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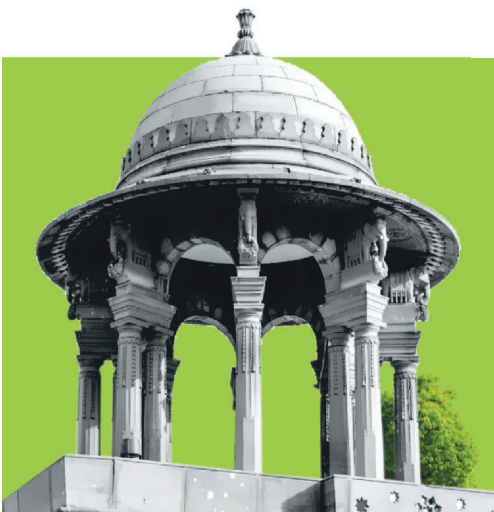



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**A Must for Civil Services (Pre) Examination,
State PCS & Other Competitive Exams**

INDIAN POLITY & GOVERNANCE

**Coverage of Important Facts
from NCERT Books (Class 6-12)**



**Topical Coverage of Syllabus
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Authored By
Janmenjay Sahni

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CONTENTS

1. Constitutional Development	1-7	9. Parliament	50-65
Constitutional Development Under British Rule		Rajya Sabha	
Framing of the Constitution of India		Lok Sabha	
Sources of Indian Constitution		Budget in Parliament	
2. Salient Features of Indian Constitution	8-11	Motion	
Longest Written Constitution		Parliamentary Proceedings	
Fundamental Duties		Voting in Parliament	
Basic Structure Doctrine		Parliamentary Committees	
3. The Preamble	12-15	Parliamentary Reforms	
The Origin of Preamble		10. The Judiciary	66-78
Importance of Preamble		The Supreme Court	
Terms used in Preamble		Judiciary Executive Relations	
Values Enshrined in Preamble		Various Doctrines	
Preamble as Part of the Constitution		Important Supreme Court Cases	
4. The Union and Its Territory	16-20	The High Courts	
A Union of States		Subordinate Courts	
Formation of New States		11. State Government	79-85
Post Independence State Reorganisation		Governor	
Demand for Newer and Smaller States		Chief Minister	
Regionalism		The State Legislature	
5. Citizenship	21-24	12. Centre-State Relations	86-94
Constitutional Provisions		Legislative Relations	
Citizenship Act, 1955		Financial Relations	
Indian Diaspora		Finance Commission	
6. Fundamental Rights	25-32	Administrative Relations	
Essential and Inalienable Rights		Sarkaria Commission	
Classification of Fundamental Rights		Punchhi Commission	
7. Directive Principles of State Policy and Fundamental Duties	33-37	13. Elections	95-105
Classification of Directive Principles		Election Commission	
Fundamental Duties		Election System in India	
8. Union Executive	38-49	Political Parties and Election Commission	
The President		Delimitation Commission	
The Vice-President		Supreme Court's Landmark Judgements	
Council of Ministers		14. Political Parties and Pressure Groups	106-111
Prime Minister		Political Party System	
Attorney General		National Parties in India	
		State Parties in India	
		Coalition Politics in India	
		Pressure Groups	

<p>15. Public Service Commissions 112-114</p> <p>Constitutional Provisions Independence of Public Service Commission Functions of Public Service Commission Articles Related to Public Service Commission</p>	<p>22. Public Policy in India 152-157</p> <p>Nature of Public Policy Law and Public Policy Structure of Policy Making Judicial Activism</p>
<p>16. Official Languages 115-118</p> <p>Official Language Official Language Commission Special Officer for Linguistic Minorities</p>	<p>23. Rights Issues in India 158-166</p> <p>Women Rights in India Rights of Disabled Persons The Scheduled Tribes and other Traditional Forest Dwellers Recognition of Forest Right Act, 2006 Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA) Right To Information (RTI) Right To Education (RTE) National Food Security Act, 2013 Rights of Children Rights of Consumers LGBT Rights in India</p>
<p>17. Emergency Provisions 119-123</p> <p>Types of Emergency National Emergency President's Rules Financial Emergency</p>	<p>24. Amendment of the Constitution 167-174</p> <p>Meaning of Amendment Doctrine of Basic Structure Constitutional Amendments</p>
<p>18. Scheduled and Tribal Areas 124-126</p> <p>Constitutional Provisions States and their Scheduled Areas Tribal Advisory Council</p>	<p>25. Constitutional Provisions Regarding UTs, States with Special Status and Tribunals 175-182</p> <p>Union Territories Tribunals Special Status of Jammu and Kashmir Special Provisions for Some States</p>
<p>19. Local Government 127-137</p> <p>Local Self-Government Evolution of Panchayati Raj Institutions 73rd Constitutional Amendment Act, 1992 74th Constitutional Amendment Act, 1992 13th Finance Commission and Local Bodies</p>	<p>• Glossary 183-188</p> <p>• Practice Sets (1-5) 191-211</p> <p>• Previous Years' Solved Papers Set 1 212-223</p> <p>• Previous Years' Solved Papers Set 2 224-230</p>
<p>20. Constitutional, Statutory, Non-Statutory Institutions 138-144</p> <p>Comptroller and Auditor General Statutory Institutions Non-Statutory Institutions</p>	
<p>21. Governance 145-151</p> <p>Governance and Democracy E-Governance Lokpal and Lokayukta</p>	

TOPICS FOCUS & TREND OF QUESTIONS

Constitutional Development

Some of the core topics from examination perspective are Regulating Act 1773, Charter Act 1813, Charter Act 1853, Indian Councils Act 1892, Objective Resolution etc. In previous exams questions have been asked frequently on Government of India Act 1858, Indian Councils Act 1909, Government of India Act 1919, provisions related to objective resolution and members of the Drafting Committee.

Salient Features of Indian Constitution

This is one of the most important sections of the Indian Polity, as this forms the basis of the working of the Indian Constitution. Important topics from the examination point of view are like, the sources of Indian Constitution, Federal Features, Unitary Features etc. Questions in previous exams have been asked from sources of Indian Constitution, Indian Constitution whether rigid or flexible, what do you mean by a welfare state and secular state.

The Preamble

It is the preface of our Constitution and it is referred to in case of any confusion while interpreting the constitutional law. This is the most important topic for all competitive examinations as questions are frequently asked from Preamble. In almost all the examinations questions have been asked regarding, what do you understand by the term sovereignty, secular, democratic, republic. Some important cases are also asked like Berubari Case, Keshavananda Bharati Case and what do you understand by economic justice, equality etc.

The Union & Its Territory

This topic deals with some important topics like the creation of new states, provisions under Articles 2 and 3, Important committees related to state reorganisation etc. Questions are frequently asked in almost all exams like, when and under what conditions a particular state was constituted, procedure for forming a new state, Fazl Ali Commission, Dhar Commission etc.

Citizenship

Though not very important from the examination perspective, but questions are sometimes asked on procedure for Acquiring Indian Citizenship, Conditions in which the citizenship is lost, Persons of Indian Origin, Pravasi Bharatiya Divas etc.

Fundamental Rights

This is one of the most important section from examination point of view as questions are most frequently asked in almost all the competitive examinations. Some of the important topics are equality before law, protection of life and personal liberty, prohibition of traffic in human beings and forced labour, right to constitutional remedies.

Questions are frequently asked on these topics like, definition of state, equality of opportunity in matters of public employment, protection of certain rights regarding freedom of speech, protection in respect of conviction for offences, right to education, writs issued by Supreme Court and High Court etc.

DPSP & Fundamental Duties

DPSP and Fundamental Duties are also very important for all the competitive examinations as questions are asked frequently. Most of the questions asked from these topics are factual e.g., an Article is given and it is asked from the subject it is related. Fundamental Duties should be memorised as questions are asked.

Union Executive

This is also one of the core sections of the Indian Polity. Some of the important topics from examination perspective are the President, Vice-President, Prime Minister, Council of Ministers.

Questions are asked on regular basis from these topics in almost all the competitive examinations, Qualifications for President, Election Method of President and Vice-President, Electoral College, Impeachment Procedure, Administrative, Financial, Judicial, Emergency and Legislative Powers of President, Powers and Functions of Prime Minister, Cabinet, Cabinet Committees.

Parliament

Some of the important topics from examination point of view are composition of Rajya Sabha and Lok Sabha, Presiding Officers, Sessions of Parliament, Budget process, Parliamentary Committees etc.

In previous years' questions have been asked from these topics, Public Accounts Committee, Estimates Committee, Anti-defection Law, Exclusive powers of Rajya Sabha and Lok Sabha, Powers and Functions of Speaker and Deputy Speaker, Joint sitting of Parliament, Parliamentary proceedings, Various motions in the Parliament.

Judiciary

Questions are regularly asked from judiciary in various competitive examinations like, Powers of Supreme Court, types of Jurisdictions exercised by the Supreme Court and High Court, Judicial Review and Judicial Activism, Procedure for appointing the CJI and Chief Justice of High Courts, Impeachment Procedure, Writs issued by Supreme Court and High Court etc.

State Government

Some of the important topics which need special attention are powers and functions of the Governor, duties and powers of the Chief Minister, presiding officers of the State Legislature. Questions are mostly asked regarding the powers of Governor, term of office, removal of Governor, Sarkaria Commission's Recommendation, Advocate General.

Union State Relations

Some of the important topics from which questions are asked frequently in competitive examinations are, in which conditions can be the Central Government legislate on the matters of State List, Union State relations during emergency, Distribution of Grants and Taxes etc.

Elections

This topic is not of much importance from the examination point of view, however sometimes a question is asked on the functions and powers of Election Commission under Article 324.

Political Parties And Pressure Groups

Questions are not asked frequently in competitive exams however, for better understanding of the political system of a country one should have an overview of the type of party system followed in our country and how the pressure groups influence the decision making powers of the government.

