



UP - PCS

Provincial Civil Services

Prelims & Mains

Uttar Pradesh Public Service Commission, Prayagraj

General Studies

Paper 2 – Volume 1

Polity and Constitution



G.S. PAPER – 2 VOLUME – 1

POLITY AND CONSTITUTION

S.No.	Chapter Name	Page No.
1.	Basics of Indian Constitution <ul style="list-style-type: none"> • Functions of a Constitution • Evolution of Constitution of India • Working of the Constituent Assembly • constituent Assembly • Committees of the Constituent Assembly 	1
2.	Preamble <ul style="list-style-type: none"> • Key Terms related to Preamble • Preamble as a part of the Constitution 	9
3.	Salient Features of the Constitution <ul style="list-style-type: none"> • Parts and Schedules of Indian Constitution 	19
4.	Union And Its Territory <ul style="list-style-type: none"> • Constitutional Provisions • Evolution of states and Union Territories 	24
5.	Citizenship <ul style="list-style-type: none"> • Constitutional provisions • Citizenship • Citizenship Act 1955 • Overseas Citizens of India • Refugees in India • Safeguards to Refugees in India • Refugee and Asylum Seeker • Citizenship Amendment Act 2019 • National Register of Citizens 	29
6.	Fundamental Rights <ul style="list-style-type: none"> • Constitutional Provisions • Origin of Fundamental Rights • Features of Fundamental Rights • Six Fundamental Rights • Writs and Its Types • Restrictions on Fundamental Rights • Martial Law and Fundamental Rights • Rights Outside Part III of the Constitution • Exceptions To Fundamental Rights • Significance Of Fundamental Rights • Criticism of Fundamental Rights 	38
7.	Directive Principles Of State Policy <ul style="list-style-type: none"> • Constitutional Provisions • Feature of Directive Principles • Classification Of Directive Principles 	61

	<ul style="list-style-type: none"> • New directive principles subsequently added • Utility of Directive principles • Implementation of DPs • Conflict between DPSPs and Fundamental rights 	
8.	Fundamental Duties <ul style="list-style-type: none"> • Constitutional Provisions • Fundamental Duties • Features of Fundamental Duties • Criticism Of Fundamental Duties • Observations Of Verma Committee On Fundamental Duties 	68
9.	Constitutional Amendment <ul style="list-style-type: none"> • Constitutional Provisions • Types Of Amendment • Procedure for amendment: • Landmark Cases of Amendment in Constitution 	70
10	Basic Structure Of Constitution <ul style="list-style-type: none"> • Origin • Components of Basic Structure • Other Judgements related to Basic Structure of Constitution • Significance of Basic Structure Doctrine • Limitations of Basic Structure Doctrine 	73
11.	Parliamentary System <ul style="list-style-type: none"> • Constitutional Provisions • Parliamentary Government • Features of Parliamentary Government • Parliamentary v/s Presidential System • Merits of the Parliamentary System • Demerits Of The Parliamentary System • Indian v. British Model of Parliamentary System 	76
12.	Federal System <ul style="list-style-type: none"> • Federal v/s Unitary system • Federal features of the constitution • Unitary features of the constitution • Critical view of the Federal system 	79
13	Center State Relations <ul style="list-style-type: none"> • Constitutional Provisions • Legislative Relations • Administrative Relations • Financial Relations • Finance Commission • Effects of Emergencies • Administrative Reforms Commission • Rajmannar committee • West Bengal Memorandum • Sarkaria commission 	83
14	Inter State Relations <ul style="list-style-type: none"> • Constitutional Provisions • Adjudication of Inter-state water disputes • River Water Dispute tribunals • Councils 	97

15.	Emergency Provisions <ul style="list-style-type: none"> • Constitutional Provisions • Types of Emergency • Criticism of Emergency Provisions 	104
16.	President <ul style="list-style-type: none"> • Union Executive • Constitutional Provisions • Election of the President • Votes in Election • Qualifications • Oath for President's Office • Conditions for President's office • Immunities and Privileges of President's office • Term of President's Office • Impeachment of President • Vacancy in President's Office • Election on Vacancy • Powers of President • Veto Power of the President • Ordinance Making Power of The President (Article 123) • Pardoning Power of the President • Discretionary Power of President • Position of President 	110
17.	Vice President <ul style="list-style-type: none"> • Constitutional Provisions • Election • Qualification • Oath • Conditions of office • Emoluments • Term of office • Vacancy in office • Removal from office • Disputes regarding election of vice President • Powers of the Vice President 	118
18.	Prime Minister <ul style="list-style-type: none"> • Constitutional Provisions • Appointment • Oath • Qualification • Term of Office • Emoluments • Powers of Prime Minister • Relationship between President and PM 	121
19.	Central Council of Ministers <ul style="list-style-type: none"> • Constitutional Provisions • Composition • Appointment Of minister • Oath of the ministers • Salary of Ministers 	124

