



Uttarakhand

State Civil Services

Uttarakhand Combined State Civil/Upper Subordinate Examination

Volume - 3

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Indian Polity



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# 1 CHAPTER

## Constituent Assembly

A constitution is a set of fundamental principles or established precedents that constitute the legal basis of a polity, organization, or other type of entity. It outlines the powers and duties of the government and guarantees certain rights to the people. Constitutions can be written or unwritten. A written constitution is a formal document that outlines the structure and functions of the government. An unwritten constitution is a set of laws, customs, and traditions that have evolved over time.

### Roles and Functions of a Constitution

1. To provide a set of basic rules that allow for minimal coordination amongst members of a society.
2. To specify who has the power to make decisions in a society. It decides how the government will be constituted.
3. To set some limits on what a government can impose on its citizens. These limits are fundamental in the sense that government may never trespass them.
4. To enable the government to fulfil the aspirations of a society and create conditions for a just society.
5. To define identity (political and moral) of a person by defining and agreeing to basic norms and principles.

### Sayings

- "The Constitution's framework was crafted not only to establish legal structures but also to promote social and economic justice." - Granville Austin
- "Indian constitution itself is 'cornerstone' of a nation. The nation is existing because of the constitution." - Granville Austin
- "Indian constitution is a unique experiment in the field of constitutionalism. Indian constitution is not an ordinary document unlike other constitutions." - P. Bhanu Mehta
- "It is sacrosanct. Unlike other countries, where revolutions led to the formation of the constitution, Indian constitution is itself revolutionary." - P. Bhanu Mehta
- "The Constitution is not a mere lawyer's document, It is a vehicle of life and its spirit is always the spirit of age." - B.R. Ambedkar
- "Constitutional morality is not a natural sentiment; it has to be calculated." - B.R. Ambedkar
- "A Constitution, like a machine, is a lifeless thing. It acquires life because of the men who control it and India needs today nothing more than a set of honest men who will have the interest of the country before them." - Dr. Rajendra Prasad

## Important Books Related to the Constitution and their Authors

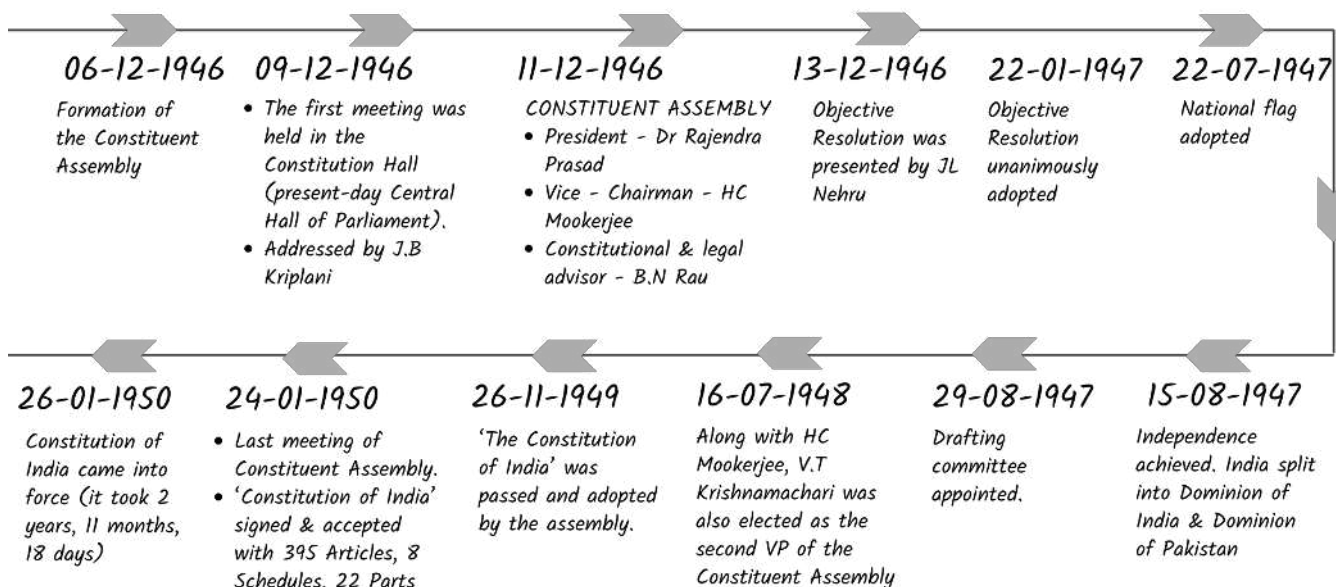
- *The Indian Constitution: Cornerstone of a Nation* - Granville Austin
- *Working a Democratic Constitution: A History of the Indian Experience* - Granville Austin
- *The Constitution of India* - P.M. Bakshi
- *The Indian Constitution: A Historical Perspective* - V.D. Mahajan
- *The Republic of India: Development of its Laws and Constitution* - Penderal Moon
- *The Constitution of India: A Critical Commentary* - H.M. Seerval
- *An Introduction to the Constitution of India* - D.D. Basu
- *The Indian Constitution: A Case Study in Implementation* - S.N. Maheshwari
- *The Making of the Constitution of India* - B. Shiva Rao
- *The Federal Structure of the Indian Union* - M.P. Jain

- *India's Constitution: A Political Analysis* - Rajeev Dhavan
- *Constitutional Government in India* - M.V. Pylee
- *The Indian Constitution: A Comparative Study* - M.C. Setalvad
- *Gandhian Constitution for Free India* - V.K. Krishna Menon
- *Divide and Quit* - Atul Kohli
- *The Success of India's Democracy* - Granville Austin

## 1. Constituent Assembly

The Constituent Assembly was the body responsible for drafting the Constitution of India. It was formed in 1946 under the scheme formulated by the Cabinet Mission Plan and comprised elected representatives from various provinces and nominated representatives of various princely states. The Assembly deliberated extensively over the principles and provisions of the Constitution, drawing inspiration from various sources.

