



MP - PSC

State Civil Services

Madhya Pradesh Public Service Commission

Volume - 4

Polity, Governance and Economy of India



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1 CHAPTER

Foundation of 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**.

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 ○ 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)
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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 ○ 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.
<p style="text-align: center;">Government of India Act, 1935</p>	<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 ○ Joint Public Service Commission. ○ Federal Court.
<p style="text-align: center;">Indian Independence Act, 1947</p>	<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.

- **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 **demanding 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**

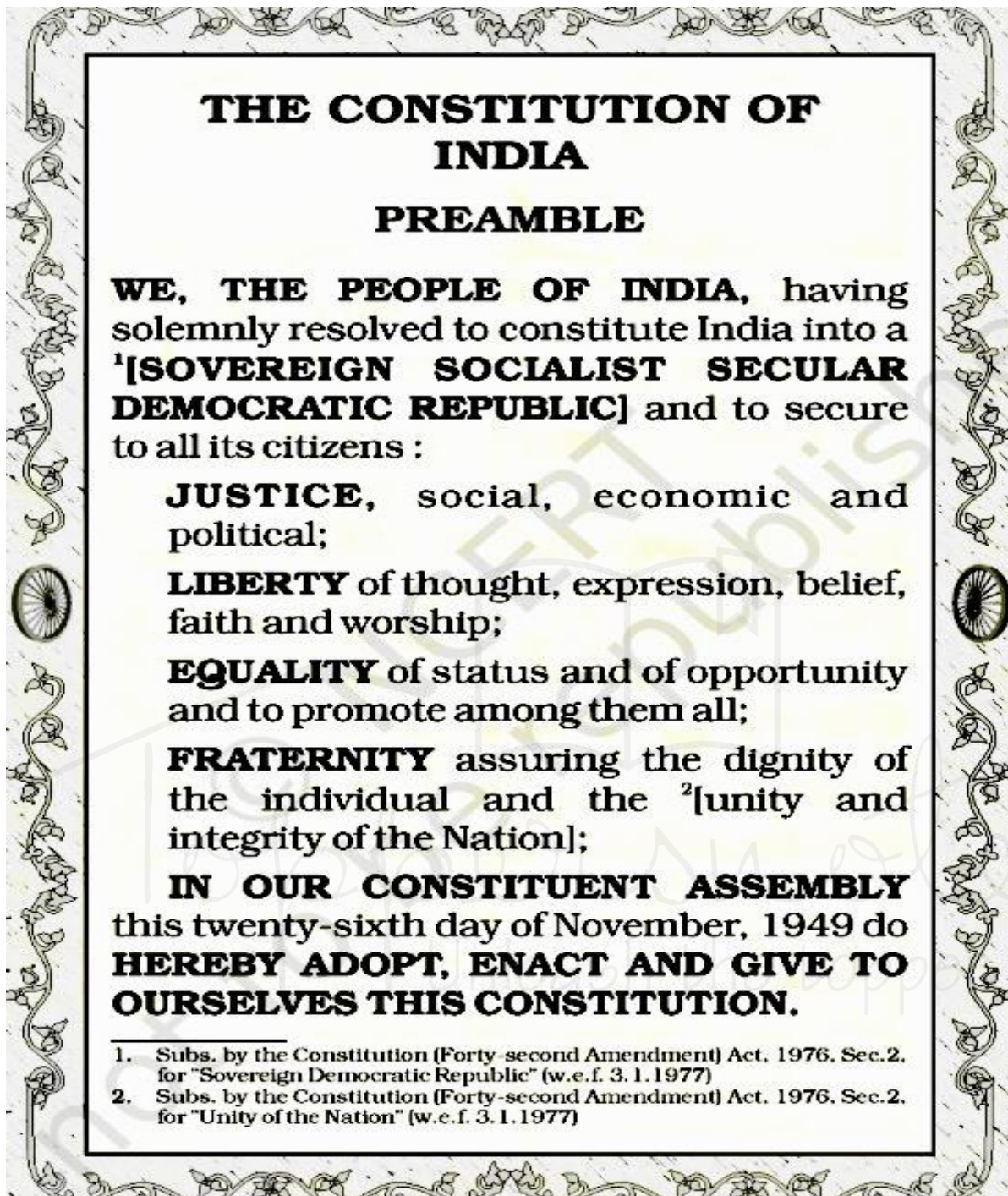


- **S.N. Mukherjee = chief draftsman** of the constitution
- **Prem Behari Narain Raizada = calligrapher**
 - **handwritten the original text** of the constitution in a **flowing italic style.**
- **beautified and decorated by** artists from **Shanti Niketan** including **Nand Lal Bose** and **Beohar 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.

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.**






- 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.

Salient Features of the Constitution

- **Longest written constitution:** it contains:
 - **Separate provisions for states and centre** and their inter-relationship.
 - **borrowed provisions** from several sources and constitutions of the world.



