

Polity/राजनीति

Class-1(Basic Concepts)

Meaning: condition of being constituted as a state or other organized community or body



Constitution:-

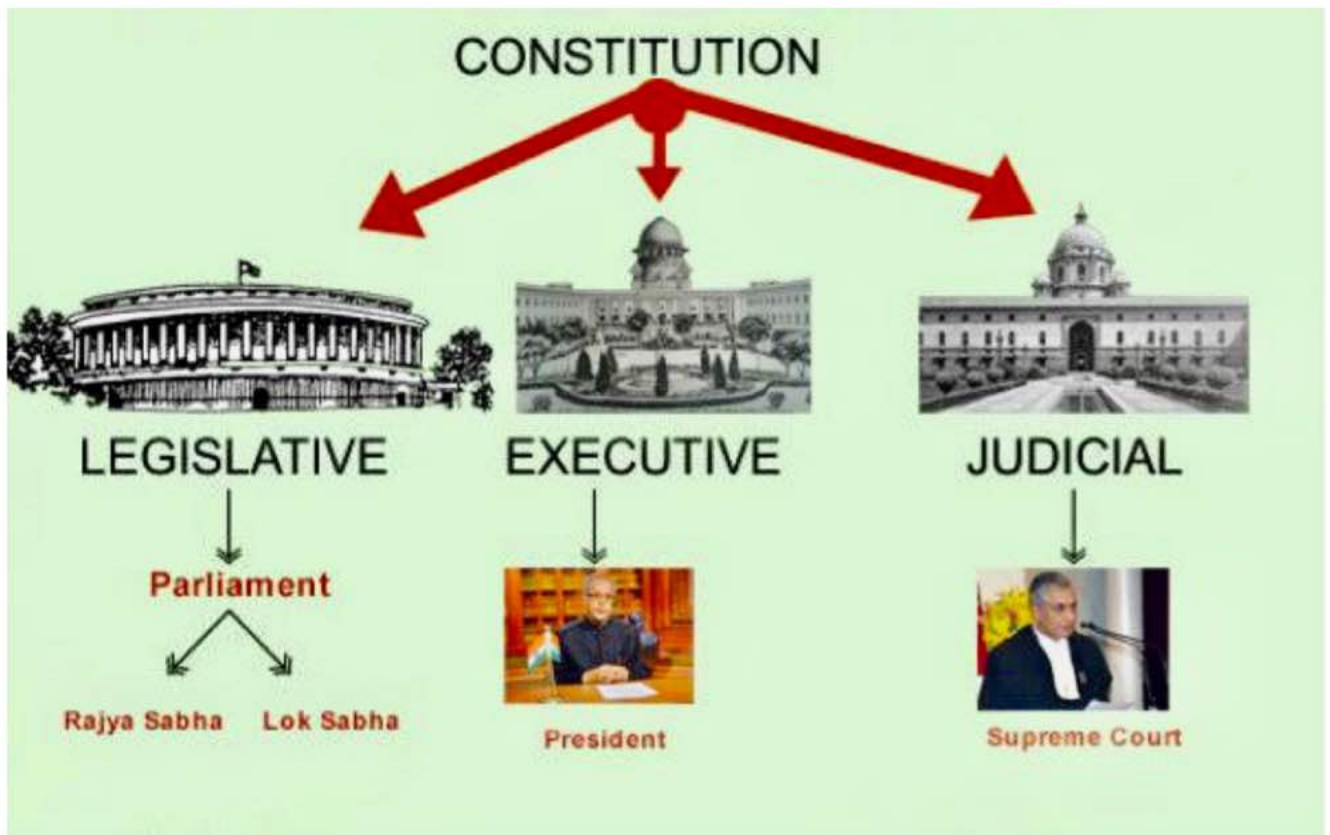
- 1) Supreme law of Country which makes the govt work (is se bada koi nahi)
- 2) Constitution ek Zinda document hai matlb living hai (Jaise log living being hai aur dynamic hote hai waise he dynamic hai)

Constitutionalism: Limiting the power of government..Which is made by Laws available under the constitution ex:Temp govt,Rule of law,Constitution is also under this

Constitution Has?Ours is the largest written constitution in the world

- 1)25 Parts 2)471 Articles 3)12 Schedules

Organs of Government:



1) Legislative(Maker) eg: Parliament/State Legislature)

