



**LORDS INSTITUTE OF ENGINEERING &
TECHNOLOGY**

UGC Autonomous

Approved by AICTE | Affiliated to Osmania University
Accredited by NBA | Accredited 'A' grade by NAAC



|Certified by ISO.

Department of Science and Humanities

Academic Year: 2023-24

Year: I Semester: II

INDIAN CONSTITUTION

[U23EN202]

**[Common for
CSE/CSD/CIVIL/MECH]**

Prepared By

Afshan Jabeen

Department of Sciences & Humanities

Student's copy

Till CIE-I

UNIT - I, II & III

Name of the Student: _____

Roll No.: _____

Branch: _____

INDEX PAGE

1.	VISION/ MISSION/ PEO/ POs/PSO's OF LIET
2.	COURSE SYLLABUS
3.	B.E, I- SEMESTER EXTERNAL EXAMINATION –MODEL PAPER
4.	UNIT- I : Evolution of Indian Constitution:
5.	1) 1909 Act, 1919 Act, 1935 Act
6.	2)Constituent Assembly: “Composition and Functions”
7.	3) Fundamental Features of Indian Constitution
8.	UNIT- II: Union Government, State Government, Local Government:
9.	<ul style="list-style-type: none"> • President • Prime Minister • Council of Ministers
10.	State Government
11.	<ul style="list-style-type: none"> • Governor • Chief Minister • Council of Ministers
12.	Local Government
13.	<ul style="list-style-type: none"> • Panchayat Raj Institutions • Urban Government [Municipalities]
14.	UNIT- III: Rights and Duties:
15.	<ul style="list-style-type: none"> • Fundamental Rights • Fundamental Duties • Directive principles of State Policy.
16.	UNIT- IV: Relation between Federal and Provincial units:
17.	<ul style="list-style-type: none"> • Union-State relations, Administrative, legislative and Financial • Inter-State council, NITI Aayog • Finance Commission of India
18.	UNIT- V: Statutory Institutions:
19.	<ul style="list-style-type: none"> • Elections-Election Commission of India • National Human Rights Commission • National Commission for Women

LORDS INTITUTE OF ENGINEERING & TECHNOLOGY

VISION/ MISSION

Vision of the Institute:

Strive continuously for excellence in professional education through Quality, Innovation, Team Work and Value creation, to emerge as a premier Institute in the State and the Nation.

Mission of the Institute:

- To impart quality professional education that meets the needs of present and emerging technological world.
- To strive for student achievement and success, while preparing them for life, career and leadership.
- To produce graduates with professional ethics and responsibility towards the development of industry and the society and for sustainable development.
- To ensure abilities in the graduates to lead technical and management teams for conception, development and management of projects for industrial and national development.
- To forge mutually beneficial relationships with government organizations, industries, society and the alumni.

Course Code	Course Title				Core/Elective		
U23EN102/ U23EN202	INDIAN CONSTITUTION (Common to all Branches)				Mandatory Course		
Prerequisite	Contact Hours per Week				CIE	SEE	Credits
	L	T	D	P			
-	2	-	-	-	40	60	-

Course Objectives:

- 1.To create awareness among students about the Indian Constitution
- 2.To acquaint the working conditions of union, state, local levels, the powers and functions
- 3.To create consciousness among the students on fundamental rights and duties of the citizen
- 4.To expose the students on relations between federal and provincial units
- 5.To divulge the students about the statutory institutions

Course Outcomes:

After completing this course, the student will

- 1.Recall the background of the present constitution of India thoroughly
- 2.Recognize efficiently the working of the Union, State and Local government
- 3.Identify the fundamental rights and duties completely
- 4.Examine the relation between union and state policies carefully
- 5.Discuss the role of Election Commission of India elaborately

UNIT-I

Evolution of the Indian Constitution: 1909Act, 1919Act and 1935Act. Constituent Assembly: Composition and Functions; Fundamental features of the Indian Constitution.

UNIT-II

Union Government: Executive-President, Prime Minister, Council of Minister
State Government: Executive: Governor, Chief Minister, Council of Minister
Local Government: Panchayat Raj Institutions, Urban Government

UNIT-III

Rights and Duties: Fundamental Rights, Fundamental Duties, Directive principles of State Policy.

UNIT-IV

Relation between Federal and Provincial units: Union-State relations, Administrative, legislative and Financial, Inter-State council, NITI Aayog, Finance Commission of India

UNIT-V

Statutory Institutions:
Elections-Election Commission of India, National Human Rights Commission, National Commission for Women

Textbooks:

1. D.D. Basu, Introduction to the constitution of India, Lexis Nexis, New Delhi, 9th Edition, 2016.
2. Subhash Kashyap, Our Parliament, National Book Trust, New Delhi, 2015.

Reference Books:

1. Peu Ghosh, Indian Government & Politics, Prentice Hall of India, New Delhi, 2012
- B.Z. Fadia & Kuldeep Fadia, Indian Government & Politics, Lexis Nexis, New Delhi, 16th Edition, 2020.



LORDS INSTITUTE OF ENGINEERING AND TECHNOLOGY (UGC AUTONOMOUS)

Approved by AICTE | Recognized by Government of Telangana | Affiliated to Osmania University

Accredited by NBA | Accredited with 'A' grade by NAAC | Accredited by NABL

B.E, I- SEMESTER EXTERNAL EXAMINATION - MODEL PAPER

INDIAN CONSTITUTION

(Common for CSM/ IT/ ECE /CS)

Time: 3 Hours			Max. Marks : 60		
Instructions to the Students:					
• Question No. 1 is compulsory					
• Answer any 4 questions from Q.No.2 –Q. No7					
Q.No. 1: Five short answer Questions covering entire content of 5 units of the syllabus. At least on question from each Unit.				CO	BTL
1.	a.	Question from unit –I	[2]	CO1	BTL1
	b.	Question from unit –II	[2]	CO2	BTL1
	c.	Question from unit –III	[2]	CO3	BTL2
	d.	Question from unit –IV	[2]	CO4	BTL2
	e.	Question from unit –V	[2]	CO5	BTL2
	f.	Question from unit –I-V	[2]	CO3	BTL1
Questions (2-7) cover the entire syllabus and the candidate can answer any four questions.					
2.			[12]		
a)	Question from unit –I			CO1	BTL6
b)	Question from unit –I			CO1	BTL5
3.			[12]		
a)	Question from unit –II			CO2	BTL5
b)	Question from unit –II			CO2	BTL1
4.			[12]		
a)	Question from unit –III			CO3	BTL5
b)	Question from unit –III			CO3	BTL2
5.	A		[12]		
a)	Question from unit –IV			CO4	BTL5
b)	Question from unit –IV			CO4	BTL1
6.			[12]		
a)	Question from unit –V			CO5	BTL1
b)	Question from unit –V			CO5	BTL6
7			[12]		
a)	Question from unit –I-V			CO1	BTL5
b)	Question from unit –I-V			CO5	BTL1

INDIAN CONSTITUTION

UNIT-I- EVOLUTION OF INDIAN CONSTITUTION

CONSTITUTION

Constitution is a set of basic laws or principles for a country that describe the rights and duties of its citizens and the way in which it is governed. The United States of America Constitution guarantees freedom of the press. The United Kingdom does not have a written constitution

A constitution is a set of fundamental principles, rules or established precedents according to which the government of a country is run. A written document in which we find such rules is called a Constitution. Thus the constitution is the framework or a guideline which lay down:

FUNDAMENTAL FEATURES OF INDIAN CONSTITUTION

The constitution is a fundamental law of a country that reflects the fundamental principles on which the government of the country is based. In this article, learn some of the interesting features of the Indian Constitution.

The bulkiest constitution of the world

The Indian constitution is one of the bulkiest constitution of the world, comprising of 448 articles, 25 parts and 12 schedules. So far the constitution underwent 100 amendments (28 May, 2015).

Rigidity and flexibility

The Indian constitution is combination of rigidity and flexibility, which means some parts of it can be amended by the Parliament by a simple majority, whereas some parts require a two-third majority as well as not less than one-half of the state legislatures.

Parliamentary system of government

The Indian constitution provides for a parliamentary system of government, i.e., the real executive power rests with the council of ministers and the President is only a nominal ruler (Article 74).

Federal system with a unitary bias

The Indian constitution described India as a 'Union of States' (Article 1), which implies that Indian federation is not the result of any agreement among the units and the units cannot secede from it.

Fundamental rights and fundamental duties

The Indian constitution provides an elaborate list of Fundamental Rights to the citizens of India, which cannot be taken away or abridged by any law made by the states (Article 12–35). Similarly, the constitution also provides a list of 11 duties of the citizens, known as the Fundamental Duties (Article 51A).

Directive principles of state policy

The Indian constitution mentions certain Directive Principles of State Policy (Article 36–51) which that government has to keep in mind while formulating new policy.

Secularism

The constitution makes India a secular state by detaching from religious dogmas (Forty-second Amendment).

Independent judiciary

The constitution provides an independent judiciary (Article 76) which ensures that the government is carried on in accordance with the provisions of the constitution and acts as a guardian of the liberties and fundamental rights of the citizens.

Single citizenship

The Indian constitution provides a single citizenship for all the people residing different parts of the country and there is no separate citizenship for the states (Article 5–11).

Bicameral legislatures

The Indian constitution provides a bicameral legislatures at centre consisting of Rajya Sabha (Council of States) and Lok Sabha (House of the People) (Article 79).

Emergency powers

The constitution vests extraordinary powers, known as Emergency Powers in the President during emergencies out of armed rebellion or external aggression or due to failure of constitutional machinery in the state (Article 352–360).

Special provisions for minorities

The constitution makes special provisions for minorities, Scheduled castes, Scheduled Tribes, etc. by granting them certain special rights and provisions.

Basically those are some of the interesting features of Indian constitution. Moreover, the constitution also has many other features such as, Panchayati Raj, Rule of Law, Provisions for Independent Bodies, etc. which are very unique in nature.

Constitution is the Fundamental Law of any country which sets out the framework and the principal functions of various organs of the government. At present, the Constitution of India contains 448 Articles in 25 Parts and 12 Schedules. However, there are multiple features of the Constitution, namely Secular State, Federalism, Parliamentary Government, Fundamental Rights and many more.

Constitution is a document which guides the way to all the institutions of a country. All the other laws and customs of the country must conform to it in order to be valid.

The Constitution of India was enforced on January 26, 1950 which contained 395 Articles, 8 schedules and 22 parts.

It is the lengthiest written constitution of the world. At present, the Constitution contains 448 articles in 25 parts and 12 schedules.

Following are the features of the Constitution borrowed from different countries:

From United Kingdom (U.K)

- Nominal Head – President (like Queen)
- Cabinet System of Ministers
- Post of PM
- Parliamentary Type of Govt.
- Bicameral Parliament
- Lower House more powerful
- Council of Ministers responsible to Lower House
- Speaker in Lok Sabha

From Unites States of America(USA)

- Written Constitution

- Executive head of state known as President and his being the Supreme Commander of the Armed Forces
- Vice-President as the ex-officio Chairman of Rajya Sabha
- Fundamental Rights
- Supreme Court
- Provision of States
- Independence of Judiciary and judicial review
- Preamble
- Removal of Supreme Court and High Court Judges

From United Soviet Socialist Republic (USSR)

- Fundamental Duties
- Five year Plan

From AUSTRALIA

- Concurrent list
- Language of the preamble **From**

JAPAN

- Laws on which the Supreme Court functions

From WEIMAR CONSTITUTION OF GERMANY

- Suspension of Fundamental Rights during the emergency

From CANADA

- Scheme of federation with a strong centre
- Distribution of powers between centre and the states
- And placing residuary powers with the centre

From IRELAND

- Concept of Directive Principles of States Policy (Ireland borrowed it from SPAIN)

- Method of election of President
- Nomination of members in the Rajya Sabha by the President

Salient Features of the Constitution

Single Constitution for both Union and States: India has a single Constitution for Union and all the States. The Constitution promotes the unity and convergence of the ideals of nationalism. Single Constitution empowers only the Parliament of India to make changes in the Constitution. It empowers the Parliament even to create a new state or abolish an existing state or alter its boundaries.

Sources of the Constitution: The Indian Constitution has borrowed provisions from various countries and modified them according to the suitability and requirements of the country. The structural part of the Constitution of India has been derived from the Government of India Act, 1935. The provisions such as Parliamentary System of Government and Rule of Law have been adopted from the United Kingdom.

Rigidity and Flexibility: The Constitution of India is neither rigid nor flexible. A Rigid Constitution means that the special procedures are required for its amendments whereas a Flexible Constitution is one in which the constitution can be amended easily.

Secular State: The term secular state means that all the religions present in India get equal protection and support from the state. In addition; it provides equal treatment to all religions by the government and equal opportunities for all religions.

Federalism in India: The Constitution of India provides for division of power between the Union and the State governments. It also fulfils some other features of the federalism such as the rigidity of the constitution, written constitution, bicameral legislature, independent judiciary and supremacy of the constitution.

Thus, India has a Federal System with unitary bias.

Parliamentary Form of Government: India has a Parliamentary Form of Government. India has a Bicameral Legislature with two houses named Lok Sabha and Rajya Sabha. In Parliamentary Form of Government; there is no clear cut separation of powers of Legislative and Executive organs. In India; the head of the government is Prime Minister.

Single Citizenship: Constitution of India provides for single citizenship to every individual in the country. No state in India can discriminate against an individual of another state. Moreover, in India, an individual has the right to move to any part of the country or live anywhere in the territory of India except certain places.

Integrated and Independent Judiciary: The Constitution of India provides for an integrated and independent judicial system. The Supreme Court is the highest court of India with authority over all the other courts in India followed by high courts, district courts, and lower courts. To protect the Judiciary from any influence, the Constitution has laid down certain provisions such as Security of Tenure and Fixed Service Conditions for judges etc.

Directive Principles of State Policy: Part IV (Articles 36 to 50) of the Constitution mentions the Directive Principles of State Policy. These are nonjustifiable in nature and are broadly classified into Socialistic, Gandhian, and Liberal-intellectual.

Fundamental Duties: These were added to the Constitution by 42nd Constitutional Amendment Act (1976). A new Part IV-A was created for the purpose and 10 duties were incorporated under Article 51-A. The provision reminds the citizens that while enjoying rights, they should also perform their duties.

Universal Adult Franchise: In India, every citizen who is above the age of 18 years has right to vote without any discrimination on the ground of caste, race, religion, sex, literacy etc. Universal adult franchise removes social inequalities and maintains the principle of political equality to all the citizens.

Emergency Provisions: The President is empowered to take certain steps to tackle any extraordinary situation to maintain the sovereignty, security, unity, and integrity of the nation. The states become totally subordinate to the Central Government when emergency is imposed. According to the need; emergency can be imposed in parts or whole of the country.

The Constitution of India thus stands as an embodiment of democracy, fundamental rights, and decentralization of power to the lowest or to the grassroot level. In order to protect against any possible dilution of these powers and rights, it has set up the Supreme Court to function as the guardian of the Constitution with the power to invalidate any legislation or executive act if it violates the Constitution and thus affirm and enforce the supremacy of the Constitution.

Indian Councils Act of 1909 (Morley-Minto Reforms)

The Indian Councils Act 1909 (9 Edw. 7 Ch. 4), commonly known as the Morley-Minto or Minto-Morley Reforms, was an Act of the Parliament of the United Kingdom that brought about a limited increase in the involvement of Indians in the governance of British India.

Indian Councils Act of 1909, also called **Morley-Minto Reforms**, series of reform measures enacted in 1909 by the British Parliament, the main component of which directly introduced the elective principle to membership in the imperial and local legislative councils in India. The act was formulated by John Morley, secretary of state for India (1905–10).

In Great Britain the Liberal Party had scored an electoral victory in 1906 that marked the dawn of a new era of reforms for British India. The relatively new secretary of state—hampered though he was by Lord Minto, the British viceroy of India (1905–10)—was able to introduce several important innovations into the legislative and administrative machinery of the British Indian government. Implementing Queen Victoria's promise of equality of opportunity for Indians, he appointed two Indian members to his council at Whitehall: one a Muslim, Sayyid Husain Bilgrami, who had taken an active role in the founding of the Muslim League; and the other a Hindu, Krishna G. Gupta, a senior Indian in the Indian Civil Service (ICS). Morley also persuaded a reluctant Lord Minto to appoint to the viceroy's Executive Council the first Indian member, Satyendra P. Sinha, in 1909.

Though the initial electorate base designated by the 1909 act was only a small minority of Indians authorized by property ownership and education, in 1910 some 135 elected Indian representatives took their seats as members of legislative councils throughout British India. The act also increased the maximum additional membership of the Imperial Legislative Council from 16 (to which it had been raised by the Indian Councils Act of 1892) to 60. In the provincial councils of Bombay (now Mumbai), Bengal, and Madras (now Chennai), which had been created in 1861, the permissible total membership had been earlier raised to 20 by the Indian Councils Act of 1892. That number was raised to 50 in 1909, even though a majority of the members were to be unofficial. The number of council members in other provinces was similarly increased.

When Morley abolished the official majorities of provincial legislatures, it was on the advice of Gopal Krishna Gokhale and other liberal leaders of the Indian National Congress, such as Romesh Chunder Dutt. He overrode the bitter opposition of not only the ICS but also his own viceroy and council. Morley believed, as did many other British Liberal politicians, that the only justification for British rule over India was to bequeath to India Britain's greatest political institution: parliamentary government. Lord Minto and his officials in Calcutta (now Kolkata) and Simla (now Shimla) wrote strict regulations for the implementation of the reforms and insisted on the retention of executive veto power over all legislation. Elected members of the new councils were empowered, nevertheless, to question the executive informally or formally about all aspects concerning the annual budget. Members were also permitted to introduce legislative proposals of their own.

The Indian Councils Act 1909 commonly known as the Morley-Minto or MintoMorley Reforms, was an Act of the Parliament of the United Kingdom that brought about a limited increase in the involvement of Indians in the governance of British India

Background

A small educated elite met for the first time as the Indian National Congress in 1885. Provincial level Associations had already emerged. One of the main grievances for the associations revolved around the difficulties for Indians to obtain entry into the civil service. In 1858, Queen Victoria had proclaimed equal treatment for Indians.^[1] But very few Indians had received an opportunity to be admitted. British officials were hesitant to accept Indians as partners in the administration. With that perspective, it appeared that granting a few concessions of representation in the provincial and imperial legislatures to the native elite would be a lesser evil. The non-monopolising participation of Indians in the legislatures was to be an enhancement for British rule.^[2]

Such a limited reform was initiated in 1892 the Indian National Congress' clamour for more legislative representation. The process was limited to proposing candidates whom the government could nominate for the parliaments. Indians were still outnumbered by British members in the legislatures and their abilities were limited to speeches and debates. Nonetheless, the restricted enterprise attracted the attention of the Indian leadership and the 1892 charm of the Congress declined.^[3]

The Liberal Party won the 1906 general election in Britain. Subsequently, liberal philosopher John Morley became Secretary of State for India. Morley wished to gather moderate Indians because of the terrorist activities by the young radical nationalists,^[4] and through this wanted to keep the moderates away from the radical members of the Congress.^[5] The moderates too were enthusiastic, expecting more from Morley than he had countenanced. Additionally, Morley's judgement was guided by Lord Minto, the viceroy, and H.H. Risley, the Home Secretary. The latter opposed territorial representation and urged representation on the basis of the different interests in what he perceived to be the Indian social structure.^[6]

Morley-Minto reforms

A 1909 legislative enactment, called the Morley-Minto reforms, conferred some political reforms which encouraged the constitutionalists in the Congress. Indians who could be elected to the legislatures on the basis of the 1861 Indian Councils Act increased numerically. The executive remained under strong British control and the government's consultative mode remained unchanged. The reforms established Indian dominance in the provincial, but not central, legislative bodies. Elections, mainly indirect, were affirmed for all levels of society.^[8] The elected Indians were also enabled to debate budgetary and complementary matters and table resolutions.

