



INDIAN POLITY

FIRST STEP

NCERT Based Course for CSE
after **class 12**





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INDIAN POLITY

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INDIAN POLITY



Making of the Indian Constitution

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However good a Constitution may be, if those who are implementing it are not good, it will prove to be bad. However bad a Constitution may be, if those implementing it are good, it will prove to be good.

B. R. Ambedkar



1.1 Introduction

The Constitution is a body of fundamental principles according to which a state is constituted or governed. India's Constitution is the supreme law of India. It defines the Government's fundamental political values, policies, processes, powers, rights, and duties.

It conveys constitutional supremacy & not parliamentary supremacy because it is not established by the Parliament but by a constituent assembly and adopted by its citizens, with a declaration in its preamble.

So the basic function of a constitution is to provide a set of basic rules that allow for minimal coordination amongst members of a society.

The Constitution also specifies the basic allocation of power in a society. It decides who gets to decide what the laws will be.

In principle, this question, who gets to decide, can be answered in many ways: in a monarchical constitution, a monarch decides; in some constitutions like the old Soviet Union, one single party was given the power to decide. But in democratic constitutions, broadly speaking, the people get to decide.

Functions of Constitution

1. It projects the form of government in the country.
2. It ensures the fundamental rights to its citizens.
3. It directs the states in making legislation.
4. It lays out the procedures for several functions, Administrations, Legislation, Execution of the government machinery.
5. It provides for the separation of Powers.
6. It provides for the independence of each organ, i.e. legislative, executive and judiciary.
7. It upholds the sovereignty of the nation.
8. It acts as a check in maladministration and misuse of powers.
9. It provides for accountability of government to the people of the country.
10. It provides for judicial review in case of laws violating the Supreme procedure established by law (i.e. Constitution)

Enabling provisions of the Constitution:

Constitutions are not only rules and regulations to control the powers of the government, they also give powers to the government for pursuing the collective good of the society.

- Constitution of South Africa assigns many responsibilities to the government, it wants the government to take measures to promote conservation of nature, make efforts to protect persons or groups subjected to unfair discrimination, and provides that the government must progressively ensure adequate housing to all, health care, etc
- In the case of Indonesia also, the government is enjoined to establish and conduct a national education system. The Indonesian Constitution ensures that the poor and destitute children will be looked after by the government.

Constitution puts limitations on the powers of government

The Constitution limits the power of government in many ways. The most common way of limiting the power of government is to specify certain fundamental rights that all of us possess as citizens and which no government can ever be allowed to violate.

The exact content and interpretation of these rights varies from Constitution to Constitution. But most Constitutions will protect a basic cluster of rights.

Citizens will be protected from being arrested arbitrarily and for no reason. This is one basic limitation upon the power of government. Citizens will normally have the right to some basic liberties: freedom of speech, freedom of conscience, freedom of association, freedom to conduct a trade or business etc. and practice.

These rights can be limited during times of national emergency and the constitution specifies the circumstances under which these rights may be withdrawn.

Constitution as a Fundamental identity

The Constitution expresses the fundamental identity of a people. Its function of a constitution to enable the government to fulfil the aspirations of a society and create conditions for a just society.

This means the people as a collective entity come into being only through the basic constitution. It is by agreeing to a basic set of norms about how one should be governed, and who should be governed that one forms a collective identity.

One has many sets of identities that exist prior to a constitution. But by agreeing to certain basic norms and principles one constitutes one's basic political identity.

Constitutional norms are the overarching framework within which one pursues individual aspirations, goals and freedoms. It defines the fundamental values that we may not trespass. So the constitution also gives one a moral identity.

Most nations are an amalgamation of a complex set of historical traditions; they weave together the diverse groups that reside within the nation in different ways. For example, German identity was constituted by being ethnically German. The constitution gave expression to this identity. The Indian Constitution, on the other hand, does not make ethnic identity a criterion for citizenship.



▶ Prem Behari Narain Raizada (Wrote India's Constitution)

1.2 The authority of a Constitution

In most countries, the Constitution is a compact document that comprises a number of articles about the state, specifying how the state is to be constituted and what norms it should follow.

When we ask for the constitution of a country we are usually referring to this document. But some countries, the United Kingdom for instance, do not have one single document that can be called the Constitution. Rather they have a series of documents and decisions that, taken collectively, are referred to the constitution.

So, we can say that the constitution is the document or set of documents that seeks to perform the functions that we mentioned above.

