

Indian Polity and Governance - Indian Polity - Constitution, Political System Chapter 1

Short Answers

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22

This chapter contains:

- **Constitutional Development of India**
- **Framing of the Indian Constitution**
- **Features of Indian Constitution**
- **National Symbols**
- **Preamble**
- **Union and its Territories**
- **Citizenship**
- **Fundamental Rights**

Contents

1	Indian Polity and Governance – Constitution, Political System etc.	
	Constitutional Development of India	1
1.1	Regulating Act of 1773.....	1
1.2	Pitt’s India Act of 1784.....	1
1.3	Charter Act of 1813	1
1.4	Charter Act of 1833	2
1.5	Charter Act of 1853	2
1.6	Government of India Act, 1858.....	2
1.7	Indian Councils Act, 1861.....	3
1.8	Indian Council Act, 1892	3
1.9	Indian Councils Act, 1909.....	3
1.10	Government of India Act, 1919.....	4
1.11	August Offer, 1940	5
1.12	Cripps Mission, 1942.....	5
1.13	Shimla Conference, 1945	5
1.14	Cabinet Mission (1946).....	5
1.15	Government of India Act, 1935.....	6
1.16	Mountbatten Plan (3 June, 1947)	6
1.17	Indian Independence Act, 1947	8
2	Framing of the Indian Constitution	8
3	Features of Indian Constitution	1
3.1	India is an indestructible Union of destructible States.....	2
4	National Symbols.....	3
4.1.1	National Flag	3
4.2	National Emblem	3
4.3	National Anthem	3
4.4	National Song	3
4.5	National Animal.....	3
4.6	National Calendar.....	4
4.7	National Bird.....	4

4.8	National Flower	4
4.9	National Tree	4
4.10	National Fruit.....	4
4.11	National River	4
4.12	National Aquatic Animal	4
4.13	National Currency.....	4
5	Preamble	1
5.1.1	Sovereign	2
5.2	Significant Words of Preamble.....	2
5.2.1	Socialist	2
5.2.2	Secular.....	2
5.2.3	Democratic.....	2
5.2.4	Republic.....	2
5.2.5	Liberty	3
5.2.6	Equality	3
5.2.7	Fraternity	3
6	Union and its Territories	1
7	Citizenship	7
7.1	Constitutional Provisions related to Citizenship.....	8
7.1.1	Article 5	9
7.1.2	Article 6.....	9
7.1.3	Article 7	9
7.1.4	Article 8.....	9
7.1.5	Article 9.....	9
7.1.6	Article 10.....	9
7.1.7	Article 11	9
7.2	Amendments in Citizenship Act 1955	11
7.2.1	By Birth.....	11
7.2.2	By Descent.....	11
7.2.3	By Registration	11
7.2.4	By Naturalisation.....	11
7.2.5	By Incorporation of Territory	11
7.3	Features of Citizenship Amendment Act.....	11

8 Fundamental Rights.....1

1 Indian Polity and Governance – Constitution, Political System etc.

Constitutional Development of India

- Indian Constitution is the lengthiest written constitution in the world. The development of the Constitution in its present form has its roots in British rule.
- A **Constituent Assembly** was formed in **1946** as suggested by **M.N. Roy** in **1934**

1.1 Regulating Act of 1773

- It was the first step taken by British Government to control and regulate the affairs of East India Company in India.
- It made Governor of Bengal as Governor-General of Bengal and an Executive Council (comprising of four members) was created for providing assistance to Governor-General.
- Lord Warren Hastings became first Governor-General of Bengal. The act also laid the provisions for the establishment of Supreme Court at Calcutta with one Chief Justice and three other judges. It was established in 1774 with Sir Elijah Impey appointed as the Chief Justice.

1.2 Pitt's India Act of 1784

- Pitt's India Act, 1784 was passed to rectify the defects of Regulating Act of 1773.
- This act separated the commercial functions of the company from political functions. Court of Directors were allotted commercial functions and a Board of Control consisting of 6 members was appointed for handling political affairs.

1.3 Charter Act of 1813

- It deprived the East India Company of its monopoly of trade with India except for tea and trade with China.
- The act regulated the company's territorial revenue and commercial profits. It was asked to keep its territorial and commercial accounts separate.
- Christian missionaries were allowed to work in India.
- A provision was made that company should invest Rs 1 Lakh/year on the education of Indians.

1.4 Charter Act of 1833

- It was passed by the British Parliament to renew the charter of East India Company.
- East India Company was no more a commercial body, all its commercial functions been taken away making it an administrative body working on behalf of the British Government.
- Governor-General of Bengal became the Governor-General of India. Lord William Bentick became the first Governor-General of India in 1833. It deprived the governor of Bombay and Madras of their legislative power.
- All the legislative powers of British India went in the hands of Governor General.
- The number of members of the Governor General's council was again fixed to four. A law member was added in Governor General Council. Lord Macaulay was designated as the fourth member.

1.5 Charter Act of 1853

- This act introduced open competition for Indians in Civil Services.
- This act also empowered the Court of Directors either to constitute a new Presidency to appoint a lieutenant Governor. Strength of court of directors was reduced to 18 from 24.
- Six new members were added as legislative councillors. Out of these 6 members, 4 were appointed by provincial governments.

1.6 Government of India Act, 1858

- The revolt of 1857 by Indians resulted in the end of East India Company rule, with all the powers of administration of Indian territory been taken by the British crown in its hands. Major provisions of the Act were :
- It changed the designation of Governor-General to that of Viceroy. Viceroy was representative of the British crown.
- Lord Canning became first Viceroy of India, under the Act.
- It provided the Secretary of State with a 15 member council to assist him, responsible for Indian administration. He was a British Cabinet member, who was responsible to the British Parliament.

1.7 Indian Councils Act, 1861

- The Act restored the legislative powers of Madras and Bombay which were taken from them by Charter Act of 1833.
- Governor General was given the right to exercise absolute veto power and issue ordinances which could remain in force for 6 months.
- Viceroy was given the power to make rules and orders for convenient transaction of business in council. Under this, Lord Canning introduced Portfolio System which laid the foundation of Cabinet system in India.
- A Law member was added in the executive council of Governor-General.

1.8 Indian Council Act, 1892

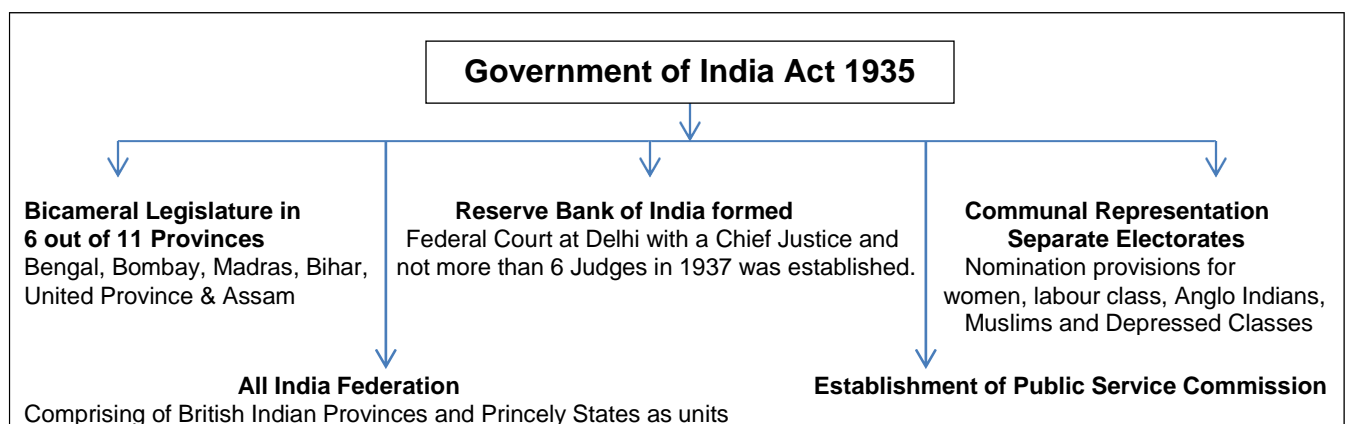
- This Act enlarged the Governor General's council by adding more non-official members. Though official majority was maintained, 2/5 of new members were non-officials.
- The principle of Indirect elections was introduced but the word Election was not used. It gave the power of discussing the budget.

1.9 Indian Councils Act, 1909

- Lord Morely was the then Secretary of State for India and Lord Minto was the Viceroy. Hence, the act came to be known as Morley-Minto Reforms.
- The size of Legislative Councils at centre and provinces was significantly increased. The members of Governor-general's council were increased from 16 to 60.
- Separate electorate was introduced for Muslims, introducing the communal representation.
- Elections were introduced in India for the first time, Indians were allowed in executive council of Viceroy.
- Satyendra Prasad Sinha became the first Indian member to join Viceroy's Executive Council.
- Councils were given the right to discuss any matter, move resolutions on budget and ask questions with supplementary questions but they did not have the right to vote.

1.10 Government of India Act, 1919

- Dyarchy was introduced at provincial levels i.e. the rule of two, Executive Councillors and Ministers.
- Government of provinces was accountable to legislative council of state for transferred subjects but not for reserved subjects. All the functions of government were divided into centre and state (provinces). Provinces were given more autonomy and they could legislate on all subjects related to provinces.
- Bicameral legislature was introduced at the Centre consisting Council of state (Upper House) and Centre legislative council (Lower House).
- It required three out of the six members in Viceroy's executive council to be Indians except commander-in-chief.
- For the first time direct elections were introduced in India.
- Separate electorate system was continued for Muslims and it was also extended to Sikhs, Christians, Europeans and Anglo-Indians.
- This Act provided for elected, nominated officials and nominated non-officials members.
- Limited franchise was introduced in India for the first time on the basis of property, education and tax.
- The Act also provided for a Central Public Service Commission which was established in 1926.
- The persistent demand of administrative reforms led the British Government to appoint a Statutory Commission in 1927, popularly known as Simon.



1.11 August Offer, 1940

- Viceroy Linlithgow issued a statement on behalf of the British government on 8 August, 1940 called as August Offer.
- Lord Linlithgow promised that after the end of second World War II, a completely responsible government on dominion model would be established in India.
- It recognised the rights of Indians to make their constitution for the first time as it stated that a constitution making body would be created.

1.12 Cripps Mission, 1942

- During the course of World War II, the coalition government in England send Sir Stafford Cripps (a member of the Cabinet) in March 1942, with a Draft Declaration which were to be adopted while framing a Constitution acceptable to the two major parties in India- Congress and Muslim League.
- The proposal provided for an Indian Union comprising of all British provinces in India and the princely states and a Dominion status to India as a participant to the British Commonwealth of Nations.

Dominion status concept is dead as door nail – J.L. Nehru

Clement Attlee's Announcement

Lord Clement Attlee made a historical announcement on 15 March, 1946 that Britain was ready to provide freedom to India, after transferring power into responsible hands not late than June 1948. All minorities interest will be secured. It announced that Cabinet mission was to visit India to assist Indians to determine a suitable form of government.

1.13 Shimla Conference, 1945

- All Party met on 25th June, 1945 at Shimla where 22 representatives participated under Abul Kalam Azad.

