



# THE CONSTITUTION of INDIA

**For All Law Exams**

**Volume 1**

**The Constitution of India Part - I**



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# 1

## CHAPTER

# The Indian Constitution Act - Part - I

### Important Amendments

#### 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.

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## 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).

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### 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.

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## List of Cases on Constitutional Doctrines

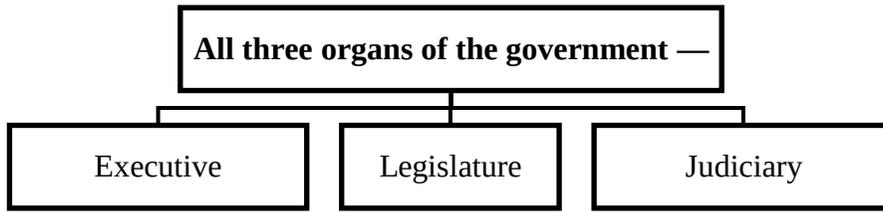
- 1. Doctrine of Quasi-Federalism** – Indian Constitution is federal with strong unitary bias –  
**Case:** *State of West Bengal v. Union of India (1963) SC*.
- 2. Doctrine of Separation of Powers** – No rigid separation, but functional separation between legislature, executive & judiciary –  
**Case:** *Indira Nehru Gandhi v. Raj Narain (1975) SC*.
- 3. Doctrine of Rule of Law** – No one is above law; equality before law –  
**Case:** *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 –  
**Case:** *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 –  
**Case:** *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 –  
**Case:** *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 –  
**Case:** *Shamsher Singh v. State of Punjab (1974) SC*.
- 9. Doctrine of “Collective Responsibility”** – Cabinet collectively responsible to Lok Sabha –  
**Case:** *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 – **Case:** *Chintaman Rao v. State of M.P. (1951) SC*.
- 12. Doctrine of Public Interest** – Courts allow restrictions if in larger public interest – *Bennett Case: Coleman v. Union of India (1972) SC*.
- 13. Doctrine of Balancing Fundamental Rights** – When two FRs conflict, balance must be struck –  
**Case:** *Bijoe Emmanuel v. State of Kerala (1986) SC*.

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- 14. Doctrine of Living Constitution** – Constitution interpreted as evolving with time –  
**Case:** *Navtej Singh Johar v. Union of India (2018) SC*.
- 15. Doctrine of Constitutional Morality** – Constitutional values must guide interpretation –  
**Case:** *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 – **Case:** *Navtej Johar (2018)*, *Joseph Shine (2018) SC*.
- 17. Doctrine of Subsidiarity** – Matters should be handled at lowest effective level – applied in local governance context **Case:** *(Bommai V. State of Karnataka case 1994 indirectly)*.
- 19. Doctrine of “Fruit of the Poisonous Tree”** – Illegally obtained evidence inadmissible – adopted in India cautiously **Case:** *Pooran Mal v. Director of Inspection (1974) SC*.
- 20. Doctrine of Double Jeopardy** – No person tried/punished twice for same offence –  
**Case:** *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 –  
**Case:** *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*.
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- 32. Waiver Doctrine** – Fundamental Rights cannot be waived as they serve public policy.  
**Case:** *Bashesar 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*.
- 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*.
-

# Historical background of the Constitution

The **Constitution of India** is the **supreme law** of the country.



get their powers from the Constitution.

No institution is above it.

A constitution is not made in one day.

It develops **slowly through history**.

To understand today's Indian Constitution, we must know its **historical background**. This history starts around **1600 AD**, when the **East India Company** was formed in England.

## Arrival of the British in India

- In **1600**, Queen Elizabeth gave a **Charter** to the East India Company.
- This Charter gave the Company the **exclusive right to trade with the East**.
- The first British factory was set up in **Surat (1608)** with permission from **Mughal Emperor Jahangir** (called *Royal Farman*).