Mode of promulgation

- The most successful constitutions, like India, South Africa and the United States, are constitutions which were created in the aftermath of popular national movements. Although India's Constitution was formally created by a Constituent Assembly between December 1946 and November 1949, it drew upon a long history of the nationalist movement that had a remarkable ability to take different sections of Indian society together.
- The Constitution drew enormous legitimacy from the fact that it was drawn up by people who enjoyed immense public credibility, who had the capacity to negotiate and command the respect of a wide cross-section of society, and who were able to convince the people that the constitution was not an instrument for the aggrandisement of their personal power.
- The final document reflected the broad national consensus at the time. Some countries have subjected their constitution to a full-fledged referendum, where all the people vote on the desirability of a constitution.
- The Indian Constitution was never subject to such a referendum, but nevertheless carried

enormous public authority, because it had the consensus and backing of leaders who were themselves popular.

- Although the Constitution itself was not subjected to a referendum, the people adopted it as their own by abiding by its provisions. Therefore, the authority of people who enact the constitution helps determine in part its prospects for success.

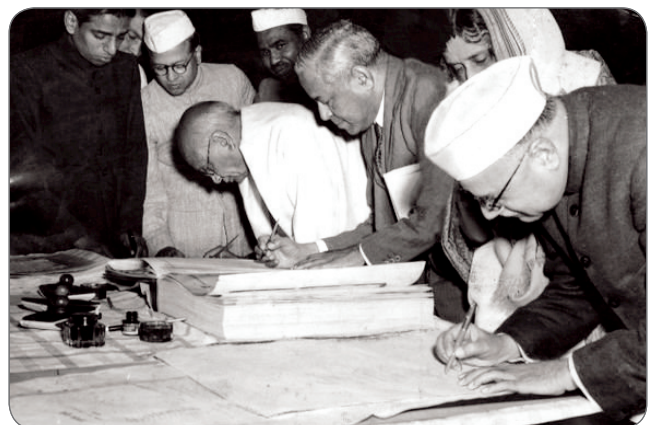
1.3 The substantive provisions of a Constitution

It is the hallmark of a successful Constitution that it gives everyone in society some reason to go along with its provisions.

A Constitution that, for instance, allowed permanent majorities to oppress minority groups with society would give minorities no reason to go along with the provision of the Constitution.

- If any group feels their identity is being stifled, they will have no reason to abide by the constitution. No constitution by itself achieves perfect justice. But it has to convince -people that it provides the framework for pursuing basic justice.

The more a constitution preserves the freedom and equality of all its members, the more likely it is to succeed.



Balanced institutional design of the Constitution

- Constitutions are often subverted, not by the people, but by small groups, who wish to enhance their own power. Well crafted constitutions fragment power in society intelligently so that no single group can subvert the constitution. This is often done by fragmenting power across different institutions.
- The Indian Constitution, for example, horizontally fragments power across different institutions like the Legislature, Executive and the Judiciary and even independent statutory bodies like the Election Commission.
- Another important aspect of intelligent institutional design is that a constitution must strike the right balance between certain values, norms and procedures as authoritative, and at the same time allow enough flexibility in its operations to adapt to changing needs and circumstances.

The Indian Constitution is described as 'a living' document. By striking a balance between the possibility to change the provisions and the limits on such changes, the Constitution has ensured that it will survive as a document respected by people. This arrangement also ensures that no section or group can, on its own, subvert the Constitution.

1.4 Making of the Indian Constitution

As far back as in 1928, Motilal Nehru and eight other Congress leaders drafted a Constitution for India.

In 1931, the resolution at the Karachi session of the Indian National Congress dwelt on how independent India's Constitution should look like.

Both these documents were committed to the inclusion of Universal adult franchise, Right to

Freedom and Equality and to Protecting the rights of minorities in the constitution of independent India.

The drafting of the document called the Constitution was done by an assembly of elected representatives called the Constituent Assembly.

Elections to the Constituent Assembly were held in July 1946. It held its first sitting on 9 December 1946 and re-assembled as Constituent Assembly for divided India on 14 August 1947. Its



Ambedkar handing over the final draft of the constitution to President Rajendra Prasad on November 26, 1949.

members were elected by indirect election by the members of the Provisional Legislative Assemblies that had been established in 1935.

The Constituent Assembly was composed roughly along the lines suggested by the plan proposed by the committee of the British cabinet, known as the Cabinet Mission.

Do you Know?

The Indian Constitution adopted many institutional details and procedures from colonial laws like the Government of India Act 1935.

Years of thinking and deliberation on the framework of the Constitution had another benefit. Our leaders gained confidence to learn from other countries, but on our own terms.

Many of our leaders were inspired by the ideals of the French Revolution, the practice of parliamentary democracy in Britain and the Bill of rights in the US. The socialist revolution in Russia had inspired many Indians to think of shaping a system based on social and economic equality.