Despite these reforms the Indian members still reeled over electoral apportionment. Provinces were delegated electoral allocations and administrative changes hindered harmful fusion against the British rule. A major hindrance to coalitions was separate electorates.

Separate electorates

A momentous introduction in the reforms was the separate electorates where seats were reserved for Muslims and in which only Muslims would be polled. The implication that Muslims and their interests could only be protected by Muslims would influence Indian politics in the ensuing decades.^[12] The Muslim League had been founded in 1906 by an elite aiming to promote Muslim interests,^[13] prevent Hindu dominance over Muslims through a parliamentary system^[14] and to advance the Muslim perspective in the deliberations regarding constitutional reforms after October 1907. Minto heard in October 1906 a Muslim deputation which comprised 35 Muslims from all Indian provinces (except the Northwest Frontier). The principal organisers of the delegation and main supporters of the movement for separate electorates were Muslims from the UP.^[17] The delegation asked that the Muslims be given a 'fair share' in representation. The 'fair share' was to be determined by the numerical position of Muslims, their political significance and the Muslim contribution in defending the British Empire.

The delegation stated that existing Muslim representation was inadequate and the election of Muslims was dependent on the Hindu majority, in which case the elected Muslims could not truly represent Muslims. Minto welcomed their 'representative character and acknowledged and promoted the separate Muslim politics. The official British sympathy for the delegation aroused suspicion that the Viceroy had invited them instead of only meeting them. However, the British officials shared the Muslim League's fear of legislative outnumbering and accepted any assistance against Morley's democratic inclinations. Contrary to the 'command performance' hypothesis, the evidence demonstrates that the initiative for this meeting was taken by Muhsin-ul Mulk.

British officials persuaded Minto of the deputation's representative character and the danger Muslim discontent could pose to the British rule. The British believed that by entreating separate Muslim representation they would simply be acknowledging the realities in India. Separate representation for Muslims was a subsidiary of the government's policy of identifying people by their religion and caste. Muslims were seen as a helpful and possibly loyal counterbalance against the Hindu population although they were also feared as extreme because of their role in the 1857 revolt and the assassination in 1872 of the Viceroy, Lord Mayo.

Morley wished a reconciliation between territorial representation and Muslim demands but Risley backed the separate electorates and either convinced Morley or dampened his disapproval of them. The Muslim League's insistence on separate electorates and reserved seats in the Imperial Council were granted in the Indian Councils Act after the League held protests in India and lobbied London. The party's leadership was successful in converting Minto's unclear support of their 1906 delegation into a political fact.

GOVERNMENT OF INDIA ACT 1919 Government of India Act, 1919, Montagu-Chelmsford Reforms: Main Features of the Act

The Government of India Act 1919 (9 & 10 Geo. 5 c. 101) was an Act of the Parliament of the United Kingdom. It was passed to expand participation of Indians in the government of India. The Act embodied the reforms recommended in the report of the Secretary of State for India, Edwin Montagu, and the Viceroy, Lord Chelmsford. The Act covered ten years, from 1919 to 1929. This Act represented the end of benevolent despotism and began genesis of responsible government in India. It was set to be reviewed by the Simon Commission in 10 years.

The Act received royal assent on 23 December 1919. On the same day the KingEmperor issued a proclamation which reviewed the course of parliamentary legislation for India and the intent of the act:

"The Acts of 1773 and 1784 were designed to establish a regular system of administration and justice under the Honourable East India Company. The Act of 1833 opened the door for Indians to public office and employment. The Act of 1858 transferred the administration from the Company to the Crown and laid the foundations of public life which exist in India to-day. The Act of 1861 sowed the seed of representative institutions, and the seed was quickened into life by the Act of 1909. The Act which has now become law entrusts the elected representative of the people with a definite share in the Government and points the way to full responsible Government hereafter".

The Act provided a dual form of government (a "diarchy") for the major provinces. In each such province, control of some areas of government, the "transferred list", were given to a Government of ministers answerable to the Provincial Council. The 'transferred list' included agriculture, supervision of local government, health, and education. The Provincial Councils were enlarged.

At the same time, all other areas of government (the '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 145 members, of which 104 were elected and 41 were nominated, with a tenure of three years. The upper house was the *Rajya Sabha* ("Council of States"), consisting of 34 elected and 26 nominated members, with a tenure of five years.

Salient features of the Act were as follows:

1. This Act had a separate Preamble which declared that the objective of the British Government was the gradual introduction of responsible government in India.
2. Diarchy was introduced at the Provincial Level. Diarchy means a dual set of

governments; one is accountable, the other is not accountable. Subjects of provincial government were divided into two groups. One group was reserved, and the other group was transferred. The reserved subjects were controlled by the British Governor of the province; the transferred subjects were given to the Indian ministers of the province.^[3]

3. The Government of India Act of 1919, made a provision for classification of the central and provincial subjects. The Act kept the Income Tax as source of revenue to the Central Government. However, for Bengal and Bombay, to meet their objections, a provision to assign them 25% of the income tax was made.
4. No bill of the legislature could be deemed to have been passed unless assented to by the Viceroy. The latter could however enact a bill without the assent of the legislature.
5. This Act made the central legislature bicameral. The lower house was the Legislative Assembly, with 145 members serving three year terms (the model for today's *Lok Sabha*); the upper house was the Council of States with 60 members serving five year terms (the model for today's *Rajya Sabha*)
6. The Act provided for the establishment of a Public Service Commission in India for the first time.
7. This act also made a provision that a statutory commission would be set up at the end of 10 years after the act was passed which shall inquire into the working system of the government. The Simon commission of 1927 was an outcome of this provision.
8. The communal representation was extended and Sikhs, Europeans and Anglo Indians were included. The Franchise (Right of voting) was granted to the limited number of only those who paid certain minimum "Tax" to the government.
9. The seats were distributed among the provinces not upon the basis of the population but upon the basis of their importance in the eyes of the government, on the basis of communities, and property was one of the main basis to determine a franchisee. Those people who had a property, taxable income & paid land revenue of Rs. 3000 were entitled to vote.
10. The financial powers of the central legislature were also very much limited. The budget was to be divided into two categories, votable and nonvotable. The votable items covered only one third of the total expenditure.

Even in this sphere the Governor-General was empowered to restore any grant refused or reduced by the legislature, if in his opinion the demand was essential for the discharge of his responsibilities. Thus the Government of India Act provided for partial transfer of power to the electorate through the system of diarchy. It also prepared the ground for Indian federalism, as it identified the provinces as units of fiscal and general administration.

Government of India Act, 1919 | Montagu-Chelmsford Reforms: Main Features of the Act

Government of India Act, 1919 also known as Montagu-Chelmsford Reforms which came into force in 1921 . It was instituted in the British Indian polity to introduce the Diarchy, i.e., rule of two which means executive councilors and popular ministers.

During the World War Britain and her allies had said that they were fighting the war for the freedom of nations. Many Indian leaders believed that after the war was over, India would be given *Swaraj*. The British government however had no intention of conceding the demands of the Indian people. Changes were introduced in the administrative system as a result of the *Montagu-Chelmsford Reforms*, called the *Government of India Act, 1919*.

Features of the Act

1. It relaxed the central control over the provinces by demarcating and separating the central and provincial subjects. The central and provincial legislatures were authorised to make laws on their respective list of subjects. However, the structure of government continued to be centralised and unitary.
2. It further divided the provincial subjects into two parts—transferred and reserved. The transferred subjects were to be administered by the governor with the aid of ministers responsible to the legislative Council. The reserved subjects, on the other hand, were to be administered by the governor and his executive council without being responsible to the legislative Council. This dual scheme of governance was known as ‘dyarchy’—a term derived from the Greek word *diarche* which means double rule. However, this experiment was largely unsuccessful.
3. It introduced, for the first time, bicameralism and direct elections in the country. Thus, the Indian Legislative Council was replaced by a bicameral legislature consisting of an Upper House (Council of State) and a Lower House (Legislative Assembly). The majority of members of both the Houses were chosen by direct election.
4. It required that the three of the six members of the Viceroy’s executive Council (other than the commander-in-chief) were to be Indian.
5. It extended the principle of communal representation by providing separate electorates for Sikhs, Indian Christians, Anglo-Indians and Europeans.
6. It granted franchise to a limited number of people on the basis of property, tax or education.
7. It created a new office of the High Commissioner for India in London and transferred to him some of the functions hitherto performed by the Secretary of State for India.

8. It provided for the establishment of a public service commission. Hence, a Central Public Service Commission was set up in 1926 for recruiting civil servants.

9. It separated, for the first time, provincial budgets from the Central budget and authorised the provincial legislatures to enact their budgets.

10. It provided for the appointment of a statutory commission to inquire into and report on its working after ten years of its coming into force.

The changes were nowhere near the Swaraj that the people had hoped to achieve at the end of the war. There was widespread discontent throughout the country. In the midst of this discontent, the government resorted to new measures of repression. In March 1919, *the Rowlatt Act* was passed which was based on the report of the *Rowlatt commission*. The assembly had opposed it.

Many leaders who were members of the assembly, resigned in protest. Mohammad Ali Jinnah, in his letter of resignation, said that a government that passes or sanctions such a law in times of peace forfeits its claims to be called a civilized government. The passing of this act aroused the indignation of the people. The new measures of repression were condemned as Black acts.

Gandhi, who had formed a Satyagraha sabha earlier, called for a country-wide protest. Throughout the country, 6 April 1919 was observed as a national humiliation day. There were demonstrators and Hartals all over the country. All business throughout the country came to a standstill. Such protests of a united people had never been witnessed at any time in India before. The government resorted to Brutal measures to put down the agitation and there were lathi-charges and firings at a number of places.

1935 ACT

GOVERNMENT OF INDIA ACT 1935

The **Government of India Act 1935** was an Act of the Parliament of the United Kingdom. It originally received Royal assent in August 1935 .Until 1999, it was the longest Act (British) of Parliament ever enacted at that time. The Greater London Authority Act 1999 surpassed it in length. Because of its length, the Act was retroactively split by the Government of India Act, 1935 (Re-printed) into two separate Acts:

1. The Government of India Act, 1935 (26 Geo. 5 & 1 Edw. 8 c. 2), having 321 sections and 10 schedules.
2. The Government of Burma Act, 1935 (26 Geo. 5 & 1 Edw. 8 c. 3), having 159 sections and 6 schedules.

References in the literature on Indian political and constitutional history are usually to the shortened Government of India Act, 1935 (i.e. 26 Geo. 5 & 1 Edw. 8 c. 2), rather than to the text of the Act as originally enacted.

Overview

The most significant aspects of the Act were the grant of a large measure of autonomy to the provinces of British India (ending the system of diarchy introduced by the Government of India Act 1919)

- provision for the establishment of a "Federation of India", to be made up of both British India and some or all of the "princely states"
- the introduction of direct elections, thus increasing the franchise from seven million to thirty-five million people
- a partial reorganization of the provinces:
 - Sindh was separated from Bombay
 - Bihar and Orissa was split into separate provinces of Bihar and Orissa
 - Burma was completely separated from India
 - Aden was also detached from India, and established as a separate Crown colony
- membership of the provincial assemblies was altered so as to include any number of elected Indian representatives, who were now able to form majorities and be appointed to form governments
- the establishment of a Federal Court

However, the degree of autonomy introduced at the provincial level was subject to important limitations: the provincial Governors retained important reserve powers, and the British authorities also retained a right to suspend responsible government.

The parts of the Act intended to establish the Federation of India never came into operation, due to opposition from rulers of the princely states. The remaining parts of the Act came into force in 1937, when the first elections under the act were also held.

Background

Indians had increasingly been demanding a greater role in the government of their country since the late 19th century. The Indian contribution to the British war effort during the First World War meant that even the more conservative elements in the British political establishment felt the necessity of constitutional change, resulting in the Government of India Act 1919. That Act introduced a novel system of government known as provincial "diarchy", i.e., certain areas of government (such as education) were placed in the hands of ministers responsible to the provincial legislature, while others (such as public order and finance) were retained in the hands of officials responsible to the British-appointed provincial Governor. While the Act was a reflection of the demand for a greater role in government by Indians, it was also very much a reflection of British fears about what that role might mean in practice for India (and of course for British interests there).

The experiment with diarchy proved unsatisfactory. A particular frustration for Indian politicians was that even for those areas over which they had gained nominal control, the "purse strings" were still in the hands of British officialdom.

The intention had been that a review of India's constitutional arrangements would be held ten years on from the 1919 Act. In the event, the review was conducted ahead of time by the Simon Commission, whose report proposed the scrapping of dyarchy, and the introduction of a much larger degree of responsible government in the provinces. This proposal was controversial in Britain, demonstrating the rapidly widening gulf between British and Indian opinions as to the desirability, extent, and the speed of progress towards, the promised system of self-government contained in the 1919 Act's preamble.

Although the Simon Commission had taken evidence in India, it had met with opposition there, and its conclusions weren't accepted by Congress (the largest political party). In an attempt to involve Indians more fully in working out a new constitutional framework, a series of Round Table Conferences were then held in the early 1930s, attended at times by representatives from India's main political parties, as well as from the princely states. Agreement was reached in principle that a federal system of government should be introduced, comprising the provinces of British India and those princely states that were willing to accede to it. However, division between Congress and Muslim representatives proved to be a major factor in preventing agreement on much of the important detail of how federation would work in practice.

The new Conservative-dominated National Government in London decided to go ahead with drafting its own proposals (white paper, March 1933).^[1] A joint parliamentary select committee, chaired by Lord Linlithgow, reviewed the white paper proposals for a year and a half between April 1933 and November 1934, amidst much opposition from Winston Churchill and other backbench Conservatives. The House of Commons approved the Joint Select Committee report in December after an emollient speech by Conservative leader Stanley Baldwin, who stated that he respected the principled position of the bill's opponents, and that he did not wish feelings in his own party to become permanently embittered.^[2]

On the basis of the white paper, the Government of India Bill was framed. It was immensely long, containing 473 clauses and 16 schedules, and the reports of the debates took up 4,000 pages of Hansard.^[3] At the committee stage and later, to appease the diehards, the "safeguards" were strengthened, and indirect elections were reinstated for the Central Legislative Assembly (the central legislature's lower house). The opposition Labour Party opposed the Third Reading of the bill on the grounds that it contained no specific promise of dominion status for India. It received Royal Assent and passed into law on 2 August 1935.

As a result of this process, although the Government of India Act 1935 was intended to go some way towards meeting Indian demands, both the detail of the bill and the lack of Indian involvement in drafting its contents meant that the Act met with a lukewarm response at best in India, while still proving too radical for a significant element in Britain.

FEATURES:

No preamble: the ambiguity of British commitment to dominion status

While it had become uncommon for British Acts of Parliament to contain a preamble, the absence of one from the Government of India Act 1935 contrasts sharply with the 1919 Act, which set out the broad philosophy of that Act's aims in relation to Indian political development. That Act's preamble quoted, and centred on, the statement of the [Secretary of State for India], Edwin Montagu, to the House of Commons on 20 August 1917, which pledged "the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral Part of the British Empire."

Indian demands were by now centering on British India achieving constitutional parity with the existing Dominions (Australia, Canada, the Irish Free State, New Zealand and the Union of South Africa) which would have meant complete autonomy within the British Commonwealth. A significant element in British political circles doubted that Indians were capable of running their country on this basis, and saw Dominion status as something that might, perhaps, be aimed for after a long period of gradual constitutional development, with sufficient "safeguards".

This tension between and within Indian and British views resulted in the clumsy compromise of the 1935 Act having no preamble of its own, but keeping in place the 1919 Act's preamble even while repealing the remainder of that Act. Unsurprisingly, this was seen in India as yet more mixed messages from the British, suggesting at best a lukewarm attitude and at worst suggesting a "minimum necessary" approach towards satisfying Indian desires.

No 'Bill of Rights'

In common with Commonwealth constitutional legislation of the time, the Act did not include a "bill of rights" within the new system that it aimed to establish. However, in the case of the proposed Federation of India, there was a further complication in incorporating such a set of rights, as the new entity would have included nominally sovereign (and generally autocratic) princely states.

A different approach was considered by some, though, as the draft outline constitution in the Nehru Report included such a bill of rights.

Excess "safeguards"

In 1947, with a relatively few amendments, the Act became the functioning interim constitutions of India and Pakistan.

The Act was not only extremely detailed, but also contained many "safeguards" designed to enable the British Government to intervene whenever it saw the need in order to maintain British responsibilities and interests. To achieve this, in the face of a gradually increasing Indianisation of the institutions of the Government of India, the Act concentrated the decision for the use and the actual administration of the safeguards in the hands of the British-appointed Viceroy and provincial governors who were subject to the control of the Secretary of State for India.

‘In view of the enormous powers and responsibilities which the GovernorGeneral must exercise his discretion or according to his individual judgment, it is obvious that he (the Viceroy) is expected to be a kind of Superman. He must have tact, courage, and ability and be endowed with an infinite capacity for hard work. “We have put into this Bill many safeguards,” said Sir Robert Horne... “but all of those safeguards revolve about a single individual, and that is the Viceroy. He is the linchpin of the whole system.... If the Viceroy fails, nothing can save the system you have set up.” This speech reflected the point of view of the die-hard Tories who were horrified by the prospect that someday there might be a Viceroy appointed by a Labour government.’

Nature of representative government?

A close reading of the Act reveals that the British Government equipped itself with the legal instruments to take back total control at any time they considered this to be desirable. However, doing so without good reason would totally sink their credibility with groups in India whose support the act was aimed at securing. Some contrasting views:

“In the federal government... the semblance of responsible government is presented. But the reality is lacking, for the powers in defense and external affairs necessarily, as matters stand, given to the governor-general limit vitally the scope of ministerial activity, and the measure of representation given to the rulers of the Indian States negatives any possibility of even the beginnings of democratic control. It will be a matter of the utmost interest to watch the development of a form of government so unique; certainly, if it operates successfully, the highest credit will be due to the political capacity of Indian leaders, who have infinitely more serious difficulties to face than had the colonial statesmen who evolved the system of self-government which has now culminated in Dominion status.”

Lord Lothian, in a talk lasting forty-five minutes, came straight out with his view not on the Bill:

"I agree with the diehards that it has been a surrender. You who are not used to any constitution cannot realize what great power you are going to wield. If you look at the constitution it looks as if all the powers are vested in the Governor-General and the Governor. But is not every power here vested in the King? Everything is done in the name of the King but does the King ever interfere? Once the power passes into the hands of the legislature, the Governor or the Governor-General is never going to interfere. ...The Civil Service will be helpful. You too will realize this. Once a policy is laid down they will carry it out loyally and faithfully...

We could not help it. We had to fight the diehards here. You could not realize what great courage has been shown by Mr. Baldwin and Sir Samuel Hoare. We did not want to spare the diehards as we had to talk in a different language...

These various meetings — and in due course G.D. (Birla), before his return in September, met virtually everyone of importance in Anglo-Indian affairs — confirmed G.D.'s original opinion that the differences between the two countries

were largely psychological, the same proposals open to diametrically opposed interpretations. He had not, probably, taken in before his visit how considerable, in the eyes of British conservatives, the concessions had been... If nothing else, successive conversations made clear to G.D. that the agents of the Bill had at least as heavy odds against them at home as they had in India.

False equivalences

"The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."

Under the Act, British citizens resident in the UK and British companies registered in the UK must be treated on the same basis as Indian citizens and Indian registered companies unless UK law denies reciprocal treatment. The unfairness of this arrangement is clear when one considers the dominant position of British capital in much of the Indian modern sector and the complete dominance, maintained through unfair commercial practices, of UK shipping interests in India's international and coastal shipping traffic and the utter insignificance of Indian capital in Britain and the non-existence of Indian involvement in shipping to or within the UK. There are very detailed provisions requiring the Viceroy to intervene if, in his unappeasable view, any India law or regulation is intended to, or will, in fact, discriminate against UK resident British subjects, British registered companies and, particularly, British shipping interests.