Later, factories were set up in:

- Bombay
- Calcutta
- Madras

These became the main **Presidencies** of the Company.

### Charter of 1601

The Company was allowed to make **small rules** for good governance.

But it **could not change English law**.

### Charter of 1661

This Charter gave the Company power to:

- Try **civil and criminal cases**
- Apply **English law** to everyone (British or Indians)

This was the **first time English law** was applied in India.

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## Charter of 1726

This Charter made big legal changes:

### (1) Law-making power

The **Governor and Council** of the three Presidencies could:

- ✓ Make laws
- ✓ Give punishments

But these laws were valid only after approval from **England**.

### (2) Mayor's Courts

Mayor's Courts were established in:

- ✓ Bombay
- ✓ Calcutta
- ✓ Madras

These courts followed **English law**.

### (3) Battle of Plassey (1757)

The British defeated **Siraj-ud-Daulah**, the Nawab of Bengal.

This marked the **start of British political control** in India.

### (4) Diwani Rights (1765)

Mughal Emperor **Shah Alam II** gave the Company the right to collect revenue in:

- ✓ Bengal
- ✓ Bihar
- ✓ Orissa

This also gave the Company **administrative control** over these regions.

### Why This History Matters

These events slowly:

- Introduced English laws
- Created courts
- Gave administrative powers to the British
- Laid the foundation of the **modern legal system** in India

This legal development later influenced the **Indian Constitution**.

## Regulating Act, 1773

This Act was the **first step of British Parliament's control over India**.

### Why was it passed?

The British Parliament wanted **better control** over the East India Company, because the Company was mismanaging Indian affairs.

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## Main Features

### 1. British Parliament got control

Now, the British government could interfere in Company matters.

### 2. Court of Directors changed

The Company's management was brought under **British government supervision**.

### 3. Governor-General post created

A **Governor-General of Bengal** and **4 Council members** were appointed.

### 4. Control over Bombay & Madras

The Bengal Government got power to supervise Bombay and Madras Presidencies.

### 5. Decisions by majority

Council decisions were taken by **majority vote**.

If votes were equal, the **Governor-General** had the final say.

### 6. First Governor-General

**Lord Warren Hastings** became the first Governor-General of Bengal.

### 7. Supreme Court established (1774)

A **Supreme Court** was set up at **Fort William in Calcutta**.

### 8. First Chief Justice

**Sir Elijah Impey** was the first Chief Justice of the Supreme Court.

### 9. Total strength of Supreme Court

Total 4 judges including Chief Justice

## Pitts India Act, 1784

### Why was it passed?

To **remove the defects** of the Regulating Act, 1773.

Named after British PM **William Pitt**.

### Key Features

#### 1. Commercial vs Political work separated

- ✓ Company handled **trade**
- ✓ British Government handled **political affairs**

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## 2. Board of Control created

A **6-member Board of Control** was formed to control Indian administration.

## 3. Power shift

- ✓ Court of Directors → Trade
- ✓ Board of Control → Political affairs

## 4. Direct control of British Parliament

Indian administration came under **direct British government control**.

### Importance

This Act made the British Government the **real ruler of India**.

## Charter Act, 1813

### Main Point

- The Company's rule was renewed for **20 years**
- But its **trade monopoly ended**
- Now **all British merchants** could trade with India

### Importance

The East India Company lost its **exclusive trading rights**.

### Important Provisions

#### 1. Acts to be placed before Parliament

All laws and regulations made in India had to be **submitted to the British Parliament**.

#### 2. Education Grant

- ✓ ₹1,00,000 was allotted for **education of Indians**.
- ✓ Encouraged **Indian literature, science and learning**.

#### 3. Missionaries Allowed

Christian missionaries were allowed to **spread Christianity in India**.

## Charter Act, 1833

### Major Changes

#### 1. Governor-General of India created

- ✓ Governor-General of Bengal became **Governor-General of India**.
- ✓ He got control over **civil and military administration**.