	<ul style="list-style-type: none"> • Nature of advice tendered by them • Responsibility of ministers • Cabinet vs central council of ministers • Kitchen cabinet/ inner cabinet • Shadow Cabinet • Cabinet Committees 	
20	Parliament <ul style="list-style-type: none"> • Constitutional Provisions • Composition of Parliament • Composition of the Two Houses • Membership of Parliament • Presiding officers of the Parliament • Leaders in Parliament • Devices of Parliamentary proceedings • Other devices • Legislative Procedure in Parliament • Budget in Parliament • Grants • Funds for Central Government • Powers and function of Parliament • Position of Rajya Sabha • Parliamentary Privileges • Sovereignty of Parliament • Parliamentary Committees • Parliamentary Forums • Parliamentary Groups 	129
21	Governor <ul style="list-style-type: none"> • Constitutional Provisions • Constitutional Position • Appointment of Governor • Qualifications • Term of Office • Conditions of Governor's Office • Salary • Immunities to Governor • Powers And Functions of the Governor 	167
22	Chief Minister <ul style="list-style-type: none"> • Constitutional Provisions • Appointment of CM • Oath • Term • Salary and allowances • Powers of Chief minister • Functions • Relationship with Governor 	173
23	State Council Of Ministers <ul style="list-style-type: none"> • Constitutional Provisions • Composition of ministers • Appointment • Oath 	176

	<ul style="list-style-type: none"> • Salary • Responsibility of Ministers • Rights of Ministers • Cabinet 	
24.	Privileges of State Legislature	179
25.	Special Provisions For Some States <ul style="list-style-type: none"> • Constitutional Provisions • Provisions For Maharashtra And Gujarat • Special provisions Related to Nagaland • Special provisions Related to Assam and Manipur • Special Provisions Related to Andhra Pradesh or telangana • Special Provisions for Sikkim • Special Provisions for Mizoram • Special Provisions for Arunachal Pradesh and Goa • Special Provisions for Karnataka 	192
26.	Union Territories <ul style="list-style-type: none"> • Formation of UTs • Administration of Uts • Special Provisions with respect to Delhi 	196
27.	Scheduled and Tribal Areas <ul style="list-style-type: none"> • Constitutional Provisions • Administration of Scheduled Areas • Administration of Tribal Areas 	198
28.	Panchayati Raj <ul style="list-style-type: none"> • Constitutional Provisions • Evolution of Panchayati Raj • 73rd Constitutional Amendment Act 1992 • PESA ACT 1996 • Finances of Pachayats • Reasons for Ineffective Performance of PRI 	200
29.	Municipalities <ul style="list-style-type: none"> • Constitutional Provisions • Evolution Of Urban Bodies • Salient Features • Composition • Duration • Disqualifications • State Election commission • Finances • Types of urban Government • Special Purpose Agency • Municipal Personnel • Municipal Revenues • Central Council of Local Government 	208
30.	Indian Judicial System <ul style="list-style-type: none"> • Supreme Court • High Courts • Subordinate Courts • Judicial Review • Judicial Activism 	215

	<ul style="list-style-type: none"> • Public Interest Litigation • Tribunals 	
31.	Constitutional Bodies	237
32.	Non-Constitutional Bodies	242
33.	Other constitutional Dimensions <ul style="list-style-type: none"> • Co-Operative Societies • Official Languages • Classical Languages Of India • Public Services • Rights And Liabilities Of The Government • Authoritative Text of the Constitution In Hindi Language 	245
34.	Provisions Relating To Certain Classes <ul style="list-style-type: none"> • Specification of Classes • Reservation for SCs and STs and Special Representation for Anglo-Indians in Legislature • Claims of SCs and STs to Services and Posts • Special Provision in Services and Educational Grants for Anglo-Indians • National Commissions for SCs, STs, OBCs • Control of the Union over the Administration of Scheduled Areas and the Welfare of STs 	256
35.	Elections <ul style="list-style-type: none"> • Constitutional Provisions • Types of Election in India • Need of Elections • Significance of Elections • Political Parties • Coalition Government • Election Machinery • Election Process • Election laws • 10th Schedule • Electoral Reforms • Current Issues in Indian Elections • Measures taken • Needed Reforms 	258