Countries	Borrowed Features of Indian Constitution
Australia	<ul style="list-style-type: none"> ● Concurrent list ● Freedom of trade, commerce and intercourse ● Joint-sitting of the two Houses of Parliament
Canada	<ul style="list-style-type: none"> ● Federation with a strong Centre ● Vesting of residuary powers in the Centre ● Appointment of state Governors by the Centre ● Advisory jurisdiction of the SC
Ireland	<ul style="list-style-type: none"> ● Directive Principles of State Policy ● Nomination of members to Rajya Sabha ● Method of election of the President
Japan	<ul style="list-style-type: none"> ● Procedure Established by law
USSR/Russia	<ul style="list-style-type: none"> ● Fundamental Duties ● Ideal of justice (social, economic and political) in the Preamble
UK	<ul style="list-style-type: none"> ● Parliamentary Government ● Rule of Law ● Legislative procedure ● Single Citizenship ● Cabinet system ● Prerogative writs ● Parliamentary privileges ● Bicameralism ● Procedure Established by law

US	<ul style="list-style-type: none"> ● Fundamental Rights ● Independence of judiciary ● Judicial Review ● Impeachment of the President ● Removal of SC and HC Judges ● Post of vice-President
Germany (Weimar)	<ul style="list-style-type: none"> ● Suspension of Fundamental Rights during emergency
South Africa	<ul style="list-style-type: none"> ● Procedure for Amendment in the Indian Constitution ● Election of members of Rajya Sabha
France	<ul style="list-style-type: none"> ● Republic ● Ideals of liberty, equality and fraternity in the Preamble

- separate provisions for SC, ST, women, children, and backward regions.
- detailed list of rights, DPSPs and details of administration procedures
- Originally (1949), had a Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules.
- Presently, it consists of a Preamble, 25 parts, 448 Articles, 12 Schedules, and 104 Amendments till date.
- **Unique blend of rigidity and flexibility:**
 - Some parts can be amended by ordinary law making procedure while certain provisions can be amended by a majority of the total membership of that house and by a majority of not less than two-third of the members of that house present and voting.
 - Some amendments are also required to be ratified by the legislatures of not less than one-half of the states before being presented to the President for assent.
- **India as a sovereign, socialist, secular, democratic and republic:** India is governed by its people through their elected representatives based on universal adult franchise.
- **Parliamentary System of Government:** Parliament controls the functioning of the CoM
 - executive is responsible to the legislature and remains in power as long as it enjoys the confidence of the legislature.
 - President of India, who remains in office for five years, is the **nominal, titular or constitutional head (Executive)**.
 - **PM is the real executive and head of the CoM** who is collectively responsible to the lower house (Lok Sabha).
- **Single Citizenship:** single citizenship provided by the union and recognized by all the states across India.
- **Universal Adult Franchise:** establishes political equality in India through the method of universal adult franchise which functions on the basis of 'one person one vote'.
 - Every Indian who is **18 years of age or above is entitled to vote** in the elections, irrespective of caste, sex, race, religion or status.
- **Independent and Integrated Judicial System:** free from the influence of the executive and the legislature.
 - SC as the apex court below which HCs and lower courts come

- **Fundamental Rights, Fundamental Duties and DPSPs:**
 - **Fundamental Rights are not absolute** but are **subject to the limitations** defined by the constitution itself and are enforceable in the court of law.
 - **DPSPs are the guidelines** to be followed by the states regarding governance and are not enforceable in the court of law.
 - **Fundamental Duties, added by the 42nd Amendment are moral conscience** which ought to be followed by the Citizens.
- **Federation with a strong centralizing tendency:** India is an **indestructible Union with destructible states** means it acquires a unitary character during the time of emergency.
- **Balancing Parliamentary supremacy with Judicial Review:** An **independent judiciary with the power of judicial review**



Parts and Schedules of Indian Constitution

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- Schedules are lists categorizing and tabulate bureaucratic activity and policy of Government.

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Second Schedule	Provisions relating to the emoluments, allowances, privileges and so on of: 1. The President of India 2. The Governors of States 3. The Speaker and the Deputy Speaker of the Lok Sabha 4. The Chairman and the Deputy Chairman of the Rajya Sabha 5. The Speaker and the Deputy Speaker of the Legislative Assembly in the states 6. The Chairman and the Deputy Chairman of the Legislative Council in the states 7. The Judges of the Supreme Court 8. The Judges of the High Courts 9. The Comptroller and Auditor-General of India

