



MPPSC

Prelims

Madhya Pradesh Public Service Commission (MPPSC)

Volume - 3

Constitutional System of India & Madhya Pradesh



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CHAPTER

Making of the Indian Constitution

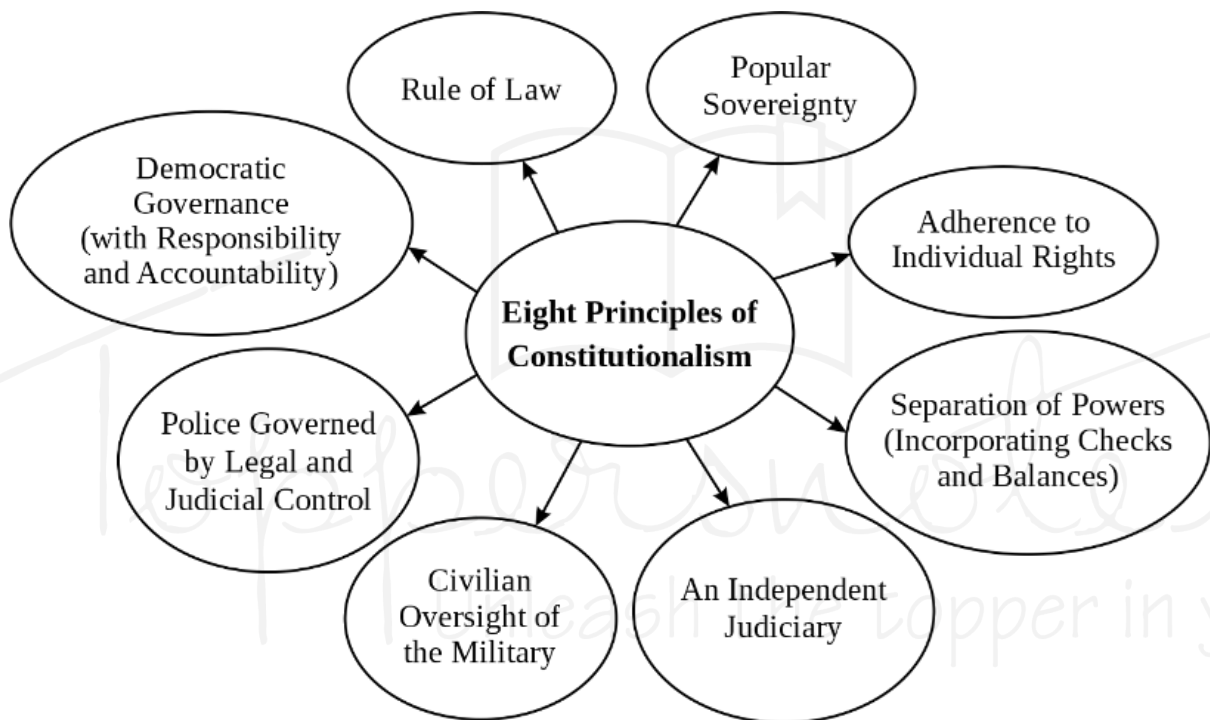
A Constitution is the supreme law defining the government's structure, powers, and citizens' rights. Example: The Constitution of India.

After independence and the adoption of the Constitution, India had a **Provisional Parliament** from 1950 to 1952, which was **unicameral** (only one house). The **first elected bicameral Parliament** (Lok Sabha and Rajya Sabha) came into existence in 1952.

Terms Related to Constitution

1. Constitutionalism

- Friedrich states constitutionalism ensures the government operates within rules, promoting fairness and accountability.
- A constitution outlines governance, defining the roles of the executive, legislature, and judiciary, with laws made by the legislature adhering to constitutional limits.



2. Constitution vs. Constitutionalism

- A country may have a Constitution but lack true Constitutionalism if the government operates outside established rules, as seen in dictatorships where rights and structure are ignored, undermining fairness and accountability.

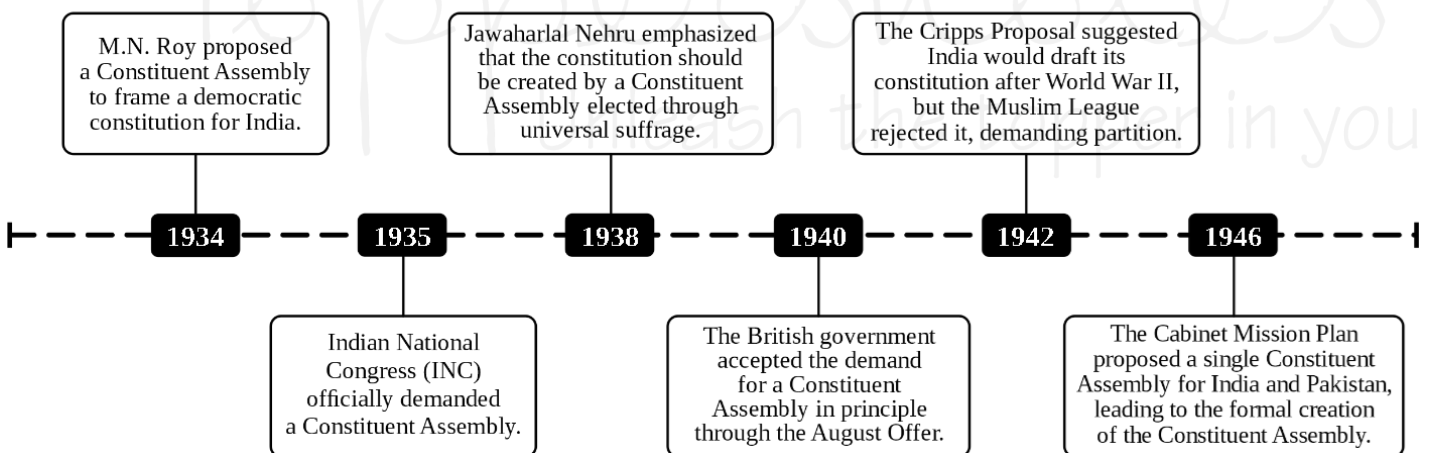
Types of Constitution

On the Basis of	Type of Constitution	Meaning	Example
Amendment Procedure	➤ Flexible Constitution	➤ Can be easily amended or changed, like passing ordinary laws.	➤ British Constitution
	➤ Rigid Constitution	➤ Requires a special, complex process for amendments, making changes difficult.	➤ US Constitution