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## 2. First Governor-General of India

- ✓ **Lord William Bentinck**
- ✓ Legislative power was given **only to Governor-General-in-Council**.

## 3. Centralised Law Making

- ✓ Laws made for **all persons in India**.
- ✓ British rule was **legally formalised**.

## 4. First Law Commission (1834)

- ✓ India's **first Law Commission** was formed.
- ✓ **Lord Macaulay** was its Chairman.

### Importance

This Act **centralised power** and laid the foundation of **uniform laws** in India.

## Charter Act, 1853

### Key Features

#### 1. Separate Legislative Council

- ✓ A separate **Legislative Council of 12 members** was created.

#### 2. Local Representation Introduced

- ✓ Indians were given **representation for the first time** in law-making.

#### 3. Civil Services through Competition

- ✓ Recruitment in civil services through **open competitive exams** started.

#### 4. Company Rule Extended

- ✓ Company continued to govern India **on behalf of the British Crown**.

### Importance

Beginning of **representative government** and **merit-based services**.

## Government of India Act, 1858

### Why was it passed?

After the **Revolt of 1857**, British Government took **direct control** of India.

### Major Provisions

#### 1. End of Company Rule

- ✓ Governance transferred from **East India Company to British Crown**.

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## 2. Abolition of Company Bodies

- ✓ **Board of Control** and **Court of Directors** were abolished.

## 3. Secretary of State for India

- ✓ A British Cabinet Minister was appointed as **Secretary of State for India**.

## 4. Council of 15 Members

- ✓ Secretary of State was assisted by a **Council of 15 members**.

## 5. Viceroy of India

- ✓ Governor-General became **Viceroy of India**.
- ✓ **Lord Canning** was the **first Viceroy**.

## Importance

India officially became a **British Crown Colony**.

## 1. Indian Councils Act, 1861

- ✓ It gave a basic structure for future constitutional development.
- ✓ Governor-General's Council was expanded (6–12 members).
- ✓ Half the members were **non-official**, and **Indians were included for the first time**.
- ✓ Bombay and Madras got back their law-making powers.
- ✓ Governor-General could issue **Ordinances** and change provincial boundaries.

**In short:** Indians got limited participation in law-making.

## 2. Indian Councils Act, 1909 (Morley–Minto Reforms)

- ✓ Introduced **separate electorates for Muslims**.
- ✓ Encouraged **communal politics**.
- ✓ Increased size of Legislative Councils.
- ✓ Indians were included in **Executive Councils** for the first time.
- ✓ **Satyendra Prasad Sinha** became the first Indian Law Member.

**In short:** Started religious division in politics.

## 3. Government of India Act, 1919 (Montague–Chelmsford Reforms)

- ✓ Introduced **Dyarchy** in provinces.
- ✓ Subjects were divided into:
  - **Reserved** (important matters like police, finance)
  - **Transferred** (education, health, local matters)

- 
- ✓ Governor-General decided whether a subject was central or provincial.
  - ✓ Central Legislature became **bicameral** (Upper + Lower House).

**In short:** Limited power was given to Indians in provinces.

#### 4. Simon Commission, 1927

- ✓ 7 British members, **no Indian member**.
- ✓ Indians protested heavily.
- ✓ Report led to the **Government of India Act, 1935**.
- ✓ Recommended:
  - Federal Constitution
  - More Indian participation
  - Federal Assembly as Lower House

**In short:** Indians rejected it because there was no Indian representation.

#### 5. Government of India Act, 1935

- ✓ Proposed **All India Federation** (British India + Princely States)
- ✓ Introduced **Dyarchy at the Centre**
- ✓ Subjects divided into **Federal, Provincial, Concurrent Lists**
- ✓ Federal Court was established
- ✓ RBI and Public Service Commissions were created
- ✓ Governor-General had emergency powers

**In short:** This Act became the **foundation of India's Constitution**.

#### 6. Cripps Mission, 1942

- ✓ Promised **Dominion Status** to India after the war.
- ✓ Indians could frame their own Constitution.
- ✓ Provinces could choose whether to join India or not.

