



Uttar Pradesh

Assistant Prosecution Officer (APO)

Uttar Pradesh Public Service Commission (UPPSC)

Volume - 4

Prelims

Constitution of India, UP Police Act, 1861 & Regulations



INDEX

Constitution of India		
1.	Important Amendments for Preliminary Exams	1
2.	List of Cases on Constitutional Doctrines	4
3.	Making of the Indian Constitution	7
4.	Preamble	11
5.	The Union and its Territory (Article 1-4)	16
6.	Citizenship (Article 5-11)	18
7.	The Concept of Fundamental Rights (Article 12-35)	20
8.	Directive Principles of State Policy (Articles 36–51)	70
9.	Fundamental Duties	78
10.	The President & The Vice-President of India (Article 52-73)	81
11.	Council of Ministers and Other Minister (Article 74-75)	86
12.	Attorney General of India (Article 76)	87
13.	Parliament (Article 79-122)	88
14.	Ordinance Making Power of the President (Article 123)	95
15.	The Union Judiciary (Supreme Court) (Article 124-147)	97
16.	Comptroller and Auditor – General of India (Article 148-151)	106
17.	Governor (Article 152-162)	108
18.	Council of Ministers (State) and Other Minister	111
19.	Advocate – General for the State (Article 165)	112
20.	Conduct of Government Business (Article 166-167)	113
21.	State Legislature (Article 168-177)	115
22.	Officers of the State Legislature (Article 178-187)	117
23.	Conduct of Business (Article 188-189)	118
24.	Disqualifications of Members (Article 190-193)	118
25.	Power, Privileges and Immunities of State Legislature and their Member (Article 194-195)	119
26.	Legislative Procedure (Article 196-201)	119
27.	Procedure in Financial Matters (Article 202-207)	121
28.	Procedure General (Article 208-212)	121
29.	Ordinance Making Power of Governor (Article 213)	122
30.	High Court (Article 214-231)	124
31.	Subordinate Courts (Article 233-237)	126
32.	Relations between the Union and the State (Article 245-255)	128
33.	Services Under the Union and the States (Article 308-323)	134
34.	Emergency Provision (Article 352-360)	138

The Police Act, 1861

Chapter No.	Chapter Name	Page No.
1.	Chapter I – Constitution & Organization	
	1. Interpretation clause	143
	2. Constitution of the force	144
	3. Superintendence in the State Government	145
	4. Inspector-General of Police, etc.	145
	5. Powers of Inspector-General – exercise of power	145
	7. Appointment, dismissal, etc., of inferior officers	146
	8. Certificates to police officers	146
	9. Surrender of certificate	146
	10. Police officers not to resign without leave or two months' notice	147
	11. Police Superannuation Fund	147
	12. Power of Inspector-General to make rules	147
2.	Chapter II – Employment of Additional Police	
	13. Additional police employed at cost of individuals	147
	14. Appointment of additional force in neighbourhood of railway and other works	147
	15. Quartering of additional police in disturbed or dangerous districts	148
	15A. Awarding compensation to sufferers from misconduct of inhabitants/persons interested in land	148
	16. Recovery of moneys payable under sections 13, 14, 15 & 15A, and disposal thereof	149
3.	Chapter III – Special Police & Village Police	
	17. Special police-officers	149
	18. Powers of special police-officers	150
	19. Refusal to serve as special police-officers	150
	20. Authority to be exercised by police-officers	150
	21. Village police-officers / Police-chaukidars in Presidency of Fort William	150
4.	Chapter IV – Duties of Police	
	22. Police officers always on duty, may be employed in any part of district	150
	23. Duties of police officers	150
	24. Police officers may lay information, etc.	151
	25. Police to take charge of unclaimed property, subject to Magistrate's orders	151
	26. Magistrate may detain property and issue proclamation	151
	27. Confiscation of property if no claimant appears	151
	28. Persons refusing to deliver up certificate, etc., on ceasing to be police officers	151

5.	Chapter V – Penalties, Powers, and Regulations	
	29. Penalties for neglect of duty, etc.	151
	30. Regulation of public assemblies & processions; licensing of same — Music in the streets	151
	30A. Powers regarding assemblies/processions violating conditions of license	152
	31. Police to keep order in public roads, etc.	152
	32. Penalty for disobeying orders issued under last three sections, etc.	152
	33. Saving of control of Magistrate of district	152
	34. Punishment for certain offences on roads, etc. — Slaughtering cattle, furious riding, cruelty to animals, obstructing passengers, exposing goods for sale, throwing dirt, drunkenness, indecent exposure, neglect of dangerous places	152
6.	Chapter VI – Procedure & Miscellaneous	
	35. Jurisdiction	153
	36. Power to prosecute under other law not affected (Proviso)	153
	37. Recovery of penalties and fines imposed by Magistrates	153
	42. Limitation of actions; Tender of amends (Proviso)	153
	43. Plea that act was done under warrant (Proviso)	154
	44. Police officers to keep diary	154
	45. State Government may prescribe form of returns	154
	46. Scope of Act	154
	47. Authority of District Superintendent of Police over village police	154

Uttar Pradesh Police Regulations

Chapter No.	Chapter Name	Page No.
1.	Part I – Powers and Duties of Officers Chapter I – Superior Officers	
	DIRECTOR GENERAL OF POLICE	
	1. Powers and status of Inspector General-cum-Director General of Police	155
	ADDITIONAL INSPECTOR - GENERAL / ZONAL INSPECTOR GENERAL	
	1-A. Powers and responsibilities of Additional Inspector General of Police.....	155
	DEPUTY INSPECTOR-GENERAL	
	2. Powers and responsibilities of Deputy Inspectors-General as the incharge of ranges	156
	3. Duties of Deputy Inspector General of Police in his range	156
	DEPUTY INSPECTOR-GENERAL, GOVERNMENT RAILWAY POLICE	
	4. Powers of Assistant to the Inspector-General, Government Railway Police.....	156
	COMMISSIONER	
	5. Powers of Commissioner	156
	DISTRICT MAGISTRATE	
	6. Powers of District Magistrate of the district.....	157
	7. Information to District Magistrate of all serious crimes and of any sudden increase in volume of crime	157
	7-A. Powers of D.M. to ask the S.P. to institute an enquiry in case of any instance of inaction, corruption, harassment, abuse of authority and wrongful detention of police.....	157
	7-B.	157
	8. Instructions to DM in the exercise of his power of control.....	157
	9. Inspection of Police Stations by D.M.....	157
	10. To obtain sanction of the DM to the expunction of a Crime from the crime register	158
	10-A.	158
	11. The powers of a Superintendent in licensing and Regulating prosecutions.....	158
	SUPERINTENDENTS OF POLICE	
	12. Status of Superintendent of Police	158
	13. Responsibilities of Superintendent of Police	158

