



UPSC CSE

PRE & MAINS

Union Public Service Commission

GS PAPER - 2

VOLUME - 1

Polity and Constitution

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Previous Year Questions

Year	Question
2013	Discuss Section 66A of IT Act, with reference to its alleged violation of Article 19 of the Constitution.
2013	The role of individual MPs (Members of Parliament) has diminished over the years and as a result healthy constructive debates on policy issues are not usually witnessed. How far can this be attributed to the anti-defection law, which was legislated but with a different intention?
2013	The product diversification of financial institutions and insurance companies, resulting in overlapping of products and services strengthens the case for the merger of the two regulatory agencies, namely SEBI and IRDA. Justify.
2013	Discuss the recommendations of the 13th Finance Commission which have been a departure from the previous commissions for strengthening the local government finances.
2013	Constitutional mechanisms to resolve the inter-state water disputes have failed to address and solve the problems. Is the failure due to structural or process inadequacy or both? Discuss.
2013	The Supreme Court of India keeps a check on arbitrary power of the Parliament in amending the Constitution. Discuss critically.
2013	Many State Governments further bifurcate geographical administrative areas like Districts and Talukas for better governance. In light of the above, can it also be justified that more number of smaller States would bring in effective governance at State level? Discuss.
2013	Recent directives from Ministry of Petroleum and Natural Gas are perceived by the Nagas' as a threat to override the exceptional status enjoyed by the State. Discuss in light of Article 371A of the Indian Constitution.
2014	The setting up of a Rail Tariff Authority to regulate fares will subject the cash strapped Indian Railways to demand subsidy for obligation to operate non-profitable routes and services. Taking into account the experience in the power sector, discuss if the proposed reform is expected to benefit the consumers, the Indian Railways or the private container operators.
2014	National Human Rights Commission (NHRC) in India can be most effective when its tasks are adequately supported by other mechanisms that ensure the accountability of a government. In light of the above observation assess the role of NHRC as an effective complement to the judiciary and other institutions in promoting and protecting human rights standards.
2014	What do you understand by the concept "freedom of speech and expression"? Does it cover hate speech also? Why do the films in India stand on a slightly different plane from other forms of expression? Discuss.

2014	Instances of President's delay in commuting death sentences has come under public debate as denial of justice. Should there be a time limit specified for the President to accept/reject such petitions? Analyse.
2014	The size of the cabinet should be as big as governmental work justifies and as big as the Prime Minister can manage as a team. How far the efficacy of a government then is inversely related to the size of the cabinet? Discuss.
2014	Starting from inventing the 'basic structure' doctrine, the judiciary has played a highly proactive role in ensuring that India develops into a thriving democracy. In light of the statement, evaluate the role played by judicial activism in achieving the ideals of democracy.
2014	The 'Powers, Privileges and Immunities of Parliament and its Members' as envisaged in Article 105 of the Constitution leave room for a large number of un-codified and unenumerated privileges to continue. Assess the reasons for the absence of legal codification of the 'parliamentary privileges'. How can this problem be addressed?
2014	Though the federal principle is dominant in our Constitution and that principle is one of its basic features, but it is equally true that federalism under the Indian Constitution leans in favour of a strong Centre, a feature that militates against the concept of strong federalism. Discuss.
2015	In absence of a well-educated and organized local level government system, Panchayats' and 'Samitis' have remained mainly political institutions and not effective instruments of governance. Critically discuss.
2015	The concept of cooperative federalism has been increasingly emphasized in recent years. Highlight the drawbacks in the existing structure and the extent to which cooperative federalism would answer the shortcomings.
2015	Does the right to clean environment entail legal regulations on burning crackers during Diwali? Discuss in the light of Article 21 of the Indian Constitution and Judgement(s) of the Apex Court in this regard.
2015	Khap Panchayats have been in the news for functioning as extra-constitutional authorities, often delivering pronouncements amounting to human rights violations. Discuss critically the actions taken by the legislative, executive and the judiciary to set the things right in this regard.
2015	"For achieving the desired objectives, it is necessary to ensure that the regulatory institutions remain independent and autonomous." Discuss in the light of the experiences in recent past.
2015	Resorting to ordinances has always raised concern on violation of the spirit of separation of powers doctrine. While noting the rationales justifying the power to promulgate ordinances, analyze whether the decisions of the Supreme Court on the issue have further facilitated resorting to this power. Should the power to promulgate ordinances be repealed?