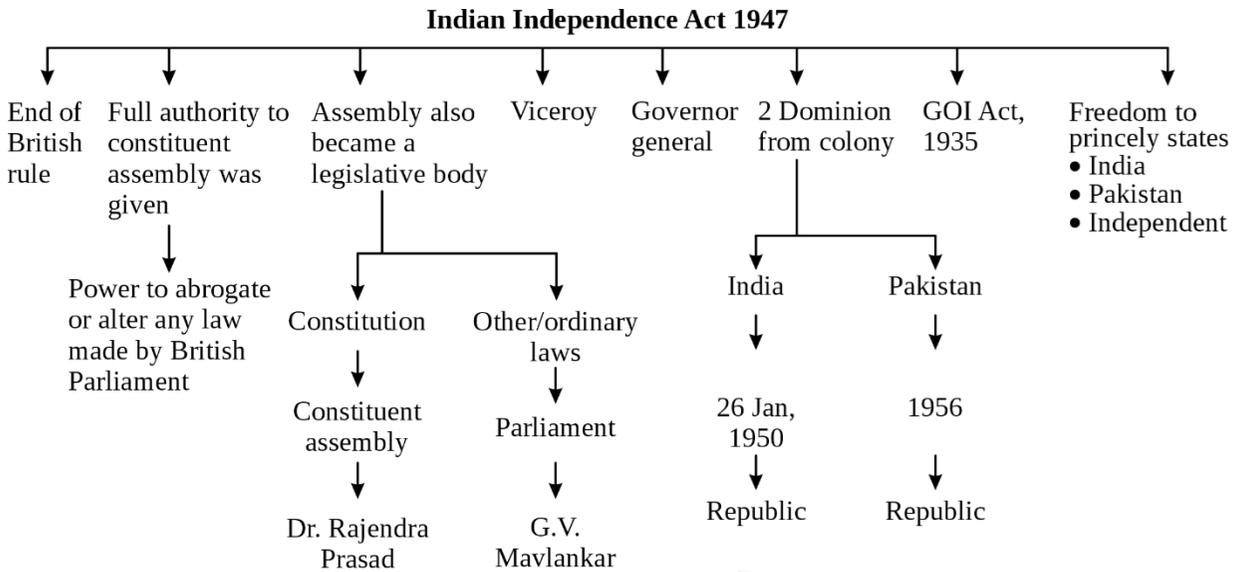
**In short:** Congress rejected it due to unclear independence promise.

#### 7. Cabinet Mission Plan, 1946

- ✓ India to remain **united**.
- ✓ Provinces grouped into **3 groups**.
- ✓ Constituent Assembly to draft Constitution.
- ✓ Union to control defence, foreign affairs, communication.

**In short:** Tried to prevent partition.

# Indian Independence Act, 1947



## 1. End of British Rule

British control over India ended on **15 August 1947**.

India was no longer a colony of Britain.

## 2. Full Authority to Constituent Assembly

The **Constituent Assembly** got complete power to:

- ✓ Make India's Constitution
- ✓ Change or cancel any British-made law

Earlier, Britain had the final authority. Now, **Indians ruled themselves**.

## 3. Power to Abrogate British Laws

India could now **alter or cancel**:

- ✓ Government of India Act, 1935
- ✓ Any British Parliament law

No British law was binding anymore.

## 4. Assembly Became a Legislative Body

The Constituent Assembly did **two jobs**:

Work	Who did it
Constitution was making	Constituent Assembly
Making normal laws	Parliament

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So, it acted as both **law-maker** and **constitution-maker**.