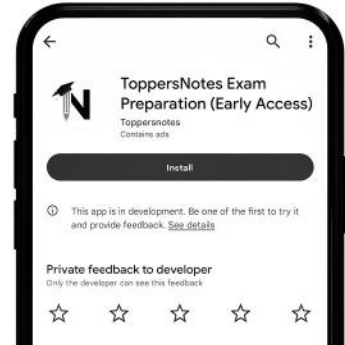
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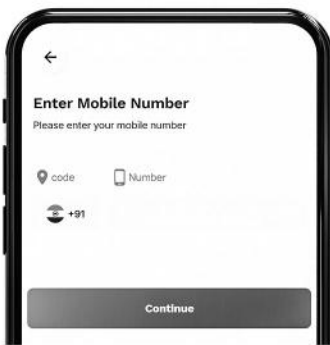
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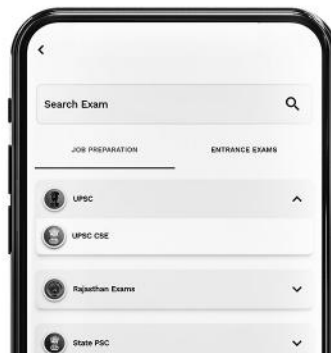
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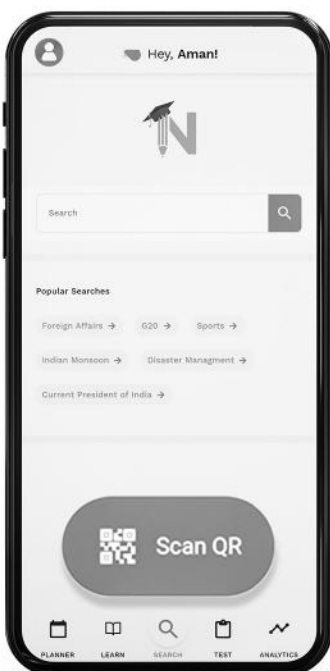
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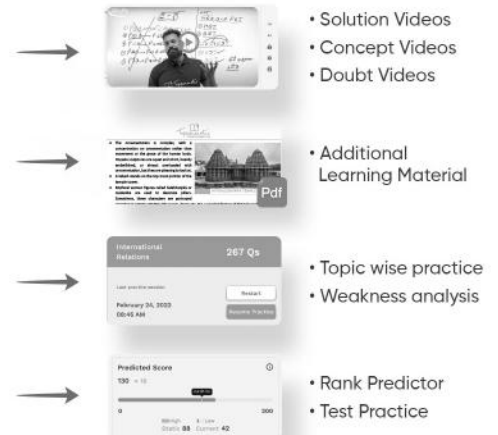
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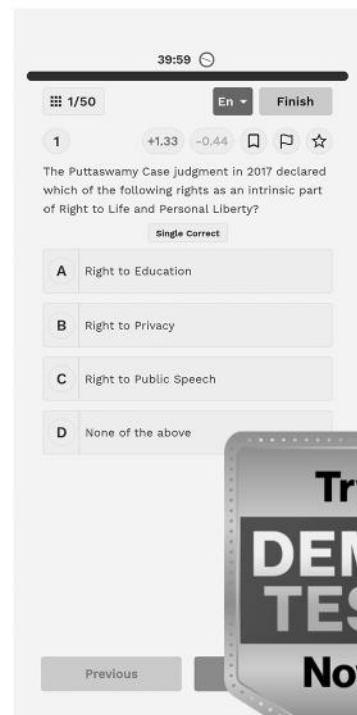
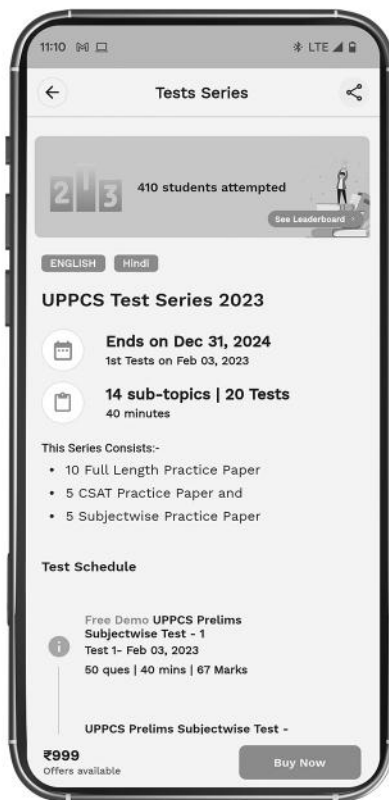
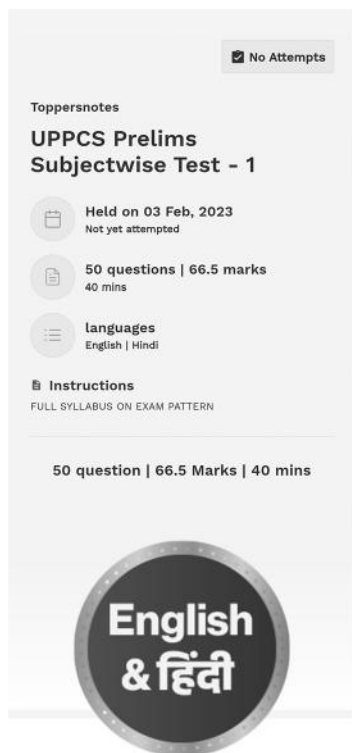
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1

CHAPTER

Basics of Indian Constitution



- A set of **fundamental legal-political rules** that:
 - **binding on everyone** in the state, including law making institutions;
 - concern the **structure and operation of** the institutions of **government**, political principles, and the **rights of citizens**;
 - based on widespread **public legitimacy**;
 - **harder to change than ordinary laws**;
 - recognized **criteria for a democratic system** in terms of **representation and human rights**.

Functions of a Constitution

- Declare and **define the boundaries** of the political community.
- Declare and **define the nature and authority** of the political community.
- Express the **identity and values of a national community**.
- Declare and **define the rights and duties** of citizens.
- **Establish** legislative, executive, and judicial **branches of government**.
- **Share power between different layers** of government or sub-state communities.
- Declare the **official religious identity of the state**
- Commit states to particular **social, economic, or developmental goals**.