2015	What are the major changes brought in the Arbitration and Conciliation Act, 1996 through the recent Ordinance promulgated by the President? How far will it improve India's dispute resolution mechanism? Discuss.
2015	Discuss the possible factors that inhibit India from enacting for its citizens a uniform civil code as provided for in the Directive Principles of State Policy.
2016	What is a quasi-judicial body? Explain with the help of concrete examples.
2016	Exercise of CAG's powers in relation to the accounts of the Union and the States is derived from Article 149 of the Indian Constitution. Discuss whether audit of the Government's Policy implementation could amount to overstepping its own (CAG) jurisdiction.
2016	Did the Government of India Act, 1935 lay down a federal constitution? Discuss.
2016	The Indian party system is passing through a phase of transition which looks to be full of contradictions and paradoxes." Discuss.
2016	To what extent is Article 370 of the Indian Constitution, bearing marginal note "Temporary provision with respect to the State of Jammu and Kashmir", temporary? Discuss the future prospects of this provision in the context of Indian polity.
2016	What was held in the Coelho case? In this context, can you say that judicial review is of key importance amongst the basic features of the Constitution?
2016	Discuss the essentials of the 69th Constitutional Amendment Act and anomalies, if any that have led to recent reported conflicts between the elected representatives and the institution of the Lieutenant Governor in the administration of Delhi. Do you think that this will give rise to a new trend in the functioning of the Indian federal politics?
2016	Discuss each adjective attached to the word 'Republic' in the preamble. Are they defensible in the present circumstances stances?
2017	Is the National Commission for Women able to strategize and tackle the problems that women face at both public and private spheres? Give reasons in support of your answer.
2017	Examine the scope of Fundamental Rights in the light of the latest judgement of the Supreme Court on Right to Privacy.
2017	The Indian Constitution has provisions for holding joint session of the two houses of the Parliament. Enumerate the occasions when this would normally happen and also the occasions when it cannot, with reasons thereof.
2017	"The local self-government system in India has not proved to be effective instrument of governance". Critically examine the statement and give your views to improve the situation.
2017	Critically examine the Supreme Court's judgement on 'National Judicial Appointments Commission Act, 2014' with reference to appointment of judges of higher judiciary in India.
2017	'Simultaneous election to the Lok Sabha and the State Assemblies will limit the amount of time and money spent in electioneering but it will reduce the government's accountability to the people' Discuss.
2017	To enhance the quality of democracy in India the Election Commission of India has proposed electoral reforms in 2016. What are the suggested reforms and how far are they significant to make democracy successful?

2018	Under what circumstances can the Financial Emergency be proclaimed by the President of India? What consequences follow when such a declaration remains in force?
2018	India and USA are two large democracies. Examine the basic tenants on which the two political systems are based.
2018	In the light of recent controversy regarding the use of Electronic Voting Machines (EVM), what are the challenges before the Election Commission of India to ensure the trustworthiness of elections in India
2018	Assess the importance of Panchayat system in India as a part of local government. Apart from government grants, what sources the Panchayats can look out for financing developmental projects.
2018	Whether the Supreme Court Judgement (July 2018) can settle the political tussle between the Lt. Governor and elected government of Delhi? Examine.
2018	How far do you agree with the view that tribunals curtail the jurisdiction of ordinary courts? In view of the above, discuss the constitutional validity and competency of the tribunals in India.
2018	How is the Finance Commission of India constituted? What do you understand about the terms of reference of the recently constituted Finance Commission? Discuss.
2018	"The Comptroller and Auditor General (CAG) has a very vital role to play." Explain how this is reflected in the method and terms of his appointment as well as the range of powers he can exercise
2018	Why do you think the committees are considered to be useful for parliamentary work? Discuss, in this context, the role or the Estimates Committee.
2019	What can France learn from the Indian Constitution's approach to secularism?
2019	"Parliament's power to amend the Constitution is a limited power and it cannot be enlarged into absolute power." In the light of this statement explain whether Parliament under Article 368 of the Constitution can destroy the Basic Structure of the Constitution by expanding its amending power?
2019	From the resolution of contentious issues regarding distribution of legislative powers by the courts, 'Principle of Federal Supremacy' and 'Harmonious Construction' have emerged. Explain.
2019	Do you think that constitution of India does not accept principle of strict separation of powers rather it is based on the principle of 'checks and balance'? Explain.
2019	On what grounds a people's representative can be disqualified under the Representation of People Act, 1951? Also mention the remedies available to such person against his disqualification.
2019	Individual Parliamentarian's role as the national lawmaker is on a decline, which in turn, has adversely impacted the quality of debates and their outcome. Discuss.