Sources of the Constitution at a Glance

Sources	Features borrowed
Government of India Act of 1935	Federal Scheme of Government, Office of Governor, Public Service Commissions, Emergency provisions and administrative details.
British Constitution	Parliamentary government, Rule of Law, First Past the Post, Institution of Speaker and his role, Legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism
US Constitution	Fundamental Rights, Independence of Judiciary, Judicial review, impeachment of the President, Removal of Supreme Court and High Court Judges and post of Vice-President.
Canadian Constitution	Federation with a strong Centre, vesting of residuary powers in the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.
Irish Constitution	Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of President.
Soviet Constitution (USSR, now Russia)	Fundamental duties and the ideal of justice (social, economic and political) in the Preamble.
Australian Constitution	Concurrent List, freedom of trade, commerce and intercourse, and joint sitting of the two Houses of Parliament.
Weimar Constitution of Germany	Suspension of Fundamental Rights during Emergency.
French Constitution	Republic and the ideals of liberty, equality and fraternity in the Pre-amble.
South African Constitution	Procedure for amendment of the Constitution and election of members of Rajya Sabha.
Japanese Constitution	Procedure established by law.

1.5 Framing of the Constitution of India

- The Constituent Assembly was set up in November 1946 as per the Cabinet Mission Plan of 1946.
- The members were elected indirectly by the Provincial Assemblies in the ratio of one member per million population.
- There were a total of 389 members in the Constituent Assembly, of which 296 were elected by the members of the Provincial Assemblies and the rest were nominated by the Princely States.
- Its first meeting was held on 9th December, 1946 with Sachidanand Sinha as the Interim President. He was the oldest member of the assembly and was elected as Interim President following the French practice. Later, on December 11, 1946 Rajendra Prasad and H.C. Mukherjee were elected as the President and Vice-President of the Assembly respectively. Sir B.N. Rau was appointed as the Constitutional advisor to the Assembly.

- Jawaharlal Nehru moved the objectives resolution in the Assembly on December 13, 1946. It was adopted by the Assembly on January 22, 1947.
- The Constituent Assembly formed committees for framing the Constitution.

1.6 Drafting Committee

On 29th August, 1947 the Constituent Assembly adopted the resolution for forming a Drafting Committee of seven members with Dr. B. R. Ambedkar as chairman. The mandate of the committee was to prepare the draft of the Constitution of the Independent India.

Enactment and Enforcement of Constitution

The Constitution of India was adopted on 26 November, 1949 and the honorable members appended their signatures to it on 24 January, 1950.

In all, 284 members actually signed the Constitution. The Constitution of India came into force on 26 January, 1950. On that day, the Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952.

Criticism of Constituent Assembly

Though Constituent Assembly was immediate manifestation of our grand independence movement, it was not free from criticism. It was criticized on various grounds. Some of the grounds are as follows:

- It was alleged to be comprised of an elite group which comprised of Western educated elites like Lawyers.
- It was criticized on being dominated by members of Indian National Congress
- Right wing thinkers criticize it as being shadow of Western constitutional system.
- Limited franchise raises a question mark on the representative character of constituent assembly.
- It was not considered as the true reflection of the diversity of India
- It was criticized as working under control of British Government
- It was said to be dominated by majority mainly upper caste Hindus.

Do you Know?

Drafting Committee consisted total 7 members including chairman.

1. B.R. Ambedkar (Chairman)
2. N. Gopalswami Ayyangar
3. Alladi Krishna Swami Ayyar
4. K.M. Munshi
5. Syed Mohammed Saadullah
6. B.L. Mittar (replaced by N. Madhav Rao due to ill health)
7. D.P. Khaitan (died in 1948 and was replaced by T.T. Krishnamachari)



Members of Drafting Committee

Main points of the Objectives Resolution:

- India is an independent, sovereign, republic.
- India shall be a Union of erstwhile British Indian territories, Indian States, and other parts outside British India and Indian States as are willing to be a part of the Union.
- Territories forming the Union shall be autonomous units and exercise all powers and functions of the Government and administration, except those assigned to or vested in the Union.
- All powers and authority of sovereign and independent India and its Constitution shall flow from the people.
- All people of India shall be guaranteed and secured social, economic and political justice; equality of status and opportunities and equality before law; and fundamental freedoms - of speech, expression, belief, faith, worship, vocation, association and action - subject to law and public morality.
- The minorities, backward and tribal areas, depressed and other backward classes shall be provided adequate safeguards.
- The territorial integrity of the Republic and its sovereign rights on land, sea and air shall be maintained according to justice and law of civilized nations.
- The land would make full and willing contribution to the promotion of world peace and welfare of mankind.

Major Committees of Constituent Assembly

1. Drafting Committee – B. R. Ambedkar
2. Union Power Committee – Jawaharlal Nehru
3. Union Constitution Committee – Jawaharlal Nehru
4. Provincial Constitution Committee – Vallabhbhai Patel
5. Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas – Vallabhbhai Patel. This committee had the following subcommittees:
 - Fundamental Rights Sub-Committee – J. B. Kripalani
 - Minorities Sub-Committee – Harendra Coomar Mookerjee,
 - North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee – Gopinath Bordoloi
 - Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee – A V Thakkar
6. Rules of Procedure Committee – Rajendra Prasad
7. States Committee (Committee for negotiating with states) - Jawaharlal Nehru
8. Steering Committee – Rajendra Prasad
9. Committee for the function of the Constitution Assembly - G V Mavlankar

Political Philosophy of our Constitution

“

On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value.

