

Indian Polity for UPSC – Civil Services Examination

Foundation Batch

Jatin Gupta



About me

A development sector professional turned lawyer with a passion for teaching

Interest Areas: Constitutional Law, Cyber Laws and Intellectual Property Rights

Favourite Book: Man's search for meaning in life

Favourite Music: Mark Knopfler, A R Rahman, Pink Floyd

Childhood Hero: Mahatma Gandhi



Jatin Gupta

Approach for Civil Services Examination

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Part A—Preliminary Examination

Paper I - (200 marks)

Duration: Two hours

- ❑ Current events of national and international importance.
- ❑ History of India and Indian National Movement.
- ❑ Indian and World Geography-Physical, Social, Economic Geography of India and the World.
- ❑ Indian Polity and Governance-Constitution, Political System, Panchayati Raj, Public Policy, Rights Issues, etc.
- ❑ Economic and Social Development-Sustainable Development, Poverty, Inclusion, Demographics, Social Sector Initiatives, etc.
- ❑ General issues on Environmental ecology, Bio-diversity and Climate Change - that do not require subject specialization.
- ❑ General Science.

Paper II-(200 marks)

Duration : Two hours

- ❑ Comprehension;
- ❑ Interpersonal skills including communication skills;
- ❑ Logical reasoning and analytical ability;
- ❑ Decision making and problem solving;
- ❑ General mental ability;
- ❑ Basic numeracy (numbers and their relations, orders of magnitude, etc.) (Class X level), Data interpretation (charts, graphs, tables, data sufficiency etc. — Class X level);

Note 1 : Paper-II of the Civil Services (Preliminary) Examination will be a qualifying paper with minimum qualifying marks fixed at 33%.

Note 2 : The questions will be of multiple choice, objective type.

Note 3 : It is mandatory for the candidate to appear in both the Papers of Civil Services (Prelim) Examination for the purpose of evaluation. Therefore a candidate will be disqualified in case he/she does not appear in both the papers of Civil Services (Prelim) Examination.

Prelims

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- ❑ Comparison of the Indian constitutional scheme with that of other countries.
- ❑ Parliament and State legislatures—structure, functioning, conduct of business, powers & privileges and issues arising out of these.
- ❑ Structure, organization and functioning of the Executive and the Judiciary—Ministries and Departments of the Government; pressure groups and formal/informal associations and their role in the Polity.
- ❑ Salient features of the Representation of People's Act.
- ❑ Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies.
- ❑ Statutory, regulatory and various quasi-judicial bodies.
- ❑ Government policies and interventions for development in various sectors and issues arising out of their design and implementation.
- ❑ Development processes and the development industry —the role of NGOs, SHGs, various groups and associations, donors, charities, institutional and other stakeholders.
- ❑ Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.
- ❑ Issues relating to development and management of Social Sector/Services relating to Health, Education, Human Resources.
- ❑ Issues relating to poverty and hunger.
- ❑ Important aspects of governance, transparency and accountability, e-governance-applications, models, successes, limitations, and potential; citizens charters, transparency & accountability and institutional and other measures.
- ❑ Role of civil services in a democracy.
- ❑ India and its neighborhood- relations.
- ❑ Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests.
- ❑ Effect of policies and politics of developed and developing countries on India's interests, Indian diaspora.
- ❑ Important International institutions, agencies and fora- their structure, mandate.

Mains- Paper II

Why study Indian Constitution ?

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Because it fetches you marks

UPSC CSE Prelims

- X 10-15 questions are asked directly from this section
- X Several key concepts in other subjects
- X Is the very foundation of your preparation

UPSC CSE Mains

- X GS Paper II – 100 - 125 marks on average
- X Several key concepts in other subjects
- X 1 essay topic guaranteed

ANNEXURE I

I, A. B., do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, and that I will carry out the duties of my office loyally, honestly, and with impartiality."

(So help me God !)