2019	"The reservation of seats for women in the institutions of local self- government has had a limited impact on the patriarchal character of the Indian Political Process." Comment.
2019	"The Attorney-General is the chief legal adviser and lawyer of the Government of India." Discuss
2019	"The Central Administration Tribunal which was established for redressal of grievances and complaints by or against central government employees, nowadays is exercising its powers as an independent judicial authority." Explain.
2020	How far do you think cooperation, competition and confrontation have shaped the nature of federation in India? Cite some recent examples to validate your answer.
2020	The judicial systems in India and UK seem to be converging as well as diverging in recent times. Highlight the key points of convergence and divergence between the two nations in terms of their judicial practices.
2020	Rajya Sabha has been transformed from a 'useless stepney tyre' to the most useful supporting organ in past few decades. Highlight the factors as well as the areas in which this transformation could be visible.
2020	"There is a need for simplification of procedure for disqualification of persons found guilty of corrupt practices under the Representation of Peoples Act". Comment.
2020	'Once a Speaker, Always a Speaker'! Do you think this practice should be adopted to impart objectivity to the office of the Speaker of Lok Sabha? What could be its implications for the robust functioning of parliamentary business in India?
2020	Indian Constitution exhibits centralising tendencies to maintain unity and integrity of the nation. Elucidate in the perspective of the Epidemic Diseases Act, 1897; The Disaster Management Act, 2005 and recently passed Farm Acts.
2020	The strength and sustenance of local institutions in India has shifted from their formative phase of 'Functions, Functionaries and Funds' to the contemporary stage of 'Functionality'. Highlight the critical challenges faced by local institutions in terms of their functionality in recent times.
2020	Judicial Legislation is antithetical to the doctrine of separation of powers as envisaged in the Indian Constitution. In this context justify the filing of large number of public interest petitions praying for issuing guidelines to executive authorities.
2020	Which steps are required for constitutionalization of a Commission? Do you think imparting constitutionality to the National Commission for Women would ensure greater gender justice and empowerment in India? Give reasons.
2021	'Constitutional Morality' is rooted in the Constitution itself and is founded on its essential facets. Explain the doctrine of 'Constitutional Morality' with the help of relevant judicial decisions.
2021	Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analyzing their structural and practical limitations, suggest remedial measures.

2021	To what extent, in your view, the Parliament is able to ensure accountability of the executive in India?
2021	Do Department-related Parliamentary Standing Committees keep the administration on its toes and inspire reverence for parliamentary control? Evaluate the working of such committees with suitable examples
2021	The jurisdiction of the Central Bureau of Investigation (CBI) regarding lodging an FIR and conducting probe within a particular state is being questioned by various States. However, the power of States to withhold consent to the CBI is not absolute. Explain with special reference to the federal character of India.
2021	How have the recommendations of the 14th Finance Commission of India enabled the states to improve their fiscal position?
2021	Explain the constitutional provisions under which Legislative Councils are established. Review the working and current status of Legislative Councils with suitable illustrations.
2021	Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analyzing their structural and practical limitations, suggest remedial measures.
2021	Discuss the desirability of greater representation to women in the higher judiciary to ensure diversity, equity and inclusiveness.
2022	"The most significant achievement of modern law in India is the constitutionalization of environmental problems by the Supreme Court." Discuss this statement with the help of relevant case laws.
2022	While the national political parties in India favour centralisation, the regional parties are in favour of State autonomy." Comment.
2022	"Right of movement and residence throughout the territory of India are freely available to the Indian citizens, but these rights are not absolute. " Comment.
2022	Discuss the role of the Vice-Presidents of India as the chairman of the Rajyasabha
2022	Discuss the procedures to decide the disputes arising out of the election of a Member of the Parliament or State Legislature under The Representation of the People Act, 1951. What are the grounds on which the election of any returned candidate may be declared void? What remedy is available to the aggrieved party against the decision? Refer to the case laws.
2022	Discuss the essential conditions for the exercise of the legislative powers by the Governor. Discuss the legality of the re-promulgation of ordinances by the Governor without placing them before the Legislature.
2022	Critically examine the procedures through which the Presidents of India and France are elected.

2022	To what extent, in your opinion, as the decentralisation of power in India changed the governance landscape at the grassroots?
2022	Discuss the role of the National Commission for Backward Classes in the wake of its transformation from a statutory body to a constitutional body.
2022	Discuss the role of the Election Commission of India in light of the evolution of the Model Code of Conduct.
2023	Who are entitled to receive free legal aid? Assess the role of the National Legal Services Authority (NALSA) in rendering free legal aid in India.
2023	Constitutionally guaranteed judicial independence is a prerequisite of democracy. Comment.
2023	Compare and contrast the British and Indian approaches to Parliamentary sovereignty.
2023	"The Constitution of India is a living instrument with capabilities of enormous dynamism. It is a constitution made for a progressive society." Illustrate with special reference to the expanding horizons of the right to life and personal liberty.
2023	Explain the constitutional perspectives of Gender Justice with the help of relevant Constitutional Provisions and case laws.
2023	Account for the legal and political factors responsible for the reduced frequency of using Article 356 by the Union Governments since mid 1990s.
2023	"The states in India seem reluctant to empower urban local bodies both functionally as well as financially." Comment.
2023	Explain the significance of the 101st Constitutional Amendment Act. To what extent does it reflect the accommodative spirit of federalism
2023	Discuss the role of Presiding Officers of state legislatures in maintaining order and impartiality in conducting legislative work and in facilitating best democratic practices.
2023	Discuss the contribution of civil society groups for women's effective and meaningful participation and representation in state legislatures in India.
2023	Explain the structure of the Parliamentary Committee system. How far have the financial committees helped in the institutionalization of Indian Parliament?
2024	Explain the reasons for the growth of public interest litigation in India. As a result of it, has the Indian Supreme Court emerged as the world's most powerful judiciary?
2024	Right to privacy is intrinsic to life and personal liberty and is inherently protected under Article 21 of the Constitution. Explain. In this reference, discuss the law relating to DNA testing of a child in the womb to establish its paternity.
2024	Discuss India as a secular state and compare it with the secular principles of the US Constitution.
2024	Examine the need for electoral reforms as suggested by various committees with particular reference to the "one nation – one election" principle.
2024	What changes has the Union Government recently introduced in the domain of Centre-State relations? Suggest measures to be adopted to build the trust between the Centre and the States and for strengthening federalism.

