



# ✓ INDIAN POLITY BY- SUJEET BAJPAI SIR



✓ Sources	Features Borrowed
1. Government of India Act of 1935	Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details.
2. British Constitution	(Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism.)
3. 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.
4. Irish Constitution	(Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of president.)

15 Aug -  
1947 -  
26<sup>th</sup> Nov -  
1949 -  
26 Jan  
1950

- |    |                                |   |
|----|--------------------------------|---|
| 5. | 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. |
| 6. | Australian Constitution        | Concurrent List, freedom of trade, commerce and intercourse, and joint sitting of the two Houses of Parliament.   |
| 7. | Weimar Constitution of Germany | Suspension of Fundamental Rights during Emergency.  |
|    | Soviet Constitution            | Fundamental duties and the ideal of justice (social,  |



8.	(USSR, now Russia)	economic and political) in the Preamble.
9.	French Constitution	Republic and the ideals of liberty, equality and fraternity in the Preamble.
10.	South African Constitution	Procedure for amendment of the Constitution and election of members of Rajya Sabha.
11.	Japanese Constitution	<u>Procedure established by Law.</u>

विधि द्वारा कथारित प्रक्रिया

Numbers	Subject Matter	Articles Covered
<b>First Schedule</b>	1. Names of the States and their territorial jurisdiction.	1 and 4
	2. Names of the Union Territories and their extent.	
<b>Second Schedule</b>	Provisions relating to the emoluments, allowances, privileges and so on of:	59, 65, 75, 97, 125, 148, 158, 164, 186 & 221
	1. The President of India	
	2. The Governors of States	
	3. The Speaker and the Deputy Speaker of the Lok Sabha	
	4. The Chairman and the Deputy Chairman of the Rajya Sabha	
	5. The Speaker and the Deputy Speaker of the Legislative Assembly in the states	
	6. The Chairman and the Deputy Chairman of the Legislative Council in the states	
	7. The Judges of the Supreme Court	
	8. The Judges of the High Courts	

8 → 12

## 9. The Comptroller and Auditor-General of India

<b>Third Schedule</b>	<div style="text-align: center; color: red; font-size: 2em; font-family: cursive;">2142</div> Forms of Oaths or Affirmations for:	75, 84, 99, 124, 146, 173, 188 and 219
	1. The Union ministers	
	2. The candidates for election to the Parliament	
	3. The members of Parliament	
	4. The judges of the Supreme Court	
	5. The Comptroller and Auditor-General of India	
	6. The state ministers	
	7. The candidates for election to the state legislature	
	8. The members of the state legislature	
	9. The judges of the High Courts	

<b>Fourth Schedule</b>	Allocation of seats in the <u>Rajya Sabha</u> to the states and the union territories.	4 and 80
<b>Fifth Schedule</b>	Provisions relating to the administration and control of scheduled areas and scheduled tribes.	244
<b>Sixth Schedule</b>	Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.	244 and 275
<b>Seventh Schedule</b>	Division of powers between the Union and the States in terms of List I (Union List), List II (State List) and List III (Concurrent List). Presently, the Union List contains 100 subjects (originally 97), the state list contains 61 subjects (originally 66) and the concurrent list contains 52 subjects (originally 47).	246

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BTAD  
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BTC



<b>Eighth Schedule</b>	<p>Languages recognized by the Constitution. Originally, it had 14 languages but presently there are 22 languages. They are: Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Odia, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. Sindhi was added by the 21<sup>st</sup> Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71<sup>st</sup> Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali were added by the 92<sup>nd</sup> Amendment Act of 2003. Oriya was renamed as 'Odia' by the 96<sup>th</sup> Amendment Act of 2011.</p>	344 and 351
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1st Amendment - (1951)

Ninth Schedule

Acts and Regulations (originally 13 but presently 282)<sup>19</sup> of the state legislatures dealing with land reforms and abolition of the zamindari system and of the Parliament dealing with other matters. This schedule was added by the 1<sup>st</sup> Amendment (1951) to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights. However, in 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to judicial review.