## FORMATION OF THE CONSTITUTION OF INDIA TIMELINE



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 were to be elected by members of that community in the provincial legislative assembly by proportional representation using a single transferable vote.
- Representatives of the princely states were to be nominated by the heads of the princely states.
- Election for British Indian Provinces (296 seats) 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 (93) were not filled as they refrained from the Assembly.
- Mahatma Gandhi was not a member of the Constituent Assembly.

- On April 28, 1947 representatives of the 6 Princely states became part of the assembly (Baroda, Bikaner, Jaipur, Patiala, Rewa, Udaipur)
- 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.

### 1.1 Working of the Constituent Assembly

- first meeting: December 9, 1946.
  - ✓ Muslim League boycotted and demanded a separate state of Pakistan.
    - Only 211 members attended the first meeting.
  - ✓ Dr Sachchidananda Sinha was elected as the temporary President of the Assembly, (French practice)
  - ✓ Later on December 11, 1946, Dr Rajendra Prasad was elected as the President of the Assembly
    - H.C. Mukherjee and V.T. Krishnamachari (elected Vice President on July 16, 1948) - Vice-President

### 1.2 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.

### **1.3 Changes after the Indian Independence Act, 1947**

- Assembly – became a fully sovereign body to frame the Constitution and also became the legislative body.

- ✓ Responsible for framing the Constitution (When working as the constituent assembly) and enact ordinary laws (when working as the Legislative body) 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 members (hailing from the areas included in the Pakistan) 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.

### **1.4 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 and National Song 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 provisional parliament from January 26, 1950, till the first general elections in 1951-52 were held.

## 2. Committees of the Constituent Assembly

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

## 2.1 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. Gopaldaswamy 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.

- 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 58<sup>th</sup> Constitutional Amendment Act of 1987 which inserted a new Article 394-A in the last part of the constitution.

## 2.2 Enactment of the Constitution

- Dr B.R. Ambedkar introduced the final draft on Nov 4, 1948, for first reading.
- Second reading started on November 15, 1948,
- Third reading started on November 14, 1949.
- Draft was passed on November 26, 1949 (Constitution Day).
- Constitution as adopted on November 26, 1949, contained
  - ✓ Preamble
  - ✓ 395 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.



# 2

## CHAPTER

# Salient Features of Indian Constitution

The Indian Constitution, a cornerstone of our democracy, is a dynamic document that has evolved over time to meet the changing needs of the nation. It serves as a blueprint for governance, ensuring the protection of fundamental rights, the separation of powers, and the rule of law.

### 1. Features of the Indian Constitution

#### 1.1 Longest Written Constitution

- Originally (1949), had a Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules.
  - ✓ Presently (2024), it consists of a Preamble, 25 Parts, 448 Articles and 12 Schedules. (There have been 106 Constitutional Amendments till date.)

#### 1.2 Features Borrowed from Several Sources and Constitutions in the World

Countries	Borrowed Features of Indian Constitution
Australia	<ul style="list-style-type: none"> <li>➤ Concurrent list</li> <li>➤ Freedom of trade, commerce and intercourse</li> <li>➤ Joint-sitting of the two Houses of Parliament</li> </ul>

Canada	<ul style="list-style-type: none"> <li>➤ Federation with a strong Center</li> <li>➤ Vesting of Residuary Powers with the Parliament</li> <li>➤ Appointment of state Governors by the Centre</li> <li>➤ Advisory jurisdiction of the SC</li> </ul>
Ireland	<ul style="list-style-type: none"> <li>➤ Directive Principles of the State Policy (Ireland copied from Spain)</li> <li>➤ Nomination of members to Rajya Sabha</li> <li>➤ Method of election of the President</li> </ul>
Japan	<ul style="list-style-type: none"> <li>➤ Procedure Established by law (Article 21)</li> </ul>
USSR/Russia	<ul style="list-style-type: none"> <li>➤ Fundamental Duties</li> <li>➤ Ideal of Justice (Social, Economic and Political) in the Preamble</li> </ul>
Britain / United Kingdom	<ul style="list-style-type: none"> <li>➤ Parliamentary Government</li> <li>➤ Rule of Law</li> <li>➤ Legislative procedure</li> <li>➤ Single Citizenship</li> <li>➤ Cabinet system</li> <li>➤ Prerogative writs</li> <li>➤ Parliamentary privileges</li> <li>➤ Bicameralism</li> </ul>

USA	<ul style="list-style-type: none"> <li>➤ Fundamental Rights</li> <li>➤ Independence of judiciary</li> <li>➤ Judicial Review</li> <li>➤ Impeachment of the President</li> <li>➤ Removal of SC and HC Judges</li> <li>➤ Post of vice-President</li> <li>➤ President as Executive Head</li> <li>➤ Preamble</li> </ul>
Germany (Weimar)	<ul style="list-style-type: none"> <li>➤ Suspension of Fundamental Rights during emergency</li> </ul>
South Africa	<ul style="list-style-type: none"> <li>➤ Procedure for Amendment in the Indian Constitution (Article 368)</li> <li>➤ Election of members of Rajya Sabha</li> </ul>
France	<ul style="list-style-type: none"> <li>➤ Republic (Elected Head)</li> <li>➤ Ideals of Liberty, Equality and Fraternity in the Preamble</li> </ul>
Government of India Act, 1935	<ul style="list-style-type: none"> <li>➤ 50-60% of the present constitution has been borrowed from here.</li> <li>➤ Federal Structure</li> <li>➤ Judiciary</li> <li>➤ Public Service Commission</li> <li>➤ Emergency Provisions</li> <li>➤ Office of Governor</li> </ul>