Public Service Commissions

In most of the examinations, straight questions are asked from this section of Indian Polity, like, which article deals with the composition of UPSC, powers to make rules and regulations regarding recruitment and service conditions.

Languages

This topic is not of much importance from examination point of view, however a question is asked regarding addition of any new language in the 8th Schedule of Constitution by amendment to the Constitution.

Emergency Provisions

Important topics from the competitive examination perspective is President's Rule (Article 356). However, one should have an idea of all the three types of emergencies in India i.e., National emergency, President's rule and Financial emergency. In most of the examinations questions are asked from President's Rule and National Emergency.

Scheduled and Tribal Areas

In most of the exams straight question is asked from this topic like, which article is related to the provisions for scheduled and tribal areas. So, this topic is not of much importance.

Panchayats and Municipalities

In most of the exams straight questions are framed from this topic, e.g., which article deals with the powers, authority and responsibilities of panchayats and municipalities, composition and election of panchayats and municipalities.

Constitutional, Statutory, Non-statutory Institutions

Some of the important topics from which questions are asked in all competitive examinations are, functions and powers of the Comptroller and Auditor General of India, Finance Commission, National Commission for Women, Powers and Functions of Attorney General of India, National Human Rights Commission, Central Vigilance Commission etc.

Governance

Now-a-days questions are asked in competitive exams regarding the concepts like Rule of Law, Transparency, Accountability. Questions are also framed on topics like e-governance and its various models, Lokpal and Lokayuktas.

Public Policy in India

Some of the important topics from which questions are asked in competitive examinations are Role of Bureaucracy, Functions of Cabinet Secretariat, Pressure Groups etc.

Rights Issues in India

Some of the hot topics from which questions are asked in competitive examinations are, Rights of persons with disabilities, Women's Reservation Bill, Rights of Women in India.

Amendment Procedure

Sometimes questions are asked from this topic regarding the amendment procedure as provided in the Constitution, Golaknath Case, sometimes questions are asked regarding the important amendment till date, e.g., 42nd Amendment Act, 44th Amendment Act, 86th Amendment Act etc.

Miscellaneous

Some of the important topics from examination perspective and from which questions are frequently asked are, Provisions related to the Administration of Union Territories, Administrative Tribunals, Central Administrative Tribunals, Provisions of Article 370 related to J & K, Special provisions for Some States etc.

Chapter one

Constitutional Development

Constitution is the fundamental law of a country which enshrines the fundamental principles on which values and institutions regarding governance are based.

Indian Constitution evolved through a series of acts passed by British Parliament and implemented in India, either in the interest of Britain or under pressure from Indian people's socio-political movements.

Constitutional Development Under British Rule

- The Indian Constitution was framed by the Constituent Assembly set-up for this purpose in 1946 and the Constitution came into being on 26th January, 1950. However, the various provisions and features of Constitution have their roots in the British administration, which introduced modern governance structure in India.
- Beginning from 1765, when the East India Company obtained the 'diwani' (i.e. rights over revenue and civil justice of Bengal, Bihar and Orissa) till 1947, the British rule during the various periods laid down the legal framework for the organisation and functioning of government and administration in India.

Regulating Act, 1773

- This was the first step taken by the British Government to control and regulate the affairs of the East India Company in India. It designated the Governor of Bengal as the **Governor-General** of Bengal.
- The first Governor-General was **Lord Warren Hastings**.
- It subordinated the Governors of Bombay and Madras to the Governor-General of Bengal. This led to concentration of powers under the Governor-General and his subordinates resulting in rampant corruption and weakening of command structure at lower levels.
- The **Supreme Court** was established at Fort Williams in Calcutta, 1774. Comprising one Chief Justice and three other judges. Sir Elijah Impey was the first Chief Justice.
- It prohibited the servant of the company from engaging in any private trade or accepting presents or bribes from the native Indian.

Pitt's India Act, 1784

- It was introduced to remove the drawbacks of the Regulating Act and was named after the British Prime Minister William Pitt.
- The Act placed the Indian affairs under the direct control of the British Government. The act clearly distinguished the commercial and political function of the company.
- It established a **Board of Control** over the Board of Directors of the Company. The board were to report to the British Parliament. The Board of Control were to manage the political affairs in India.
- The Governor-General's additional powers were curtailed and restored back to the provincial Governors.
- It was in the Pitt's India Act 1784 that the company's territories in India were called the **British Possessions in India** for the first time.

Charter Act, 1813

- This Act renewed the Company's Charter for a further 20 years. It however deprived the company of its **monopoly of trade** with India.
- It subjected the three Councils of the Governors to greater control of Parliament by requiring them to place all their regulations before the British Parliament.
- The Christian Missionaries were allowed to spread their religion in India.

Charter Act, 1833

- It made the Governor-General of Bengal as the **Governor-General of India** and his council as the Indian Council. First Governor-General of India was **Lord William Bentick**.
- Governor-General's Council were separated into executive and legislative functions.
- This Act for the first time created a Government of India with the Governor-General or the head, having authority over the entire territorial area possessed by the British in India.
- The East India Company was reduced to an administrative and political entity.

Charter Act, 1853

- It provided for a new Legislative Council of Governor-General comprising of 6 new members called **Legislative Councillors**. This council came to be known as **Indian (central) Legislative Council**.
- It introduced a system of open competition on the basis for the recruitment civil servants.
- A separate Governor for Bengal was to be appointed.
- British Parliament was empowered to put company's governance in India to an end at any suitable time.

Government of India Act, 1858

- The act was enacted in the wake of the **Revolt of 1857**. This act transferred the government territories and revenues of India from the East India Company to the British Crown. In other words, the **rule of company** was replaced by the **rule of the crown** in India.
- India was, for the purpose of administration, classified to **British India** and **Princely States**. The Princely States were to show allegiance to the Crown. The powers of the British Crown were to be exercised by new office the **Secretary of State for India**.
- The **Secretary of State** was a member of the British Cabinet. He was assisted by the Council of India, having **15 members**. He was vested with complete authority and control over the Indian administration through the Governor-General as his agent. He was responsible ultimately to the British Parliament. The Governor-General was made the Viceroy of India. **Lord Canning** was the first Viceroy of India.

Indian Councils Act, 1861

- It introduced first time, the representative institutions in India. It provided that the Governor-General's Executive Council should have some Indians as the non-official members while transacting the legislative businesses. However, the non-official members appointed were traders, zamindars and British loyalists.

- It resolved the legislative power to **Bombay** and **Madras** Presidencies. It thus reversed the centralising tendencies that started from the Regulating Act of 1773.

Indian Councils Act, 1892

- The Act provided for the first time, the establishment of an elected Legislative Council at the provinces. The members were to be elected by a municipalities, merchant bodies, universities etc.
- A Legislative Council at the centre was to be constituted by members elected by the Provincial Councils. However, they had no right to vote and raise questions in Councils.
- Official member remained as majority both at the provincial and Central Legislative Councils.

Indian Councils Act, 1909

- The Act of 1909 is commonly known as the **Morley-Minto Reforms**. *The following were the main features of the Act of 1909 :*
 - The number of members of the Legislative Council at the centre was increased from 16 to 60.
 - The right of **separate electorate** was given to the **Muslims**.
 - Official members were to form the majority, but in provinces, non-official members would be in majority.
 - The members of the Legislative Councils were permitted to discuss the budgets, suggest the amendments and even to vote on them; excluding those items that were included as non-vote items. They were also entitled to ask supplementary questions during the legislative proceedings.
 - Two Indians were nominated to the Council of the Secretary of State for Indian affairs. The viceroy was empowered to nominate one Indian member to his Executive Council. **Satyendra Prasad Sinha** became the first Indian to join the Viceroy's Executive Council.
 - The member of the Legislative Councils, both at the centre and in the provinces, were to be of four categories i.e. ex-officio members (Governor-General and the members of their Executive Councils), nominated official members (those nominated by the Governor-General and were government officials), nominated non-official members (nominated by the Governor-General, but were not government officials) and elected members (elected by different categories of Indian people).

The Government of India Act, 1919

- The Act of 1919 embodied the reforms recommended in the report of the Secretary of State for India, **Edwin Montague** and the Viceroy, **Lord Chelmsford**.
- *Following were the main features of the act of 1919 :*
 - The Act provided a dual form of government (**dyarchy**) for the provinces. In each such province, control of some areas of government, the '**transferred list**', were given to a Government of Indian ministers nominated by the Governor and answerable to the Provincial Council. The 'transferred list' included agriculture, health and education.

- At the same time, all other areas of government (**reserved list**) remained under the control of the viceroy. The 'reserved list' included defence (the military), foreign affairs and communications.
- The Imperial Legislative Council was enlarged and reformed. It became a bicameral legislature for all India. The Lower House was the Legislative Assembly of 144 members, of which 104 were elected and 40 were nominated and tenure of 3 years. The Upper House was the Council of States consisting of official member remained or majority both at the provincial and central legislative council. 34 elected and 26 nominated members and tenure of 5 years.
- The act also provided for a **High Commissioner for India** who resided in London, representing India in Great Britain.
- Three of the six members of Viceroy's Executive Council were to be Indian.
- It extended the separate electorates for Sikhs, Indian Christians, Anglo-Indians and Europeans.

Simon Commission, 1927

- The Act of 1919, had provided for the appointment of a Commission to review the provisions of the act. The British Government announced the appointment of a **Seven-Member Statutory Commission** under the Chairmanship of **Sir John Simon**. All the members of the commission were British and hence, all the parties of India boycotted the Commission.
- The Commission submitted its report in 1930 and recommended the abolition of dyarchy, extension of responsible government in the provinces, establishment of a federation of British India and Princely States, continuation of communal electorate and so on.

