

ADMINISTRATION OF UNION GOVERNMENT

1. President

The President is the head of the Indian State. He is the First Citizen of India and acts as the symbol of Unity, Integrity and Solidarity of the Nation.

Qualification and Election of the President

Article 58 says;

1. No person shall be eligible for election as President unless he is

- a citizen of India
- has completed the age of 35 years
- is qualified for election as a member of the Lok Sabha

2. A person shall not be eligible for election as President if he holds any office of profit under the government of India, or the government of any state, or under any local or other authority subject to the control of any of the said governments.

Article 52 of our Constitution lays down that there shall be a President of India. Article 53 lays down that the executive power of the Union shall be vested in the President and shall be exercised by him directly or indirectly.

Further Article 52 provides that the nomination of a candidate for election to the office of President must be subscribed by at least 50 electors as proposers and seconded by another 50 electors of the Electoral College. Every candidate has to make a security deposit of ` 15,000/- in the Reserve Bank of India.

This amount will be forfeited if the candidate does not secure 1/6 of the votes polled.

The President is elected not directly by the people but by members of Electoral College consisting of:

- The elected members of both the houses of Parliament
- The elected members of the legislative assemblies of the states
- The elected members of the legislative assemblies of the union territories of Delhi and Pondicherry, Jammu & Kashmir.

The President's election is held in accordance with the system of proportional representation by means of single transferable vote and the voting is by secret ballot. This system ensures that the successful candidate is returned by the absolute majority of votes.

Electoral Quota = Total number of valid votes polled in the election / Number of electors to be elected

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

Each member of the Electoral College is given only one ballot paper. The voter, while casting his vote, is required to indicate his preferences by marking 1,2,3,4 etc against the names of the candidates. This means the voter can indicate as many preferences as there are candidates in the fray. In the first phase, the first preference votes are counted. In case a candidate secures the required quota in this phase, he is declared elected. Otherwise, the process of transfer of votes is carried out. The ballots of the candidate securing the least number of first preference votes are cancelled and his second preference votes are transferred to the first preference votes of other candidates. This process continues till a candidate secures the required quota.

Oath by the President

Before entering upon his office, the President has to make and subscribe an oath or affirmation. In his oath, the President swears:

- To faithfully execute the office;
- To preserve, protect and defend the constitution and the law; and
- To devote himself to the service and wellbeing of the people of India.

The oath of office to the President is administered by the Chief Justice of India and in his absence in the presence of the senior most judge of the Supreme Court.

Entitlement to the President

- He is entitled without payment of rent to use his official residence (The Rashtrapathi Bhavan-Delhi)
- He is entitled to such emoluments, allowances and privileges as may be determined by the Parliament
- The President is entitled to a number of privileges and immunities. He enjoys personal immunity from legal liability for his official acts. During his term of office, he is immune from any criminal proceedings

Term, Impeachment and Succession

Term

Article 56 says that the President shall hold office for a term of 5 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 Vice-President. Further he can also be removed from the office before completion of his term by the process of impeachment. The 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.

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

Impeachment

Article. 61 of the Constitution lays down a detailed procedure for the impeachment of the President. For the impeachment of the President, first, a charge for impeachment has to be made in either House of the Parliament by a resolution signed by at least one fourth of the total number of members of the House and moved by giving at least 14 days' advance notice. Such a resolution must be passed by a majority of not less than two thirds of the total number of members of the House when a charge is so presented by one House, it should be investigated by the other House. After the investigation, if a resolution is passed by the other house by a majority of two thirds of its total number of members, the President stands removed by impeachment from his office from the date of passing of the resolution.

Succession

A vacancy in the President's office can occur in any of the following ways:

1. On the expiry of his tenure of five years
2. By his resignation
3. On his removal by impeachment
4. By his death
5. When he becomes disqualified to hold office or when his election is declared void.

If the vacancy occurs due to resignation, removal or death, then election to fill the vacancy should be held within six months and the Vice- President will act as the President until a new President is elected. Further, when the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice- President discharges his functions until the President resumes his office. In case the office of the Vice-President is vacant, the Chief Justice of India or if his office is also vacant, the senior most judge of the Supreme Court acts as the President or discharges the functions of the President.

Functions and Powers of the President

He convenes the parliament, addresses and prorogues the same. He nominates 12 members of eminence in different fields to the Rajya sabha and two Anglo Indian members to the Lok Sabha (Repealed – by 104th Constitutional Amendment Act), 2020. He enjoys veto power over non-money bills of the parliament and can send back non-money bills for reconsideration of the parliament, he can convene joint sessions of Rajya Sabha and Lok Sabha; He can promulgate ordinances for a period not exceeding six months. He can also has

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

veto powers over certain State legislations. He prompts and facilitates the institution of Council of Ministers headed by the Prime Minister, and ensures that the council of Ministers enjoy the support of the majority in the Lok Sabha. The President alone installs the ministers and distributes portfolios to them, he can also, dismiss the ministry, if he feels that the ministry does not enjoys the majority support in the Lok Sabha. He nominates members to various constitutional bodies, including the judiciary, armed forces and diplomatic corps. The President enjoys enormous powers during the periods of emergencies, can suspend any law, can dissolve ministries and legislatures for specified periods. He can also commute capital punishments.

2. Vice-President

On the pattern of the Constitution of USA, the Indian Constitution provides for the office of the Vice-President of India (Article 63). The Vice-President of India occupies the second highest office in the country.

Election

The Vice-President of India is elected by the elected members of both Houses of Parliament by secret ballot on the basis of proportional representation system, by means of the single transferable vote.

Qualification

To be eligible for election to the office of Vice-President, (a) candidate must be a citizen of India, (b) must have completed the age of thirty five years, (c) must be eligible for election as a member of the Rajya Sabha, and (d) must not hold any office of profit. In this connection provisions similar to those relating to the President apply.

Terms of Office

The Vice-President is elected for a term of five years. He can voluntarily resign from his office before the completion of his term of office by writing to the President. He may also be removed from his office, if a resolution to that effect is passed by the Rajya Sabha by an absolute majority of its members and agreed to by the Lok Sabha. However fourteen days have to be given to move such resolution.

Functions and Duties

The Vice-President is the ex-officio Chairman of the Rajya Sabha (Article 64 of the Indian Constitution). He presides over the meetings of the Rajya Sabha. As the presiding officer of the Rajya Sabha, his functions and powers are similar to those of the speaker of Lok Sabha. He draws his salary as the chairman of the

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

Rajya Sabha because the Vice-President's office itself carries no salary. In the event of occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until a new President is elected. This period shall not exceed six months. While acting as President the Vice-President gets salary, allowance, emoluments etc., as may be fixed by Parliament by law, and during that time he does not perform the duties of the chairman of Rajya Sabha.