### 1.3 Other Salient Features

Feature	Description
<b>Rigidity and Flexibility</b>	Some parts amendable by ordinary laws, others by a two-thirds majority and ratification by half of states.
<b>Secular State</b>	No official state religion in India.
<b>Parliamentary System</b>	Based on British model; Executive accountable to legislature; President is nominal head, PM is real executive.
<b>Single Citizenship</b>	Union-provided single citizenship recognized across all states.
<b>Universal Adult Franchise</b>	Political equality through "One Person, One Vote" for all citizens 18+ (voting age reduced by 61st Amendment).
<b>Independent, Integrated Judiciary</b>	Hierarchical judiciary with SC as apex, enforcing both central and state laws.
<b>Fundamental Rights, Duties, DPSPs</b>	Rights enforceable by law; DPSPs guide governance; Duties are moral obligations (added by 42nd Amendment).
<b>Federation with Strong Center</b>	Indestructible Union, destructible states; unitary in emergencies.

<b>Parliamentary Sovereignty &amp; Judicial Supremacy</b>	Independent judiciary with judicial review; Parliament can amend the Constitution.	<b>Three-tier Government</b>	73rd & 74th Amendments established local governance in Part IX and IX-A.
<b>Independent Bodies</b>	Bodies like ECI, CAG, UPSC, and SPSC ensure unbiased governance.	<b>Co-operatives</b>	Added as a fundamental aspect of governance by the 97th Amendment Act.
<b>Emergency Provisions</b>	Safeguards for unity, integrity, sovereignty, and security.		

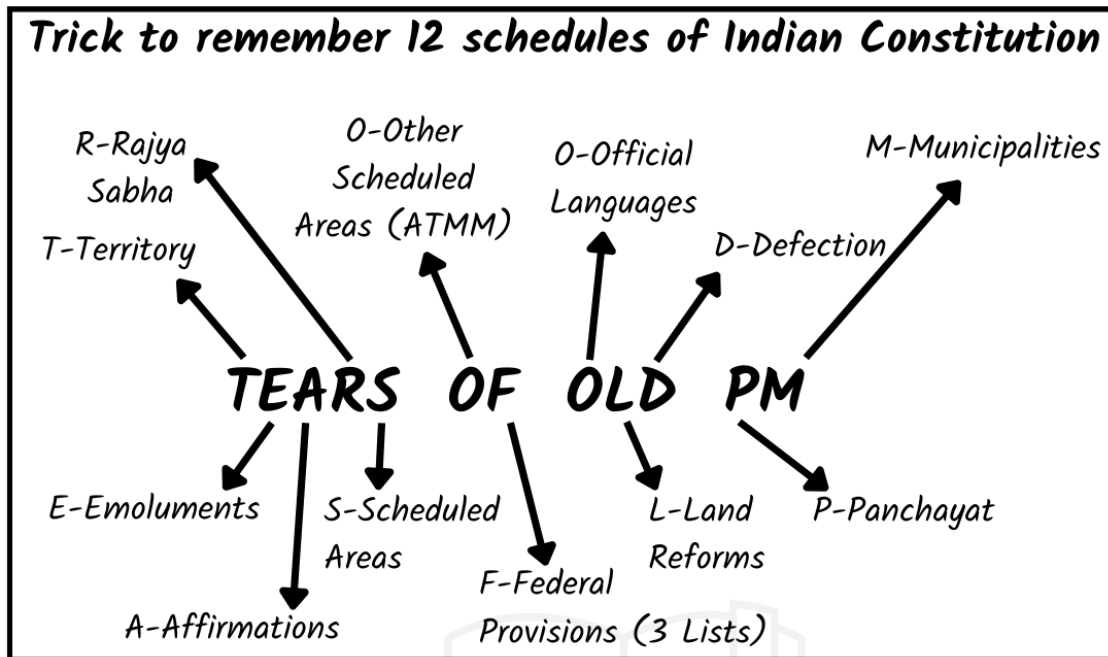
## 2. Parts of the Indian Constitution

<b>Parts</b>	<b>Subject Matter</b>	<b>Articles Covered</b>
I	The Union and its territory	1 to 4
II	Citizenship	5 to 11
III	Fundamental Rights	12 to 35
IV	Directive Principles of State Policy	36 to 51
IV-A	Fundamental Duties	51(A)
V	The Union Government Chapter I - The Executive Chapter II - Parliament Chapter III - Legislative Powers of President Chapter IV - The Union Judiciary Chapter V - CAG of India	52 to 151 52 to 78 79 to 122 123 124 to 147 148 to 151
VI	The State Governments Chapter I - General Chapter II - The Executive Chapter III - The State Legislature Chapter IV - Legislative Powers of Governor Chapter V - The High Courts Chapter VI - Subordinate Courts	152 to 237 152 153 to 167 168 to 212 213 214 to 232 233 to 237
VII	<del>The States in the Part B of the First Schedule (Repealed by 7th Constitutional Amendment Act)</del>	<del>238 (Deleted)</del>
VIII	The Union Territories	239 to 242