Hindi version of the form of Oath/affirmation :

मैं,..... शपथ लेता हूँ/सत्यनिष्ठा से प्रतिज्ञा करता हूँ कि भारत और विधि द्वारा स्थापित भारत के संविधान के प्रति श्रद्धा और सच्ची निष्ठा रखूंगा, मैं भारत की प्रभुता और अखण्डता अधुण्ण रखूंगा, तथा मैं अपने पद के कर्तव्यों का राजभक्ति, ईमानदारी और निष्पक्षता से पालन करूंगा।

(अतः ईश्वर मेरी सहायता करें)

[MHA O.M. No. 31/3/65-Estt. (A) dated 23-3-1964]

Oath of a civil servant



Sabrimala Temple



**Conflicts
around
same sex
marriage**




**Protests
against
reservations**

Class Plan and approach

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Additional tools



Supreme
Court
Judgments

Constituent
Assembly
Debates

Previous
Year
Questions

Anecdotes

Current
Events

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Sources

- Social and Political Life – NCERT Class VIII
- Democratic Politics – I NCERT Class IX;
- Democratic Politics – II NCERT Class X;
- India Constitution at Work NCERT Class XI;
- Political Theory NCERT Class XI
- Our Political System – Subhash Kashyap
- Bare Act: Indian Constitution, <http://legislative.gov.in/sites/default/files/COI-updated.pdf>
- Indian Polity by M. Laxmikanth/ D.D Basu
- VISION IAS reading material and class handouts

Some Do's and Don'ts

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➤ Start with a clean slate/ Start without fear

➤ Revise regularly

➤ Ask when in doubt but be patient

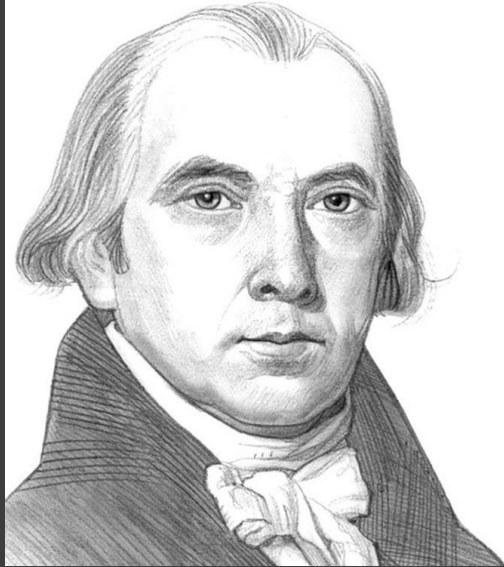
➤ Practice MCQs and answer writing

➤ Self study is the key

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What is constitution ?

Why do we need a constitution ?



If men were angels, no government would be necessary.

James Madison

Concept of State

An independent political entity occupying a “defined territory” the members of which are united together for the purpose of resisting external force and preservation of internal order

And the State needs certain instruments or organs to carry out its functions

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And there should be a law to:

- establish these organs
- lay down the powers of these organs;
- define the relationship between these organs
- their relationship with the citizens

That law is constitution

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Constitution

It is a legal document that is a fundamental law of the country having a special sanctity. It sets out the framework and principal functions of organs of a State. It declares the principles governing the operation of those organs

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Functions of Constitution

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Functions of Constitution

1. To provide a set of basic rules that allow for minimal coordination amongst members of a society.



Functions of Constitution

2. To define who has powers to make laws and enforce them i.e organizational framework

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Functions of Constitution

3. To set some limits on what the State limits the can impose on its citizens.

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Functions of Constitution

4. Reflects ideology and philosophy of a Nation

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**THE CONSTITUTION
IS THE GUIDE
WHICH I WILL
NEVER ABANDON.
-GEORGE WASHINGTON**

How to ensure success of
such a law?

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Ensuring success of a constitution

1. Should be drawn by those people those who have credibility, are popular and represent various sections of society
2. A law that has something for everyone
3. Should have constitutionalism
4. Should be followed and respected
5. Should be rigid yet flexible

Constitutionalism

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Constitutionalism

Constitutionalism is specific limitations on general State powers to prevent exercise of arbitrary decision-making

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Brainstorming exercise

Does Indian Constitution carry the concept of Constitutionalism? If yes, how?

