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APPSC

Prelims

Arunachal Pradesh Public Service Commission (APPSC)

Volume - 3

Indian Polity

SIERRA INNOVATIONS

INDEX

S No.	Chapter Title	Page No.
1	Historical Background	1
2	Making of the Indian Constitution	6
3	Salient Features of the Indian Constitution	11
4	Constitutional Amendments	18
5	System of Government	24
6	Preamble of the Constitution	27
7	States and Union Territories (Part I: Article 1–4 and Part VIII: Article 239–241)	32
8	Citizenship (Part II: Article 5–11)	37
9	Fundamental Rights (Part III: Article 12 – 35)	41
10	Directive Principles of State Policy (Part IV: Article 36–51)	57
11	Fundamental Duties (Part IVA: Article – 51A)	61
12	President	62
13	The Executive Branch	68
14	Parliament (Part V: Articles 79–122)	73
15	Judiciary	94
16	Governor	108
17	State Legislatures (Part VI: Articles 168–212)	112
18	Local Self–Governance in India: Panchayats and Municipalities	120
19	Centre–State Relations	130
20	Special Provisions in the Constitution (5th and 6th Schedule)	140
21	BodiesAuthorities in India	144
22	Non–Constitutional Bodies	149

INDEX

S No.	Chapter Title	Page No.
23	Elections in India	154
24	Emergency Provisions (Part XVIII: Article 352–360)	162

1 CHAPTER

Historical Background

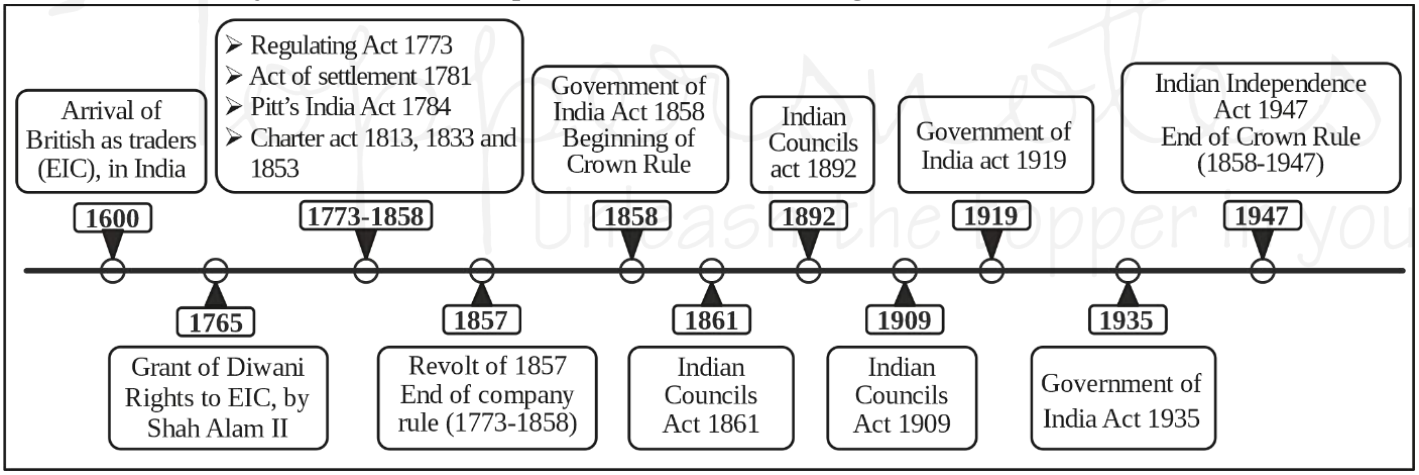
- The Constitution can be traced back to the acts and policies of the East India Company and the British government.
- It officially came into force on January 26, 1950, signifying India's Constitution is a document that establishes the fundamental principles and rules that govern a country.
- It defines 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 ✓ *Board of Control:* To Manage political affairs and supervise civil and military operations. ✓ *Court of Directors:* 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.
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. ➢ 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.

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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2 CHAPTER