IX	<i>The Panchayats</i>	243 to 243(O)
IX-A	<i>The Municipalities</i>	243(P) to 243(ZG)
IX-B	<i>The Co-operative Societies</i>	243(ZH) to 243(ZT)
X	<i>The Scheduled and Tribal Areas</i>	244 to 244(A)
XI	<i>Relations between the Union and the States</i> <i>Chapter I - Legislative Relations</i> <i>Chapter II - Administrative Relations</i>	245 to 263 245 to 255 256 to 263
XII	<i>Finance, Property, Contracts and Suits</i> <i>Chapter I - Finance</i> <i>Chapter II - Borrowing</i> <i>Chapter III - Property, Contracts, Rights, Liabilities, Obligations and Suits</i> <i>Chapter IV - Right to Property</i>	264 to 300-A 264 to 291 292 to 293 294 to 300 300-A
XIII	<i>Trade, Commerce and Intercourse within the Territory of India</i>	301 to 307
XIV	<i>Services under the Union and the States</i> <i>Chapter I - Services</i> <i>Chapter II - Public Service Commissions</i>	308 to 323 308 to 314 315 to 323
XIV-A	<i>Tribunals</i>	323(A) to 323(B)
XV	<i>Elections</i>	324 to 329(A)
XVI	<i>Special Provisions relating to Certain Classes</i>	330 to 342(A)
XVII	<i>Official Language</i> <i>Chapter I - Language of the Union</i> <i>Chapter II - Regional Languages</i> <i>Chapter III - Language of the Supreme Court, High Courts, and so on</i> <i>Chapter IV - Special Directives</i>	343 to 351(A) 343 to 344 345 to 347 348 to 349 350 to 351
XVIII	<i>Emergency Provisions</i>	352 to 360
XIX	<i>Miscellaneous</i>	361 to 367
XX	<i>Amendment of the Constitution</i>	368
XXI	<i>Temporary, Transitional and Special Provisions</i>	369 to 392
XXII	<i>Short title, Commencement, Authoritative Text in Hindi and Repeals</i>	393 to 395

### 3. Schedules of the Indian Constitution

The Schedules of the Constitution are lists in the Indian Constitution that categorize and detail government policies, powers and administration across various domains.



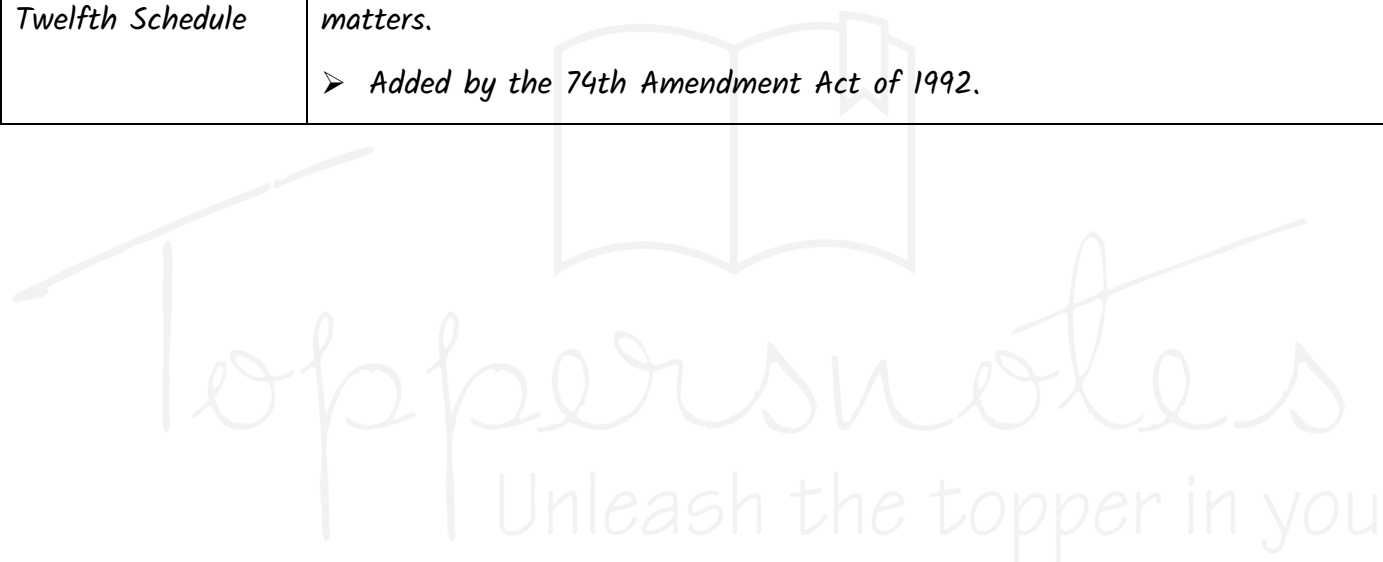
Numbers	Subject Matter		
First Schedule	<ol style="list-style-type: none"> <li>Names of the States and their territorial jurisdiction.</li> <li>Names of the Union Territories and their extent.</li> </ol>		
Second Schedule	<p>Provisions relating to the emoluments, allowances, privileges and so on of:</p> <ol style="list-style-type: none"> <li>President of India</li> <li>Governors of States</li> <li>Speaker and the Deputy Speaker of the Lok Sabha</li> <li>Chairman and the Deputy Chairman of the Rajya Sabha</li> <li>Speaker and the Deputy Speaker of the State Legislative Assembly</li> <li>Chairman and the Deputy Chairman of the State Legislative Council</li> <li>Judges of the Supreme Court</li> <li>Judges of the High Courts</li> <li>Comptroller and Auditor-General of India</li> </ol>		
Third Schedule	<p>Forms of Oaths or Affirmations for:</p> <table border="0"> <tr> <td> <ol style="list-style-type: none"> <li>Union ministers</li> <li>Candidates for Election to the Parliament</li> <li>Members of Parliament</li> <li>Judges of the Supreme Court</li> <li>Judges of the High Courts</li> </ol> </td> <td> <ol style="list-style-type: none"> <li>Comptroller and Auditor-General of India</li> <li>State ministers</li> <li>Candidates for Election to the State Legislature</li> <li>Members of the State Legislature</li> </ol> </td> </tr> </table>	<ol style="list-style-type: none"> <li>Union ministers</li> <li>Candidates for Election to the Parliament</li> <li>Members of Parliament</li> <li>Judges of the Supreme Court</li> <li>Judges of the High Courts</li> </ol>	<ol style="list-style-type: none"> <li>Comptroller and Auditor-General of India</li> <li>State ministers</li> <li>Candidates for Election to the State Legislature</li> <li>Members of the State Legislature</li> </ol>
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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	<p>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).</p> <ul style="list-style-type: none"> <li>➤ Union List contains 100 subjects (originally 97)</li> <li>➤ State List contains 61 subjects (originally 66)</li> <li>➤ Concurrent List contains 52 subjects (originally 47)</li> </ul>