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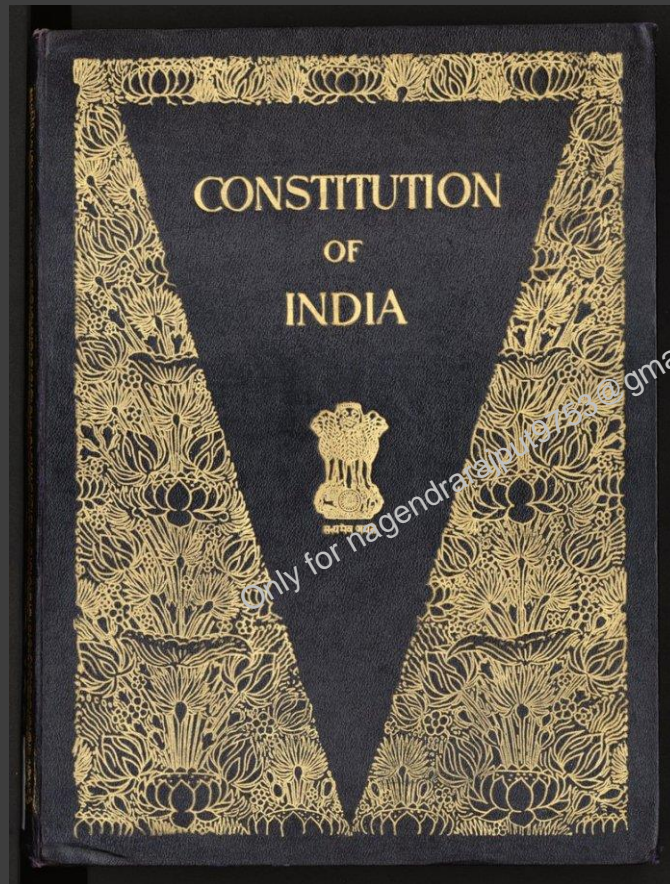
Rule of Law

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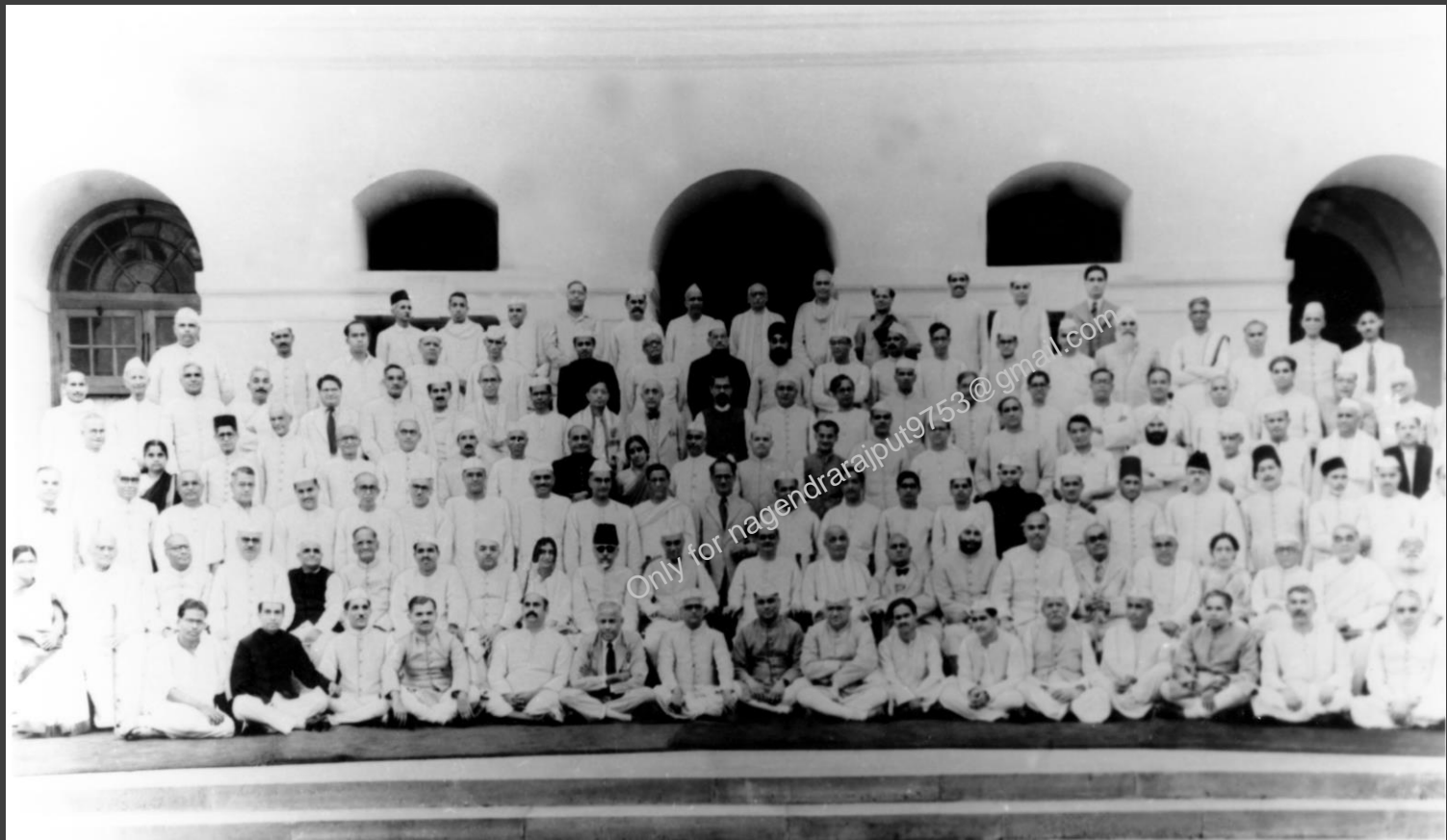
Rule of law