"The Joint Committee considered a suggestion that trade with foreign countries should be made by the Minister of Commerce, but it decided that all negotiations with foreign countries should be conducted by the Foreign Office or Department of External Affairs as they are in the United Kingdom. In concluding agreements of this character, the Foreign Secretary always consults the Board of Trade and it was assumed that the Governor-General would in like manner consult the Minister of Commerce in India. This may be true, but the analogy itself is false. In the United Kingdom, both departments are subject to the same legislative control, whereas in India one is responsible to the federal legislature and the other to the Imperial Parliament."

Difficulty of offering further concessions

From the moment of the Montagu statement of 1917, it was vital that the reform process stays ahead of the curve if the British were to hold the strategic initiative. However, imperialist sentiment, and a lack of realism, in British political circles made this impossible. Thus the grudging conditional concessions of power in the Acts of 1919 and 1935 caused more resentment and signally failed to win the Raj the backing of influential groups in India which it desperately needed. In 1919 the Act of 1935, or even the Simon Commission plan would have been well received. There is evidence that Montagu would have backed something of this sort but his cabinet colleagues would not have considered it. By 1935, a constitution establishing a Dominion of India, comprising the British Indian provinces might have been acceptable in India though it would not have passed the British Parliament.

‘Considering the balance of power in the Conservative party at the time, the passing of a Bill more liberal than that which was enacted in 1935 is inconceivable.’

Provincial part

The provincial part of the Act, which went into effect automatically, basically followed the recommendations of the Simon Commission. Provincial dyarchy was abolished; that is, all provincial portfolios were to be placed in charge of ministers enjoying the support of the provincial legislatures. The British-appointed provincial governors, who were responsible to the British Government via the Viceroy and Secretary of State for India, were to accept the recommendations of the ministers unless, in their view, they negatively affected his areas of statutory "special responsibilities" such as the prevention of any grave menace to the peace or tranquility of a province and the safeguarding of the legitimate interests of minorities. In the event of a political breakdown, the governor, under the supervision of the Viceroy, could take over total control of the provincial government. This, in fact, allowed the governors a more untrammelled control than any British official had enjoyed in the history of the Raj. After the resignation of the Congress provincial ministries in 1939, the governors did directly rule the ex-Congress provinces throughout the war.

It was generally recognized that the provincial part of the Act conferred a great deal of power and patronage on provincial politicians as long as both British officials and Indian politicians played by the rules. However, the paternalistic threat of the intervention by the British governor rankled.

Federal part

Unlike the provincial portion of the Act, the Federal portion was to go into effect only when half the States by weight agreed to federate. This never happened and the establishment of the Federation was indefinitely postponed after the outbreak of the Second World War.

Terms

The Act provided for Dyarchy at the Centre. The British Government, in the person of the Secretary of State for India, through the Governor-General of India – Viceroy of India, would continue to control India's financial obligations, defence, foreign affairs and the British Indian Army and would make the key appointments to the Reserve Bank of India (exchange rates) and Railway Board and the Act stipulated that no finance bill could be placed in the Central Legislature without the consent of the Governor General. The funding for the British responsibilities and foreign obligations (e.g. loan repayments, pensions), at least 80 percent of the federal expenditures, would be non-votable and be taken off the top before any claims could be considered for (for example) social or economic development programs. The Viceroy, under the supervision of the Secretary of State for India, was provided with overriding and certifying powers that could, theoretically, have allowed him

to rule autocratically.^[11]

Objectives

The federal part of the Act was designed to meet the aims of the Conservative Party. Over the very long term, the Conservative leadership expected the Act to lead to a nominally dominion status India, conservative in outlook, dominated by an alliance of Hindu princes and right-wing Hindus which would be well disposed to place itself under the guidance and protection of the United Kingdom. In the medium term, the Act was expected to (in rough order of importance):

- **win the support of moderate nationalists** since its formal aim was to lead eventually to a Dominion of India which, as defined under the Statute of Westminster 1931 virtually equaled independence;
- **retain British control of the Indian Army, Indian finances, and India's foreign relations** for another generation;
- **win Muslim support** by conceding most of Jinnah's Fourteen Points;
- **convince the Princes to join the Federation** by giving the Princes conditions for entry never likely to be equaled. It was expected that enough would join to allow the establishment of the Federation. The terms offered to the Princes included:
 - Each Prince would select his state's representative in the Federal Legislature. There would be no pressure for Princes to democratize their administrations or allow elections for state representatives in the Federal Legislature.
 - The Princes would enjoy heavyweight. The Princely States represented about a quarter of the population of India and produced well under a quarter of its wealth. Under the Act:
 - The Upper House of the Federal Legislature, the Council of State, would consist of 260 members: 156 (60%) elected from British India and 104 (40%) nominated by the rulers of the princely states.
 - The Lower House, the Federal Assembly, would consist of 375 members: 250 (67%) elected by the Legislative Assemblies of the British Indian provinces; 125 (33%) nominated by the rulers of the princely states.
- **ensuring that the Congress could never rule alone or gain enough seats to bring down the government**

This was done by over-representing the Princes, by giving every possible minority the right to separately vote for candidates belonging to their respective communities (see separate electorate), and by making the executive theoretically, but not practically, removable by the legislature.

Gambles taken

- **Viability of the proposed Federation.** It was hoped that the gerrymandered federation, encompassing units of such hugely different sizes, sophistication and varying in forms of government from the autocratic Princely States to democratic

provinces, could provide the basis for a viable state. However, this was not a realistic possibility (see e.g. *The Making of India's Paper Federation, 1927-35* in Moore 1988). In reality, the Federation, as planned in the Act, almost certainly was not viable and would have rapidly broken down with the British left to pick up the pieces without any viable alternative.

- **Princes Seeing and Acting in Their Own Long-Range Best Interests** - That the Princes would see that their best hope for a future would lie in rapidly joining and become a united block without which no group could hope, mathematically, to wield power. However, the princes did not join, and thus exercising the veto provided by the Act prevented the Federation from coming into existence. Among the reasons for the Princes staying out were the following: ◦ They did not have the foresight to realize that this was their only chance for a future.

Congress had begun and would continue, agitating for democratic reforms within the Princely States. Since the one common concern of the 600 or so Princes was their desire to continue to rule their states without interference, this was indeed a mortal threat. It was on the cards that this would lead eventually to more democratic state regimes and the election of states' representatives in the Federal Legislature. In all likelihood, these representatives would be largely Congressmen. Had the Federation been established, the election of states' representatives in the Federal Legislature would amount to a Congress coup from the inside. Thus, contrary to their official position that the British would look favorably on the democratization of the Princely States, their plan required that the States remain autocratic. This reflects a deep contradiction on British views of India and its future.

‘At a banquet in the princely state of Benares, Hailey observed that although the new federal constitution would protect their position in the central government, the internal evolution of the states themselves remained uncertain. Most people seemed to expect them to develop representative institutions. Whether those alien grafts from Westminster would succeed in British India, however, itself remained in doubt. Autocracy was "a principle which is firmly seated in the Indian States," he pointed out; "round it burn the sacred fires of an age-long tradition," and it should be given a fair chance first. Autocratic rule, "informed by wisdom, exercised in moderation and vitalized by a spirit of service to the interests of the subject, may well prove that it can make an appeal in India as strong as that of representative and responsible institutions." This spirited defence brings to mind Nehru's classic paradox of how the representatives of the advanced, dynamic West allied themselves with the most reactionary forces of the backward, stagnant East.’^[13]
Under the Act,

‘There are a number of restrictions on the freedom of discussion in the federal legislature. For example, the act forbids ... any discussion of, or the asking of questions about, a matter connected with an Indian State, other than a matter with respect to which the federal legislature has power to make laws for that state, unless the Governor-General in his discretion is satisfied that the matter affects federal

interests or affects a British subject, and has given his consent to the matter being discussed or the question being asked.’

- They were not a cohesive group and probably realized that they would never act as one.
- Each Prince seemed consumed by the desire to gain the best deal for himself was his state to join the Federation: the most money, the most autonomy.
- **That enough was being offered at the Centre to win the support of moderate nationalist Hindu and Muslim support.** In fact, so little was offered that all significant groups in British India rejected and denounced the proposed Federation. A major contributing factor was the continuing distrust of British intentions for which there was considerable basis in fact. In this vital area the Act failed Irwin’s test:

‘I don't believe that... it is impossible to present the problem in such a form as would make the shop window look respectable from an Indian point of view, which is really what they care about while keeping your hand pretty firmly on the things that matter.’ (Irwin to Stonehaven, 12 November 1928)

- **That the wider electorate would turn against the Congress.** In fact, the 1937 elections showed overwhelming support for Congress among the Hindu electorate.
- **That by giving Indian politicians a great deal of power at the provincial level, while denying them responsibility at the Centre, it was hoped that Congress, the only national party, would disintegrate into a series of provincial fiefdoms.** In fact, the Congress High Command was able to control the provincial ministries and to force their resignation in 1939. The Act showed the strength and cohesion of Congress and probably strengthened it. This does not imply that Congress was not made up of and found its support in various sometimes competing interests and groups. Rather, it recognises the ability of Congress, unlike the British Raj, to maintain the cooperation and support of most of these groups even if, for example in the forced resignation of Congress provincial ministries in 1939 and the rejection of the Cripps Offer in 1942, this required a negative policy that was harmful, in the long run, to the prospects for an independent India that would be both united and democratic.

Indian reaction

No significant group in India accepted the Federal portion of the Act. A typical response was:

‘After all, there are five aspects of every Government worth the name: (a) The right of external and internal defence and all measures for that purpose; (b) The right to control our external relations; (c) The right to control our currency and exchange; (d) The right to control our fiscal policy; (e) the day-to-day administration of the land.... (Under the Act) You shall have nothing to do with external affairs.

You shall have nothing to do with defense. You shall have nothing to do, or, for all practical purposes in future, you shall have nothing to do with your currency and exchange, for indeed the Reserve Bank Bill just passed has a further reservation in the Constitution that no legislation may be undertaken with a view to substantially alter the provisions of that Act except with the consent of the Governor-General.... there is no real power conferred in the Centre.’ (Speech by Mr. Bhulabhai DESAI on the Report of the Joint Parliamentary Committee on Indian Constitutional Reform, 4 February 1935).

However, the Liberals and even elements in the Congress were tepidly willing to give it a go:

“Linlithgow asked Sapru whether he thought there was a satisfactory alternative to the scheme of the 1935 Act. Sapru replied that they should stand fast on the Act and the federal plan embodied in it. It was not ideal but at this stage, it was the only thing.... A few days after Sapru's visit Birla came to see the Viceroy. He thought that Congress was moving towards acceptance of Federation. Gandhi was not over-worried, said Birla, by the reservation of defense and external affairs to the center, but was concentrating on the method of choosing the States' representatives. Birla wanted the Viceroy to help Gandhi by persuading a number of Princes to move towards the democratic election of representatives. ...Birla then said that the only chance for Federation lay in the agreement between Government and Congress and the best hope of this lay in discussion between the Viceroy and Gandhi.”^{[15][16]}

Receptions

Nehru called it "a machine with strong brakes but no engine". He also called it a "Charter of Slavery"^[17] Jinnah called it, "thoroughly rotten, fundamentally bad and totally unacceptable."^[17]

Winston Churchill conducted a campaign against Indian self-government from 1929 onwards. When the bill passed, he denounced it in the House of Commons as "a gigantic quilt of jumbled crochet work, a monstrous monument of shame built by pygmies". Leo Amery, who spoke next, opened his speech with the words "Here ended the last chapter of the Book of Jeremiah" and commented that Churchill's speech had been "not only a speech without a ray of hope; it was a speech from beginning to end, like all his speeches on the subject, utterly and entirely negative and devoid of constructive thought."

Rab Butler, who as Under-Secretary for India helped pilot the Act through the House of Commons, later wrote that it helped to set India on the path of Parliamentary democracy. Butler blamed Jinnah for the subsequent secession of Pakistan, likening his strength of character to that of the Ulster Unionist leader Edward Carson, and wrote that “men like Jinnah are not born every day”, although he also blamed Congress for not having done enough to court the Muslims. In 1954 Butler stayed in Delhi, where Nehru, who Butler believed had mellowed somewhat from his extreme views of the 1930s, told him that the Act, based on the English

constitutional principles of Dicey and Anson, had been the foundation of the Indian Independence Bill.

Act Implementation

The British government sent out Lord Linlithgow as the new viceroy with the remit of bringing the Act into effect. Linlithgow was intelligent, extremely hard working, honest, serious and determined to make a success out of the Act. However, he was also unimaginative, stolid, legalistic and found it very difficult to "get on terms" with people outside his immediate circle.

In 1937, after the holding of provincial elections, Provincial Autonomy commenced. From that point until the declaration of war in 1939, Linlithgow tirelessly tried to get enough of the Princes to accede to launch the Federation. In this, he received only the weakest backing from the Home Government and in the end the Princes rejected the Federation *en masse*. In September 1939, Linlithgow simply declared that India was at war with Germany. Though Linlithgow's behavior was constitutionally correct it was also offensive too much of Indian opinion that the Viceroy had not consulted the elected representatives of the Indian people before taking such a momentous decision. This led directly to the resignation of the Congress provincial ministries. From 1939, Linlithgow concentrated on supporting the war effort.

Government of India Act 1935: Main Features

Government of India Act of 1935 marked the second milestone towards a completely responsible government in India. It ended Diarchy and provided the establishment of All India Federation. This act served some useful purposes by the experiment of provincial autonomy, thus we can say that the Government of India Act 1935 marks a point of no return in the history of constitutional development in India.

On August 1935, the Government of India passed longest act i.e. *Government of India Act 1935* under the British Act of Parliament. This act also included the *Government of Burma Act 1935*. According to this act, India would become a federation if 50% of Indian states decided to join it. They would then have a large number of representatives in the two houses of the central legislature. However, the provisions with regards to the federation were not implemented. The act made no reference even to granting dominion status, much less independence, to India.

With regard to the provinces, the act of 1935 was an improvement on the existing position. It introduced what is known as *provincial autonomy*. The ministers of the provincial governments, according to it, were to be responsible to the legislature. The powers of the legislature were increased. However, in certain matters like the Police,

the government had the authority. The right to vote also remained limited. Only about 14% of the population got the right to vote. The appointment of the governor-general and governors, of course, remained in the hands of the British government and they were not responsible to the legislatures. The act never came near the objective that the nationalist movement had been struggling for.

Features of the Act

1. It provided for the establishment of an All-India Federation consisting of provinces and princely states as units. The Act divided the powers between the Centre and units in terms of three lists—Federal List (for Centre, with 59 items), Provincial List (for provinces, with 54 items) and the Concurrent List (for both, with 36 items). Residuary powers were given to the Viceroy. However, the federation never came into being as the princely states did not join it.
2. It abolished dyarchy in the provinces and introduced ‘provincial autonomy’ in its place. The provinces were allowed to act as autonomous units of administration in their defined spheres. Moreover, the Act introduced responsible governments in provinces, that is, the governor was required to act with the advice of ministers responsible to the provincial legislature. This came into effect in 1937 and was discontinued in 1939.
3. It provided for the adoption of dyarchy at the Centre. Consequently, the federal subjects were divided into reserved subjects and transferred subjects. However, this provision of the Act did not come into operation at all.
4. It introduced bicameralism in six out of eleven provinces. Thus, the legislatures of Bengal, Bombay, Madras, Bihar, Assam and the United Provinces were made bicameral consisting of a legislative council (upper house) and a legislative assembly (lower house). However, many restrictions were placed on them.
5. It further extended the principle of communal representation by providing separate electorates for depressed classes (scheduled castes), women and labour (workers).
6. It abolished the Council of India, established by the Government of India Act of 1858. The secretary of state for India was provided with a team of advisors.
7. It extended franchise. About 10 per cent of the total population got the voting right.
8. It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.
9. It provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.

10. It provided for the establishment of a Federal Court, which was set up in 1937.

The main objectivity of the act of 1935 was that the government of India was under the British Crown. So, the authorities and their functions derive from the Crown, in so far as the crown did not itself retain executive functions. His conception, familiar in dominion constitutions, was absent in earlier Acts passed for India.

Hence, the act of 1935 served some useful purposes by the experiment of provincial autonomy, thus we can say that the Government of India Act 1935 marks a point of no return in the history of constitutional development in India.

CONSTITUENT ASSEMBLY: COMPOSITION AND FUNCTIONS

The Constituent Assembly of India was a sovereign body, which was formed on the recommendations of the Cabinet Mission which visited India in 1946 to draft a Constitution for the country. However, later on the Constituent Assembly also faced certain criticisms after its formation.

On the basis of the framework provided by the Cabinet Mission, a Constituent Assembly was constituted on 9th December, 1946. The Constitution making body was elected by the Provincial Legislative Assembly constituting of 389 members who included 93 from Princely States and 296 from British India.

The seats to the British Indian provinces and princely states were allotted in proportion of their respective population and were to be divided among Muslims, Sikhs and rest of the communities. All sections of the Indian society got representation in the Constituent Assembly in spite of limited suffrage.

The first meeting of the Constituent Assembly took place on December 9, 1946 at New Delhi with Dr Sachidanand being elected as the interim President of the Assembly. However, on December 11, 1946, Dr. Rajendra Prasad was elected as the President and H.C. Mukherjee as the Vice-President of the Constituent Assembly.

Functions of the Constituent Assembly

1. Framing the Constitution.
2. Enacting laws and involved in the decision making process.
3. It adopted the National flag on July 22, 1947.
4. It accepted and approved India's membership of the British Commonwealth in May 1949.

5. It elected Dr. Rajendra Prasad as the first President of India on January 24, 1950.
6. It adopted the National anthem on January 24, 1950.
7. It adopted the National song on January 24, 1950.

Objective Resolution

The Objective Resolution was moved on December 13, 1946 by Pandit Jawaharlal Nehru, which provided the philosophy and guiding principles for framing the Constitution and later took the form of Preamble of the Constitution of India. This Resolution was unanimously adopted by the Constituent Assembly on 22 January 1947.

The Resolution stated that the Constituent Assembly would firstly proclaim India as an Independent Sovereign Republic which includes all the territories, retaining as autonomous units and possess residuary powers; all the people of India shall be guaranteed justice, equality of status, freedom of thought, expression, belief, faith, worship, vocation, association and subject to law and public morality; adequate safeguards shall be provided for minorities, backward, depressed classes; the integrity of the territories of the Republic and its sovereign rights on land, sea and air and thus India would contribute to the promotion of world peace and the welfare of mankind.

Committees of the Constituent Assembly

The Constituent Assembly appointed eight major committees, which are mentioned below:

1. Constitution Making Union Powers Committee
2. Union Constitution Committee
3. Provincial Constitution Committee
4. Drafting Committee
5. Advisory Committee on Fundamental rights and Minorities
6. Rules of Procedure Committee
7. States Committee
8. Jawaharlal Nehru Steering Committee

*Among these eight major committees, the most significant was the Drafting Committee. On 29th August 1947, the Constituent Assembly set up a **Drafting Committee** under*

the chairmanship of Dr. B.R. Ambedkar to prepare a Draft Constitution for India.