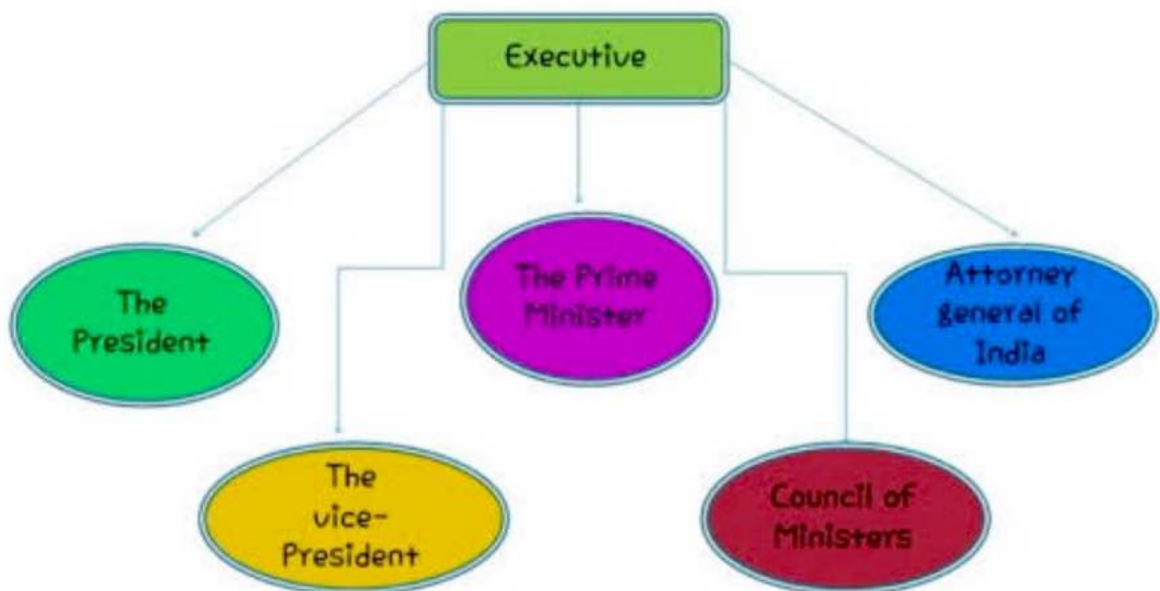


Parliament consist of President,Rajya sabha and Lok Sabha (MPs) :सांसद, State Legislature can be of two typed S LA or SLC (MLAs or MLCs):विधायक...Two Houses means Bicameral legislature and One house means Unicameral

- Members of Lok sabha/Lower house are directly elected by the people (Represent people at the centre) but member of Rajya Sabha/Upper house are indirectly elected by MLAs(Represent state at the centre)