Union List	State List	Concurrent List	Residuary Powers
<p>Union legislation alone can make laws on these matters.</p> <ul style="list-style-type: none"> <li>☑ Defense</li> <li>☑ Atomic Energy</li> <li>☑ Foreign Affairs</li> <li>☑ War &amp; Peace</li> <li>☑ Banking</li> <li>☑ Railways</li> <li>☑ Post &amp; Telegraph</li> <li>☑ Airways</li> <li>☑ Ports</li> <li>☑ Foreign Trade</li> <li>☑ Currency &amp; Coinage</li> </ul>	<p>State legislature has exclusive power to make laws on</p> <ul style="list-style-type: none"> <li>☑ Agriculture</li> <li>☑ Police</li> <li>☑ Prison</li> <li>☑ Local Government</li> <li>☑ Public Health</li> <li>☑ Land</li> <li>☑ Liquor</li> <li>☑ Trade &amp; Commerce</li> <li>☑ Livestock &amp; Animal</li> <li>☑ Husbandry</li> <li>☑ State Public Services</li> </ul>	<p>Both Union &amp; State can make laws on these matters</p> <ul style="list-style-type: none"> <li>☑ Education</li> <li>☑ Transfer of Property other than Agricultural land</li> <li>☑ Forests</li> <li>☑ Trade Unions</li> <li>☑ Adulteration,</li> <li>☑ Adoption &amp; Succession</li> </ul>	<ul style="list-style-type: none"> <li>☑ Article 248</li> <li>☑ Include all matters not mentioned in any of the lists</li> <li>☑ Union legislature alone has the power to legislate on such matters</li> <li>☑ This includes power to levy residuary taxes</li> </ul>

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> <ul style="list-style-type: none"> <li>➤ Sindhi was added by the 21st Amendment Act of 1967;</li> <li>➤ Konkani, Manipuri and Nepali by the 71st Amendment Act, 1992;</li> <li>➤ Bodo, Dongri, Maithili and Santhali by the 92nd Amendment Act, 2003.</li> </ul>
Ninth Schedule	Acts and Regulations of the state legislatures dealing with land reforms and abolition of the zamindari system and of the Parliament dealing with other matters.

	<ul style="list-style-type: none"> <li>➤ Added by the 1st AA (1951) to protect the laws included in it from judicial scrutiny on the ground of violation of Fundamental Rights.</li> <li>➤ However, in 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to Judicial Review.</li> </ul>
Tenth Schedule	<p>Provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection.</p> <ul style="list-style-type: none"> <li>➤ Added by the 52nd Amendment Act of 1985, also known as Anti-defection Law.</li> </ul>
Eleventh Schedule	<p>Specifies the powers, authority and responsibilities of Panchayats. It has 29 matters.</p> <ul style="list-style-type: none"> <li>➤ Added by the 73rd Amendment Act of 1992.</li> </ul>
Twelfth Schedule	<p>Specifies the powers, authority and responsibilities of Municipalities. It has 18 matters.</p> <ul style="list-style-type: none"> <li>➤ Added by the 74th Amendment Act of 1992.</li> </ul>



# 3 CHAPTER

# Constitutional Amendments and Basic Structure Doctrine

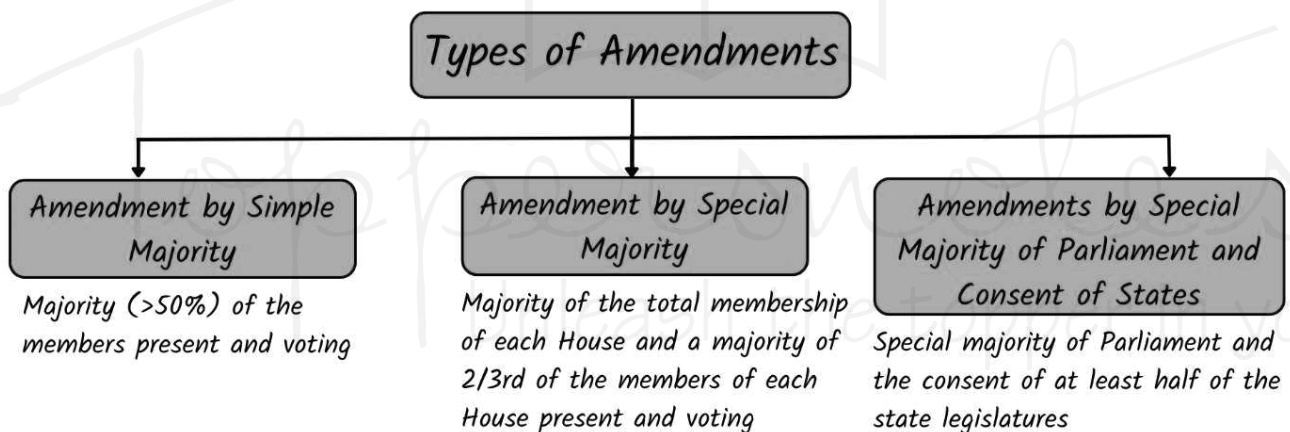
Constitutional amendments are a mechanism through which the Constitution of India can be modified or altered. This process ensures that the document remains relevant and adaptable to the evolving needs and aspirations of the nation. Amendments can be initiated by either house of the Parliament (Rajya Sabha or Lok Sabha), and require a specific majority to be passed.