Distribution of Powers	➤ Federal Constitution	➤ Power is divided between central and regional governments.	➤ Germany
	➤ Unitary Constitution	➤ Power is centralized in the national government, with limited regional autonomy.	➤ UK Constitution
Relation between Executive & Legislature	➤ Presidential Constitution	➤ Clear separation between executive and legislature; President is both Head of State and Head of Government.	➤ United States
	➤ Parliamentary Constitution	➤ The executive derives authority from and is accountable to the legislature.	➤ India
Head of State	➤ Monarchical Constitution	➤ Monarch is the Head of State, either with limited (constitutional) or significant (absolute) powers.	➤ Sweden
	➤ Republican Constitution	➤ The Head of State is elected, not hereditary.	➤ France
Religion & State Relation	➤ Theocratic Constitution	➤ Based on religious laws; government guided by religious authority.	➤ Iran
	➤ Secular Constitution	➤ Religion is kept separate from the government, ensuring equality of all religions.	➤ Indian Constitution

Demand for a Constituent Assembly

Demand For a Constituent Assembly



Important Dates of Constituent Assembly

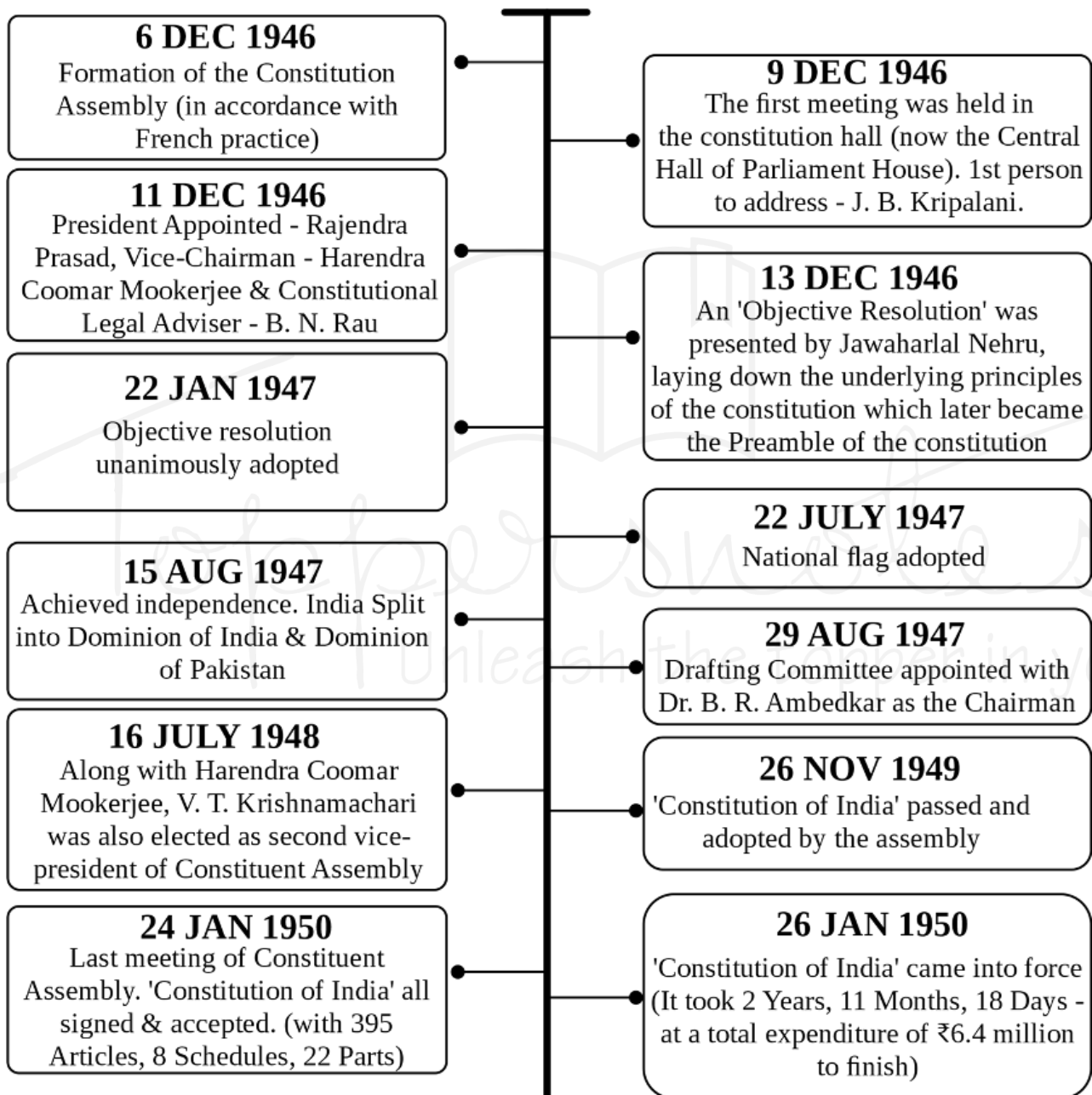
➤ **9th December 1946:** First sitting of the Constituent Assembly; Muslim League boycotted. Dr. Sachidanand Sinha became temporary Chairman

- **11th December 1946:** Dr. Rajendra Prasad elected President; Vice-Presidents: H.C. Mukherjee and V.T. Krishnamachari.
- **13th December 1946:** Objective Resolution introduced by Jawaharlal Nehru.
- **22nd January 1947:** Objective Resolution
- **22nd July 1947:** National Flag adopted.

- **15th August 1947:** Transfer of power; India and Pakistan became independent.
- **26th November 1947:** RK Shanmukham Chetty presented the first Union Budget of Independent India.
- **May 1949:** India ratified Commonwealth membership.
- **26th November 1949:** Constitution of India adopted. The day is also known as Constitution Day.

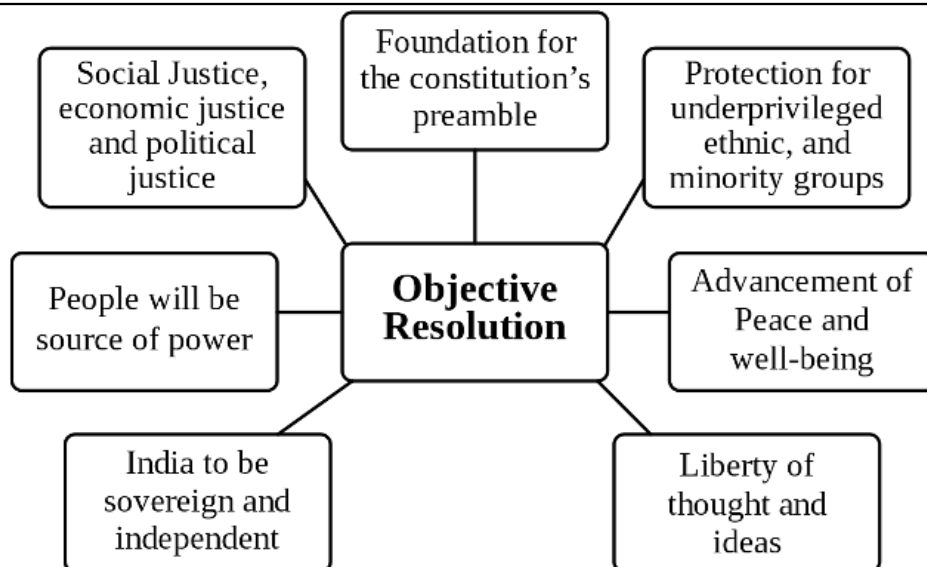
- **24th January 1950:** National Song and Anthem adopted; Dr. Rajendra Prasad elected 1st President; final Constituent Assembly session held.
- **26th January 1950:** Constitution of India came into force, establishing India as a Republic.
- **22 March 1957:** Saka Era calendar as National Calendar.

