys into or the withdrawal of money from any such fund;
- The appropriation of money out of the Consolidated Fund of India;
- Declaration of any expenditure charged on the Consolidated Fund of India or increasing the amount of any such expenditure;
- The receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money, or the audit of the accounts of the Union or of a state; or
- Any matter incidental to any of the matters specified above.

Article 110 of the Constitution deals with the definition of money bills. It states that a bill is deemed to be a money bill if it contains 'only' provisions dealing with all or any of the following matters:

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Judicial Accountability

- Impeachment Proceedings against Justice Yashwant Verma



Judicial Accountability

- The impeachment proceedings against **Justice Yashwant Varma** (Delhi High Court) are an extraordinary constitutional event: they test India's mechanisms for **judicial accountability**, probe the limits of the **in-house procedure**, and reopen debate on transparency, evidence standards, and institutional reform.

Judicial Accountability

- The matter began with an apparently routine **fire at the judge's official residence (30, Tughlak Crescent) on 14 March 2025** and escalated when **partially burnt currency** was discovered at the scene, with digital photographs and video surfacing shortly thereafter.

Judicial Accountability

- Firefighters at the March 14 incident found **several partially burnt sacks of Indian currency (predominantly Rs 500 notes)** in a store room; audio in the recorded footage allegedly includes a person saying the notes were burning.
- **Digital evidence** (photos/video) of the scene was shared by Delhi Police leadership with judicial authorities and became central to subsequent inquiries.

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Restatement of Values of Judicial Life 1997

In house mechanism 1999

- The need for an internal mechanism arose in 1995, after financial impropriety allegations against Bombay HC CJ A M Bhattacharjee.
- The SC, in *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee* (1995), highlighted a gap between bad behaviour and impeachable misbehaviour under Article 124.
- A five-member committee was formed to create an internal process for addressing judicial misconduct.
- The committee submitted its report in October 1997, and the SC adopted it in December 1999.
- This process was revised in 2014.

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In house mechanism 1999

- **In-House Procedure for Complaints Against Judges (India)**
- The **In-House Procedure** is a **judicially evolved mechanism** used to examine complaints of misconduct against judges of the **Higher Judiciary**, short of impeachment.

1. Receipt of Complaint

- Complaints may be addressed to:
 - **The Chief Justice of India (CJI)**
 - **The Chief Justice of a High Court**
 - **The President of India**
- If received by a **High Court Chief Justice** or the **President**, the complaint is **forwarded to the CJI**.
- The **CJI** may **dismiss the complaint at the threshold** if it lacks seriousness or substance.

In house mechanism 1999

2. Preliminary Inquiry

- The CJI may seek:
 - **A confidential report from the concerned High Court Chief Justice**
- If the HC Chief Justice recommends further action:
 - The CJI examines:
 - The report, and
 - **The written response of the judge concerned**

In house mechanism 1999

- **Constitution of Inquiry Committee**
- If a deeper probe is required, the CJI may constitute a **three-member Inquiry Committee**, generally comprising:
 - **Two Chief Justices of High Courts**
 - **One High Court Judge**
- The committee:
 - Follows **principles of natural justice**
 - Gives the judge a **reasonable opportunity to explain and defend**

In house mechanism 1999

4. Inquiry & Submission of Report

- After examination, the committee submits its report to the CJI, stating:
 - Whether the **allegations have merit**
 - Whether the misconduct is **grave enough to warrant removal proceedings**

In house mechanism 1999

If misconduct is not serious

- The CJI may:
 - **Advise or caution the judge**
 - **Place the report on record**
- **If misconduct is serious**
- The CJI may:
 - **Advise the judge to resign or take voluntary retirement**
- If the judge refuses:
 - The CJI may direct the **High Court Chief Justice to withdraw judicial work**
- If the judge still does not step down:
 - The CJI informs the **President and Prime Minister**, recommending **initiation of removal (impeachment) proceedings**

Transfer of Judges

- Article 222 of the Constitution makes provision for the transfer of a Judge (including Chief Justice) from one High Court to any other High Court.
- The initiation of the proposal for the transfer of a Judge should be made by the Chief Justice of India whose opinion in this regard is determinative.
- Consent of a Judge for his first or subsequent transfer would not be required.
- All transfers are to be made in public interest i.e. for promoting better administration of justice throughout the country.

Transfer of Judges

- CJI expected to take into account views of Chief Justice of sending and receiving High Court.
- Should also take into view of one or more Supreme Court judges.
- Final call is taken by Collegium of CJI +4 senior most judges of SC.
- The proposal for transfer of the Judge, including the Chief Justice should be referred to the Government of India alongwith the views of all those consulted in this regard.