Nehru Report, 1928

- The Nehru Report was memorandum outlining a proposed new dominion status Constitution for India. It was prepared by a committee of the All Parties Conference chaired by **Motilal Nehru in Delhi. (February, 1928)**
- The Constitution outlined by the Nehru report was for India enjoying dominion status within the British Commonwealth. *Some of the Important elements of the report were as follows :*
 - It contained a Bill of Rights.
 - All power of government and all authority legislative, executive and judicial are derived from the people and the same shall be exercised through organisations established by, or under, and in accord with, this Constitution.
 - There shall be no state religion; men and women shall have equal rights as citizens.
 - There should be federal form of government with residuary powers vested in the center.
 - It included a suggestion that the provinces should be linguistically determined.
 - It did not provide for separate electorates for any community or weight age for minorities.

Government of India Act, 1935

- This act was passed after three Round Table Conferences held in London.
- *The provisions of this Act were as follows :*
 - The Act provided for the establishment of an All India Federation consisting of the provinces and the Princely States as the units. The federation never came into being as the Princely States did not gain.
 - The Act divided the powers between the centre and the provinces in terms of three lists, namely the **Federal List**, the **Provincial List** and the **Concurrent List**.
 - The Federal List for the centre consisted of 59 items, the Provincial List for the provinces consisted of 54 items and the Concurrent List for both consisted of 36 items. The residuary powers were vested with the Governor-General.
 - The Act abolished the diarchy in the provinces and introduced **Provincial Autonomy**.
 - It provided for the adoption of **dyarchy** at the centre.
 - Introduced bicameralism in 6 out of 11 provinces. These 6 provinces were Assam, Bengal, Bombay, Bihar, Madras and the United Province.
 - It provided for the establishment of **Reserve Bank of India**. It also provided for the establishment of Federal Public Service Commission and Provincial Public Service Commission.
 - The Act granted reservation to women in 41 seats in provincial legislature and limited reservations in central legislature.

August Offer, 1940

- On 8th August, 1940 the Viceroy of India **Lord Linlithgow** made the Offer which is generally called **August Offer**.
- *The following proposals were put in :*
 - After the war a representative Indian body would be set-up to frame a Constitution for India. Viceroy's Executive Council would be expanded without delay.
 - The minorities were assured that the government would not transfer power "to any system of government whose authority is directly denied by large and powerful elements in Indian national life."

Cripps Mission, 1942

- In March, 1942 **Sir Stafford Cripps**, a member of the British Cabinet came with a draft declaration on the proposals of the British Government. These proposals were to be adopted at the end of the 2nd World War, provided Congress and the Muslim League could accept them.
- *The proposals of Cripps Mission were as follows :*
 - The Constitution of India was to be framed by an elected Constituent Assembly by the Indian people. The Constitution should give India Dominion Status. There should be one Indian Union comprising all the Provinces and Indian States.
 - Any Province (or Indian State) not accepting the Constitution would be free to retain its constitutional position existing at that time and with such non-acceding Province British Government could enter into separate constitutional arrangements.

The Cabinet Mission, 1946

- British Prime Minister **Clement Attlee** formulated a Cabinet Mission to India to discuss and finalise plans for the transfer of power from the British Raj to Indian leadership as well as provide India with independence under dominion status in the commonwealth of the nations.
- In March, 1946, Lord Attlee sent a Cabinet Mission to India consisting of three Cabinet Ministers, namely **Lord Pethick Lawrence, Sir Stafford Cripps** and **Mr AV Alexander**. The Mission discussed the framework of the Constitution and laid down in some detail, the procedure to be followed by the Constitution drafting body. *Cabinet Mission proposal were as follows :*
 - The Cabinet Mission rejected the claim for a separate Constituent Assembly and a separate electorate for the Muslim.
 - According to Cabinet Mission Plan there was to be a Union of India, comprising both British India and the States, having jurisdiction over the subjects of Foreign Affairs, Defence and Communication. All residuary powers were to be vested in the Provinces and the States.
 - The Union was to have an Executive and a Legislature consisting of representatives of the Provinces and the States.
 - Any decision involving a major communal issue in the legislature was to require a majority support of representatives of each of the two major communities present and voting.
 - The provinces could form groups with executives and legislatures, and each group could be competent to determine the provincial subjects.

Mountbatten Plan, 1947

- This was also known as the **Mountbatten Plan**. The British government proposed a plan announced on **3rd June, 1947** that included following principles :
 - Principle of Partition of India was accepted by the British Government.
 - Successor governments would be given dominion status.
 - Implicit right to secede from the British Commonwealth.
 - The Indian Independence Act, 1947 was the implementation of 3rd June, Plan.

Indian Independence Act, 1947

- The Indian Independence Act which came into force on 18th July, 1947, divided British Indian territory into two new states: India and Pakistan, which were to be **dominions** under the Commonwealth of Nations until their constitutions came into effect. The Constituent Assembly was divided into two separate states.
- To demarcate boundary line between India and Pakistan a commission was constituted under the chairmanship of **Sir Cyril Radcliffe**.
- The Act abolished the office of viceroy and provided for each dominion, a Governor-General.

- Lord Mountbatten became the first Governor-General of dominion India. Later, the Constituent Assembly elected **C Rajagopalachari** as the Governor-General of independent India.

Framing of the Constitution of India

- The idea of Constituent Assembly for India was put forward for the first time by **MN Roy** in 1934.
- The demand for the Constituent Assembly was first accepted by the British in **August Offer**. However, it was in Cripps Mission, that the British accepted for the Constituent Assembly consisting entirely of Indians. The Constituent Assembly was set-up in November, 1946 as per the **Cabinet Mission Plan** of 1946. The elections to the Constituent Assembly was **indirect**.
- There were a total of 389 members in the Constituent Assembly of which 296 were elected by the members of the provincial assemblies and the rest were nominated by the Princely States.
- After the partition, the strength of Constituent Assembly was reduced to 299. Its first meeting was held on 9th December, 1946 with **Sachidanand Sinha** as the interim President.
- On 11th December, 1946, **Dr Rajendra Prasad** was elected as the President of the Constituent Assembly. Objective Resolution was moved by **Jawaharlal Nehru**.
- The Drafting Committee was appointed on 29th August, 1947, with **Dr BR Ambedkar** as the Chairman.
- The Constituent Assembly took almost 3 years (2 years, 11 months and 18 days to be precise) to complete its historic task of drafting the Constitution for Independent India.
- On **26th November, 1949**, the people of India through the Constituent Assembly adopted, enacted and gave themselves the Constitution of India.
- The Constitution was finally signed by the members of the Constituent Assembly on 24th January, 1950, which was the last day of the Assembly. The Constitution came into full operation with effect from 26th January, 1950.
- When the Constitution of India came into force on 26th January, 1950, it repealed the Indian Independence Act. India ceased to be a dominion of the British Crown and became a sovereign, democratic and republic. According to **Article 394**, provisions relating to the citizenship, elections, provisional Parliament and temporary and transitional provisions contained in Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393 came into force on the day of adoption (i.e. 26th November, 1949) of the Constitution and the remaining provisions of the Constitution came into being on the day of the commencement (i.e. 26th January, 1950) of the Constitution.

Phases of the Constituent Assembly

- **First Phase** As Constituent Assembly, under the limitations of Cabinet Mission Plan from 6th September, 1946 to 14th August, 1947.
- **Second Phase** As Constituent Assembly, a sovereign body provisional Parliament from 15th August, 1947 to 26th November, 1949.
- **Third Phase** As a provisional Parliament from 27th November, 1949 to March, 1952.

Other Functions Performed by the Constituent Assembly

- It adopted the National flag on 22nd July, 1947.
- It ratified India's, membership of Commonwealth in May, 1949.
- It adopted the National Anthem and National Song on 24th January, 1950.
- It ratified the India's membership of the Commonwealth in May, 1949.
- It elected Dr Rajendra Prasad as the first President of India on 24th January, 1950. India became a Sovereign, Secular, Democratic Republic on 26th January, 1950.

Committees of Constituent Assembly

Drafting Committee

Chairman - Dr BR Ambedkar

Members

- N Gopalaswami Ayyangar
- Alladi Krishnaswami Ayyar
- KM Munshi
- Mohammad Saadullah
- N Madhav Rau (replaced BL Mitter)
- TT Krishnamachari (replaced DP Khaitan)

Other Committees

- Committee for Negotiating with States (*Chairman:* Dr Rajendra Prasad)
- Union Constitution Committee (*Chairman:* Jawaharlal Nehru)
- Provincial Constitution Committee (*Chairman:* Sardar Patel)
- Special Committee to Examine the Draft Constitution (*Chairman:* Sir Alladi Krishnaswamy Ayyar)
- Union Powers Committee (*Chairman:* Jawaharlal Nehru)
- Committee on Fundamental Rights and Minorities (*Chairman:* Sardar Patel)
- Steering Committee (*Chairman:* Dr Rajendra Prasad)
- Rules of Procedure Committee (*Chairman:* Dr Rajendra Prasad)

Interim Government (1946)

Minister	Portfolios Held
Pt Jawaharlal Nehru	External Affairs and Commonwealth Relations
Sardar Vallabhbhai Patel	Home, Information and Broadcasting
Dr Rajendra Prasad	Food and Agriculture
Dr John Mathai	Industries and Supplies
Jagjivan Ram	Labour
Sardar Baldev Singh	Defence
CH Bhabha	Works, Mines and Power
Liaquat Ali Khan	Finance
Abdur Rab Nishtar	Posts and Air
Asaf Ali	Railways and Transport
C Rajagopalachari	Education and Arts
II Chundrigar	Commerce
Ghaznafar Ali Khan	Health

- *The members of the Interim Government were members of the Viceroy's Executive Council. The viceroy continued to be the head of the Council. But, Jawaharlal Nehru was designated as the Vice-President of the Council.*

First Cabinet of Free India (1947)

Minister	Portfolios Held
Pt Jawaharlal Nehru	Prime Minister, External Affairs and Commonwealth Relation; Scientific Research
Sardar Vallabhbhai Patel	Home, Information and Broadcasting; States
Dr Rajendra Prasad	Food and Agriculture
Maulana Abul Kalam Azad	Education
Dr John Mathai	Railways and Transport
R K Shanmugham Chetty	Finance
Dr BR Ambedkar	Law
Jagjivan Ram	Labour
Sardar Baldev Singh	Defence
Rajkumari Amrit Kaur	Health
CH Bhabha	Commerce
Dr Shyam Prasad Mukherji	Industries and Mines

Note Part-VII (Article 238) deals with states was repealed in 1956 by the 7th Constitutional Amendment Act. Part IV-A and part-XIV-A were added

Schedules of the Constitution

- **First Schedule** The States and the Union Territories of India
- **Second Schedule** Salaries and emoluments
- **Third Schedule** Oath and affirmation
- **Fourth Schedule** Allocation of seats in the Council of States
- **Fifth Schedule** Scheduled areas
- **Sixth Schedule** Tribal areas of Assam, Mizoram, Tripura and Meghalaya
- **Seventh Schedule** Distribution of powers between Union and States
- **Eighth Schedule** Languages
- **Ninth Schedule** Special laws beyond the jurisdiction of courts but now under IInd Review.
- **Tenth Schedule** Anti-defection Law
- **Eleventh Schedule** Panchayats
- **Twelfth Schedule** Municipalities

Note Under Fifth Schedule the transfer of tribal land to private parties for mining can be declared null and void.