Criticism of the Constituent Assembly

The grounds on which the Constituent Assembly was criticized were as follows:

- 1. Not a Popular body:** Critics argued that the members of the Constituent Assembly were not directly elected by the people of India. The Preamble says that the Constitution has been adopted by the people of India, whereas it was adopted by only few individuals who were not even elected by the people.
- 2. Not a Sovereign body:** The critics stated that the Constituent Assembly was not a sovereign body as it was not created by the people of India. It was created by the proposals of the British rulers by executive action before India's independence and its composition was determined by them.
- 3. Time consuming:** The critics maintained that the time taken to prepare the Constitution was too much in comparison to other nations. The framers of the US Constitution took only four months to prepare the Constitution.
- 4. Dominated by Congress:** The critics continued to argue that the Congress in the Constituent Assembly was quite dominating and imposed its thinking on the people of the country through the Constitution drafted by it.
- 5. Dominated by one community:** According to some critics, the Constituent Assembly lacked religious heterogeneity and was dominated by the Hindus.
- 6. Dominated by Lawyers:** Critics also argued that the Constitution became bulky and cumbersome due to dominance of lawyers in the Constituent Assembly. They have made the language of the Constitution difficult for a layman to understand. The other sections of the society couldn't voice their concerns and were unable to participate in the decision-making process during the time of drafting of the Constitution.
Therefore, the Constituent Assembly became the Provisional Parliament of India and significantly contributed to the drafting of the historic Constitution of India and later helped to construct the Indian political system.

UNION GOVERNMENT

Government **of** **India**
Bhārat Sarkār



सत्यमेव जयते
Emblem of India

Formation	26 January 1950; 69 years ago
Country	Republic of India
Website	india.gov.in
Head of state	President (Ramnath Kovind)
Seat	Rashtrapati Bhavan

Legislature

Legislature	Parliament
Upper house	Rajya Sabha
Leader	Chairman (Venkaiah Naidu)
Lower house	Lok Sabha
Leader	Speaker (Om Birla)
Meeting place	Sansad Bhavan

Executive

Head of government	Prime minister (Narendra Modi)
Main organ	Cabinet
Head of civil services	Cabinet secretary (Rajiv Gauba, IAS)
Meeting place	Central secretariat
Ministries	57
Responsible to	Lok Sabha

Judiciary

Court	Supreme court
Chief judge	Chief justice (Ranjan Gogoi)

India



This article is part of a series on the **politics and government of India**

Constitution and law

Government of India

Elections

Federalism

Other countries
Atlas

v
t
e

The **Government of India** (ISO: *Bhārat Sarkār*), often abbreviated as **GoI**, is the union government created by the constitution of India as the legislative, executive and judicial authority of the union of 29 states and seven union territories of a constitutionally democratic republic. It is located in New Delhi, the capital of India.

☐ **Basic structure**

Modelled after the Westminster system for governing the state,^[1] the union government is mainly composed of the executive, the legislature, and the judiciary, in which all powers are vested by the constitution in the prime minister, parliament and the supreme court. The President of India is the head of state and the commander-in-chief of the Indian Armed Forces whilst the elected prime minister acts as the head of the executive, and is responsible for running the union government.^[2] The parliament is bicameral in nature, with the Lok Sabha being the lower house, and the Rajya Sabha the upper house. The

judiciary systematically contains an apex supreme court, 24 high courts, and several district courts, all inferior to the supreme court.^[3]

The basic civil and criminal laws governing the citizens of India are set down in major parliamentary legislation, such as the civil procedure code, the penal code, and the criminal procedure code.^[4] Similar to the union government, individual state governments each consist of executive, legislative and judiciary. The legal system as applicable to the union and individual state governments is based on the English Common and Statutory Law.^[5] The full name of the country is the *Republic of India*. India and Bharat are equally official short names for the Republic of India in the Constitution,^[6] and both names appears on legal banknotes, in treaties and in legal cases. The terms "union government", "central government" and "*Bhārat Sarkār*" are often used officially and unofficially to refer to the Government of India.^[citation needed] The term *New Delhi* is commonly used as a metonym for the central government,^[citation needed] as the seat of government is in New Delhi.

Legislature



Building of the Parliament of India

The powers of the legislature in India are exercised by the Parliament, a bicameral legislature consisting of the Rajya Sabha and the Lok Sabha. Of the two houses of parliament, the Rajya Sabha is considered to be the upper house or the Council of States and consists of members appointed by the president and elected by the state and territorial legislatures. The Lok Sabha is considered the lower house or the House of the people.^[7]

The parliament does not have complete control and sovereignty, as its laws are subject to judicial review by the Supreme Court.^[8] However, it does exercise some control over the executive. The members of the cabinet, including the prime minister, are either chosen from parliament or elected thereto within six months of assuming office.^[9] The cabinet as a whole is responsible to the Lok Sabha.^[10] The Lok Sabha is a temporary house and can be dissolved only when the party in power loses the support of the majority of the house. The Rajya Sabha is a permanent house and can never be dissolved. The members of the Rajya Sabha are elected for a six-year term.^[11]

Executive

The executive of government is the one that has sole authority and responsibility for the daily administration of the state bureaucracy. The division of power into separate branches of government is central to the republican idea of the separation of powers.^[12]

President

The executive power is vested mainly in the President of India, as per Article 53(1) of the constitution. The president has all constitutional powers and exercises them directly or through subordinate officers as per the aforesaid Article 53(1). The president is to act in accordance with aid and advice tendered by the prime minister, who leads the council of ministers as described in Article 74 of the Constitution of India.

The council of ministers remains in power during the 'pleasure' of the president. However, in practice, the council of ministers must retain the support of the Lok Sabha. If a president were to dismiss the council of ministers on his or her own initiative, it might trigger a constitutional crisis. Thus, in practice, the council of ministers cannot be dismissed as long as it holds the support of a majority in the Lok Sabha.

The president is responsible for appointing many high officials in India. These high officials include the governors of the 29 states; the chief justice; other judges of the supreme court and high courts on the advice of other judges; the Attorney General; the Comptroller and Auditor General; the Chief Election Commissioner and other election commissioners; the chairman and members of the Union Public Service Commission; the officers of the All India Services (IAS, IFoS and IPS) and central civil services in group 'A'; and the ambassadors and high commissioners to other countries on the recommendations of the cabinet.^{[13][14]}

The president, as the head of state, also receives the credentials of ambassadors from other countries, whilst the prime minister, as head of government, receives credentials of high commissioners from other members of the Commonwealth, in line with historical tradition.

The president is the *de jure* commander-in-chief of the Indian Armed Forces.^[15]

The President of India can grant a pardon to or reduce the sentence of a convicted person for one time, particularly in cases involving punishment of death. The decisions involving pardoning and other rights by the president are independent of the opinion of the prime minister or the Lok Sabha majority. In most other cases, however, the president exercises his or her executive powers on the advice of the prime minister.^[16]

Vice president

The vice president is the second highest constitutional position in India after the president. The vice president represents the nation in the absence of the president and takes charge as acting president in the incident of resignation impeachment or removal of the president. The vice president also has the legislative function of acting as the chairman of the Rajya Sabha.^[17] The vice president is elected indirectly by members of an electoral college consisting of the members of both the houses of the parliament in accordance with the system of proportional representation by means of the single transferable vote and the voting is by secret ballot conducted by the election commission.

Prime minister



The Rashtrapati Bhawan complex, with North and South Block housing the Prime Minister's Office, Cabinet Secretariat, Ministry of Defence, and others.

The Prime Minister of India, as addressed in the Constitution of India, is the chief of the government, chief adviser to the president, head of the council of ministers and the leader of the majority party in the parliament. The prime minister leads the executive of the Government of India.

The prime minister is the senior member of cabinet in the executive of government in a parliamentary system. The prime minister selects and can dismiss other members of the cabinet; allocates posts to members within the Government; is the presiding member and chairman of the cabinet and is responsible for bringing a proposal of legislation. The resignation or death of the prime minister dissolves the cabinet.

The prime minister is appointed by the president to assist the latter in the administration of the affairs of the executive.

Cabinet, ministries and agencies



The Cabinet of India includes the prime minister and cabinet ministers.^[18] Each minister must be a member of one of the houses of the parliament. The cabinet is headed by the prime minister, and is advised by the Cabinet Secretary, who also acts as the head of the Indian Administrative Service and other civil services. Other ministers are either as union cabinet ministers, who are heads of the various ministries; or ministers of state, who are junior members who report directly to one of the cabinet ministers, often overseeing a specific aspect of government; or ministers of state (independent charges), who do not report to a cabinet minister. As per article 88 of the constitution, every minister shall have the right to speak in, and to take part in the proceedings of, either house, any joint sitting of the houses, and any committee of parliament of which he may be named a member, but shall *not* be entitled to a vote in the house where he is not a member.

Secretaries

A secretary to the Government of India, a civil servant, generally an Indian Administrative Service (IAS) officer,^{[19][20][21][22]} is the administrative head of the ministry or department, and is the principal adviser to the minister on all matters of policy and administration within the ministry/department.^{[23][24]} Secretaries to the Government of India rank 23rd on Indian order of

precedence.^{[25][26][27][28]} Secretaries at the higher level are assisted by one or many additional secretaries, who are further assisted by joint secretaries.^[24] At the middle they are assisted by directors/deputy secretaries and under secretaries.^[24] At the lower level, there are section officers, assistant section officers, upper division clerks, lower division clerks and other secretarial staff.^[24]

Ministries and departments of the Government of India hide

Ministry	Department(s)
President's Secretariat	
Vice President's Secretariat	
Prime Minister's Office	Atomic Energy
	Space
Cabinet Secretariat	
Agriculture and Farmers Welfare	Agriculture, Cooperation and Farmers Welfare
	Agricultural Research and Education
	Animal Husbandry, Dairying and Fisheries
AYUSH	
Chemicals and Fertilizers	Chemicals and Petrochemicals

	Fertilizers
	Pharmaceuticals
Civil Aviation	
Coal	
Commerce and Industry	Commerce
	Industrial Policy and Promotion
Communications	Posts
	Telecommunications
Consumer Affairs, Food and Public Distribution	Consumer Affairs
	Food and Public Distribution
Corporate Affairs	
Culture	
Defence	Defence
	Defence Production
	Defence Research and Development

	Ex-servicemen Welfare
Development of North Eastern Region	
Drinking Water and Sanitation	
Earth Sciences	
Electronics and Information Technology	
Environment, Forest and Climate Change	
External Affairs	
Finance	Economic Affairs
	Expenditure
	Financial Services
	Investment and Public Asset Management
	Revenue
Food Processing Industries	
Health and Family Welfare	Health and Family Welfare

	Health Research
Heavy Industries and Public Enterprises	Heavy Industry
	Public Enterprises
Home Affairs	Border Management
	Internal Security
	Jammu Kashmir Affairs
	Home
	Official Language
	States
Housing and Urban Affairs	
Human Resource Development	Higher Education
	School Education and Literacy
Information and Broadcasting	
Labour and Employment	
Law and Justice	Justice

	Legal Affairs
	Legislative
Micro, Small and Medium Enterprises	
Mines	
Minority Affairs	
New and Renewable Energy	
NITI Aayog	
Panchayati Raj	
Parliamentary Affairs	
Personnel, Public Grievances and Pensions	Personnel and Training
	Administrative Reforms and Public Grievances
	Pension and Pensioners' Welfare
Petroleum and Natural Gas	
Power	

Railways	
Road Transport and Highways	
Rural Development	Land Resources
	Rural Development
Science and Technology	Biotechnology
	Science and Technology
	Scientific and Industrial Research
Shipping	
Skill Development and Entrepreneurship	
Social Justice and Empowerment	Empowerment of Persons with Disabilities
	Social Justice and Empowerment
Statistics and Programme Implementation	
Steel	
Textiles	

Tourism	
Tribal Affairs	
Water Resources, River Development and Ganga Rejuvenation	
Women and Child Development	
Youth Affairs and Sports	Sports
	Youth Affairs
Total	
Ministries	Departments
58	93

Civil services

The Civil Services of India are the civil services and the permanent bureaucracy of India. The executive decisions are implemented by the Indian civil servants.

In the parliamentary democracy of India, the ultimate responsibility for running the administration rests with the elected representatives of the people which are the ministers. These ministers are accountable to the legislatures which are also elected by the people on the basis of universal adult suffrage. The ministers are indirectly responsible to the people themselves. But the handful of ministers are not expected to deal personally with the various problems of modern administration. Thus the ministers lay down the policy and it is for the civil servants to enforce it.

Cabinet secretary

The cabinet secretary (IAST: *Maṁtrimaṇḍala Saciva*) is the top-most executive official and senior-most civil servant of the Government of India. The cabinet

secretary is the *ex-officio* head of the Civil Services Board, the Cabinet Secretariat, the Indian Administrative Service (IAS) and head of all civil services under the rules of business of the government.

The cabinet secretary is generally the senior-most officer of the Indian Administrative Service. The cabinet secretary ranks 11th on the Indian order of precedence.^{[25][26][27][28]} The cabinet secretary is under the direct charge of the prime minister.

Judiciary

India's independent union judicial system began under the British, and its concepts and procedures resemble those of Anglo-Saxon countries. The Supreme Court of India consists of the chief justice and 30 associate justices, all appointed by the president on the advice of the Chief Justice of India. The jury trials were abolished in India in the early 1960s, after the famous case *KM Nanavati v. State of Maharashtra*, for reasons of being vulnerable to media and public pressure, as well as to being misled.

Unlike its United States counterpart, the Indian justice system consists of a unitary system at both state and union level. The judiciary consists of the Supreme Court of India, high courts at the state level, and district courts and sessions courts at the district level.

Supreme court



The Supreme Court of India is situated in New Delhi, the capital region of India.

The supreme court is the highest judicial forum and final court of appeal under the Constitution of India, the highest constitutional court, with the power of constitutional review. Consisting of the Chief Justice of India and 30 sanctioned other judges, it has extensive powers in the form of original, appellate and advisory jurisdictions.^[29]

As the final court of appeal of the country, it takes up appeals primarily against verdicts of the high courts of various states of the Union and other courts and tribunals. It safeguards fundamental rights of citizens and settles disputes

between various governments in the country. As an advisory court, it hears matters which may specifically be referred to it under the constitution by the president. It also may take cognisance of matters on its own (or 'suo moto'), without anyone drawing its attention to them. The law declared by the supreme court becomes binding on all courts within India and also by the union and state governments.^[30] Per Article 142, it is the duty of the President to enforce the decrees of the supreme court.

In addition, Article 32 of the constitution gives an extensive original jurisdiction to the supreme court in regard to enforcing fundamental rights. It is empowered to issue directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, *prohibition*, *quo warranto* and *certiorari* to enforce them. The supreme court has been conferred with power to direct transfer of any civil or criminal case from one state high court to another state high court, or from a court subordinate to another state high court and the supreme court. Although the proceedings in the supreme court arise out of the judgment or orders made by the subordinate courts, of late the supreme court has started entertaining matters in which interest of the public at large is involved. This may be done by any individual or group of persons either by filing a *writ petition* at the filing counter of the court, or by addressing a letter to the Chief Justice of India, highlighting the question of public importance for redress. These are known as public interest litigations.^[31]

Elections and voting

India has a quasi-federal form of government, called "union" or "central" government,^[32] with elected officials at the union, state and local levels. At the national level, the head of government, the prime minister, is appointed by the President of India from the party or coalition that has the majority of seats in the Lok Sabha. The members of the Lok Sabha are directly elected for a term of five years by universal adult suffrage through a first-past-the-post voting system. Members of the Rajya Sabha, which represents the states, are elected by the members of State legislative assemblies by proportional representation, except for 12 members who are nominated by the president.

India is currently the largest democracy in the world, with around 900 million eligible voters, as of 2019.^[33]

State and local governments

State governments in India are the governments ruling States of India and the chief minister heads the state government. Power is divided between union government and state governments. State government's legislature is bicameral in 7 states and unicameral in the rest. Lower house is elected with 5

years term, while in upper house 1/3 of the total members in the house gets elected every 2 years with 6-year term.

Local government function at the basic level. It is the third level of government apart from union and state governments. It consists of panchayats in rural areas and municipalities in urban areas. They are elected directly or indirectly by the people.

Finance

Taxation



India has a three-tier tax structure, wherein the constitution empowers the union government to levy income tax, tax on capital transactions (wealth tax, inheritance tax), sales tax, service tax, customs and excise duties and the state governments to levy sales tax on intrastate sale of goods, tax on entertainment and professions, excise duties on manufacture of alcohol, stamp duties on transfer of property and collect land revenue (levy on land owned). The local governments are empowered by the state government to levy property tax and charge users for public utilities like water supply, sewage etc.^[34] More than half of the revenues of the union and state governments come from taxes, of which 3/4 come from direct taxes. More than a quarter of the union government's tax revenues is shared with the state governments.^[35]

The tax reforms, initiated in 1991, have sought to rationalise the tax structure and increase compliance by taking steps in the following directions:

- Reducing the rates of individual and corporate income taxes, excises, customs and making it more progressive

- Reducing exemptions and concessions
- Simplification of laws and procedures
- Introduction of permanent account number (PAN) to track monetary transactions
- 21 of the 29 states introduced value added tax (VAT) on 1 April 2005 to replace the complex and multiple sales tax system^{[34][36]}

The non-tax revenues of the central government come from fiscal services, interest receipts, public sector dividends, etc., while the non-tax revenues of the States are grants from the central government, interest receipts, dividends and income from general, economic and social services.^[37]

Inter-state share in the union tax pool is decided by the recommendations of the Finance Commission to the president.

Total tax receipts of Centre and State amount to approximately 18% of national GDP. This compares to a figure of 37–45% in the OECD.

Union budget

The Finance minister of India usually presents the annual union budget in the parliament on the last working day of February. However, for the F.Y. 2017- 18, this tradition had been changed. Now budget will be presented on the 1st day of February. The budget has to be passed by the Lok Sabha before it can come into effect on 1 April, the start of India's fiscal year. The Union budget is preceded by an economic survey which outlines the broad direction of the budget and the economic performance of the country for the outgoing financial year^[38]

India's non-development revenue expenditure had increased nearly five-fold in 2003–04 since 1990–91 and more than tenfold since 1985–1986. Interest payments are the single largest item of expenditure and accounted for more than 40% of the total non-development expenditure in the 2003–04 budget. Defense expenditure increased fourfold during the same period and has been increasing because of India's desire to project its military prowess beyond South Asia. In 2007, India's defence spending stood at US\$26.5 billion.

Issues

Corruption

Several ministers are accused of corruption and nearly a quarter of the 543 elected members of parliament had been charged with crimes, including murder, in 2009.^[39] Many of the biggest scandals since 2010 have involved high level government officials, including cabinet ministers and chief ministers, such as the 2010 Commonwealth Games scam (₹70,000 crore (equivalent to ₹1.2trillion or US\$17 billion in 2018)), the Adarsh Housing Society scam, the Coal Mining

Scam (₹1.86 lakh crore (equivalent to ₹3.1 trillion or US\$45 billion in 2018)), the mining scandal in Karnataka and the cash for vote scandal.

LOCAL GOVERNMENT OF INDIA:

**Evolution of Local Self-Government
(Panchayati Raj System) in India.**

We know there is a government in India at the Center and State levels. But there is another important system for local governance. The foundation of the present local self-government in India was laid by the Panchayati Raj System (1992).

But the history of Panchayati Raj starts from the self-sufficient and self-governing village communities. In the time of the Rig-Veda (1700 BC), evidence suggests that self-governing village bodies called 'sabhas' existed. With the passage of time, these bodies became panchayats (council of five persons).

Panchayats were functional institutions of grassroots governance in almost every village. They endured the rise and fall of empires in the past, to the current highly structured system.

What is Local self-government?

Local self-government implies the transference of the power to rule to the lowest rungs of the political order. It is a form of democratic decentralization where the participation of even the grass root level of the society is ensured in the process of administration.

History of local administration

The village panchayat, as a system of administration, began in the British days, as their offer to satisfy the demands for local autonomy. They opened up the governance of the lowest levels to the citizens. The GoI act, 1935 also authorizes the provinces to enact legislations.

How did the concept of local self-government evolve in India?

Even though such minor forms of local governance was evident in India, the framers of the constitutions, unsatisfied with the existing provisions, included **Article 40** among the Directive Principles, whereby:

“The state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.”

Later, the conceptualisation of the system of local self-government in India took place through the formation and effort of four important committees from the year 1957 to 1986. It will be helpful if we take a look at the committee and the important recommendations put forward by them.