Timeline of formation of the constitution of india



Objective Resolution

The Objective Resolution, introduced by Jawaharlal Nehru in 1946, outlined the core principles for India's future Constitution.



Interim Government- 1946

Formed on 2 September 1946 under the provisions of the Cabinet Mission Plan. It functioned as a provisional government before full independence and was led by Jawaharlal Nehru as Vice-President of the Executive Council (equivalent to PM).

1. Key Members and Portfolios

- ✓ **Jawaharlal Nehru** – External Affairs and Commonwealth
- ✓ **Sardar Vallabhbhai Patel** – Home, Information and Broadcasting
- ✓ **Dr. Rajendra Prasad** – Food and Agriculture
- ✓ **Asaf Ali** – Railways and Transport
- ✓ **Jagjivan Ram** – Labour
- ✓ **Dr. John Mathai** – Industries and Supplies
- ✓ **Sarat Chandra Bose** – Works, Mines and Power
- ✓ **C.H. Bhabha** – Commerce
- ✓ **Rajkumari Amrit Kaur** – Health
- ✓ **Syed Ali Zaheer** – Communications
- ✓ **I.I. Chundrigar** (Muslim League) – Commerce
- ✓ **Liaquat Ali Khan** (Muslim League) – Finance (introduced **“Poor Man’s Budget”** in 1947)
- ✓ **Abdur Rab Nishtar** (Muslim League) – Posts and Air
- ✓ **Jogendra Nath Mandal** (Muslim League) – Law

The Muslim League initially declined to join the Interim Government in September but later joined on 26 October 1946, leading to some overlapping portfolios and political tensions within the council.

Constituent Assembly of India

The Constituent Assembly, formed in November 1946 under the Cabinet Mission Plan, was responsible for drafting India's Constitution.

Classification	Description
Establishment	In November 1946 , the Constituent Assembly of India was formed under the Cabinet Mission Plan .
Strength	The Constituent Assembly of India had 389 members: 296 elected from provinces and 93 nominated by Princely States.
Parties elected	INC: 208 seats – largest party Muslim League: 73 seats – second largest, later withdrew Minor Parties: Few seats (CPI, SCF, independents) Princely States: 93 seats allocated, nominations but elections.
Structure	It included representatives from various groups, including Hindus, Muslims, Sikhs, Parsis, Anglo-Indians, Indian Christians, SCs, STs, and women from these communities.

Allocation of Seats	Seats in the Constituent Assembly were allocated based on population, divided among Muslims, Sikhs, and the General category in each British province.
Method of Voting	The Constituent Assembly used proportional representation via the Single Transferable Vote system for provincial representatives, while princely state representatives were nominated by their heads.
Participants	The Constituent Assembly was partly elected from British provinces and partly nominated by princely state heads, with members indirectly elected by provincial assemblies.
Absentees	Mahatma Gandhi did not participate in the Constituent Assembly, and 93 seats from princely states remained unfilled due to their opt-out.
Additional Facts	The Constituent Assembly held 11 sessions over 2 years, 11 months, and 18 days, with an expenditure of 64 lakh, and adopted the elephant as its official seal.
Changes brought by the Independence Act, 1947	The Constituent Assembly, a fully sovereign body, had dual functions: as a Legislative Body chaired by G. V. Mavalankar and as a Constituent Body chaired by Dr. Rajendra Prasad. After independence and the Muslim League's withdrawal, its membership was reduced to 299.

Leading figures	Sir B. N. Rau was the Constitutional Advisor and H.V.R. Iyengar the Secretary S.N. Mukherjee the Chief Draftsman and Prem Behari Raizada the Calligrapher. Nand Lal Bose and B.R. Sinha decorated the Constitution, Hindi calligraphy by Vasant Krishan Vaidya and illumination by Nand Lal Bose .
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Committees Formed for the Constituent Assembly

The Constituent Assembly formed various committees to focus on specific aspects of the Constitution, conducting research and discussions in smaller groups.

Major Committees

Chairman	Committees
Jawaharlal Nehru	<ul style="list-style-type: none"> ➤ The Expert Committee, formed by Congress on July 8, 1946, included the Union Powers, Union Constitution, and States Committees. ➤ Chairman: Jawaharlal Nehru ➤ Purpose: To prepare material for the Constituent Assembly ➤ Members: M. Asaf Ali, K.M. Munshi, N. Gopalaswami Ayyangar, K.T. Shah, D.R. Gadgil, Humayun Kabir, K. Santhanam.
Dr. Rajendra Prasad	The Rules of Procedure Committee and the Steering Committee.

Sardar Patel	<p>The Advisory Committee on Fundamental Rights, Minorities, and Tribal Areas had 5 sub-committees:</p> <ul style="list-style-type: none"> ➤ Fundamental Rights: J.B. Kripalani ➤ Minorities: H.C. Mukherjee ➤ North-East Frontier & Assam Excluded Areas: Gopinath Bardoloi ➤ Other Excluded Areas: A.V. Thakkar
Dr. B.R. Ambedkar	<p>The Drafting Committee consisted of 7 members:</p> <ul style="list-style-type: none"> ➤ Chairman: Dr. B.R. Ambedkar ➤ Members: N. Gopalaswamy Ayyangar, Alladi Krishnaswamy Ayyar, Dr. K.M. Munshi, Syed Mohammad Saadullah, N. Madhava Rau (who replaced B.L. Mitter, who resigned due to ill health), and T.T. Krishnamachari (who replaced D.P. Khaitan after his death in 1948). <p>Drafting Process:</p> <ul style="list-style-type: none"> ➤ First Draft: Published in February 1948 ➤ Public Feedback Period: Lasted for eight months ➤ Second Draft: Published in October 1948 ➤ Total Meetings: 141 days ➤ Completion Time: Less than six months.