2024	"The duty of the Comptroller and Auditor General is not merely to ensure the legality of expenditure but also its propriety." Comment.
2024	"The growth of the cabinet system has practically resulted in the marginalisation of parliamentary supremacy." Elucidate
2024	Explain and distinguish between Lok Adalats and Arbitration Tribunals. Do they entertain civil as well as criminal cases?
2025	Compare and contrast the President's power to pardon in India and in the USA? Are there any limits to it in both the countries with respect to pardons?
2025	Discuss the nature of Jammu and Kashmir Legislative Assembly after the Jammu and Kashmir Reorganization Act, 2019. Briefly describe the powers and functions of the Assembly of the Union Territory of Jammu and Kashmir.
2025	Indian Constitution has conferred the amending power on the ordinary legislative institutions with adequate procedural hurdles. In view of this statement, examine the procedural and substantive limitations on the amending power of the Parliament to change the Constitution.
2025	Discuss the evolution of collegium system in India. Critically examine the advantages and disadvantages of the system of appointment of judges of the Supreme Court of India and that of the USA
2025	Discuss the 'corrupt practices' for the purpose of the Representation of the People Act, 1951. Analyze whether the increase in the assets of the legislators and/or their associates, disproportionate to their known sources of income, would constitute 'undue influence' and consequently a corrupt practice.
2025	"Constitutional morality is the fulcrum which acts as an essential check upon the high functionaries and citizens alike...." In view of the above observation of the Supreme Court, explain the concept of constitutional morality and its application to ensure balance between judicial independence and judicial accountability in India.
2025	Examine the evolving pattern of Centre-State financial relations in the context of planning and federalism in India. How far have the recent reforms impacted the fiscal federalism in India?
2025	"The Attorney General of India plays crucial role in guiding the legal framework of the Union Government and ensuring sound governance through legal counsel." Discuss his responsibilities, rights and limitations in this regard.
2025	The National Commission for Protection of Child Rights has to address the challenges faced by children in the digital era. Examine the existing policies and suggest measures the Commission can initiate to address these issues.

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CHAPTER

Historical Background

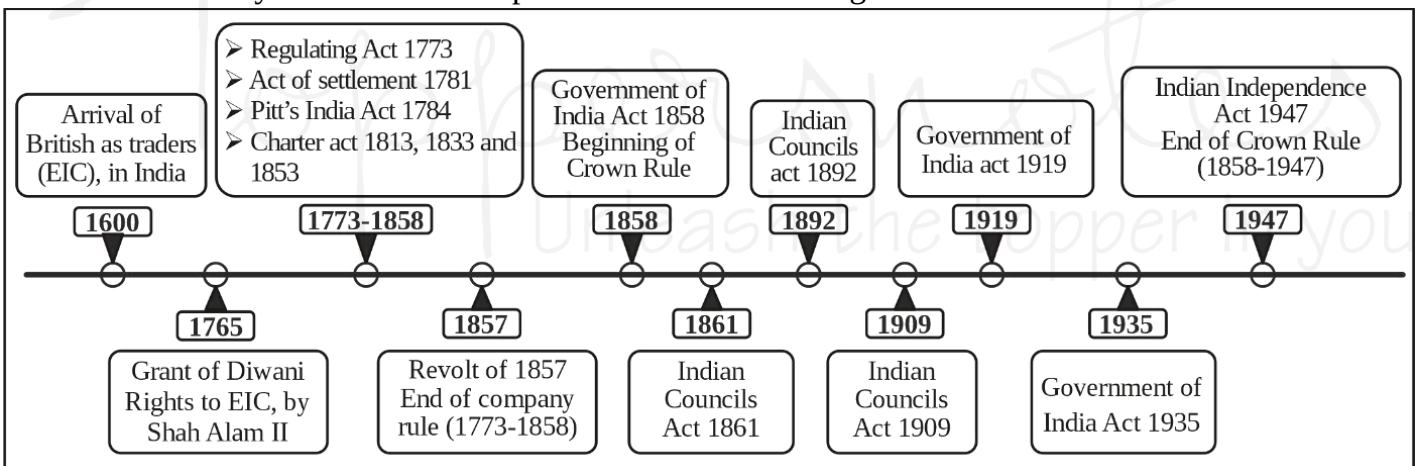
- The Constitution can be traced back to the acts and policies of the East India Company and the British government.
- It officially came into force on January 26, 1950, signifying India's Constitution is a document that establishes the fundamental principles and rules that govern a country.
- It defines the structure of the government, the rights of citizens, and the relationship between the two.