3. The Prime Minister

Introduction

Executive: The Constitution provides for a collegiate executive.

i.e Council of ministers under the chair members of the Prime Minister

Meaning: A body of persons having authority to initiate major policies, make decisions and implement them on basis of the Constitution and laws of the country.

There are two important organs of the Union Government.

- The Union Legislature (or) the Union Parliament
- The Union Executive

In the previous unit you have learnt about the Union Legislature. Let us now deal with Union Executive. You should remember that articles 52 to 78 in Part V of the Indian Constitution deal with "Union Executive".

India has adopted the British Parliamentary executive mode with the Prime Minister as the Head of the Government. Prime Minister is the most important political institution. But in the council of Ministers (Cabinet), the Prime Minister is *primus inter pares* (first among equals).

Appointment

The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister. There is no direct election to the post of the Prime Minister. Article 75 says that the Prime Minister shall be appointed by the President. Appointment is not by the choice of the President. The President appoints the leader of the majority party or the coalition of the parties that commands a majority in the Lok Sabha, as the Prime Minister. In case, no single party gets a majority, the President appoints the person most likely to secure a majority support. The Prime Minister does not have a fixed tenure. He/she continues in power so long as he/she remains the leader of the majority party or coalition.

Functions and Position

The first and foremost function of the Prime Minister is to prepare the list of his ministers. He meets the President with this list and then the Council of Ministers is formed. Very important ministers are designated as Ministers of the Cabinet rank, others are called Ministers of State, while ministers belonging to third rank are known as Deputy Ministers. It is one of the discretionary powers of the Prime Minister to designate a minister as Deputy Prime Minister. The President allocates portfolios among the ministers on the advice of the Prime Minister. The Prime Minister may keep any department or departments under his control; he may also advise the President to reshuffle portfolios of his ministers from time to time; he may bifurcate or trifurcate a department or have different departments amalgamated into one department.

The Prime Minister's pre eminent position is evident from these points:

1. He/She is the leader of the party that enjoys a majority in the popular House of the Parliament (Lok Sabha).
2. Has the power of selecting other ministers and also advising the President to dismiss any of them individually or require any of them to resign.
3. The allocation of business amongst the Ministers is a function of the Prime Minister. He can transfer a minister from one Department to another.
4. Is the Chairman of the Cabinet, summons its meetings and presides over them. The Prime Minister is also the Chairman of many bodies like Inter-State Council, Nuclear command Authority and many more.
5. Is in-charge of co-coordinating the policy of the government and has accordingly a right of supervision over all the Departments.
6. While the resignation of a Minister merely creates a vacancy, the resignation or death of the Prime Minister means the end of the Council of Ministers.
7. The Prime Minister is the sole channel of communication between the President and the Ministers and between the Parliament and his Ministers. He/she is the chief spokesperson of the government in foreign affairs.

4. Prime Minister's Office

Meaning

Being the head of the government and the real executive authority, the Prime Minister plays a very vital role in the politico- administrative realm of our country. In order to fulfill his responsibilities, the Prime Minister is assisted by the Prime Minister's Office (PMO). The Prime Minister's Office is an agency meant for providing secretarial assistance and advice to the Prime Minister. It is

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

an extra constitutional body which offers important role in the top level decision making process of the Government of India. The Prime Minister `s Office has the status of a department of the Government of India. The Prime Minister `s Office came into existence in 1947. Till 1977, it was called Prime Minister `s Secretariat (PMS). The Prime Minister `s Office is headed politically by the Prime Minister and administratively by the Principal Secretary.

The Prime Minister`s Office performs Several Functions

Functions

1. Assists the prime minister in his overall responsibilities as head of the government, in maintaining communication with the central ministries/departments and the state governments.
2. Helps the prime minister in his responsibilities as chairman of the Niti Aayog and the National Development Council.
3. Looks after the public relations of the prime minister like contact with the press and the general public.
4. Deals with all references, which under the Rules of Business have to come to the Prime Minister.
5. Provides assistance to the Prime Minister in the examination of cases submitted to him for orders under prescribed rules.
6. Maintains harmonious relationship with the President, Governors and foreign representatives in the country.
7. Acts as the `think- tank` of the Prime Minister. It deals with all such subjects that are not allotted to any department/ministry.
8. It is not concerned with the responsibility of the Prime Minister as the chairman of the union Cabinet. The Cabinet cases are directly dealt by the Cabinet secretariat, which also functions under the direction of the prime minister.

5. Central Council of Ministers

Article 74th of the Constitution lays down that there shall be a Council of Ministers with the Prime Minister as the head to aid and advice the President, who shall in the exercise of his functions, act in accordance with the advice of the Council of Ministers. That means, there shall always be a Council of Ministers. The President accepts the advice of the Council of Ministers. The Council of Ministers consists of three categories of ministers, namely, Cabinet Ministers, Ministers of State and Deputy Ministers. While the Cabinet Ministers are involved in policy decision making, the other two categories have mere

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

administrative responsibilities. The difference between them lies in their respective ranks, emoluments and political importance. At the top stands the Prime Minister, the supreme governing authority of the country.

Appointment of the Council of Ministers

Under Article 75th of the Constitution, the Prime Minister is appointed by the President and the other ministers are appointed by the President on the advice of the Prime Minister. The ministers hold office during the pleasure of the President. While the ministers are also appointed by the President and are said to hold office during the pleasure of the President as per the Constitution, in actual practice, the ministers are selected by the Prime Minister and the President cannot appoint anyone not recommended by the Prime Minister.

Collective and Individual responsibility of the Council of Ministers

The Constitution of India provides that the Ministers are collectively and individually responsible to the Lok Sabha. The collective responsibility of the Council of Ministers means that the entire Council of Ministers is jointly responsible to the Lok Sabha for all the acts of the government. It also means that the ministers must not speak in public in different voices. All the ministers of the government are expected to be unanimous in support of policies on all public occasions and issues.

6. Cabinet Secretary

Every Cabinet Minister is assisted by a Cabinet Secretary. Among them the Cabinet Chief Secretary is given a top place among the civil servants in the official ladder. He is the Chairman of the Senior Selection Board that selects officers for the post of Joint Secretary in the Central Secretariat. He presides over the conference of Chief Secretaries which is held annually. He acts as the Chief Advisor to the Prime Minister on all aspects of administration and policy. He acts as the link between Prime Minister's Office and various administrative agencies and also between civil service and the political system.

7. Union Legislature: The Parliament

The Parliament is known as Union Legislature or National Legislature, which is a supreme body of decision making and symbol of democratic governance. The Parliament is the most powerful platform with accountability for debating on the issues regarding welfare of the country and its people and enacting laws and making changes to the constitution.