- The primary meaning of the term rule of law is that everything must be done according to law.
- Everyone should be equal in the eyes of law. No one is above law

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How was Indian Constitution made?



Constituent Assembly

Constituent Assembly

- It held its first sitting on 9 December 1946 and reassembled as Constituent Assembly for divided India on 14 August 1947.
- Members were chosen by indirect election by the members of the Provincial Legislative Assemblies
- Each Province and each Princely State or group of States were allotted seats proportional to their respective population roughly in the ratio of 1:10,00,000.
- Provinces were to elect 292 members while the Princely States were allotted a minimum of 93 seats
- The seats in each Province were distributed among Muslims, Sikhs and general, in proportion to their respective populations

Constituent Assembly

- Post partition the number of members in the Assembly was reduced to 299.
- The Constitution was adopted on 26 November 1949.
- 284 members were actually present on 24 January 1950 and appended their signature to the Constitution as finally passed.
- The Constitution came into force on 26 January 1950.

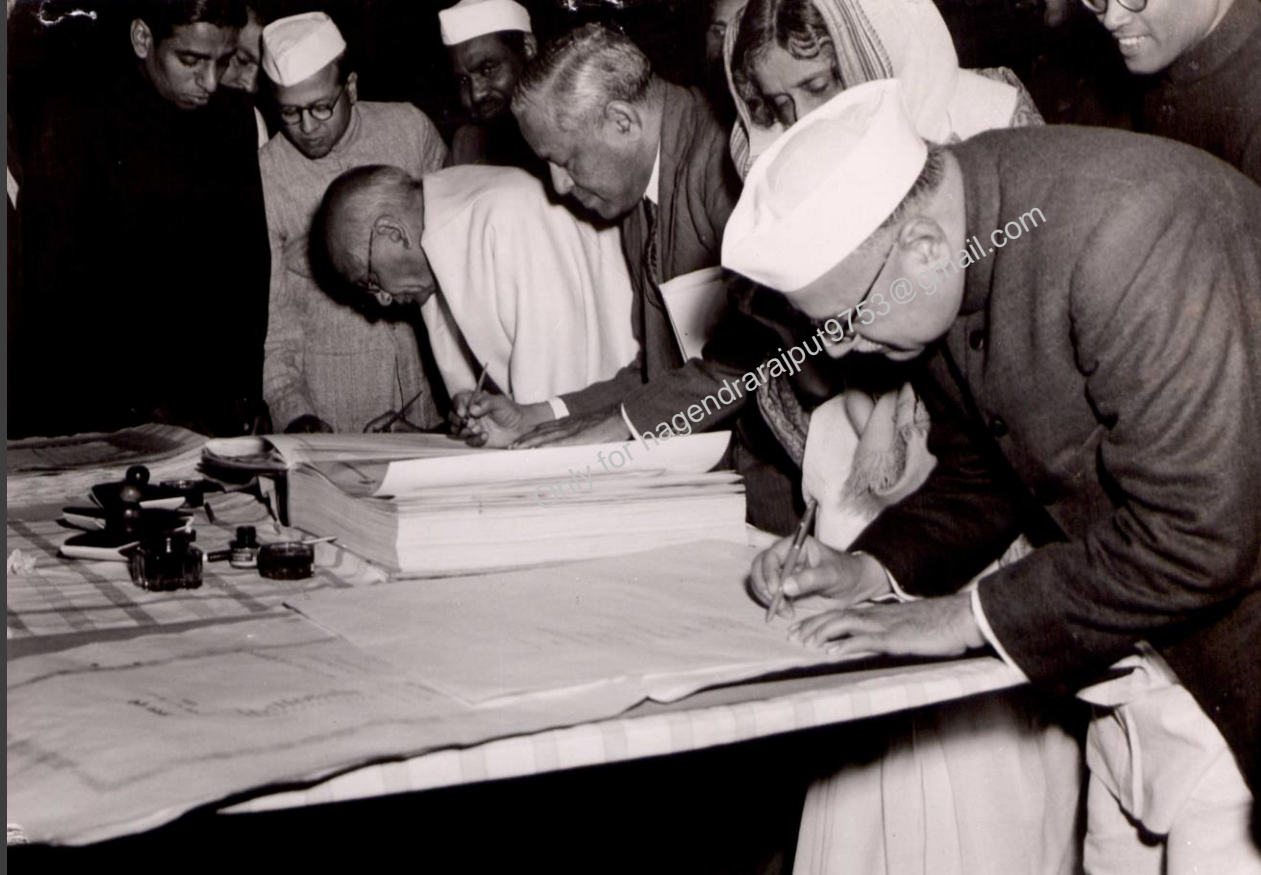
7635 amendments

Were proposed

2 years 11 months and 18 days

No. of days constituent assembly sat

Constituent Assembly





Drafting Committee

- Drafting Committee consisting of Sir Alladi Krishnaswamy Iyer, K.M. Munshi, T.T.Krishnamachari, and Gopalaswami Ayyangar.
- Sir B.N.Rau prepared the original Draft on which the work of the committee was based.



Objective resolution

- Jawaharlal Nehru moved the Objective Resolution on December 13, 1946 and that was passed on January 22, 1947. It was the expression to the ideals and aspirations of the people of India and so the objectives of the Constitution.
- These fundamental objectives guided the drafting members in framing a rulebook for the governance of the new nation. This ultimately became the very significant preamble of the Constitution of India

Objective resolution

The Objective Resolution read as follows: ⁴

A. This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;

B. **WHEREIN** the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and

C. **WHEREIN** the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting there from; and

D. **WHEREIN** all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

E. **WHEREIN** shall be guaranteed and secured to all the people of India justice, social economic and political : equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

F. **WHEREIN** adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

G. **WHEREBY** shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to justice and the law of civilized nations; and