Evolution of Constitution of India

Company Rule in India (1773-1858)



Regulating Act, 1773	<ul style="list-style-type: none"> • laid the foundation of Central Administration in India. • Governor of Bengal → Governor-General of Bengal. (Lord Warren Hastings) • Executive Council of 4 members to assist the GGB. • Governors of Madras & Bombay presidencies subordinate to GGB. • Set up the SC of Calcutta with 1 Chief justice and 3 other judges. • Court of Directors of the Company to report the British Government regarding Company's revenue, civil and military affairs in India.
Act of Settlement, 1781	<ul style="list-style-type: none"> • Safeguarded the GGB and its council from the jurisdiction of the SC. • provided immunity to the servants for their official actions. • Exempted revenue matters of Company from jurisdiction of the SC • SC to administer the personal law of the defendant. • GGB to frame regulations for Provincial Courts and Councils.
Pitt's India Act, 1784	<ul style="list-style-type: none"> • Established a system of Double Government. <ul style="list-style-type: none"> ○ Court of Director to manage Company's commercial affairs

	<ul style="list-style-type: none"> ○ Board of Control to manage its political affairs. ● Board of Control to supervise and direct civil and military operations and revenues of the British possessions in India. (First time acknowledged)
Charter Act, 1813	<ul style="list-style-type: none"> ● Abolished the trade monopoly of the Company in India <ul style="list-style-type: none"> ○ exceptions: trade in tea and trade with China. ● Authorized Local Governments to levy taxes
Charter Act, 1833	<ul style="list-style-type: none"> ● GGB = Governor-General of India (Lord William Bentinck) <ul style="list-style-type: none"> ○ Vested all civil and military powers ○ exclusive legislative powers of the entire British India. ● Company → purely administrative body.
Charter Act, 1853	<ul style="list-style-type: none"> ● Separated legislative and executive functions of the GGI's Council. ● 6 members Indian Legislative Council to function as mini parliament. ● open competition system for Indian Civil Services for Indians also. ● Introduced local representation in the Indian (Central) Legislative Council. (out of 6 members 4 to be appointed by the local governments of Madras, Bombay, Bengal and Agra)

Crown Rule in India (1858 to 1947)

Government of India Act, 1858	<ul style="list-style-type: none"> ● British Government took control over territory of India ● aka Act of Good Government of India. ● GGI = Viceroy of India (Lord Canning) <ul style="list-style-type: none"> ○ representative of British Crown in India. ● Board of Control and Court of Directors ceased to exist. ● Secretary of State for India, with complete authority and control over Indian administration. ● Created a 15 member Council of India to assist the SSI.
Indian Councils Act, 1861	<ul style="list-style-type: none"> ● Viceroy to nominate Indians as the non-official members (Lord Canning nominated 3 Indians: The Raja of Benaras, the Maharaja of Patiala and Sir Dinkar Rao) ● Decentralized legislative powers <ul style="list-style-type: none"> ○ Empowered the Bombay and Madras Presidencies. ● established new legislative councils for Bengal, North-Western Provinces and Punjab. ● Viceroy to make rules and orders for the Council <ul style="list-style-type: none"> ○ members of the council in-charge of and authorized to issue orders regarding their allocated departments ● Viceroy to issue ordinances in emergency with a validity of 6 months.
Indian Councils Act, 1892	<ul style="list-style-type: none"> ● Increased non-official members in Central and Provincial legislative councils. ● legislative councils can discuss budget and address questions to the executive. ● Provided for the nomination of some non-official members of the: <ul style="list-style-type: none"> ○ CLC by Viceroy based on recommendation of PLCs and Bengal Chamber of Commerce

	<ul style="list-style-type: none"> ○ PLCs by Governors on the recommendation of district boards, Municipalities, universities, trade associations, zamindars and chambers.
Indian Councils Act, 1909	<ul style="list-style-type: none"> ● aka Morley-Minto Reforms. ● members in the CLC ↑ from 16 to 60 and members in the PLCs also increased but not uniformly. ● members of LC can ask supplementary questions, move resolutions on the budget, etc. ● association of Indians with the executive councils of the Viceroy and Governors. (Satyendra Prasad Sinha as the Law member) ● communal representation for Muslims and separate electorate.
Government of India Act, 1919	<ul style="list-style-type: none"> ● aka the Montagu-Chelmsford Reforms. ● Separated Central and Provincial subjects. <ul style="list-style-type: none"> ○ Provincial subjects: <ul style="list-style-type: none"> ■ Transferred subjects: governed by the Governor with the aid of ministers of the LC ■ Reserved subjects: governed by the Governor with his executive council. ● Introduced bicameralism and direct elections in the country. ● 3 out of 6 members of the Viceroy's executive council = Indian. ● separate electorates for Sikhs, Indian Christians, Anglo-Indians and Europeans also. ● Granted franchise to a people based on property, tax or education. ● Created office of High Commissioner for India in London. ● set up a Central Service Commission for recruiting civil servants. ● Separated provincial budgets from the Central budget and authorized the provincial legislatures to enact their budgets.
Government of India Act, 1935	<ul style="list-style-type: none"> ● Established All India Federation = provinces + princely states. ● Divided powers into three lists: <ul style="list-style-type: none"> ○ Federal list (for Centre, with 59 items), ○ Provincial list (for Provinces, with 54 items) ○ Concurrent list (for both, with 36 items). ● Residuary Powers: vested in the Viceroy ● Abolished dyarchy in the provinces and introduced provincial autonomy. <ul style="list-style-type: none"> ○ introduced responsible Governments in provinces ● adoption of dyarchy at the Centre ● Federal subjects were divided into transferred subjects and reserved subjects. ● Introduced bicameralism in 6 out of 11 provinces (Bengal, Bombay, Madras, Bihar, Assam and the United Provinces). ● separate electorates for depressed classes, women and labour. ● Abolished the Council of India. ● Established <ul style="list-style-type: none"> ○ Reserve Bank of India to control currency and credit of the country. ○ Federal Public Service Commission, ○ Provincial Public Service Commission