31-B

Base =  
Violation  
of FR

<b>Tenth Schedule</b>	Provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection. This schedule was added by the 52 <sup>nd</sup> Amendment Act of 1985, also known as Anti-defection Law.	102 and 191
<b>Eleventh Schedule</b>	Specifies the powers, authority and responsibilities of Panchayats. It has 29 matters. This schedule was added by the 73 <sup>rd</sup> Amendment Act of 1992.	243-G
	Specifies the powers, authority and responsibilities of	

गण(पुलिस)  
 12<sup>th</sup> Sch  
 74<sup>th</sup>  
 1992



<b>Parts</b>	<b>Subject Matter</b>	<b>Articles Covered</b>
I	The Union and its territory	1 to 4
II	Citizenship	5 to 11
III	Fundamental Rights	12 to 35
IV	Directive Principles of State Policy	36 to 51
IV-A	Fundamental Duties	51-A
V	The Union Government	52 to 151
	Chapter I – The Executive	52 to 78
	Chapter II – Parliament	79 to 122
	Chapter III – Legislative Powers of President	123
	Chapter IV – The Union Judiciary	124 to 147
	Chapter V – Comptroller and Auditor-General of India	148 to 151



VI	The State Governments	152 to 237
	Chapter I – General	152
	Chapter II – The Executive	153 to 167
	Chapter III – The State Legislature	168 to 212
	Chapter IV – Legislative Powers of Governor	213
	Chapter V – The High Courts	214 to 232
	Chapter VI – Subordinate Courts	233 to 237
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VII	The States in Part B of the First Schedule (deleted)	(deleted)
VIII	The Union Territories	239 to 242
IX	The Panchayats	243 to 243-0
IX-A	The Municipalities	243-P to 243-ZG
IX-B	The Co-operative Societies	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
	Chapter I – Legislative Relations	245 to 255
	Chapter II – Administrative Relations	256 to 263

XI	Relations between the Union and the States	245 to 263
	Chapter I – Legislative Relations	245 to 255
	Chapter II – Administrative Relations	256 to 263
XII	Finance, Property, Contracts and Suits	264 to 300-A
	Chapter I – Finance	264 to 291
	Chapter II – Borrowing	292 to 293
	Chapter III – Property, Contracts, Rights, Liabilities, Obligations and Suits	294 to 300
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XIII	Trade, Commerce and Intercourse within the Territory of India	301 to 307
XIV	Services under the Union and the States	308 to 323
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XIV-A	Tribunals	323-B
XV	Elections	324 to 329-A
XVI	Special Provisions relating to Certain Classes	330 to 342
XVII	Official Language	343 to 351
	Chapter I – Language of the Union	343 to 344
	Chapter II – Regional Languages	345 to 347
	Chapter III—Language of the Supreme Court, High Courts, and so on	348 to 349
	Chapter IV—Special Directives	350 to 351