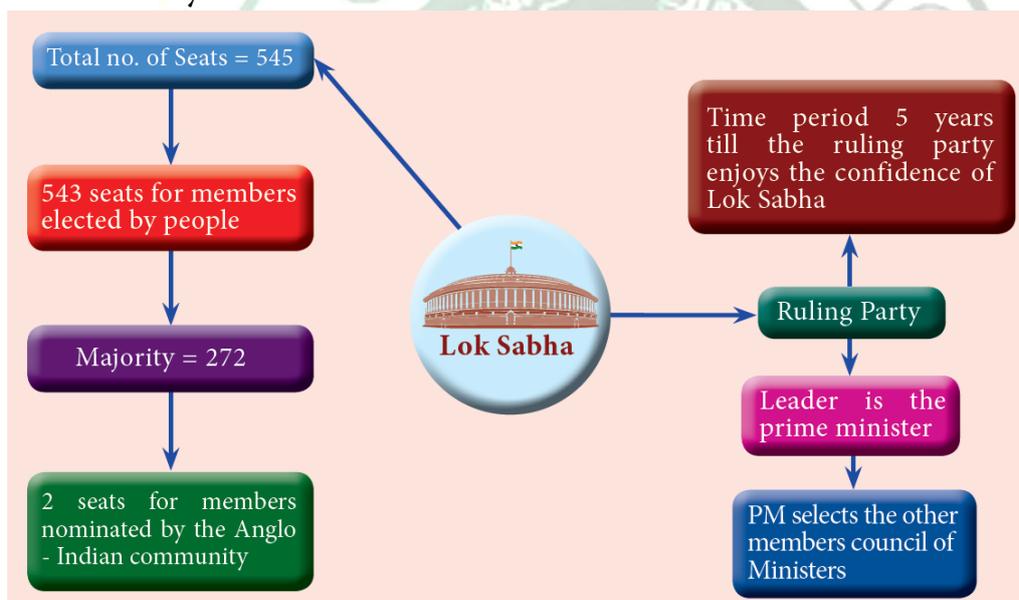
It has two important powers and functions called as legislative and financial. The legislative powers are for law making and the financial powers are to prepare

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

money bill as called as budget. Also the parliament has electoral functions with regard to elect the President and the Vice- President of India.

The Parliament has judicial function also on the matters of the proposals for the removal of the President, Vice – President, Judges of the Supreme Court and High Courts and the process of removal is called ‘impeachment’. It is the duty of the President to summon the Parliament and it must have not less than two sessions in a year. Every year, at the commencement of the first session of the parliament, the President delivers his special address which would be the future course of action of the parliament in view of giving framework for new policies, programmes and initiatives of the government. The parliament of India has functions of legislation, overseeing of administration, passing of the budget, ventilation of public grievances, and discussing national policies and issues of concern. The cabinet, both individually and collectively is accountable to and removable by the Lok Sabha.



8. Functioning of House of People (Lok Sabha)

The parliament has two houses and both houses carry the same values and responsibilities with a few exception such as passing the finance bills. The first one is the Lok Sabha (Lower House or House of People) with 543 members elected from 543 Parliamentary constituencies across the country directly by the people who have attained the age of 18 and above and registered as voters. The Lok Sabha has 2 nominated members from the Anglo- Indian community (Repealed).

The grand total number of members in the Lok Sabha is 545, but the nominated members cannot decide the government when it proves majority on

UNIT - II

the floor of the House. The Lok Sabha is the highest forum for discussion, debate on public issues, interest and policies to cater to the socio-economic needs of the people.

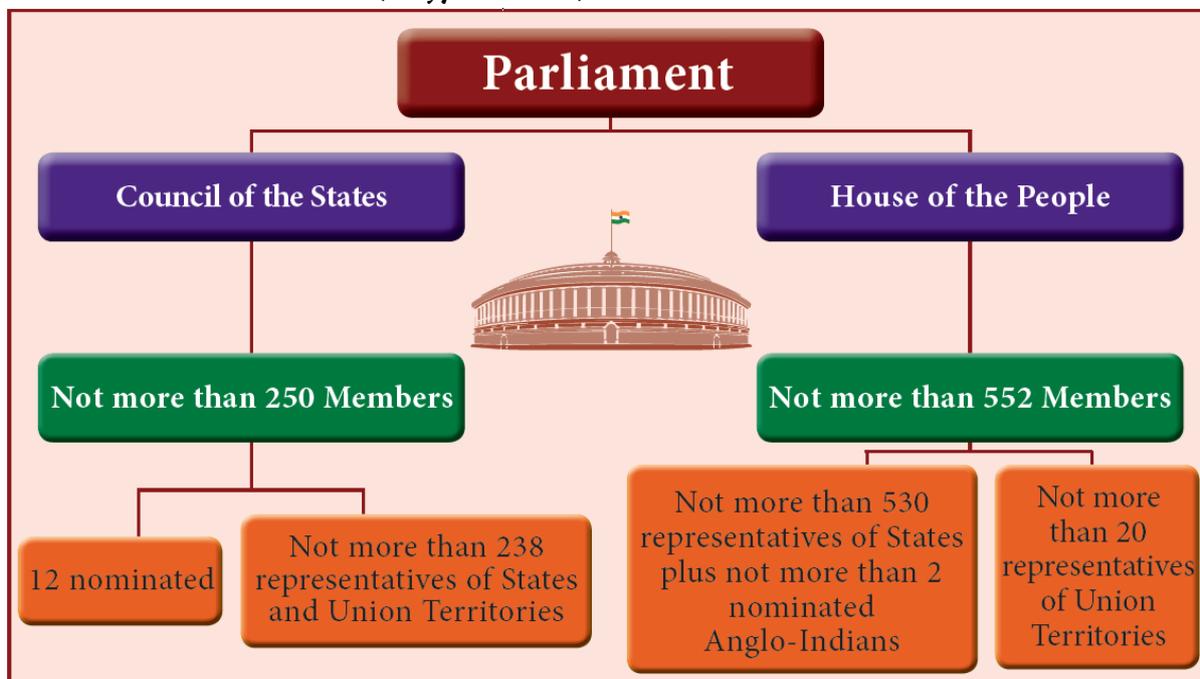
The members of both houses are generally called by the public as Member of Parliament. Member of Parliament, Lok Sabha is one who represents the constituency of the state, comprising of six Assembly constituencies, directly elected by the people through elections. The term of the Lok Sabha is for five years.