1. Balwant Rai Mehta Committee (1957)

Originally appointed by the Government of India to examine the working of two of its earlier programs, the committee submitted its report in November 1957, in which the term '**democratic decentralization**' first appears.

The important recommendations are:

- Establishment of a three-tier Panchayati Raj system – gram panchayat at village level (direct election), panchayat Samiti at the block level and Zila Parishad at the district level (indirect election).
- District Collector to be the chairman of Zila Parishad.
- Transfer of resources and power to these bodies to be ensured.

The existent National Development Council accepted the recommendations. However, it did not insist on a single, definite pattern to be followed in the establishment of these institutions. Rather, it allowed the states to devise their own patterns, while the broad fundamentals were to be the same throughout the country.

Rajasthan (1959) adopted the system first, followed by Andhra Pradesh in the same year. Some states even went ahead to create four-tier systems and **Nyaya panchayats**, which served as judicial **bodies**.

2. Ashok Mehta Committee (1977-1978)

The committee was constituted by the Janata government of the time to study Panchayati Raj institutions. Out of a total of 132 recommendations made by it, the most important ones are:

- Three-tier system to be replaced by a two-tier system.
- Political parties should participate at all levels in the elections.
- Compulsory powers of taxation to be given to these institutions.
- Zila Parishad to be made responsible for planning at the state level.
- A minister for Panchayati Raj to be appointed by the state council of ministers.
- **Constitutional recognition to be given to Panchayati Raj institutions.**

Unfortunately, the Janata government collapsed before action could be taken on these recommendations.

3. G V K Rao Committee (1985)

Appointed by the Planning Commission, the committee concluded that the developmental procedures were gradually being taken away from the local self-government institutions, resulting in a system comparable to '**grass without roots**'.

- Zila Parishad to be given prime importance and all developmental programs at that level to be handed to it.
- Post of DDC (District Development Commissioner) to be created acting as the chief executive officer of the Zila Parishad.
- Regular elections to be held

4. L M Singhvi Committee (1986)

Constituted by the Rajiv Gandhi government on 'Revitalisation of Panchayati Raj institutions for Democracy and Development', its important recommendations are:

- Constitutional recognition for PRI institutions.
- Nyaya Panchayats to be established for clusters of villages

Though the 64th Constitutional Amendment bill was introduced in the Lok Sabha in 1989 itself, Rajya Sabha opposed it. It was only during the Narasimha Rao government's term that the idea finally became a reality in the form of the **73rd and 74th Constitutional Amendment acts, 1992**.

Panchayati Raj System under 73rd and 74th Constitutional Amendment acts, 1992

The acts of 1992 added two new parts IX and IX-A to the constitution. It also added two new schedules – 11 and 12 which contains the lists of functional items of **Panchayats and Municipalities**. It provides for a three-tier system of **Panchayati Raj** in every state – at the village, intermediate and district levels.

What are Panchayats and Municipalities?

- Panchayat and Municipality are the generic terms for the governing body at the local level. Both exist as three tier systems – at the lower, intermediate and upper levels.
- The 73rd Constitutional Amendment act provides for a **Gram Sabha** as the foundation of the Panchayati Raj system. It is essentially a village assembly consisting of all the registered voters in the area of the panchayat. The state has the power to determine what kind of powers it can exercise, and what functions it has to perform at the village level.
- The 74th Constitutional Amendment act provides for three types of Municipalities:
 1. **Nagar Panchayat** for a transitional area between a rural and urban area.
 2. **Municipal Council** for a small urban area.
 3. **Municipal Corporation** for a large urban area.
- Municipalities represent **urban local self-government**.
- Most of the provisions of the two acts are parallel, differing only in the fact that they are being applied to either a Panchayat or a Municipality respectively.
- Each Gram sabha is the meeting of a particular constituency called *ward*.
- Each ward has a representative chosen from among the people themselves by *direct election*.
- The chairperson of the Panchayat or Municipality at the intermediate and district level are elected from among these representatives at the immediately lower level by *indirect election*.

Types of Urban Local Government

There are eight types of urban local governments currently existing in India:

1. Municipal Corporations.
2. Municipality.
3. Notified area committee.
4. Town area committee.
5. Cantonment board.
6. Township.
7. Port trust.
8. Special purpose agency.

How are the elections held in the local government bodies?

- All seats of representatives of local bodies are filled by people chosen through *direct elections*.
- The conduct of elections is vested in the hands of the State election commission.
- The chairpersons at the intermediate and district levels shall be elected *indirectly from among the elected representatives at the immediately lower level*.
- At the lowest level, the chairperson shall be elected in a mode defined by the state legislature.
- Seats are reserved for SC and ST proportional to their population.
- Out of these reserved seats, not less than one-third shall be further reserved for women.
- There should be a blanket reservation of one-third seats for women in all the constituencies taken together too (which can include the already reserved seats for SC and ST).
- The acts bar the interference of courts in any issue relating to the election to local bodies.

What are the Qualifications needed to be a member of the Panchayat or Municipality?

Any person who is qualified to be a member of the state legislature is eligible to be a member of the Panchayat or Municipality.

“But he shall not be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years”

This means that unlike the state legislature, a person needs to attain only 21 years of age to be a member of panchayat/municipality.

What is the duration of the Local Government bodies?

- The local governing bodies are elected for a term of five years.
- Fresh elections should be conducted before the expiry of the five-year term.
- If the panchayat/municipality is dissolved before the expiry of its term, elections shall be conducted within six months and the new panchayat/municipality will hold office for the remainder of the term if the term has more than six months duration.
- And for another five years if the remaining term is less than six months.

What are the Powers invested on these Local Government bodies?

The powers of local bodies are not exclusively defined. They can be tailor- fitted by the state governments according to the environment of the states. In general, the State governments can assign powers to Panchayats and Municipalities that may enable them to prepare plans for economic development and social justice. They may also be authorized to levy, collect, or appropriate taxes.

Summary

To conclude, local self-government is one of the most innovative governance change processes our country has gone through. The noble idea of taking the government of a country into the hands of the grass root level is indeed praiseworthy.

However, like any system in the world, this system is also imperfect. Problems of maladministration and misappropriation of funds are recurring. But this shall not stand in the way of efficient governance; and if these ill practices are rooted out, there would be no comparisons around the world to our system of local self-government.

Overview

Primary objective of Local Government directory is to facilitate State Departments to update the directory with newly formed panchayats/local bodies, re-organization in panchayats, conversion from Rural to Urban area etc and provide the same info in public domain. Key Features of Local Government Directory: Generation of unique code for each local government body - each local government body is assigned with a unique code. Maintenance of local government bodies and its mapping with constituting land region entities. For ex. gram panchayat mapping with villages. Mandatory upload of Govt. order for each modification in the directory - to ascertain the users that the data published in LGD is authentic. Maintenance of historical data - when modifications take place in LGD, the old values/data is archived.

Provision to maintain state specific local government setup. Compliance with Census 2011 codes. Facility to integrate with state specific standard codes - if any state is following standard codes for state level software applications, the same code can be linked to LGD code.

State governments of India

From Wikipedia, the free encyclopedia

[Jump to navigation](#)[Jump to search](#)

India



This article is part of a series on the politics
and government of

India

Constitution and law[\[show\]](#)

Government of India[\[show\]](#)

Elections[\[show\]](#)

Federalism[\[show\]](#)

Other countries

Atlas

v
t
e

State governments in India are the governments ruling 29 states and three union territories of India and the head of the council of ministers in a state is chief minister. Power is divided between the union government and state governments. While the union government handles military and external affairs etc., whereas the state government deals with internal security (through state police) and other state issues. Income for the union government is from customs duty, excise tax, income tax etc., while state government income comes from sales tax (VAT), stamp duty, now these have been subsumed under SGST, GST—components of GST.

Each state has a legislative assembly. A state legislature that has one house, known as State Legislative Assembly (Vidhan Sabha), is a unicameral legislature.

A state legislature that has two houses known as State Legislative Assembly and State Legislative Council (Vidhan Parishad), is a bicameral legislature. The Vidhan Sabha is the lower house and corresponds to the Lok Sabha, the Vidhan Parishad is the upper house and corresponds to the Rajya Sabha of Indian Parliament.

The Sarkaria Commission was set up to review the balance of power between states and the union. The union government can dissolve a state government in favour of President's rule if necessary.



Contents

- 1 Legislatures

- 1.1 Powers and Functions
- 1.2 Membership and terms of office
- 1.3 Politics

- 2 Executive
- 3 Judiciary
- 4 See also
- 5 References

Legislatures[edit]

For every state, there is a legislature, which consists of **Governor** and **one House or, two Houses** as the case may be.[1] In Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana and Uttar Pradesh, there are two Houses known as legislative council and legislative assembly. In the remaining states, there is only one House known as legislative assembly. Parliament may, by law, provide for abolition of an existing legislative council or for creation of one where it does not exist, if proposal is supported by a resolution of the legislative assembly concerned.

The Legislative Council of a state comprises not more than one third of total number of members in legislative assembly of the state and in no case fewer than 40 members (Legislative Council of Jammu and Kashmir has 36 members vide Section 50 of the Constitution of Jammu and Kashmir). About one-third of members of the council are elected by members of the legislative assembly from amongst persons who are not its members, one-third by electorates consisting of members of municipalities, district boards and other local authorities in the state, one-twelfth by electorate consisting of persons who have been, for at least three years, engaged in teaching in educational institutions within the state not lower in standard than secondary school and a further one-twelfth by registered graduates of more than three years' standing. Remaining members are nominated by Governor from among those who have distinguished themselves in literature, science, art, cooperative movement and social service. Legislative councils are not subject to dissolution but one-third of their members retire every second year.

The Legislative Assembly of a state consists of not more than 500 and not fewer than 60 members (Legislative Assembly of Sikkim has 32 members, while Puducherry has 33, Goa and Mizoram have 40 seats each vide Article 371F of the Constitution) chosen by direct election from territorial constituencies in the state. Demarcation of territorial constituencies is to be done in such a manner that the ratio between population of each constituency and number of seats allotted to it, as far as practicable, is the same throughout the state. Term of an assembly is five years unless it is dissolved earlier.

Powers and Functions[edit]

State legislature have exclusive powers over subjects enumerated in List II of the Seventh Schedule of the Constitution and concurrent powers over those enumerated in subh List III. Financial powers of legislature include authorisation of all expenditure, taxation and borrowing by the state government. Legislative assembly alone has power to originate money bills. Legislative council can make only recommendations in respect of changes it considers necessary within a period of fourteen days of the receipt of money bills from Assembly. Assembly can accept or reject these recommendations.

The Governor of a state may reserve any Bill for the consideration of the President. Bills relating to subjects like compulsory acquisition of property, measures affecting powers and position of High Courts and imposition of taxes on storage, distribution and sale of water or electricity in Inter-state River or river valley development projects should necessarily be so reserved. No Bills seeking to impose restrictions on inter-state trade can be introduced in a state legislature without previous sanction of the President.

State legislatures, apart from exercising the usual power of financial control, use all normal parliamentary devices like questions, discussions, debates, adjournments and no-confidence motions and resolutions to keep a watch over day-to-day work of the executive. They also have their committees on estimates and public accounts to ensure that grants sanctioned by legislature are properly utilised.

There is, overall, 4,139 legislative assembly seats in states and union territories of India.^{[1][2][3]} Andhra Pradesh abolished its legislative council in 1984, but has set up a new legislative Council following elections in 2007.^[4]

—

Membership and terms of office^[edit]

State	Legislature type	Size			Current Term	
		Lower	Upper	Total	From	To
<u>Andhra Pradesh</u>	Bicameral	176	58 ^[4]	234	Jun 2019	Jun 2024
<u>Arunachal Pradesh</u>	Unicameral	60	N/A	60	Jun 2019	Jun 2024
<u>Assam</u>	Unicameral	126	N/A	126	May 2016	May 2021
<u>Bihar</u>	Bicameral	244	75	319	Nov 2015	Nov 2020
<u>Chhattisgarh</u>	Unicameral	91	N/A	91	Jan 2019	Jan 2024
<u>Delhi</u>	Unicameral	70	N/A	70	Feb 2015	Feb 2020
<u>Goa</u>	Unicameral	40	N/A	40	Mar 2017	Mar 2022
<u>Gujarat</u>	Unicameral	183	N/A	183	Dec 2017	Dec 2022
<u>Haryana</u>	Unicameral	90	N/A	90	Nov 2014	Nov 2019
<u>Himachal Pradesh</u>	Unicameral	68	N/A	68	Dec 2017	Dec 2022

State	Legislature type	Size			Current Term	
		Lower	Upper	Total	From	To
<u>Jammu and Kashmir</u>	Unicameral	85	N/A	85	Dec 2014	Dec 2020*
<u>Jharkhand</u>	Unicameral	82	N/A	82	Dec 2014	Dec 2019
<u>Karnataka</u>	Bicameral	225	75	300	Jul 2019	Jul 2024
<u>Kerala</u>	Unicameral	141	N/A	141	May 2016	May 2021
<u>Madhya Pradesh</u>	Unicameral	231	N/A	231	Jan 2019	Dec 2024
<u>Maharashtra</u>	Bicameral	289	78	367	Nov 2014	Nov 2019
<u>Manipur</u>	Unicameral	60	N/A	60	Mar 2017	Mar 2022
<u>Meghalaya</u>	Unicameral	60	N/A	60	Mar 2018	Mar 2023
<u>Mizoram</u>	Unicameral	40	N/A	40	Dec 2018	Dec 2023
<u>Nagaland</u>	Unicameral	60	N/A	60	Mar 2018	Mar 2023
<u>Odisha</u>	Unicameral	147	N/A	147	Jun 2019	Jun 2024
<u>Puducherry</u>	Unicameral	33	N/A	33	May 2016	May 2021
<u>Punjab</u>	Unicameral	117	N/A	117	Mar 2017	Mar 2022

State	Legislature type	Size			Current Term	
		Lower	Upper	Total	From	To
<u>Rajasthan</u>	Unicameral	200	N/A	200	Jan 2019	Dec 2024
<u>Sikkim</u>	Unicameral	32	N/A	32	Jun 2019	Jun 2024
<u>Tamil Nadu</u>	Unicameral	235	N/A	235	May 2016	May 2021
<u>Telangana</u>	Bicameral	120	40 ^[5]	160	Dec 2018	Dec 2023
<u>Tripura</u>	Unicameral	60	N/A	60	Mar 2018	Mar 2023
<u>Uttar Pradesh</u>	Bicameral	404	100	504	Mar 2017	Mar 2022
<u>Uttarakhand</u>	Unicameral	71	N/A	71	Mar 2017	Mar 2022
<u>West Bengal</u>	Unicameral	295	N/A	295	May 2016	May 2021
Total	—	4135	426	4561	—	—

Politics^[edit]

Main article: List of recognised political parties in India

Council of Ministers with Chief Minister as head aids and advises Governor in exercise of his functions except in so far as he is by or under the Constitution required to exercise his functions or any of them in his discretion. In respect of Nagaland, Governor has special responsibility under Article 371 A of the Constitution with respect to law and order and even though it is necessary for him to consult Council of Ministers in matters relating to law and order, he can exercise his individual judgement as to the action to be taken.

Similarly, in respect of Arunachal Pradesh, Governor has special responsibility under Article 371H of the Constitution with respect to law and order and in discharge of his functions in relation thereto. Governor shall, after consulting Council of Ministers, exercise his individual judgement as to the action to be taken. These are, however, temporary provisions if President, on receipt of a report from Governor or otherwise is satisfied that it is no longer necessary for Governor to have special responsibility with respect to law and order, he may so direct by an order.

Likewise, in the Sixth Schedule which applies to tribal areas of Assam, Meghalaya, Tripura and Mizoram as specified in para 20 of that Schedule, discretionary powers are given to Governor in matters relating to sharing of royalties between district council and state government. Sixth Schedule vests additional discretionary powers in Governors of Mizoram and Tripura in almost all their functions (except approving regulations for levy of taxes and money lending by non-tribal by district councils) since December 1998. In Sikkim, Governor has been given special responsibility for peace and social and economic advancement of different sections of population.

All Governors while discharging such constitutional functions as appointment of Chief Minister of a state or sending a report to President about failure of constitutional machinery in a state or in respect of matters relating to assent to passing a bill in the state assembly.

Judiciary[edit]

State High courts have jurisdiction over the whole state, but report to the Supreme Court of India, which may override the high court's judgements and rulings.

States and union territories of India

From Wikipedia, the free encyclopedia

[Jump to navigation](#)[Jump to search](#)

Not to be confused with [Administrative divisions of India](#).

"Indian state" redirects here. It is not to be confused with [Indiana](#) or [Indian Territory](#).

States and union territories of India



Andhra Pradesh

Arunachal Pradesh

Assam Bihar

Chhattisgarh

National Capital Territory

Goa

Gujarat

Haryana

Himachal Pradesh

Jammu and Kashmir

Jharkhand

Karnataka

Kerala

Madhya Pradesh

Maharashtra

Manipur

Nagaland
Odisha
Punjab
Rajasthan
Sikkim
Tamil Nadu
Telangana
Tripura
Uttarakhand
Uttar Pradesh
West Bengal
Andaman and Nicobar Islands
Chandigarh
Dadra and Nagar Haveli
Daman and Diu
Lakshadweep
Puducherry

Map

Category	<u>Federated states</u>		
Location	<u>Republic of India</u>		
Number	28	States	
	9 Union territories		
Populations	States: <u>Sikkim</u> - 610,577 (lowest); <u>Uttar Pradesh</u> - 199,812,341(highest)		
	Union	Territories: <u>Lakshadweep</u> - 64,473 (lowest); <u>Delhi</u> - 16,787,941 (highest)	
Areas	States: 3,702 km²(1,429 sq mi) <u>Goa</u> – 342,269 km²(132,151 sq mi) <u>Rajasthan</u>		
	Union territories: 32 km²(12 sq mi) <u>Lakshadweep</u> – 59,146 km²(22,836 sq mi) <u>Ladakh</u>		
Government	<u>State governments</u> , <u>Union government</u> (Union territories)		

Subdivisions Districts, Divisions

India

This article is part of a series on the politics and government of India

Constitution and law[\[show\]](#)

Government of India[\[show\]](#)

Elections[\[show\]](#)

Federalism[\[show\]](#)

Other countries

Atlas

v
t
e

India is a federal union comprising 28 states and 9 union territories, for a total of 37 entities. The states and union territories are further subdivided into districts and smaller administrative divisions.