Minor Committees

- **Dr. Rajendra Prasad:** Finance and Staff Committee, National Flag Committee
- **Alladi Krishnaswamy Ayyar:** Credentials Committee
- **B. Pattabhi Sitaramayya:** House Committee, Chief Commissioners' Provinces Committee
- **Nalini Ranjan Sarkar (Non-member):** Financial Provisions Committee

- **S.K. Dar (Non-member):** Linguistic Provinces Commission
- **Jawaharlal Nehru:** Draft Constitution Committee
- **Usha Nath Sen:** Press Gallery Committee
- **S. Varadachari (Non-member):** Citizenship Committee, Supreme Court Committee
- **Dr. K.M. Munshi:** Order of Business Committee
- **G.V. Mavalankar:** Functions of Constituent Assembly Committee
- **Moturi Satyanarayana:** Language Committee

Enactment and Commencement of the Constitution

Enactment:

- The Constitution of India was adopted on **26th November 1949**.
- **284 out of 299** members of the Constituent Assembly were present and signed the Constitution.
- At adoption, the Constitution had **395 Articles, 8 Schedules**, and the **Preamble**.
- The **Preamble** was enacted last, ensuring it aligned with the final Constitution's philosophy and principles.

Commencement:

- Some provisions, like **Citizenship, Elections, and Provisional Parliament**, came into force on **26th November 1949**.
- The major part, including the **establishment of the Republic**, came into force on **26th January 1950**, celebrated as **Republic Day**.

Key Events:

- **January 26, 1930: Purna Swaraj Day** marked the demand for complete independence.
- **Indian Independence Act, 1947** and **Government of India Act, 1935** were repealed when the Indian Constitution came into effect.

- **Abolition of Privy Council Jurisdiction Act, 1949** ended British Privy Council's judicial authority over India.

Views of different leaders-

Leader	View on Constituent Assembly
Mahatma Gandhi	Swadeshi constitution, true will of people. In <i>Young India</i> (1922), he wrote that the Constitution must be “framed by Indians, without outside interference.”
M.N. Roy	First to propose elected CA (1934) on adult franchise
INC (1935 onwards)	Officially demanded CA; opposed imposed constitutions
Nehru	Democratic, sovereign CA; Objectives Resolution (1946). Called CA “a nation in the making.”
Ambedkar	Tool for social justice & minority safeguards. Famous remark: <i>“The Constitution is not a mere lawyer’s document, it is a vehicle of life.”</i>
Socialist Party	Demanded that the CA should be dissolved and a new Constituent Assembly be elected on the basis of universal adult suffrage. Leaders like Jayaprakash Narayan, Acharya Narendra Dev, and Ram Manohar Lohia pushed this demand.
Muslim League	Wanted separate CA → partition demand
British Govt.	Accepted in principle (1940); Cabinet Mission Plan (1946) made it reality

J. List of Women Members of the Constituent Assembly

Out of 389 seats originally (before Partition), only 15 were women members.

- Sarojini Naidu** – Poet, freedom fighter, “Nightingale of India.”
 - Hansa Mehta** – Advocate of women’s rights; credited with changing UN Declaration wording from “All men” to **“All human beings are born free and equal.”**
 - Rajkumari Amrit Kaur** – First Health Minister of India; strong voice on social justice and health.
 - Renuka Ray** – Worked on women’s empowerment and social welfare.
 - Vijaya Lakshmi Pandit** – Diplomat, sister of Nehru, later President of UN General Assembly.
 - Durgabai Deshmukh** – Social reformer; later became Chairperson of Planning Commission’s Social Welfare Board.
 - Sucheta Kripalani** – Freedom fighter, later became the first **woman Chief Minister of India (UP)**.
 - Annie Mascarene** – Represented Travancore; among the first women in Parliament.
 - Begum Aizaz Rasul** – Only Muslim woman in CA; opposed separate electorates for minorities.
 - Dakshayani Velayudhan** – First and only Dalit woman in CA; spoke strongly on caste discrimination.
 - Kamla Chaudhri** – Freedom fighter and social worker.
 - Leela Roy** – Close associate of Subhas Chandra Bose; educational reformer.
 - Malati Choudhury** – Social activist; associated with Gandhian constructive work.
 - Purnima Banerjee** – Younger sister of Aruna Asaf Ali; active in Quit India Movement.
- Amrit Kaur (another seat count includes her twice, but official total women = 15).**

Sources of Indian Constitution

The Indian Constitution, a symbol of democracy, is inspired by a variety of sources that have shaped its foundations. Much like an artist blending colors to create a masterpiece, the framers integrated elements from different places to shape the guiding document of our nation.

Sources	Provisions Borrowed
Govt. of India Act, 1935	Federal scheme, Office of the Governor, Judiciary, Public Service Commissions, Emergency Provisions and Administrative details.
British	Parliamentary government, Rule of Law, Single Citizenship, Cabinet System, Parliamentary privileges, Bicameralism, and Prerogative writs.
US	Fundamental Rights, Independent Judiciary, Impeachment of the President, Judicial review, Removal of Judges of Supreme Court and High Court and post of the Vice-president.
Irish	DPSP, Method of election of President and the Nomination of Members to the Rajya Sabha.

Canadian	Federation with strong centre, Residuary powers to centre, Appointment of State Governors by the Centre and Advisory Jurisdiction of the Supreme Court.
Australian	Concurrent List and Joint sitting of both the Houses of Parliament.
Germany-Weimar	Suspension of Fundamental Rights during Emergency.
USSR	Fundamental Duties, ideal of Justice in the Preamble.
French	Republic and Ideals of Liberty, Equality and Fraternity in the Preamble.
South African	Procedure for Amendment of the Constitution and Election of members of the Rajya Sabha.
Japanese	Procedure Established by Law.

The making of the Indian Constitution was a collaborative effort, shaped by diverse ideas and extensive deliberations. It embodies the values of justice, equality, and liberty for a democratic republic. Its adoption laid the foundation for India's governance and the protection of citizens' rights.

Salient Features of the Indian Constitution

The Indian Constitution, admired globally, was shaped by studying various constitutions. While it borrowed provisions, it has unique features that set it apart from others.