Third Schedule	<p>Forms of Oaths or Affirmations for:</p> <ol style="list-style-type: none"> 1. The Union ministers 2. The candidates for election to the Parliament 3. The members of Parliament 4. The Judges of the Supreme Court 5. The Comptroller and Auditor-General of India 6. The state ministers 7. The candidates for election to the state legislature 8. The members of the state legislature 9. The Judges of the High Courts
Fourth Schedule	Allocation of seats in the Rajya Sabha to the states and the union territories.
Fifth Schedule	Provisions relating to the administration and control of scheduled areas and scheduled tribes.
Sixth Schedule	Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.
Seventh Schedule	Division of powers between the Union and the States in terms of List I (Union List), List II (State List) and List III (Concurrent List). Presently, the Union List contains 100 subjects (originally 97), the state list contains 61 subjects (originally 66) and the concurrent list contains 52 subjects (originally 47).
Eighth Schedule	<p>Languages recognized by the Constitution. Originally, it had 14 languages but presently there are 22 languages. They are: Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu.</p> <p>Sindhi added by 21st Amendment Act of 1967; Konkani, Manipuri and Nepali by 71st Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali by 92nd Amendment Act of 2003.</p>
Ninth Schedule	Acts and Regulations (originally 13 but presently 282) 19 of the state legislatures dealing with land reforms and abolition of the zamindari system and of the. This was added by the 1st Amendment (1951) to protect the laws included in it from judicial scrutiny on the ground of violation of Fundamental Rights. In 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to Judicial Review.
Tenth Schedule	Provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection. This schedule was added by the 52nd Amendment Act of 1985, also known as Anti-defection Law.
Eleventh Schedule	Specifies the powers, authority and responsibilities of Panchayats. It has 29 matters. This schedule was added by the 73rd Amendment Act of 1992.
Twelfth Schedule	Specifies the powers, authority and responsibilities of Municipalities. It has 18 matters. This schedule was added by the 74th Amendment Act of 1992.

2

CHAPTER

President



Constitutional Provisions



- Articles 52-62 and 71-72 in Part V of the Indian constitution
- Important Articles Related to President

Articles	Provisions
Article 52	The President of india
Article 53	Executive Power of the union
Article 54	Election of the president
Article 55	Manner of Election of President
Article 56	Term of office of the President
Article 57	Eligibility for Re-Election
Article 58	Qualifications for Election as President
Article 59	Conditions for President's Office
Article 60	Oath or Affirmation by the president
Article 61	Procedure for impeachment of the impeachment of the procedure
Article 62	Time of holding election to fill vacancy in the office of President and the term of office of person elected to fill casual vacancy.
Article 71	Matters relating to, or connected with, the election of a President or Vice-President.
Article 72	Power of the President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.

- Head of the Indian State and First citizen of India.
- A symbol of unity, integrity and solidarity of the nation.

Election of the President

- Elected by a secret ballot / Indirect Election.
- Uses single transferable vote in line with the proportional representation system.
- Absolute Majority required.
- Electoral College consists of:
 - Elected members of both Houses of Parliament;
 - Elected members of State Legislative Assemblies (Article 54).(*States: also include National Capital Territory of Delhi and the Union Territory of Puducherry as 70th amendment Act)
- Electoral College Does not Consist of:
 - Nominated members of both the Houses of Parliament,
 - Nominated members of State Legislative Assemblies,
 - Nominated members of Legislative Assemblies of Delhi and Puducherry
 - All the members of State Legislative Councils



Votes in Election:

1. Number of votes of each elected Legislative Assembly determined on basis of population.

- **Formula: Value of vote of an MLA = $\frac{\text{Population of the state}}{\text{Total no. of elected MLAs of that state}} \times \frac{1}{1000}$**



- On the basis of the above formula, the **value of the vote of an MLA from UP has the highest value and that of Sikkim the lowest.**

2. No. of votes of each Member of Parliament.

- **Formula: Value of vote of an MLA (Lok Sabha and Rajya Sabha) = $\frac{\text{Sum total of the votes of elected MLAs of all states including Delhi and Puducherry}}{\text{Total no. of elected MPs of both the houses of Parliament}}$**

3. Quota for a candidate to be declared elected as President.

- **Formula: Electoral quota = $\frac{\text{Total number of valid votes polled}}{1+1} + 1$**
 $1+1 = (2)$

Working of a Single Transferable Vote System:

Means that **each elector has only one vote, irrespective of the number of seats to be filled up.**

- Eg., if there are six seats to be filled up, the elector does cast six votes but indicates six **successive preferences**, by **marking his first preference and the succeeding preferences** with the appropriate numerals against the name of candidates printed on his ballot paper.

Qualifications

Article 58: Qualifications for election as President

- **Citizen of India.**
- **Completed 35 years of age.**
- **Qualified for election as a member of Lok Sabha.**
- **Should not hold any office of profit** under the Union government or any state government or any local authority or any other public authority.
 - A **sitting President** or **Vice- President** of the Union, the **Governor** of any state and a **minister** of the Union or any state- **not** deemed to hold any **office of profit** and hence qualified as a presidential candidate.
- **Other Conditions:**
 - **Nomination** of a candidate to be **subscribed by at least 50 electors as proposers and 50 electors as seconders.**
 - Every candidate to make a **security deposit of ₹15,000** in the RBI.
 - **Security deposit to be forfeited if candidate fails to secure 1/6th of the votes polled.**



Oath for President's Office

- **Administered by: Chief Justice of India** and in his **absence**, the **senior most judge of the SC** available.
- President swears:
 - To **faithfully execute the office;**
 - To **preserve, protect and defend the Constitution** and the law;
 - To **devote himself to the service and well-being of the people of India.**
- **Other person acting as President** also undertakes the **similar oath or affirmation.**