	<ul style="list-style-type: none"> ○ Joint Public Service Commission. ○ Federal Court.
Indian Independence Act, 1947	<ul style="list-style-type: none"> ● gave immediate effect to Mountbatten Plan ● Ended British rule in India <ul style="list-style-type: none"> ○ declared India independent and sovereign state from August 15, 1947. ● partitioned of India and Pakistan as two independent dominions with right to secede from the British Commonwealth. ● empowered the Constituent Assemblies to frame and adopt any constitution of their respective nations ● abolished the office of SSI and transferred his powers to the Secretary of State for Commonwealth Affairs. <ul style="list-style-type: none"> ○ discontinued the appointment of Civil Servants ● dropped the title of Emperor of India of the King of England. <ul style="list-style-type: none"> ○ Crown ceased to be the Source of Authority. ○ deprived him of his right to veto bills or ask for reservation of certain bills for his approval. ● designated the GGI and provincial governors = constitutional (nominal) heads of the states.

Constituent Assembly

Cabinet Mission Plan provisioned to set up a Constituent Assembly of India:

- **total strength = 389 partly elected and partly nominated**
 - **296 seats** were allotted to **British India**
 - **292 members** from the **11 governors' provinces**
 - **4 from the 4 chief commissioners' provinces**
 - **93 seats** to the **Princely States**.
- **allotted seats in proportion to their respective population.**
- **Seats** allocated to each **British province** were to be **divided among Muslims, Sikhs and General (others), in proportion to their population.**
- representatives of each community → **elected by members of that community by proportional representation using a single transferable vote.**
- representatives of the **princely states** were to be **nominated by the heads of the princely states**
- members were **indirectly elected** by the members of the provincial assemblies.
- **did not present the sentiments of the masses** as the members of provincial assemblies themselves were elected on a limited franchise.
- **election for British Indian Provinces was held in July-August 1946.**
 - **Indian National Congress** won **208 seats**,
 - **Muslim League** won **73 seats**
 - **Independent players** held **15 seats**
- **seats of princely states were not filled** as they refrained from the Assembly
- Assembly had **representatives from every section** of the society
- **Mahatma Gandhi was not a member** of the Constituent Assembly.
- **On April 28, 1947** representatives of the **6 states became part of the assembly**



- after the **Mountbatten Plan of June 3, 1947**, most of the **princely states entered the assembly**.
- Later **Muslim League from the Indian dominion also joined the assembly**.

Working of the Constituent Assembly

- **first meeting:** December 9, 1946.
 - **Muslim League boycotted and demanded a separate state of Pakistan**
 - Only 21 members attended the first meeting.
 - **Dr Sachchidananda Sinha** was elected as the **interim President of the Assembly**, (French practice)
 - **Dr Rajendra Prasad** was elected as the **President of the Assembly**
 - **H.C. Mukherjee and V.T. Krishnamachari → Vice-President**



Objective Resolution:

- Presented on Dec 13, 1946, by **JL Nehru** in the Constituent Assembly, **unanimously adopted** by the assembly **on January 22, 1947**.
- **Important provisions:**
 - **proclaim India as the Independent Sovereign Republic**
 - **India, shall be a Union** of territories of British India that join it
 - **Boundaries determined by the Constituent Assembly** which shall possess **residuary powers and exercise all powers and functions** of the Government and administration implied in the Union
 - **power and authority** of Independent India **derived from the people**
 - shall **guarantee** to all the people of India
 - **justice**, social, economic and political;
 - **equality** of status of opportunity, and before the law;
 - **freedom** of thought, expression, belief, faith, worship, association and action
 - **adequate safeguards** shall be provided **for minorities, backward and tribal areas and depressed and other backward classes**
 - Maintain **integrity of the territory of the Republic and its sovereign rights** on land, sea and air according to justice and the law of civilized nations
 - **attains its rightful and honoured place in the world** and makes its full and willing **contribution** to the promotion of **world peace and the welfare of mankind**.



Changes after the Indian Independence Act, 1947

- **Assembly → fully sovereign body** to frame Constitution
- became the **legislative body**.
 - **responsible to frame the Constitution and enact ordinary laws** for the country.
 - **worked as the Constitutional body → chaired by Dr Rajendra Prasad**
 - **as a legislative body → G.V. Mavlankar** became chairman (till **Nov 26, 1949**).
- **Muslim League withdrew from the assembly**
 - **reduced the total strength** of the assembly **to 299** from 389.
 - **strength of Indian provinces reduced to 229** from 296
 - **princely states to 70** from 93.



Other Functions Performed by the Assembly

- Ratified India's membership of the Commonwealth in May 1949
- Adopted National Flag of India on July 22, 1947
- Adopted National Anthem on January 24, 1950
- Elected Dr Rajendra Prasad as the first President of India on January 24, 1950
- On January 24, 1950, the Constituent Assembly held its final session but continued as the provincial parliament from January 26, 1950, till the first general elections in 1951-52 were held.