Features of the Indian Constitution

- **Longest written Constitution:** Originally, the Constitution of India (1949) comprised a Preamble, 395 Articles (divided into 22 Parts), and 8 Schedules. Over time, due to amendments, it has expanded to approximately 470 Articles and 12 Schedules.
 - ✓ Size attributed to diversity and vastness of India, historical factors and legal expertise in the Constituent Assembly.
- **Sources of Provisions:** Borrowed from various international constitutions and the Government of India Act, 1935.
 - ✓ Structural Part of the Constitution - Government of India Act, 1935.
 - ✓ Political Part of the Constitution - British Constitution.
 - ✓ Philosophical Part of the Constitution (FRs and DPSPs) - American and Irish Constitution.
- **Federal System with Unitary Bias:** The term Federation is not used; Article - 1 designates India as a Union of States.
 - ✓ Federal features - Two governments, Division of Powers, Written Constitution, bicameralism and constitutional supremacy.
 - ✓ Unitary features - Strong central authority, single citizenship, integrated judiciary, and emergency provisions.
- **Rigidity and Flexibility:** Blends rigid (USA) and flexible (UK) characteristics in the amendment process.
- **Parliamentary form of the government:** Executives are accountable to Parliament based on the British Westminster model.
- **Synthesis of Parliamentary Sovereignty and Judicial Supremacy:** Parliamentary sovereignty from the UK and Judicial Supremacy from the USA.
- **Integrated and Independent Judiciary:** The Supreme Court serves as the guardian of the Constitution and ensures the protection of Fundamental Rights.
- **Fundamental Rights (Part III):** Promotes political democracy through 6 Fundamental Rights.
- **Directive Principles of State Policy (Part IV):** Aim to establish social and economic democracy and promote a welfare state.
- **Fundamental Duties:** Added by 42nd Constitutional Amendment, listing 11 duties in Article - 51A.
- **Secular State:** The term Secular was added to the Preamble by the 42nd CAA. It promotes equal respect for all religions and state neutrality in religious matters.
- **Universal Adult Franchise:** The Voting age was lowered from 21 to 18 by 61st CAA.
- **Single Citizenship:** Unlike the USA, where individuals hold both state and national citizenship, India grants uniform political and civil rights to all citizens across the country.

- **Independent Bodies:** Includes Election Commission, Comptroller and Auditor General, Union and State Public Service Commissions, etc.
- **Emergency Provisions:** To ensure national sovereignty and security in times of crisis.

- **Three - Tier Government:** Article 40 promotes village panchayats, reinforcing local governance.
- **Constitutional Status to Cooperative Societies:** 97th CAA granted constitutional Status to it.

Parts of the Indian Constitution

Parts	Description	Articles Covered
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
VIII	The Union Territories	239 to 242
IX	The Panchayats	243 to 243-O
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
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
	Chapter IV - Right to Property	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
	Chapter I - Services	308 to 314
	Chapter II - Public Service Commissions	315 to 323

XIV-A	Tribunals	323-A to 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 349 350 to 351
	Chapter IV-Special Directives	
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

Schedules of the Indian Constitution

Schedules	Description	Related Articles
First Schedule	1. Names of the States and their territorial jurisdiction. 2. Names of the Union Territories and their extent.	Article 1- 4
Second Schedule	Provisions relating to the emoluments, allowances, privileges and so on of:	
	<ol style="list-style-type: none"> 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 9. The Comptroller and Auditor-General of India 	Articles 75(4), 99, 124(6), 148(2), 164(3), 188 and 219
Third Schedule	Forms of Oaths or Affirmations for:	
	<ol style="list-style-type: none"> 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 	Articles 75(4), 99, 124(6), 148(2), 164(3), 188, 219, 75, 84, 99, 124, 146, 173, 188 and 219

Fourth Schedule	Allocation of seats in the Rajya Sabha to the states and the union territories.	Articles 4(1) and 80(2)																											
Fifth Schedule	Provisions relating to the administration and control of scheduled areas and scheduled tribes.	Article 244																											
Sixth Schedule	Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.	Articles 244(2) and 275(1)																											
Seventh Schedule	<p>Division of powers between the Union and the States in terms of List I (Union List), List II (State List) and List III (Concurrent List). 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).</p> <p>Residuary powers related to those subjects/matters which are not enumerated in the Union List, State List, or Concurrent List and are rest with Parliament (Centre) under Article 248 & Entry 97 of Union List. Ex- Cyber laws & internet regulations, Space exploration, Betting & lotteries (online) etc.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3">Prominent items in the Lists</th> </tr> <tr> <th>Union List</th> <th>State List</th> <th>Concurrent List</th> </tr> </thead> <tbody> <tr> <td>Defense and Armed forces</td> <td>Public order</td> <td>Education</td> </tr> <tr> <td>Banking and insurance</td> <td>Police, Prisons</td> <td>Forests</td> </tr> <tr> <td>Currency and coinage</td> <td>Public health</td> <td>Marriage, Succession and divorce</td> </tr> <tr> <td>Foreign affairs</td> <td>Agriculture, trade and commerce</td> <td>Bankruptcy</td> </tr> <tr> <td>Atomic energy</td> <td>Local government</td> <td>Criminal Law</td> </tr> <tr> <td>Tele-communications</td> <td>Livestock and animal husbandry</td> <td>Partnership contracts</td> </tr> <tr> <td>Railways, posts and telegraphs</td> <td>Betting and gambling</td> <td>Trade unions and social security</td> </tr> </tbody> </table>	Prominent items in the Lists			Union List	State List	Concurrent List	Defense and Armed forces	Public order	Education	Banking and insurance	Police, Prisons	Forests	Currency and coinage	Public health	Marriage, Succession and divorce	Foreign affairs	Agriculture, trade and commerce	Bankruptcy	Atomic energy	Local government	Criminal Law	Tele-communications	Livestock and animal husbandry	Partnership contracts	Railways, posts and telegraphs	Betting and gambling	Trade unions and social security	Article 246
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Union List	State List	Concurrent List																											
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Tele-communications	Livestock and animal husbandry	Partnership contracts																											
Railways, posts and telegraphs	Betting and gambling	Trade unions and social security																											
Eighth Schedule	Languages recognized by the Constitution. Originally, it had 14 languages but presently there are 22 languages. They are: Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. Sindhi was added by the 21st Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71 st Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali were added by the 92nd Amendment Act of 2003.	Articles 344(1) and 351																											