Powers of the Lok Sabha

1. The Lok Sabha is the most powerful political institution which reflects the political, social and economic conditions of the country, holds highest responsibility and virtually represents the entire population.
2. The Lok Sabha is constituted with members elected directly by the people. These members represent the varied interests of the people. Thus it becomes the apex democratic institution. It is here that the nation's policies, programmes and laws emerge.
3. The Lok Sabha makes the Laws on the matters of Union List and Concurrent List. It can enact new laws and repeal existing law or amend the same. It has an exclusive authority over money bills.
4. The special power of the Lok Sabha is that once it passes the budget or any other money related law, the Rajya Sabha cannot reject it. But the Rajya Sabha can only delay the law for 14 days and if Rajya Sabha suggests any changes regarding the law, it is upto the Lok Sabha to accept or reject it.
5. One of the privileges of the Lok Sabha is preparing and presenting the budget and financial statement, which is an over the nation's economy.
6. The Lok Sabha controls the executive by asking questions, supplementary questions, passing resolutions, motions and no confidence motion.
7. The Lok Sabha has the power to amend the constitution and approve the proclamation of emergency.
8. The Lok Sabha involves in electing the President and Vice-President of India.
9. The Lok Sabha has power to establish new Committees and commissions and tabling their reports for debate and discussion and further consideration for implementation.
10. The Lok Sabha controls the council of Ministers and a Prime Minister, who enjoys the majority support of it. If the Prime Minister loses the confidence of the Lok Sabha, the entire government has to quit and face the election.

MANIDHANA EYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA
UNIT - II

9. Council of the States (Rajya Sabha)



The Rajya Sabha or the Council of States is called as upper house. It has a total number of 250 members including 238 from all the states and union territories and 12 members nominated by the President. The council of states Rajya Sabha is called as second chamber of the Parliament of India. The Rajya Sabha is an institution to protect the rights and interests of the states like the senate in USA. It was constituted on 3rd April, 1952.

The members for Rajya Sabha are elected by the members of the respective State Legislative Assemblies (MLAs). Apart from the members of the states, twelve distinguished members from the fields of literature, science, art, and social service were nominated by the President of India. Unlike House of People, Council of States is not subject to dissolution but one third of the members retire every second year. The term of the individual member is six years. The members of the Council of States are elected by their respective state legislative assemblies in accordance with the system of proportional representation by means of the single transferable vote.

Functioning of Rajya Sabha

The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. The Chairman presides over the proceedings and regulates the Rajya Sabha.

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

Except the Money/Financial Bill all other bills will be placed before the Rajya Sabha for discussion, questions, motions and resolutions under the rules of procedure and conduct of business. The functions of Rajya Sabha may broadly be categorised as: Legislative, Financial, Deliberative and Federal. Legislation is by far the most important business of Rajya Sabha, as indeed of Parliament and in this sphere, Rajya Sabha enjoys almost equal powers with Lok Sabha. In the U.S.A, the representatives in the state council is called as Senate where every state has equal representation irrespective of size and population of the states. But in India, the representation in the Rajya Sabha is based on its size of population.

For example, Uttar Pradesh with the highest population elects 31 members to Rajya Sabha; on the other hand, Sikkim, the least populated state, elects only one member to Rajya Sabha. Tamil Nadu elects 18 members to the Rajya Sabha. The number of members to be elected from each State has been fixed by the fourth schedule of the Constitution. Members of the Rajya Sabha are elected for a term of six years and then they can be re-elected. The Rajya Sabha is known as Permanent House of the Parliament that never gets fully dissolved. Some of the important privileges and immunities are given to the Members of Rajya Sabha as follows.

Powers of Rajya Sabha

Position of Rajya Sabha

The Constitutional position of the Rajya Sabha (as compared with the Lok Sabha) can be studied from three angles:

1. Where Rajya Sabha is equal to Lok Sabha?
2. Where Rajya Sabha is unequal to Lok Sabha?
3. Where Rajya Sabha has special powers that are not all shared with the Lok Sabha?

Special Powers of Rajya Sabha

Due to its federal character, the Rajya Sabha has been given two exclusive or special powers that are not enjoyed by the Lok Sabha:

1. It can authorize the Parliament to make a law on a subject enumerated in the State List (Article 249).
2. It can authorize the Parliament to create new All-India Service common to both the Centre and states (Article 312).

An analysis of the above points makes it clear that the position of the Rajya Sabha in our constitutional system is not as weak as that of the House of Lords in the British constitutional system nor as strong as that of the Senate in the American

UNIT - II

constitutional system. Except in financial matters and control over the council of ministers, the powers and status of the Rajya Sabha in all other spheres are broadly equal and coordinate with that of the Lok Sabha.

Even though the Rajya Sabha has been given less powers as compared with the Lok Sabha, its utility is supported on the following grounds:

1. It checks hasty, defective, careless and ill-considered legislation made by the Lok Sabha by making provision of revision and thought.
2. It facilitates giving representation to eminent professionals and experts who cannot face the direct election. The President nominates 12 such persons to the Rajya Sabha.
3. It maintains the federal equilibrium by protecting the interests of the states against the undue interference of the Centre.

Equal Status with Lok Sabha

In the following matters, the powers and status of the Rajya Sabha are equal to that of the Lok Sabha:

1. Introduction and passage of ordinary bills.
2. Introduction and passage of Constitutional amendment bills.
3. Introduction and passage of financial bills involving expenditure from the Consolidated Fund of India.
4. Election and impeachment of the President.
5. Election and removal of the Vice- President. However, Rajya Sabha alone can initiate the removal of the vice- President. He is removed by a resolution passed by the Rajya Sabha by a special majority and agreed to by the Lok Sabha by a simple majority.
6. Making recommendation to the President for the removal of Chief Justice and judges of Supreme Court and high courts, chief election commissioner and comptroller and auditor general.
7. Approval of ordinances issued by the President.
8. Approval of proclamation of all three types of emergencies by the President.
9. Selection of ministers including the Prime Minister. Under the Constitution, the ministers including the Prime Minister can be members of either House. However, irrespective of their membership, they are responsible only to the Lok Sabha.
10. Consideration of the reports of the constitutional bodies like Finance Commission, Union Public Service Commission, comptroller and auditor general, etc.

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA
UNIT - II

11. Enlargement of the jurisdiction of the Supreme Court and the Union Public Service Commission.

Unequal Status with Lok Sabha

In the following matters, the powers and status of the Rajya Sabha are unequal to that of the Lok Sabha:

1. A Money Bill can be introduced only in the Lok Sabha and not in the Rajya Sabha.
2. Rajya Sabha cannot amend or reject a Money Bill. It should return the bill to the Lok Sabha within 14 days, either with recommendations or without recommendations.
3. The Lok Sabha can either accept or reject all or any of the recommendation of the Rajya Sabha. In both the cases, the money bill is deemed to have been passed by the two Houses.
4. A financial bill, not containing solely the matters of Article 110, also can be introduced only in the Lok Sabha and not in the Rajya Sabha. But, with regard to its passage, both the Houses have equal powers.
5. The final power to decide whether a particular bill is a Money Bill or not is vested in the Speaker of the Lok Sabha.
6. The Speaker of Lok Sabha presides over the joint sitting of both the Houses.
7. The Lok Sabha with greater number wins the battle in a joint sitting except when the combined strength of the ruling party in both the Houses is less than that of the opposition parties.
8. Rajya Sabha can only discuss the budget but cannot vote on the demands for grants (which is the exclusive privilege of the Lok Sabha).
9. A resolution for the discontinuance of the national emergency can be passed only by the Lok Sabha and not by the Rajya Sabha.
10. The Rajya Sabha cannot remove the council of ministers by passing a no-confidence motion. This is because the Council of ministers is collectively responsible only to the Lok Sabha. But, the Rajya Sabha can discuss and criticize the policies and activities of the government.