Committees of the Constituent Assembly

	Committee	Headed by
Major Committee	Union Powers Committee	J.L. Nehru
	Union Constitution Committee	J.L. Nehru
	Provincial Constitution Committee	Sardar Patel
	Drafting Committee	Dr B.R. Ambedkar
	Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Sardar Patel
	Fundamental Rights Sub-Committee	J.B. Kriplani
	Minorities Sub-Committee	H.C. Mukherjee
	North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi
	Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee	A.V. Thakkar
	North-West Frontier Tribal Areas Sub-Committee	
	Rules of Procedure Committee	Dr Rajendra Prasad
	States Committee (for Negotiation with states)	J.L. Nehru
	Steering Committee	Dr Rajendra Prasad
Minor Committee	Finance and Staff Committee	Dr Rajendra Prasad
	Credentials Committee	A.K. Ayyar
	House Committee	B. Pattabhi Sitaramayya
	Order of Business Committee	Dr K.M. Munshi
	Ad-hoc Committee on National Flag	Dr Rajendra Prasad
	Committee on Functions of the Constituent Assembly	G.V. Mavalankar
	Ad-hoc Committee on the SC	S. Varadachari
	Committee on Chief Commissioners' Provinces	B. Pattabhi Sitaramayya
	Expert Committee on the Financial Provisions of the Union Constitution	Nalini Ranjan Sarkar
	Linguistic Provinces Commission	S.K. Dar
	Special Committee to Examine the Draft Constitution	J.L. Nehru
	Press Gallery Committee	Usha Nath Sen
	Ad-hoc Committee on Citizenship	S. Vallabhachari

Drafting Committee



- On **August 29, 1947**, set up to **prepare a draft of the new Constitution**.
- **seven-member committee** with
 - Dr B.R. Ambedkar → Chairman
 - N. Gopalaswamy Ayyangar
 - Alladi Krishnaswamy Ayyar
 - Dr K.M. Munshi
 - Syed Mohammad Saadullah
 - N.M. Rau
 - T.T. Krishnamachari
- **First draft published in February 1948**
- **second draft published in October 1948.**

Enactment of the Constitution



- **Dr B.R. Ambedkar introduced the final draft on Nov 4, 1948**, for first reading.
- **Second reading** held on **November 15, 1948**,
- **third reading** on **November 14, 1949**.
- **draft was passed on November 26, 1949 (Constitution day)**.
- **Constitution as adopted on November 26, 1949**, contained
 - **Preamble**
 - **394 Articles**
 - **8 Schedules**.
- Provisions of citizenship, elections, provisional parliament, temporary and transitional provisions and short title contained in Article 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393 **came into force on November 26, 1949**. The **remaining** provisions came into force **on January 26, 1950**.
- With the adoption of the Constitution, all the provisions under the Indian Independence Act, 1947 and the **Government of India Act, 1935 were repealed**.
- **Abolition of Privy Council Jurisdiction Act (1949)** continued.

Criticism to the Constituent Assembly



- **Not a Representative Body** - did not reflect the mass verdict due to election by the limited franchise.
- **Not a Sovereign body** as it was formed based on the proposals of the British Government and held its meeting with their permission.
- **Took greater time in framing** the Constitution as compared to the American constitution which took only 4 months.
- **Dominated by Congress**
- **Domination of Lawyers and Politicians**
- **Dominated by Hindus**

- **S.N. Mukherjee = chief draftsman** of the constitution
- **Prem Behari Narain Raizada = calligrapher**
 - **handwritten the original text** of the constitution in a **flowing italic style**.
- **beautified and decorated by** artists from **Shanti Niketan** including **Nand Lal Bose** and **Beohar Rammanohar Sinha**.
- **calligraphy of the Hindi version = Vasant Krishan Vaidya**
 - **decorated and illuminated = Nand Lal Bose**.
- **elephant = symbol** of the Constituent Assembly.
 - **Elephant figurine carved on the seal of the assembly**.
- Originally, the Constitution of India did **not** make any **provision concerning an authoritative text of the Constitution in the Hindi Language**.
 - made by the **58th Constitutional Amendment Act of 1987** which inserted a new Article 394-A in the last part of the constitution.

2

CHAPTER

Preamble



- **Introduction or preface** to the Constitution
- **Provides guidelines** for the Constitution
- **embodies basic philosophy and fundamental values** as basis for the Constitution
- **Reflects dreams and aspirations** of founding fathers of the Constitution.
- **enacted after the rest of the Constitution** was already enacted.
- **neither a source of power** to the legislature **nor a prohibition**
- **non justiciable** not enforceable in Courts of law.
- **can be amended** without altering the basic structure.

Ingredients of the Preamble

- Preamble makes **people of India, the ultimate authority**
- declares India as **sovereign, socialist, secular democratic and republican polity**.
- **Objectives of the Constitution: justice, liberty, equality and fraternity**
- **Date of adoption of the Constitution:** It stipulates **November 26, 1949** as the date.