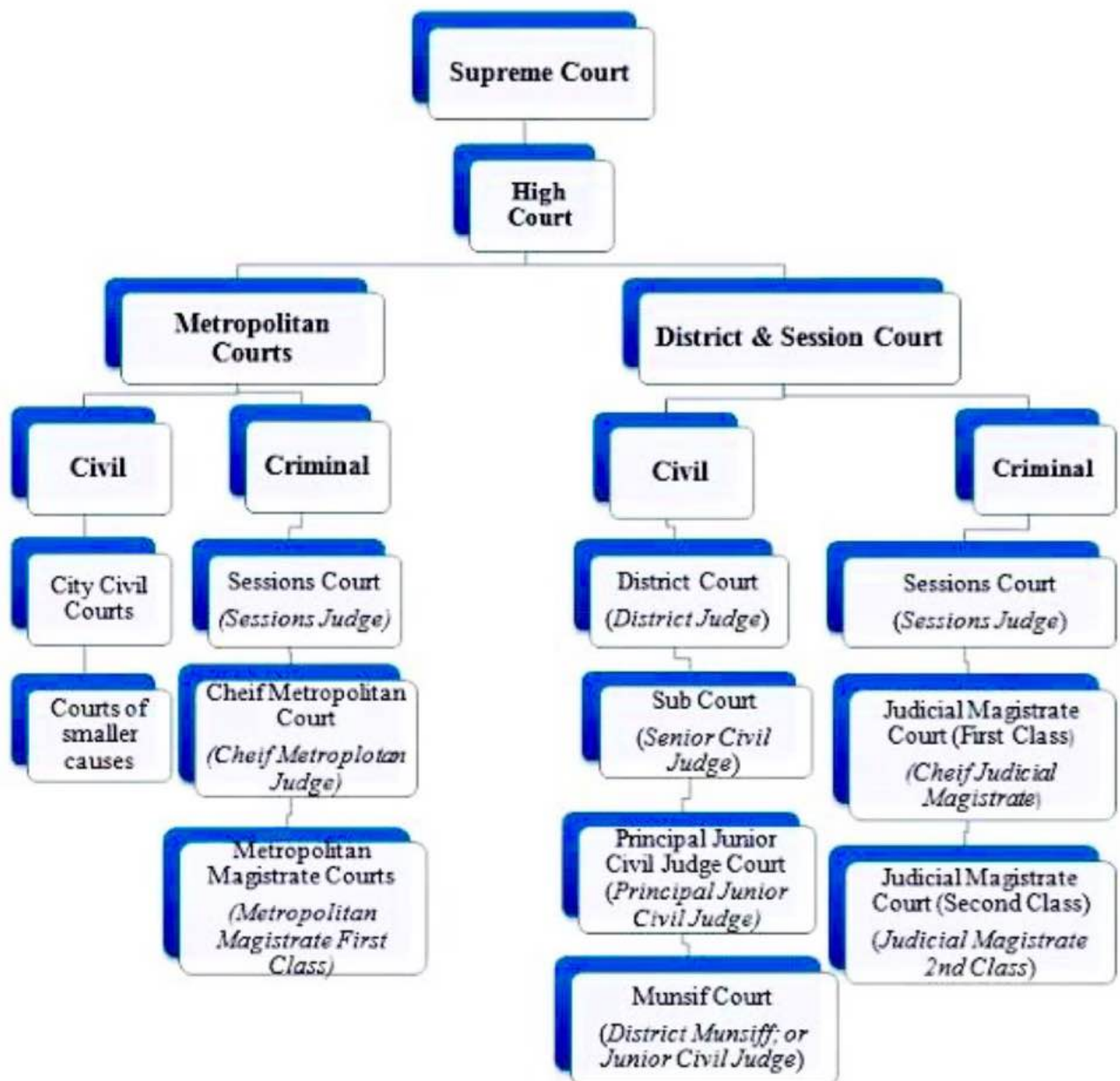
2)Executive(Implementor)

The Executive



These can be Political executive or temporary executive (President,PM,Cabinet) & Administrative executive/Permanent executive(IAS officers)

3)Judiciary(Protector of laws):S.C;H.C,D.C,Tribunals



Types of Constitution

1)Written constitution:means which is codified and Compiled completely in the form of book eg:USA and India;First is USA (1787:Existence and Enforced:1789) ;Largest is Indian Not codified and Compiled:Unwritten(First:UK)

*Note: The **UK** – a sovereign state that includes **England**, Scotland, Wales and Northern Ireland. Great **Britain** – an island situated off the north west coast of Europe. **British Isles** – a collection of over 6,000 islands, of which Great **Britain** is the largest. **England** – a country within the **UK**.*

2)Rigid or Flexible:If amendment is difficult then it is rigid and if it is easy then its flexible:Indian is a mixture of both.

USA:Rigid;UK: Flexible ; India:Mid

3)Enacted and Evolved:If the constitution is made by a body in a specific time then it is enacted (By constituent assembly in 2 years 11 months and 18 days)..If not made by specific body in fixed time(U.K) and evolved time to time as per the needs

4)Unitary and Federal:If powers are divided between central and states then it is known as federal and if power is with central only then it is Unitary.

Unitary:U.K,Afghanistan,Bangladesh,China

Federal:USA,Brazil,Indian

But Indian constitution is not so federal as compare to USA,So when a country is federal will be decided with these 5 conditions:

1)Division of powers

2)Written Constitution

3)Dual Policy making bodies(Different central and state)

4)Supremacy of Constitution

5)Independent Judiciary

But in addition to these there are many features of our constitution

which makes it more Unitary so we have given a name to Indian Constitution as Quasi-Federal (More Unitary but federal)

Historical Background of Constitution

- 1600 AD East India Company(British as Traders)
 - 1767:Battle of Plassey
 - 1764:Battle of Buxar
 - Treaty Of Allahbad 1765:Gave Diwani Rights to British for Bengal,Odisha,Bihar
- Diwani rights:Ability to collect the taxes and other civil rights also,this increases revenue and corruption in company..Officers became rich and company starts running in debt
- To control and regulate the affairs of EIC in India acts were passed like Regulating act,Charter acts
 - 1773,1793,1813,1833,1853
- Regulating act:
- 1)EIC har paise ka jawab doge :CODs ko answer dena hoga hamre que
 - 2)GOB became GGOB as he got the legislative power for other presidencies also
 - 3)GGOB got the executive council of 4 members(This was performing legislative functions also)eg:PM is a legislative and also doing executive functions
 - 4)Formation of SC @ Fort Williams