	14.To follow the directions contained in M.G.O's, when a district officer giving over a charge of a district	159
	15.Entries in English Order Book (presently known as Hindi Order Book).....	159
	16.Entries of all cognizable crimes reported at police Stations in Crime Register.....	159
	ASSISTANT AND DEPUTY SUPERINTENDENTS OF POLICE	
	17.Powers and duties of Assistant and Deputy Superintendents of Police.....	159
	17-A. [Omitted].....	...
2.	Chapter II - Reserve Inspectors and Reserve Sub-Inspectors	
	18.Responsibilities of Reserve Inspector (R.I.).....	161
	19.Responsibilities of Reserve Inspector regarding safe custody of arms, ammunition and stores.....	161
	20.Responsibilities of Reserve Inspector for the training of recruits.....	161
	21.Duties of R.I. for weekly kit inspection and annual firing.....	161
	22.Inspection of all guards and sentries by R.I. at headquarters deputed from reserve lines.....	161
	23.Employment of R.I. to command escorts and guards on special occasions.....	161
	24.Duties of Reserve Sub-Inspector (R.S.I.).....	162
3.	Chapter III - Public Prosecutors and Their Subordinates	
	25-39. [Omitted].....	...
4.	Chapter IV - Circle Inspectors	
	40. Principal duties of Circle Inspectors.....	163
	41. Other duties of Circle Inspector.....	163
	42. Responsibilities given to Circle Inspector by the Inspector General	163
5.	Chapter V – Sub-Inspectors and Under Officers of the Civil Police Officer-in-charge of a Station	
	43. Officer-in-charge of a police station	165
	44. Abilities of Officer-in-charge of a police station	165
	45. Confidential Note Book of Officer-in-charge	165
	46. Duties of Officer-in-charge of a police station	165
	47. Powers of S.O. to allow his subordinates to go off duty	165
	48. Miscellaneous important duties of a Station-officer-in-Charge	166

34.	Chapter XXXIV – Transfers	
	520. Transfer of gazette officers	229
	521. Transfer by D.G. (P)	229
	522. Mutual exchange of constables and head constables	229
	523. Rules of joining time after transfer	229
	524. Transfer by S.P. within district	229
	525. Transfer of constables in Armed and Civil police	229
	526. Transfer of village chowkidars	229
35.	Part IV – Training Chapter XXXV – Training of Gazetted Officers, Inspectors and Reserve Sub-Inspectors	
	527. Knowledge of drill to police officers	230
	528. Course of instruction for probationary Assistant Superintendents of Police	230
	529. Probation of Dy. S.P.'s	230
	530. R.I. must have knowledge of drill	230
	531. [Omitted]	...
	532. Qualification for the public prosecutor	230
	533. Training of Circle Inspectors	230
36.	Chapter XXXVI – Training of Sub-Inspectors	
	534. Training of Sub-Inspectors	230
	535. Probation of Sub-Inspectors	230
	536. Programme for probationer Sub-Inspector	230
	537. Extension of period of probation	230
	538. Selection of 'Z' cadets	230
37.	Chapter XXXVII – Training of Head Constables and Constables	
	539. Training of recruits	231
	540. Selection of X recruits from constables	231
	541. Probation period of recruits	231
	542. Instruction in law and regulation to recruits	231
	543. Classes of constables	231
	544. Training of drill will be taught in reserve lines	231
	545. Training of drill of mounted police	231
	546. Training of platoon drill	231
	547. S.P. shall command a general parade of the force once a week in reserve lines	231

	548. Practice of musketry and revolver	231
	549. Inspection of kits, arms and clothing etc. in police lines	231
	550. Instruction in “First aid to the injured” to probationary police officers and recruits	231
	551. Selection of Burglers from recruits	231
	552. Daily class of Drill instructors	231
	553. Employment of trained S.I. teachers	231
	554. Posting of trained teachers to give primary teaching to the children of police officers	231

Constitution of India

Important Amendments for Preliminary Exams

1. 1st Amendment (1951)

- ✓ Added **9th Schedule** (immunity to land reform laws).
- ✓ Curtailed **Right to Property (Art. 19(1)(f))**.
- ✓ Introduced **reasonable restrictions** on Art. 19.
- ✓ Inserted Art. 31A & 31B.

2. 7th Amendment (1956)

- ✓ Reorganized States on **linguistic basis** (States Reorganisation Act).
- ✓ Abolished distinction between Part A, B, C, D states.
- ✓ This Amendment created the concept of a **“common Governor”**, i.e., one individual can act as the constitutional head of two or more states simultaneously.
- ✓ This Amendment empowered the Parliament to establish a **common High Court** for two or more states.

3. 21st Amendment, 1967

- ✓ Added **Sindhi**.
- ✓ Total: **15 languages**

4. 24th Amendment (1971)

- ✓ Made clear: **Parliament has power to amend any part of Constitution**, including Fundamental Rights.
- ✓ Article 368 made explicit.
- ✓ Response to *Golaknath v. State of Punjab* (1967).

5. 25th Amendment (1971)

- ✓ Inserted **Art. 31C**: Directive Principles (Art. 39(b), (c)) override Fundamental Rights (Art. 14, 19).

6. 26th Amendment (1971)

- ✓ Abolished **privy purses & privileges** of erstwhile rulers.

7. 31st Amendment (1973)

- ✓ Increased strength of **Lok Sabha** from 525 to 545.

Kesavananda & Emergency Era

7. 42nd Amendment (1976) (*Mini-Constitution*)

- ✓ Added words **“Socialist, Secular, Integrity”** in Preamble.
- ✓ Made **DPSPs** superior to Fundamental Rights (subject to judicial review later).
- ✓ Curtailed judicial review.
- ✓ Gave Parliament primacy in amending Constitution.
- ✓ Extended tenure of Lok Sabha & State Assemblies from 5 to 6 years.

8. 44th Amendment (1978)

- ✓ Reversed Emergency excesses.
- ✓ Restored tenure of Lok Sabha & Assemblies back to **5 years**.
- ✓ Restored power of **judicial review**.
- ✓ Made **Right to Property** (Art. 300A) a **legal right**, no longer a fundamental right.
- ✓ Provided that **Fundamental Rights under Art. 20 & 21** cannot be suspended even during Emergency.

9. 52nd Amendment (1985)

- ✓ Inserted **10th Schedule (Anti-Defection Law)**.

10. 61st Amendment (1989)

- ✓ Reduced **voting age** from **21 to 18 years**.

11. 69th Amendment (1991)

- ✓ Made Delhi **National Capital Territory (NCT)** with Legislative Assembly (Art. 239AA).

12. 71st Amendment, 1992

- ✓ Added **Konkani, Manipuri, Nepali**.
- ✓ Total: **18 languages**.

13. 73rd Amendment (1992)

- ✓ Constitutional status to **Panchayati Raj Institutions**.
- ✓ Added **11th Schedule**.

14. 74th Amendment (1992)

- ✓ Constitutional status to **Urban Local Bodies (Municipalities)**.
- ✓ Added **12th Schedule**.

15. 86th Amendment (2002)

- ✓ Made **Right to Education (Art. 21A)** a Fundamental Right (6–14 years).
- ✓ Changed DPSP: Art. 45 → Early childhood care (0–6 years).

16. 91st Amendment (2003)

- ✓ Limited size of **Council of Ministers** (15% of Legislative strength).
- ✓ Strengthened Anti-Defection Law.

17. 92nd Amendment, 2003 (came into effect in 2004)

- ✓ Added **Bodo, Dogri, Maithili, Santhali**.
- ✓ Total: **22 languages** (current)

18. 97th Amendment (2011)

- ✓ Gave **constitutional status to cooperatives** (Art. 19(1)(c), Part IXB).
- ✓ Later partly struck down by SC in *Union of India v. Rajendra Shah* (2021) for want of state ratification.

19. 101st Amendment (2016)

- ✓ Introduced **Goods and Services Tax (GST)**.
- ✓ Created GST Council (Art. 279A).