Key Terms related to Preamble

- **Sovereignty: absolute Independence** that is a Government which is **not controlled by any other power**: internal or external. A country cannot have its own Constitution without being sovereign. India is a sovereign country. It is free from any external control.
- **Socialist: not part of the original Constitution.**
 - Added by **42nd Amendment act**
 - used in the context of economic planning.
 - commitment to attain ideals like **removal of inequalities, provision of minimum basic necessities to all, equal pay for equal work.**
- **Secularism:** added by **42nd Constitutional Amendment Act 1976.**
 - India is **neither religious nor irreligious nor anti-religious.**
 - **no state religion-** the state **does not support any particular religion**
- **Democratic Republic:** Government is **elected by the people** and is **responsible and accountable to the people.**
 - **democratic provisions:** Universal adult franchise, elections, Fundamental Rights and responsible Government.
 - **Republic:** the **elected head** of the state (President → indirectly elected) not a hereditary ruler as Britain.
- **Justice:** to give people what they are entitled to in terms of basic rights to food, clothing, housing, participation in decision making and living with dignity as human beings.



- taken from the **Russian Revolution (1917)**
 - three **dimensions of Justice- social, economic and political.**
 - **Social justice:** equal treatment of all citizens without any social distinction based on caste, colour, race, religion, sex and so on.
 - **Economic justice:** non-discrimination on economic factors.
- | |
|---|
| Social justice + economic justice = 'distributive justice' |
|---|
- **Political justice:** all citizens should have equal political rights, equal access to all political offices and equal voice in the Government.
 - **Liberty:** of thought and expression; **absence of restraints** on the activities of individuals, and at the same time, **providing opportunities** for the development of individual personalities.
 - taken from the **French Revolution (1789–1799).**
 - **Equality:** **absence of special privileges** to any section of the society, and the provision of adequate opportunities for all individuals without any discrimination.
 - three **dimensions of equality—civic, political and economic.**
 - **Fraternity:** sense of brotherhood; promotes the feeling of fraternity by a system of **single citizenship and by article 51A** (Fundamental Duties).



Preamble as a part of the Constitution

Berubari Union v. Unknown Case, 1960	Kesavananda Bharati v. State of Kerala Case, 1973	Union Government Vs LIC of India Case, 1995
<ul style="list-style-type: none"> SC stated that 'Preamble is the key to open the mind of the makers' but it cannot be considered as part of the Constitution. Therefore it is not enforceable in a Court of law. 	<ul style="list-style-type: none"> SC held that "Preamble of the Constitution will now be considered as part of the Constitution. The Preamble is not the supreme power or source of any restriction or prohibition but it plays an important role in the interpretation of statutes and provisions of the Constitution." 	<ul style="list-style-type: none"> SC held that Preamble is the integral part of the Constitution but is not directly enforceable in a Court of justice in India.

Comparison of Indian Constitution with other democracies

Unites States

Similarities

Constitutional

- **Written Constitution:** Both nations have a written constitution
 - The Indian constitutional existence is credited to the written text of the American Constitution
- **Preamble:** Both nations have a preamble as their introductory statements.
- **Fundamental Rights:** Both nations have the concept of Fundamental Rights
- **Emergency Provisions:** An emergency can be declared on the ground of War and armed rebellion, US does not use the phrase of emergency but says that in the case of Rebellion and invasion of Public Safety, the writ of Habeas Corpus can be suspended.

- **Office of Vice President:** Both nations have the office of the vice president with US asserting more powers and importance to the post than India.

Legislature and Executive

- **Elected Governments:** Both nations operate on different political models but both have elected representatives and 2 houses of the legislature.
- **State Representation:** Both nations have representations from their states in the legislature.
- **Powers of defence and Diplomacy:** General regulation of major foreign policy and defence of the country is vested in the central/federal governments of both nations.
- **Impeachment of President:** Both nations have provisions for the removal of the president through impeachment motion in the legislature.
- **Cessation:** As per the US Constitution, without agreement between the legislatures of the States concerned and Congress, no new State shall be created or established beyond. Thus, it can be inferred that no State will withdraw from the U.S. Constitution from the Union.

Judiciary

- **Judicial Review:** SC of USA can abrogate any law which does not suit the constitution or violates the Constitution and similar provisions exist in India.
- **Due Process of Law:** Both nations hold the principle of due process or "the Government cannot deprive anyone of life, liberty or property without due process of law."
 - In India, the concept came with a wider interpretation in the Maneka Gandhi case.
- **Separation of Powers:** There is a legislative, executive, and judicial branches and each has its own different but equally important duties.
- **Independence of Judiciary:** Both nations have judiciaries that are independent of the working of the other organs of the state.

Differences

Constitutional

- **Political Model:** The president is the head of the state in the U.S. and thus this administration is popularly referred to as the presidential form of government.
 - India has a legislative system of government, while the PM exercises real power over his cabinet, with President being only a nominal head.
- **Election:** In the US, the President is elected directly, whereas in India he is elected indirectly
- **Amendability:** The US Constitution has only been changed 27 times in over 200 years since the procedure is rigid and difficult to pass.
 - Whereas the Constitution of India, which entered into force in 1950, has so far been amended 94 times

Legislature and Executive

- **Citizenship:** The Indian Constitution recognizes single citizenship.
 - On the other hand, United States Constitution allows for double citizenship that can be a US resident of countries, the United States and another.
- **Powers:** In India, the residuary powers are not mentioned in Schedule VII and are vested in the union, whereas in the US it is vested with the states.
- **Representation of States:** In India, representatives to the Rajya Sabha are based on the state's population, whereas in the US Senate all states have equal representation.
- **Houses of Legislature:** Whereas the Lok Sabha and lower house in India are stronger, the Senate House or the upper house is stronger in the United States.
- **Party Structure:** In the US, there is a presence of very few parties, mostly the Democrats and the Republicans whereas in India there is a presence of multiple parties.