10. Law Making Process

The law making process in Indian Parliament stands evident for its democratic credentials. In the law making process, the role of opposition parties becomes much more important to reflect upon the relevance of the bill and its context so as to streamline the democratic governance.

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

The law is a guiding force to regulate the society, politics and economy for the welfare of the state and people. The law is primarily introduced in the Parliament in the form of 'bill' as proposed legislation for consideration of the legislature. The bill will be taken for thorough discussion in the parliament to have an understanding within the framework of the constitution.

The bill will become law once the legislature passed it and approved by the President. The law becomes an act only after getting consent from the President of India. The primary function of the Parliament is to make fresh laws and bring changes in the existing laws in accordance with the constitutional procedures.

The Parliament of India passes two types of bills such as:

1. Money Bill
2. Non-Money Bill or ordinary or public bills

An ordinary bill has to pass through different stages before becoming an Act. The procedures prescribed in the Constitution for passing the bills are of two different categories. These are as follows: An ordinary bill under consideration has to go through following stages and has to pass through both houses with discussions, suggestions and approval. An ordinary bill may be introduced in either House of the Parliament.

1. The first stage of the bill relates to the introduction of the bill in either house as 'Reading of the Bill'. Most of the bills are introduced by the Ministers concerned. The bill is drafted by the technical experts in that particular field and then council of ministers will approve the bill. The ordinary Member of Parliament can also introduce a bill which is called as 'Private Member Bill'. For the introduction of the bill it should be informed to the Speaker of the Lok Sabha or The Chairman of Rajya Sabha one month in advance. Then the date of introduction for the Private Member Bill will be fixed and allowed to move the bill in the floor of house. Generally, there will be no discussion on the proposed bill at this reading stage which is only a formal affair.

2. After the introduction of bill, it will be published in Gazette of India. The Speaker or the Chairman may allow some bills to be published in the Gazette even before the first reading, in that case, no motion for leave to introduce bill is necessary.

3. The Second Reading of the bill usually takes place after an interval of two days after the first reading. At this stage, any of the four courses are adopted.

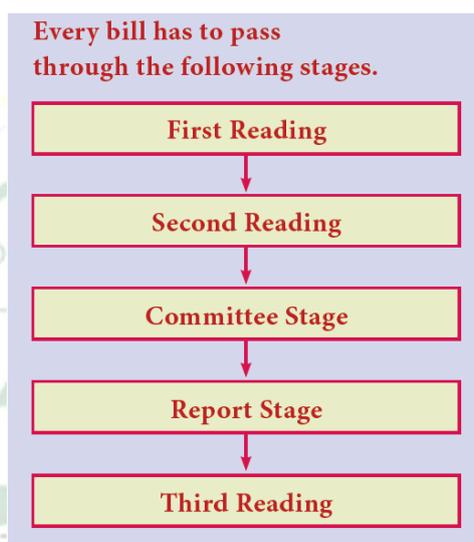
- The bill may be taken for consideration by the House at once.
- It may be sent to a select Committee of the House.

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

- It may be sent to a joint select Committee of the two Houses or
- It may be circulated for eliciting public opinion. Very rarely bills are taken up for consideration straight away.

When the bill is adopted for circulation (i.e. 4th course), the secretariat of the House concerned requests the State Governments to publish the bill in the State Gazettes inviting opinions from local bodies and recognized associations. Such opinions are circulated among the members of the House.



Committee Stage

If the bill is referred to a select Committee, the mover selects the members of the Committee, the Speaker or the Chairman of the House appoints one member of the Committee and the Chairman of the Committee. The Committee will study of the bill and reports back to the House.

Report Stage

The report stage is the most important stage where a bill is debated clause by clause. In this stage, the report is circulated along with original bill and the report of the Select Committee. The report stage is for giving final shape to the bill. Then the bill will be submitted for the Third Reading in which the bill is to be passed with majority of votes. The Third Reading is for formal approval by the Parliament.

After the bill is adopted at the Third Reading in either of the house, it is transmitted to the other House, where it goes through all the stages. The other house may accept the bill as it is. After coming across all the stages, it is sent to the President's assent.

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA UNIT - II

Once a bill is passed in its originating house, it also may be rejected in the other house. Otherwise, it may introduce amendments not acceptable to the original House, or may not return the bill within six months. In such a case, a constitutional deadlock develops between the two Houses. The President may call a joint session of the two Houses to resolve the deadlock. The Speaker or in his absence the Deputy Speaker presides over such joint sessions. The deadlock is dissolved by majority vote.

Finally, the bill is passed by both Houses and goes to the President for his assent. If the President assents to the bill, it becomes a law. But the President may return the bill for reconsideration. If the bill is sent back to the President with or, without amendments, the President cannot withhold his assent. Such a complicated and time-consuming procedure is adopted to prevent hasty legislation.

Private Member Bills:

If any member other than a minister introduces a bill, it is called a private member bill. The bill can be introduced by both ruling and opposition party MPs. Private Member bill is a bill proposed by a member who is not a member of the cabinet and executive. The session for private member bill is held at alternative Fridays from 2 pm to 6 pm.

This bill needs a month of notice; this has no impact on the health of the government when the private member bill gets rejected. Till date, the parliament has passed fourteen private member bills; the last one was passed on 1970. Most of the bill passed by the private member is not even read or discussed and dismissed. Private members bills are accepted even those are constitutional amendment bills but not that those are money bills.

11. Distribution of powers of the legislature

The legislative powers and functions of the Union and the States are clearly demarcated in seventh schedule of the Constitution of India. The powers on which both union and the states can legislate is clearly defined. The Constitution has classified the subjects for which the legislation can be made to perform the duties and responsibilities with specific powers for division of powers to avoid the seventh schedule of the constitution which provides for trifurcation of legislative powers;

1. The Union List
2. The State List and
3. The Concurrent List

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA

UNIT - II

The Union List includes the subjects over which the parliament has exclusive authority to make laws and change the existing laws. The State Legislature has exclusive authority over subjects mentioned in the state list. In the subjects enumerated in the 'Concurrent List' both the Union and the States can legislate. In the event of contradictions between the Union and States, the Union's authority will prevail. The residuary power is vested in the Centre.

