



UPSC - IAS

Civil Services Examinations

Union Public Service Commission

General Studies

Paper 2 – Volume 1

Polity and Constitution



UPSC CSE - IAS

Polity and Constitution

Paper – 2 Volume 1

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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**.

- 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**.

Functions of a Constitution

- Declare and **define the boundaries** of the political community.

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,	<ul style="list-style-type: none"> • GGB = Governor-General of India (Lord William Bentinck)



1833	<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 ○ 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.

	<ul style="list-style-type: none"> ● 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 ○ 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
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
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 [X] 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



Year		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Pre	Mains	-	-	-	-	1	-	-	-	-	-	-

Basics of Preamble

- Introduction or preface/ Provides guidelines to the Constitution
- Embodies basic philosophy and fundamental values as basis for the Constitution
- Reflects dreams and aspirations of founding fathers of the Constitution.
- 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.

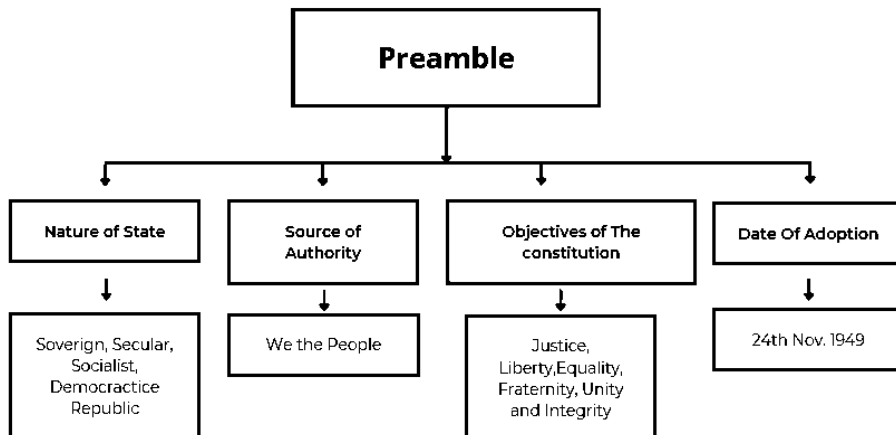
NOTE

- Preamble was enacted by the Constituent Assembly **after** the rest of the Constitution was already enacted to ensure its conformity with the Constitution.

Sayings

- **Phrase "dignity of the individual"**– signifies that the Constitution not only ensures material betterment and maintain a democratic set-up, but it also recognizes that the personality of every individual is sacred – K.M Munshi
- Preamble is the '**horoscope of our sovereign democratic republic**' – K.M. Munshi
- It is the **soul of our Constitution**, which lays down the pattern of our political society. It contains a solemn resolve, which nothing but a revolution can alter – M. Hidayatullah
- '**Identity card of the constitution**'- NA Palkhivala
- 'The **preamble** to our constitution expresses what we had **thought or dreamt so long**'- Sir Alladi Krishnaswamy Iyer
- 'It is the soul of the constitution. It is a key to the constitution. It is a jewel set in the constitution. It is a proper yardstick with which one can measure the worth of the constitution'- Pandit Thakur Das Bhargava
- '**Key-note of the constitution**'- Sir Ernest Baker
- The Preamble contains mystic principle of a welfare state. – Acharya Kriplani

Components of the Preamble



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.

Q. Why is the Preamble to the Indian Constitution considered as a unique feature? What are its main objectives?

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- **Socialist: not part of the original Constitution.**
 - Added by **42nd Amendment act**
 - **Article 36 to 51 (DPSP)**- Underline the **socialist leanings**
 - Used in the context of **economic planning**.
 - **Indian Socialism** – democratic socialism; Unique blend of **Gandhism and Marxism**
 - Commitment to attain ideals like **removal of inequalities, provision of minimum basic necessities to all, equal pay for equal work**.
 - **Constitutional Provisions: Art 14-18, 21, 23, 330, 332, 334.**
- **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**
 - **Constitutional Provisions: Art. 14-16, 25-30, 44**

NOTE:

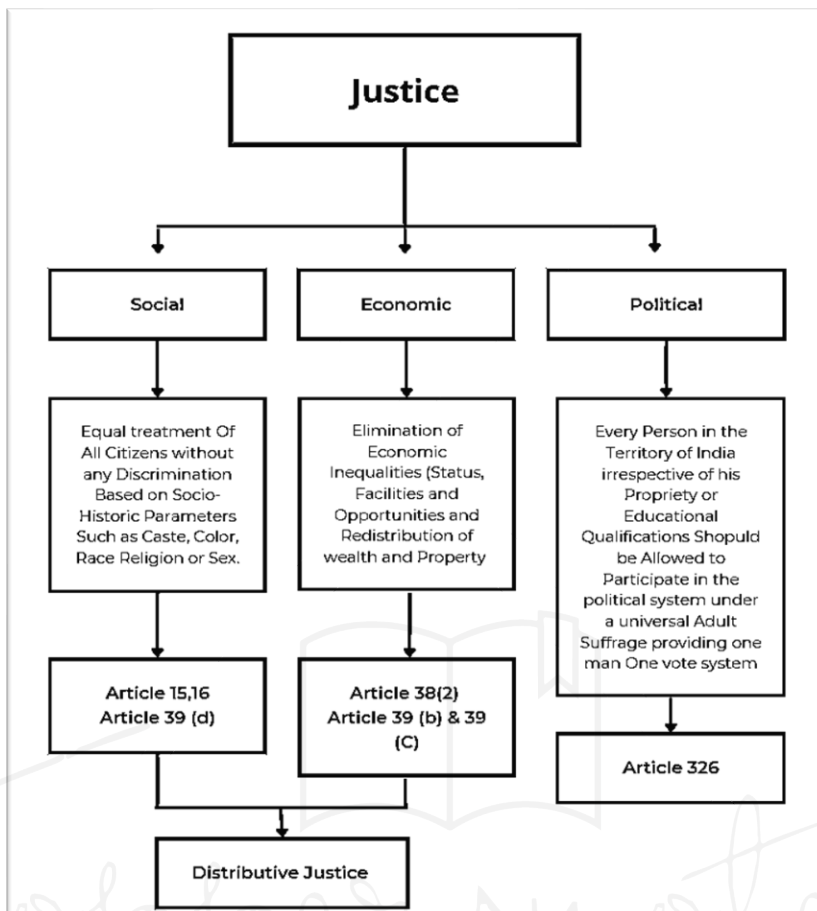
- **42nd Amendment Act 1976:** Added Three words to the preamble
 - Socialist
 - Secular
 - Integrity

- **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.
 - **Constitutional Provisions: Art.12-35, 36-51, 325,326, 73rd and 74th Amendment Act.**
 - **Republic:** the **elected head** of the state (President, who is indirectly elected) not a hereditary ruler as Britain.
 - **Constitutional Provisions: Art.14, 55.**

NOTE:

Discuss each adjective attached to the word Republic in the Preamble. Are they defensible in the present circumstances?

- **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**.



- **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).

Supreme Court Judgements Related to Preamble



Berubari Union v. Unknown Case, 1960	Kesavananda Bharati v. State of Kerala Case, 1973	Union Government Vs LIC of India Case, 1995
<p>Preamble is the key to open the mind of the makers' but it cannot be considered as part of the Constitution.</p> <p>Therefore, it is not enforceable in a Court of law.</p>	<p>Preamble of the Constitution will now be considered as part of the Constitution.</p> <p>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.</p>	<p>Preamble is the integral part of the Constitution but is not directly enforceable in a Court of justice in India.</p>

Amendability of Preamble

- The **question** about **amending** the Preamble under **Article 368** by the Parliament arose in the **Kesavananda Bharati case (1973)**
- It was argued that the **Preamble cannot** be **amended** because it was **not part** of the **constitution** as held in the **Berubari Union case**.
- The **Supreme Court**, however, **corrected** its earlier **stance** and held that the **Preamble is a part of the Constitution**.
- It held that the **Preamble can be amended**, but as long as **no amendment** is done to the **'Basic Structure'**
- In other words, the Court held that the **basic elements** or the fundamental features of the Constitution as contained in the **Preamble cannot be altered** by an amendment **under Article 368**

NOTE:

- With the aim of inclusion, the Constitution's **Preamble** has been **recreated** in the Indian **sign language** by the Deaf Enabled Foundation

Recent Developments

Private Member's Bill to amend the Preamble to the Constitution

- BJP Member from Kerala K J Alphons moved the motion to introduce the **Constitution (Amendment) Bill, 2021** in the Upper House that would amend the Preamble.