Sources of Indian Constitution

- UK Constitution *Law-making procedures, parliamentary government, rule of law, single citizenship, cabinet system*
- US Constitution *Fundamental Rights, independent judiciary, judicial review, procedure for the removal of the judges of the Supreme Court and High Courts.*
- Canadian Constitution *Federation with strong centre, residuary powers in the centre. Appointment of State Governors by centre, and advisory jurisdiction of the Supreme Court.*
- Irish Constitution *Directive Principles of State Policy, The method of the presidential election, nominating members of Rajya Sabha.*
- Weimar Constitution of Germany *Emergency powers to be enjoyed by the union, suspension of Fundamental Rights during emergency.*
- Australian Constitution *Principle of cooperative federalism, freedom of inter-state trade, commerce and intercourse, Concurrent list.*
- Constitution of South Africa *Procedure for amendment of the Constitution and election of members of Rajya Sabha.*
- Constitution of France *Ideals of liberty, equality and fraternity.*
- Japanese Constitution *Procedure established by law.*

Constitution at a Glance

Part	Subject Matter	Articles Covered	Part	Subject Matter	Articles Covered
I	The Union and its Territory	1 to 4	XII	Finance, Property, Contracts and Suits	264 to 300 A
II	Citizenship	5 to 11		Chapter I Finance	264 to 291
III	Fundamental Rights	12 to 35		Chapter II Borrowing	292 to 293
IV	Directive Principles of State Policy	36 to 51		Chapter III Property, Contracts, Rights Liabilities, Obligations and Suits	294 to 300
IV A	Fundamental Duties	51 A		Chapter IV Right to Property	300 A
V	The Union	52 to 151	XIII	Trade, Commerce and Intercourse within the Territory of India	301 to 307
	Chapter I The Executive	52 to 78	XIV	Services under the Union and the States	308 to 323
	Chapter II Parliament	79 to 122		Chapter I Services	308 to 314
	Chapter III Legislative Powers of the President	123		Chapter II Public Service Commission	315 to 323
	Chapter IV The Union Judiciary	124 to 147	XIVA	Tribunals	323 A to 323 B
	Chapter V Comptroller and Auditor General of India	148 to 151	XV	Elections	324 to 329 A
VI	The States	152 to 237	XVI	Special Provisions Relating to Certain Classes	330 to 342
	Chapter I General	152	XVII	Official Language	343 to 351
	Chapter II The Executive	153 to 167		Chapter I Language of the Union	343 and 344
	Chapter III The State Legislature	168 to 212		Chapter II Regional Languages	345 to 347
	Chapter IV Legislative Powers of the Governors	213		Chapter III Language of the Supreme Court, the High Courts and so on	348 and 349
	Chapter V The High Courts	214 to 232		Chapter IV Special Directives	350 to 351
	Chapter VI Subordinate Courts	233 to 237	XVIII	Emergency Provisions	352 to 360
VIII	The Union Territories	239 to 242	XIX	Miscellaneous	361 to 367
IX	The Panchayats	243 to 243-0	XX	Amendments of the Constitution	368
IX A	The Municipalities	243 P to 243 ZG	XXI	Temporary, Transitional and Special Provisions	369 to 392
IX B	Cooperatives	243 ZG to 243ZT	XXII	Short Title, Commencement, Authoritative Text in Hindi and Repeals	393 to 395
X	The Scheduled and the 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			

by the 42nd Amendment Act, 1976, part IX-A was added by the 74th Amendment Act, 1992 and IX-B was added by the 97th Amendment Act, 2011.

Self Check

Build Your Confidence

1. Which of the following statement(s) is/are correct regarding the Pitt's India Act of 1784?

1. It established the Supreme Court in Calcutta.
2. It designated the Governor of Bengal as the Governor-General of India.
3. It established a board of control over the Board of Directors of the Company.

Select the correct answer using the codes given below

- (a) 1 and 2 (b) 2 and 3 (c) Only 1 (d) Only 3

2. The distribution of powers between the Centre and the States in the Indian Constitution is based on the scheme provide in the [IAS 2012]

- (a) Marley-Minto reforms, 1909
- (b) Montagu Chelmsford Act, 1919
- (c) Government of India Act, 1935
- (d) Indian Independence Act, 1947

3. Which of the following pair(s) is/are correctly matched?

1. Fundamental Rights – USA
2. Procedure for Amendment of Constitution – Canada
3. Directive Principles of State Policy – Ireland

Select the correct answer using the codes given below

- (a) Only 1 (b) 1 and 3 (c) 2 and 3 (d) All of these

4. Which of the following is/ are the principal feature(s) of the Government of India Act, 1919? [IAS 2012]

1. Introduction of dyarchy in the executive government of the provinces.
2. Introduction of separate communal electorates for Muslims.
3. Devolution of legislative authority by the centre to the provinces.

Select the correct answer using the codes given below

- (a) Only 1 (b) 2 and 3 (c) 1 and 3 (d) All of these

5. Consider the following statements.

1. The objectives resolution of the Constituent Assembly was moved by Jawaharlal Nehru in 1946.
2. Dr Rajendra Prasad was the President of the Constituent Assembly of India.
3. The Constitution was finally signed by the members of the Constituent Assembly on 24th January, 1950.

Which of the statement(s) given above is/are correct?

- (a) 2 and 3 (b) Only 1 (c) 1 and 3 (d) All of these

6. With reference to Indian History, the Members of the Constituent Assembly from the Provinces were [IAS 2013]

- (a) directly elected by the people of those Provinces
- (b) nominated by the Indian National Congress and the Muslim League
- (c) elected by the Provincial Legislative Assemblies
- (d) selected by the government for their expertise in constitutional matters



1. (d) 2. (c) 3. (b) 4. (c) 5. (d)
11. (b)

7. Which of the following are among the provisions of the Act of 1858?

1. The administration of India and the Indian Territories was transferred to the Crown.
2. The East India Company was abolished.
3. The Governor-General of India was to be known as the Viceroy of India and a Secretary of State for India was also appointed.
4. The administrative power of India was to be shared between the East India Company and the Crown of England.

Select the correct answer using the codes given below

- (a) 1, 3 and 4 (b) 1, 2 and 3
(c) 2, 3 and 4 (d) All of these

8. Consider the following statements.

The Government of India Act, 1935 provide for

1. the provincial autonomy.
2. the establishment of Federal Court.
3. all India Federation at the centre.

Which of the statements given above are correct?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) 2 and 3

9. What was the basis for constituting the Constituent Assembly of India ?

- (a) The Resolution of Indian National Congress
- (b) The Cabinet Mission Plan, 1946
- (c) The Indian Independence Act, 1947
- (d) The Resolution of the Provincial/State legislature of the Dominion of India

10. Which of the following pairs are incorrectly matched?

1. Government of India Act, 1919 : Dyarchy
2. Government of India Act, 1935 : Provincial Autonomy
3. Minto-Morley Reforms : Separate Electorate
4. Mountbatten Plan : Constituent Assembly
5. Cabinet Mission Plan, 1946 : Partition of India

Select the correct answer using the codes given below

- (a) 4 and 5 (b) 1 and 4
(c) 1 and 5 (d) 2 and 3

11. The Government of India Act of 1919 clearly defined [IAS 2015]

- (a) The separation of power between the judiciary and the legislature
- (b) The Jurisdiction of the central and provincial governments.
- (c) The powers of the secretary of state for India and the viceroy.
- (d) None of the above

6. (c) 7. (b) 8. (d) 9. (b) 10. (b)

Chapter two

Salient Features of Indian Constitution

The Indian Constitution is unique in its contents and spirits. Though borrowed from various constitutions of the world, it has several salient features that distinguish it from the Constitutions of other countries. The fact that the Constitution, for last 66 years, has been working satisfactorily is a testimony to its quality and utility.

Longest Written Constitution

- Generally, Constitutions can be classified into two types, written and unwritten Constitution. Most of the constitutions are written. The first modern written Constitution is the **American Constitution**. On the other hand, the **British Constitution** is unwritten, It consists of customs and conventions which have grown over the years. In India, we have a written Constitution.
- The Constitution of India is the longest one in the world. Originally it had 395 Articles, 22 parts and 8 Schedules. Today the Constitution has 470 Articles, 25 parts and 12 Schedules.
- *The Constitution became lengthy mainly due to the following factors*
 - Single Constitution for both the centre.
 - The Government of India Act, 1935 was in operation when India got independence. Our leaders were familiar with this act. They borrowed heavily from this lengthy Act while framing our Constitution.
 - India is a country of great diversity. It is a country of several minorities; it has many languages, castes, races and religions. The problems and interests of these different groups have found place in the Constitution.
 - Many members of the Constituent Assembly were lawyer-politicians. They have made the Constitution not only long, but also extremely complicated. **Ivor Jennings** has described our Constitution as a '**lawyer's paradise**'.