## 1. Constitutional Provisions

- Article 368 in Part XX of the Indian Constitution
- Source: Constitution of South Africa

Article	Provision
368	Power of Parliament to amend the Constitution and procedure therefor

## 2. Types of Amendments



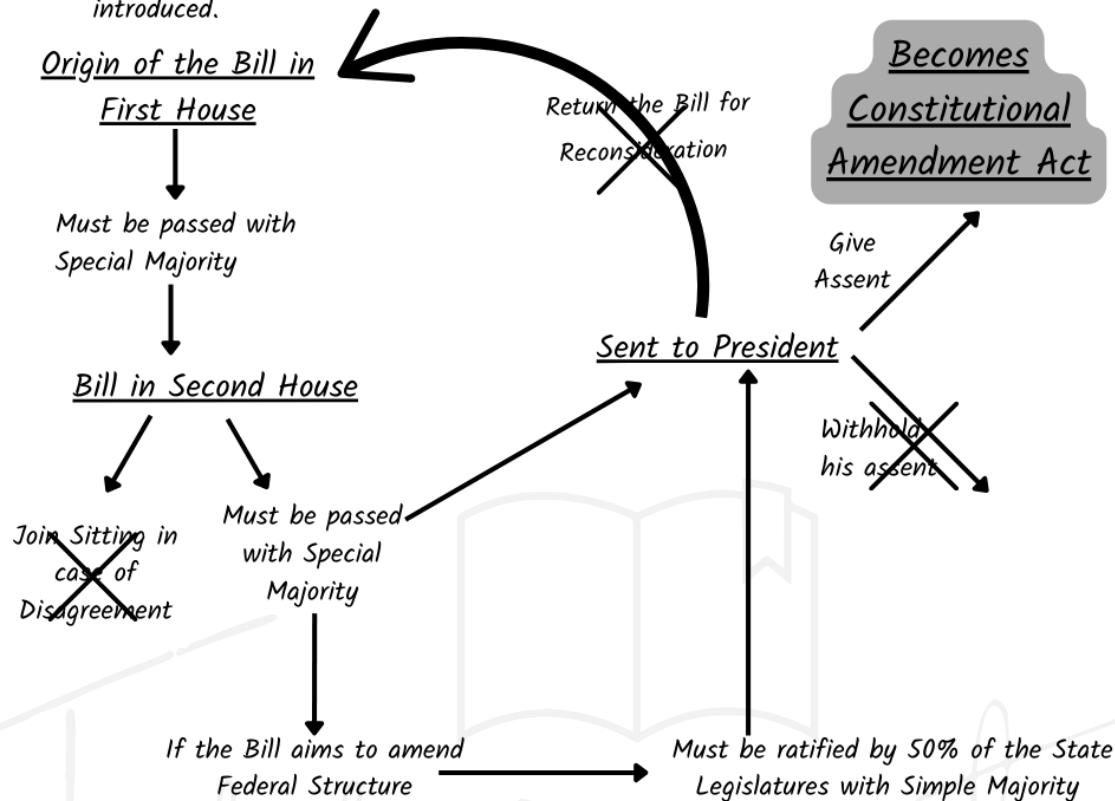
Amendment Type	Subject which can be amended
Amendments by simple Majority (Outside the scope of article 368)	<ul style="list-style-type: none"> <li>➤ Admission or establishment of new states.</li> <li>➤ Formation of new states and alteration of areas, boundaries or names of existing states.</li> <li>➤ Abolition or creation of legislative councils in states.</li> <li>➤ Second Schedule—emoluments, allowances, privileges and so on of the president, the governors, the Speakers, judges, etc.</li> <li>➤ Quorum in Parliament.</li> </ul>



	<ul style="list-style-type: none"> <li>➤ <i>Salaries and allowances of the members of Parliament.</i></li> <li>➤ <i>Rules of procedure in Parliament.</i></li> <li>➤ <i>Privileges of the Parliament, its members and its committees.</i></li> <li>➤ <i>Use of English language in Parliament.</i></li> <li>➤ <i>Number of puisne judges in the SC.</i></li> <li>➤ <i>Conferment of more jurisdiction on the SC.</i></li> <li>➤ <i>Use of official language.</i></li> <li>➤ <i>Citizenship-acquisition and termination.</i></li> <li>➤ <i>Elections to Parliament and state legislatures.</i></li> <li>➤ <i>Delimitation of constituencies.</i></li> <li>➤ <i>Fifth Schedule-administration of Scheduled areas and tribes.</i></li> <li>➤ <i>Sixth Schedule-administration of tribal areas.</i></li> </ul>
<i>Amendment by Special Majority</i>	<ul style="list-style-type: none"> <li>➤ <i>Fundamental Rights;</i></li> <li>➤ <i>Directive Principles of State Policy; and</i></li> <li>➤ <i>All other provisions which are not covered by the first and third categories</i></li> </ul>
<i>Amendment by Special Majority of Parliament and Consent of States</i>	<ul style="list-style-type: none"> <li>➤ <i>Election of the President and its manner.</i></li> <li>➤ <i>Extent of the executive power of the Union and the states.</i></li> <li>➤ <i>SC and HCs.</i></li> <li>➤ <i>Distribution of legislative powers b./w the Union and the states.</i></li> <li>➤ <i>Goods and Services Tax Council</i></li> <li>➤ <i>Any of the lists in the Seventh Schedule.</i></li> <li>➤ <i>Representation of states in Parliament.</i></li> <li>➤ <i>Power of Parliament to amend the Constitution and its procedure (Article 368 itself).</i></li> </ul>