20. 102nd Amendment (2018)

- ✓ Granted constitutional status to **National Commission for Backward Classes (NCBC)**.

21. 103rd Amendment (2019)

- ✓ Introduced **10% reservation for Economically Weaker Sections (EWS)**.
- ✓ Added **Art. 15(6), 16(6)**.

22. 104th Amendment (2020)

- ✓ Extended reservation of **SC/ST in Lok Sabha & State Assemblies** till 2030.
- ✓ Abolished reserved seats for **Anglo-Indians** in Lok Sabha & Assemblies.

23. 105th Amendment (2021)

- ✓ Restored power of **States to identify OBCs** for their own list.

24. 106th Amendment (2023)

- ✓ It reserves one-third of seats for women in Lok Sabha, State Legislative Assemblies, and Legislative Assembly of Delhi.



List of Cases on Constitutional Doctrines

1. **Doctrine of Quasi-Federalism** – Indian Constitution is federal with strong unitary bias – *State of West Bengal v. Union of India* (1963) SC.
2. **Doctrine of Separation of Powers** – No rigid separation, but functional separation between legislature, executive & judiciary – *Indira Nehru Gandhi v. Raj Narain* (1975) SC.
3. **Doctrine of Rule of Law** – No one is above law; equality before law – *ADM Jabalpur v. Shivkant Shukla* (1976) SC (criticized, later corrected in *Maneka Gandhi* (1978) & *K.S. Puttaswamy* (2017)) SC.
4. **Doctrine of Judicial Review** – Judiciary has power to strike down unconstitutional laws – *Marbury v. Madison* (1803, US) SC of US; in India – *Kesavananda Bharati v. Union of India* (1973 SC).
5. **Doctrine of Reasonable Classification** – Equality permits reasonable classification, not class legislation – *State of West Bengal v. Anwar Ali Sarkar* (1952 SC).
6. **Doctrine of Arbitrariness** – Any law/action arbitrary violates Art. 14 – *E.P. Royappa v. State of Tamil Nadu* (1974) SC; strengthened in *Maneka Gandhi V. Union of India* (1978) SC.
7. **Doctrine of Manifest Arbitrariness** – A law can be struck down if arbitrary – *Shayara Bano v. Union of India* (2017) SC (Triple Talaq case).
8. **Doctrine of Pleasure Qualified by Safeguards** – Though Art. 310 gives “pleasure doctrine”, Art. 311 gives safeguards – *Shamsher Singh v. State of Punjab* (1974) SC.
9. **Doctrine of “Collective Responsibility”** – Cabinet collectively responsible to Lok Sabha – *Shamsher Singh v. State of Punjab* (1974) SC, *Ram Jawaya Kapur v. State of Punjab* (1955) SC.
11. **Doctrine of Unreasonable Restriction** – Restrictions on FR must be reasonable – *Chintaman Rao v. State of M.P.* (1951) SC.
12. **Doctrine of Public Interest** – Courts allow restrictions if in larger public interest – *Bennett Coleman v. Union of India* (1972) SC.
13. **Doctrine of Balancing Fundamental Rights** – When two FRs conflict, balance must be struck – *Bijoe Emmanuel v. State of Kerala* (1986) SC.
14. **Doctrine of Living Constitution** – Constitution interpreted as evolving with time – *Navtej Singh Johar v. Union of India* (2018) SC.
15. **Doctrine of Constitutional Morality** – Constitutional values must guide interpretation – *Government of NCT of Delhi v. Union of India* (2018), *Navtej Johar* (2018) SC.
16. **Doctrine of Transformative Constitutionalism** – Constitution seen as a tool of social transformation – *Navtej Johar* (2018), *Joseph Shine* (2018) SC.
17. **Doctrine of Subsidiarity** – Matters should be handled at lowest effective level – applied in local governance context (*Bommai V. State of Karnataka case 1994 indirectly*).
19. **Doctrine of “Fruit of the Poisonous Tree”** – Illegally obtained evidence inadmissible – adopted in India cautiously (*Pooran Mal v. Director of Inspection* (1974)) SC.
20. **Doctrine of Double Jeopardy** – No person tried/punished twice for same offence – *Maqbool Hussain v. State of Bombay* (1953) SC.

-
- 24. Doctrine of Escheat** – If a person dies intestate without heirs, property goes to the State – Art. 296 of Constitution.
- 25. Doctrine of Bona Vacantia** – Ownerless property goes to State – Art. 296.
- 26. Doctrine of Public Trust** – State is trustee of natural resources for public – *M.C. Mehta v. Kamal Nath (1997) SC*.
- 27. Basic Structure Doctrine** – Parliament can amend Constitution but cannot alter its basic features (democracy, federalism, judicial review).
Case: *Kesavananda Bharati v. State of Kerala (1973)*.
- 28. Pith and Substance Doctrine** – Legislative competence judged by true subject of law, not incidental encroachment.
Case: *State of Bombay v. F.N. Balsara (1951)*.
- 29. Colourable Legislation** – What cannot be done directly, cannot be done indirectly by legislature.
Case: *K.C. Gajapati Narayan Deo v. State of Orissa (1953) SC*.
- 30. Severability Doctrine** – Invalid part of a statute can be severed; rest continues if workable.
Case: *R.M.D. Chamarbaugwala v. Union of India (1957) SC*.
- 31. Eclipse Doctrine** – Pre-constitutional laws inconsistent with FRs are dormant, not void; revive if inconsistency removed.
Case: *Bhikaji Narain Dhakras v. State of M.P. (1955) SC*.
- 32. Waiver Doctrine** – Fundamental Rights cannot be waived as they serve public policy.
Case: *Basheshar Nath v. CIT (1959 SC)*.
- 33. Harmonious Construction** – Conflicting provisions should be interpreted to give effect to both.
Case: *M.S.M. Sharma v. Sri Krishna Sinha (1959) SC*.
- 34. Prospective Overruling** – New judicial ruling applies only prospectively, not retrospectively.
Case: *I.C. Golaknath v. State of Punjab (1967) SC*.
- 35. Separation of Powers** – Legislature, executive, judiciary have separate domains; part of basic structure.
Case: *Indira Gandhi v. Raj Narain (1975) SC*.
- 36. Laches Doctrine** – Delay in filing petition can defeat claim (“equity aids the vigilant”).
Case: *State of M.P. v. Bhailal Bhai (1964 SC)*.
- 37. Stare Decisis** – Courts must follow precedents; ensures certainty under Art. 141.
Case: *Bengal Immunity Co. v. State of Bihar (1955) SC*.
- 38. Rule of Law** – No one is above law; equality before law is guaranteed.
Case: *ADM Jabalpur v. Shivkant Shukla (1976)* (later corrected in *Maneka Gandhi*).
- 39. Proportionality Doctrine** – Restrictions on rights must be necessary, suitable, least restrictive.
Case: *K.S. Puttaswamy v. Union of India (2017) SC*.
- 40. Territorial Nexus Doctrine** – State law may operate extraterritorially if sufficient nexus exists.
Case: *State of Bombay v. R.M.D.C. (1957) SC*.
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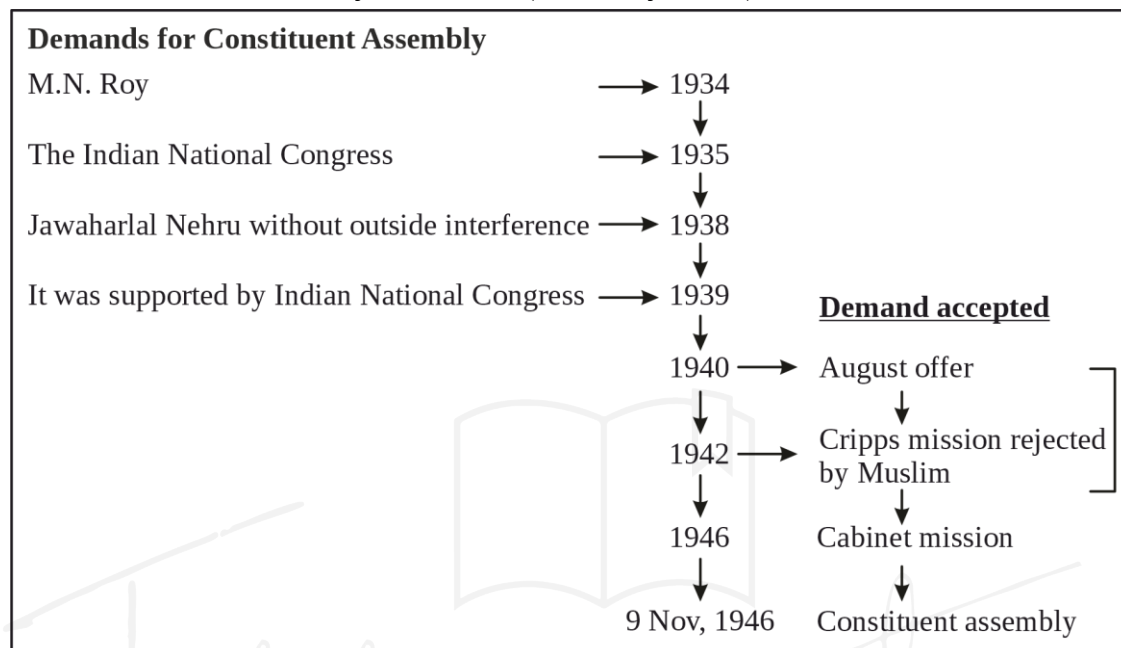
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- 41. Repugnancy Doctrine** – In Concurrent List, Union law prevails over inconsistent State law.
Case: *M. Karunanidhi v. Union of India (1979) SC*.
- 42. Occupied Field Doctrine** – When Union law occupies field, State cannot legislate further.
Case: *Tika Ramji v. State of U.P. (1956) SC*.
- 43. Pleasure Doctrine** – Govt. servants hold office during President's/Governor's pleasure, subject to Art. 311.
Case: *Shamsher Singh v. State of Punjab (1974) SC*.
- 44. Doctrine of Legitimate Expectation** – Citizens can expect consistency in state policy; breach reviewable.
Case: *Navjyoti Coop. Group Housing Society v. Union of India (1992) SC*.