1.14 Cabinet Mission (1946)

- The main objective of the Cabinet Mission plan was to find out ways and means for the peaceful transfer of power in India and to suggest measures taken for the formation of a constitution making machinery and the issue of interim government. Commission to enquire into and report on the working of Government of India Act, 1919 which

submitted its report in 1930. The report was considered by a series of Round Table Conferences held at London between 1930-1932 and a the White Paper on constitutional reform was prepared as a result of the Conference which was passed as Government of India Act, 1935.

- Cabinet Mission comprising Lord Pethick Lawrence, Sir Stafford Cripps and Mr. Alexander arrived in India on 24th March, 1946.

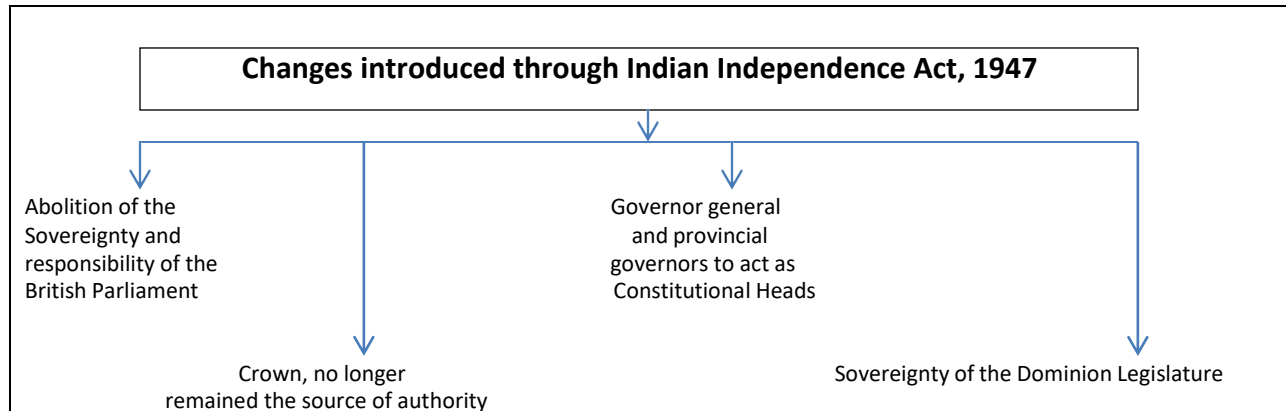
1.15 Government of India Act, 1935

- This act abolished dyarchy at provinces and established dyarchy at the centre. Federal subjects were divided into transferred and reserved subjects. Reserved subjects were in the hands of Viceroy who worked with councillors and was not responsible to the legislature. Transferred subjects were administered by Viceroy on the advice of Council of Ministers responsible to the legislature. Although it never came into effect.
- A union of India comprising British India and princely states thus advocating an undivided India was conceptualized.
- A Constituent Assembly was to be elected and an interim government to be formed with the support of major parties.
- It also provided that all members of the interim cabinet would be Indians and there would be minimum interference by the Viceroy.
- It also proposed that Constituent assembly was to consist of 292 members from British India and 93 from Indian states.
- All state subjects along with residuary powers should be vested in provinces.
- The proposal of Cabinet Mission were accepted and Constituent Assembly Elections were held in July, 1946.

1.16 Mountbatten Plan (3 June, 1947)

- Lord Mountbatten came up with a partition plan known as Lord Mountbatten Plan (3 June, 1947) due to the Muslim league agitation for separate country.
- On 20th February, 1947, Clement Attlee declared that British rule in India would end by 30th June, 1948. But after Mountbatten Plan which put forward a plan for a United Hindustan and Pakistan which was accepted by Congress and Muslim League. Immediate effect was given to Mountbatten plan by enacting the Indian

Independence Act, 1947.

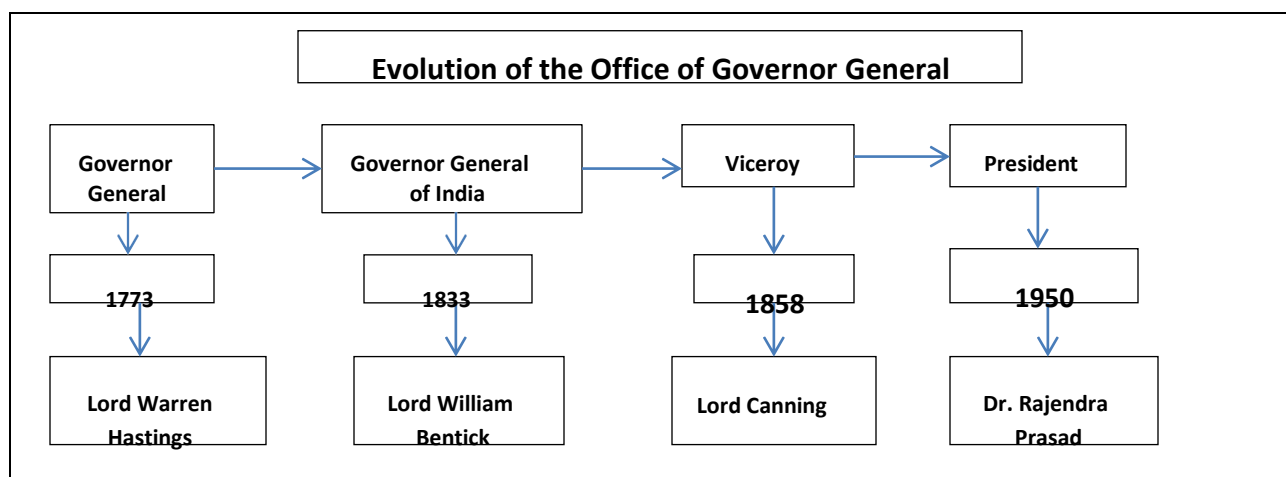


1.17 Indian Independence Act, 1947

- On the 15th August, 1947 (at midnight) British rule came to end and two new dominions took powers in their hands for their respective territories.
- Lord Mountbatten became first governor-general of dominion of India with J.L. Nehru as the first PM.

2 Framing of the Indian Constitution

- There were total 389 members out of which 292 were to be elected by provinces and 93 seats were allotted to princely states, 4 for Chief Commissioners provinces. Seats in the provinces were to be distributed among three communities i.e. Muslims, Sikhs and General in proportion to their populations.
- Finally, suggestions of Cabinet Mission (1946) were accepted and elections for the Assembly conducted in July-August, 1946.



Constituent Assembly elected according to Cabinet Mission Plan for undivided India met on 9th December, 1946 with Dr. Sachchidanand Sinha as its interim President. After two days i.e. on 11th December, 1946, Dr. Rajendra Prasad was elected President of Constituent Assembly. On 13th December, 1946 Objective Resolution was passed in constituent assembly which was introduced by Pt. Jawahar Lal Nehru.

B.N. Rau was appointed as the Constitutional adviser.

Mountbatten Plan paved the way for two nations and a separate Constituent Assembly was formed for Pakistan. Hence, the areas which went in Pakistan i.e. East Bengal, North-West Frontier Provinces (NWFP), West Punjab, Baluchistan, Sindh and Sylhet district of Assam were no more representative in Indian Constituent Assembly. There were fresh elections in new provinces of West Bengal and East Punjab. Sylhet and NWFP decided to join Pakistan through referendum. So, when Constituent Assembly re-assembled its strength came down to 299 from 389 with 299 Indian provinces' members and 70 princely states members.

- Constituent Assembly re-assembled on 14th August, 1947 as Sovereign Constituent Assembly.

Committees on the Constituent Assembly	
The Constituent Assembly appointed 22 Committees to deal with different tasks of Constitution making.	
Major Committees	Chairman
• Drafting Committee	B.R. Ambedkar
• Union Powers Committee	Pt. Jawahar Lal Nehru
• Provincial Constitution Committee	Sardar Vallabh Bhai Patel
• Steering Committee	Dr. Rajendra Prasad
• Committee on Fundamental Rights and Minorities	Sardar Vallabh Bhai Patel
• Union Constitution Committee	Pt. Jawahar Lal Nehru
• States Committee	Pt. Jawahar Lal Nehru
• Finance & Staff Committee	Dr. Rajendra Prasad

- Constituent Assembly appointed a drafting committee of 7 members on 29 August, 1947 with Dr. B.R. Ambedkar as its Chairman. Other members were:
- N. Gopalswami Ayyangar, Alladi Krishnaswami Ayyar, Dr. K.M. Munshi, Mohammed Sadullah, B.L. Mitter (earlier N. Madhav Rao), D.P. Khaitan (died and replaced by T.T. Krishnamachari).
- The Assembly performed two separate functions. One, making a Constitution for free India and two enacting of ordinary laws for the country.
- On 24 January, 1950, the Constituent Assembly held its final session. However, it

continued as Provisional Parliament till 1952.

Some Other Minor Committee	
Committees	Chairman
• Ad-hoc Committee on National Flag	Dr. Rajendra Prasad
• Order of Business Committee	Dr. K.M. Munshi
• Committee on the functions on the Constituent Assembly	G.V. Mavalankar

- The Constituent Assembly adopted National Flag on 22nd July, 1947 while the National Anthem and the National Song were adopted on 24th January, 1950.
- The Constituent Assembly took 2 years, 11 months and 18 days to frame the Constitution and finally it was last assembled on 26th November, 1949 when Constituent Assembly signed the constitution. 284 members signed the constitution.