It means that the Constituent Assembly performed a dual role by framing the Constitution and also functioning as the Legislature for making ordinary laws, and when it made such laws, it was known as the Parliament.”

#### 5. **Constitution → Constituent Assembly → Dr. Rajendra Prasad**

- ✓ The Constitution was drafted by the Constituent Assembly.
- ✓ **Dr. Rajendra Prasad** became the **President of the Constituent Assembly**.
- ✓ Later, he became **India’s first President**.

#### 6. **Ordinary Laws → Parliament → G.V. Mavlankar**

Normal laws were made by Parliament.

**G.V. Mavlankar** became India’s **first Speaker of Lok Sabha**.

#### 7. **Viceroy → Governor-General**

- ✓ The British post of **Viceroy** was abolished.
- ✓ It was replaced by **Governor-General** for each dominion.

<b>Country</b>	<b>Governor-General</b>
India	Lord Mountbatten
Pakistan	Muhammad Ali Jinnah

#### 8. **Two Dominions from One Colony**

British India was divided into:

- ✓ **India**
- ✓ **Pakistan**

Both were **independent dominions**.

#### 9. **India → 26 Jan 1950 → Republic**

- ✓ India adopted its Constitution on **26 January 1950**
- ✓ India became a **Republic**
- ✓ President replaced Governor-General.

#### 10. **Pakistan → 1956 → Republic**

- ✓ Pakistan adopted its Constitution in **1956**
- ✓ It became a Republic then.

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## 11. Government of India Act, 1935

- ✓ This Act continued temporarily
- ✓ It was used until India's own Constitution came into force in 1950.

## 12. Freedom to Princely States

Princely states were given **3 choices**:

1. Join India
2. Join Pakistan
3. Remain Independent

Most states joined **India**.



## Evolution of the Judicial System in India (1773–1950)

<u>Regulating Act of 1773</u>	<u>The Indian High Court Act, 1861</u>	<u>Government of India Act, 1935</u>	<u>Constitution of India</u>
<p>↓</p> <p>Supreme Court</p> <ul style="list-style-type: none"> <li>• Calcutta 1774</li> <li>• Lord Elijah Impey</li> <li>• 1 + 3</li> </ul> <p>↓</p> <p>King George - III December 1800</p> <p>↓</p> <p>Supreme Court at Madras</p> <p>↓</p> <p>King George - III December 1823</p> <p>↓</p> <p>Supreme Court at Bombay</p>	<p>↓</p> <p>It created High Court and abolished all 3 Supreme Court and it was the highest courts for all cases till the creation of Federal Court</p>	<p>↓</p> <p>It created the Federal Court and which also hear appeal against judgements from High courts</p>	<p>↓</p> <p>Supreme court [1 + 7] came into existence and its first sitting was held on 28 Jan 1950</p>

### 1. Establishment of Supreme Courts under the Regulating Act, 1773

#### ✓ Supreme Court at Calcutta (1774)

- The first **Supreme Court of Judicature** in India was set up at **Fort William (Calcutta)** in 1774.
- It was created to control the East India Company's officers.

#### ✓ Lord Elijah Impey

- He was the **first Chief Justice** of the Supreme Court at Calcutta.

#### ✓ "1 + 3" Judges

- The Court had:

☞ 1 Chief Justice

☞ 3 Puisne Judges

#### ✓ King George III – December 1800

- By Royal Charter of King George III, another Supreme Court was established at **Madras**.

#### ✓ Supreme Court at Madras

- Set up in **1801** to administer British justice in South India.

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✓ **King George III – December 1823**

- Another Royal Charter created a Supreme Court at **Bombay**.

✓ **Supreme Court at Bombay**

- Started functioning in **1824**.