Transfer of Judges

- After receiving proposal for transfer, union law minister would submit recommendation along with relevant papers to the PM who would further recommend to President.

Judicial Accountability

- **CJI Sanjiv Khanna** set up a **three-judge committee** (Justice Sheel Nagu, Justice G.S. Sandhawalia, Justice Anu Sivaraman) under the Supreme Court's **1999 in-house procedure** to examine misconduct allegations.
- The panel heard **55 witnesses**, made scene visits, video-recorded statements to ensure veracity, and produced a **64-page report** after a ten-day probe.
- Key finding: **cash was present in the store room under the effective control of Justice Varma and family members**, and witness evidence corroborated the presence of large amounts of currency.
- The committee concluded the misconduct was **serious enough to recommend initiation of removal proceedings**.

Judicial Accountability

- Key finding:
Cash was present in the store room under the effective control of Justice Varma and family members, and witness evidence corroborated the presence of large amounts of currency.
- The committee concluded the misconduct was **serious enough to recommend initiation of removal proceedings.**

Judicial Accountability

- **Recommendation and its fallout**
- On **8 May** the in-house panel's findings were forwarded, and the Chief Justice's recommendation led to **parliamentary impeachment steps**.
- A **cross-party movement** followed: on **21 July 2025**, **152 MPs** delivered a memorandum to the Lok Sabha Speaker seeking initiation of removal proceedings; over **200 MPs** across parties later supported motions in both Houses.
- Justice Varma has **denied the allegations**, called them conspiratorial, and filed a **writ petition in the Supreme Court** seeking to quash the recommendation on procedural and evidentiary grounds.

Judicial Accountability

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Judicial Accountability

- **Constitutional and statutory framework for removal**
- Removal process draws on **Articles 124(4)-(5)** (Supreme Court) and **Article 218** (High Courts) together with the **Judges (Inquiry) Act, 1968**:
 - Stage 1: Notice by 100 Lok Sabha or 50 Rajya Sabha MPs; Speaker/Chair may admit or reject.
 - Stage 2: If admitted, a **three-member inquiry committee** (SC judge, HC chief justice, distinguished jurist) investigates.

Judicial Accountability

- **Constitutional and statutory framework for removal**
 - Stage 3: Committee frames charges, judge gets copy and chance to defend; report is laid before Parliament.
 - Stage 4: **Adoption in each House** requires a majority of total membership **and** two-thirds of members present and voting.
 - Stage 5: **President orders removal** after both Houses pass the motion.

Judicial Accountability

Lok Sabha Speaker Om Birla on Tuesday (August 12, 2025) set in motion the process of removing Justice Yashwant Varma of Allahabad High Court by admitting a motion, signed by 146 members, and constituting a three-member inquiry committee to probe the charges against Justice Varma.





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Judicial Accountability

- The inquiry committee comprises Supreme Court judge Justice Aravind Kumar, Madras High Court Chief Justice Manindra Mohan Shrivastava and senior **Karnataka High Court advocate B.V. Acharya.**
- The Speaker had accepted the proposal and constituted a three-member committee for the removal of Justice Varma from his post in accordance with Section 3(2) of the Judges (Inquiry) Act 1968.

Judicial Accountability

- **Five notable attempts since Independence**

(Attempts brought; only two reached full parliamentary debate – one led to resignation.)

(i) Justice V. Ramaswami (1993) – Supreme Court judge

- Allegation: financial misconduct during tenure as Chief Justice of Punjab & Haryana HC.
- Lok Sabha debated the motion (May 10–11, 1993). Large abstentions led to the motion's failure – it did not secure the required two-thirds of votes.

Judicial Accountability

(ii) Justice Soumitra Sen (2011) – Calcutta High Court judge

- Allegations: misappropriation of funds as a court-appointed receiver.
- Rajya Sabha adopted the motion after an inquiry committee; Justice Sen subsequently **resigned**, and further Lok Sabha discussion was not pursued.

(iii) Justice S. K. Gangele (2011) – Madhya Pradesh High Court judge

- Motion signed by over 50 Rajya Sabha MPs over sexual-harassment allegations.
- The inquiry committee found **insufficient material**; the motion was dropped.

Judicial Accountability

(iv) Justice C. V. Nagarjuna Reddy (2017) – Andhra Pradesh & Telangana HC judge

- Motion signed by over 50 Rajya Sabha MPs alleging physical assault of a lower court judge.
- Several signatories withdrew; the motion fell short of the minimum 50 MPs required and lapsed.

(v) CJI Dipak Misra (2018) – Chief Justice of India

- Opposition parties submitted a motion alleging misbehaviour/incapacity.
- Rajya Sabha Chairman **M. Venkaiah Naidu** rejected the motion, holding the charges related to internal administration and not to constitutional “misbehaviour.”