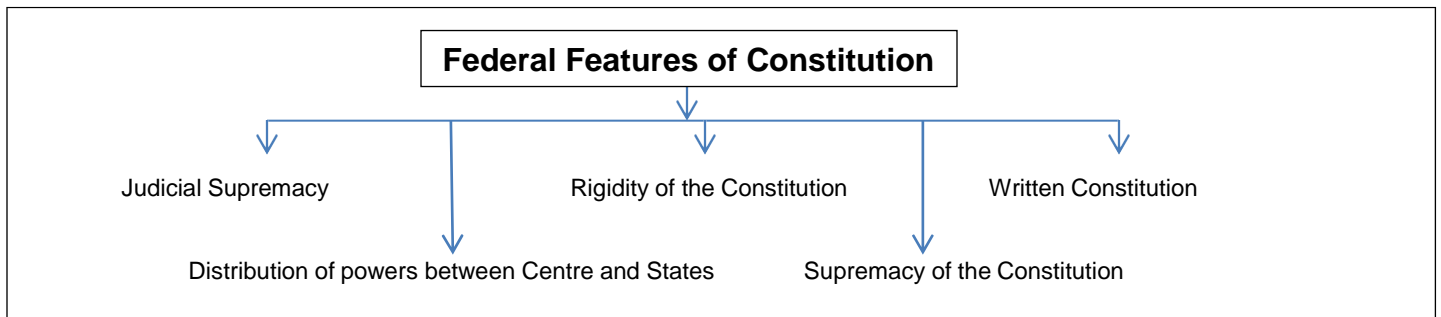
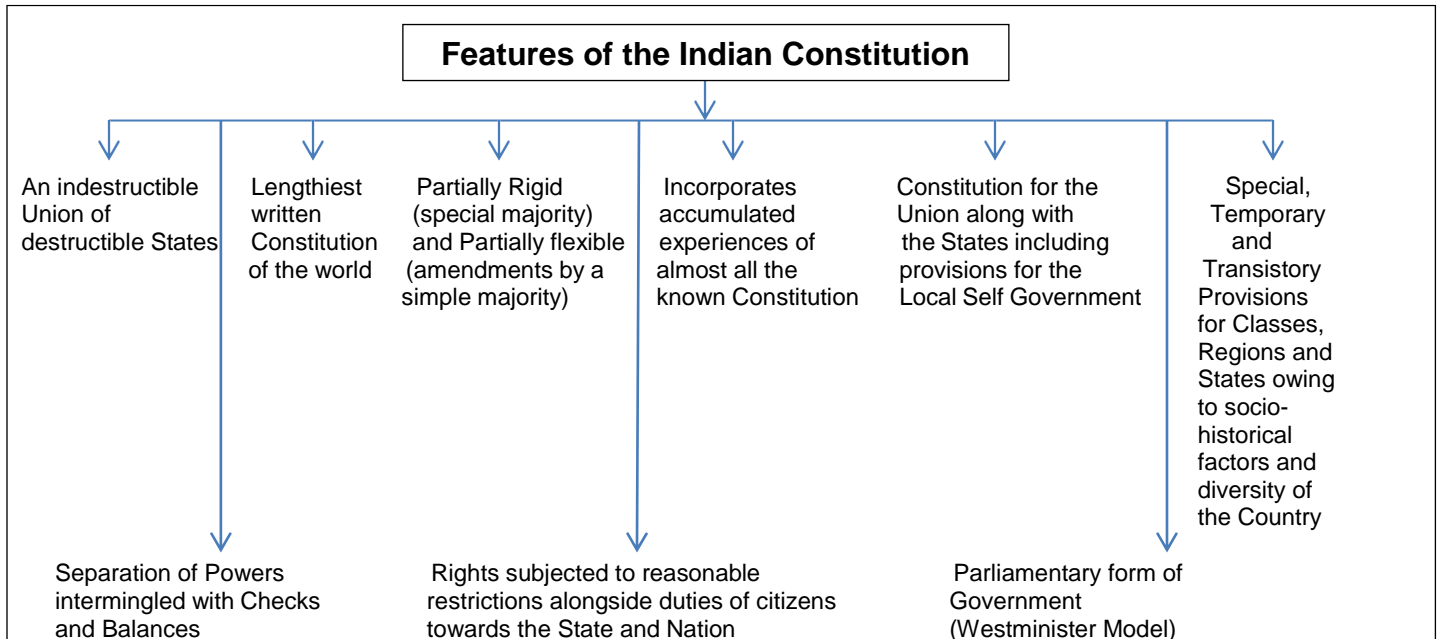
26th January was chosen as a date for commencement of constitution because 26th January was observed as Independence day by people after, Congress session at Lahore on 31st December, 1929 passed a resolution of complete Independence (Purna Swaraj) and declared 26th January as day of Independence.

Important Dates			
Dates	Concerned Events	Dates	Concerned Events
9 th December, 1946	First sitting Constituent Assembly	26 th November, 1949	Constitution was adopted/enacted
11 th December, 1946	Dr. Rajendra Prasad elected President of the Constituent Assembly	24 th January, 1950	Adoption of National Song and National Anthem
13 th December, 1946	Objective Resolution was introduced by Jawaharlal Nehru	26 th January, 1950	Constitution came into force making India a Republic with Dr. Rajendra Prasad as the first President
22 nd July, 1947	Constituent Assembly adopted National Flag	25 th October, 1951-21 st February, 1952	First general elections were held
15 th August, 1947	Transfer of Power leading to the formation of dominions of India and Pakistan (14 th August, 1947)		

*Source : COSMOS PUBLICATION, DELHI

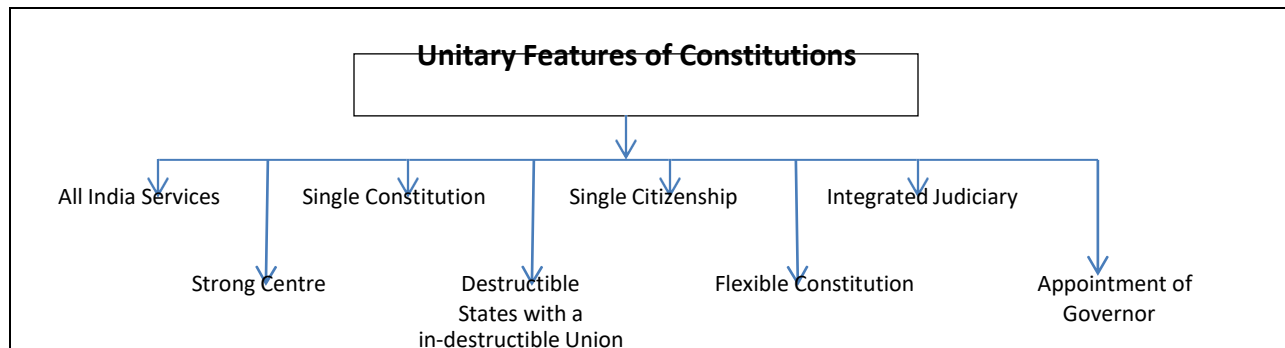
3 Features of Indian Constitution

- A major part of the Indian Constitution (almost 70% was derived from Government of India Act, 1935 owing to the familiarity with the political and administrative mechanism as envisaged under the Act.



- In a federal government subjects of governance are divided between federal and state governments. States enjoy much independence in their sphere.
- Indian constitution has clearly demarcated powers between the Union and State governments. State governments have their rights on state subjects mentioned in List-II of seventh schedule.
- States can also legislate over concurrent subjects unless they are not in direct conflict with central government’s legislation.

- Under Article 368, no amendments in the status of the powers of centre and states can be made without participation of the States. So, Indian constitution is not as easy to amend as the British Constitution but definitely it's not as tough as the US Constitution.



- In the federal countries like USA and Australia, States have their own constitution. But, India has a single constitution for both Union and States. Both centre and states function under a single constitution.
- When there is any conflict between a law of State and center for any concurrent matter then Centre's provisions prevail. Centre also enjoys residuary powers.
- Union enjoys a legislative control over 100 subjects stated under List – I of the seventh schedule as against 61 subjects enlisted under List-II (State list). Also, the Union enjoys overriding power over state on matters enlisted in the Concurrent list. The Residuary power (over subjects finding no mention in either of the lists) also lies with the Union.

3.1 India is an indestructible Union of destructible States.

- Governors of the states are appointed by President on the advice of Council of Ministers of central government. Hence, Governor acts like an agent of Centre in State. This increases the centre's control on states.
- Indian Parliament can alter the boundaries, names of the states even without the consent of states. Hence, Parliament enjoys powers to form a new State, merge the states etc. to the extent it seems right.

4 National Symbols

4.1.1 National Flag

- On August 7, 1906 at Parsi Bagan Square, Calcutta the first national flag of India was hoisted by Surendranath Banerjee. Madam Bhikaji Cama on 22nd August, 1907 hoisted the flag at Stuttgart, Germany.
- The National Flag of India (designed by Pingali Venkayya in 1916) was adopted by the Constituent Assembly on July 22, 1947. It is horizontal tricolor of deep saffron (kesari) at the top, white in the middle and dark green at the bottom in equal proportions. In the centre of the white band is a navy blue wheel representing the Chakra, a symbol of progress and of movement. The ratio of the length of the flag to its width is 3:2.

4.2 National Emblem

- The National Emblem is an adaptation from the Sarnath Lion Capital. It was adopted by the Government of India on 26 January, 1950. The words Satyameva Jayate from Mundaka Upanishad, meaning Truth Alone Triumphs are inscribed below the abacus in Devanagari script.
- In the original, there are four lions, standing back to back, mounted on an abacus carrying sculptures in high relief of an elephant, a galloping horse, a bull and a lion separated by intervening wheels over a bell-shaped lotus.

4.3 National Anthem

- Jana-gana-mana, composed originally in Bengali by Rabindranath Tagore, was adopted in its Hindi version by the Constituent Assembly as the National Anthem of India on 24 January, 1950.
- It was first sung on 27 December, 1911 at the Calcutta Session of the Indian National Congress.

4.4 National Song

- The song Vande Mataram was composed in Sanskrit by Bankimchandra Chattopadhyay from Anandamatha. It was first sung in political context by Rabindranth Tagore at the 1896 session of the Indian National Congress.
- It was adopted by the Constituent Assembly on 24 January, 1950.

4.5 National Animal

- Panthera tigris, a striped animal is the national animal of India. It has a thick yellow coat of fur with dark stripes. Lion was the national animal of India till 1972. Later on, it was replaced by tiger.

4.6 National Calendar

- The national calendar based on the Saka Era, with Chaitra as its first month and a normal year of 365 days from 22 March, 1957 along with the Gregorina calendar. 1 Chaitra falls on 22 March normally and on 21 March in leap year. The calendar was introduced by the Calendar Reform Committee in 1957.

4.7 National Bird

- Peacock (*Pavo cristatus*), which is a symbol of grace, joy, beauty and love is the national bird of India.
- In India the peacock is found in almost all parts and enjoys full protection under the Indian Wildlife (Protection) Act, 1972.

4.8 National Flower

- Lotus, botanically known as the *Nelumbo Nucifera Gaertn* is the national flower of India. It symbolizes divinity, fertility, wealth, knowledge and enlightenment.

4.9 National Tree

- The Banyan tree (*Ficus benghalensis*) is the National Tree of India.

4.10 National Fruit

- Mango (*Manifera Indica*) is the National Fruit of India.

4.11 National River

- Former P.M. Monmohan Singh declared Ganga as The National River of India on February, 20, 2009.

4.12 National Aquatic Animal

- To save dolphins (*Planista gangetica*) from extinction, the Union government has declared them as the national aquatic animal on October 5, 2009.

4.13 National Currency

- The Indian Rupee sign is an allegory of Indian ethos. The symbol is an amalgam of Devanagari Ra and the Roman Capital R with two parallel horizontal stripes running at the top representing the national flag and also the equal to sign.
- The Indian Rupee sign was adopted by the Government of India on 15th July, 2010.