Achievement called Indian Constitution

“With the adoption of the Constitution by the members of the Constituent Assembly on November 26, 1949, India became the largest democracy in the world. By this act of strength and will, Assembly members began what was perhaps the greatest political venture since that originated in Philadelphia in 1787”

Granville Austin

Who wrote the constitution?



<https://www.wdl.org/en/item/2672/view/1/41/#q=India%20Constitution>

Salient Features of Indian Constitution

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1. A modern and a borrowed constitution

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“One likes to ask whether there can be anything new in a Constitution framed at this hour in the history of the world. More than hundred years have rolled over when the first written Constitution was drafted. It has been followed by many countries reducing their Constitutions to writing. What the scope of a Constitution should be has long been settled. Similarly what are the fundamentals of a Constitution are recognized all over the world. Given these facts, all Constitutions in their main provisions must look similar.

The only new things, if there can be any, in a Constitution framed so late in the day are the variations made to remove the faults and to accommodate it to the needs of the country. The charge of producing a blind copy of the Constitutions of other countries is based, I am sure, on an inadequate study of the Constitution. I have shown what is new in the Draft Constitution and I am sure that those who have studied other Constitutions and who are prepared to consider the matter dispassionately will agree that the Drafting Committee in performing its duty has not been guilty of such blind and slavish imitation as it is represented to be.”

Dr. B.R. Ambedkar

2. A written constitution

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3. Lengthiest constitution

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4. A Federal Constitution

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5. Parliamentary Democracy as opposed to a presidential democracy

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6. More flexible than rigid

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7. Guaranteed Fundamental Rights

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8. Independent and integrated Judiciary

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9. Welfare State

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10.Social Equality and a tool of social revolution

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“However good a Constitution may be, if those who are implementing it are not good, it will prove to be bad. However bad a Constitution may be, if those implementing it are good, it will prove to be good.”