Making of the Indian Constitution

1. Background

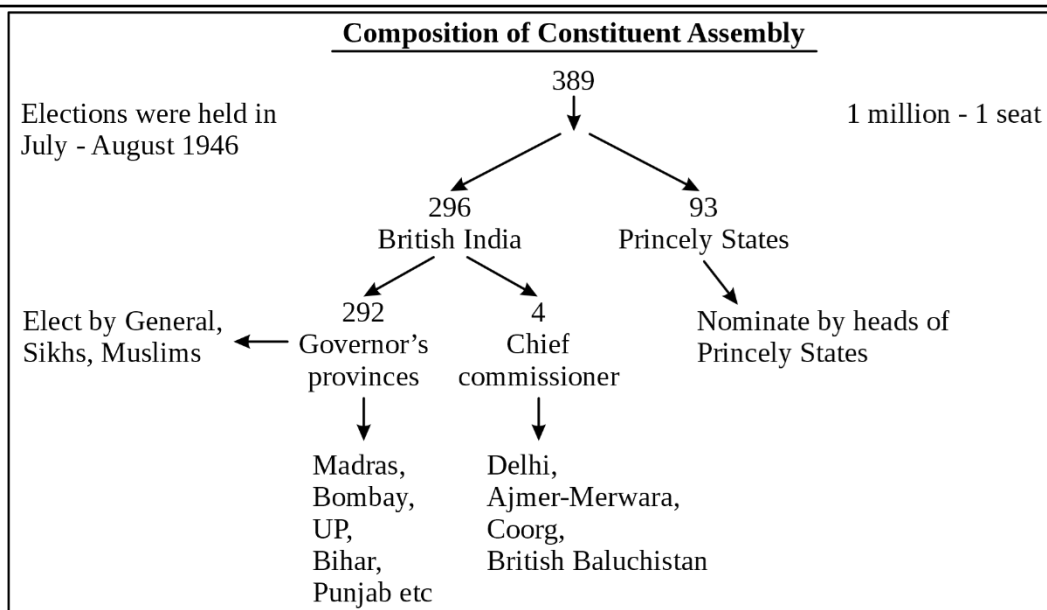
- ✓ **British Rule:** Exposed India to modern constitutional institutions (Govt. of India Acts, 1909–1935).
- ✓ **Demand for Constitution:** Indian National Congress (INC) demanded self-governance & Constituent Assembly since 1934 (M.N. Roy's idea).



- ✓ **August Offer (8 August 1940):** The British promised that after World War II, Indians would get a chance to frame their own Constitution. But Congress rejected it (they wanted full independence), but the Muslim League accepted it.
- ✓ **Cripps Mission (1942):** Proposed Indian dominion with right to frame its own constitution but it was rejected.
- ✓ **Cabinet Mission Plan (1946):** The British Government sent a Cabinet Mission (Pethick-Lawrence, Cripps, A.V. Alexander) to India in 1946 to discuss independence and transfer of power.
- ✓ It rejected the demand for a separate Pakistan but proposed a **Union of India** with provinces and princely states.
- ✓ The Union would control only **foreign affairs, defence, and communications**; provinces retained autonomy.
- ✓ Provinces were grouped into three sections (A: Hindu-majority, B & C: Muslim-majority).
- ✓ It proposed a **Constituent Assembly** to frame the Constitution and an **Interim Government** until full transfer of power.