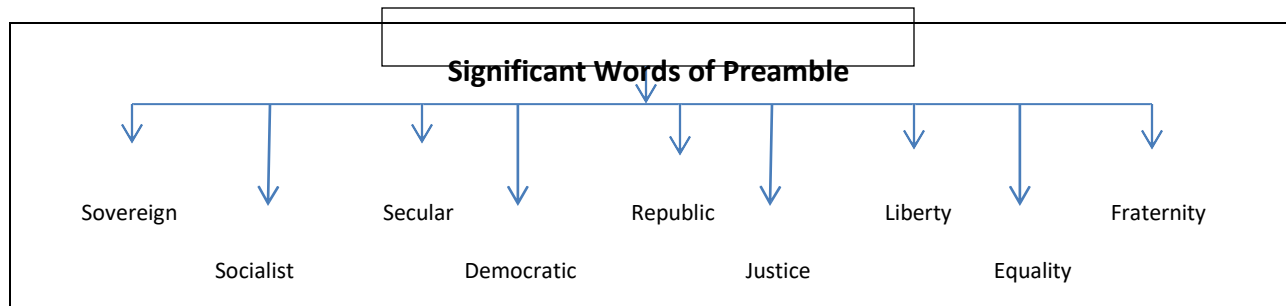
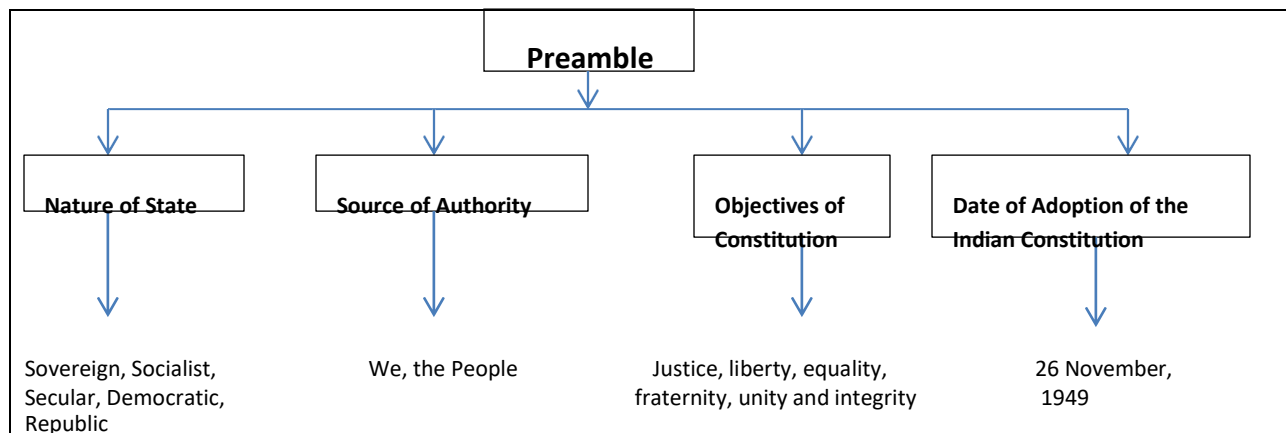
Important Sources of the Indian Constitution					
Source/Country	Provisions borrowed	Source/Country	Provisions borrowed	Source/Country	Provisions borrowed
Government of India Act, 1935	Office of Governor, Federalism, Emergency, Judiciary, Public Service Commissions, Administrative, Details.	USA Constitution	Judiciary's Independence, Fundamental Rights, Judicial Review, Impeachment of President and removal of Judges of Supreme Court and High Court, Preamble.	South African Constitution	Amendment of Constitution, Rajya Sabha Elections.
Ireland (Irish Constitution)	Method of election of President, Directive Principles of State Policy & Nomination of Rajya Sabha Members.	British Constitution	Law making procedure, single citizenship, parliamentary government, cabinet system, bicameralism, Rule of Law.	French Constitution	Republic, Ideals of Liberty, equality and fraternity in the Preamble.
Canadian Constitution	Residuary Power to centre, Federation with strong centre, Appointment of governor, Advisory Jurisdiction of Supreme Court	Soviet Constitution	Fundamental Duties, Planning, (socioeconomic and political) Ideals of Justice in Preamble.	Australian Constitution	Concurrent list, Joint sitting, Freedom of trade, Commerce and inter; course
				Japanese Constitution	Procedure established by Law.

* Source : COSMOS PUBLICATION, DELHI

5 Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its Citizens :
JUSTICE, Social, Economic, Political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity, and to promote among them all; FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation :
IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949 do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Sources of Preamble	
Country	Sources
American Constitution	Preamble
USSR	Ideals of Justice
French Constitution	Republic and the ideals of Liberty, equality and fraternity



5.2 Significant Words of Preamble

5.1.1 Sovereign

- Sovereignty refers to the independent authority of the State. It means that state has the power to legislate on any subject which is not subject to the control of any other state or external power.

5.2.1 Socialist

- The word Socialist was added to the Preamble by 42nd Constitutional Amendment, 1976.
- Socialism does not mean the resisting private sector, instead it emphasizes that wealth should not be concentrated in few hands and inequality of income should be abolished.

5.2.2 Secular

- The term secular was inserted by 42nd Constitutional Amendment Act, 1976.
- It explained that State does not recognise any religion as a state religion and it treats all religions equally and with equal respect, without, interfering with their individual rights of religion, faith or worship.

5.2.3 Democratic

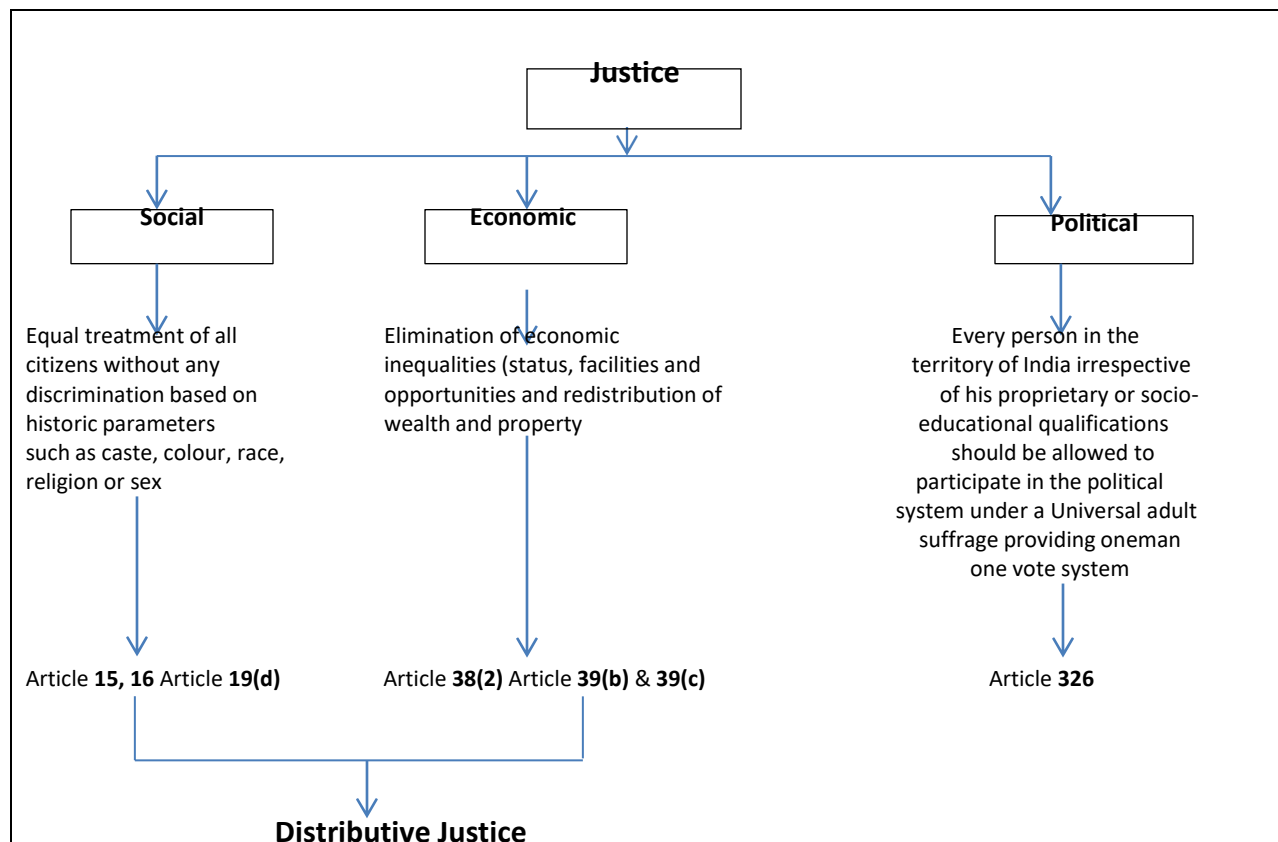
- Democracy is defined as that form of government in the administration of which the adult population has some direct or indirect share.
- Our democracy is a representative democracy which means people have no direct control such as referendum or initiative. People exercise their power through elected representatives in Parliament at Centre and State legislatures at the state level.
- Democratic republic stands for welfare of all the people of India which embodies the concept of welfare state, laid down in Directive Principles of State Policy.

5.2.4 Republic

- Republic means a form of government in which Head of the State is an elected person and not a hereditary monarch like a King or the Queen as in Great Britain.
- President is the Head of Republic of India who is indirectly elected by the people for a fixed period of 5 years. He can also be removed from office by Impeachment (Article 61).

5.2.5 Liberty

- Preamble mentions liberty of thought, expression, belief, faith and worship. These freedoms have been provided in our constitution under Fundamental Rights (Article 19, 25-28) and are enforceable by court of law (through Article 32 and 226).

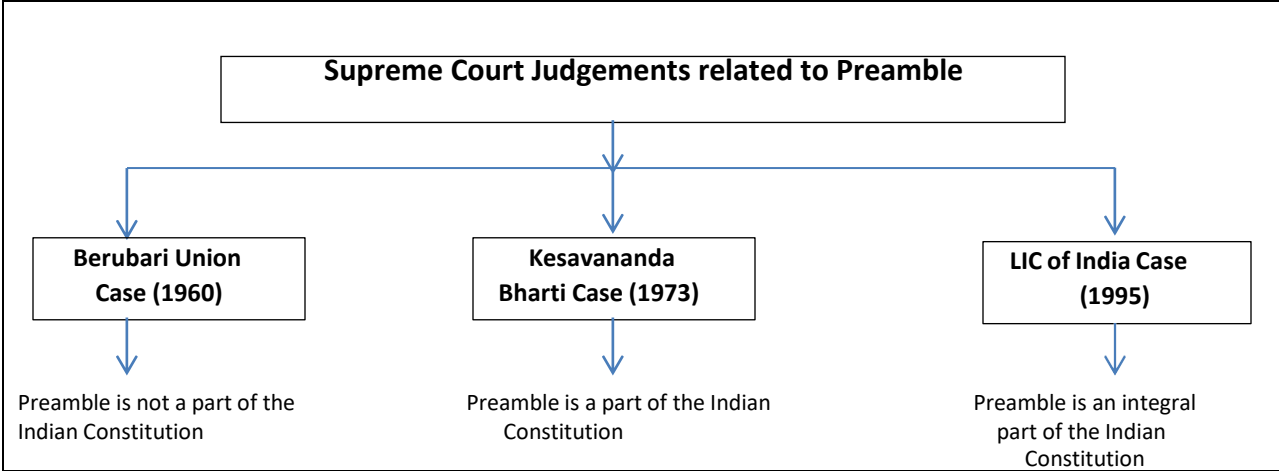


5.2.6 Equality

- Equality of opportunity and status is given in Preamble which is ensured by Article 14-18 and Article 325-326.
- This means that every person shall have equal rights of opportunity for any job, work and nobody can be discriminated or treated as lower than anyone else only on the grounds of religion, race, caste, sex etc.
- Equality of status and opportunity for all is the basis for ultimately establishing an egalitarian society.