NOTE

- **Private Member Bill:** The Bills introduced by private members (MP who is not a Minister) are referred to as Private Member's Bills.

Objective of Bill

- It seeks to **replace the word 'socialist' with 'equitable'**, among other changes.
- The MP has argued that the term "socialist" has "political connotations and carries a historical baggage which is not acceptable to a large section of India".
- The Bill seeks to **change the words in the Preamble** "EQUALITY of status and of opportunity" to "EQUALITY of status and of opportunity to be born, to be fed, to be educated, to get a job and to be treated with dignity".
- It also proposes adding "**access to information technology**" in the objectives of the Preamble.

Feature of Directive Principles

- Instructions to the state for achieving Socio-economic
- Not enforceable and Non-justiciable in the Court of law

- Positively empower states and enhance their functions
- Constitute comprehensive programme for a welfare state
- Aim at realising the ideals of justice, liberty, equality and fraternity
- Constitutes the conscience of our Constitution
- Constitute the mirror of public opinion
- Fundamental in the governance of the country
- Helps in determining constitutional validity of a law

Mains Specific-

- Pandit Jawaharlal Nehru introduced the Objective Resolution on December 13, 1946, which established the guiding principles for building the Constitution and eventually took the shape of the Preamble to the Indian Constitution.
- Preamble of USA could be attributed as an Inspiration for the Indian Preamble.
- The preamble of a constitution serves several crucial purposes:
 - **Backbone to our Principles:** The Preamble lays out the fundamental principles and values upon which the entire constitutional framework is constructed. It embodies the collective aspirations, ideals, and ethos of the people, serving as a guiding light for the interpretation and implementation of the Constitution's provisions.
 - **Type of Polity:** It declares the nature and form of government being established by the constitution and the people— a **sovereign, socialist, secular, democratic republic**.
 - **Declaration of Purpose:** The Preamble articulates the overarching goals and objectives that the constitution seeks to accomplish. It states the reasons why the constitution is being enacted and outlines the intentions of the framers in creating a particular legal framework.
 - **Definition of Constitutional Morals:** It embodies the core values and moral principles upon which the constitution is based. These values often include justice, liberty, equality, fraternity, and others that serve as guiding principles for governance and societal interactions. The preamble sets the tone for the entire constitutional document, reflecting the **moral and ethical compass of the nation**.
 - In summary, the preamble is a foundational component of a constitution, serving to define the principles, purpose, and moral framework of the legal system while declaring the type of government being established.

PYQ-

- 2021- Analyze the distinguishing features of the notion of Equality in the Constitutions of the USA and India

3 CHAPTER

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 the 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

	<ul style="list-style-type: none"> • 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 centralising 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



Parts	Subject Matter	Articles Covered
I	The Union and its territory	1 to 4
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III	Fundamental Rights	12 to 35
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	Chapter I - The Executive Chapter II - Parliament Chapter III - Legislative Powers of President Chapter IV - The Union Judiciary Chapter V - Comptroller and Auditor-General of India	52 to 78 79 to 122 123 124 to 147 148 to 151
VI	The State Governments	152 to 237
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IX	The Panchayats	243 to 243-O
IX-A	The Municipalities	243-P to 243-ZG
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X	The Scheduled and Tribal Areas	244 to 244-A
XI	Relations between the Union and the States	245 to 263
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XII	Finance, Property, Contracts and Suits	264 to 300-A
	Chapter I - Finance Chapter II - Borrowing Chapter III - Property, Contracts, Rights, Liabilities, Obligations and Suits Chapter IV - Right to Property	264 to 291 292 to 293 294 to 300 300-A
XIII	Trade, Commerce and Intercourse within the Territory of India	301 to 307
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XVI	Special Provisions relating to Certain Classes	330 to 342	XVIII	Emergency Provisions	352 to 360
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	Chapter III-Language of the Supreme Court, High Courts, and so on	350 to 351			
	Chapter IV-Special Directives		XXII	Short title, Commencement, Authoritative Text in Hindi and Repeals	393 to 395

Schedules are the lists in the Constitution that categorize and tabulate bureaucratic activity and policy of Government.