12. Representing difference between Ordinary Bill and Money Bill

S.No.	Ordinary Bill	Money Bill
1	It can be introduced either in the Lok Sabha or the Rajya Sabha	It can be introduced only in the Lok Sabha and not in the Rajya Sabha.
2	It can be introduced either by a minister or by a private member.	It can be introduced only by a minister.
3	It is introduced without the recommendation of the President.	It can be introduced only on the recommendation of the President.
4	It can be amended or rejected by the Rajya Sabha	It cannot be amended or rejected by the Rajya Sabha. The Rajya Sabha should return the bill with or without recommendations, which may be accepted or rejected by the Lok Sabha.
5	It can be detained by the Rajya Sabha for a maximum period of six months.	It can be detained by the Rajya Sabha for a maximum period of 14 days only.
6	It does not require the certification of the Speaker when transmitted to the Rajya Sabha (if it has originated in the Lok Sabha).	It is requires the certification of the Speaker when transmitted to the Rajya Sabha.
7	It is sent for the President's assent only after being approved by both the Houses. In case of the deadlock due to disagreement between the two Houses, a joint	It is sent for the President's assent even if it is approved by only Lok Sabha. There is no chance of any disagreement between the two Houses and

	sitting of both the houses can be summoned by the President to resolve the deadlock.	hence, there is no provision of joint sitting of both the Houses in this regard.
--	--	--

13. Committees of the Parliament

Broadly, parliamentary Committees are of two kinds - Standing Committee and Ad Hoc Committees. The former are permanent (constituted every year or periodically) and work on a continuous basis, while the latter are temporary and cease to exist on completion of the task assigned to them.

Standing Committees

On the basis of the nature of functions performed by them, standing Committees can be classified into the following six categories:

1. Financial Committees

- a) Public Accounts Committee
- b) Estimates Committee
- c) Committee on Public Undertakings

2. Departmental Standing Committees (24)

3. Committees to Inquire

- a) Committee on Petitions
- b) Committee of Privileges
- c) Ethics Committee

4. Committees to Scrutinise and Control

- a) Committee on Government Assurances
- b) Committee on Subordinate Legislation
- c) Committee on Papers Laid on the Table
- d) Committee on Welfare of SC's and ST's
- e) Committee on Empowerment of Women
- f) Joint Committee on Offices of Profit

5. Committees Relating to the Day-to- Day Business of the House

- a) Business Advisory Committee
- b) Committee on Private Members' Bills and Resolutions
- c) Rules Committee
- d) Committee on Absence of Members from Sitzings of the House

6. House-Keeping Committees or Service Committees (i.e. Committee concerned with the Provision of Facilities and Service to Members):

- a) General Purposes Committee

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA
UNIT - II

- b) House Committee
- c) Library Committee
- d) Joint Committee on Salaries and Allowances of Members.

Ad Hoc Committee

Ad Hoc Committees can be divided into two categories, that is, Inquiry Committees and Advisory Committees.

Committee on Estimates: The major responsibility of the Committee is to suggest the examiner, estimator and recommendation on matters related to economic related policy issues and alternative policies, administrative reform, undertaking the tours and visits within and outside the state to study various schemes under execution in regard to the estimates under examination.

Committee on Public Accounts: The important functions of the Committee are to scrutinise the Appropriation Accounts of the State and the Report of the Comptroller and Auditor-General of India (Civil). Also looks into the Revenue receipts and the disbursement of money shown in the accounts applicable to the services or purposes to which they had been applied and charged.

Committee on Public Undertakings: This Committee is to examine the Audit reports and accounts of Public Undertaking from time to time. The Committee also examines the autonomy and efficiency of the Public Undertakings. This Committee is also taking note on the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices. The Committee also examines the Reports of the Comptroller and Auditor General of India on the Public Undertakings. The Committee examines the working of the Undertakings under its purview, hears officials or takes evidence connected with such undertakings and makes recommendations to the House.

14. Powers and Privileges of Members of Parliament

1. Freedom of speech in Parliament and immunity of a member from any proceedings in any court in respect of anything said or any vote given by him in parliament or any Committee thereof.
2. Immunity to a person from proceedings in any court in respect of the publication by under the authority of either House of Parliament of any report, paper, votes or proceedings.
3. Prohibition on the court to inquire into proceedings of parliament.
4. Immunity to a person from proceedings in any court in respect of the publication in Newspaper of a substantially true report of any proceedings of

either House of Parliament unless the publication is proved to have been made with malice.

5. Freedom from arrest of members in civil cases during the continuance of the session of the House and forty days before the commencement and forty days after its conclusion.

6. Exemption of a member from service of legal process and arrest within the precincts of the House.

15. Roles and Responsibilities of the Speaker

The leader of the House of the People is the Speaker – who is elected by the Lok Sabha, from among its members. The Speaker's duties are to conduct, facilitate the debates and discussions as well as the answers to questions, regulating the conduct of Members of the House and taking care of their privileges and rights. The Speaker of Lok Sabha is the administrative head of the parliamentary secretariat.

The Speaker also ensures that the members adhere to the appropriate procedures, and to allow the members to raise question, allotting time to speak and withdraw the objectionable remarks from record and moving a motion of thanks to the President's speech. The Speaker has the power to expel the members if they flout or violate the norms and rules of the house.

The permission of the Speaker is required to move amendments to a bill. It is up to the Speaker to decide whether the bill has to be moved or not. The Speaker plays the role of guardian of the rights and privileges of the house, its various Committees such as consultative, select, advisory and of members of that Committees. Another important power of the Speaker is to refer any question of privilege to the Committee of privileges for examining, investigating and reporting. The questions raised by the members and answers, explanations and reports are addressed to the Speaker.

The Speaker is the final authority to decide on the question of point of order. Under the constitution, the Speaker enjoys special provisions and certifies money bills. The Speaker of the House of the People presides the joint sessions of the parliament in case a special occasions or in the event of disagreement between the two houses on certain legislative measures. The Speaker decides whether a Bill is a Money Bill or not and his decision on this question is final. It is the Speaker who decides on granting recognition to the Leader of Opposition in the House of People. Under 52nd Constitution Amendment Act (Anti – defection), the Speaker has the disciplinary power to disqualify a member of the house on the

grounds of defection. Even though, the Speaker also one of the members of the House and holds neutral, does not vote in the house except rare occasions when there is a tie at the end of the decision.

16. Attorney General of India

The Constitution (Article 76) has provided for office of the Attorney General for India. He is the highest law officer in the country. He is appointed by the President. He must be a person who is qualified to be appointed the Judge of the Supreme Court. He may be removed by the President at any time. He may also quit his office by submitting his resignation to the President. Duties and Functions of Attorney

General of India

To give advice to the Government of India upon such legal matters which are referred to him by the President. Attorney General of India has the right of audience in all courts in the territory of India. Further he has the right to speak and to take part in the proceedings of both Houses of the Parliament or their joint sitting and any committee of the Parliament of which he may be named a member, but without a right to vote. He enjoys all the privileges and immunities that are available to a Member of Parliament.