B.R. Ambedkar



A political philosophy approach to the Constitution is needed not only to find out the moral content expressed in it and to evaluate its claims but possibly to use it to arbitrate between varying interpretations of the many core values in our polity. It is obvious that many of its ideals are challenged, discussed, debated and contested in different political arenas, in the legislatures, in party forums, in the press, in schools and universities.

These ideals are variously interpreted and sometimes wilfully manipulated to suit partisan short term interests.

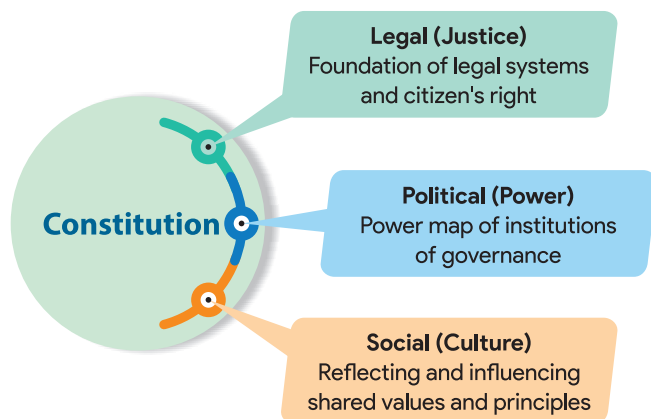
Sometimes, the same ideal is interpreted differently by different institutions. We need to compare these differing interpretations. Since the expression of the ideal in the Constitution has considerable authority it must be used to arbitrate in conflict of interpretation over values or ideals. Our Constitution can perform this job of arbitration.

2.1 Introduction

Before the framing of the Constitution started, an Objectives Resolution (the resolution that defined the aims of the Assembly) was moved by Nehru in 1946. This resolution enshrined the aspirations and values behind the Constitution making. On the basis of the Objectives Resolution, India's Constitution gave institutional expression to the fundamental commitments: Equality, Liberty, Democracy, Sovereignty and a Cosmopolitan identity. This made the moral commitment to establish a government that will fulfil the many promises that the nationalist movement held before the people of India. The objectives resolution became the basis for the Preamble and it is the Preamble which holds philosophy of our Constitution.

2.2 Constitution as means of Democratic Transformation

It is widely agreed that one reason for having Constitutions is the need to restrict the exercise of arbitrary power. Modern states are excessively powerful. They are believed to have a monopoly over power and their actions are sometimes coercive. Even if these institutions were created for our safety and well-being, they can easily turn against us. Experiences of state power over the world shows that most states are prone to harming the interests of at least some individuals and groups. If so, we need to draw the rules of the game in such a way that this tendency of states is continuously checked. Constitutions provide these basic rules and therefore, prevent states from turning tyrannical.



A Constitution as a legal, Social and Political document

Constitutions also provide peaceful, democratic means to bring about social transformation. Moreover, for a hitherto colonised people, Constitutions announce and embody the first real exercise of political self-determination. Nehru understood both these points well.

- He represented a collective demand for full self-determination because; only a Constituent Assembly of elected representatives of the Indian people had the right to frame India's Constitution without external interference.
- Second, he argued, the Constituent Assembly is not just a body of people or a gathering of able lawyers. Rather, it is a 'nation on the move, throwing away the shell of its past political and possibly social structure, and fashioning for itself a new garment of its own making.'

The Indian Constitution was designed to break the shackles of traditional social hierarchies and to usher in a new era of freedom, equality and justice.

2.3

Political Philosophy enshrined in our Constitution

It is hard to describe Political philosophy enshrined in our Constitution in one word. It resists any single label because it is liberal, democratic, egalitarian, secular, and federal, open to community values, sensitive to the needs of religious and linguistic

minorities as well as historically disadvantaged groups, and committed to building a common national identity.

In short, it is committed to freedom, equality, social justice, and some form of national unity. But underneath all this, there is a clear emphasis on peaceful and democratic measures for putting this philosophy into practice.

Political Philosophy of the Indian Constitution

- Individual Freedom
- Social Justice
- Respect for Diversity and Minority Rights
- Secularism
- Universal Franchise
- Federalism
- National Identity

Individual freedom

- The first point to note about the Constitution is its commitment to individual freedom. It was the product of continuous intellectual and political activity for well over a century.
- Individual freedom which is referred to as individualism is basically the relationship between the concept of freedom and the concept of autonomy. Autonomy means the right to govern oneself.
- Individual freedom in general terms means the freedom that a person has to express themselves, and in appearing equal before a court of law. It includes basic rights such as the right of assembly, the freedom of press, of security and liberty and of privacy.
- Individual freedom means that every individual who is part of a society has the freedom to act according to his own will without coercion from any external source.
- The reason why individual freedom is considered to be essential is because freedom is a natural requirement of humans. From birth, each individual has the ability to control his or her own actions or at least aims to seek autonomy to be able to have control over his own behaviour.