## Procedure for Constitutional Amendment

- ✓ Can originate in either House of Parliament only, State Legislatures can't initiate a constitutional Amendment Bill.
- ✓ Can be introduced by a minister or a private member.
- ✓ Prior permission of President of India is not required for bill to be introduced.



**Note:** The 24th Constitutional Amendment Act of 1971 stipulated that the President must give their assent to a Constitutional Amendment Bill passed by both houses of Parliament, so the President cannot withhold or return the bill for reconsideration.

### 3. Important Constitutional Amendment Acts

- | FIRST CONSTITUTIONAL AMENDMENT ACT, 1951 |  |
|--|--|
| 1  | <u>9TH SCHEDULE</u><br>It was introduced to protect land acquisition laws from judicial review.  |
| 2  | <u>ARTICLE 31A &amp; 31B</u><br>Added 31A for saving of laws providing for acquisition of estates & 31B to save Acts and regulations added in 9th schedule.                        |
| 3  | <u>3 GROUNDS</u><br>Added 3 more grounds of restriction on Freedom of speech & expression<br>1. Public Order 2. Friendly relations with foreign states 3. Incitement of an Offense |
| 4  | <u>ARTICLE 15</u><br>Empowered the State to make special provisions for the advancement of socially and educationally backward classes of citizens or for SC/STs                   |

## SEVENTH CONSTITUTIONAL AMENDMENT ACT, 1956

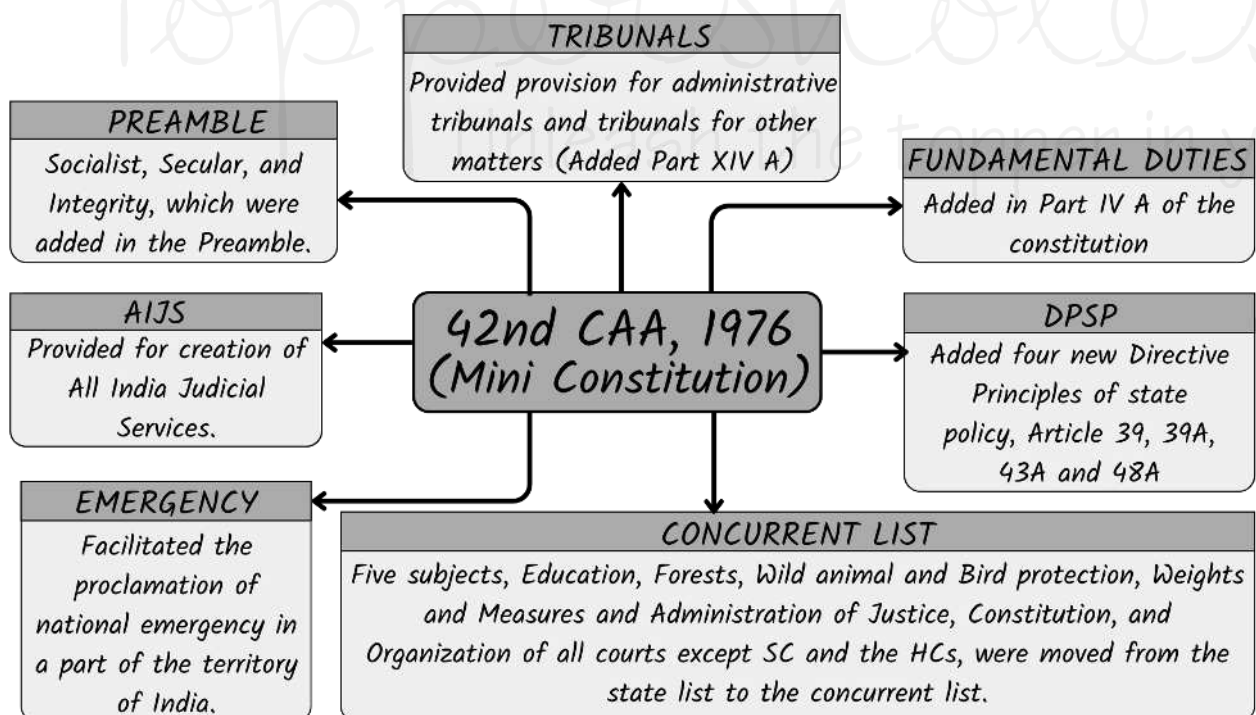
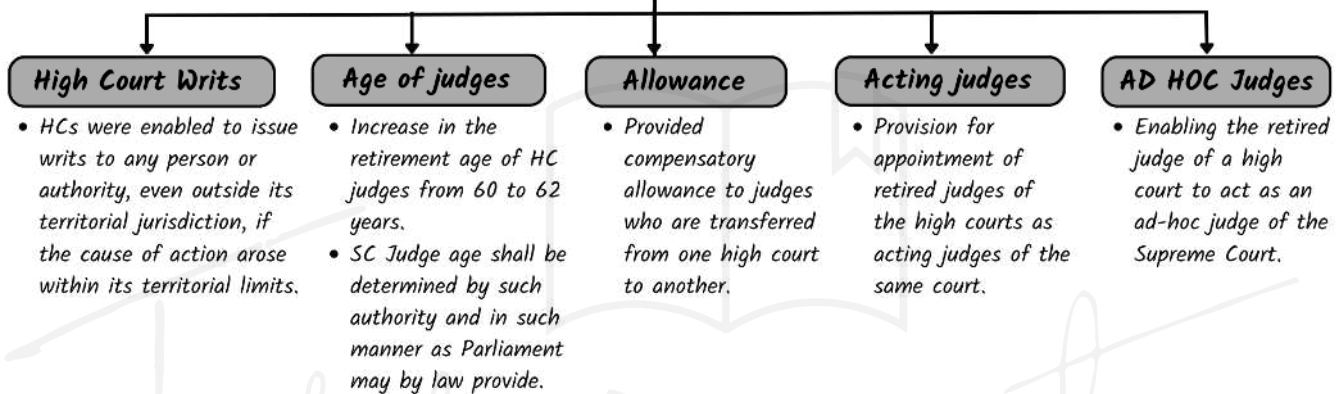
**1** STATES & UTS  
Abolition of the existing classification of states into four categories, and reorganised them into 14 states and 6 union territories.