	<p>11 Classical Languages: Tamil (2004), Sanskrit (2005), Telugu & Kannada (2008), Malayalam (2013), Odia (2014), Marathi, Pali, Prakrit, Assamese, Bengali (2024).</p> <p>Declared by: Ministry of Culture, Government of India.</p> <p style="text-align: center;">Criteria for Declaring Classical Language</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">High antiquity of its early texts/ recorded history over a period of 1500-2000 years</td> <td style="width: 25%;">A body of ancient literature/texts, which is considered a heritage by generations of speakers</td> <td style="width: 25%;">Knowledge texts, especially prose texts in addition to poetry, epigraphical and inscriptional evidence</td> <td style="width: 25%;">Classical Languages and literature could be distinct from its current form or could be discontinuous with later forms of its offshoots</td> </tr> </table>	High antiquity of its early texts/ recorded history over a period of 1500-2000 years	A body of ancient literature/texts, which is considered a heritage by generations of speakers	Knowledge texts, especially prose texts in addition to poetry, epigraphical and inscriptional evidence	Classical Languages and literature could be distinct from its current form or could be discontinuous with later forms of its offshoots	
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Ninth Schedule	Acts and Regulations (originally 13 but presently 282) 19 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 1st 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.	Article 31B				
Tenth Schedule	Provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection. This schedule was added by the 52nd Amendment Act of 1985, also known as Anti-defection Law.	Articles 102(2) and 191(2)				
Eleventh Schedule	Specifies the powers, authority and responsibilities of Panchayats. It has 29 matters. This schedule was added by the 73rd Amendment Act of 1992.	Article 243G				
Twelfth Schedule	Specifies the powers, authority and responsibilities of Municipalities. It has 18 matters. This schedule was added by the 74th Amendment Act of 1992.	Article 243W				

Basic Structure of the Indian Constitution

- The concept of Basic Structure evolved from Kesavananda Bharati vs State of Kerala (1973) case.
- It encompasses basic and core values which form the bedrock of the Indian Constitution. Basic structure cannot be amended by Parliament under Article 368.

1. Case Laws related to the doctrine of the Basic Structure

Cases	Judgement
Shankari Prasad vs Union of India (1951)	<ul style="list-style-type: none"> ➤ It challenged the constitutional validity of 1st Amendment Act (1951), which curtailed the Right to Property. ➤ The Supreme Court held that under Article-368, Parliament can amend Fundamental Rights. Article-13 includes only ordinary law and not constitutional amendments. ➤ Amendments abridging Fundamental Rights are not void under Article-13.
Golaknath vs State of Punjab (1967)	<ul style="list-style-type: none"> ➤ It challenged the 17th Amendment (1964), which inserted certain state laws in the 9th Schedule. ➤ The Supreme Court held that Parliament cannot abridge or take away any Fundamental Right and constitutional amendment acts are laws under Article-13.

Parliament's reaction to Golaknath	➤ 24th Amendment Act (1971) - The act amended Articles 13 and 368. The act states that Parliament can take away any Fundamental Right under Article-368 and such acts are not laws under Article-13.
Kesavananda Bharati vs. State of Kerala (1973)	<ul style="list-style-type: none"> ➤ It challenged the 29th Constitutional Amendment Act (added Kerala land reform act to the 9th Schedule). ➤ The Supreme Court overruled its Judgement in Golaknath Case (1967) and upheld 24th Constitutional Amendment Act. ➤ Laid down a new doctrine of the 'basic structure' and ruled that parliament cannot alter the 'basic structure' of the Constitution. ➤ Parliament cannot take away Fundamental Rights that form the part of basic structure.
39th Constitutional Amendment Act, 1975	➤ It added that election disputes involving the Prime Minister and the Speaker of Lok Sabha are outside the jurisdiction of the courts.
Indira Nehru Gandhi Case (1975)	➤ The Supreme Court invalidated the 39th Constitutional Amendment and held that Judicial Review is a part of basic structure.
42nd Constitutional Amendment Act, 1976	➤ It amended Article-368, added that Parliament has no limitations on constituent powers and no amendments can be questioned in courts.
Minerva Mills case (1980)	<ul style="list-style-type: none"> ➤ The Supreme Court Invalidated the above changes under 42nd Constitutional Amendment. ➤ The Court held that Judicial review is a part of the basic structure of the Constitution.
Waman Rao Case (1981)	➤ Supreme Court adhered to the doctrine of the 'basic structure' and clarified that it would apply to the constitutional amendments enacted after April 24, 1973 (Kesavananda Bharati case)

2. Components or Elements of the Basic Structure

With various Supreme Court judgements, various elements emerged as a part of basic structure.

Important Case Laws	Elements of the Basic Structure
Indira Nehru Gandhi case (1975)	<ul style="list-style-type: none"> ➤ India as a sovereign democratic republic. ➤ Equality of status and opportunity of an individual. ➤ Secularism and freedom of conscience and religion. ➤ Judicial Review ➤ Free and fair elections which are implied in democracy.
Minerva Mills Case (1980)	<ul style="list-style-type: none"> ➤ Limited power of Parliament to amend the Constitution. ➤ Judicial Review ➤ Harmony and balance between fundamental rights and directive principles.
Indra Sawhney Case (1992)	➤ Rule of law

S.R. Bommai Case (1994)	<ul style="list-style-type: none"> ➤ Federalism ➤ Secularism ➤ Democracy ➤ Unity and integrity of the nation ➤ Social justice ➤ Judicial review
L. Chandra Kumar Case (1994)	<ul style="list-style-type: none"> ➤ Powers of the High Courts under Articles 226 and 227.
I.R. Coelho Case (2007)	<ul style="list-style-type: none"> ➤ Rule of law ➤ Separation of powers ➤ Principles underlying fundamental rights ➤ Judicial review of the subjects related to the ninth schedule after April 24, 1973. ➤ Principle of equality