Numbers	Subject Matter
First Schedule	1. Names of the States and their territorial jurisdiction. 2. Names of the Union Territories and their extent.
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	Forms of Oaths or Affirmations for: 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	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. Sindhi was added by the 21st Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71 st Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali were added by the 92nd Amendment Act of 2003.
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 Parliament dealing with other

	matters. This schedule 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. However, 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.

Mains Specific-

The Constitution of India has been broadly categorized into 4 major principles

- Democratic Mandate (More than 50%, for passing bills, resolutions)
- Centre Government is Stronger than States
- Separation of Powers between Legislature, Executive and Judiciary
- Checks And Balances
 - **Democratic Mandate:** The Constitution of India indeed upholds democratic principles, but it's not solely based on a simple majority rule for passing bills or resolutions. India operates under a parliamentary democracy where decisions are made through a representative government elected by the people. While majority support is essential for passing legislation in the Parliament, there are also provisions for protecting minority rights and ensuring that decisions are made through deliberation and debate.
 - **Centre Government Stronger than States:** The Indian Constitution establishes a federal system where powers are divided between the central government and the state governments. While the central government has certain enumerated powers, the states also have their own spheres of authority. However, the Constitution does provide mechanisms for resolving conflicts between the centre and the states, and in certain matters, **the central government may have Overriding authority**. It's more accurate to describe the Indian federal structure as one of cooperative

federalism, where both levels of government work together to serve the interests of the people.

- **Separation of Powers:** The Indian Constitution does indeed provide for the separation of powers between the Legislature, Executive, and Judiciary. However, unlike some other constitutional systems, the separation of powers in India is not as rigid. There are overlapping functions between the branches of government, and each branch has certain checks and balances over the others to **ensure accountability and prevent abuse of power**. For example, while the President of India (Executive) has the power to appoint judges, this appointment is subject to approval by the Judiciary.
- **Checks and Balances:** This principle is closely related to the concept of separation of powers. The Indian Constitution incorporates various mechanisms for checks and balances to prevent any one branch of government from becoming too powerful. For instance, the **Judiciary has the power of judicial review** to strike down laws or actions of the Executive or Legislature if they are found to be unconstitutional. Similarly, the **President's assent is required for bills** passed by the Parliament, and the **Parliament can impeach the President** or remove judges through specified procedures.
- Overall, while your categorization captures some key principles of the Indian Constitution, it's important to recognize the nuances and complexities inherent in India's constitutional framework.

Comparison of Indian Constitution with Other Countries:

India vs.	Similarities with Indian Constitution	Differences with Indian Constitution
France	<p>Polity:</p> <ul style="list-style-type: none"> India and France have a written constitution French Constitution can be amended with a 60% majority similar to India's process of amendments Republic: Both the nations are Republic with the elected head of the State. India has borrowed ideas of liberty, equality and fraternity in the Preamble from the French Constitution. Emergency Provisions: Both the nations have a power for emergency provision. 	<p>Polity:</p> <ul style="list-style-type: none"> France has adopted a semi-Presidential System with the President having more power than the Prime Minister whereas India has adopted a Parliamentary form of Government with more power vested with the Prime Minister. Tenure of Head of Government: Indian PM has a tenure of 5 years whereas French President has for 7 years. Secularism: France adopted complete separation of state from religion, while Indian is more of a principled distance but not complete separation. France operates on a unitary model rather than federalism as in India. <p>Judiciary</p> <ul style="list-style-type: none"> There is no role of the judiciary in conducting elections in India whereas in France the judiciary plays an important role. The French court is divided in two parts, Judicial Courts and administrative courts but in India there is no such structure.
Canada	<p>Polity:</p> <ul style="list-style-type: none"> Both have a federal structure. residuary powers lies with the centre, Appointment of the Governor: Central government appoints the Governor for the States and Provinces. <p>Executive:</p> <ul style="list-style-type: none"> Both have a responsible government which is collectively responsible to the lower house. <p>Judiciary:</p> <ul style="list-style-type: none"> The appointment and advisory jurisdiction of the Supreme Court is the same as India. <p>Legislature:</p> <ul style="list-style-type: none"> Law made by the Parliament is applicable to the whole country. <ul style="list-style-type: none"> Members are elected by the first past the post system. 	<p>Polity:</p> <ul style="list-style-type: none"> Canada has a monarchical system whereas India has the President as head of the State. Canada is guided by both written and unwritten law whereas India is guided as by the written Constitution. There is a provision of dual citizenship in Canada whereas India does not give dual citizenship. <p>Executive:</p> <ul style="list-style-type: none"> Governor-General is appointed by the monarch on the advice of the Prime Minister whereas in India the President is elected by an indirect election. <p>Judiciary:</p> <ul style="list-style-type: none"> It has multiple legal systems whereas in the case of India it is absent.
Germany	<p>Polity:</p> <ul style="list-style-type: none"> Both the nations are Republic with the elected head of the State. Both have a Parliament form of Government in which the Chancellor/PM is head of the Government and the President has mainly ceremonial and supervisory duties. India has borrowed Emergency provisions from Germany. Both have a federal system. Both have the features of fundamental rights. 	<p>Polity:</p> <ul style="list-style-type: none"> Germany has a rigid Constitution whereas India has a flexible Constitution with certain features of Rigidity. Citizenship: Dual citizenship is allowed under certain circumstances in Germany India allows only Single Citizenship.
Japan	<p>Polity:</p> <ul style="list-style-type: none"> Both have written constitutions. Supremacy of Constitution and Judicial Review. Procedure established by Law. <p>Executive</p>	<p>Polity:</p> <ul style="list-style-type: none"> Japan is a Constitutional Monarchy whereas India is a Republic. In Japan, all the international treaties have to be ratified by their Legislature, which is not the case in India.

	<ul style="list-style-type: none"> Similar to India, the PM in Japan can belong to either House. The Council of Ministers is responsible to the Lower House, same as in India. <p>Legislature</p> <ul style="list-style-type: none"> Both have the Parliament as the highest legislative body. Two houses in the Parliament, Lower House is more powerful than the upper House. the No-Confidence motion leads to the dissolution of the House. In Japan, Upper House members have a term of 6 years and every year half the members retire. <p>Judiciary</p> <ul style="list-style-type: none"> Appointment, removal and fixed retirement age of Judges in Japan is similar to India. 	<ul style="list-style-type: none"> Japan has a Rigid Constitution whereas India has a flexible and rigid Constitution. The Japanese Constitution provides for a unitary state. <p>Executive:</p> <ul style="list-style-type: none"> Ministers are appointed by the Prime Minister but in the case of India it is appointed by the President on the advice of the PM. In Japan their Parliament elects the PM from the party with the majority whereas in India such does not happen. <p>Judiciary:</p> <ul style="list-style-type: none"> Judges are appointed by the Diet(Legislature) but in India there is no role of Parliament in the Appointment.
Australia	<p>Polity:</p> <ul style="list-style-type: none"> Both have written the Constitution. Both India and Australia have federal parliamentary system with States and Territories. India borrowed a concurrent list from Australia. <p>Legislature:</p> <ul style="list-style-type: none"> There is a provision for 2nd reading and refer it to a committee which can suggest some recommendations similar to India. Both the nations have a provision for joint sitting to resolve the deadlock between both the Houses. <p>Judiciary:</p> <ul style="list-style-type: none"> The Supreme Court is the final court in Australia in all matters just like in India. Both the nations have an independent judiciary and emphasizes on separation of power. Procedure for appointment and removal of Judges in Australia is the same as in India. 	<p>Polity:</p> <ul style="list-style-type: none"> In Australia the head of the Government is Prime Minister and the Queen is represented by a Governor general. The Australian Constitution can be amended only with the approval through a national referendum in which all the adults of the electorate must participate. State of emergency legislation differs in each state of Australia. There is a dual provision of citizenship in Australia, this provision was added on 4th April, 2002. <p>Legislature:</p> <ul style="list-style-type: none"> The Upper house is elected through the list system, in India it is elected by Single Transferable Vote. Legislators of lower House are elected for 3 years in Australia whereas in India they are elected for 6 years.
USA	<p>Polity:</p> <ul style="list-style-type: none"> A written Constitution. of Fundamental Rights is similar. Preamble as their introductory statements. Both nations have the office of Vice-President. Judicial review in India is borrowed from the USA. There is a separation of powers between the different organs of the government. federal system in the USA similar to India. Supremacy of Constitution similar to India. Due Process of Law is followed. <p>Legislature:</p> <ul style="list-style-type: none"> Both the nations have representatives from their states in the Legislature. Both the nations have provision for removal of the President i.e., Impeachment process. 	<p>Polity:</p> <ul style="list-style-type: none"> The USA has a presidential form of government whereas India has a Parliamentary form of Government. The USA has a rigid constitution whereas India has a rigid and flexible Constitution. Residuary power is vested with the states whereas in India it is vested with the Union. The US Constitution has only been changed 27 times in 200 years. USA offers dual citizenship which is absent in case of India. <p>Executive:</p> <ul style="list-style-type: none"> In the USA the President is directly elected by the people whereas in India the President is indirectly elected. <p>Judiciary:</p> <ul style="list-style-type: none"> In India judges have retirement age whereas in the USA judges can be in the office until they enjoy good health.