Evolution of Indian Constitution

- The roots of the Indian transformation from a dominion to a Sovereign, Democratic Republic. Dr. B.R. Ambedkar, as the Chairman of the Drafting Committee, played a crucial role in its formation.
- The drafting process, carried out by the Constituent Assembly between 1946 and 1949, involved in-depth deliberations.
- Its development can be examined in two significant phases:
 1. Company Rule (1773 – 1858): Established the governance framework under the East India Company.
 2. Crown Rule (1858 – 1947): Marked direct British control, leading to major administrative changes.

Company Rule in India (1773 – 1858)

The acts enacted by the British are explained here in Chronological order



Regulating Act of 1773
(Governor – General:
Warren Hastings)

- Laid the foundation for the British control over East India Company affairs in India.
- Officially recognized the Company's political and administrative authority.
- Changed title from Governor of Bengal to Governor General of Bengal.
- Made Governors of Madras and Bombay presidencies subordinate to the Governor General of Bengal.
- Made an Executive Council of 4 members to assist the Governor General of Bengal.

	➤ Established Supreme Court in Calcutta (1774). ➤ Banned private trade and bribes among Company Servants. ➤ Established Court of Directors of the Company to report the British Government regarding Company's revenue, civil and military affairs in India.
Amending Act of 1781 (Governor – General: Warren Hastings)	➤ Exempted Governor – General and Council from the jurisdiction of the Supreme Court for Official Acts. ➤ Excluded revenue issues from the Supreme Court's jurisdiction. ➤ In Personal laws, courts apply Hindu/Muslim Law for respective defendants. ➤ Appeals from Provincial Courts directed to the Governor – General Council. ➤ Governor – General – in – Council empowered to frame regulations for Provincial Courts and Councils.
Pitt's India Act, 1784 (Governor – General: Warren Hastings)	➤ Separated commercial and political functions of the company. ➤ It established Dual Government ✓ <i>Board of Control</i>: To Manage political affairs and supervise civil and military operations. ✓ <i>Court of Directors</i>: To Manage Commercial affairs. ➤ First time referred to Company's territories as “British Possessions in India”.
Act of 1786 (Governor – General: Lord Cornwallis)	➤ Governor – General was granted power to override council decisions in special cases.
Charter Act of 1793 (Governor – General: John Shore)	➤ Extended overriding power to future Governors – Generals and Governors of Presidencies. ➤ Made subordination of the Presidency of Bombay and Madras in clear terms. ➤ Commander-in-chief would not be a member of council unless appointed.
Charter Act of 1813 (Governor – General: Lord Minto I)	➤ Ended the trade monopoly of the East India Company, allowing British merchants to trade in India, except for trade in China and trade in tea. ➤ Asserted British Crown sovereignty over Company's territories in India. ➤ Empowered Local governments to impose taxes and punish defaulters. ➤ Allowed Christian Missionaries to promote moral and religious improvements in India. ➤ Mandated an annual investment of Rs. 1 Lakhs in Indian education.
Charter Act of 1833 (Governor – General of India: William Bentinck)	➤ Designated the Governor – General of Bengal as the Governor – General of India. Lord William Bentinck was the first appointee. ➤ Marked the final step towards centralization in British India, giving it all – India character. ➤ Ended the Company's monopoly on trade with China and in tea. ➤ Transferred legislative powers from Bombay and Madras to the Governor – General of India, with laws termed as Acts.

	➤ Empowered the Governor – General to amend or repeal laws in British India. ➤ Legalized British colonization, the Company became an administrative body. ➤ Proposed an open competition system for civil servant selection. ➤ Established the Indian Law Commission (1834) for legal codification, chaired by Lord Macaulay.
Charter Act of 1853 (Governor – General of India: Lord Dalhousie)	➤ The Last in series of Charter Act. ➤ Separated legislative and executive functions of the Governor – General’s council. ➤ Introduced local representation in Indian Legislative Council with six new legislative Councillors, totaling 12 members. ➤ Reduced the Board of Directors from 24 to 18, with 6 nominated by the British Crown. ➤ Implemented an Open Competition system for civil service recruitment. ➤ The fourth law member gained voting rights as a full member.

Crown Rule (1858 – 1947)

Government of India Act, 1858 (Viceroy: Lord Canning)	➤ Abolition of the East India Company and powers transferred to the British Crown. ➤ The Governor - General became viceroy and Lord Canning became the first appointee. ➤ Abolished the Board of Control and Court of Directors. ➤ Established the Secretary of State for India, a British Cabinet member accountable to Parliament. ➤ Created an advisory council of 15 members to assist the Secretary, chaired by him.
Indian Council Act, 1861 (Viceroy: Lord Canning)	➤ Viceroy could nominate Indians as non-official members of his council; in 1862, Lord Canning nominated three: the Raja of Benaras, Maharaja of Patiala, and Sir Dinkar Rao. ➤ Restored legislative powers of Bombay and Madras, initiating decentralization of powers. ➤ Enabled Viceroy to issue ordinances for emergencies without council consent. ➤ Introduced the Portfolio system, allowing council members to independently manage departments. ➤ Established new legislative councils for Bengal, North-Western Province and Punjab.
Indian Council Act, 1892 (Viceroy: Lord Lansdowne)	➤ Increased non-official members in Central and Provincial legislative councils while maintaining an official majority. ➤ legislative councils can discuss budget and address questions to the executive. ➤ Non-official members were nominated: ✓ Central Council: By the Viceroy upon recommendations from the Provincial Legislative Council and Bengal Chamber of Commerce. ✓ Provincial Council: By the Governor on advice from District Boards, Municipalities, Universities, Trade Associations, Zamindars and Chambers.