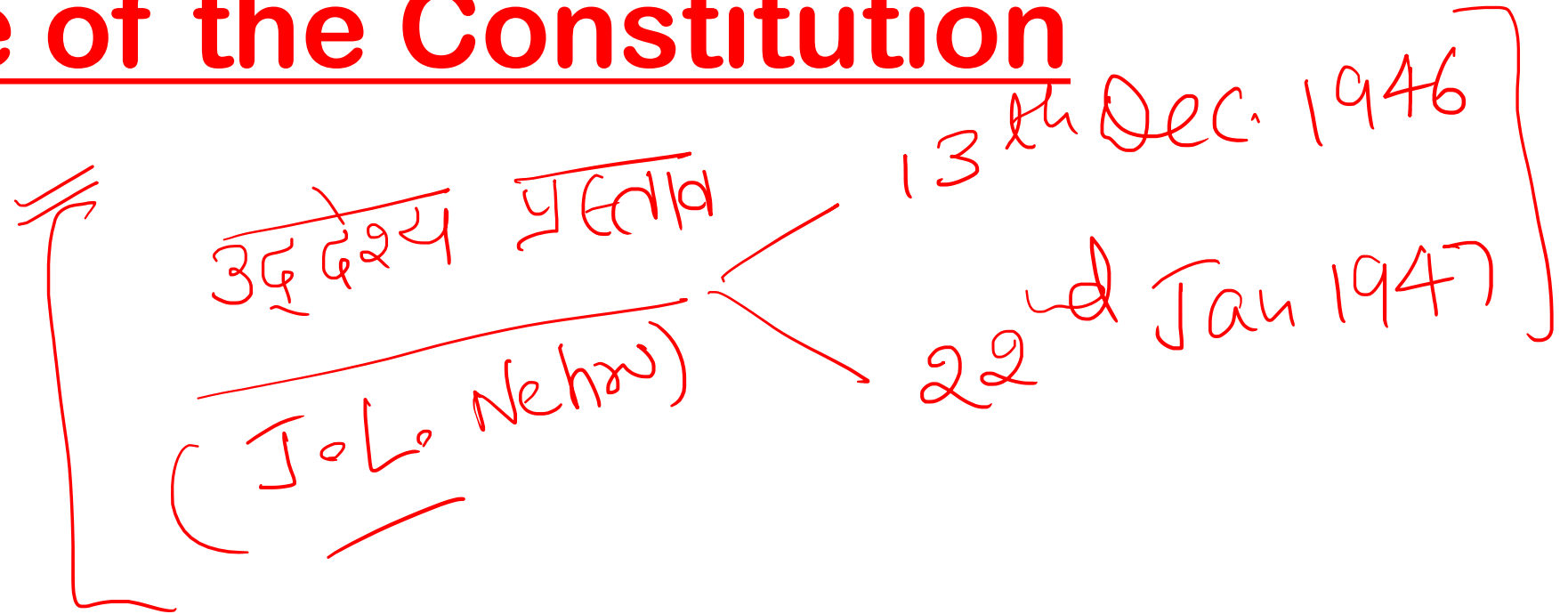


XVIII	Emergency Provisions	352 to 360
XIX	Miscellaneous	361 to 367
XX	Amendment of the Constitution	368
XXI	Temporary, Transitional and Special Provisions	369 to 392
XXII	Short title, Commencement, Authoritative Text in Hindi and Repeals	393 to 395

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उद्देशिका

# Preamble of the Constitution



**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 <sup>2</sup>[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.**

Ind.  
✓ Democracy  
citizens feature.

(5)

(2)

**Ingredients of the Preamble The Preamble reveals four ingredients or components:**

**1.**

**Source of authority of the Constitution:**

**The Preamble states that the Constitution derives its authority from the people of India.**



2.

## **Nature of Indian State:**

It declares India to be of a sovereign, socialist, secular democratic and republican polity.

3.

## **Objectives of the Constitution:**

It specifies justice, liberty, equality and fraternity as the objectives.

4.