Dr. B. R. Ambedkar

Federalism

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Essential Features of a polity of Federal Type

- Dual Government
- Distribution of powers
- Supremacy of constitution
- Rigidity of Constitution
- Independent Judiciary

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Benefits of Federalism

- Federation is suitable to a plural society with multiple cultures and multiple language speaking populations.
- It is more democratic in nature and facilitates people participation
- Checks the powers of the government
- Federal system allows distribution of responsibilities between center and states

*“A serious complaint is made on the ground that there is too much of centralization and that the States have been reduced to Municipalities. It is clear that **this view is not only an exaggeration but is also founded on a misunderstanding of what exactly the Constitution contrives to do.** As to the relation between the center and the States, it is necessary to bear in mind the fundamental principle on which it rests. **The basic principle of federalism is that the legislative and executive authority is partitioned between the center and the States not by any law to be made by the center but the Constitution itself.** This is what the Constitution does.*

The States, under our Constitution, are in no way dependent upon the center for their legislative or executive authority. The center and the States are co-equal in this matter. It is difficult to see how such a Constitution can be called centralism. It may be that the Constitution assigns to the center too large a field for the operation of its legislative and executive authority than is to be found in any other Federal Constitution. It may be that the residuary powers are given to the center and not to the States. But these features do not form the essence of federalism. The chief mark of federalism, as I said lies in the partition of the legislative and executive authority between the center and the Units by the Constitution. This is the principle embodied in our Constitution.”

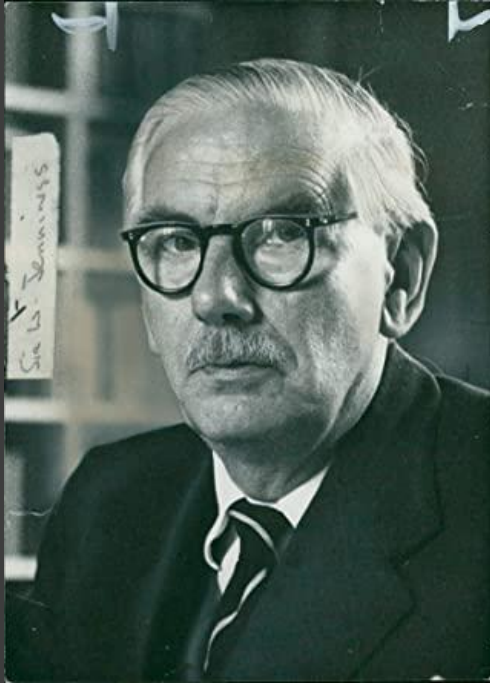
Why did India chose federalism with a unitary bias

- GOI Act 1935 formed the basis of the Indian Constitution itself and had a strong unitary bias.
- Secessionist tendencies at the time of independence required a strong centre to hold the entire nation together.
- Several issues such as poverty, industrialization, infrastructure, etc. required a uniform approach.
- To protect India from acts of external aggression, a strong centre was needed.

Example of Switzerland

- Switzerland chose federal system as that suits its three language groups, German, French and Italian. It recognizes three official languages. Of the twenty two Swiss cantons, there are eighteen unilingual cantons, three bilingual cantons and one trilingual canton. The Swiss Constitution guarantees each citizen the right to communicate with the central government in any of the three official languages.

The curious case of Sir Ivor Jennings



In 1951 the University of Madras invited Jennings to deliver a series of lectures on the just born Indian Constitution.

The curious case of Sir Ivor Jennings

“Too long, too rigid, too prolix.” Over the course of three lectures, Jennings elaborated on his views.

*He focused on some primary aspects: The Constitution’s rigidity and its superfluous provisions; fundamental rights and directive principles of state policy; and, finally, key aspects of India’s federalism. Jennings finally handed down a largely unfavourable verdict. India’s Constitution, he declared, was “far too large and therefore far too rigid”, too caged by its history, and too unwieldy to be moulded into something useful through judicious interpretations. **Overall, his judgment was that the Constitution would not endure.***

And....

In the 1960s, the same Sir Ivor Jennings had been commissioned to write a new Constitution for Sri Lanka then known as “Ceylon”. Despite all precautions taken in its drafting, that Constitution lasted about six years.

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**“Success is not the key to happiness.
Happiness is the key to success.
If you love what you are doing, you will be
successful.”**



THANKS!

Any
questions?