Indian Council Act, 1909 (Morley Minto Reforms) (Viceroy: Lord Minto II)	➤ Members in the Central legislative Council increased from 16 to 60; official majority retained. ➤ Allowed non-official majority at Provincial legislative Council. ➤ Members could ask supplementary questions and propose budget resolutions. ➤ Separate electorate was introduced for Muslims. ➤ First Indian, Satendra Prasad Sinha, appointed to the Viceroy's Executive Council as a law member. ➤ Separate representation for Presidency Corporations, Chamber of Commerce, Universities and Zamindars.
Government of India Act of 1919 (Montagu – Chelmsford Reforms) (Viceroy: Lord Chelmsford)	➤ Separated Central and Provincial subjects. ➤ Dyarchy: Introduced dual governance scheme in provincial subjects. ✓ Transferred subjects: governed by the Governor with the aid of ministers of the legislative council. Ex- Local Self Govt. ✓ Reserved subjects: governed by the Governor with his executive council, not accountable to legislative council. Ex- Land Revenue, Police, etc. ➤ Introduced bicameralism and direct elections in the country. ➤ Included three Indian members in the Viceroy's Executive Council (excluding Commander-in-Chief). ➤ Extended separate electorates for Sikhs, Indian Christians, Anglo-Indians and Europeans also. ➤ Separated provincial budgets from the Central budget and authorized the provincial legislatures to enact their budgets. ➤ Created office of High Commissioner for India in London. ➤ Set up a Central Public Service Commission for recruiting civil servants. ➤ Proposed establishment of a Chamber of Princes with 120 members, promoting discussion on shared interests.
Government of India Act, 1935 (Viceroy: Lord Willingdon)	➤ Established an All-India Federation with provinces and princely states, but it failed due to non-participation from princely states. ➤ Divided powers into three lists: Federal list (for Centre, with 59 items), Provincial list (for Provinces, with 54 items), Concurrent list (for both, with 36 items) with residual powers vested in the Viceroy. ➤ Abolished dyarchy in the provinces and introduced provincial autonomy. Introduced responsible Governments in provinces. ➤ Adoption of dyarchy at the Centre but it never came. ➤ Introduced bicameralism in 6 out of 11 provinces (Bengal, Bombay, Madras, Bihar, Assam and the United Provinces). ➤ Introduced separate electorates for depressed classes, women and labour. ➤ Extended franchise to 14% of the population. ➤ Established: ✓ Reserve Bank of India to control currency and credit of the country, Federal Public Service Commission, Provincial Public Service Commission, Joint Public Service Commission, Federal Court. ➤ Burma was separated from India, two new provinces, Orissa and Sind, were created.

Is the Indian Constitution a Carbon Copy of the Government of India Act 1935

➤ Similarities

- ✓ **Administrative Framework:** Both provide a federal structure with a strong Centre along with provincial or state autonomy and significant powers vested in the Governor.
- ✓ **Emergency Provisions:** The constitutional emergency framework is largely adapted from the 1935 Act.
- ✓ **Institutional Continuity:** Offices such as the Governor the Federal Court now the Supreme Court and Public Service Commissions were retained.

➤ Key Differences

- ✓ **Democratic Legitimacy:** The Constitution was framed by a sovereign Constituent Assembly whereas the 1935 Act was a colonial law imposed by the British Parliament.
- ✓ **Rights and Duties:** The 1935 Act contained no Fundamental Rights while the Constitution guarantees justiciable Fundamental Rights and prescribes Fundamental Duties.
- ✓ **Popular Sovereignty:** The Constitution establishes universal adult franchise and parliamentary democracy unlike the limited and restricted representation under the 1935 Act.
- ✓ **Nature of Federalism:** The Act proposed an All India Federation including princely states which was never implemented whereas the Constitution created a workable federal system.
- ✓ **Provincial Autonomy:** Although provincial autonomy was introduced under the 1935 Act between 1937 and 1939 it remained limited and reversible unlike the constitutionally protected autonomy of states.

Indian Independence Act, 1947 (Lord Mountbatten)	➤ Partition Plan presented by Mountbatten on June 3, 1947 accepted by the Congress and Muslim League, leading to India's independence on August 15, 1947 (British authority ended and dominion status was granted.). ➤ Created two independent dominions - India and Pakistan - with the right to exit the British Commonwealth. ➤ Abolished the office of Viceroy, introduced a Governor - General for each dominion. ➤ Empowered the Constituent Assemblies to frame and adopt the constitution of their respective nations. ➤ Abolished the office of Secretary of State and transferred his powers to the Secretary of State for Commonwealth Affairs. ➤ Discontinued the appointment of Civil Servants. ➤ Lord Mountbatten became the first Governor - General of India. The Constituent Assembly formed in 1946 became the parliament of India. ➤ Assemblies could legislate until new constitutions were enacted.
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The historical background of the Indian Constitution traces India's transition from colonial rule to independence. It was shaped by British governance, nationalist movements, and social reforms. The Constitution laid the foundation for a democratic, inclusive, and sovereign India, ensuring justice and fundamental rights for all citizens.