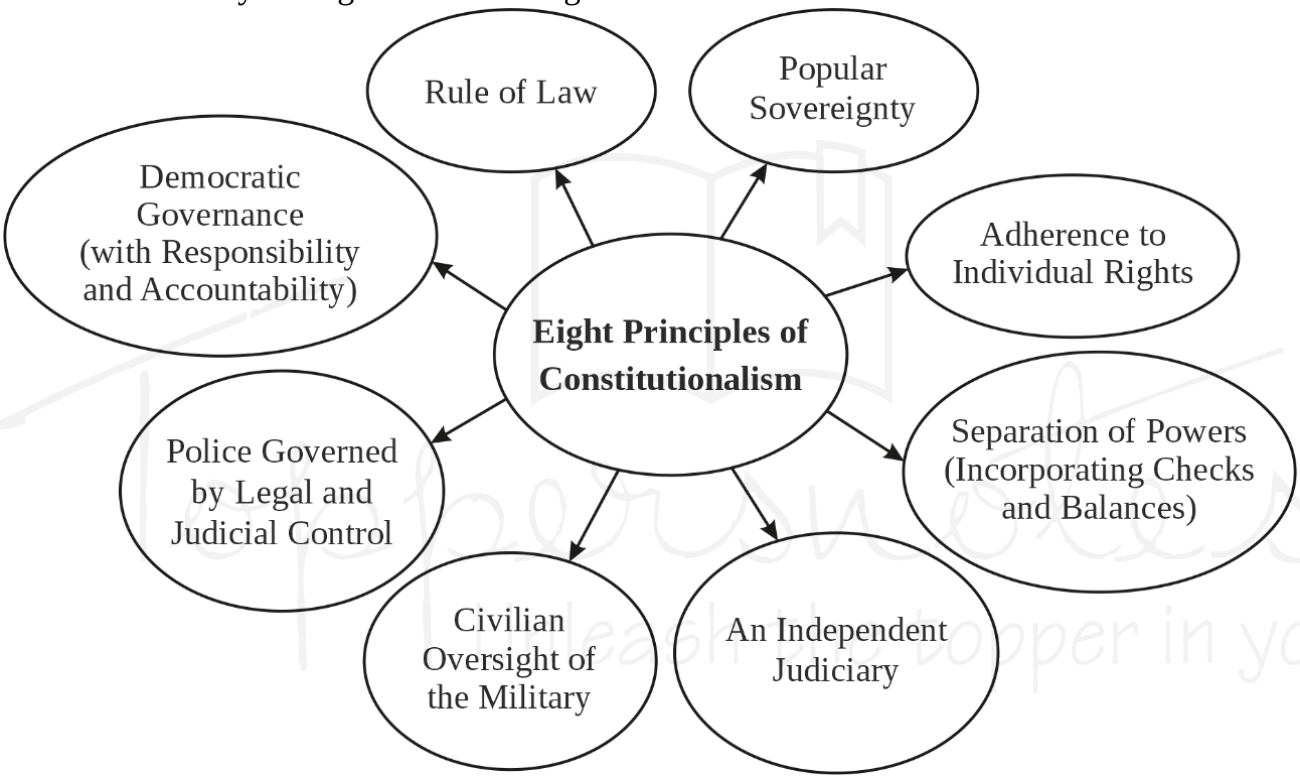
Making of the Indian Constitution

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

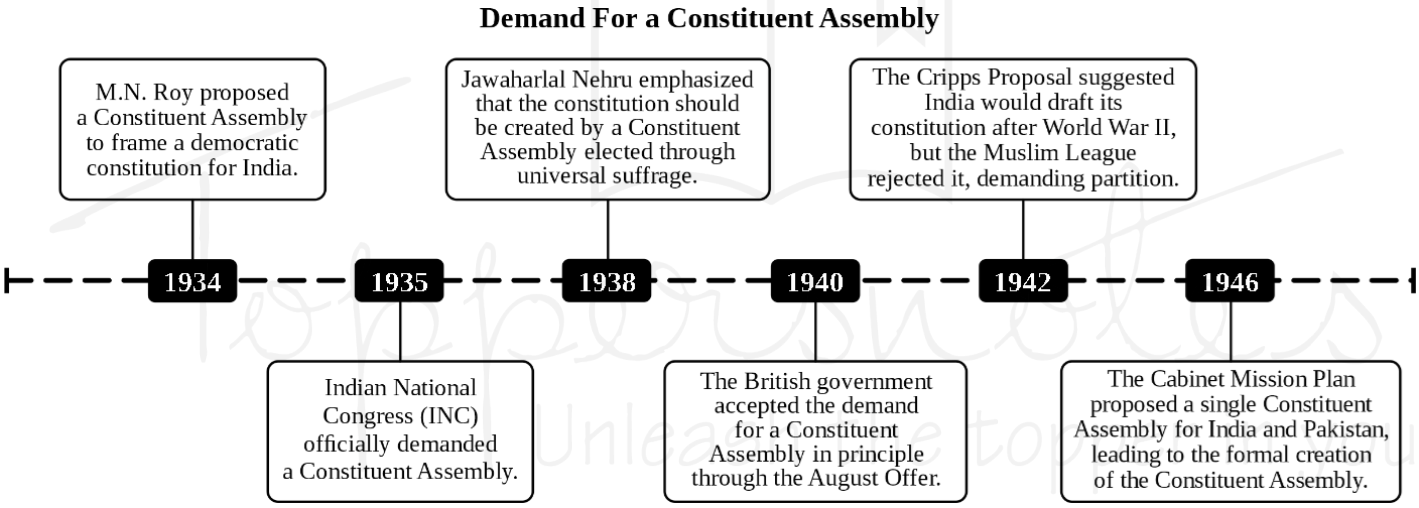
- A country may have a Constitution but lack true Constitutionalism if the government operates outside established rules, as seen in dictatorships where rights and structure are ignored, undermining fairness and accountability.