Judicial

- **Judicial Tenure:** A judge in the US can hold the post for life, as long as he enjoys good health, it is different in India where judges have retirement ages.
- **Supreme Court:** Every state in the US has its own Supreme Court as the highest court of appeal for most cases, and the federal supreme court only for selected federal cases.

Great Britain

- Britain does not have a formal written constitution and operates through its historical conventions and traditions

Similarities

Political Conventions

- **Political Model:** Both UK and India operate on the Parliamentary model of democracy with a bicameral legislature.
- **Rule of Law:** Both nations assert primacy to rule of law, or laws are paramount before anything else, and only those created through rule of law enjoy legitimacy.
- **Amendability:** The British laws can be passed, amended and repealed by a Simple Majority of the Parliament, similar to some of the provisions in the Indian constitution.

Legislature and Executive

- **Cabinet System:** Both India and UK have the presence of a cabinet system of inner ministers holding various portfolios.
- **Dual Heads of Government:** First head, as head of the state.
 - He represents the nation and provides continuity to the administration.
 - The second head is the head of the government.
- **Collective Responsibility:** In the cabinet system, there is a principle of collective responsibility.
- **Party Structure:** Both have multiple parties represented in the lower house of the parliament.
- **Removal of Judges:** In UK judges can only be removed from office for serious misbehaviour and according to a procedure requiring the consent of both the Houses of Parliament similar to that in India.

Differences

Conventional

- **Type of Model:** UK is a constitutional monarchy with a regent at the top whereas in India we have a Republican form with the indirectly elected President at the top.
- **Constitution:** Britain has no written constitution and operates on conventions and traditional laws, whereas India has a written constitution
- **Federalism:** India is a federal system with unitary bias but UK is a unitary state and all power is vested in a single supreme Central Govt
- **Parliamentary sovereignty:** UK's parliament is sovereign in the sense of constitutional sovereignty, their powers are not limited by a constitutional document, whereas India's Parliament is limited by the constitution itself.
- **Prime Minister:** In the UK the PM has to be elected from the lower house, unlike in India, where he can be elected from either house.

Legislature and Executive

- **Hereditary Members:** The house of lords also has hereditary members holding titles, when in India Article 18 prohibits any person to hold any titles or have hereditary claims to political positions
- **Speaker:** In the UK, there is a convention that once a Speaker, always a Speaker, thus a former speaker builds no political membership, whereas in India speakers usually are members of their parties

- **Citizenship:** The Indian citizenship & nationality law does not allow dual citizenship. But in UK one does not need to give up his/her present citizenship or nationality to become
- **Religious Presence:** The upper house in the UK has members of the church as members, whereas in India we find no such clause for religious members or organisations.

Judiciary

- **Judicial Review:** In India, Judicial review is the basic structure of the constitution and people of India are sovereign.
 - But in UK, Parliament is sovereign and no such review exists.
- **Nature of Judiciary:** UK does not have a single unified legal system with England, Scotland, Wales all having different structures, but India has an integrated judiciary.
- **Separation of Powers:** UK - there is no real separation of powers but rather a fusion of powers unlike in India

France

Similarities

- **Elected Government:** Both France and India have elected heads of state for respective terms.
 - Indian PM has a term of 5 years, whereas French president for 7 years.
- **Amendability:** French constitution can be amended with a 60% majority similar to the Indian process of amendment.
- **Written Constitution:** Both nations have written constitutions, but France is currently following its 5th constitution in history due to previous instabilities.
- **Republic:** Both nations are Republics with elected heads of state.
- **Ideals:** Indian Constitution has enshrined the values of liberty, equality and fraternity from the French ideals.

Differences

- **Secularism:** France adopted complete separation of State from religion, while Indian secularism is more of a principled distance but not complete separation.
- **Political Model:** French political model is that of Semi Presidential with the President having more power than PM.
- **Federalism:** France operates on a unitary model of State rather than Federalism as in India.
- **Types of Courts:** The courts in France are divided into two parts: judicial courts and administrative courts.
 - In India no such distinction.
- **Constitutional Council:** This branch oversees review of statutes before they are enacted as well as overseeing national elections in France.
 - In India, the judiciary plays no role in conducting elections.

Japan

Similarities

Constitutional

- **Written Constitution:** Both India and Japan operate by the written constitution in their political model and legislature.
- **Parliament:** Both nations have a parliament as the highest legislative body.
 - In Japan, it is known as the Diet.
- **Bicameralism:** Both nations have 2 houses of parliament with the lower house being more powerful than the other.
- **Dissolution:** Early dissolution in Japan, like in India, may occur either when the government loses the confidence of the lower house or when the PM seeks to increase his or her party's strength in parliament.