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CHAPTER

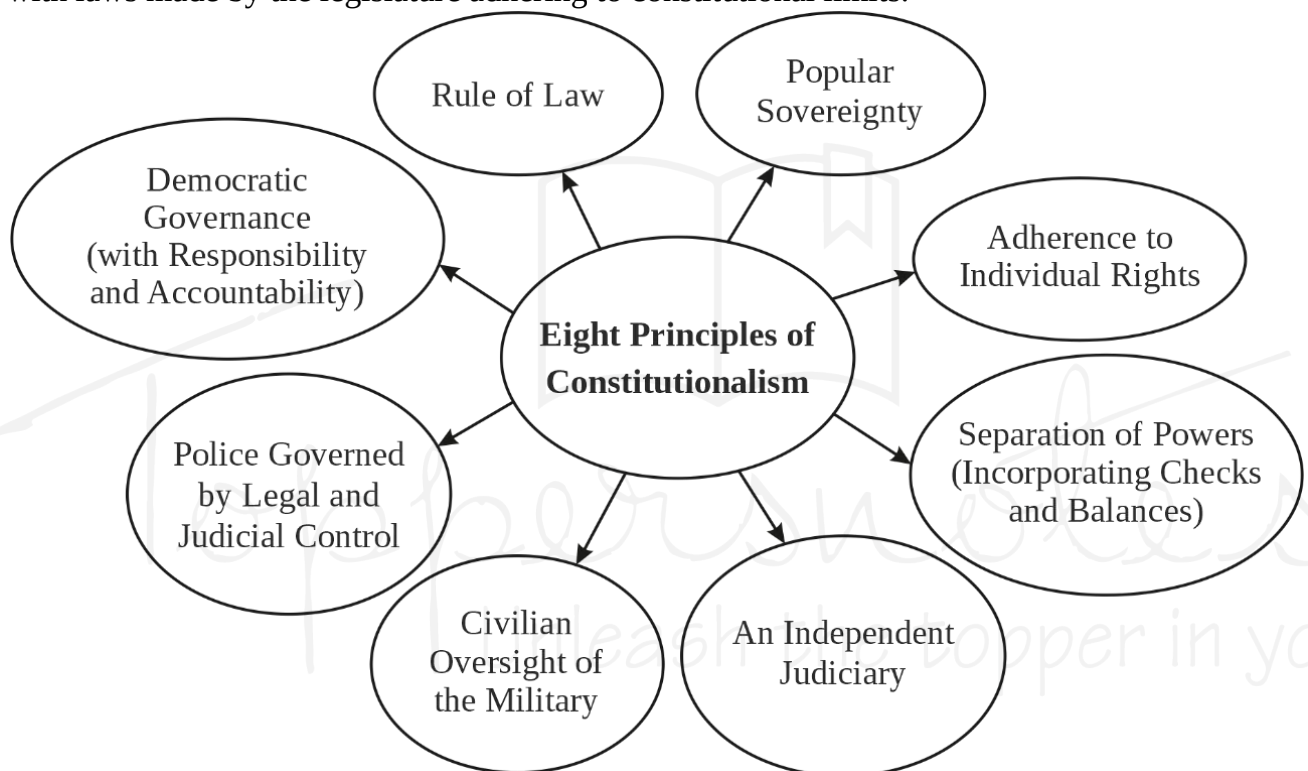
Making of the Indian Constitution

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

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

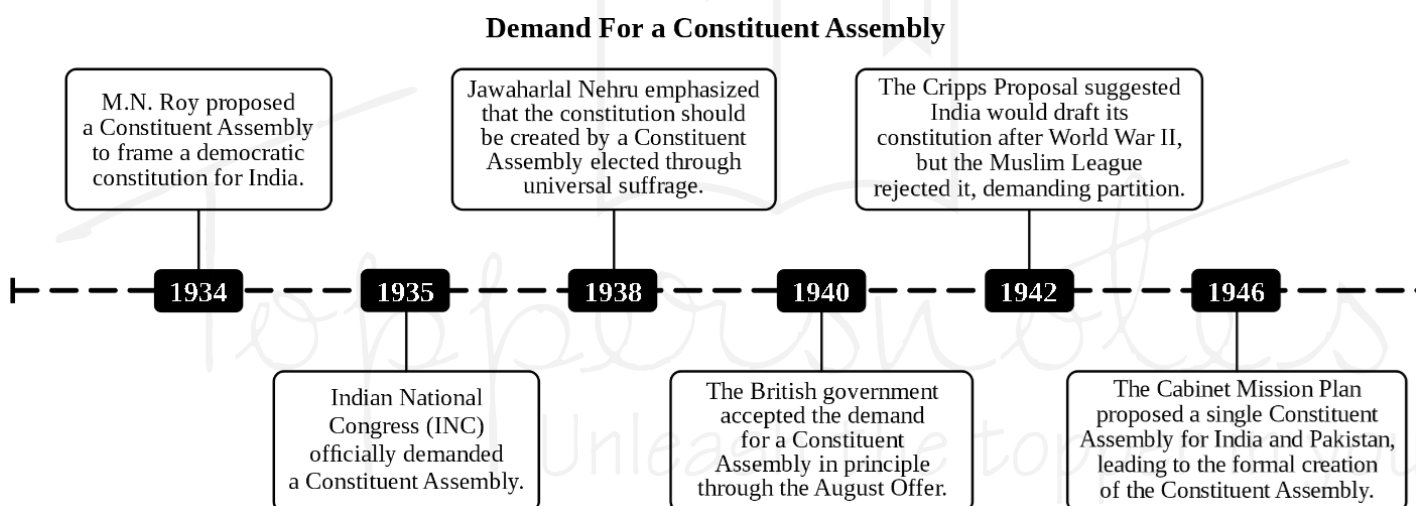
- A country may have a Constitution but lack true Constitutionalism if the government operates outside established rules, as seen in dictatorships where rights and structure are ignored, undermining fairness and accountability.

Types of Constitution

- **Written Constitution:** A formal document outlining government structure, power distribution, and citizens' rights. Example: US Constitution.
- **Unwritten Constitution:** A constitution formed from statutes, conventions, judicial decisions, and traditions, rather than a single document. Example: UK Constitution.
- **Flexible Constitution:** It is one that can be easily amended or changed, similar to the process for passing regular laws. Eg: British Constitution.

- **Rigid Constitution:** It requires a complex and more difficult process for amendments, ensuring that changes are not made easily. Eg: US Constitution.
- **Federal Constitution:** Divides powers between central and regional governments. Example: Germany.
- **Unitary Constitution:** Centralizes power in a single national government, with limited regional autonomy. Example: UK Constitution.
- **Presidential Constitution:** Separates executive and legislative branches; the President is both head of state and government. Example: United States.