		<ul style="list-style-type: none"> Each States has its own Constitution and Supreme Court which is absent in the case of India.
UK	<p>Polity</p> <ul style="list-style-type: none"> Type of Government: Both have a Parliamentary form of Government. India has adopted the Rule of Law from Britain. Both the nations have multiple party representation in the Parliament. <p>Executive:</p> <ul style="list-style-type: none"> Both the nations have a presence of Cabinet system. Both have the presence of Dual heads of Government. <p>Legislature:</p> <ul style="list-style-type: none"> The Ordinary Law can be passed, amended and repealed by a Simple Majority like in India. <p>Judiciary</p> <ul style="list-style-type: none"> Removal of Judges is the same as in India. 	<p>Polity:</p> <ul style="list-style-type: none"> The UK is a Constitutional Monarchy whereas India is a Republic. Offer dual citizenship in the UK. In the UK the Prime Minister has to be elected from the lower House whereas in India he can be from either House of Parliament. Written/Unwritten: The UK has an unwritten Constitution only a small portion is covered in a written document whereas India has a written constitution. The UK has a flexible Constitution & it is the unitary state <p>Legislature:</p> <ul style="list-style-type: none"> In the UK there is a convention that once a Speaker, always a Speaker, thus a former Speaker holds no political membership whereas in India the Speaker is still a member of the party. Parliament has the supreme power in the UK whereas the Indian Constitution has supreme power. <p>Judiciary:</p> <ul style="list-style-type: none"> the United Kingdom does not have a single unified legal system.
Russia	<p>Executive:</p> <ul style="list-style-type: none"> In both countries the Prime Minister is appointed by the President. <p>Legislature:</p> <ul style="list-style-type: none"> The Lower House is more powerful just like in India. They both have a provision for fundamental rights. 	<p>Polity:</p> <ul style="list-style-type: none"> Russia has a Semi Presidential system of Government while India has a Parliamentary form of Government. <p>Executive:</p> <ul style="list-style-type: none"> Russia PM performs President's Duty in case of his death or resignation while the same responsibility is given to Vice-President in case of India. In Russia the President can't have more than two consecutive terms in a row but there is no such limitation in India. The President is Stronger in Russia while the PM enjoys more power in the case of India. Term of the Russian President is 6 years while it is 5 years for the Indian President. <p>Legislature:</p> <ul style="list-style-type: none"> Members of Lower House in Russia are chosen by Proportional Representation System while in India they are chosen by First Past the Post System <p>Judiciary</p> <ul style="list-style-type: none"> There is not a Single Integrated Judiciary in Russia like in India.