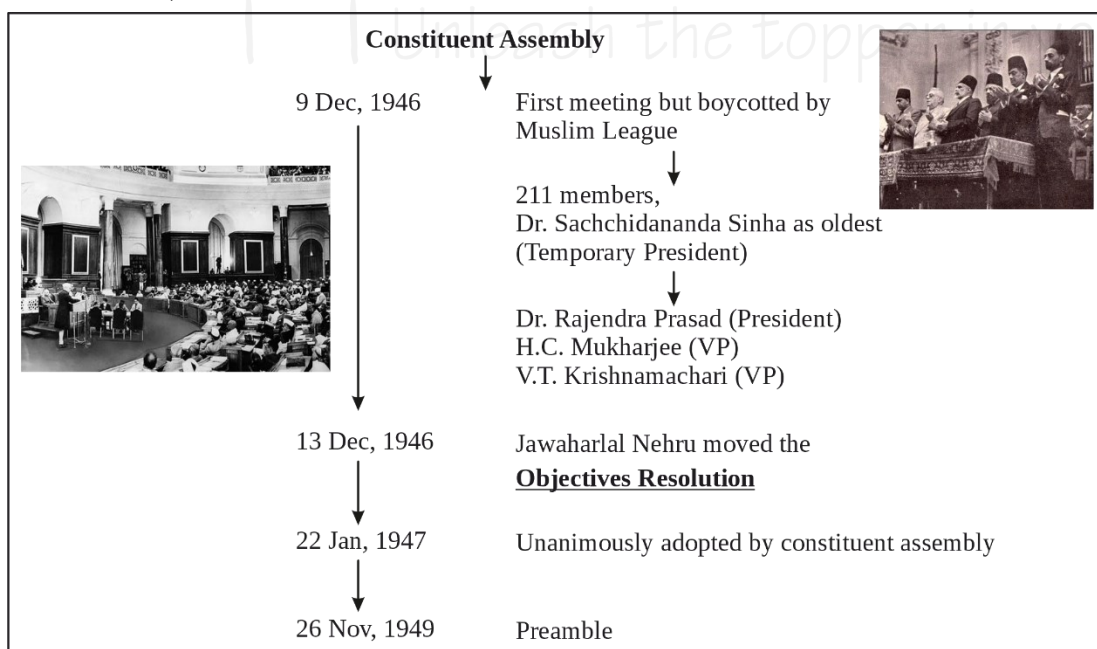
2. Formation of Constituent Assembly

- ✓ **Total Members:** 389 (292 from provinces, 93 from princely states, 4 from Chief Commissioner's provinces).
- ✓ **Method:** Indirect election by Provincial Assemblies on basis of population (1 seat per 10 lakh).
- ✓ **After partition (1947):** 299 members remained (229 provinces, 70 princely states).



3. Imp Dates

- ✓ **9 December 1946:** First meeting of Constituent Assembly.
- ✓ **11 December 1946:** Dr. Rajendra Prasad elected as permanent President.
- ✓ **13 December 1946:** Nehru moved the **Objectives Resolution** (later became the Preamble).
- ✓ **22 January 1947:** Objectives Resolution adopted.
- ✓ **14 August 1947:** Assembly met as sovereign body after Indian Independence Act, 1947.
- ✓ **26 November 1949:** Constitution adopted.
- ✓ **24 January 1950:** Final signing of the Constitution.
- ✓ **26 January 1950:** Constitution came into force (chosen to honour 1930 Purna Swaraj Resolution).



4. Important Committees of Constituent Assembly

(Chaired mostly by B.R. Ambedkar, Alladi Krishnaswami Ayyar, Gopalaswami Ayyangar, etc.)

- ✓ **Union Powers Committee** – Jawaharlal Nehru.
- ✓ **Union Constitution Committee** – Jawaharlal Nehru.
- ✓ **Provincial Constitution Committee** – Sardar Patel.
- ✓ **Drafting Committee** – Dr. B.R. Ambedkar.
- ✓ **Fundamental Rights & Minorities** – Sardar Patel.
- ✓ **Advisory Committee on Fundamental Rights** – Sardar Patel.
- ✓ **Steering Committee** – Dr. Rajendra Prasad.

5. Drafting Committee (Most Important for exam)

- ✓ **Formed:** 29 August 1947.
- ✓ **Chairman:** Dr. B.R. Ambedkar (Father of Indian Constitution).
- ✓ **Other Members:** K.M. Munshi, Alladi Krishnaswami Ayyar, Mohammad Saadullah, N. Gopalaswami Ayyangar, B.L. Mitter (later replaced by N. Madhava Rao), D.P. Khaitan (later replaced by T.T. Krishnamachari).

6. Adoption Process

- ✓ Draft debated in Constituent Assembly for **2 years, 11 months, 18 days**.
- ✓ **114 days** were devoted to clause-by-clause discussion.
- ✓ Received **over 7,600 amendments**; ~2,400 were discussed.
- ✓ Final document: **395 Articles, 22 Parts, 8 Schedules (originally)**.

7. Sources of the Constitution

- ✓ **Government of India Act, 1935** → Federal structure, administrative details, judiciary.
- ✓ **British Constitution** → Parliamentary system, Rule of Law, Prerogative writs, single citizenship.
- ✓ **US Constitution** → Fundamental Rights, Judicial Review, Preamble, impeachment of the President, independence of judiciary.
- ✓ **Irish Constitution** → DPSPs, nomination to Rajya Sabha, method of election of President.
- ✓ **Canadian Constitution** → Federation with strong Centre, vesting residuary powers in the centre, advisory jurisdiction of the Supreme court, appointment of the State Governors by the Centre.
- ✓ **Australian Constitution** → Concurrent list, trade & commerce provisions, joint sitting of the two Houses of Parliament.
- ✓ **Weimar (German) Constitution** → Emergency powers.
- ✓ **Soviet Constitution (USSR)** → Fundamental Duties, Socialism.
- ✓ **South African Constitution** → Procedure of amendment, election of Rajya Sabha members.
- ✓ **Japanese Constitution** – Procedure established by law (Article 21).

8. Cost of the Constitution

- ✓ **Total Cost:** ₹64 lakhs (approx.).
- ✓ Printing alone cost ₹1 lakh.

9. Significance

- ✓ World's **largest democracy's foundation document**.
- ✓ Represents a compromise between **rigidity and flexibility**.
- ✓ Introduced **universal adult suffrage** at inception.
- ✓ Embodied ideals of **justice, liberty, equality, fraternity**.
- ✓ Provided mechanisms for **social revolution** (DPSPs, Fundamental Rights, affirmative action).



Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC

and to secure to all its citizens:

JUSTICE, social, economic and political;

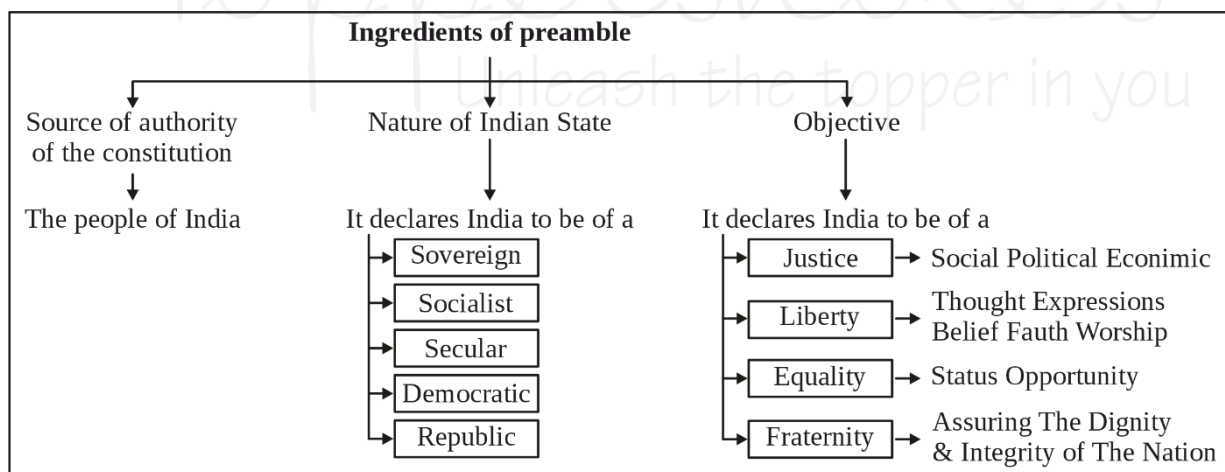
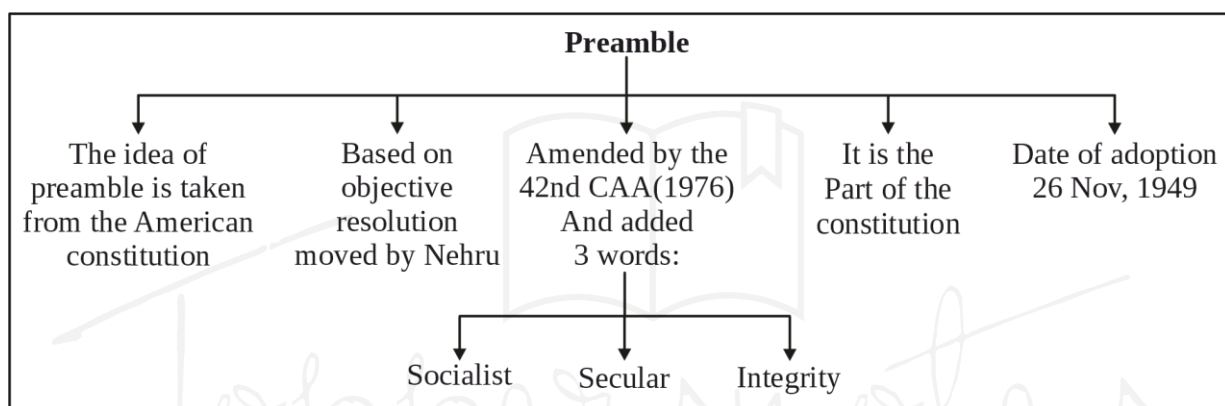
LIBERTY, of thought, expression, belief, faith and worship;