Social Justice

- Social justice denotes the equal treatment of all citizens without any social distinction based on caste, colour, race, religion, sex and so on. It means absence of privileges being extended to any particular section of the society, and improvement in the conditions of backward classes (SCs, STs, and OBCs) and women.
- Social Justice is the foundation stone of the Indian Constitution. Indian Constitution makers were well known for the use and minimality of various principles of justice. They wanted to search for such a form of justice which could fulfill the expectations of the whole revolution.
- The best example of this is the provision for reservations for Scheduled Castes and Scheduled Tribes EWS people in the Constitution.
- Pt. Jawahar Lal Nehru put an idea before the Constituent Assembly "First work of this assembly is to make India independent by a new Constitution through which starving people will get complete meals and cloths, and each Indian will get the best option that he can progress himself."

The Constitution makers have to address themselves to very different aspirations Nehru trying to balance between different visions and ideologies.



Respect of Diversity and Minority Rights

Respect for diversity and minority rights the Indian Constitution encourages equal respect between communities.

The right of religious communities to establish and run their own educational institutions and such institutions may receive money from the government.

This provision shows that the Indian Constitution does not see religion merely as a private matter concerning the individual. Secular states are widely seen as treating religion as only a private matter. That is to say, they refuse to give religion public or official recognition.

We have hitherto mentioned three core features; these can also be seen as the achievements of our Constitution.

- First, our Constitution reinforces and reinvents forms of liberal individualism. This is an important achievement because this is done in the backdrop of a society where community values are often indifferent or hostile to individual autonomy.
- Second, our Constitution upholds the principle of social justice without compromising on individual liberties. The Constitutional commitment to caste-based affirmative action programmes shows how much ahead India was compared to other nations.
- Third, against the background of inter-communal strife, the Constitution upholds its commitment to group rights (the right to the expression of cultural particularity). This indicates that the framers of the Constitution were more than willing to face the challenges of what more than four decades later has come to be known as multiculturalism.

Secularism

Though the term 'secular' was not initially mentioned, the Indian Constitution has always been secular. The mainstream, western conception, of secularism means mutual exclusion of state and religion in order to protect values such as individual freedom and citizenship rights of individuals.

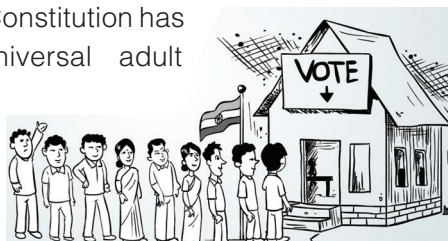
Conditions in India were different and to respond to the challenge they posed, the makers of the Constitution had to work out an alternative conception of secularism. They departed from the western model in two ways and for two different reasons.

- **Rights of Religious Groups** First, the Indian Constitution grants rights to all religious communities such as the right to establish and maintain their educational institutions. Freedom of religion in India means the freedom of religion of both individuals and communities.
- **State's Power of Intervention** Second, separation in India could not mean mutual exclusion. The state may help or hinder religious communities depending on which mode of action promotes values such as freedom and equality.

Universal franchise

In a democratic country like India, a universal adult franchise is important, as it is based on the idea of equality. It states that every adult in a country, irrespective of their wealth and the communities she/he belongs to, has one vote.

- The Indian Constitution has adopted universal adult franchise as a basis of elections to the Lok Sabha and the state legislative assemblies.



▲ A polling booth with voters in a queue

- The idea of universal franchise lay securely within the heart of nationalism. As early as the

Constitution of India Bill (1895), the first non-official attempt at drafting a Constitution for India the author declared that every citizen i e anyone born in India had a right to take part in the affairs of the country and be admitted to public office.

- The Motilal Nehru Report (1928) reaffirms this conception of citizenship, reiterating that every person of either sex who has attained the age of twenty- one is entitled to vote for the house of Representatives or Parliament.
- Thus from very early on, universal franchise was considered as the most important and legitimate instrument by which the will of the nation was to be properly expressed.

Federalism

In a federation system, there are two seats of power that are autonomous in their own spheres. A federal system is different from a unitary system in that sovereignty is Constitutionally split between two territorial levels so that each level can act independently of each other in some areas.

There are two kinds of federations:

1. **Holding Together Federation:** In this type, powers are shared between various constituent parts to accommodate the diversity in the whole entity. Here, powers are generally tilted towards the central authority. Example: India, Spain, Belgium.
2. **Coming Together Federation:** In this type, independent states come together to form a larger unit. Here, states enjoy more autonomy as compared to the holding together kind of federation. Example: USA, Australia, Switzerland.