**Date of adoption of the Constitution:**

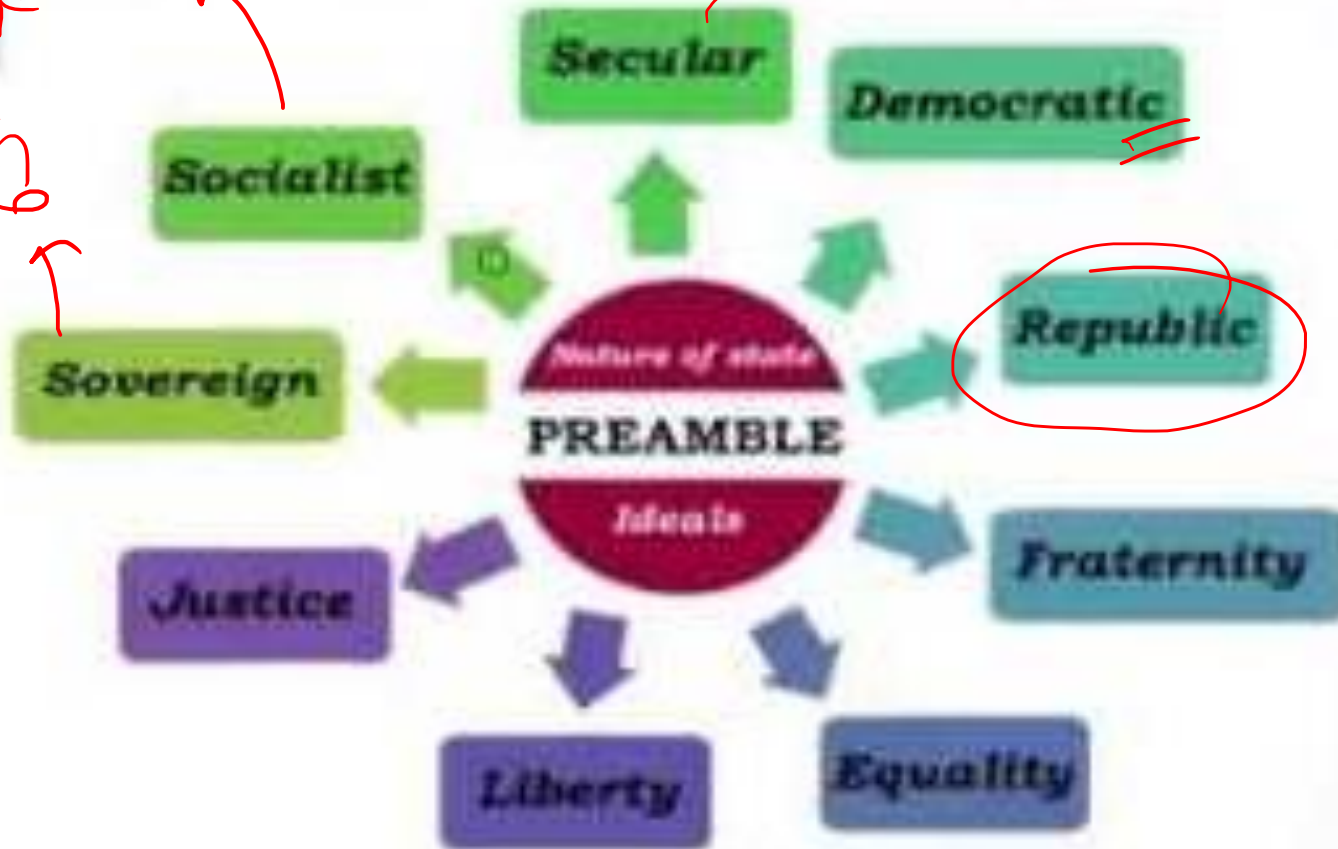
It stipulates November 26, 1949 as the date.

welfare state  
कल्याणकारी राज्य

सिद्ध

पंथ निरपेक्ष

No Religion  
of  
State  
राज्य की  
कोई धर्म नहीं  
होगा



# Key Words in the Preamble Certain key words—

**Sovereign:**

No Interference in <sup>देश</sup> external  
& internal affairs of  
a country <sup>देश</sup>



# Socialist:

# Secular:

**Democratic:**

**Republic:**

→ राष्ट्रपति  
Head of the state will be  
elected by people. (of India)

**Justice:**

**Liberty:**

**Equality:**

**Fraternity:**



## Popular Statements About Preamble:

Sir Alladi Krishnaswami Iyer, a member of the Constituent Assembly who played a significant role in making the Constitution, **'The Preamble to our Constitution expresses what we had thought or dreamt so long'**.

According to K M Munshi, a member of the Drafting Committee of the Constituent Assembly, the Preamble is the **'horoscope of our sovereign democratic republic'**.

गुस्नी

M Hidayatullah, a former Chief Justice of India, observed, **“It is the heart & soul of our Constitution”**.