EQUALITY, of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."



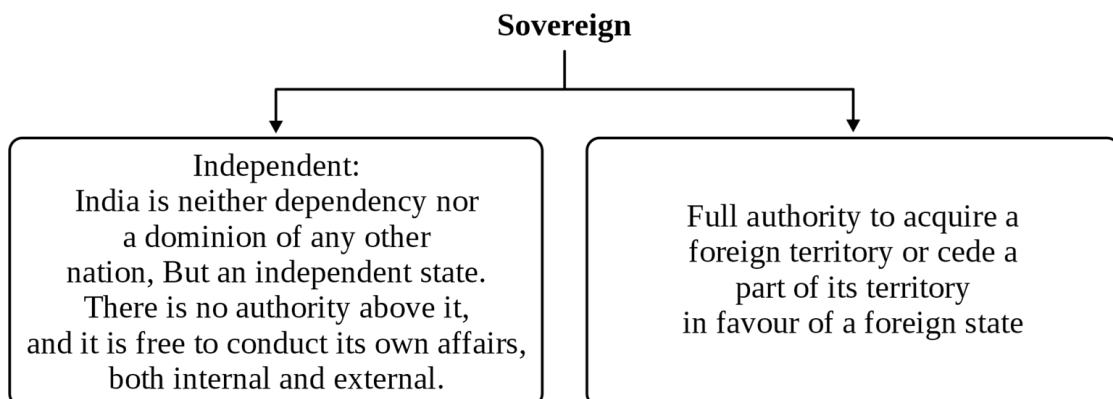
Key Components of the Preamble

1. “We, the People of India”

- ✓ Reflects the idea of **popular sovereignty** — the Constitution derives its authority from the **people**, not from any external source or monarch.
- ✓ Indicates that **ultimate power** lies with the **citizens of India**.

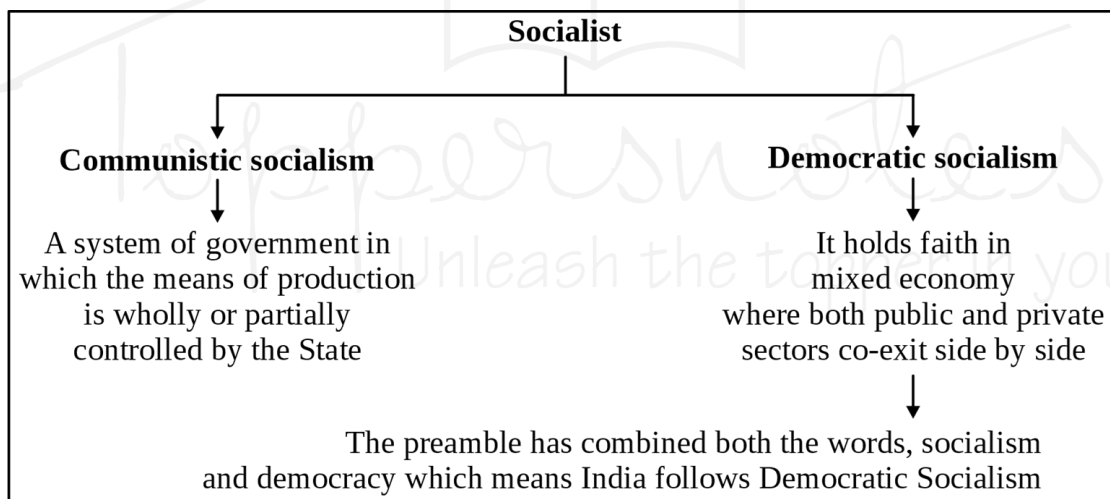
2. “Sovereign”

- ✓ India is **independent** and not subject to control by any external power.
- ✓ It can freely formulate its **internal and external policies**.



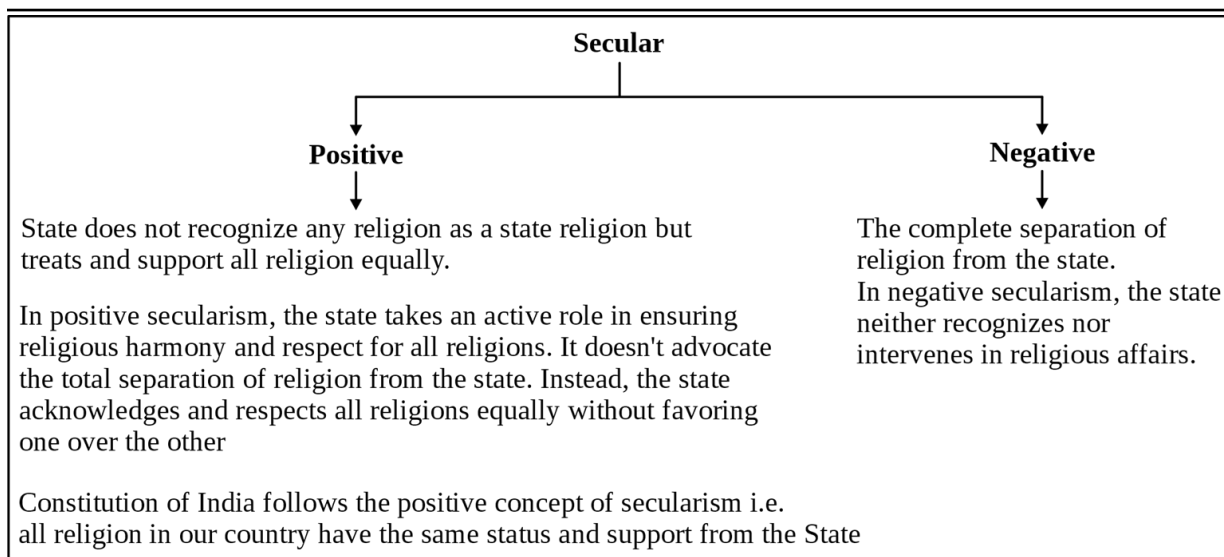
3. “Socialist” (Added by 42nd Amendment, 1976)

- ✓ Reflects **economic justice** and reduction of inequality.
- ✓ It does **not imply communism** but the **mixed economy** model where both public and private sectors co-exist.
- ✓ The state strives for **equal distribution of wealth and welfare of all**.