India is a federal system but with more tilt towards a unitary system of government. It is sometimes considered a quasi-federal system as it has features of both a federal and a unitary system. Article 1 of the Indian Constitution states, 'India,

that is Bharat, shall be a union of states'. The word federation is not mentioned in the Constitution.



▲ The States Plead for More Powers

NOTE

Elements of federalism were introduced into modern India by the Government of India Act of 1919 which separated powers between the centre and the provincial legislatures.

National identity

- The Constitution constantly reinforces a common national identity. The Indian Constitution tried to balance various identities. Yet, preference was given to common identity under certain conditions.
- Separate electorates were rejected not because they fostered difference between religious communities as such or because they endangered a simple notion of national unity but because they endangered a healthy national life. Rather than forced unity, our Constitution sought to evolve true fraternity, a goal dear to the heart of Dr. Ambedkar. As Sardar Patel put it, the main objective was to evolve 'one community'.

2.4 Procedural Achievements

All these philosophical ideals are what might be called the substantive achievements of the Constitution. However, there were also some procedural achievements.

- First, the Indian Constitution reflects a faith in political deliberation. We know that many groups and interests were not adequately represented in the Constituent Assembly. But the debates in the Assembly amply show that the makers of the Constitution wanted to be as inclusive in their approach as possible.
- Second, it reflects a spirit of compromise and accommodation. These words, compromise and accommodation, should not always be seen with disapproval. Not all compromises are bad.

2.5

Features of the Constitution of India

1. Three-tier Government

- Central Government
- State Government
- Panchayati Raj Government

2. Longiest Written Constitution

Originally it consisted of a Preamble, 395 Articles (which were divided into 22 parts) and 8 Schedules, while the American Constitution originally consisted of only 7 Articles.

3. Federal System with Unitary Bias

Essential characteristics of a federation are:

- Minimum two tiers of governments (India has 3 tiers of government).
- Distribution of powers between the units forming the federation.
- Supremacy of Constitution.
- Written Constitution.
- Rigidity of Constitution.
- Independent Judiciary.

However, the Indian Constitution also contains a large number of unitary or non-federal features viz. a strong Centre, single Constitution, single citizenship, all India services, emergency provisions and so on. Hence, the Indian Constitution has been variously described as federal in form but unitary in spirit. It is called quasi-federal by K.C. Wheare.

4. Parliamentary Form of Government

Features of Parliamentary Government are:

- (i) Presence of nominal and real executives.
- (ii) Majority party rule.
- (iii) Collective responsibility of the executive to the Legislature.
- (iv) Leadership of the Prime Minister or the Chief Minister.
- (v) Dissolution of the Lower House (Lok Sabha).

5. Synthesis of Parliamentary Sovereignty and Judicial Supremacy

6. Integrated and independent Judiciary

7. Fundamental Rights & Fundamental Duties

8. Directive Principles of State Policy

9. Universal Adult Franchise & Single Citizenship

10. Emergency Provisions

11. Drawn From Various Sources

12. Blend of Rigidity and Flexibility

2.6 Preamble of the Constitution

The Preamble of the Constitution reads like a poem on democracy. It contains the philosophy on which the entire Constitution has been built. It provides a standard to examine and evaluate any law and action of the government, to find out whether it is good or bad. It is the soul of the Indian Constitution.

WE, THE PEOPLE OF' INDIA: The Constitution has been drawn up and enacted by the people through their representatives, and not handed down to them by a king or any outside powers.

SOVEREIGN: People have the supreme right to make decisions on internal as well as external matters. No external power can dictate the government of India.

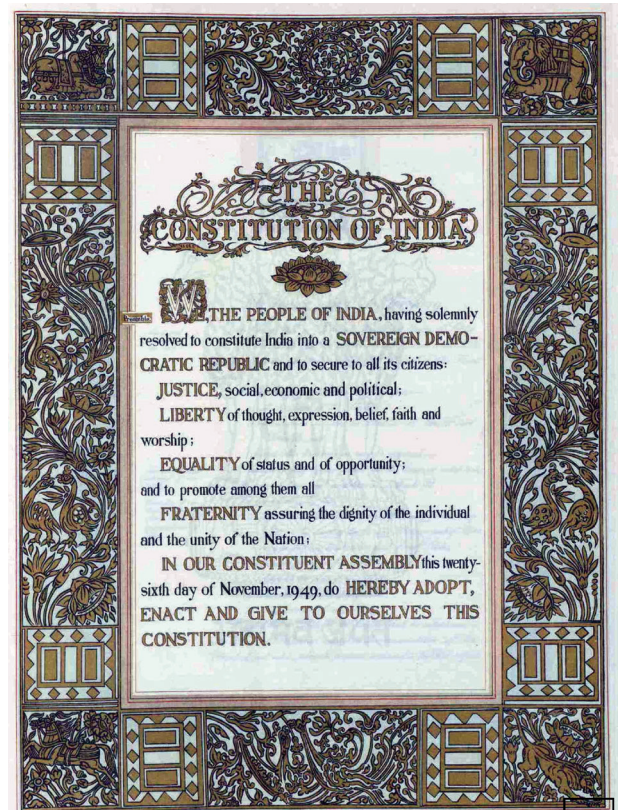
SOCIALIST: Wealth is generated socially and should be shared equally by society. Government should regulate the ownership of land and industry to reduce socio-economic inequalities.