Order of Precedence

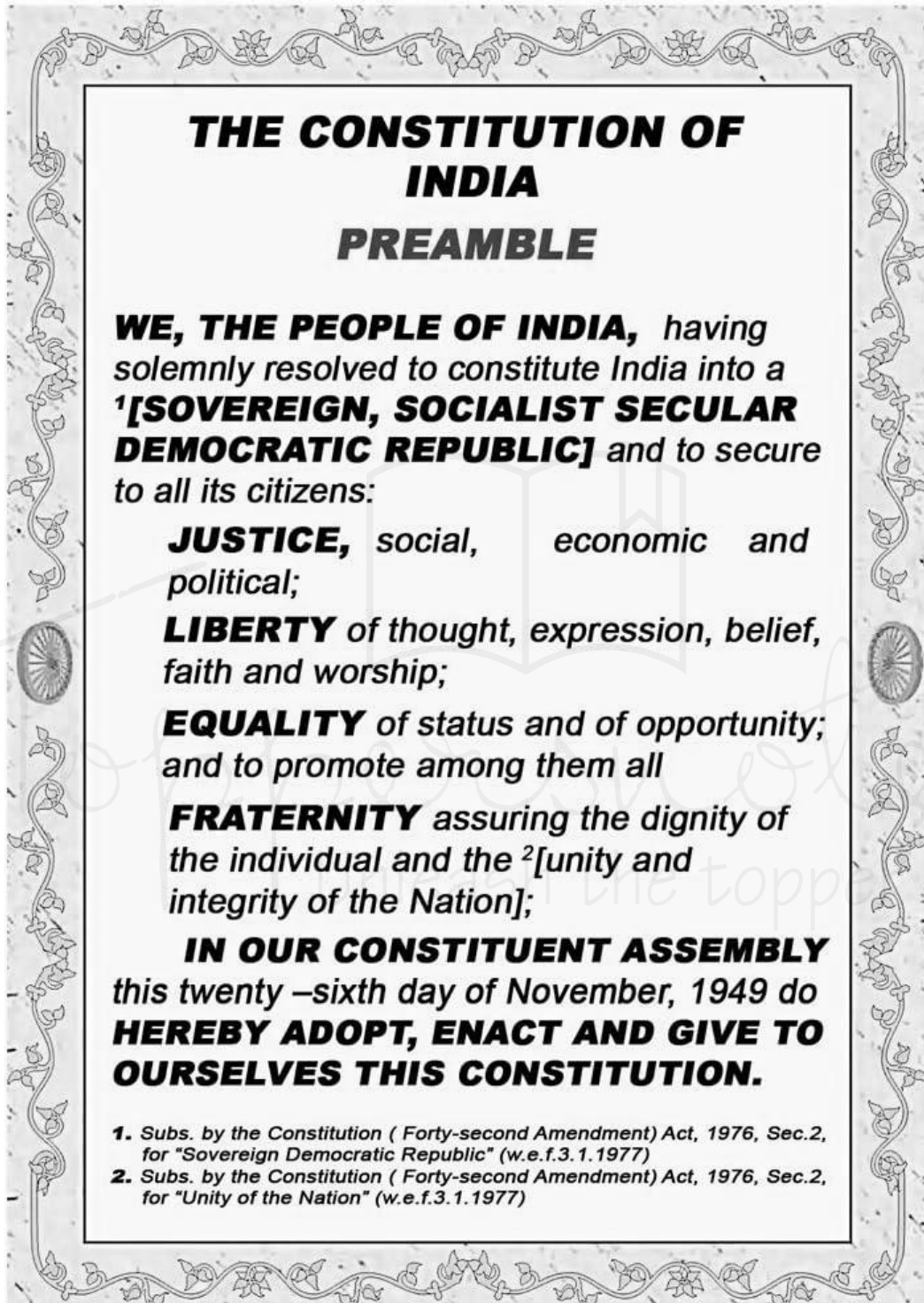
- The Order of Precedence is an official protocol list maintained by the Ministry of Home Affairs (MHA). It ranks functionaries and authorities based on their rank and office in the Government of India.
- **Purpose:**
 - ✓ Used for **State and Ceremonial occasions**, such as **Republic Day parades, State banquets, and Diplomatic events.**
 - ✓ **Not applicable** to the **day-to-day administration** of the government.

1. President
2. Vice-President
3. Prime Minister
4. Governors of States within their respective States
5. Former Presidents
- 5A. Deputy Prime Minister
6. Chief Justice of India = Speaker of Lok Sabha
7. Cabinet Ministers of the Union = Chief Ministers of States within their respective States = Vice-Chairperson, NITI Aayog = Former Prime Ministers = Leaders of Opposition in Rajya Sabha and Lok Sabha
- 7A. Holders of Bharat Ratna
8. Ambassadors Extraordinary and Plenipotentiary and High Commissioners of Commonwealth countries accredited to India = Chief Ministers of States outside their respective States = Governors of States outside their respective States.
9. Judges of the Supreme Court
- 9A. Chairperson of Union Public Service Commission = Chief Election Commissioner = Comptroller and Auditor General of India
10. Deputy Chairman of Rajya Sabha = Deputy Chief Ministers of States = Deputy Speaker of Lok Sabha = Members of the NITI Aayog = Ministers of State of the Union
11. Attorney General of India = Cabinet Secretary = Lieutenant Governors within their respective Union Territories.

3

CHAPTER

Preamble of the Constitution



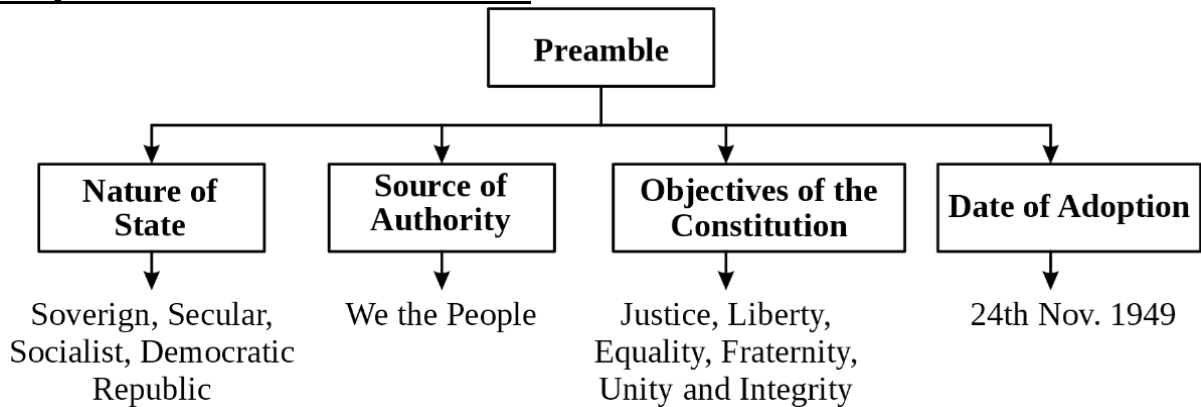
- Preamble is based on the Objective Resolution, drafted and moved by Pandit Jawahar Lal Nehru on 13 Dec 1946 and adopted by the Constituent Assembly on 22 Jan 1947.
- It has been amended only once so far by the 42nd Constitutional amendment act, 1976 by adding three new words - 'SOCIALIST', 'SECULAR' and 'INTEGRITY'.

- It contains the grand and noble vision of the Constituent Assembly and reflects the dreams, mind and aspirations of the founding fathers of the Constitution.
- It is Non-enforceable that it cannot be enforced by the courts.