**States
territories
ordered by**

**and
of**

**union
India**



Area

Population

GDP (per capita)

Abbreviations

Capitals Child

nutrition Crime

rate

Electricity penetration

Fertility rate

Forest cover

Ease of doing business rank

Highest point

HIV awareness

HDI

Home ownership

Household size

Human trafficking

Institutional delivery

Internet Users

Life expectancy at birth

Literacy rate

Media exposure

Number of vehicles

Number of voters

Obesity

Open defecation

Origin of name

Places of worship

Poverty

Power capacity

Access to safe drinking water

Safety of women

School enrollment rate

Sex ratio

Suicides

Tax revenues TV

ownership Toilet

availability

Transport network

Underweight people

Unemployment

Vaccination coverage

v
t
e



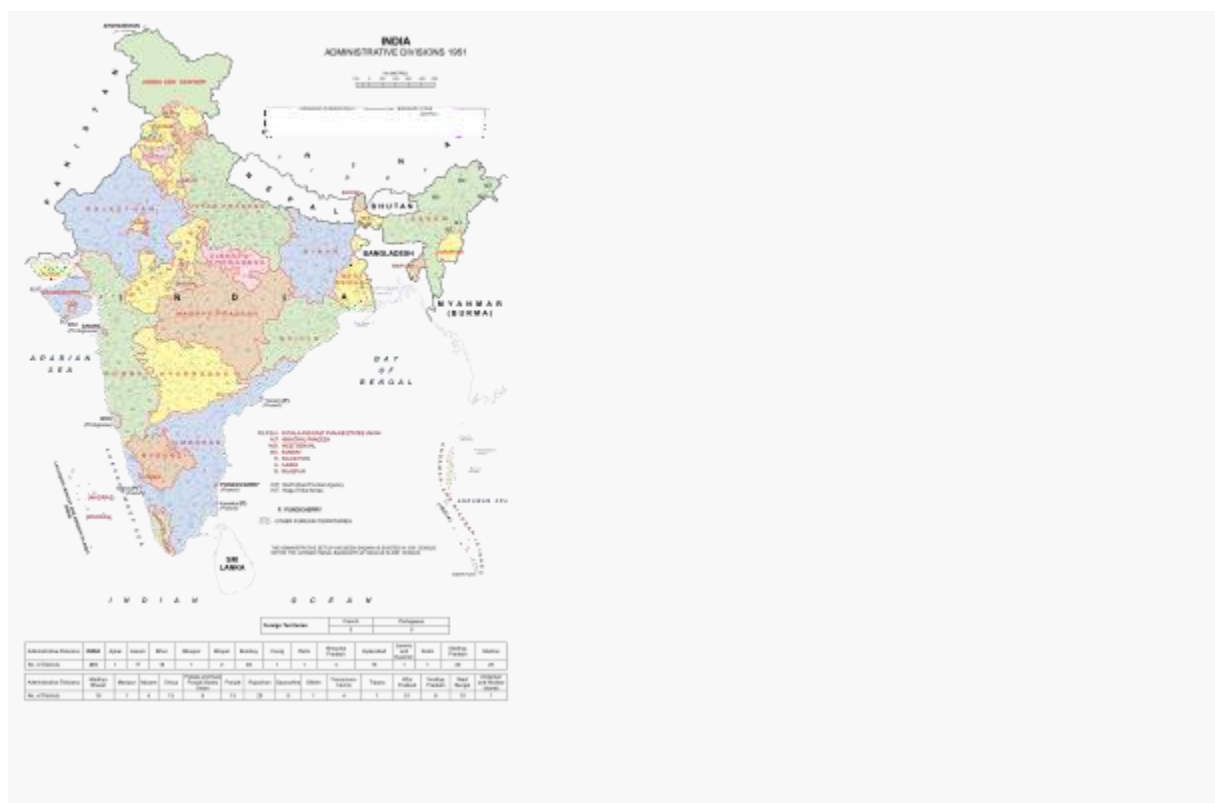
Contents

- 1Responsibilities and authorities
- 2History
 - 2.1Pre-independence
 - 2.21947–1950
 - 2.3States reorganization (1951–1956)
 - 2.4Post-1956
 - 2.5Current proposals
- 3List
 - 3.1States
 - 3.2Union territories
 - 3.3Former states
- 4See also
- 5Notes
- 6References
- 7External links

Responsibilities and authorities

The Constitution of India distributes the sovereign executive and legislative powers exercisable with respect to the territory of any State between the Union and that State.^[1] —

History



Pre-independence

Main article: *Presidencies and provinces of British India*

The Indian subcontinent has been ruled by many different ethnic groups throughout its history, each instituting their own policies of administrative division in the region.^{[2][3][4][5][6][7][8][9][10][11][12]}^[*excessive citations*] During the British Raj, the original administrative structure was mostly kept, and India was divided into provinces (also called Presidencies) that were directly governed by the British and princely states which were nominally controlled by a local prince or raja loyal to the British Empire, which held *de facto* sovereignty (suzerainty) over the princely states.

1947–1950

Between 1947 and 1950 the territories of the princely states were politically integrated into the Indian Union. Most were merged into existing provinces; others were organised into new provinces, such as Rajputana, Himachal Pradesh, Madhya Bharat, and Vindhya Pradesh, made up of multiple princely states; a few, including Mysore, Hyderabad, Bhopal, and Bilaspur, became separate provinces. The new Constitution of India, which came into force on 26 January 1950, made India a sovereign democratic republic. The new republic was also declared to be a "Union of States".^[13] The constitution of 1950 distinguished between three main types of states:^[*citation needed*]

- Part A states, which were the former governors' provinces of British India, were ruled by an elected governor and state legislature. The nine Part A states were Assam, Bihar, Bombay, Madhya Pradesh (formerly Central Provinces and Berar), Madras, Orissa, Punjab (formerly East Punjab), Uttar Pradesh (formerly the United Provinces), and West Bengal (formerly part of Bengal Province).
- The eight Part B states were former princely states or groups of princely states, governed by a rajpramukh, who was usually the ruler of a constituent state, and an elected legislature. The rajpramukh was appointed by the President of India. The Part B states were Hyderabad, Jammu and Kashmir, Madhya Bharat, Mysore, Patiala and East Punjab States Union (PEPSU), Rajasthan, Saurashtra, and Travancore-Cochin.
- The ten Part C states included both the former chief commissioners' provinces and some princely states, and each was governed by a chief commissioner appointed by the President of India. The Part C states were Ajmer, Bhopal, Bilaspur, Coorg, Delhi, Himachal Pradesh, Cutch, Manipur, Tripura, and Vindhya Pradesh.
- The only Part D state was the Andaman and Nicobar Islands, which were administered by a lieutenant governor appointed by the central government.

States reorganization (1951–1956)

The Union Territory of Puducherry was created in 1954 comprising the previous French enclaves of Pondichéry, Karaikal, Yanam and Mahé.^[14] Andhra State was created on 1 October 1953 from the Telugu-speaking northern districts of Madras State.^[15]

The States Reorganisation Act of 1956 reorganised the states based on linguistic lines resulting in the creation of the new states.^[16] As a result of this act, Madras State retained its name with Kanyakumari district added to form Travancore-Cochin. Andhra Pradesh was created with the merger of Andhra State with the Telugu-speaking districts of Hyderabad State in 1956. Kerala was created with the merger of Malabar district and the Kasaragod taluk of South Canara districts of Madras State with Travancore-Cochin. Mysore State was re-organized with the addition of districts of Bellary and South Canara (excluding Kasaragod taluk) and the Kollegal taluk of Coimbatore district from the Madras State, the districts of Belgaum, Bijapur, North Canara and Dharwad from Bombay State,

the Kannada-majority districts of Bidar, Raichur and Gulbarga from Hyderabad State and the province of Coorg. The Laccadive Islands which were divided between South Canara and Malabar districts of Madras State were united and organised into the union territory of Lakshadweep.

Bombay State was enlarged by the addition of Saurashtra State and Kutch State, the Marathi-speaking districts of Nagpur Division of Madhya Pradesh and Marathwada region of Hyderabad

State. Rajasthan and Punjab gained territories from Ajmer and Patiala and East Punjab States Union respectively and certain territories of Bihar was transferred to West Bengal.

Post-1956

Bombay State was split into the linguistic states of Gujarat and Maharashtra on 1 May 1960 by the Bombay Reorganisation Act.^[17] Nagaland was formed on 1 December 1963.^[18] The Punjab Reorganisation Act of 1966 resulted in the creation of Haryana on 1 November and the transfer of the northern districts of Punjab to Himachal Pradesh.^[19] The act also designated Chandigarh as a union territory and the shared capital of Punjab and Haryana.^{[20][21]}

Madras state was renamed Tamil Nadu in 1968. North-eastern states of Manipur, Meghalaya and Tripura were formed on 21 January 1972.^[22] Mysore State was renamed as Karnataka in 1973. On 16 May 1975, Sikkim became the 22nd state of the Indian Union and the state's monarchy was abolished.^[23] In 1987, Arunachal Pradesh and Mizoram became states on 20 February, followed by Goa on 30 May, while Goa's northern enclaves of Daman and Diu and Dadra and Nagar Haveli became separate union territories.^[24]

In November 2000, three new states were created; namely, Chhattisgarh from eastern Madhya Pradesh, Uttaranchal from northwest Uttar Pradesh (renamed Uttarakhand in 2007) and Jharkhand from southern districts of Bihar.^{[25][26][27][28]} Orissa was renamed as Odisha in 2011. Telangana was created on 2 June 2014 as ten former districts of north-western Andhra Pradesh.^{[29][30]}

In July 2019, the Government of India was reportedly planning to merge the union territories of Daman and Diu and Dadra and Nagar Haveli into a single union territory to be known as Dadra, Nagar Haveli, Daman and Diu.^[31]

In August 2019, the Parliament of India passed the Jammu and Kashmir Reorganisation Act, 2019, which contains provisions to reorganise the state of Jammu and Kashmir into two union territories; Jammu and Kashmir and Ladakh effective from 31 October 2019.^[32]

Current proposals

Main article: List of proposed states and territories of India

List

See also: List of state and union territory capitals in India

States

State	ISO 3166-2:IN	Vehic le code	Zone	Capital	Largest city	Statehood	Population ^[33]	Area (km ²)	Official languages ^[34]	Additional official languages ^[34]
<u>Andhra Pradesh</u>	IN-AP	AP	<u>Southern</u>	<u>Hyderabad</u> (<i>de jure</i>) <u>Amravati</u> (<i>de facto</i>) ^N <small>ote 1[35][36]</small>	<u>Visakhapatnam</u>	1 October 1953	49,506,799	160,205	<u>Telugu</u>	—
<u>Arunachal Pradesh</u>	IN-AR	AR	<u>North-Eastern</u>	<u>Itanagar</u>		20 February 1987	1,383,727	83,743	<u>English</u>	—
<u>Assam</u>	IN-AS	AS	North-Eastern	<u>Dispur</u>	<u>Guwahati</u>	26 January 1950	31,205,576	78,550	<u>Assamese</u>	<u>Bengali</u> , <u>Bodo</u>
<u>Bihaar</u>	IN-BR	BR	<u>Eastern</u>	<u>Patna</u>		26 January 1950	104,099,452	94,163	<u>Hindi</u>	<u>Urdu</u>
<u>Chhattisgarh</u>	IN-CT	CG	<u>Central</u>	<u>Naya Raipur</u>		1 November 2000	25,545,198	135,194	<u>Hindi</u>	—

State	ISO 3166-2:IN	Vehic le code	Zone	Capital	Largest city	Statehood	Population ^[33]	Area (km ²)	Official languages ^[34]	Additional official languages ^[34]
<u>Goa</u>	IN-GA	GA	<u>Western</u>	<u>Panaji</u>	<u>Vasco da Gama</u>	30 May 1987	1,458,545	3,702	<u>Konkani</u>	<u>English</u> , <u>Marathi</u>
<u>Gujarat</u>	IN-GJ	GJ	<u>Western</u>	<u>Gandhinagar</u>	<u>Ahmedabad</u>	1 May 1960	60,439,692	196,024	<u>Gujarati</u>	—
<u>Haryana</u>	IN-HR	HR	<u>Northern</u>	<u>Chandigarh</u>	<u>Faridabad</u>	1 Nov ember 1966	25,351,462	44,212	<u>Hindi</u>	<u>Punjabi</u> ^[37] ^[38]
<u>Himachal Pradesh</u>	IN-HP	HP	<u>Northern</u>	<u>Shimla</u> (Summer) <u>Dharamshala</u> (Winter)	<u>Shimla</u>	25 January 1971	6,864,602	55,673	<u>Hindi</u>	<u>English</u>
<u>Jharkhand</u>	IN-JH	JH	<u>Eastern</u>	<u>Ranchi</u>	<u>Jamshedpur</u>	15 Nov ember 2000	32,988,134	74,677	<u>Hindi</u>	<u>Urdu</u> ^[39]

State	ISO 3166-2:IN	Vehic le code	Zone	Capital	Largest city	Statehood	Population ^[33]	Area (km ²)	Official languages ^[34]	Additional official languages ^[34]
<u>Karnataka</u>	IN-KA	KA	Southern	<u>Bangalore</u>		1 November 1956	61,095,297	191,791	<u>Kannada</u>	<u>English</u>
<u>Kerala</u>	IN-KL	KL	Southern	<u>Thiruvananthapuram</u>	<u>Kochi</u>	1 November 1956	33,406,061	38,863	<u>Malayalam</u>	<u>English</u>
<u>Madhya Pradesh</u>	IN-MP	MP	Central	<u>Bhopal</u>	<u>Indore</u>	1 November 1956	72,626,809	308,252	<u>Hindi</u>	—
<u>Maharashtra</u>	IN-MH	MH	Western	<u>Mumbai</u> (Summer) <u>Nagpur</u> (Winter) ^[40]	<u>Mumbai</u>	1 May 1960	112,374,333	307,713	<u>Marathi</u>	—
<u>Manipur</u>	IN-MN	MN	North-Eastern	<u>Imphal</u>		21 January 1972	2,855,794	22,347	<u>Meitei</u>	<u>English</u>

State	ISO 3166-2:IN	Vehic le code	Zone	Capital	Largest city	Statehood	Population ^[33]	Area (km ²)	Official languages ^[34]	Additional official languages ^[34]
<u>Meghalaya</u>	IN-ML	ML	North-Eastern	<u>Shillong</u>		21 January 1972	2,966,889	22,720	<u>English</u>	Khasi ^[a]
<u>Mizoram</u>	IN-MZ	MZ	North-Eastern	<u>Aizawl</u>		20 February 1987	1,097,206	21,081	<u>English</u> , <u>Hindi</u> , <u>Mizo</u>	—
<u>Nagaland</u>	IN-NL	NL	North-Eastern	<u>Kohima</u>	<u>Dimapur</u>	1 December 1963	1,978,502	16,579	<u>English</u>	—
<u>Odisha</u>	IN-OR	OD	Eastern	<u>Bhubaneswar</u>		26 January 1950	41,974,218	155,820	<u>Odia</u>	—
<u>Punjab</u>	IN-PB	PB	Northern	<u>Chandigarh</u>	<u>Ludhiana</u>	1 November 1966	27,743,338	50,362	<u>Punjabi</u>	—

State	ISO 3166-2:IN	Vehic le code	Zone	Capital	Largest city	Statehood	Population ^[33]	Area (km ²)	Official languages ^[34]	Additional official languages ^[34]
<u>Rajasthan</u>	IN-RJ	RJ	Northern	<u>Jaipur</u>		1 November 1956	68,548,437	342,269	<u>Hindi</u>	<u>English</u>
<u>Sikkim</u>	IN-SK	SK	North-Eastern	<u>Gangtok</u>		16 May 1975	610,577	7,096	<u>Nepali</u> , <u>English</u>	<u>Bhutia</u> , <u>Gurung</u> , <u>Lepcha</u> , <u>Limbu</u> , <u>Manggar</u> , <u>Mukhia</u> , <u>Newari</u> , <u>Rai</u> , <u>Sherpa</u> , <u>Tamang</u>
<u>Tamil Nadu</u>	IN-TN	TN	Southern	<u>Chennai</u>		26 January 1950	72,147,030	130,058	<u>Tamil</u>	<u>English</u>
<u>Telangana</u>	IN-TG	TS	Southern	Hyderabad ^{Note 1}		2 June 2014	35,193,978 ^[41]	114,840 ^[41]	<u>Telugu</u> , <u>Urdu</u> ^[42]	—
<u>Tripura</u>	IN-TR	TR	North-Eastern	<u>Agartala</u>		21 January 1972	3,673,917	10,492	<u>Bengali</u> , <u>English</u> , <u>Kokborok</u>	—
<u>Uttar Pradesh</u>	IN-UP	UP	Northern	<u>Lucknow</u>	<u>Kanpur</u>	26 January 1950	199,812,341	243,286	<u>Hindi</u>	<u>Urdu</u>

State	ISO 3166-2:IN	Vehicle code	Zone	Capital	Largest city	Statehood	Population ^[33]	Area (km ²)	Official languages ^[34]	Additional official languages ^[34]
<u>Uttarakhand</u>	IN-UT	UK	Northern	Dehradun ^{Note 2}		9 November 2000	10,086,292	53,483	<u>Hindi</u>	Sanskrit ^[43]
<u>West Bengal</u>	IN-WB	WB	Eastern	<u>Kolkata</u>		26 January 1950	91,276,115	88,752	<u>Bengali</u> , <u>Nepali</u> ^[b]	<u>Hindi</u> , <u>Odia</u> , <u>Punjabi</u> , <u>Santali</u> , <u>Urdu</u>

- **Note 1** Andhra Pradesh was divided into two states, Telangana and a residual Andhra Pradesh on 2 June 2014.^{[44][45][46]} Hyderabad, located entirely within the borders of Telangana, is to serve as the capital for both states for a period of time not exceeding ten years.^[47] The Government of Andhra Pradesh and the Andhra Pradesh Legislature completed the process of relocating to temporary facilities in the envisaged new capital city Amaravati in early 2017.^[35] —
- **Note 2** Dehradun is the interim capital of Uttarakhand. The town of Gairsain is envisaged as the state's new capital.

Union territories



Union territory	ISO 3166-2:IN	Vehicle code	Capital	Largest city	Population ^[3]	Area (km ²)	Official languages ^[34]	Additional official languages ^[34]
<u>Andaman and Nicobar Islands</u>	IN-AN	AN	<u>Port Blair</u>		380,581	8,249	<u>English</u> , <u>Hindi</u>	—




Union territory	ISO 3166-2:IN	Vehicle code	Capital	Largest city	Population ^[3]	Area (km ²)	Official languages ^[34]	Additional official languages ^[34]
<u>Chandigarh</u>	IN-CH	CH	<u>Chandigarh</u>	— ^[c]	1,055,450	114	<u>English</u>	—
<u>Dadra and Nagar Haveli</u>	IN-DN	DN	<u>Silvassa</u>		343,709	491	<u>Gujarati</u> , <u>Hindi</u>	<u>Marathi</u>
<u>Daman and Diu</u>	IN-DD	DD	<u>Daman</u>		243,247	112	<u>English</u> , <u>Gujarati</u> , <u>Hindi</u> , Konkani ¹	—
<u>Delhi</u>	IN-DL	DL	<u>New Delhi</u>	— ^[e]	16,787,941	1,490	<u>Hindi</u>	<u>Punjabi</u> , <u>Urdu</u> ^[48]
<u>Jammu and Kashmir</u>	IN-JK	JK	<u>Srinagar</u> (Summer) <u>Jammu</u> (Winter)	<u>Srinagar</u>	12,541,302	55,538 ^{Note 3}	<u>Hindi</u> , <u>English</u>	<u>Dogri</u> , <u>Kashmiri</u> , <u>Urdu</u>
<u>Ladakh</u>	TBA	TBA	<u>Leh</u>		290,492	1,74,852 ^{Note 4}	<u>Ladakhi</u>	<u>Balti</u>
<u>Lakshadweep</u>	IN-LD	LD	<u>Kavaratti</u>		64,473	32	<u>Malayalam</u>	<u>English</u>
<u>Puducherry</u>	IN-PY	PY	<u>Pondicherry</u>		1,247,953	492	<u>English</u> , ^[49] <u>Tamil</u>	<u>Malayalam</u> , <u>Telugu</u>

[^]**Note 3** Jammu and Kashmir has 42,241 km² of area administered by India and 13,297 km² of area controlled by Pakistan under Azad Kashmir which is claimed by India as part of Jammu and Kashmir.




^Note 4 Ladakh has 59,146 km² of area administered by India and 72,971 km² of area controlled by Pakistan under Gilgit-Baltistan, which is claimed by India as part of Ladakh. Additionally, it has 5,180 km² of area controlled by the People's Republic of China under Trans-Karakoram Tract and 37,555 km² of area controlled by the People's Republic of China under Aksai Chin, which is claimed by India as part of Ladakh.