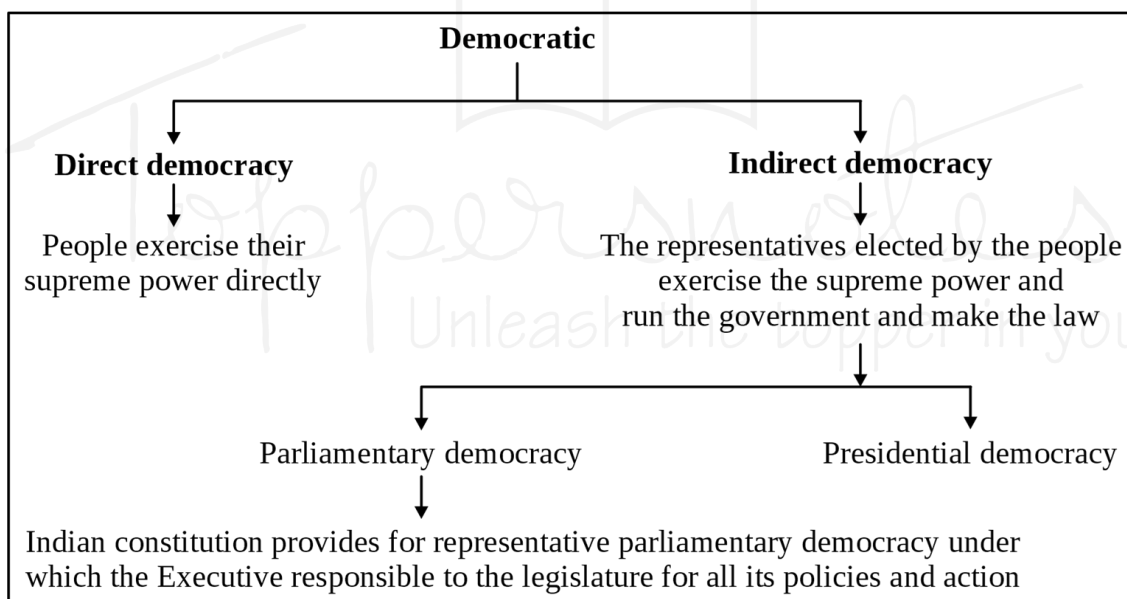
4. “Secular” (Added by 42nd Amendment, 1976)

- ✓ India has **no official religion**.
- ✓ The state treats **all religions equally** and maintains a **principled distance** from religious affairs.
- ✓ Citizens have the **freedom of religion** under Article 25 to 28.



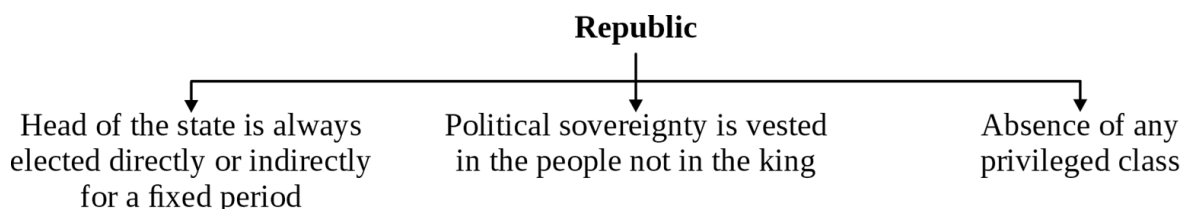
5. “Democratic”

- ✓ Refers to a **system of government by the people**, through their elected representatives.
- ✓ Emphasizes **universal adult suffrage, periodic elections, rule of law, accountability, and civil liberties**.



6. “Republic”

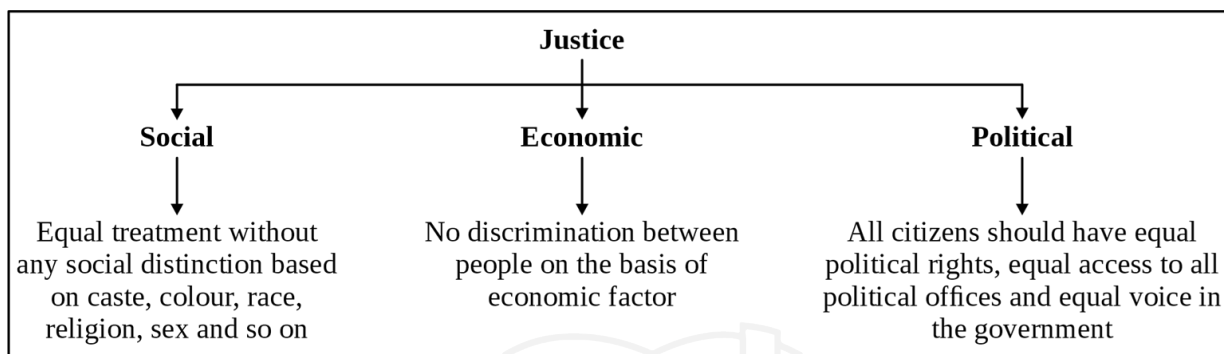
- ✓ The **head of the State (President)** is **elected**, not hereditary.
- ✓ Ensures that **public offices are open to all citizens**, not restricted by birth.



Objectives of the Constitution

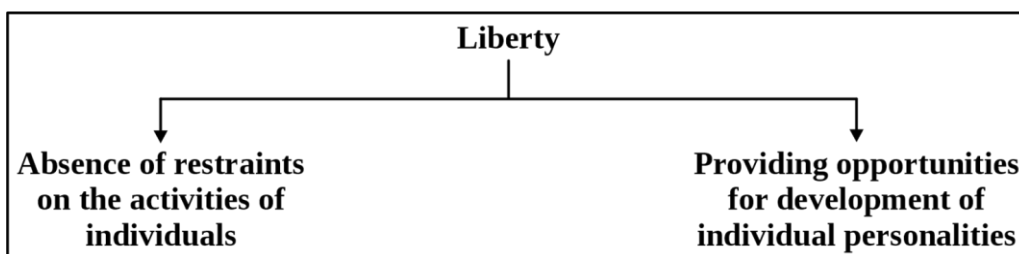
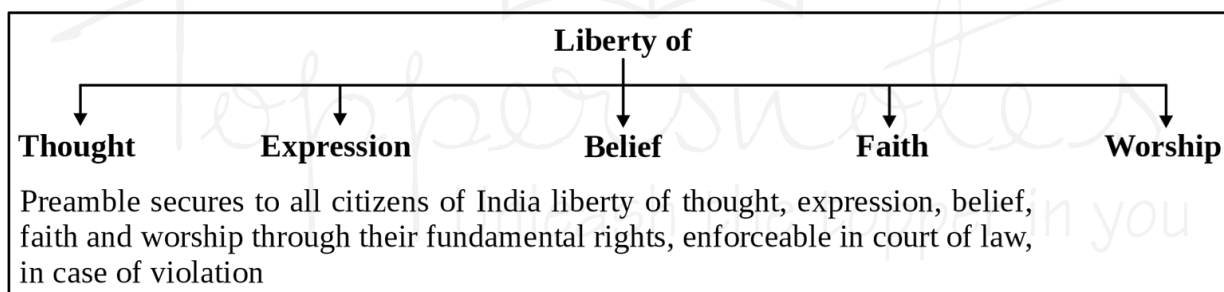
a) Justice – Social, Economic, and Political

- ✓ **Social Justice:** Removes social inequalities, prohibits discrimination (Article 15), and promotes welfare (Directive Principles).
- ✓ **Economic Justice:** Fair distribution of wealth, opportunity, and resources.
- ✓ **Political Justice:** Equal rights to participate in the political process (universal franchise, right to contest).



b) Liberty – of Thought, Expression, Belief, Faith, and Worship

- ✓ Protected under **Articles 19 and 25-28**.
- ✓ Citizens are free to think, express, and follow any religion or belief without fear.