17. Supreme Court of India

Uniqueness – Sources of Law – Jurisdiction and Powers – Organization

The Constitution of India provides for a three - tier judicial system:

- (1). The Supreme Court of India
- (2). The High Courts in the constituent States and
- (3). The District and Sessions Courts in the judicial districts in every state.

The Constitution also provides for an independent judiciary i.e. independence of the Executive and the legislature. In a democratic federal polity like India. The Supreme Court assumes a much bigger note as the guardian of the Constitution, as an arbitrator in disputes between States and the Union Government and in disputes among the States, and as the highest appellate Courts in all civil and criminal cases. It is endowed with the onerous responsibility of safeguarding and enforcing the fundamental rights and freedoms of all citizens of India. However, unlike the federal system in the USA, the Constitution of India of India does not provide for two sets of judiciary (one as federal, another for States). India has only a unitary judiciary system, with the Supreme Court as the apex Court, with authority over all other Courts in India.

UNIT - II

The Sources of Law: The Constitution is the fountain source of law in India. Statutes enacted by legislatures of the union, State or Union Territories become another source of law as long as these are in conformity the basics of the Constitution. Besides the subordinate legislations in the form of rules, regulations as well as by – laws of any administrative body, unless and until negated by the judiciary constitute the third source of law.

Jurisdiction and Powers on the Supreme Court: The Supreme Court has original, appellate and advisory jurisdiction. The original jurisdiction of the Supreme Court extends to all cases which can originate in the Supreme Court. These include disputes between the Government of India and one or more States, or between two or more States. In disputes involving fundamental rights, the Supreme Courts has both original and appellate jurisdiction. It can issue Writs of Habeas Corpus, Writ of Mandamus, Writ of prohibition, Writ of Certiorari and the Writ of Quo warranto.

The Supreme Court is the highest or Apex appellate Court in India, where appeals against judgments of High Courts can be made; (in both civil and criminal cases)

The Supreme Court of India has also been vested with certain Advisory Powers. The President can seek its advice on any legislative measure. However, the advice of the Supreme Court is not binding on the President (Article - 143).

The Supreme Court functions as the guardian of the Constitution; It is the final authority to interpret the Constitutional law, and has the authority to declare any law or executive action, or judgments of lower Courts ‘null and void’ if the Supreme Court find them against the letter and spirit of the Constitution. It is also the apex agency to safeguard the fundamental rights listed out in the Constitution.

Organization of the Supreme Court

The Supreme Court of India has been established by Part V, Chapter IV of the Constitution of India. Articles 124 to 147 of the Constitution lays down the composition and jurisdiction of the Supreme Court of India. Originally the Constitution provided for the chief Justice and seven lower ranking Judges. The Constitution enables the Parliament to increase this number. By 2008, the number of judge have been increased from eight to 30. By 2019, there are 34 judges including chief justice.

As to the appointment of the Supreme Court judges, The Chief Justice of India should consult a “Collegium” of four senior most judges of the Supreme Court.

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA**UNIT - II**

The Collegium makes the decision in consensus. Every Judge of the Supreme Court is appointed by the President after consultation with the cabinet and the Judges of the Supreme Court and such Judges shall hold office until they attain the age of sixty five years. If any of the judges wants to lay down office, he can do so through an hand written signed resignation letter to the President; the Parliament can remove a Judge through an impeachment. To be considered for the office of Judge, one must be a citizen of India and his qualification is per the Parliament's decision, and the should have been judge of High Court at least for a period of 5 years; or an advocates of a High Court or of two or more such courts in succession for at least 10 years or the person must be, in the opinion of the President, a distinguished jurist.

Appointments are generally made on the basis of Seniority**High Courts**

The High Court is the head of a State's judicial administration and every constituent state is expected to have a High Court. However, at present, four High Courts have jurisdiction over more than one state. Among the Union Territories, Delhi alone has a High Court of its own. Other six Union Territories come under the Jurisdiction of nearby State High Courts. Each High Court comprises of a Chief Justice and such other Judges as the President may from time to time, appoint. The Chief Justice of the High Court is appointed by the President in consultation with the Chief Justice of India and the Governor of the State. In appointing other judges, the Chief Justice of that High Court is also consulted. The Judges of the High Courts hold office until the age of 62 years and are removable in the same manner as a Judge of the Supreme Court. To be considered for appointment as a Judge one must be a citizen of India and have held a Judicial office in India for 10 years or must have practiced as an advocate of High Court.

The High Courts too have original and appellate jurisdictions, in cases arising within the territories of the State. Each High Court has powers of Superintendant over all courts within its jurisdiction. Though the High Courts are the party of single and integrated judicial system, yet they are completely independent judicial institutions. The Supreme Court has no direct administrative control over them, nor they are in any way controlled by either the legislature or executive of the State. But the Judge may be transferred from one High Court to another by the President in consultation with the Chief Justice of India.

The High Court too has the power to issue writ in cases involving 'Fundamental Rights'.

Legal Remedies for Safeguarding Fundamental Rights

Both the Supreme Court and High Court have the power to issue writs with a view to ensure quicker justice and early relief to persons whose rights are violated. There are five such writs.

1. Habeas Corpus: Literally means a demand to produce the person in body. It applies in cases where a person is alleged to have been illegally detained. This writ safeguards personal liberty of every individual.

2. Mandamus is a command to act law fully and to resist from penetrating an unlawful act, It is meant to direct any authority to perform its legal duty. Mandamus may be issued against any authority, Officers, Government or even judicial bodies that fail or refuse to perform a public duty and discharge a legal obligation.

3. Prohibition is issued by a higher Court to a lower court or tribunal for prohibiting it from exceeding its jurisdiction. Writ of Prohibition is issued only against a judicial or quasi – judicial body.

4. Certiorari too lies against judicial or quasi – judicial authorities, and it means 'to be informed'. The writ of certiorari is issued to quash illegal orders of judicial or quasi – judicial bodies

5. Quo – Warranto is a question asking 'with what authority or warrant'. This is meant ascertain the legal position in regard to claim of a person to hold a public office.

Besides these writs, the High Court's under Article 226 may issue other directions and orders in the interests of justice to the people.

18. Judicial Review

The Supreme Court and the High Courts in India are entrusted with the power of judicial review, which extends to adjudicating upon the Constitutionality of legislations as well as the legality of executive action.

Parliamentary and State legislations which contravened Constitutional requirements have been struck down by Judiciary.

Judicial review has been extended to review ability of Constitutional amendments by evolving the doctrine of the basic structure of the Constitution according to which a Constitutional amendment which destroys or damages an essential

feature of the Constitution, for example secularism, democracy and federalism, would be unconstitutional.