5.2.7 Fraternity

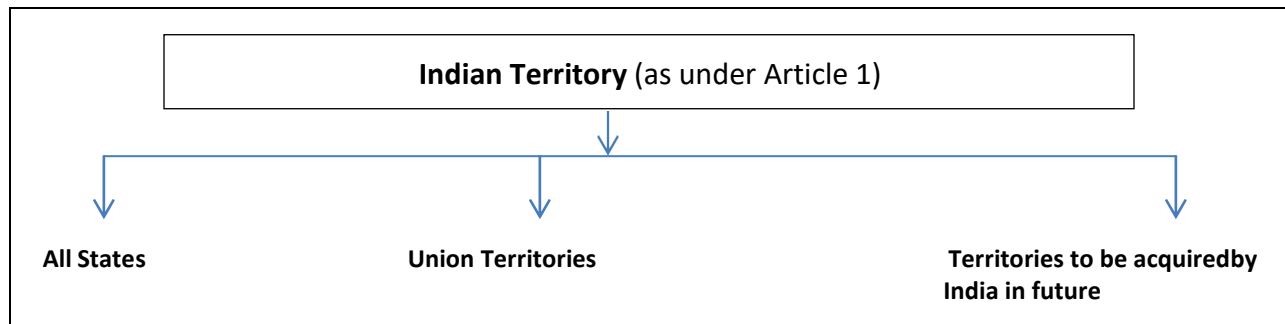
- It refers to the spirit of brotherhood, a feeling that all people are children of same soil, the same motherland. Fraternity ensures the Unity and Integrity of India.



*Source : COSMOS PUBLICATION, DELHI

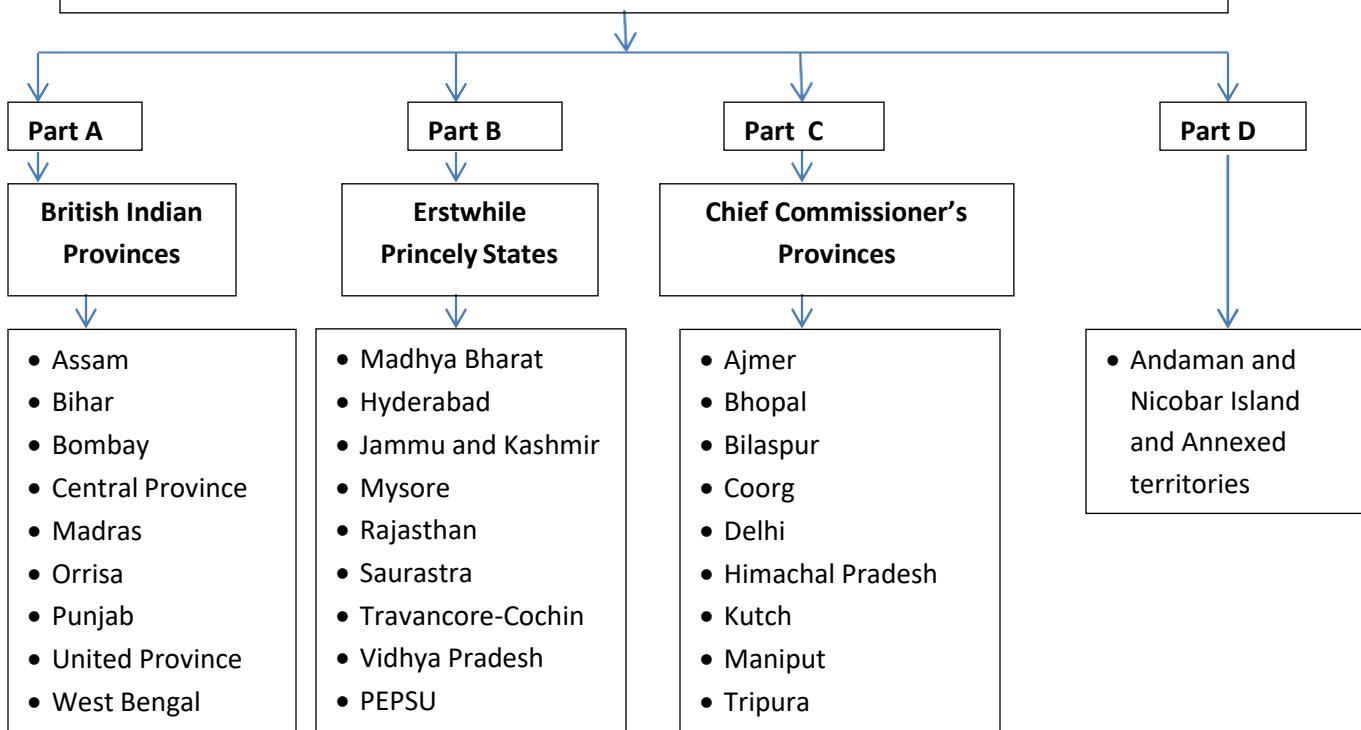
6 Union and its Territories

- Part I of the Indian Constitution include Article 1 to 4 related to Union and its territory. Article of the Constitution says India, that is Bharat, shall be a Union of states. This tells us the nature of Indian Political system.
- The expression Union of states establishes :
 - (a) India is not the result of an agreement between States.
 - (b) States have no right to secede from the Indian Union. Thus, India preferred the term Union instead of Federation.
- The term Union of India includes all States but territory of India include entire territory i.e. states, and any other territory that may be acquired by India in future.
- The Territory of India is a wider expression and includes all territory over which sovereignty of India extends.

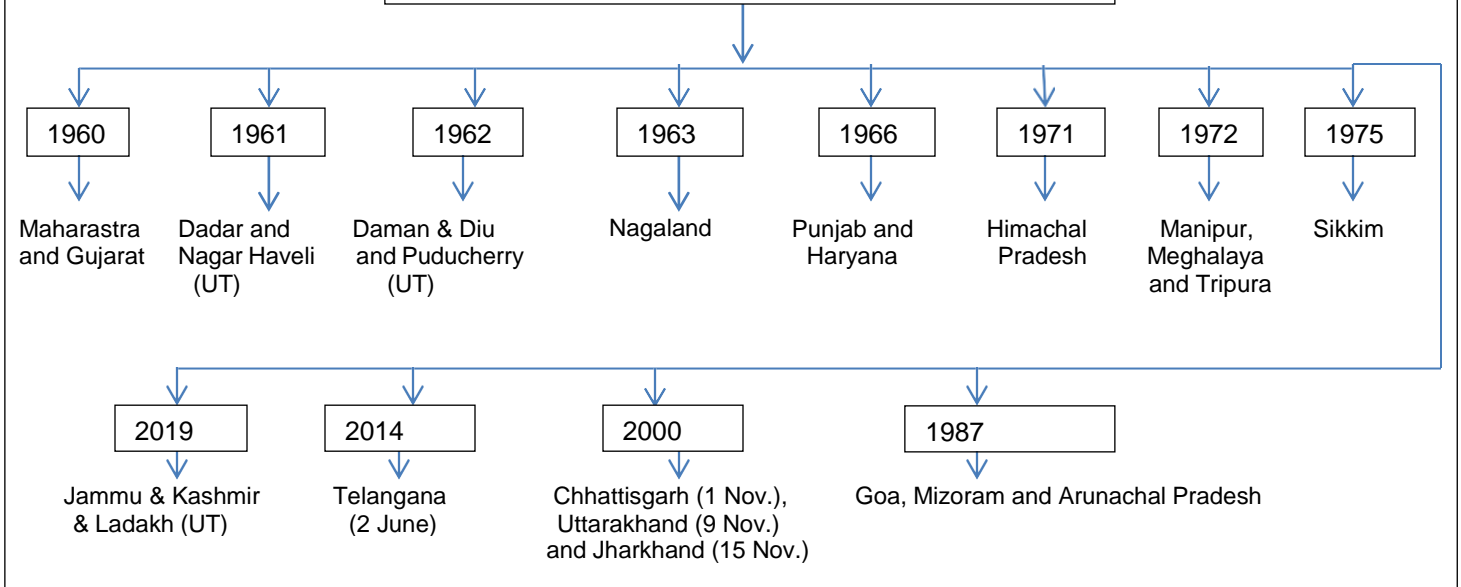


Part I (Article 1-4)	
• Article 1	Name and territory of the Union
• Article 2	Establishment or Admission of new states
• Article 3	Formation of new states and alternation of areas, boundaries or name of existing states.
• Article 4	Laws made under Article 2 and 3 to provide for the amendment of the First and Fourth Schedules and supplemental, incidental and consequential matters.