SECULAR: Citizens have complete freedom to follow any religion. But there is no official religion. Government treats all religious beliefs and practices with equal respect.

DEMOCRATIC: A form of government where people enjoy equal political rights, elect their rulers and hold them accountable. The government is run according to some basic rules.

REPUBLIC: The head of the state is an elected person and not a hereditary position.

JUSTICE: Citizens cannot be discriminated against on the grounds of caste, religion and gender. Social inequalities have to be reduced. Government should work for the welfare of all, especially of the disadvantaged groups.



Signature of the artist Beohar Rammanohar Sinha as 'Ram'
अलकरणकर्ता व्योहार राममनोहर सिंह के संक्षिप्त हस्ताक्षर 'राम'



LIBERTY: There are no unreasonable restrictions on the citizens in what they think, how they wish to express their thoughts and the way they wish to follow up their thoughts in action.

EQUALITY: All are equal before the law. The traditional social inequalities have to be ended. The government should ensure equal opportunity for all.

FRATERNITY: All of us should behave as if we are members of the same family. No one should treat a fellow citizen as inferior.

Parts of the Indian Constitution		
Part	Deals with	Articles
I	The Union and its Territory	1 to 4
II	Citizenship	5 to 11
III	Fundamental Rights	12 to 35
IV	Directive Principles of the State Policy	36 to 51
IV-A	Fundamental Duties (inserted by 42nd Constitution Amendment Act, 1976)	51-A
V	The Union Government	52 to 151
VI	The State Governments	152 to 237
VIII	The Union Territories	239 to 242
IX	The Panchayats (inserted by 73rd Constitution Amendment Act, 1992)	243 to 243-O
IX-A	The Municipalities (inserted by 74th Constitution Amendment Act, 1992)	243-P to 243-ZG
IX-B	The Co-operative Societies (inserted by 97th Amendment Act, 2011)	243-ZH to 243-ZT
X	The Scheduled and Tribal Areas	244 to 244-A
XI	Relations between the Union and the States	245 to 263
XII	Finance, Property, Contracts and Suits	264 to 300-A
XIII	Trade, Commerce and Intercourse within the Territory of India	301 to 307
XIV	Services under the Union and the States	308 to 323
XIV-A	Tribunals (inserted by 42nd Constitution Amendment Act, 1976)	323-A to 323-B
XV	Elections	324 to 329-A
XVI	Special provisions to SCs, STs, OBCs and Anglo-Indians	330 to 342

Parts of the Indian Constitution

Part	Deals with	Articles
XVII	Official Language	343 to 351
XVIII	Emergency Provisions	352 to 360
XIX	Miscellaneous	361 to 367
XX	Amendment of the Constitution	368
XXI	Temporary, Transitional and Special provisions	369 to 392
XXII	Short title, Commencement, Authoritative text in Hindi and Repeals	393 to 395

Important Articles of the Constitution

Article	Deals with
1	Name and Territory of the Union.
3	Formation of new States and alteration of areas, boundaries or names of existing States.
14	Equality before Law.
15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
16	Equality of opportunity in matters of public employment.
17	Abolition of untouchability.
18	Abolition of titles.
19	Protection of certain rights regarding freedom of speech, etc.
20	Protection in respect of conviction for offences.
21	Protection of life and personal liberty.
21A	Right to elementary education (added by 86th Constitution Amendment Act, 2002).
22	Protection against arrest and detention in certain cases.
30	Right of minorities to establish and administer educational institutions.
31C	Saving of laws giving effect to certain directive principles.
32	Remedies for enforcement of Fundamental Rights including Writs.
38	State to secure a social order for the promotion of welfare of the people.
40	Organisation of village panchayats.