Public Interest Litigation

Any citizen of India can approach the courts for public case (upon the interest of the public) by filing a petition under (a) the Supreme Court by article 32, (b) in the High Court under article 226 and (c) in the magistrate court under section 133 of the CRPC. The guidelines provide that Public interest Litigations can be filed under the following categories: 1. Bonded labour matters, 2. Neglected children, 3. Non- payment of minimum wages, 4. Petitions from jails complaining of harassment, death in jail, speedy trial as a fundamental right etc. 5. Petitions against police for refusing to register a case, harassment of bride, bride burning, rape, murder, kidnapping etc. 6. Petitions complaining harassment or torture of persons belonging to scheduled caste and scheduled tribes. 7. Petitions pertaining to environmental pollution.

The Public interest Litigation jurisdiction forged by the Supreme Court is an extension of its jurisdiction under article 32 of the Constitution. Public interest Litigation is not in the nature of adversary litigation, but it is a challenge and an opportunity to the government and its officers to make such issues as human rights meaningful to the deprived and vulnerable sections of the society and to assure them socio-economic justice which is the signature tune of the Constitution. A Public interest Litigation may be filed against state and central government, municipal authority, but not against any private party.

Recently in India, many cases from the area of Public interest Litigation has come into picture which has been filed in the court of law. As in 2005 a case was decided by the Supreme Court named Common cause society Vs. Union of India. In this Public interest Litigation, the petitioner filed a Public interest Litigation praying to the court to enact a road safety act in view of the numerous road accidents. Secondly, in the Sangammal Pandey vs. State of UP case the Lucknow bench of the High Court stayed construction activities near Kanshiram memorial up to a specific date.

In the Peoples union for democratic rights Vs. Union of India case, the Supreme Court permitted Public interest Litigations at the instance of ‘public spirited citizens’ for the enforcement of Constitutional and legal rights of any person or group of persons who because of their socially or economically disadvantaged position are unable to approach the courts for relief. Public interest Litigation is

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA
UNIT - II

a part of the process of ‘participate justice’ and standing in civil litigation, of that pattern which has liberal reception at the judicial doorsteps.

19. Judicial Activism

In the Parmanand Katara vs. Union of India case the Supreme Court held in the Public interest Litigation filed by a human rights activist fighting for general public interest, that it is a paramount obligation of every member of the medical profession to give medical aid to every injured citizen as soon as possible without waiting for any procedural formalities.

The law making has assumed new dimensions through judicial activism of the courts. The judiciary has adopted a healthy trend of interpreting law in social context. Judicial activism describes judicial rulings suspected of being based on personal or political considerations rather than on existing law. The question of judicial activism is closely related to Constitutional interpretation, statutory constructions and separation of powers.

The Indian judiciary, being a wing of the State has thus played a more activist role than its US counterpart in seeking to transform Indian society into a modern one, by enforcing the modern principles and ideas in the Constitution through court verdicts. Article 21 of the Constitution has been called up frequently in the Supreme Court. Judgments upon this article suggest the trends of judicial activism.

In the A.K. Gopalan vs. State of Madras case, the Supreme Court rejected the argument that to deprive a person of his life or liberty, not only the procedure prescribed by law for doing so must be fair, but reasonable and just. However, subsequently in Menaka Gandhi vs. Union of India case this requirement of substantive due process was introduced into article 21 by judicial interpretation. Thus the due process clause, which was avoided by the Constitution makers, was introduced by judicial activism of the Supreme Court.

In subsequent decisions, the Supreme Court has upheld death sentences in cases such as Bagwan Dass vs. State of Delhi case, which involved honour killing of a man and woman for marrying outside their caste.

20. Rule of Law

The colonial regime introduced the English concept of ‘Rule of Law’ in India. The three major features of the Rule of Law are

1. All are equal before law
2. Nobody is above law and
3. The same law is applicable to all.

UNIT - II

The Rule of Law ensures 'equality of all citizens in the judicial process and reduces the scope of nepotism, favoritism, arbitrariness, unhealthy executive interferences in the judicial process. Rule of Law provides an effective check to the abuse of authority by executives and administrators. The procedural laws and constitutionally guaranteed fundamental rights ensure enforcement of Rule of Law.

21. Administrative Law

Administrative law is a branch of public law. It deals with the relationship of individuals and government. It determines the organization and power structure of administrative and quasi-judicial authorities to enforce the law. It is primarily concerned with official actions and procedures and puts in place a control mechanism by which administrative agencies stay within bounds. There are a few reasons for the development of administrative law in India.

Firstly, India is a 'Welfare State'. Government activities have increased and thus the need to regulate the same. Therefore, this branch of administrative law was developed. Secondly, there is the inadequacy of the legislatures. The legislatures have no time to legislate upon the ever changing needs of the society. Even if it does, the lengthy and time taking legislation procedure would render the rule so legislated of no use as the needs would have changed by the time the rule is implemented.

Thirdly, there is judicial delay in India. The judicial procedure of adjudicating matters is very slow, costly complex and formal. Furthermore, there are so many cases already lined up that speedy disposal of suites is not possible. Hence, the need for administrative tribunals arose. Fourthly, as administrative law is not a codified law there is a scope of modifying it as per the requirement of the State machinery. Hence, it is more flexible. The rigid legislating procedures need not be followed again and again.

Difference between Constitutional Law and Administrative Law

There is a basic difference between Constitutional law and administrative law. A Constitutional law is the supreme law of the land. No law is above the Constitutional laws and hence must satisfy its provisions and not be in its violation. Administrative law is therefore subordinate to Constitutional law. Constitutional law deals with the structure of the State and its various organs. Administrative laws deal only with the administration. Administrative authorities should first follow the Constitutional laws and then work as per administrative law.

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC GROUP II & IIA
UNIT - II

22. Indian Penal Code

The Indian Penal Code is the criminal code of India. It is a comprehensive code intended to cover all substantive aspects of criminal law. The code was drafted in 1860 on the recommendation of the first law commission of India established in 1834. It came into force in British India during the early British Raj period of 1862. The objective of this act is to provide a general penal code for India.

The Indian Penal Code has a basic format, it is a document that lists all the cases and punishments that a person committing any crimes is liable to be charged. It covers any person of Indian citizenship. The exceptions are the military and other armed forces, they cannot be charged based on the Indian Penal Code. They have a different set of laws under the Indian Penal Code as well. The Indian judicial system is one that has evolved into a stable and fair system of detention and penalizing, after being tested well for several years.

The most important feature of the Indian Penal Code is the impartial nature of judgments promoted by the document. The code stands alike for government employees, as for common man, and even for a judicial officer. It prevents any sort of corruption or misuse on the part of the people in power.