Partly Rigid, Partly Flexible

- Whether a Constitution is rigid or flexible depends on the nature of amendment. If the constitutional laws and ordinary laws are amended in rigorous procedures ways, it is a rigid Constitution. On the contrary, in a flexible Constitution, constitutional laws and ordinary laws are amended in simple way.
- Some provisions of the Constitution (Article 368) of India can be amended by the **Indian Parliament** with simple majority. The amendment of most other provisions of the Constitution requires a special majority in both Houses of the Parliament. There are some other provisions of Constitution which cannot be amended by the Parliament alone. In case of such provision the amending bill has first to be approved by both houses of Parliament by a special majority (with the support of **two-thirds** of the members of each House present and voting). Then it has to be ratified by the legislatures of at least half of the states of India. These different amendment procedures make our Constitution partly flexible and rigid. In fact, there is a balance between rigidity and flexibility in our Constitution.

Parliamentary form of Government

- The Constitution of India has opted for parliamentary form of government. In this system the majority party in the Lower House (Lok Sabha) forms government. **The Council of Ministers** are collectively responsible to the Lok Sabha. The Cabinet is the real executive head. In Presidential form of government, the President is the executive head. In India, the President is only the nominal constitutional head.

- In **Britain**, the monarchy is hereditary. But in India, the post of President is elective. Our Constitutional founding fathers adopted the *parliamentary model for two reasons*
 - *Firstly*, they believed that a parliamentary form of government would be more responsible democratic than the presidential form of government.
 - *Secondly*, they were, to some extent, familiar with the parliamentary form of government during the British rule particularly after the implementation of the Government of India Act, 1935.

Constitutionalism

The concept of constitutionalism is a political doctrine that provides legitimacy to a democratic government. Supreme Court in *Rameshwar Prasad vs Union of India* stated that Constitutionalism or constitutional system of government abhors absolutism and ensures rule of law. Constitutional government means a government limited by the terms of the constitution. It is based on the principles of - Separation of power, Responsible and Accountable Government, Independent Judiciary and Popular Sovereignty.

Federal Government with Unitary Bias

- India is a federation, although word ‘federation’ does not find a place in the whole text of the Indian Constitution. The elements of federation are present in the Indian Constitution. It is a written and rigid Constitution.
- There is **dual polity** and there is constitutional division of powers between the centre and the states. There is also an **Independent judiciary**. The Supreme Court arbitrates the disputes between the centre and the states.
- All these provisions make India a federation. But in Indian Federation, the centre is strong as compared to the states. The centre has more financial powers and the states largely depend upon it for their economic development. Governor acts as the agent of the centre.
- The centre can reorganise a state, but a state cannot reorganise the centre. In other words, the centre is indestructible while the states are destructible. During emergencies, the powers of the centre considerably grow and the states become weak. “India is an indestructible union of destructible states.”

Fundamental Rights

- The Fundamental Rights are guaranteed to the citizens by our Constitution. These are enumerated in **Part III** of the Constitution. These rights are fundamental because they are basic to the moral and spiritual development of the individual and these rights cannot be easily abridged by the Parliament. The idea of Fundamental Rights has been borrowed from the American Constitution.
- Any citizen of India can seek the help of High Court or Supreme Court of India if any of his Fundamental Rights is undermined by the government or any institution or any other government. The Fundamental Rights, granted to the citizen, cannot be amended in the normal manner. They can be amended with **two-third** majority in each House of the Parliament.

- Now the citizen enjoys six Fundamental Rights, originally there were seven Fundamental Rights. One of them was taken away from Part III of the Constitution by the **44th Amendment Act, 1978**. As a result, the **Right to Property** is no longer a Fundamental Right. Since 1978, it has become a legal right. Constitution of India guarantees six Fundamental Rights to every citizen.

These are as follows

- Right to Equality (Articles 14-18)
- Right to Freedom (Articles 19-22)
- Right against Exploitation (Articles 23-24)
- Right to Freedom of Religion (Articles 25-28)
- Cultural and Educational Rights (Articles 29-30)
- Right to Constitutional Remedies (Article 32)

Directive Principles of State Policy

- The Directive Principles of State Policy are enumerated in **Part IV** of the Constitution. They are instructions or directives from the Constitution to the state and central government. That are to be kept in mind, while framing laws and policies.
- The Directive Principles of State Policy which have been adopted from the **Irish Constitution**. The Directive Principles were included in our Constitution in order to provide social and economic justice to our people. Directive Principles aim at establishing a welfare state in India where there will be no concentration of wealth in the hands of a few.
- They can be classified into three broad categories Socialistic, Gandhian and Liberal. The Directive Principles are not enforceable in a Court of Law, but they are nevertheless fundamental in the governance of the country. These Principles provide the criteria with which we can judge the performance of the Government.

Independent and Integrated Judiciary

- The Indian Constitution provides for an independent judiciary. The judiciary has been made independent of the executive as well as the legislature. It is an integrated judiciary with the Supreme Court at the apex of the hierarchy. The High Courts stand in its middle and the lower courts are located at its bottom.
- The judges are appointed on the basis of their qualifications and cannot be removed easily. The Supreme Court and the High Court have the power of Judicial Review. They have the power to declare acts of legislatures and actions of the executive ultravires if such acts or actions are found to be in conflict with the provisions of the Constitution.

- The Supreme Court of India is a federal court, highest court of appeal, guarantor of the Fundamental Rights of the citizens and the guardian of the Constitution. There are various provisions to ensure its independence like security of tenure, all the expenses of the Supreme Court charged upon the consolidated fund of India and so on.

Universal Adult Franchise

- **Article 326** of the Constitution of India provides universal adult suffrage. Anybody who has completed 18 years of age is eligible to vote in general elections. This is one of the most revolutionary aspects of Indian democracy. The voting age was reduced to 18 years from 21 years in 1989 by the 61st Constitutional Amendment Act, 1989.

Secular Character of State

- There is no official religion of the Indian State. Any person in India has the right to preach and practice religion of his/her choice. Thus, Indian Constitution stands for a secular state. The term secular was added to the Preamble of the Indian Constitution by the 42nd Constitutional Amendment Act of 1976.
- The Western concept of secularism is separation between state and religion. This negative concept of secularism is inapplicable in the Indian situation where society is multireligious. Hence, the Indian Constitution embodies the positive concept of secularism i.e. giving equal respect to all religions or protecting all religions equally.

Single Citizenship

- In India, there is only single citizenship. An Indian is a citizen of India only. He is not a citizen of any Indian state. Single citizenship is meant to strengthen national unity and national integration. Whereas in the United States of America, there is double citizenship. An American is a citizen of America and at the same time he is also a citizen of the 50 States of America.

Fundamental Duties

- Originally Fundamental Duties did not form part of the Constitution. Ten Fundamental Duties were inserted in Part IV A of the Constitution by the **42nd Amendment Act, 1976** upon the recommendation of the **Swaran Singh Committee**.
- A new Article - Article 51-A enumerates originally ten in number, the fundamental duties were increased to eleven by 86th Constitutional Amendment Act, 2002. These duties are assigned only to citizens and not to aliens. These duties are not justifiable, but, in case of conflict, they will prevail over Fundamental Rights.

Emergency Provisions

- The Constitution makers also foresaw that there could be situations when the government could not be run as in ordinary times. To cope with such situations, the Constitution elaborates on emergency provisions. *There are three types of emergency*
 - Emergency caused by war, external aggression or armed rebellion (Article 352).
 - Emergency arising out of the failure of constitutional machinery in states (Article 356).
 - Financial Emergency (Article 360).

Basic Structure Doctrine

The basic structure doctrine is an Indian judicial principle that the Constitution of India has certain basic features that cannot be altered or destroyed through amendments by the Parliament. The basic structure doctrine applies only to constitutional amendments not to ordinary Acts of Parliament, which must itself be in conformity with the Constitution. The basic features of the Constitution have not been explicitly defined by the Judiciary. At least, 20 features have been described as "basic" or "essential" by the Courts in numerous cases. Some of the features of the Constitution termed as "basic" are as follows

- Supremacy of the Constitution
- Rule of law
- The principle of Separation of Powers
- The objectives specified in the Preamble to the Constitution
- Judicial Review
- Articles 32 and 226
- Federalism
- Secularism
- The Sovereign, Democratic, Republican structure
- Freedom and dignity of the Individual
- Unity and integrity of the Nation
- The principle of equality, not every feature of equality, but the quintessence of equal justice
- The "essence" of other Fundamental Rights in Part III
- The concept of social and economic justice - to build a Welfare State
- The balance between Fundamental Rights and Directive Principles of state policy
- The Parliamentary system of Government
- The principle of free and fair elections
- Limitations upon the amending power conferred by Article 368
- Independence of the Judiciary
- Effective access to Justice
- Powers of the Supreme Court under Articles 32, 136, 141, 142

Self Check

Build Your Confidence

- 1. The Indian Parliamentary System is different from the British Parliamentary System, in that India has**
 - (a) both a real and nominal executive
 - (b) a system of collective responsibility
 - (c) bicameral legislature
 - (d) the system of judicial review
- 2. India has been described by the Constitution as**
 - (a) a federation of states
 - (b) quasi-federal
 - (c) a union of states
 - (d) None of these
- 3. In which of the following points is the Indian Constitution similar to that of USA?**
 - (a) Rule of Law
 - (b) Fundamental Rights
 - (c) DPSP
 - (d) Rigid Constitution
- 4. There is a 'Parliamentary System of Government' in India because the** [IAS 2015]
 - (a) Lok Sabha is elected directly by the people.
 - (b) Parliament can amend the Constitution
 - (c) Rajya Sabha can't dissolved
 - (d) Council of Ministers is responsible to the Lok Sabha.
- 5. Consider the following statements. A constitutional government is one which.** [IAS 2014]
 1. Places effective restrictions on individual liberty in the interest of state authority.
 2. Places effective restrictions on the authority of the state in the interest of individual liberty.