→ Amedkar  
↳ Art. 32

# Preamble as Part of the Constitution

## 1. Berubari Union case (1960):

Preamble is not a part of the Constitution.

## 2. Kesavananda Bharati case (1973):

Preamble is a part of the Constitution.

Preamble ⊕ FR ⊕ DPSP

मूलभूत ढाँचा

Basic  
Structure



## NOTE:

1. The Preamble is neither a source of power to legislature nor a prohibition upon the powers of legislature.

2. **(It is non-justiciable)**, that is, its provisions are not enforceable in courts of law.

न्यायालय लागू नहीं

अर्थात्  
अवकाश है।

## Amendability of the Preamble:

संशोधनीयता

Yes

The Preamble has been amended only once so far, in 1976, by the 42nd Constitutional Amendment Act, which has added three new words—**Socialist**, **Secular** and **Integrity**—to the Preamble.

अखंडता

## 42<sup>nd</sup> Amendment

- Known as ‘mini constitution’
- Act passed by parliament on 11th November 1976.
- Three new words (i.e., socialist, secular and integrity) were added in the Preamble.
- Fundamental Duties by the citizens (new Part IV A) was added.

(Part-① & Art-1-4)

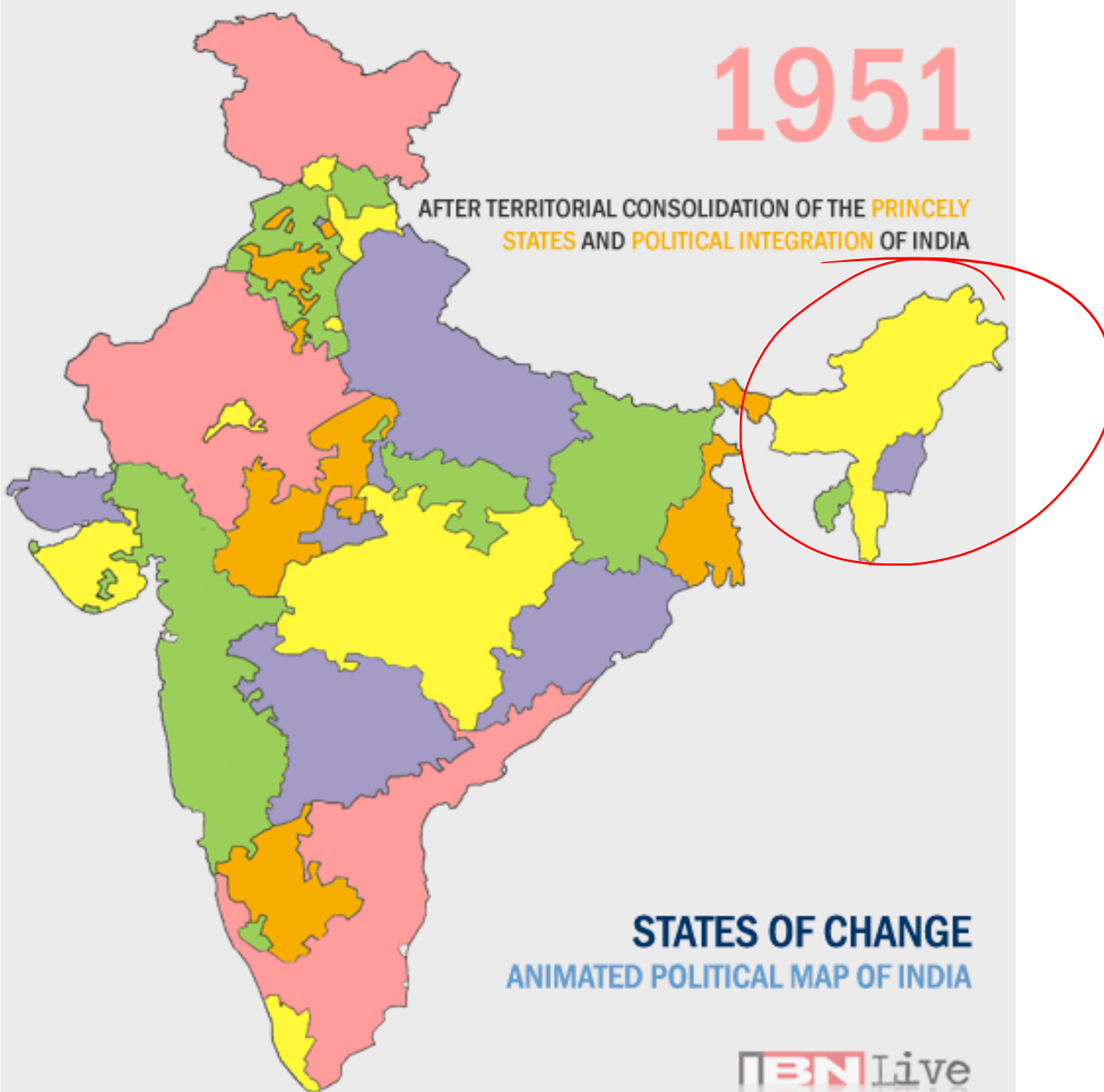
# Union and its Territory



Art ①  $\Rightarrow$  India that is Union of Bharat shall be States.  
६६

# 1951

AFTER TERRITORIAL CONSOLIDATION OF THE PRINCELY  
STATES AND POLITICAL INTEGRATION OF INDIA



**STATES OF CHANGE**  
ANIMATED POLITICAL MAP OF INDIA

**According to Article 1, the territory of India can be classified into three categories:**

- 1. Territories of the states**
- 2. Union territories**
- 3. Territories that may be acquired by the Government of India at any time.**

## Article 2 grants two powers to the Parliament:

(a) the power to admit into the Union of India new states; and

(b) the power to establish new states.

The first refers to the admission of states which are already in existence while the second refers to the establishment of **states which were not in existence before.**

**Article 3**, on the other hand, relates to the formation of or changes in the existing states of the Union of India.

In other words, Article 3 deals with the internal re-adjustment of the territories of the constituent states of the Union of India.



S.K. Dhar