Former states



Map	State	Capital	Years	Successor state(s)
	<u>Madhya Bharat</u>	<u>Indore</u> (Summer) <u>Gwalior</u> (Winter)	1947–1956	<u>Madhya Pradesh</u>
	<u>Eastern States Union</u>	<u>Raipur</u>	1947–1948	<u>Bihar</u> , <u>Odisha</u> , <u>Madhya Pradesh</u>
	<u>Madras State</u>	<u>Madras</u>	1950–1969	<u>Andhra Pradesh</u> , <u>Tamil Nadu</u> and <u>Karnataka</u>

Map	State	Capital	Years	Successor state(s)
	<u>Mysore State</u>	<u>Mysore</u>	1947–1973	<u>Karnataka</u>
	<u>Patiala and East Punjab States Union</u>	<u>Patiala</u>	1948–1956	<u>Punjab</u>
	<u>Bombay State</u>	<u>Bombay</u>	1947–1960	<u>Maharashtra, Gujarat</u>

Map	State	Capital	Years	Successor state(s)
	<u>Bhopal State</u>	<u>Bhopal</u>	1949–1956	<u>Madhya Pradesh</u>
	<u>Saurashtra</u>	<u>Rajkot</u>	1948–1956	<u>Bombay State</u>
	<u>Coorg State</u>	<u>Madikeri</u>	1950–1956	<u>Mysore State</u>

Map	State	Capital	Years	Successor state(s)
	<u>Travancore-Cochin</u>	<u>Trivandrum</u>	1949–1956	<u>Kerala</u> , <u>Madras State</u>
	<u>Hyderabad State</u>	<u>Hyderabad</u>	1948–1956	<u>Andhra Pradesh</u> , <u>Telangana</u> (since 2014) and partially <u>Maharashtra</u> , North <u>Karnataka</u>
	<u>Vindhya Pradesh</u>	<u>Rewa</u>	1948–1956	<u>Madhya Pradesh</u>

Map	State	Capital	Year s	Successor state(s)
	<u>Kutch State</u>	<u>Bhuj</u>	1947– 1956	<u>Bombay State</u>
	<u>Bilaspur State</u>	<u>Bilaspur</u>	1948– 1954	<u>Himachal Pradesh</u>
	<u>Cooch Behar State</u>	<u>Cooch Behar</u>	1949	<u>West Bengal</u>

Map	State	Capital	Years	Successor state(s)
	<u>Aimer State</u>	<u>Aimer</u>	1947–1956	<u>Rajasthan</u>
	<u>Jammu and Kashmir</u>	<u>Srinagar</u> (Summer) <u>Jammu</u> (Winter)	1954–2019	<u>Jammu and Kashmir (union territory)</u> and <u>Ladakh</u>

INDIAN CONSTITUTION(IC)

UNIT-III

FUNDAMENTAL RIGHTS, FUNDAMENTAL DUTIES AND DIRECTIVE PRINCIPLES OF STATE POLICY

FUNDAMENTAL RIGHTS

Fundamental rights are those rights which are essential for intellectual, moral and spiritual development of individuals. As these rights are fundamental or essential for existence and allround development of individuals,hence called as 'Fundamental' rights. These are enshrined in Part III (Articles 12 to 35) of the Constitution of India. These include individual rights common to most liberal democracies, such as equality before the law, freedom of speech and expression, religious and cultural freedom, peaceful assembly, freedom to practice religion, and the right to constitutional remedies for the protection of civil rights by means of writs such as Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo Warranto.

Fundamental rights apply universally to all citizens, irrespective of race, birthplace, religion, caste or gender. The Indian Penal Code (I.P.C.) and other laws prescribe punishments for the violation of these rights, subject to the discretion of the judiciary. Though the rights conferred by the constitution other than fundamental rights are also valid rights protected by the judiciary, in case of fundamental rights violations, the Supreme Court of India can be approached directly for ultimate justice as per Article 32. The Rights have their origins in many sources, including England's Bill of Rights, the United States Bill of Rights and France's Declaration of the Rights of Man. There are six fundamental rights recognised by the Indian constitution:

1. Right to equality(Articles. 14-18)
2. Right to freedom (Articles. 19-22)
3. Right against exploitation (Articles. 23-24)
4. Right to freedom of religion (Articles. 25-28)
5. Cultural and Educational Rights (Articles. 29-30), and
6. Right to constitutional remedies (Articles. 32-35)
7. Right to Privacy(Aug,28,2019)

1. The right to equality includes equality before the law, the prohibition of discrimination on grounds of religion, race, caste, gender or place of birth, equality of opportunity in matters of employment, the abolition of untouchability and abolition of titles.

2. The right to freedom includes freedom of speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation.
3. The right against exploitation prohibits all forms of forced labour, child labour and trafficking of human beings.
4. The right to freedom of religion includes freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instructions in certain educational institutes.
5. Cultural and educational rights preserve the right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice.
6. The right to constitutional remedies is present for enforcement of fundamental rights. The right to privacy is an intrinsic part of Article 21 (the Right to Freedom) that protects the life and liberty of the citizens.
7. The right to privacy is the newest right assured by the Supreme Court of India. It assures the people's data and personal security

Fundamental rights for Indians have also been aimed at overturning the inequalities of preindependence social practices. Specifically, they have also been used to abolish untouchability and thus prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth. They also forbid trafficking of human beings and forced labour (a crime). They also protect cultural and educational rights of religious and linguistic minorities by allowing them to preserve their languages and also establish and administer their own education institutions. They are covered in Part III (Articles 12 to 35) of the Indian constitution.

Some features of the Indian Constitution:

1. It provides safeguard if any political leader misuses his power.
2. It also provides safeguard against discrimination.
3. It says "all people are equal before the law."
4. It provides fundamental rights.

Genesis

The development of such constitutionally guaranteed fundamental human rights in India was inspired by historical examples such as England's Bill of Rights (1689), the United States Bill of Rights (approved on 17 September 1787, final ratification on 15 December 1791) and France's Declaration of the Rights of Man (created during the revolution of 1789, and ratified on 26 August 1789).^[1]

In 1919, the Rowlatt Act gave extensive powers to the British government and police and allowed indefinite arrest and detention of individuals, warrantless searches and seizures, restrictions on public gatherings, and intensive censorship of media and publications. The public opposition to this act eventually led to mass campaigns of non-violent civil disobedience throughout the country demanding guaranteed civil freedoms, and limitations on government power. Indians, who were seeking independence and their own government, were particularly influenced by the independence of Ireland and the development of the Irish constitution. Also, the directive principles of state policy in Irish constitution were looked upon by the people of India as an inspiration for independent India's government to comprehensively tackle complex social and economic challenges across a vast, diverse nation and population.

In 1928, the Nehru Commission composing of representatives of Indian political parties proposed constitutional reforms for India that apart from calling for dominion status for India and elections under universal suffrage, would guarantee rights deemed fundamental, representation for religious and ethnic minorities, and limit the powers of the government. In 1931, the Indian National Congress (the largest Indian political party of the time) adopted resolutions committing itself to the defence of fundamental civil rights, as well as socio-economic rights such as the minimum wage and the abolition of untouchability and serfdom.^[2] Committing themselves to socialism in 1936, the Congress leaders took examples from the Constitution of the Soviet Union, which inspired the fundamental duties of citizens as a means of collective patriotic responsibility for national interests and challenges.

The task of developing a constitution for the nation was undertaken by the Constituent Assembly of India, composing of elected representatives. The Constituent Assembly first met on 9 December 1946 under the presidency of Dr. Sachidanand. Later, Dr. Rajendra Prasad was made its president. While members of Congress composed of a large majority, Congress leaders appointed persons from diverse political backgrounds to responsibilities of developing the constitution and national laws.^[3] Notably, Bhimrao Ramji Ambedkar became the chairperson of the drafting committee, while Jawaharlal Nehru and Sardar Vallabhbhai Patel became chairpersons of committees and sub-committees responsible for different subjects. A notable development during that period having significant effect on the Indian constitution took place on 10 December 1948 when the United Nations General Assembly adopted the Universal Declaration of Human Rights and called upon all member states to adopt these rights in their respective constitutions.

The fundamental rights were included in the First Draft Constitution (February 1948), the

Second Draft Constitution (17 October 1948) and final Third Draft Constitution (26 November 1949), prepared by the Drafting Committee.

Significance and characteristics

The fundamental rights were included in the constitution because they were considered essential for the development of the personality of every individual and to preserve human dignity. The writers of the constitution regarded democracy of no avail if civil liberties, like freedom of speech and religion were not recognised and protected by the State.^[4] According to them, democracy is, in essence, a government by opinion and therefore, the means of formulating public opinion should be secured to the people of a democratic nation. For this purpose, the constitution guaranteed to all the citizens of India the freedom of speech and expression and various other freedoms in the form of the fundamental rights.^[5]

All people, irrespective of race, religion, caste or sex, have been given the right to petition directly the Supreme Court or the High Courts for the enforcement of their fundamental rights. It is not necessary that the aggrieved party has to be the one to do so. Poverty-stricken people may not have the means to do so and therefore, in the public interest, anyone can commence litigation in the court on their behalf. This is known as "public interest litigation".^[6] In some cases, High Court judges have acted *suo moto* on their own on the basis of newspaper reports.

These fundamental rights help not only in protection but also the prevention of gross violations of human rights. They emphasise on the fundamental unity of India by guaranteeing to all citizens the access and use of the same facilities, irrespective of background. Some fundamental rights apply for persons of any nationality whereas others are available only to the citizens of India. The right to life and personal liberty is available to all people and so is the right to freedom of religion. On the other hand, freedoms of speech and expression and freedom to reside and settle in any part of the country are reserved to citizens alone, including non-resident Indian citizens.^[7] The right to equality in matters of public employment cannot be conferred to overseas citizens of India.^[8]

Fundamental rights primarily protect individuals from any arbitrary state actions, but some rights are enforceable against individuals.^[9] For instance, the Constitution abolishes untouchability and also prohibits *begar*. These provisions act as a check both on state action as well as the action of private individuals. However, these rights are not absolute or uncontrolled and are subject to reasonable restrictions as necessary for the protection of general welfare. They can also be selectively curtailed. The Supreme Court has ruled^[10] that all provisions of the Constitution, including fundamental rights can be amended. However, the Parliament cannot alter the basic structure of the constitution. Since

the fundamental rights can be altered only by a constitutional amendment, their inclusion is a check not only on the executive branch but also on the Parliament and state legislatures.^[11]

A state of national emergency has an adverse effect on these rights. Under such a state, the rights conferred by Article 19 (freedoms of speech, assembly and movement, etc.) remain suspended. Hence, in such a situation, the legislature may make laws that go against the rights given in Article 19. The President may by order suspend the right to move the court for the enforcement of other rights as well.

Right to equality

The right to equality is an important right provided in Articles 14, 15, 16, 17 and 18 of the constitution. It is the principal foundation of all other rights and liberties and guarantees the following:

- Equality before the law: Article 14 of the constitution guarantees that all people shall be equally protected by the laws of the country. It means that the State^[4] will treat people in the same circumstances alike. This article also means that individuals, whether citizens of India or otherwise shall be treated differently if the circumstances are different.
- Social equality and equal access to public areas: Article 15 of the constitution states that no person shall be discriminated on the basis of religion, race, caste, sex or place of birth. Every person shall have equal access to public places like public parks, museums, wells, bathing ghats, etc. However, the State may make any special provision for women and children. Special provisions may be made for the advancements of any socially or educationally backward class or scheduled castes or scheduled tribes.
- Equality in matters of public employment: Article 16 of the Constitution lays down that the State cannot discriminate against anyone in the matters of employment. All citizens can apply for government jobs, however, there are some exceptions. The Parliament may enact a law stating that certain jobs can be filled only by applicants who are domiciled in the area. This may be meant for posts that require knowledge of the locality and language of the area. The State may also reserve posts for members of backward classes, scheduled castes or scheduled tribes which are not adequately represented in the services under the State to bring up the weaker sections of the society. Also, there a law may be passed that requires that the holder of an office of any religious institution shall also be a person professing that particular religion. According to the *Citizenship (Amendment) Bill, 2003*, this right shall not be conferred to Overseas citizens of India.^[8]

- Abolition of untouchability: Article 17 of the constitution abolishes the practice of untouchability. The practice of untouchability is an offence and anyone doing so is punishable by law. The *Untouchability Offences Act* of 1955 (renamed to *Protection of Civil Rights Act* in 1976) provided penalties for preventing a person from entering a place of worship or from taking water from a tank or well.
- Abolition of Titles: Article 18 of the constitution prohibits the State from conferring any titles. "Citizens of India cannot accept titles from a foreign State. The British government had created an aristocratic class known as *Rai Bahadurs* and *Khan Bahadurs* in India – these titles were also abolished. However, Military and academic distinctions can be conferred on the citizens of India. The awards of *Bharat Ratna* and *Padma Vibhushan* cannot be used by the recipient as a title and do not, accordingly, come within the constitutional prohibition".^[12] The Supreme Court, on 15 December 1995, upheld the validity of such awards.

Right to freedom

The Constitution of India contains the right to freedom, given^[13] in articles 19, 20, 21A, and 22, and with the view of guaranteeing individual rights that were considered vital by the framers of the constitution. It is a cluster of four main laws. The right to freedom in Article 19 guarantees the following six freedoms: all people have the right to go anywhere in his country.

- Freedom of speech and expression, on which the State can impose reasonable restrictions in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.^[14]
- Freedom to assemble peacefully without arms on which the State can impose reasonable restrictions in the interest of public order and the sovereignty and integrity of India.
- Freedom to form associations or unions or co-operative societies on which the State can impose reasonable restrictions in the interest of public order, morality and the sovereignty and integrity of India.
- Citizens have the freedom to move freely throughout India, although reasonable restrictions can be imposed on this right in the public's interest. For example, to control an epidemic, restrictions on movement and travel can be imposed.
- Freedom to reside and settle in any part of the territory of India, subject to reasonable restrictions by the State in the interest of the general public or for

the protection of the scheduled tribes because certain safeguards as are envisaged here seem to be justified to protect indigenous and tribal peoples from exploitation and coercion.^[15] Article 370 restricts citizens from other Indian states and Kashmiri women who marry men from other states from purchasing land or property in Jammu & Kashmir.^[16]

- Freedom to practice any profession or to carry on any occupation, trade or business on which the state may impose reasonable restrictions in the public's interest. Thus, there is no right to carry on a business which is dangerous or immoral. Also, professional or technical qualifications may be prescribed for practising any profession or carrying on any trade.

Article 20 gives protection in respect of conviction for offences.

Article 21 gives the right to life, personal liberty and the right to die with dignity (passive euthanasia).

Article 21A gives free education to all children of the age of six to fourteen years such manner as the State may, by law, determine.

Article 22: Protection against arrest and detention in certain cases.

The constitution also imposes restrictions on these rights. The government restricts these freedoms in the interest of the independence, sovereignty and integrity of India. In the interest of morality and public order, the government can also impose restrictions. However, the right to life and personal liberty cannot be suspended. The six freedoms are also automatically suspended or have restrictions imposed on them during a state of emergency.

Right to information (RTI)

Right to information has been given the status of a fundamental right under Article 19(1) of the Constitution in 2005. Article 19 (1) under which every citizen has freedom of speech and expression and the right to know how the government works, what roles it plays, what are its functions, and so on.^[17]

Right against exploitation



The right against exploitation, given in Articles 23 and 24, provides for two provisions, namely **Child labour** and *Begar* (unfree labour) is prohibited under Right against exploitation.

the abolition of trafficking in human beings and *Begar* (forced labour), and the abolition of employment of children below the age of 14 years in dangerous jobs like factories, mines, etc.

Child labour is considered a gross violation of the spirit and provisions of the constitution. *Begar* practised in the past by landlords, has been declared a crime and is punishable by law. Human trafficking for the purpose of the slave trade or prostitution is also prohibited by law. An exception is made in employment without payment for compulsory services for public purposes. Compulsory military conscription is covered by this provision.

Right to freedom of religion

Right to freedom of religion, covered in Articles 25, 26, 27 and 28, provides religious freedom to all citizens of India. The objective of this right is to sustain the principle of secularism in India. According to the Constitution, all religions are equal before the State and no religion shall be given preference over the other. Citizens are free to preach, practice and propagate any religion of their choice.

Religious communities can set up charitable institutions of their own. However, activities in such institutions that are not religious are performed according to the laws laid down by the government. Establishing a charitable institution can also be restricted in the interest of public order, morality, and health. No person shall be compelled to pay taxes for the promotion of a particular religion. A state-run institution cannot impart education that is pro-religion. Also, nothing in this article shall affect the operation of any existing law or prevent the State from making any further law regulating or restricting any economic, financial, political or other secular activity that may be associated with religious practice, or providing for social welfare and reform.

Right to life

The constitution guarantees the right to life and personal liberty, which in turn cites specific provisions in which these rights are applied and enforced:

- Protection with respect to a conviction for offences is guaranteed in the right to life and personal liberty. According to Article 20, no one can be awarded punishment which is more than what the law of the land prescribes at that time. This legal axiom is based on the principle that no criminal law can be made retrospective, that is, for an act to become an offence, the essential condition is that it should have been an offence legally at the time of committing it. Moreover, no person accused of any offence shall be compelled to be a witness against himself. Compulsion in this article refers to what in law is called duress (injury, beating or unlawful imprisonment to make a person do something that he does not want to do). This article is known as a safeguard against self-incrimination. The other principle enshrined in this article is known as the principle of double jeopardy, that is, no person can be convicted twice for the same offence, which has been derived from Anglo-Saxon law. This principle was first established in the Magna Carta.
- Protection of life and personal liberty is also stated under the right to life and personal liberty. Article 21 declares that no citizen can be denied his life and liberty except by law. This means that a person's life and personal liberty can be disputed only if that person has committed a crime. However, the right to life does not include the right to die and hence, suicide or any attempt thereof, was an offence. (Attempted suicide being interpreted as a crime has seen many debates. The Supreme Court of India gave a landmark ruling in 1994. The court repealed section 309 of the Indian penal code, under which people attempting suicide could face prosecution and prison terms of up to one year.^[18] In 1996, another Supreme Court ruling nullified the earlier one.^[19] But with the passage of the Mental Healthcare Bill 2017, attempted suicide has been decriminalised.^[20] "Personal liberty" includes all the freedoms which are not included in Article 19 (that is, the six freedoms). The right to travel abroad is also covered under "personal liberty" in Article 21.^[21]
- In 2002, through the 86th Amendment Act, Article 21A was incorporated. It made the right to primary education part of the right to freedom, stating that the state would provide free and compulsory education to children from six to fourteen years of age.^[22] Six years after an amendment was made in the Indian Constitution, the union cabinet cleared the Right to Education Bill in 2008.^[23]
- Rights of a person arrested under ordinary circumstances is laid down in the right to life and personal liberty. No one can be arrested without being told the grounds for his arrest. If arrested, the person has the right to defend himself

by a lawyer of his choice. Also, an arrested citizen has to be brought before the nearest magistrate within 24 hours. The rights of a person arrested under ordinary circumstances are not available to an enemy alien. They are also not available to persons detained under the *Preventive Detention Act*. Under preventive detention, the government can imprison a person for a maximum of three months. It means that if the government feels that a person being at liberty can be a threat to the law and order or to the unity and integrity of the nation, it can detain or arrest that person to prevent him from doing this possible harm. After three months such a case is brought before an advisory board for review.

Cultural and educational rights

The constitution of India guarantees every single citizen of India both rights to education and cultures. The Constitution also provides special measures, to protect the rights of the minorities. Any community that has a language and a script of its own has the right to conserve and develop it. No citizen can be discriminated against for admission in the state or state-aided institutions.

All minorities, religious or linguistic, can set up their own educational institutions to preserve and develop their own culture. In granting aid to institutions, the state cannot discriminate against any institution on the basis of the fact that it is administered by a minority institution. The right to administer does not mean that the state cannot interfere in case of maladministration.

In a precedent-setting judgment in 1980, the Supreme Court held that the state can take regulatory measures to promote the efficiency and excellence of educational standards. It can also issue guidelines for ensuring the security of the services of the teachers or other employees of the institution. In another landmark judgment delivered on 31 October 2002, the Supreme Court ruled that in case of aided minority institutions offering professional courses, admission could be only through a common entrance test conducted by State or a university. Even an unaided minority institution ought not to ignore the merit of the students for admission.