Which of the statements(s) given above is/are correct?

 - (a) Only 1
 - (b) Only 2
 - (c) Both 1 and 2
 - (d) Neither 1 nor 2
- 6. The cardinal features of political system in India are** [IAS 2009]
 1. It is a democratic republic.
 2. It has a parliamentary form of government.
 3. The supreme power vests in the people of India.
 4. It provides for a unified authority.

Select the correct answer using the codes given below

 - (a) 1 and 2
 - (b) 1, 2 and 3
 - (c) 2, 3 and 4
 - (d) All of these
- 7. Which one of the following is a basic feature of the Presidential Government?**
 - (a) Rigid Constitution
 - (b) Single Executive
 - (c) Supremacy of the Legislature
 - (d) Residual Powers of the State
- 8. Which of the following are the common features of a Federal Constitution?**
 1. A written and rigid Constitution.
 2. Division of power between the centre and states
 3. Separation of powers between the legislature and the executive.
 4. Bicameral national legislature.

Select the correct answer using the codes given below

 - (a) 2, 3 and 4
 - (b) 1, 3 and 4
 - (c) 1, 2 and 4
 - (d) All of the above
- 9. The Unitary System of Government possesses which of the following advantages?**
 - (a) Greater adaptability
 - (b) Strong centre
 - (c) Greater participation by the people
 - (d) Lesser chance of authoritarianism
- 10. The most essential feature of the parliamentary form of government is the**
 - (a) sovereignty of the Parliament
 - (b) written Constitution
 - (c) accountability of the executive to the legislature
 - (d) independent judiciary
- 11. Which of the following countries have an Unwritten Constitution?**
 - (a) USA
 - (b) UK
 - (c) India
 - (d) Pakistan
- 12. Which one of the following determines that the Indian Constitution is federal?**
 - (a) A written and rigid Constitution
 - (b) An Independent Judiciary
 - (c) Vesting of residuary powers with the centre
 - (d) Distribution of powers between the centre and the states
- 13. The basic structure theory of the Constitution of India implies that**
 - (a) certain features of the Constitution are so essential to it that they cannot be abrogated.
 - (b) Fundamental Rights cannot be abridged or taken away.
 - (c) the Constitution cannot be amended except in accordance with the procedure prescribed in Article 368.
 - (d) the Preamble of the Constitution cannot be amended for it is not part of the Constitution and at the same time represents its real spirit.



1. (d) 2. (c) 3. (b) 4. (d) 5. (b) 6. (d) 7. (b) 8. (c) 9. (b) 10. (a)
11. (b) 12. (d) 13. (a)

Chapter three

The Preamble

The Preamble of the Indian Constitution constitutes the essence of the philosophy upon which the whole constitutional structure is based. The Preamble is key to unravel the minds of makers of the Constitution and embodies the ideals and aspirations of the people of India.

The Origin of the Preamble

- The Preamble contains the summary of the Constitution. The Preamble is as much inspired by the cherished political values practiced for ages throughout the history of Indian civilisation as well as the contemporaneous political systems elsewhere.
- Indeed, much of the substance of the Preamble has been the outcome of the steadfast freedom struggle that our leaders carried upon aiming at not just throwing out the colonial cocoon, but integrating the nation in the quest for justice, equality and democracy.
- The **Objective Resolution**, proposed by Pandit Nehru and passed by the Constituent Assembly, ultimately became the Preamble to the Constitution of India.

The Text of the 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 and Political;
- **LIBERTY** of Thought, Expression, Belief, Faith and Worship;
- **EQUALITY** of status and of Opportunity; and to promote among them all;

- **FRATERNITY** assuring the dignity of the individual and the 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.”

Importance of the Preamble

- The enacting words **we, the people of India, do hereby give to ourselves this Constitution**, signifies the democratic principle that the source of power, authority and legitimacy comes from and ultimately vests in the people of India.
- It emphasises that the Constitution is neither a handout given by any outside power nor is based on any theological tenet, but is enacted by the people of India for the people of India and of the people of India. It declares India as a sovereign, socialist, secular, democratic and republic.
- It specifies justice, liberty, equality and fraternity as the objectives of Indian Constitution.
- However, the Preamble is neither a source of power nor a prohibition upon powers of legislature. Also, it is not enforceable in courts of law.
- Thus, the Preamble of the Constitution of free India remains the most beautifully worded prologue. It contains the basic ideals, objectives and philosophical postulates the Constitution of India stands for. In short, it is the reflection of Indian Constitution.

Terms Used in the Preamble

Some important terms used in Preamble are as follows:

Sovereign

- The word sovereign means supreme or independent. India is internally and externally sovereign-externally free from the control of any foreign power and internally, it has a free government which is directly elected by the people and makes laws that govern the people.
- The doctrine of **popular sovereignty** is also one of the basic structure of Constitution of India. Hence, citizens of India also enjoy sovereign power to elect their representatives in elections held for Parliament, State Legislature and Local Bodies as well.
- India's membership in commonwealth and UNO in no way constitute a limitation on its sovereignty.

Socialist

- The word 'socialist' was added to the Preamble by the 42nd Amendment.

It implies social and economic equality which are as follows:

- Social Equality** In this context means the absence of discrimination on the grounds only of caste, colour, creed, sex, religion or language. Under social equality, everyone has equal status and opportunities.
- Economic Equality** In this context means that the state will endeavour to make the distribution of wealth more equitable and provide a decent standard of living for all. This in effect emphasises a commitment towards the formation of a welfare state. India has adopted a socialistic and mixed economy and the state has framed many laws to achieve the aim.

Secular

- The word secular was also inserted into the Preamble by the 42nd Constitutional Amendment, 1976. It implies equality of all religions and religious tolerance.
- The meaning of secularism in the West is different from that of India. In the West secularism implies complete separation between state and religion. In India secularism means that the state shall respect all religions equally and there will be no special provisions for any religion. State will give its commitment to religious freedom and worship to everyone.
- India therefore does not have an official state religion. Every person has the right to preach, practice and propagate any religion, they choose. The government must not favour or discriminate against any religion. It must treat all religions with equal respect. All citizens, irrespective of their religious beliefs are equal in the eyes of law. No religious instruction is imparted in government schools.
- The Supreme Court in the **SR Bommai vs Union of India** held that secularism was an integral part of the basic structure of the Constitution.

Democratic

- The first part of the Preamble **We, the people of India** and its last part **give to ourselves this Constitution** clearly indicate the democratic spirit involved even in the Constitution.
- The people of India elect their governments at all levels (Union, State and Local) by a system of universal adult suffrage; popularly known as **one man one vote**.
- Every citizen of India, who is 18 years of age and above and not otherwise debarred by law, is entitled to vote.
- Every citizen enjoys this right without any discrimination on the basis of caste, creed, colour, sex, religion or language.
- The word democratic indicates not only political democracy, but also social and economic democracy.

Republic

- It means that the political sovereignty is united with the people and not in a single hand like a king.
- As opposed to a monarchy, in which the head of state is appointed on hereditary basis for a lifetime or until he/she abdicates from the throne, a democratic republic is an entity in which the head of the state is elected, directly or indirectly, for a fixed tenure.
- The President of India is indirectly elected by an electoral college for a term of 5 years.
- The post of the President of India is not hereditary and is open to all citizens.

Values Enshrined in the Preamble

Values Enshrined in the Preamble are as follows:

Justice

- The ideal of justice embodied in the Constitution is of integrated and holistic kind. It envisages political justice, social justice and economic justice. Political justice is the equality of political rights and access to all political offices, social justice means equal treatment of all citizens without any social discrimination based on caste, colour, race, religion and sex.
- Economic justice is non-discrimination on the basis of economic factors. It also includes removal of inequalities in income, wealth and property. Social and economic justice together is called as the **distributive justice**. Achieved if the policies of the state are directed largely towards political democracy, i.e., granting voting rights, liberties etc.
- This requires that the state must steer the society-building through welfare policies aiming at the betterment of the poor and dispossessed lot.

Liberty

- It means freedom or the free will of the individual to pursue his/her interests. It means that an individual cannot be arbitrarily restricted to do or profess something unless there are valid reasons to do so.
- The Preamble mentions these freedoms and rights as freedom of thought, expression, belief, faith and worship and these are guaranteed against arbitrary interference by the state.

Equality

- It means equal treatment under law irrespective of the status of the individual.
- Constitution aims to secure these objects by prescribing the non-discrimination based on caste, creed, religion and sex etc.
- Fundamental Rights under the Articles 14, 15, 16, 17 and 18 are based on the principle of equality.

Fraternity

- It refers to the common brotherhood of all Indians.
- It asserts that social divisions should be removed and the identity of belongingness of Indian Nationality is nurtured.
- Fraternity is promoted by the Constitution through the System Single Citizenship and Fundamental Duties.
- The Preamble declares that fraternity has to assure, the dignity of the individual and the unity and integrity of the nation. The word *integrity* has been added to the Preamble by the 42nd Constitutional Amendment 1976.

Preamble as Part of the Constitution

- The Preamble though not an operative part of the Constitution, aids in the legal interpretation where the language of the Constitution is found ambiguous.
- It declares the basic type of government and policy which is sought to be established in the country.
- The Constitution being a legal document, the date of adoption is clearly mentioned in the Preamble to the Indian Constitution.