Various Interpretations of the Preamble

- ✓ “Identity card of the Constitution”- N.A. Palkhivala
- ✓ “Horoscope of our sovereign Indian democratic republic”- K.M. Munshi
- ✓ “Guiding light for judicial interpretation”- Justice Sikri in the Kesavananda Bharati case

A. Components of the Preamble



B. Keywords in Preamble - Meaning & Features

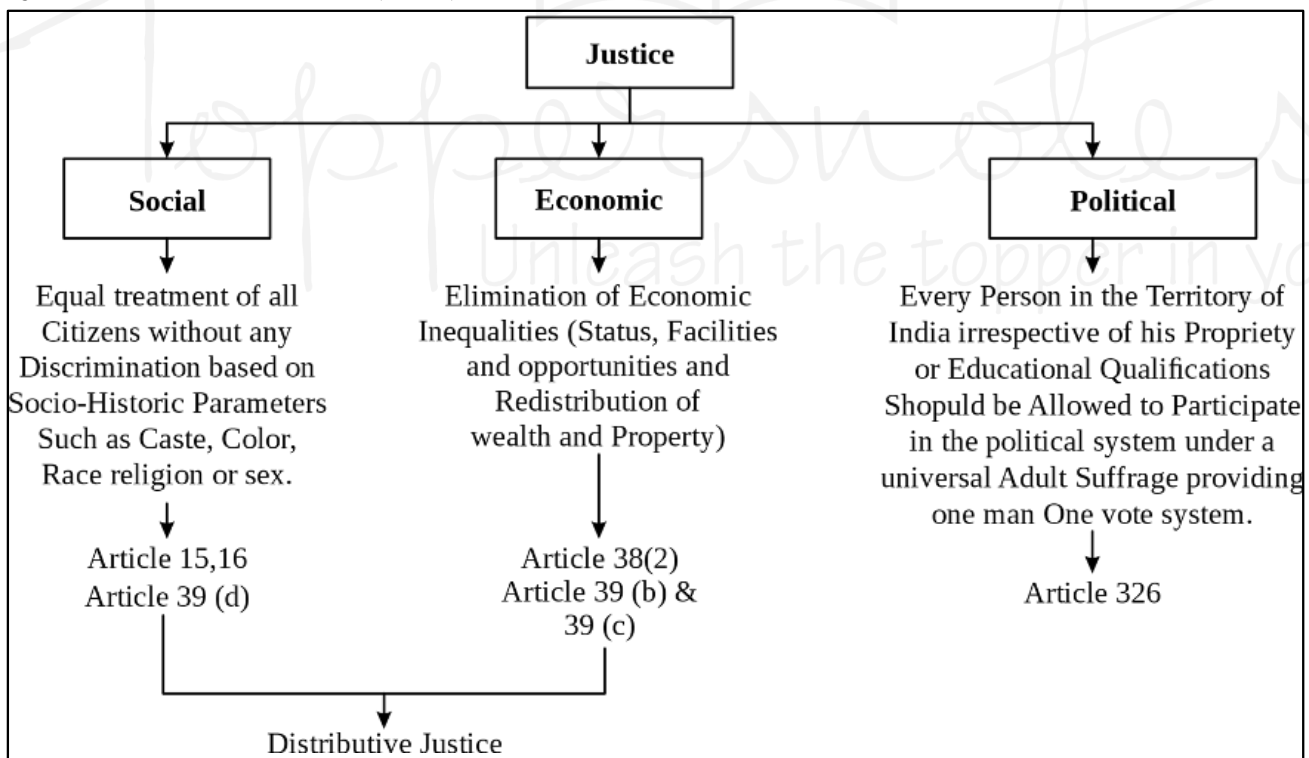
- 1. We the People of India** -It emphasizes that the Constitution is made by and for the Indian people, reinforcing the principle of popular sovereignty. This means that citizens are the ultimate source of constitutional authority.
- 2. Sovereign** -It signifies that India is a fully independent state, free from the dominion or control of any other country. This reflects the nation's sovereignty, ensuring complete autonomy in internal and external affairs.
- 3. Socialist** - Socialism refers to an economic and political system where the means of production are collectively owned or controlled by the government, aiming to reduce inequality and promote social welfare.

- ✓ Originally, it was not a part of the Constitution but was later added by the 42nd Constitutional Amendment Act, 1976.
 - ✓ Directive Principles of State Policy (DPSP) (Article 36-51) emphasize socialist principles, guiding the state toward social justice and economic equality.
 - ✓ Indian socialism is a unique blend of Gandhism and Marxism.
- 4. Secular** - Originally, it was not a part of the Constitution but was later added by the 42nd Constitutional Amendment Act, 1976.
 - ✓ The term "**secular**" signifies equal treatment of all religions by the state without discrimination.

Parameter	Indian Secularism	Western Secularism
Definition & History	Impartiality towards all religions; rooted in ancient traditions of tolerance.	Separation of church and state emerged as a reaction to religious wars in Europe.
Role of Religion	State can support and participate in religious activities.	Prohibits state involvement in religious matters.
Display of Religion	Freedom to practise with limited public display.	Generally, restricts public religious displays.

State Intervention	Intervenes to eliminate harmful practices.	Non-intervention unless laws are violated.
Code of Law & Relation with Law	Personal laws vary by religion; they accommodate multiple religious principles.	Uniform legal code applies to all; laws are independent of religion.
Religion and Society	Religion is integral to society.	Religion is viewed as a private matter.
Inter and Intra-Religious Focus	Addresses both intra- and inter-religious issues.	Primarily focuses on intra-religious matters.
Rights & Influence	Protects individual and minority rights; religious groups can influence politics.	Emphasizes overall liberty, with limited role of religious bodies in government.

5. **Democratic** - Democracy ensures that citizens enjoy equal political rights, participate in electing their leaders, and hold them accountable for their actions. It is rooted in the doctrine of popular sovereignty, where ultimate power rests with the people, making governance representative and accountable.
6. **Republic** - A republic vests political sovereignty in the people (and not a monarch), ensuring no privileged class and equal access to public offices without any discrimination.
 - ✓ **Indian Republic:** The Head of State (President) is indirectly elected for a fixed five year term.
7. **Justice** - It is a principle that all people should be given fair, equal, and balanced consideration and treatment. The idea of providing Social, Economic and Political Justice in the Preamble is inspired by the Russian Revolution (1917).



8. **Liberty** - Liberty means the freedom of individuals to think, express, believe, and act without unreasonable restrictions, subject to the law.

9. Equality - It signifies the absence of special privileges and ensures equal opportunities for all individuals, free from discrimination.

10. Fraternity - Dr. B.R. Ambedkar defines fraternity as the sentiment of shared brotherhood and sisterhood among all the Indians.

The ideals of liberty, equality, and fraternity in the Preamble are inspired by the French Revolution.

C. Supreme Court Judgements Related to Preamble

Berubari Union v. Unknown Case, 1960	Kesavananda Bharati v. State of Kerala Case, 1973	Union Government Vs LIC of India Case, 1995
Preamble is the key to open the mind of the makers' but it cannot be considered as part of the Constitution. Therefore, it is not enforceable in a Court of law.	The Preamble of the Constitution will now be considered as part of the Constitution. The Preamble is not the supreme power or source of any restriction or prohibition but it plays an important role in the interpretation of statutes and provisions of the Constitution.	Preamble is the integral part of the Constitution but is not directly enforceable in a Court of justice in India.



ToppersNotes
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