✓ **So by 1824, India had 3 Supreme Courts:**

- Calcutta
- Madras
- Bombay

2. **Creation of High Courts under the Indian High Courts Act, 1861**

✓ **Creation of High Courts**

- This Act:
  - ☞ **Abolished** the 3 Supreme Courts
  - ☞ **Abolished** Company's Sadar Adalats
  - ☞ Created **High Courts** in:
    - Calcutta
    - Madras
    - Bombay

✓ **Highest Courts**

- High Courts became the **highest courts** in India for all cases
- This continued **until the Federal Court** was created.

**Meaning:**

High Courts replaced the old British courts and became the main courts.

3. **Establishment of the Federal Court under the Government of India Act, 1935**

✓ **Federal Court Created**

- This Act established the **Federal Court of India** in **1937**.

✓ **Appeal from High Courts**

- People could now:
  - ☞ Appeal against High Court judgments
  - ☞ Take constitutional disputes to the Federal Court

**Meaning:**

For the first time, India had a **central top court**.

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#### 4. Formation of the Supreme Court of India under the Constitution (1950)

✓ **Supreme Court of India**

- The Constitution created the **Supreme Court of India**.

✓ **“1 + 7” Judges**

- The Court started with:

- ☞ **1 Chief Justice**

- ☞ **7 Judges**

✓ **First Sitting: 28 January 1950**

- The Supreme Court held its **first sitting** on this date.

**Meaning:**

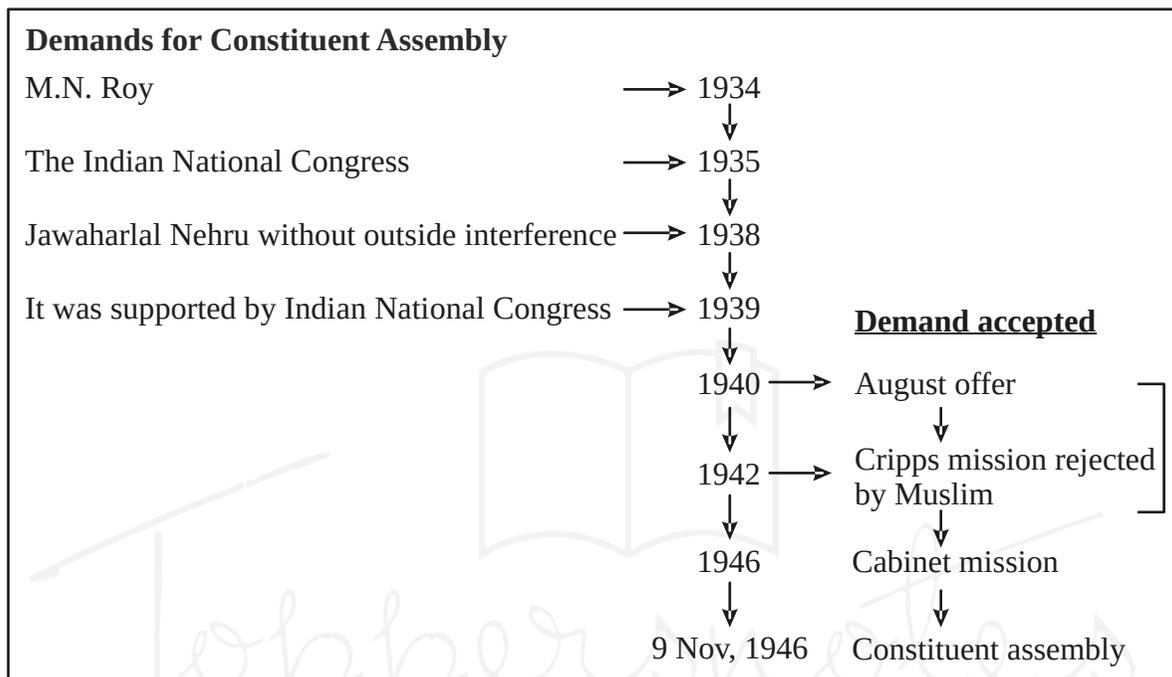
The modern Indian judicial system began here.



# 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.