Right to constitutional remedies

Right to constitutional remedies (Articles 32 to 35) empowers the citizens to move to a court of law in case of any denial of the fundamental rights. For instance, in case of imprisonment, any citizen can ask the court to see if it is according to the provisions of the law of the country by lodging a public interest litigation. If the court finds that it is not, the person must be freed. This procedure of asking the courts to preserve or safeguard the citizen's fundamental rights can

be done in various ways. The courts can issue various kinds of writs protecting the rights of the citizens. These writs are:

- habeas corpus
- mandamus
- Writ of Prohibition
- quo warranto
- certiorari

This allows a citizen to move to court if they believe that any of their Fundamental Rights have been violated by the state. Article 32 is also called the citizens right to protect and defend the constitution as it can be used by the citizens to enforce the constitution through the judiciary. Dr. B. R. Ambedkar declared the right to constitutional remedies "the heart and soul" of the Indian constitution. When a national or state emergency is declared, this right is suspended by the central government.

Right to privacy

The right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution. It protects the inner sphere of the individual from interference from both state, and non-state actors and allows individuals to make autonomous life choices. On 24 August 2017 the Supreme Court of India^[24] ruled that:

Right to Privacy is an integral part of Right to Life and Personal Liberty guaranteed in Article 21 of the Constitution,

— *Supreme Court*

Former Chief Justice of India on Right to privacy

While delivering M C Setalvad memorial lecture on the topic of ‘Dynamic Ascendance of Constitutional Rights — A Progressive Approach’. Former Chief Justice of India Dipak Misra said “My house is my castle, how can you disturb me at my home? Even as a lawyer, you have to have some kind of appointment with me. My time is my time, my life is my life. My privacy is supreme to me,”.

Critical analysis

The fundamental rights have been revised for many reasons. Political groups have demanded that the right to work, the right to economic assistance in case of unemployment, old age, and similar rights be enshrined as constitutional guarantees to address issues of poverty and economic insecurity,^[25] though these

provisions have been enshrined in the directive principles of state policy.^[26] The right to freedom and personal liberty has a number of limiting clauses, and thus has been criticised for failing to check the sanctioning of powers often deemed "excessive".^[25] There is also the provision of preventive detention and suspension of fundamental rights in times of emergency. The provisions of acts like the Maintenance of Internal Security Act (MISA), Armed Forces (Special Powers) Act and the National Security Act (NSA) are a means of countering the fundamental rights, because they sanction excessive powers with the aim of fighting internal and cross-border terrorism and political violence, without safeguards for civil rights.^[25] The phrases "security of State", "public order" and "morality" are of wide implication. The meaning of phrases like "reasonable restrictions" and "the interest of public order" have not been explicitly stated in the constitution, and this ambiguity leads to unnecessary litigation.^[25] The freedom to assemble peaceably and without arms is exercised, but in some cases, these meetings are broken up by the police through the use of non-fatal methods.^{[27][28]}

Freedom of press has not been included in the right to freedom, which is necessary for formulating public opinion and to make freedom of expression more

legitimate.^[25] Employment of child labour in hazardous job environments has been reduced, but their employment even in non-hazardous jobs, including their prevalent employment as domestic help violates the spirit and ideals of the constitution. More than 16.5 million children are employed and working in India.^[29] India was ranked 88 out of 159 in 2005, according to the degree to which corruption is perceived to exist among public officials and politicians worldwide. In 2014, India had improved marginally to a rank of 85.^{[30][31]} The right to equality in matters regarding public employment shall not be conferred to overseas citizens of India, according to the Citizenship (Amendment) Bill, 2003.^[8]

As per Article 19 of Part III of the Indian constitution, the fundamental rights of people such as freedom of speech and expression, gathering peaceably without arms and forming associations or unions shall not effect the interests of the sovereignty^[32] and integrity of India but not unity of India. The words sovereignty and integrity are the qualities to be cultivated/emulated by Indian people as urged by the Indian constitution but not used related to the territory of India. Article 1 of Part 1 of the Indian constitution, defines India (Bharat) as a union of states. In nutshell, India is its people not its land as enshrined in its constitution.

Since speedy trial is not the constitutional right of the citizens, the cases involving violations of fundamental rights take inordinate time for resolution by the Supreme Court which is against the legal maxim 'justice delayed is justice denied'.^[33]

Amendments

Changes to the fundamental rights require a constitutional amendment, which has to be passed by a special majority of both houses of Parliament. This means that an amendment requires the approval of two-thirds of the members present and voting. However, the number of members voting in support of the amendment shall not be less than the absolute majority of the total members of a house – whether the Lok Sabha or Rajya Sabha.

Fundamental rights not sacrosanct

While deciding the Golaknath case in February 1967, Supreme Court ruled that the Parliament has no power to curtail the fundamental rights. They were made permanent and sacrosanct reversing the Supreme Court's earlier decision which had upheld Parliament's power to amend all parts of the Constitution, including Part III related to fundamental rights. Up until the 24th constitutional amendment in 1971, the fundamental rights given to the people were permanent and can not be repealed or diluted by the Parliament. The 24th constitutional amendment introduced a new Article 13(4) enabling Parliament to legislate on the subjects of Part III of the constitution using its constituent powers per Article 368 (1). In 1973, the 13 member constitutional bench of the Supreme Court also upheld with majority the validity of the 24th constitutional amendment. However, it ruled that the basic structure of the constitution which is built on the basic foundation representing the dignity and freedom of the individual, can not be altered. This is of supreme importance and cannot be destroyed by any form of amendment to the constitution.^[34] Many constitutional amendments to Part III of the constitution were made deleting or adding or diluting the fundamental rights before the judgement of Golaknath case (Constitutional amendments 1, 4, 7, and 16) and after the validity of 24th constitutional amendment is upheld by the Supreme Court (Constitutional amendments 25, 42, 44, 50, 77, 81, 85, 86, 93, and 97).

Validity of Article 31B

Articles 31A and Article 31B are added by the first constitutional amendment in 1951. Article 31B says that any acts and regulations included in the Ninth Schedule of the constitution by the Parliament can override the fundamental rights and such laws cannot be repealed or made void by the judiciary on the grounds of violating fundamental rights. Thus fundamental rights given in Part III are not equally applicable in each state /region and can be made different by making additions/deletions to Ninth Schedule by constitutional amendments. In 2007, the Supreme Court ruled that there could not be any blanket immunity from judicial review for the laws inserted in the Ninth Schedule. Apex court also stated

it shall examine laws included in the Ninth Schedule after 1973 for any incompatibility with the basic structure doctrine.^[35]

Amendment to Article 31C

Section 4 of the 42nd Amendment, had changed Article 31C of the constitution to accord precedence to the Directive Principles (earlier applicable only to clauses b & c of Article 39) over the fundamental rights of individuals. In *Minerva Mills v. Union of India* case, the Supreme Court ruled that the amendment to Article 31C is not valid and ultra vires.

Right to property

The Constitution originally provided for the right to property under Articles 19 and 31. Article 19 guaranteed to all citizens the right to acquire, hold and dispose of property. Article 31 provided that "no person shall be deprived of his property save by authority of law." It also provided that compensation would be paid to a person whose property has been taken for public purposes.

The provisions relating to the right to property were changed a number of times. The 44th Amendment of 1978 removed the right to property from the list of fundamental rights.^[36] A new provision, Article 300-A, was added to the constitution, which provided that "no person shall be deprived of his property save by authority of law". Thus, if a legislator makes a law depriving a person of his property, there would be no obligation on the part of the state to pay anything as compensation. The aggrieved person shall have no right to move the court under Article 32. Thus, the right to property is no longer a fundamental right, though it is still a constitutional right. If the government appears to have acted unfairly, the action can be challenged in a court of law by aggrieved citizens.^[25]

The liberalisation of the economy and the government's initiative to set up special economic zones has led to many protests by farmers and have led to calls for the reinstatement of the fundamental right to private property.^[37] The Supreme Court has sent a notice to the government questioning why the right should not be brought back, but in 2010, the Court rejected the PIL.^[38]

Right to education

The right to education at elementary level has been made one of the fundamental rights in 2002 under the 86th Amendment of 2002.^[22] However this right was brought in to implementation after eight years in 2010. On 2 April 2010, India joined a group of few countries in the world, with a historic law making education a fundamental right of every child coming into force.^[39] The Right of Children to Free and Compulsory Education Act will directly benefit children who do not go to school at present. This act provides for the appointment of teachers with the requisite entry and academic qualifications.

Former Prime Minister Dr. Manmohan Singh announced the implementation of the act. Children, who had either dropped out of schools or never been to any educational institution, will get elementary education as it will be binding on the part of the local and state governments to ensure that all children in the 6–14 age group get schooling. As per the Act, private educational institutions should reserve 25 percent seats for children from the weaker sections of society. The centre and the states have agreed to share the financial burden in the ratio of 55:45, while the Finance Commission has given Rs.250 billion to the States for implementing the Act. The Centre has approved an outlay of Rs.150 billion for 2010–2011.

The school management committee or the local authority will identify the drop-outs or out-of-school children aged above six and admit them in classes appropriate to their age after giving special training

FUNDAMENTAL DUTIES OF THE CITIZENS OF INDIA

The fundamental duties were incorporated in Part IV-A of our constitution by 42nd Constitutional Amendment Act, 1976. Presently we have 11 fundamental duties in our constitution under article 51-A, which are statutory duties and are enforceable by law. The idea behind the incorporation of the fundamental rights was to emphasise the obligation of the citizen in exchange of the comprehensive fundamental rights enjoyed by them.

Fundamental Duties of the citizens have also been enumerated for the Indian citizens By the *42nd Amendment of the Constitution, adopted in 1976*. **Article 51 ‘A’** contained in Part IV A of the Constitution deals with Fundamental Duties. Fundamental Duties are taken from the Constitution of Russia.

The Following are the Duties in Our Constitution:

- a) To abide by the constitution and respect its ideals and institutions, the National Flag and the National Anthem- It is the duty of every citizen to respect the ideals, which include liberty, justice, equality, fraternity and institutions namely, executive, the legislature and the judiciary. Hence all of us are supposed to maintain the dignity of constitution by not indulging in any activities which violate them in letter and spirit. It also states that if a citizen by any overt or covert act shows disrespect to the constitution, the National Anthem or the National Flag it would spell doom to all our rights and very existence as citizens of a sovereign nation.
- b) To cherish and follow the noble ideals which inspired our national struggle for freedom-The citizens of India must cherish and follow the noble ideals which inspired the national struggle for freedom. These ideals were those of building a

just society and a united nation with freedom, equality, non violence, brotherhood and world peace. If the citizens of India remain conscious of and committed to these ideals, we will be able to rise above the various separatist tendencies raising their ugly heads now and then, here and there.

c) To uphold and protect the sovereignty, unity and integrity of India- it is one of the pre eminent national obligations of all the citizens of the India. India is a vast and diverse nation with different caste, religion, sex and linguistic people; if freedom and unity of the country are jeopardized then united nation is not possible. Hence in a way sovereignty lies with the people. It may be recalled that these were first mentioned in preamble and also under 19(2) of fundamental rights reasonable restrictions are permitted on freedom of speech and expression in the interest of the sovereignty and integrity of India.

d) To defend the country and render national service when called upon to do so – it is the duty of every citizen to defend our country against external enemies. All the citizens are bound to be conscious of any such elements entering India and also when in need, they should be ready to take up arms to defend themselves. It is addressed to all the citizens other than those belonging to army, navy and the air force.

e) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women – Given the vast diversities among people, the presence of one flag and single citizenship strengthens the spirit of brotherhood among the citizens. It states that people should rise above narrow cultural differences and strive towards excellence in all spheres of collective activity.

f) To value and preserve the rich heritage of our composite culture – our cultural heritage is one of the noblest and richest, it is also part of the heritage of the earth. Hence it is our duty to protect what we have inherited from the past, preserve it and pass on to the future generations. India is also one of the most ancient civilizations of the world. Our contributions towards art, science, literature is well known to the world, also this land is birth place of Hinduism, Jainism and Buddhism.

g) To protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures – these natural reserves are the most valued assets of our country hence it is the duty of every citizen to protect it. Rising pollution, large scale degradation of forests is causing immense harm to all the human lives on earth. Increasing natural calamities is a proof to it. It is also reinforced in other constitutional provision under article 48A i.e. Directive Principles of State Policy which states that, to protect and improve the environment and safeguard the forests and wildlife

h) To develop the scientific temper, humanism and the spirit of inquiry and reform – It is a known fact that it is necessary to learn from the experiences and developments around the world for our own development. It is duty of every citizen to protect and promote scientific temper and spirit of inquiry to keep pace with fast changing world.

i) To safeguard public property and to abjure violence – it is unfortunate that in a country which preaches non-violence to the rest of the world, we ourselves see from time to time incidents of senseless violence and destruction of public property. Among all the fundamental duties this one holds a great significance in current scenario when strike, protest etc have become a common phenomenon. Whenever there is a strike or bandh or rally, mob develops mentality to harm public properties like buses, buildings and to loot them and citizens who are protectors become mute spectators.

j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement. –As responsible citizens whatever work we take up should be directed towards achieving the goal of excellence so that our country constantly rises to higher levels of endeavour and achievement. This clause has potential to not only regenerate and reconstruct the country but also to raise it to the highest possible level of excellence.

k) Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years – it was the recommendation of National Commission to Review the Working of constitution, to make education a fundamental right of all the children up to age of 14. 86th Constitutional amendment Act, 2002 however provided for free and compulsory education as a legally enforceable fundamental right for all children between 6 to 14 years of age.

Criticism of Fundamental Duties:

- Some of them are difficult to be understood by common people
- Criticized for being moral precepts, pious platitudes, vague and repetitive
- No need to be implemented as they all are performed by the people even if not included
- Their inclusion in Part IV-A after fundamental rights has reduced their value and significance.
- Some of the important points which were recommended by Swaran Singh committee were not included, such as

1. Parliament should impose penalty or punishment in case of non compliance of duties
2. If punishment is imposed according to above clause, it cannot be called in question in any court on any ground
3. Duty to pay taxes to be incorporated as fundamental duty
 - Other important duties like family planning, voting etc should be included

Thus, finally it can be said that the government efforts cannot be successful unless citizens of the country generally participate in the decision making process of the government. Even the unstated duties like voting should be effectively discharged by the citizens. Public spirited people and politicians should come forward to take interest in local community problems. These duties are a constant reminder to us of the national goals as well as the basic norms of political order. They may inspire us to inculcate in ourselves a sense of social responsibility.

DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles of State Policy is contained in Part IV of the Constitution (Articles 36-51). The aim of the Directive Principles was to set up certain social and economic goals before the law makers to bring about social change in the country in direction of greater social and economic equality.

Directive Principles of State Policy:

The Directive Principles of State Policy are contained in Part IV of the Constitution (Articles 36-51). The Directives are unenforceable rights i.e., if the state fails to fulfill any obligations, one cannot go to the court. Sanctions behind the directive principles are political, are based on sound constitutional and moral obligations.

Article 37 of the constitution lays down that it shall be the duty of State to apply these directives in making laws. Article 355 and 365 of the constitution can be applied for enforcing implementation of directive principles.

Classification of Directive Principles:

(a) Social and Economic Charter:

- (i) Social order based on justice- Article 38(1) provides that the state shall strive to promote the welfare of the people by securing and protecting a social order in which justice – social, economic and political- shall inform all the institutions of national life.
- (ii) Economic justice- Article 39 specifically requires the state to direct its policy towards securing equal right of men and women to adequate means of

livelihood, equal pay for equal work for both men and women, to protect health of workers and children are given opportunities and facilities to develop in a healthy manner and are protected against exploitation and moral and material abandonment.

Article 38 and 39 embody the principle of distributive justice which connotes the removal of economic inequalities rectifying the injustice resulting from transactions between unequals in society.

(b) Social Security Charter:

(i) Participation of workers in Management of Industries (Article 43 A); Right to Work, education and public assistance in cases of unemployment, old age, sickness, and disablement (Article 41); Just and human conditions of Work (Article 42); living Wage for workers (Article 43); free and compulsory education for children until they complete the age of 14 years (Article 45). However, after the 86th constitutional amendment Act 2002, Article 45 reads: “The State shall endeavor to provide early childhood care and education to children below the age of 6 years”; duty to raise the standard of living and improvement of health (Article 47) including, in particular, the prohibition of liquor; Promotion of education and economic interests of weaker sections (Article 46); equal justice and free legal aid to economically backward classes (Article 39 A).

(c) Community Welfare Charter:

- (i) Uniform civil code: Article 44, while the state has tried to reform and codify the personal laws of Hindus (which is also applicable to Sikhs, Jains and Buddhists), no attempt has been made to bring Muslims, Christians and Parsis under the purview of a Common Civil Code.
- (ii) Organization of Agriculture and Animal Husbandry: Article 48.
- (iii) Protection and Improvement of Forest and Wildlife: Article 48A.
- (iv) Protection of Monuments of historic interest and national importance: Article 49.
- (v) Separation of Judiciary from Executive: Article 50.
- (vi) Promotion of international peace and security: Article 51. Pursuant to the direction enshrined in Article 51, Parliament passed the protection of human rights act, 1993 which provides for the setting of National Human rights Commission and Human rights Courts to meet the growing concern for human rights in the country and abroad.

(vii) Organization of Village Panchayats: Article 40. The object of this provision is to introduce democracy at the grass root level

Supreme Court decisions related to Directive Principles are as follows:

The Supreme Court consistently held that on the whole there is no inherent conflict between the fundamental rights and Directive Principles. They are supplementary to each other. They together constitute an integrated scheme, and therefore, as far as possible they should be interpreted harmoniously.

- In, State of Madras Vs. Champakam Dorairajan, Supreme Court held that, the DPSP cannot override the Fundamental Rights.
- In Re Kerala education bill, the court observed that though the DPSP cannot override the FR, nevertheless in determining the scope and ambit of Rights the court may not entirely ignore the Directives but should adopt the principles of Harmonious construction and should attempt to give effect to both as much as possible.
- 25th Amendment, 1971 considerably enhanced the importance of directives Article 31C, added by it, provided that a Law for implementing Directives contained in Article 39 B and C could not be struck down on the ground that it contravened rights conferred by Articles 14 and 19.
- 42nd Amendment 1976 widened the scope of Article of 31C so as to cover all DPSP. Thus, it gave precedence to all the Directives over the Fundamental Rights- Articles 14 and 19.
- In **Keshavananda Bharti vs. UOI**, the Supreme Court observed that the Fundamental Rights and DPSP are meant to supplement one another. It can well be said that the directive prescribed the goal to be attained and fundamental rights lay down the means by which that goal to be achieved.
- In **Minerva Mills vs. UOI**, the court struck down Article 31 C, as amended by 42nd Amendment as unconstitutional on the ground that it destroys the “basic features” of the constitution. The majority observed that the constitution is founded on the bedrock of the balance between Part III and IV. To give absolute primacy to one over the other is to disturb the harmony of the constitution which is essential feature of the basic structure.
- In **State of TN vs. Abu Kavur Bai**, a five judge bench held that although the DPSPs are not enforceable yet the court should make a real attempt at harmonizing and reconciling the Directives and the Rights and any collision between the two should be avoided as far as possible.

- In *Unna Krishnan vs. State of Andhra Pradesh*, the court has reiterated the same principle that the FRs and DPSP are supplementary and complementary to each other and the provisions in Part III should be interpreted having regard to the Preamble and Directive principles.

In order to achieve a balanced economic development and to raise living standard of masses, implementation of specific directives brought good progress in land reforms, village panchayats, promotion of cottage industries, welfare of SC/ST, compulsory education, wages for workers, labor laws and in the Hindu marriage act.

Therefore, Directive principles of State Policy operated as instruments of instructions to the government, contained positive commands to the State in order to promote and establish a social and a welfare state in India.