- In legal parlance, the Preamble connotes, the preface and introductory part of any legal political doctrine and is conventionally not treated as the executive part of it.
- The executive part includes the detailed provisions, articles and clauses that have a legal effect and can be enforced with authority. The Preamble is conceived to be more of visionary objective.
- Riding upon this line of thinking the Supreme Court had in **Berubari Union Advisory Opinion Case (1960)**, indicated that the Preamble of the Indian Constitution too cannot be treated as a part of the Constitution. However, in the **Kesavananda Bharati vs State of Kerala Case (1973)**, the Supreme Court reversed the opinion and pronounced that the Preamble is a part of the Constitution and the values enshrined must be the fundamental guiding principles for governance. Kesavananda Bharati died in Kerala on 6th September, 2020 at the age of 79.
- In the **LIC of India Case (1995)**, the Supreme Court again held that the Preamble is an integral part of the Constitution.
- Preamble was enacted by the Constituent Assembly after the rest of Constitution was already enacted because they want to ensure that it was in conformity with the Constitution as adopted the Constituent Assembly.

Amendment in the Preamble

- Since the Preamble is the part of the Constitution as ruled in Kesavananda Bharati Case (1973). It is subject to the amending power of the Parliament as any other provisions of the Constitution, provided the basic structure of the Constitution as found in the Preamble is not destroyed.
- The Preamble has been amended only once so far in 1976 by the 42nd Constitutional Amendment Act, which has added three new words **Socialist**, **Secular** and **Integrity** to the Preamble.
- The amendment is based upon the recommendations of the **Swaran Singh Committee**, an internal committee set-up by the Indian National Congress.

Self Check

Build Your Confidence

- 1.** 'Economic Justice' as one of the objectives of Indian Constitution has been provided in [IAS 2013]
(a) the Preamble and Fundamental Rights
(b) the Preamble and the Directive Principles of State Policy
(c) the Fundamental Rights and the Directive Principles of State Policy
(d) None of the above
- 2.** Which one of the following correctly explains the meaning of 'Socialist' in the Preamble?
(a) Nationalisation of all means of production
(b) Abolition of private property
(c) Socialistic pattern of society
(d) Eradication of exploitation and vested interest
- 3.** Which of the following are the significances of the Preamble to the Constitution?
1. It specifies the objectives of Indian Constitution.
2. It contains the date of enactment of the Constitution.
3. It declares the ideals and aspirations of Indian citizen.
4. It declares the nature of Indian nation.
Select the correct answer using the codes given below
(a) 1 and 2 (b) 1 and 3
(c) 1, 2 and 3 (d) All of these
- 4.** Consider the following statements about the Preamble of the Constitution
1. The objectives resolution proposed by Pt Nehru ultimately became the Preamble.
2. It is not justiciable in nature.
3. It cannot be amended.
4. It cannot override the specific provisions of the Constitution.
Which of the statements given above are correct?
(a) 1 and 2 (b) 1, 2 and 4
(c) 1, 2 and 3 (d) 2, 3 and 4
- 5.** Which of the following were mentioned in the Preamble to the Indian Constitution?
1. Sovereign 2. Secular
3. Democratic 4. Republic
5. Socialist
Select the correct answer using the codes given below
(a) 1, 2 and 3 (b) 2, 4 and 5
(c) 1, 2, 3 and 4 (d) All of these
- 6.** Indian Constitution declares India a Secular State. This means that
(a) religious worship is not allowed
(b) religions are patronised by the state
(c) the state regards religion as a private affair of the citizen and does not discriminate on this basis
(d) None of the above
- 7.** Consider the following statements
1. Preamble is not a part of the Constitution.
2. Preamble can be amended only by the procedure mentioned under the Article 368.
3. The words socialist, secular and integrity were added in 1976 to the Preamble.
Which of the statement(s) given above is/are correct?
(a) 1 and 2 (b) 2 and 3
(c) Only 1 (d) All of these
- 8.** Consider the following words
1. Socialist
2. Democratic
3. Sovereign
4. Secular
Choose the response that gives the correct order in which these words occur in the Preamble
(a) 3, 1, 4, 2 (b) 3, 4, 1, 2
(c) 3, 4, 2, 1 (d) 4, 2, 1, 3
- 9.** The word 'Socialist' in the Preamble, imply which of the following principles?
1. Social equality
2. Economic equality
3. Political equality
Select the correct answer using the codes given below
(a) Only 1 (b) 2 and 3
(c) 1 and 2 (d) All of these
- 10.** Fraternity as mentioned by the Preamble is promoted by the Constitution through,
1. Single Citizenship
2. Fundamental Duties
3. Fundamental Rights
Select the correct answer using the codes given below
(a) 1 and 3 (b) 1 and 2
(c) 2 and 3 (d) All of these



1. (b) 2. (d) 3. (d) 4. (b) 5. (d) 6. (c) 7. (b) 8. (a) 9. (c) 10. (b)

Chapter four

The Union and Its Territory

'India, that is Bharat, shall be a Union of States'. India has opted for the federal form of government in tandem with its historical-political legacy and due to its sheer size and socio-cultural diversities. However, the word 'Federation' does not find mention in the Constitution anywhere.

A Union of States

- The term Union of States was suggested by Dr BR Ambedkar, which indicates two things, first, the Indian federation is not the result of an agreement among the states and second, the Units/States do not have right to secede from the Union.
- Union of India includes only the states which share federal powers with the centre. However, the drawing of state boundaries has been solely vested with the Union. Thus, India is an indestructible Union of destructible states.
- The expression 'Union of India' needs to be distinguished from the expression 'Territory of India'. While the Union of India includes only the states which share federal powers with the centre, Territory of India includes the entire territory over which the sovereignty of the country is exercised. Apart from the states, the territory of the country includes the Union Territories and other territories acquired by India.
- Articles 1 to 4 under part-I of the Constitution deal with the Union and its territory.
- The 1st Schedule of the Constitution contains the name of the State and Union Territories and their territorial extent. At present there are **28 States and 8 Union Territories**. The provisions of the Constitution pertaining to the states are applicable to all the states in the same manner.

Establishment OR Formation of New States

- **Article 2**, relates to the admission or establishment of new states that are not part of the Union of India.
- **Article 3** deals with the formation of a new state out of the territories of the existing states.
- Parliament, under Article 3, can increase or diminish the area of any state or alter the boundaries or change the name of any state.
- The Bill introducing the above changes should be introduced in the Parliament with the prior recommendation of President.
- Before introducing in the Parliament, the President has to refer the Bill to the concerned state legislature for its views within a specified period. The Parliament is not bound by the views of the concerned states.
- In case of Union territories no reference need to be made to concerned legislature.
- **Article 4** states that Laws made for admission or establishment of new states (under Article 2) and formation of new states and alteration of areas, boundaries or names of existing states (under Article 3) are not deemed to be Constitutional Amendment under **Article 368**. Such Laws passed by a simple majority and by ordinary legislative process.
- (Under Article 2) The Constitution has provided for acquisition of territory and admission of new states, but there is no provision for ceding territory to a foreign country. On a presidential reference on **Berubari Union** (1960) the Supreme Court held that territory can be ceded only by a Constitutional Amendment. The 9th Amendment Act was used to cede part of Berubari Territory to Pakistan.
- Being a sovereign state, India can acquire foreign territories according to the modes recognised by international law.
- The 100th Constitution Amendment Act, 2015 facilitated the exchange of enclaves under Indo-Bangladesh Border Pact.

Post Independence State Reorganisation

Integration of Princely States

- At the time of independence, Princely states had three options viz, joining India, Joining Pakistan or remaining independent. Of the 552 Princely states situated within the geographical boundaries of India, 549 Joined India and the remaining three (Hyderabad, Junagarh and Kashmir) refused to Join India. However, in the course of time, they were also integrated with India-Hyderabad by means of police action, Junagarh by means of referendum and Kashmir by the Instrument of accession.

Three Categories of States

- Prior to 1953, India was territorially divided into three types of states:*
 - The **Part A** states, which were the former governors' provinces of British India, were ruled by an elected Governor and State Legislature. The 9 Part A states were Assam, West Bengal, Bihar, Bombay, Madhya Pradesh (formerly Central Provinces and Berar), Madras, Orissa (Odisha), Punjab and Uttar Pradesh (formerly United Provinces).
 - The **Part B** states were former princely states or groups of princely states, governed by a Rajpramukh and an elected legislature. The Rajpramukh was appointed by the President of India. The 9 Part B states were Hyderabad, Saurashtra, Mysore, Travancore-Cochin, Madhya Bharat, Vindhya Pradesh, Patiala and East Punjab States Union (PEPSU) Rajasthan and Jammu and Kashmir.
 - The **Part C** states included both the former Chief Commissioners' provinces and princely states and were governed by a Chief Commissioner. The Chief Commissioner was appointed by the President of India. The 10 Part C states included Delhi, Kutch, Himachal Pradesh, Bilaspur, Coorg, Bhopal, Manipur, Ajmer-Mewar, Tripura and Cooch-Bihar.

Committee/Commission for State Reorganisation

- The all Party Conference headed by Motilal Nehru had pitched for linguistic basis of states in 1928 itself.
- After Independence following committees were constituted:*

Dhar Commission

- The Government of India appointed the **Linguistic Provinces Commission** under the Chairmanship of SK Dhar in June, 1948, to study the issue of the reorganisation of the states on linguistic basis.
- The Dhar Committee recommended that administrative convenience would outweigh any other consideration for reorganisation of states. This would be beneficial for better governance. Thus, the Dhar Commission categorically rejected the basis of linguistic formation of states.

JVP Committee

- The Congress, in its Jaipur Session in 1948, also appointed a 3 member committee to consider the recommendations of the Dhar Commission.
- The Committee was popularly known as the **JVP Committee** after the names of its 3 members- **Jawaharlal Nehru, Vallabhbai Patel and Pattabhi Sitarammaiah**.
- The Committee rejected language as the basis for the reorganisation despite popular support for it. It also concurred that such reorganisation might destabilise national integration.

Linguistic Movements

Political movements for the creation of new, linguistic based states developed around India in early 1950s.

A 'fast unto death' protest by **Sriramulu** stirred the regional agitation. Indeed, Sriramulu died out of fasting in cause of statehood for Telugu speaking people. Owing to the popular demand, the 16 Northern, Telugu-speaking districts of Madras State became the new State of Andhra in October, 1953.