Important Articles of the Constitution

Article	Deals with
44	Uniform Civil Code for the citizens.
46	Promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections.
50	Separation of judiciary from executive.
51	Promotion of international peace and security.
51A	Fundamental Duties.
72	Power of President to grant pardons, etc. and to suspend, remit or commute sentences in certain cases.
74	Council of Ministers to aid and advise the President.
78	Duties of Prime Minister with regard to the furnishing of information to the President, etc.
110	Definition of Money Bills.
112	Annual Financial Statement (Budget).
123	Powers of the President to promulgate ordinances during recess of Parliament.
143	Power of the President to consult Supreme Court.
155	Appointment of Governors.
161	Power of Governor to grant pardons, etc. and to suspend, remit or commute sentences in certain cases.
163	Council of Ministers to aid and advise the Governor.
167	Duties of Chief Minister with regard to the furnishing of information to Governor, etc.
169	Abolition or creation of Legislative Councils in States.
200	Assent to bills by Governor (including reservation for President).
213	Power of Governor to promulgate ordinances during recess of the State Legislature.
226	Powers of High Courts to issue certain Writs.
239AA	Special provisions with respect to Delhi (inserted by 69th Constitutional Amendment Act, 1991).
246A	Provisions of Goods and Services Tax (GST).
249	Power of Parliament to legislate with respect to a matter in the State List in the national interest.
250	Power of Parliament to legislate with respect to any matter in the State List if a Proclamation of Emergency is in operation.
251	Inconsistency between laws made by Parliament under Articles 249 and 250 and laws made by the legislatures of States

Important Articles of the Constitution

Article	Deals with
252	Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State.
253	Legislation for giving effect to international agreements.
262	Adjudication of disputes relating to waters of inter-State rivers or river valleys.
263	Provisions with respect to an inter-State Council.
265	Taxes not to be imposed save by authority of law.
266	Consolidated Funds and Public Accounts of India and of the States.
267	Contingency Fund.
269A	Goods and Services Tax (GST) on Inter-state trade.
275	Grants from the Union to certain States (discretionary grants).
279A	Provision for GST Council.
280	Finance Commission.
292	Borrowings by the Government of India.
293	Borrowings by States.
300A	Persons not be deprived of property, save by authority of law (right to property).
301	Freedom of trade, commerce and intercourse.
312	All-India Services.
315	Public Service Commissions for the Union and for the States.
320	Functions of Public Service Commissions.
323-A	Administrative Tribunals.
324	Superintendence, direction and control of elections to be vested in an Election Commission.
330	Reservation of seats for scheduled castes and scheduled tribes in the House of the People.
335	Claims of scheduled castes and scheduled tribes to services and posts.
338	National Commission for Scheduled Castes (NCSC).
338A	National Commission for Scheduled Tribes (NCST).
343	Official language of the Union.
352	Proclamation of Emergency (National Emergency).
356	Provisions of Emergency in case of failure of Constitutional machinery in States (President's rule)

Important Articles of the Constitution

Article	Deals with
360	Provisions as to financial emergency.
365	Effect of failure to comply with, or to give effect to, directions given by the Union (President's rule).
368	Power of Parliament to amend the Constitution & procedure therefore.
370	Temporary provisions with respect to the State of Jammu and Kashmir. (Now repealed)
371	Special provision with respect to the States of Maharashtra and Gujarat.
371A	Special provision with respect to the State of Nagaland.
371B	Special provision with respect to the State of Assam.
371C	Special provision with respect to the State of Manipur.
371D	Special provision with respect to the State of Andhra Pradesh.
371E	Establishment of central university in Andhra Pradesh.
371F	Special provision with respect to the State of Sikkim.
371G	Special provision with respect to the State of Mizoram.
371H	Special provision with respect to the State of Arunachal Pradesh.
371I	Special provision with respect to the State of Goa.

Schedules of the Constitution

Schedule	Deals with
First	Name and territorial extent (States and Union Territories)
Second	Emoluments, allowances, privileges of President, Governors, Speakers, etc.
Third	Forms of Oaths or Affirmations
Fourth	Allocation of seats to various States & UTs in the Rajya Sabha (Council of States).
Fifth	Provision as to administration and control of scheduled areas and scheduled tribes
Sixth	Provision as to administration of tribal areas in the State of Assam, Meghalaya, Tripura and Mizoram
Seventh	Division of power between the Union and the States (Union List, State List & Concurrent List)

Schedules of the Constitution

Schedule	Deals with
Eighth	Languages (originally 14 but presently 22) recognized by the Constitution, namely Assamese, Bengali, Dogri, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. Sindhi was added by the 21st Constitution Amendment Act, 1967 while Konkani, Manipuri and Nepali were added by the 71st Constitution Amendment Act, 1992. Bodo, Dogri, Maithili and Santhali were added by the 92nd Constitution Amendment Act, 2003.
Ninth	Acts and regulations (this schedule was added by the 1st Constitution Amendment Act, 1951)
Tenth	Disqualification of the members of Parliament and State Legislatures on the ground of defection. This schedule was added by the 52nd Constitution Amendment Act, also known as Anti Defection Act (1985).
Eleventh	Powers, authority and responsibilities of Panchayats. It has 29 subjects. This schedule was added by the 73rd Amendment Act, 1992.
Twelfth	Powers, authority and responsibilities of municipalities. It has 18 subjects. This schedule was added by the 74th Amendment Act, 1992.