## **Dhar Commission and JVP Committee:**

The integration of princely states with the rest of India has purely an ad hoc arrangement. There has been a demand from different regions, particularly South India, for reorganisation of states on linguistic basis.

**Accordingly, in June 1948, the Government of India appointed the Linguistic Provinces Commission under the chairmanship of S K Dhar to examine the feasibility of this.**

**The commission submitted its report in December 1948 and recommended the reorganisation of states on the basis of administrative convenience rather than linguistic factor.**

**This created much resentment and led to the appointment of another Linguistic Provinces Committee by the Congress in December 1948 itself to examine the whole question afresh.**

**It consisted of Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya and hence, was popularly known as JVP Committee.**

**It submitted its report in April 1949 and formally rejected language as the basis for reorganisation of states.**

भाषाई आधार पर पहला राज्य

However, in October 1953, the Government of India was forced to create the first linguistic state, known as Andhra state, by separating the Telugu speaking areas from the Madras state. This followed a prolonged popular agitation and the death of Potti Sriramulu, a Congress person of standing, after a 56-day hunger strike for the cause.

भाषा  
प्रदेश

## **Fazl Ali Commission**

The creation of Andhra state intensified the demand from other regions for creation of states on linguistic basis.

This forced the Government of India to appoint (in December 1953) a three-member States Reorganisation Commission under the chairmanship of Fazl Ali to re-examine the whole question.



**Its other two members were K M Panikkar and H N Kunzru.**

**It submitted its report in September 1955 and broadly accepted language as the basis of reorganisation of states. But, it rejected the theory of ‘one language–one state’.**

**Its view was that the unity of India should be regarded as the primary consideration in any redrawing of the country’s political units.**

2.	Admission or establishment of new states
2A.	Sikkim to be associated with the Union—(Repealed)
3.	Formation of new states and alteration of areas, boundaries or names of existing states
4.	Laws made under Articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.