Andhra Pradesh is the first state to be created on linguistic basis in India. Similar movements also followed in Mysore, Bombay, Kerala regions for creation of linguistic states.

The State Reorganisation Commission (Fazl Ali Commission)

- In December 1953, Prime Minister Jawaharlal Nehru appointed the States Reorganisation Commission to prepare for the creation of states on linguistic lines. This was headed by **Justice Fazl Ali** with **HN Kunzru** and **KM Pannikar** as members.
- The efforts of this Commission were overseen by Govind Ballabh Pant, who served as Home Minister from December 1954.
- The Commission submitted a report in 1955, recommending the reorganisation of India's states on linguistic basis.
- But is rejected the theory of 'one language-one state'. Its view was that unity of India should be regarded as the primary consideration in any redrawing of country's political units.
- It identified four major factors that can be taken into account of any scheme of reorganisation of states:*
 - Preservation and strengthening of the unity and security of the country.
 - Linguistic and cultural homogeneity
 - Financial, economic and administrative considerations
 - Planning and promotion of welfare of the people in each state as well as of the nation as a whole.

States Created by State Reorganising Committee in 1956

- **Andhra Pradesh** Andhra was renamed Andhra Pradesh and enlarged by the addition of the erstwhile Telangana region of erstwhile Hyderabad state.
- **Bombay State** The state was enlarged by the addition of Saurashtra and Kutch, the Marathi speaking districts of Nagpur Division of Madhya Pradesh and the Marathwada region of Hyderabad. The Southernmost districts of Bombay were transferred to Mysore state.
- **Kerala** Formed by the merger of Travancore-Cochin state with the Malabar District of Madras state and adding Southern part of Travancore (Kanyakumari) to Madras state.
- **Madhya Pradesh** Madhya Bharat, Vindhya Pradesh and Bhopal were merged into Madhya Pradesh and the Marathi-speaking districts of Nagpur division were transferred to Bombay state.
- **Madras State** The state was reduced to its present boundaries by the transfer of Malabar District to the new State of Kerala. The Southern part of Travancore (Kanyakumari district) was added to the state. (The state was renamed Tamil Nadu in 1969).
- **Mysore State** Enlarged by the addition of Coorg state and the Kannada speaking districts from Southern Bombay state and Western Hyderabad state.
- **Punjab** The Patiala and East Punjab States Union was merged into Punjab.
- **Rajasthan** Rajputana was renamed Rajasthan and enlarged by the addition of Ajmer-Mewara States.

Jammu and Kashmir Reorganisation Act, 2019

- The Act reorganises the State of Jammu and Kashmir into the UT (Union Territory) of Jammu and Kashmir with Legislature and UT of Ladakh without a Legislature, this Act came into effect on 31st October, 2019.
- The High Court of Jammu and Kashmir will be the common High Court for UT of Jammu and Kashmir and Ladakh, further 106 Central laws will be applicable to these UTs.

Demand for Newer and Smaller States

- Of late, there are many demands for new states. e.g. Vidharbha (Maharashtra), Bodoland (Assam), Gorkhaland (West Bengal), Kodagu (Karnataka), Puducherry, Harit Pradesh (Uttar Pradesh), Delhi etc. All the demands cannot be met as it would lead to proliferation of states to a point of federal burdens; they are economically unviable; national unity would be threatened; small states are not necessarily better

governed as seen in the North-East; administrative problems about creation of institutions like High Court, Secretariat etc the costs of setting up a capital etc, to name some problems of creating new states.

Why do Such Demands Arise?

- The relative under development of a particular region as compared to the other regions of the same state.
- Lack of participation in mainstream politics and decision-making from a particular region.
- Distinct cultural identity based on language, tribe etc existing in a particular pocket of the state. Distance from the power of centre in the state leading to problem of administrative inefficiency and sense of alienation among the people.
- Politics of vote bank and rise of regional parties like Telangana Rashtriya Samiti, Gorkhaland National Front etc.

Timeline of Reorganisation of States and Union Territories after 1956

<i>Maharashtra and Gujarat</i>	Both states were come into exist in 1960. The bilingual state Bombay was divided into two-Maharashtra for Marathi speaking people and Gujarat for Gujarati speaking people.
<i>Dadra and Nagar Haveli</i>	The portuguese ruled this territory. But in 1961 it was converted into Union Territory of India by 10th Constitution Amendment Act, 1961.
<i>Goa, Daman and Diu</i>	India acquired these three territories from the portuguese by means of a police action in 1961. It became Union Territory by the 12th Constitutional Amendment Act, 1962.
<i>Puducherry (Pondicherry)</i>	The territory of Puducherry comprises the former French establishments in India known as Puducherry. Karaikal, Mahe and Yanam. It became an Union Territory in 1962 by 14th Constitutional Amendment Act.
<i>Nagaland</i>	It was carved out from the State of Assam by the State of Nagaland Act, 1962. State came into existence in 1963.
<i>Haryana</i>	It was carved out from the State of Punjab by the Punjab (Reorganisation) Act, 1966.
<i>Himachal Pradesh</i>	The Union Territory of Himachal Pradesh was elevated to the status of state by the State of Himachal Pradesh Act, 1970. It came into existence in 1971.
<i>Meghalaya</i>	First carved out as a sub-state within the State of Assam by 23rd Constitutional Amendment, 1969. Later, in 1971, it received the status of a full-fledged state by the North-Eastern Areas (Reorganisation) Act, 1971.
<i>Manipur and Tripura</i>	Both these states were elevated from the status of Union Territories by the North-Eastern Areas (Reorganisation) Act, 1971.
<i>Karnataka</i>	Created from the Princely State of Mysore by the State Reorganisation Act, 1956. It has been renamed Karnataka in 1973.
<i>Sikkim</i>	It was given first the status of Associate State by the 35th Constitutional Amendment Act, 1974. It got the status of a full state in 1975 by the 36th Amendment Act, 1975.

Mizoram	It was elevated to the status of a full state by the State of Mizoram Act, 1986. 1st came into existence in 1987.
Arunachal Pradesh	It received the status of a full state by the State of Arunachal Pradesh Act, 1986. It came into existence in 1987.
Goa	It was separated from the Union Territory of Goa, Daman and Diu and was made a full fledged state by the Goa, Daman and Diu Reorganisation Act, 1987. But Daman and Diu remained as Union Territory.
Chhattisgarh	Formed by the Madhya Pradesh Reorganisation Act, 2000 by dividing Madhya Pradesh on 1st November, 2000.
Uttarakhand	Formed by the Uttar Pradesh Reorganisation Act, 2000 by dividing Uttar Pradesh on 9th November, 2000.
Jharkhand	Formed by the Bihar Reorganisation Act, 2000 by dividing Bihar on 15th November, 2000.
Telangana	Formed by the Andhra Pradesh Reorganisation Act 2014 by bifurcation of Andhra Pradesh on 2nd June, 2014.
Jammu and Kashmir and Ladakh	These Union Territories were formed by the Jammu and Kashmir Reorganisation Act, 2019 by bifurcation of erstwhile State of Jammu and Kashmir on 31st October, 2019.
Dadra and Nagar Haveli and Daman and Diu	These two Union Territories were merged into single one by the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019. They came into effect on 26th January, 2020.

Regionalism

Regionalism is a feeling of loyalty or an ideology among a section of people residing in particular geographical space characterised by unique language, culture etc.

In principle, regionalism need not be regarded as an unhealthy or antinational phenomenon as it provides a forum for voicing the multifaceted aspirations of local people.

The strengthening of Indian democracy after state reorganisation in 1956 has proved that regionalism perse is not a threatening phenomena. But, when it takes a militant, aggressive turn and encourages the growth of secessionist tendency, e.g. Khalistan Movement, it threatens the unity and integrity of the nation.

Change of Names of Some States and Union Territories

Year	Changes
1950	The United Provinces was the first state to have a new name i.e. 'Uttar Pradesh'.
1969	Madras was renamed 'Tamil Nadu' by the Madras State (Alteration of Name) Act, 1968.
1973	<ul style="list-style-type: none"> Mysore was renamed 'Karnataka', by the Mysore State (Alteration of Name) Act, 1973. Laccadive, Minicoy and Amindivi islands were renamed 'Lakshadweep', by the Laccadive, Minicoy and Amindiri islands (Alteration of Name) Act, 1973.
1992	The Union Territory of Delhi was redesignated as the National Territory of Delhi, by the 69th Constitutional Amendment Act, 1991.

Year	Changes
2006	<ul style="list-style-type: none"> Uttaranchal was renamed as 'Uttarakhand'. Pondicherry was renamed as 'Puducherry'.
2011	Orissa was renamed as 'Odisha' by the Orissa (Alteration of Name) Act, 2011.

Demand for Second States Reorganisation Commission

- There is strong need and demand for a Second States Reorganisation Commission, *on the following grounds*
 - There has been a lot of criticism of the linguistic basis of reorganisation.
 - Many states have been created from 1960 to 2014. There are demands to see if the reorganisation has worked well.
 - Many states have huge population, which might be unmanageable for a single state. For administrative convenience, it is necessary to bifurcate states such as Uttar Pradesh.
 - Many agitations for new states continue like, Vidharbha, Gorkhaland etc.

Arguments for Smaller States

- It will increase administrative efficiency leading to proper utilisation of resources.
- Development will take place and regional disparities will become narrow.
- Small states are more effective for fiscal management.
- The popular demands, needs and problems of the region may be addressed efficiently.
- There shall be greater competition among states for more development.
- Smaller states will have more homogenous preferences.

Arguments Against Smaller States

- It will open the pandora's box creating demand for more states.
- It will add to the burden of administrative expense, which could have been utilised for development work.
- Smaller states do not necessarily show better economic performance, e.g. North Eastern States.
- It may increase inter-state conflicts for e.g. water.
- The disputes may lead to more and more demand for special packages from the Union.