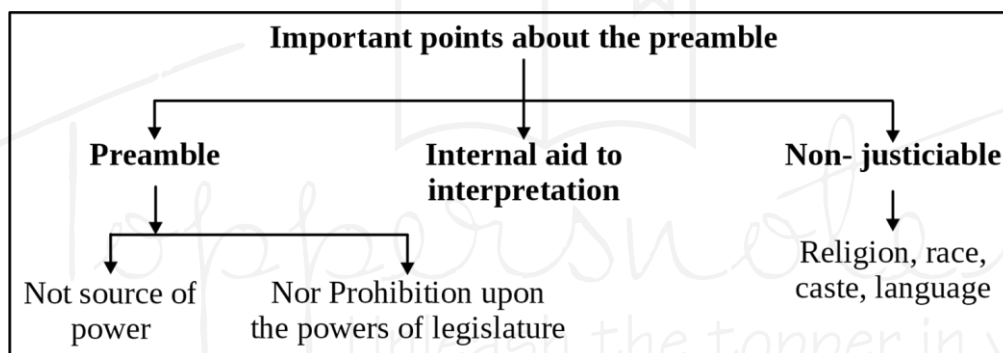
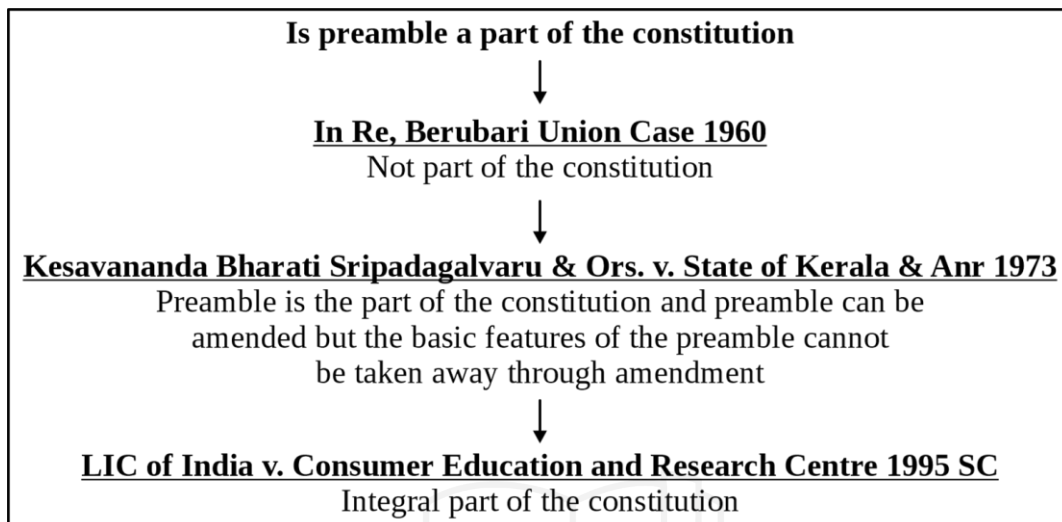
The ideals of liberty, equality and fraternity in our preamble have been taken from French revolution (1789-1799)

c) Equality – of Status and Opportunity

- ✓ Ensures **equal treatment before law** (Article 14), **prohibits discrimination** (Article 15), and guarantees **equal opportunity** (Article 16).

d) **Fraternity – Assuring Dignity of the Individual and Unity and Integrity of the Nation**

- ✓ Promotes **brotherhood** among citizens.
- ✓ Upholds the **dignity of each person**.
- ✓ Aims to maintain **national integration** in a diverse country.



The Union and its Territory

Article 1 – Name and Territory of the Union

1. India = Bharat: The country shall be called India, that is Bharat.
2. Union of States: India is a Union of States, not a federation formed by agreement, and States have no right to secede.
3. Territory of India includes:
 - (a) Territories of the States.
 - (b) Union Territories as specified in the First Schedule.
 - (c) Any other territories that may be acquired by India in the future.

Two things are clear from this Article-

- First, the name of the country i.e Bharat and India.
- Secondly, the nature of India, it means India will be a 'union of states'.

There was no unanimity in the Constituent Assembly with regard to the name of the country. Some members suggested the traditional name (Bharat), while other advocated the modern name (India). Hence, the Constituent Assembly had to adopt a mix of both (India, that is Bharat). The country is described as 'Union' although its constitution is federal in structure. According to the B.R. Ambedkar, the phrase 'Union of states' has been preferred to 'Federation of state' for two reasons:

One, the Indian Federation is not the result of an agreement among the states like the American Federation;
Second, the states have no right to secede (to decide not to continue to be part) from the federation.

Article 2 – Admission or Establishment of New States

Parliament's Power:

Parliament can

- **admit** new states into the Union
- **establish** new states

with any terms and conditions it deems fit.

Article 2 relates to the admission or establishment of new states that are not part of the union of India.

Article 3 – Formation or Alteration of States

Parliament may make laws to:

- (a) **Form** a new state.
- (b) **Increase** the area of any state.
- (c) **Decrease** the area of any state.
- (d) **Alter boundaries** of any state.
- (e) **Change the name** of any state.

In other words, it deals with internal re-adjustment of the territories of the states

[Article 4]

Article 3 lays down the two conditions in this regard

- Firstly, bill can be introduced in the Parliament only with the prior recommendation of the president
- Secondly, before recommending the bill, the President has to refer the bill to the state legislature concerned for expressing its views within a specified period.
- Parliament or President is not bound by the views of the state legislature.

It is thus, clear that the constitution authorises the Parliament through Article 3 to form a new state or alter the area, boundaries or names without their consent.

Hence, the territorial integrity or continued existence of any state is not guaranteed by the constitution.

It means the parliament can redraw the political map of India according to its will.

Therefore, India is rightly described as '**an indestructible union of destructible states**' where the Union Government can destroy the states whereas the state government cannot destroy the Union.

Explanation I:

- For clauses (a) to (e), the word 'State' includes Union Territories.
- But in the Proviso, 'State' does not include Union Territories.

Explanation II:

- The power under clause (a) includes making a new State or Union Territory by merging parts of existing States or UTs.

Article 4 – Laws under Articles 2 & 3

1. Any law made under Article 2 or Article 3 must:
 - ✓ Include amendments to the First Schedule (which lists states and union territories).
 - ✓ Include amendments to the Fourth Schedule (which deals with Rajya Sabha seat allocation).
 - ✓ May also include supplemental, incidental, and consequential provisions, such as:
 - Representation in Parliament or State Legislature(s) of affected states.
2. Such laws are not considered constitutional amendments under Article 368, meaning they do not require a special majority.