Types of States on Commencement of Constitution



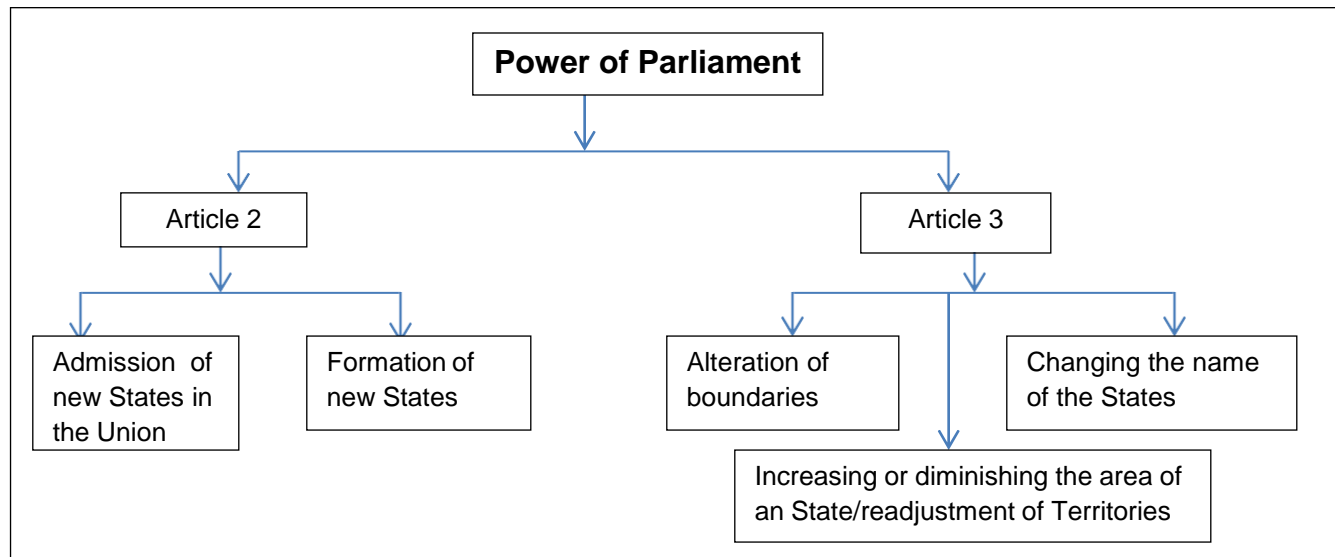
Chronology of States Formation



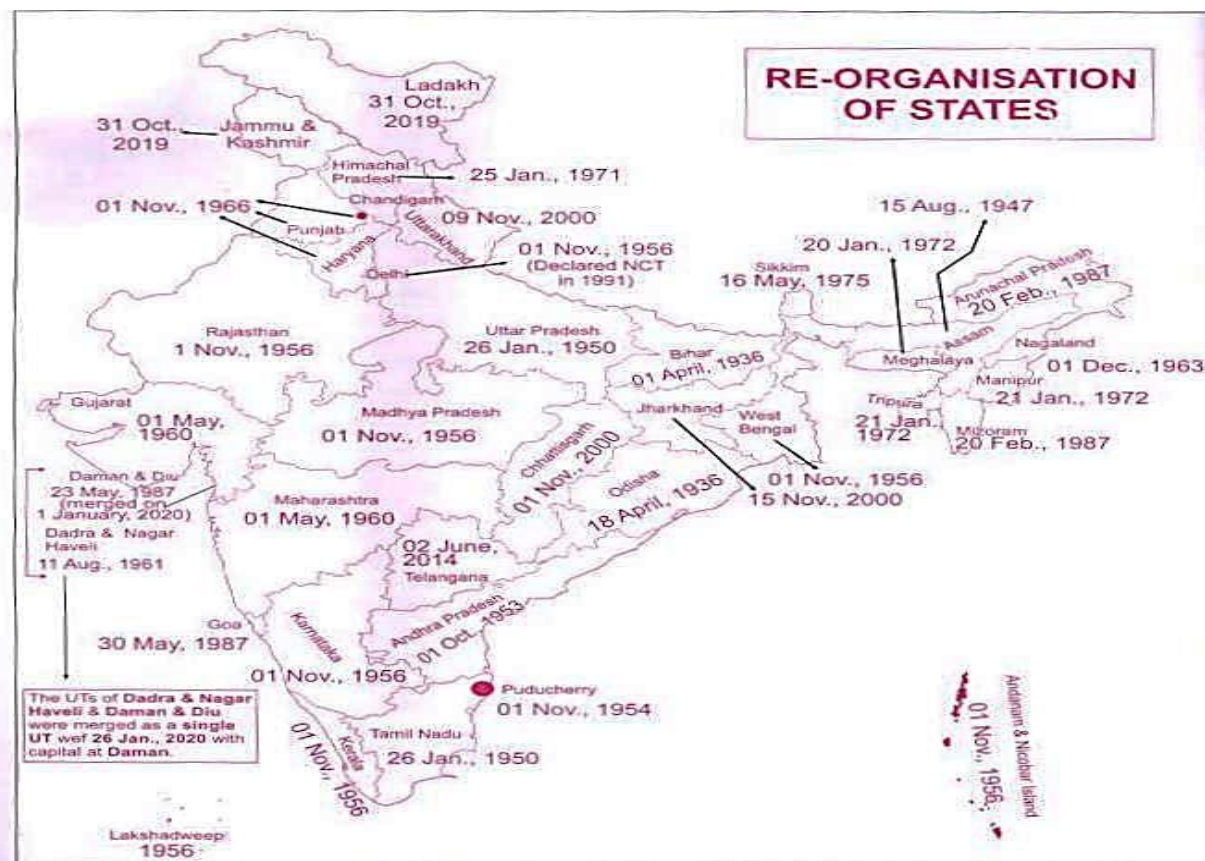
Formation of New States/Union Territories and Alteration of Names

- Assam became a British protectorate in 1826, it was separated from Bengal in 1874 and was reformed as Assam in 1912. It got full statehood on 26 January, 1950.
- Andhra Pradesh was formed in 1953 by taking out some territory from the State of Madras.
- Maharashtra and Gujarat were two states created by Bombay Reorganisation Act, 1960. Thus, creating Marathi and Gujarati Speaking states respectively.
- Bihar was formed by the British on 22nd March, 1912 (carving out of Bengal) and got statehood on 26th January, 1950.
- Orissa was made a separate province on 1st April, 1936 and gained statehood in 1950.
- Madras Presidency was reorganised as a state in 1950 and renamed Tamil Nadu in 1969.

- Former states of Travancore, Cochin and Malabar were merged to form the state of Kerala in 1956.
- Mysore state was formed on 1st November, 1956 by bringing together Kannada speaking regions.
- In 1963, Nagaland was created as a state out of Assam separating Naga Hills Area and Tuensang Area by State of Nagaland Act, 1962.
- Punjab Reorganisation Act, 1966 created state of Haryana and Chandigarh as Union Territory out of Punjab.
- Himachal Pradesh was created with the merger of 30 princely states in 1950, was declared a Union Territory in 1956 and gained statehood on 25 January, 1971.
- The two Union Territories of Manipur and Tripura were made states which were earlier union Territories. The sub-state of Meghalaya gained statehood. In 1987, Mizoram and Arunachal Pradesh became 23rd and 24th Indian states.
- Sikkim became a full-fledged State by 36th Constitutional Amendment Act, 1976. Initially, Sikkim was a protectorate of India and in 1974 by 35th Constitutional Amendment Act, 1975. Sikkim became an Associate State.
- The Union Territory of Mizoram gained statehood by State of Mizoram Act, 1986.
- The Union Territory of Arunachal Pradesh was given statehood in 1986 by Arunachal Pradesh Act, 1986.
- State of Jammu & Kashmir was bifurcated into Union Territories of Jammu & Kashmir and Ladakh on 31st October, 2019.
- Union Territories of Dadra and Nagar Haveli and Daman and Diu were merged on 26th January, 2020 with capital at Daman.



- Parliament has the power to form such states or alter the name or boundaries of States even without the consent of states i.e. by simple majority. Parliament can do such changes or make new states.
- India is an indestructible Union of destructible States. Reorganisation of states can be based on linguistic, geographic administrative or ethnic factors.



Zonal Councils			
1. Northern Zonal Council (Delhi)			Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, National Capital Territory of Delhi and Union Territory of Chandigarh
2. Central Zonal Council (Prayagraj)			Chhattisgarh, Uttarakhand, Uttar Pradesh, and Madhya Pradesh
3. Eastern Zonal Council (Kolkata)			Bihar, Jharkhand, Orissa, Sikkim, West Bengal and Kolkata
4. Western Zonal Council (Mumbai)			Goa, Gujarat, Maharashtra and Dadra & Nagar Haveli, Daman & Diu
5. Southern Zonal Council (Chennai)			Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Union Territory of Puducherry
6. North Eastern Zonal Council (Shillong)			Assam, Arunachal Pradesh, Manipur, Tripura, Mizoram, Meghalaya and Nagaland

Union Territories (Present)			
Union Territories	Capital	Districts	Area (km²)
1. Andaman & Nicobar	Port Blair	3	8,249
2. Chandigarh	Chandigarh	1	114
3. Dadra & Nagar Haveli and Daman & Diu	Daman	3	603
4. Delhi	New Delhi	11	1,483
5. Lakshadweep	Karavati	1	32
6. Puducherry	Puducherry	4	492
7. Jammu & Kashmir	Srinagar	22	55,538
8. Ladakh	Leh	2	1,74,852

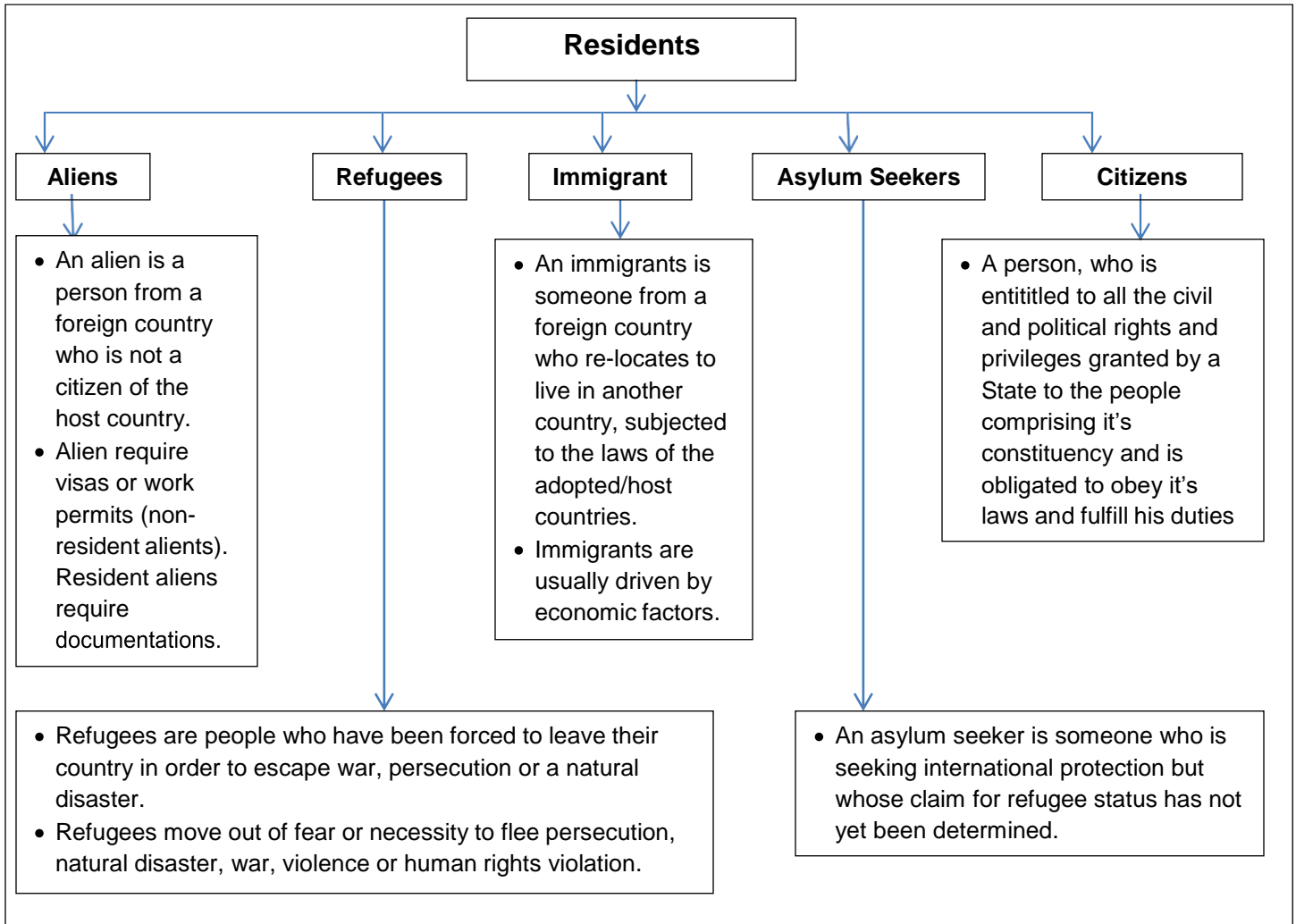
Article 239A and 239AA Special Provisions related to UTs
<p>In 1962, Article 239A (amended by 37th Amendment Act, 1974) was introduced in the Constitution to empower Parliament to create a Legislature (or a Council of Ministers) for some of the Union Territories under which Article 239A (for Puducherry) and Article 239AA (by 69th Amendment Act, 1992) provided special provisions for the Union Territory of Delhi re-naming it as National Capital Territory of Delhi. It also provided for a Legislative Assembly to make laws enumerated in the State list or the Concurrent list in limited jurisdiction (with an overriding Parliamentary Jurisdiction). Hence, Puducherry (1963) and (NCT) of Delhi (1991) along with recently carved Union Territory of Jammu and Kashmir (2019) are the only three Union Territories with State Legislative Assemblies and seats allotted in the Council of States under Schedule 4 of the Constitution. Delhi State government has been demanding complete statehood owing to the administrative ambiguity and complexity of the 3 tier administrative structure.</p>