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

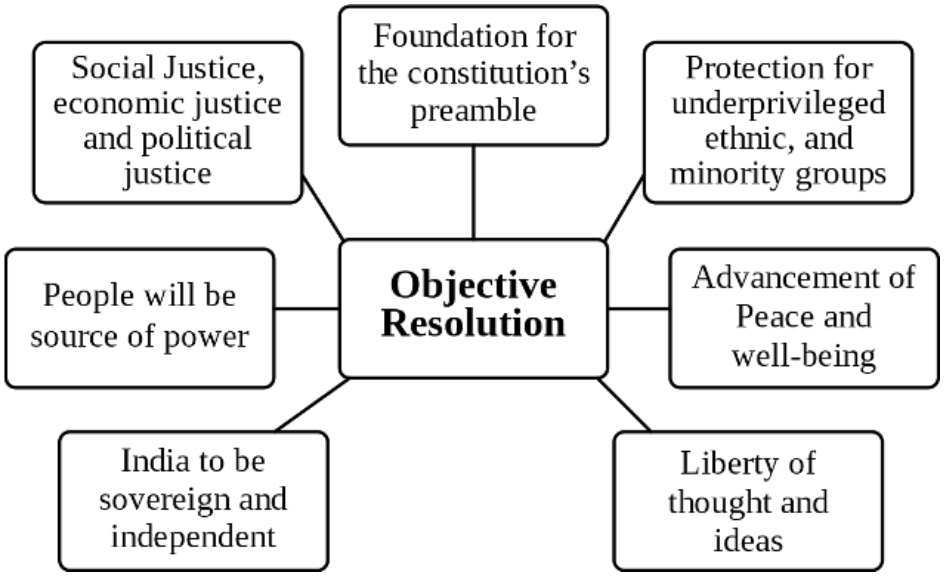


Important Dates of Constituent Assembly

- **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 195**0: 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

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.

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.

3 CHAPTER

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

- ***Lengthiest 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 300 300-A
	Chapter IV - Right to Property	
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 Chapter II - Regional Languages Chapter III-Language of the Supreme Court, High Courts, and so on Chapter IV-Special Directives	343 to 344 345 to 347 348 to 349 350 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

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:	
	1. The President of India 2. The Governors of States 3. The Speaker and the Deputy Speaker of the LokSabha 4. The Chairman and the Deputy Chairman of the RajyaSabha 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:	
	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

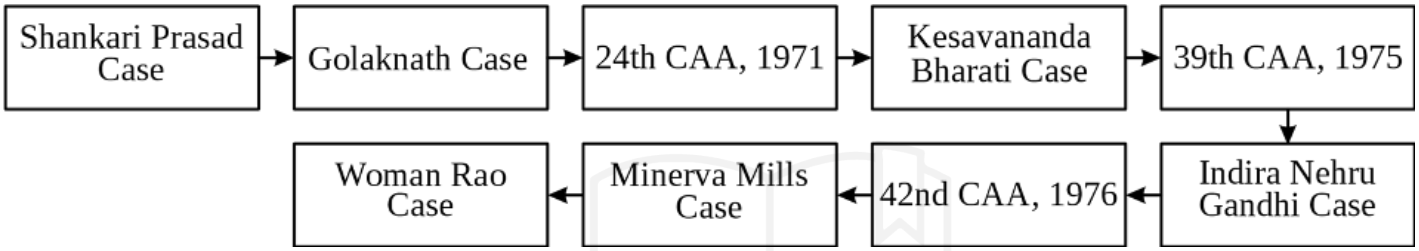
<table>
<tr><td>Fourth Schedule</td><td>Allocation of seats in the RajyaSabha to the states and the union territories.</td><td>Articles 4(1) and 80(2)</td></tr>
<tr><td>Fifth Schedule</td><td>Provisions relating to the administration and control of scheduled areas and scheduled tribes.</td><td>Article 244</td></tr>
<tr><td>Sixth Schedule</td><td>Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.</td><td>Articles 244(2) and 275(1)</td></tr>
<tr><td>Seventh Schedule</td><td>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).
<table>
<tr><td colspan="3">Prominent items in the Lists</td></tr>
<tr><td>Union List</td><td>State List</td><td>Concurrent List</td></tr>
<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>
</table></td><td>Article 246</td></tr>
<tr><td>Eighth Schedule</td><td>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.</td><td>Articles 344(1) and 351</td></tr>
<tr><td>Ninth Schedule</td><td>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.</td><td>Article 31B</td></tr>
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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)***	➢ 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)***	➢ 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)***	➢ 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)	➢ 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)	➢ 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)	➢ 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)	➢ Federalism ➢ Secularism ➢ Democracy ➢ Unity and integrity of the nation ➢ Social justice ➢ Judicial review
L. Chandra Kumar Case (1994)	➢ Powers of the High Courts under Articles 226 and 227.
I.R. Coelho Case (2007)	➢ Rule of law ➢ Separation of powers ➢ Principles underlying fundamental rights ➢ Judicial review ➢ 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.

Toppersnotes
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