- **Parliamentary Constitution:** The executive derives authority from and is accountable to the legislature. Example: India.
- **Monarchical Constitution:** The monarch is the head of state, with either limited (constitutional) or significant powers (absolute). Example: Sweden.
- **Republican Constitution:** It establishes a form of government in which the head of state is **elected**, rather than a hereditary monarch. Eg: France
- **Theocratic Constitution:** It is based on religious laws, where the government is influenced or governed by religious authority. Example: Iran.
- **Secular Constitution:** Ensures the separation of religion from government, treating all religions equally. Example: Indian Constitution.

Demand for a Constituent Assembly

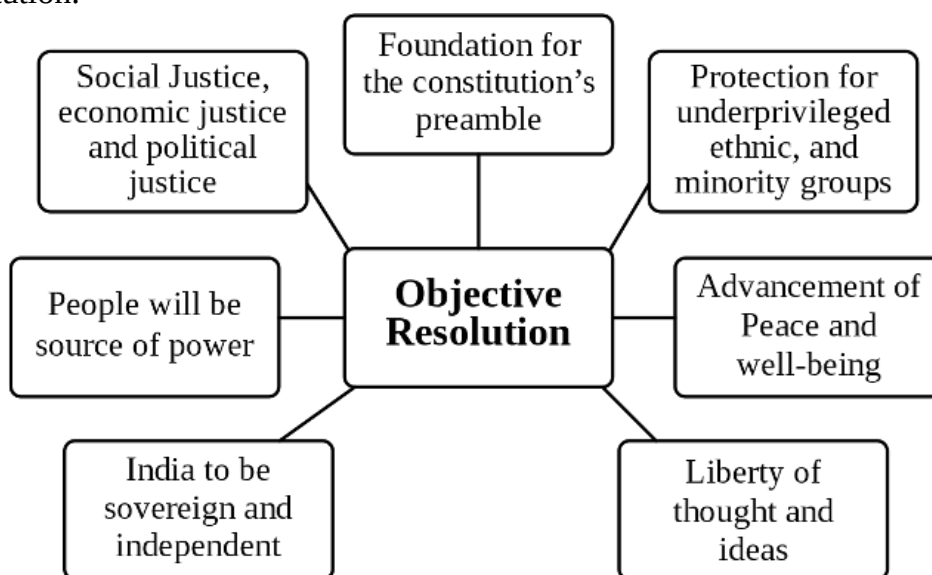


Important Dates of Constituent Assembly

- **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 and National Flag adopted.
- **15th August 1947:** Transfer of power; India and Pakistan became independent.
- **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.

Objective Resolution

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



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.
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 .

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	➤ 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	The Advisory Committee on Fundamental Rights, Minorities, and Tribal Areas had 5 sub-committees: ➤ 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	The Drafting Committee consisted of 7 members: ➤ 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).

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