The States Of India

Sl.No.	State	Capital	District	Area (km ²)	(% of total area)
1.	Rajasthan	Jaipur	33	3,42,239	10.41
2.	Madhya Pradesh	Bhopal	52	3,08,245	9.37
3.	Maharashtra	Mumbai	36	3,07,713	9.36
4.	Uttar Pradesh	Lucknow	75	2,36,286	7.18
5.	Gujarat	Gandhinagar	33	1,96,024	5.96
6.	Karnataka	Bengaluru	30	1,91,791	5.83
7.	Andhra Pradesh	Hyderabad	13	1,60,205	4.87
8.	Odisha	Bhubaneswar	30	1,55,707	4.73
9.	Chhattisgarh	Raipur	27	1,35,191	4.11
10.	Tamil Nadu	Chennai	37	1,30,058	3.95
11.	Bihar	Patna	38	94,163	2.86
12.	West Bengal	Kolkata	23	88,752	2.69
13.	Arunachal Pradesh	Itanagar	25	83,743	2.54
14.	Jharkhand	Ranchi	24	79,714	2.42
15.	Assam	Dispur	33	78,438	2.38
16.	Himachal Pradesh	Shimla/ Dharamshala	12	55,673	1.69
17.	Uttarakhand	Dehradun	13	55,483	1.62
18.	Punjab	Chandigarh	22	50,362	1.53
19.	Haryana	Chandigarh	22	44,212	1.34
20.	Kerala	Thiruvananthapuram	14	38,863	1.18
21.	Meghalaya	Shillong	11	22,429	0.68
22.	Manipur	Imphal	16	22,327	0.67
23.	Mizoram	Aizwal	8	21,081	0.64
24.	Nagaland	Kohima	11	16,579	0.50
25.	Tripura	Agartala	8	10,491	0.31
26.	Sikkim	Gangtok	4	7,096	0.21
27.	Goa	Panaji	2	3,702	0.11
28.	Telangana	Hyderabad	33	1,12,077	3.40

*Source :
COSMOS
PUBLICATION,
DELHI

7 Citizenship



- Part II of Indian Constitution (Article 5 to Article 11) deals with the Citizenship of India during the commencement of the Constitution.

Part 2 (Article 5-11) relating to Citizenship, came into force on November 26, 1949 itself.

- The Constitution describes who would be considered the citizens of India from the commencement date of constitution i.e. from 26th January, 1950.

7.1 Constitutional Provisions related to Citizenship

7.1.1 Article 5

- Article 5 refers to the citizenship on January 26, 1950.

7.1.2 Article 6

- This Article provides citizenship to those persons who have migrated to India from Pakistan.

7.1.3 Article 7

- Right of citizenship of certain migrants to Pakistan who returned back to India with intention to live permanently.

7.1.4 Article 8

- This Article provides the rights of citizenship of certain persons of Indian origin residing outside India.

7.1.5 Article 9

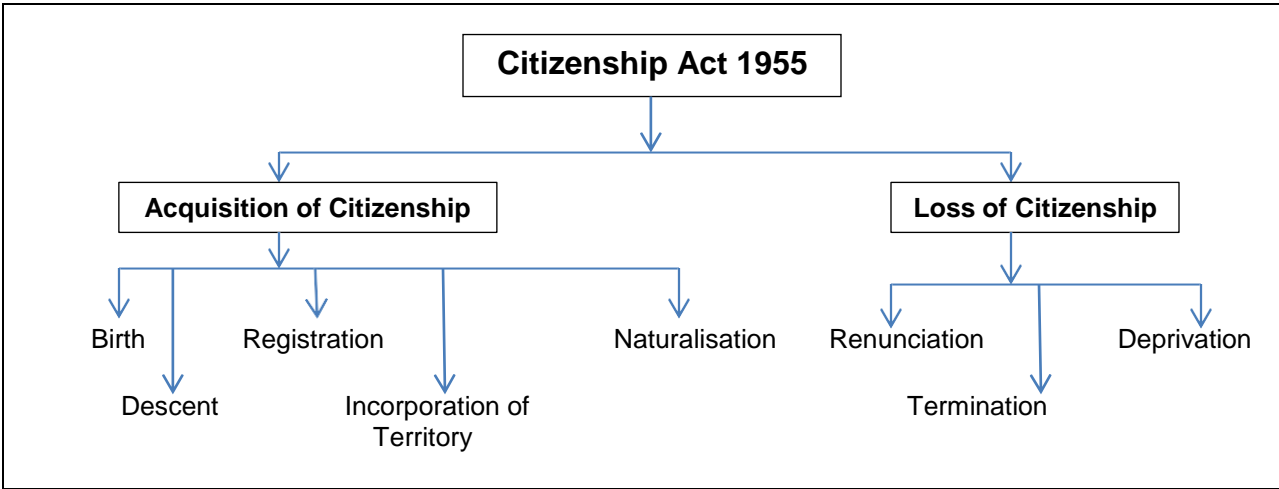
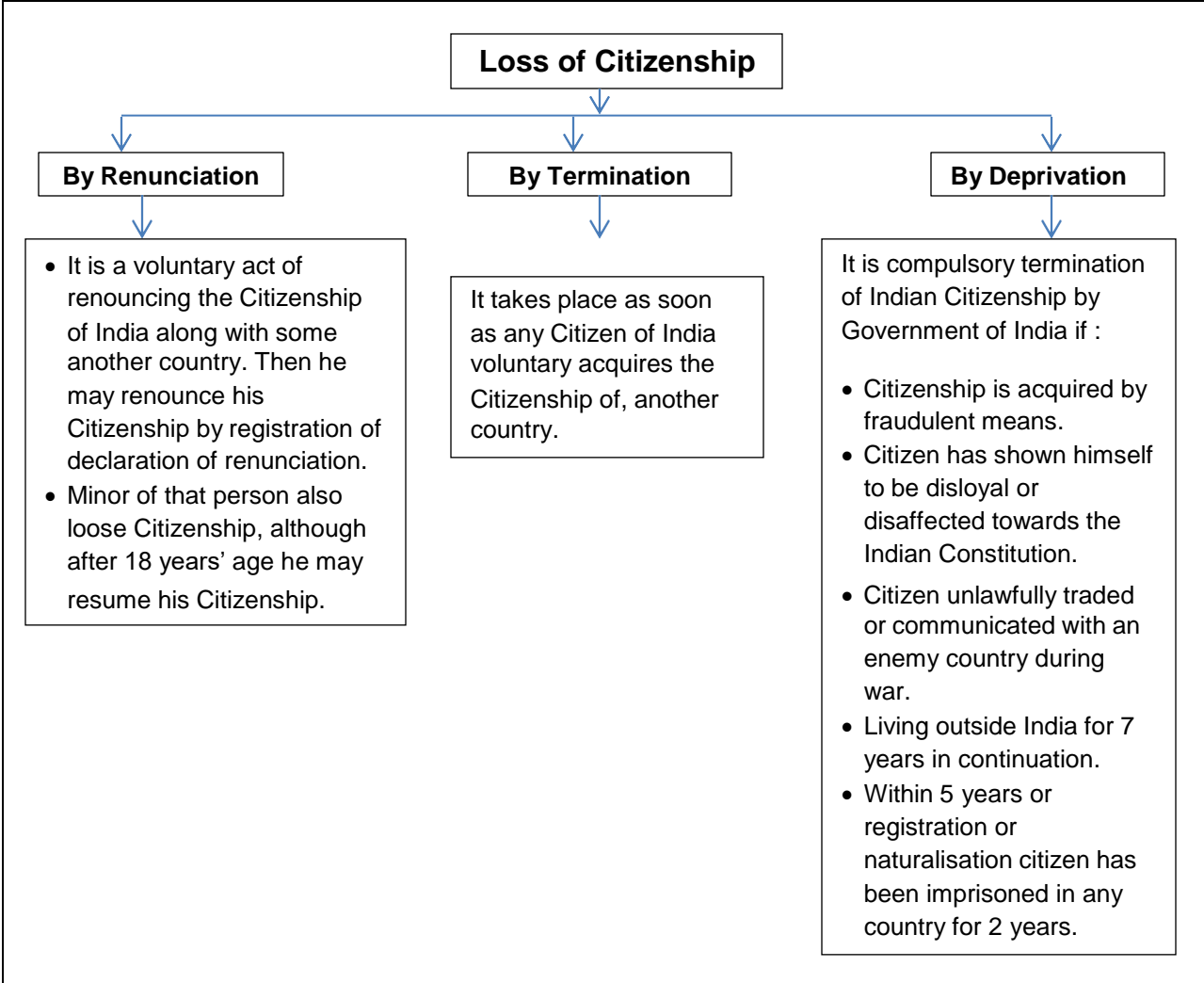
- No person who has voluntarily acquired the citizenship of any foreign state shall be a citizen of India or deemed to be a citizen of India.

7.1.6 Article 10

- Every person who is or is deemed to be a citizen of India shall continue to be such citizens, subject to the provisions of any law made by the Parliament.

7.1.7 Article 11

- Parliament shall have the power to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.



7.2 Amendments in Citizenship Act 1955

- The Citizenship Act, 1955 has been amended four times so far by the following Acts :

1. The Citizenship (Amendment) Act, 1986
2. The Citizenship (Amendment) Act, 1992
3. The Citizenship (Amendment) Act, 2003
4. The Citizenship (Amendment) Act, 2005

7.2.1 By Birth

- A person born on or after January 26, 1950 but before 1st July, 1987, irrespective of nationality of his parents.

7.2.2 By Descent

- A person born outside India on or after January 26, 1950 but before 10 December, 1992, is a citizen of India if his father was a citizen of India at the time of his birth or if after 10 December, 1992 either of his parents were Indian citizens.

7.2.3 By Registration

- Any person can acquire citizenship by registering before prescribed authority.

7.2.4 By Naturalisation

- A foreigner not being an illegal migrant can acquire Indian Citizenship, on application for naturalisation from the Government of India.

7.2.5 By Incorporation of Territory

- If a new territory becomes a part of India, the Government of India shall specify the persons of that territory who shall be the Citizens of India.

7.3 Features of Citizenship Amendment Act

- The Act makes religiously persecuted minorities (i.e. Hindus, Sikhs, Buddhists, Jains, Parsis, Christians) from Afghanistan, Bangladesh and Pakistan eligible for Indian Citizenship.
- The Act reduces the requirement of 11 years of continuous stay in India to 6 years to obtain citizenship by naturalisation for these communities belonging to these nations.
- Overseas Citizenship of India (OCI) can be cancelled in case of violation of law.

Census v/s National Population Register (NPR)

- The recent exercise of NPR is related to Census 2021. Census is a macro exercise conducted in every decade and is not intended to identify the individual identify details, while NPR is designed to collect identity details of individuals.
- The government decided to update the National Population Register along with houselisting phase of Census 2021 during April-September 2020 in all States/UT's except Assam (since it recently completed NRC)
- While registering with NPR is mandatory, furnishing additional data as PAN, Aadhar, Voter ID is voluntary. NPR will form the base for a nationwide National Register of Citizens. NPR is not a citizenship enumeration drive since it will include all usual residents (even foreigners staying for more than 6 months)
- Since NRC in Assam was prepared on a similar note, it is expected that after a list of residents is created (NPR), a nationwide NRC could go for verifying citizens from that list.