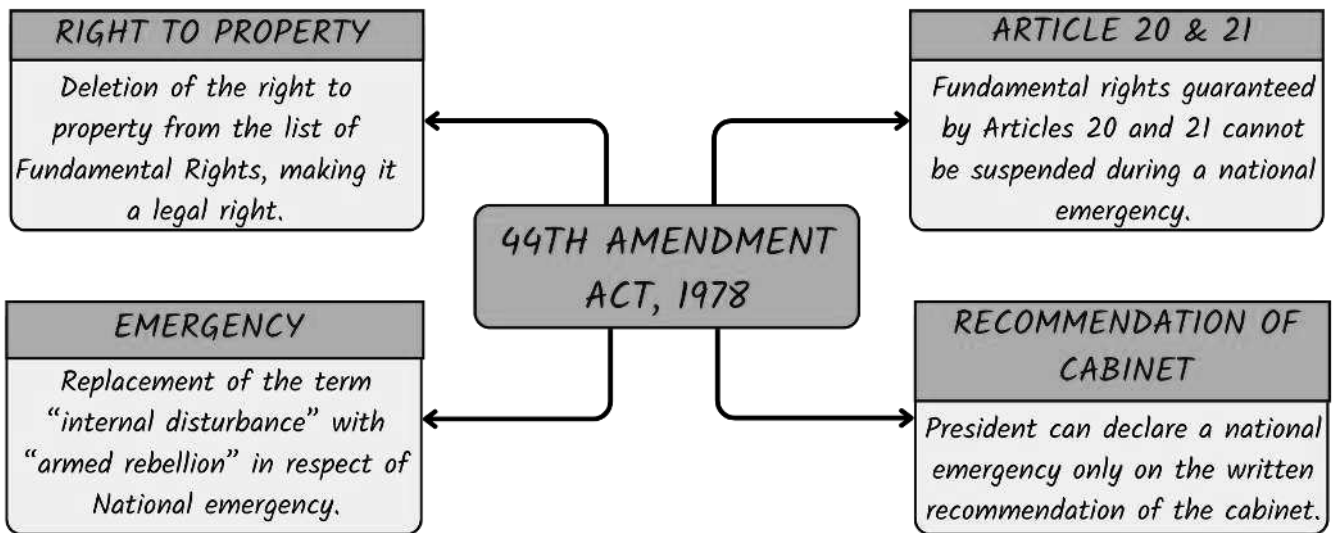
**2** JURISDICTION OF HC  
Extended the jurisdiction of High Courts to UTs

**3** COMMON HIGH COURT  
Establishment of common High Court for two or more states

**4** JUDGES OF HC  
Appointment of additional & acting judges of High Court

## 15TH CAA, 1963





### **List of Other Important Amendments to the Constitution**

9 <sup>th</sup> Amendment Act, 1960	Facilitated the cessation of the Indian territory of the Berubari union (West Bengal) to Pakistan as provided in the Indo-Pak agreement.
24 <sup>th</sup> Amendment Act, 1971	Affirmation of the power of Parliament to amend any part of the Constitution, including Fundamental Rights. Made it compulsory for the President to give his assent to a Constitutional Amendment Bill.
41 <sup>st</sup> Amendment Act, 1976	Retirement age of members of State Public Service Commission & Joint Public Service Commission from 60 to 62 years.
52 <sup>nd</sup> Amendment Act, 1985	This amendment act is also known as Anti Defection Law. The act provided for the disqualification of members of Parliament and state legislatures on the grounds of defection. Addition of a new Tenth Schedule containing the details in this regard.
61 <sup>st</sup> Amendment Act, 1989	Reduced the voting age from 21 years to 18 years for the Lok Sabha and State Legislative Assembly elections.
69 <sup>th</sup> Amendment Act, 1991	Made Delhi the 'National Capital Territory of Delhi' along with the provision of a 70-member assembly and a 7-member Council of Ministers for Delhi.
73 <sup>rd</sup> Amendment Act, 1992	Panchayati Raj Institutions were included under the Eleventh Schedule. Provisions for a three-tier model of Panchayati Raj, Reservation of seats for SCs and STs in proportion to their population, One-third reservation of seats for women was granted.