National Register of Citizens (NRC)

- The National Register of Citizens is the register containing names of Indian citizens.
- It was prepared in 1951 after conducting the census of 1951 and was published only once in 1951.
- The NRC will be updated to include the names of those persons (or their descendents) who appear in NRC – 1951, or in any of the electoral rolls up to the midnight of 24th March, 1971 or in any one of the other admissible documents issued up to midnight of 24th March, 1971, which would prove their presence in Assam or in any part of India on or before 24th March, 1971.
- All the names appearing in the NRC, 1951 or any of the electoral rolls up to the midnight of 24th March, 1971 together are called Legacy Data.
- There are 2 requirement for inclusion into updated NRC :
 - ➔ Existence of person's name in pre 1971 period.
 - ➔ Providing linkage with that person.

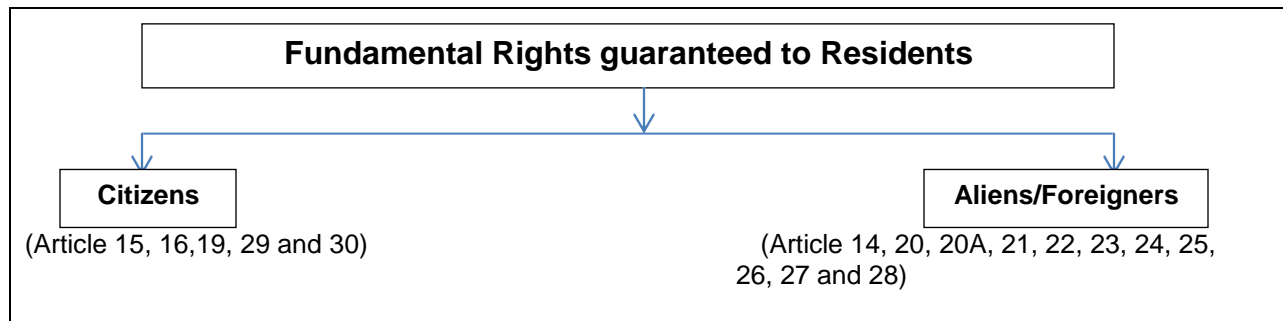
*Source : COSMOS PUBLICATION, DELHI

8 Fundamental Rights

- The idea of Bill Rights, in Indian Polity first emerged in Nehru report. Framers of the Indian constitution were later inspired from Bill of Rights in US constitution and included a full chapter on fundamental rights, regarded as the Magna Carta of India.
- Part III of Indian Constitution consisting of Articles 12 to 35 deals with Fundamental Rights. These rights are fundamental since they are guaranteed by Fundamental law of country i.e. by Constitution itself.
- Fundamental rights are guaranteed by Fundamental law of land i.e. by Constitution & hence, any action done by state in violation of these rights is null or void.
- For the violation of fundamental rights a person can move to Supreme Court and the right to move to Supreme Court is guaranteed by Fundamental Rights itself (under Article 32).

Right to property was put under Article 300 A in Part XII of Constitution and Article 31 and Article 19 (f) were omitted from Part III.

Fundamental rights can be suspended by President during national emergency (except Article 20-21) as under Article 358 and 359.



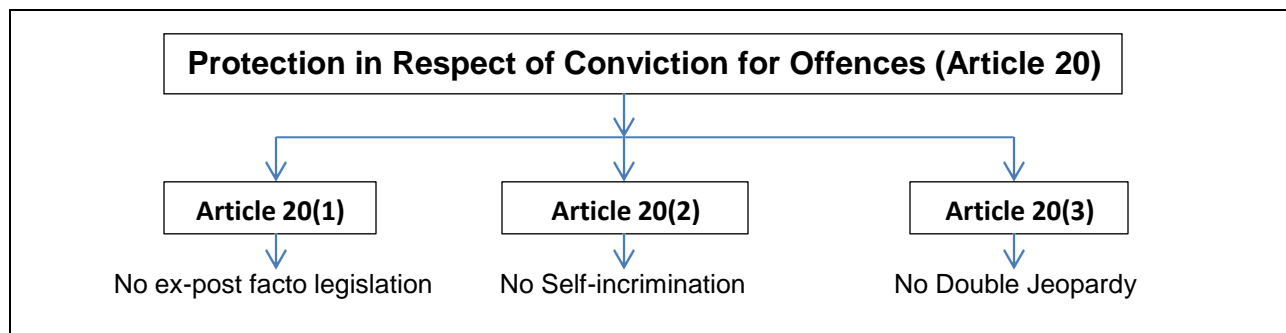
Article 13 provides for judicial Review of all legislations. The notion of Judicial Review is taken from the Constitution of USA.

- Article 14 provides for Equality before law where no man is above law and Equal protection of law, where unequals treated unequally.

- Article 15 contains prohibition of discrimination by state and individual as well against any citizen of India on specified grounds.
- Under Article 15(3) State has powers to make special provisions for women and children under Article 15(3), 16(2), 16(4).
- Article 17 abolished Untouchability under which parliament framed Protection of Civil Rights Act, 1955. The word Untouchability is not defined in the Constitution.

Article 19(1)(f) – Right to Property was removed by the 44th Constitutional Amendment Act, 1978 and made a Constitutional Right under Article 300A.

Right to form Cooperative Societies [19(1)(c)] became a fundamental right through 97th Constitutional Amendment Act, 2011.



Fundamental Rights

Right to Equality
(Article 14 – 18)

Equality before law
(Article 14)
Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
(Article 15)
Equality of opportunity in matter of public employment
(Article 16)
Abolition of untouchability
(Article 17)
Abolition of titles
(Article 18)

Right to Freedom
(Article 19 – 22)

Freedom of speech and expression
(Article 19)
Protection of life and personal liberty
(Article 21)
education
(Article 21A)
Protection against arrest and detention in certain cases
(Article 22)

Right against Exploitation
(Article 23 – 24)

Prohibition of traffic in human being and forced labour
(Article 23)
Prohibition of employment of children in factories, etc
(Article 24)

Right to Freedom of Religion
(Article 25 – 28)

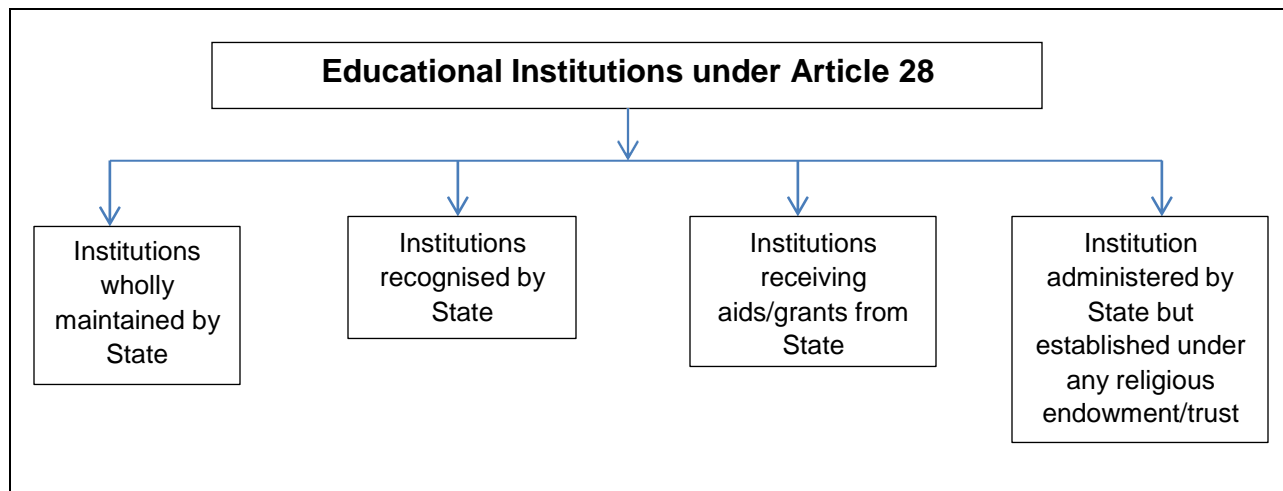
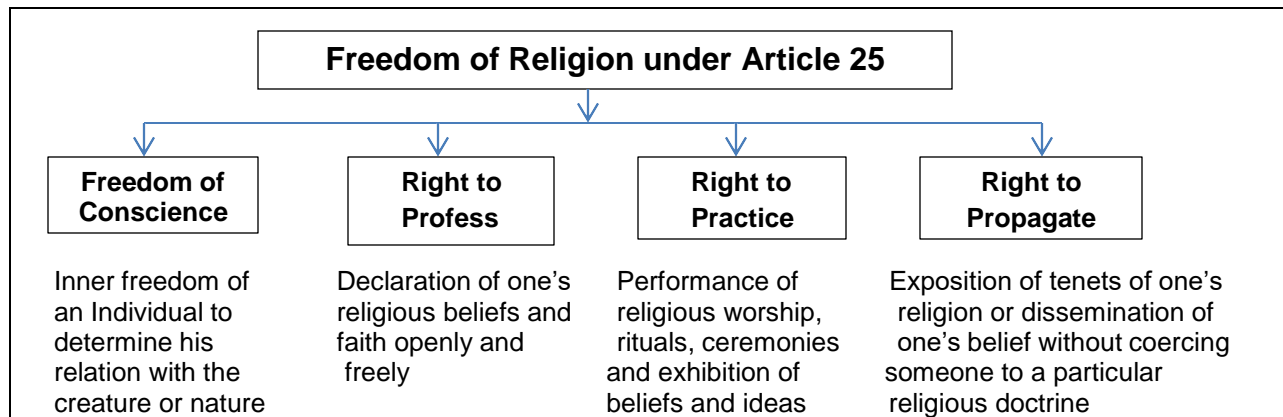
Freedom of conscience and free profession, of religion
(Article 25)
Freedom to manage religious affairs
(Article 26)
Freedom from payment of taxes for promotion of any religion
(Article 27)
Freedom from attending any religious instructions or worship in certain educational institutions
(Article 28)

Cultural and Educational Rights
(Article 29 – 30)

Protection of interests of minorities
(Article 29)
Rights of minorities to establish and administer educational institutions
(Article 30)

Right to Constitutional Remedies
(Article 32)

Remedies for enforcement of fundamental rights conferred by this part
(Article 32)



Exceptions of Fundamental Rights	
Article 31A	A law for agrarian reform or for acquisition of estates, etc. cannot be invalidated if it contravenes Article 14 and 19.
Article 31B	This articles provides complete exception to fundamental rights i.e. Law put under 9 th Schedule which is read with Article 31B cannot be invalidated on the ground of violation of fundamental rights.
Article 31C	Laws made for giving effect to certain directive principles cannot be invalidated on ground on contravention of Article 14 and Article 19.

Prerogative Writes	
Habeas Corpus	<ul style="list-style-type: none"> • Habeas Corpus literally means to have the body • In this writ court orders to a person who has detained another to produce the body of detained person before it.
Mandamus	<ul style="list-style-type: none"> • It literally means we command. This is issued against executive and inferior judicial bodies to perform their duties which they have failed to perform.
Prohibition	<ul style="list-style-type: none"> • Prohibition literally means to forbid (inactivity). • This writ is issued against judicial and quasi-judicial bodies only to stop them from going beyond their jurisdiction.
Certiorari	<ul style="list-style-type: none"> • This writ is issued against any judicial or quasi-judicial body by a higher court to quash the order of a inferior judicial body or to transfer any case to itself from a lower court.
Quo Warranto	<ul style="list-style-type: none"> • It literally means by what authority. • It is issued to ensure the legality of the qualification of the person holding an office.

*Source: COSMOS PUBLICATION, DELHI