Settlement Act 1781:Judiciary was not allowed to have control over company members and it was cleared that only Calcutta council can have that control(Separation of Judiciary)

When British Govt was passing these acts EIC was not happy and not responding properly

At that time Pitts was the PM in British,He passed an act Pitts India act 1784

- British possessions
- Formation of Board of Control to take military, Political and admin decisions and commercial by COD

Charter act 1793,1813:Already covered

Charter act 1833 :

- 1)All legislative powers of other presidencies were not completely transferred to Bengal and GGOB became GGOI
- 2)Laws became acts and EIC was said to be working as a Trust for the British possessions in India

Charter act 1853:

If some one want to become civil servant than he has to take sponsorship from CODs to go and study in Haileyburys college ,COD tha EIC ka isiliye jo officers ate the wo EIC ke loyal hote the aur uske against kuch krte nahi the...British ne jitne bhi law pass kiye company ko jyada control kar nahi parhe the

So Covenanted Civil services is made with exam in 1853...Proposal was made in 1833 but due to huge opposition its was passed in 1853

- Indefinite time period extension
- Separate legislative council was made with councillors and it was also known as mini parliament

Revolt of 1857

- GOI Act-1858(Act of good govt in India)

1)GGOI became Viceroy

2)Sec of State-Parliament member heading Council of India with 15 members

Viceroy—>Council of India—>Sec—>Parliament

- 3) Queen Victoria: Declared Empress of India by Nov-1858 Proclamation
- 4) Everybody has to answer and this answerable govt is responsible govt or good government

Entry of Indians in Council

Council acts-1861•1892•1909

aim: Indian entry and Evolve legislative councils

1) CA-1861

- Non Official Members (Extended LC) nominated by viceroy (Raja of benaras, Maha of Patiala, Dinkar rao)
- Decentralisation started (Giving powers back to presidencies will be over by 1935)
- Portfolio system
- Ordinance system, Executive making laws when legislative council not present

2) CA-1892

- LCs made a little stronger by allowing them to discuss budget and ask Que to executive
- Viceroy will take recommendations from BCC etc before nominating members to LCs
- For provinces governor will ask zamindars etc

3) CA-1909

Morley minto reforms

CLC 16-60

Separate electorate etc

Later gandhi was the reason behind everything jo itne saalo me nahi hua wo kuch saal me hogya

Making of Indian Constitution

- M.N Roy gave the idea to form a constituent assembly to form constitution in 1934
- In 1935 INC officially demanded that there should be a constituent assembly
- 1938 JL Nehru said that the constituent assembly should be formed without any interference from outside member on the behalf of Congress ,He also said that the members of constituent assembly should be selected on the basis of Adult franchise
- In 1940 British accepted this demand under August Offer(WW-2 Time 1939-45) but not provided
- 1942,Cripps mission:He said they will form constituent assembly but after WW-2(Indians not happy) as they are repeating the same thing again and again that they will form constituent assembly

"Mahatma gandhi said thats its a post dated cheque of Falling Bank"

Cabinet Mission-1946: With Three members:They finally accepted the formation officially for one constituent assembly(There was demand for separate for Pakistan)

Constituent assembly will be partially elected and partially nominated body

Constituent assembly will have 389 seats from which 296=British India (Indirectly elected by members of State assemblies) , 93(Nominated)=Princely states

These seats are as per population,even one state can have many seats if population is more

Election held on July-August 1946 and majority of the seats won by congress:

1)Congress=208

2)Muslim League=73

3)Independent=15

Princely states say no to join constituent assembly(They were not happy because they wanted to be King always)

- First meeting of Constituent assembly:9Dec1946 ,Out of 296 only 211 attended the meeting(Muslim League Boycotted) in this the Eldest member Dr Sachidanand Sinha was made temporary President of Constituent assembly

- Next meeting 11 Dec 1946:

1)Rajendra Prasad:Permanent president

2)H.C Mukherjee:Vice president

3)B.N Rao :Constitutional advisor

- Next meeting 13 Dec 1946

1)J.L Nehru passed Objective Resolution of Assembly:It laid down the framework structure of Constitution

2)It was passed by Constituent assembly in 22 Jan 1947

- 3 June 1947

Mountbatten Plan:Two constituent assemblies formed and Princely states also started joining assemblies accordingly

- 15 August 1947

- Formation of Independent India

- Seats of constituent assembly decreased to 299(Rest went to Pakistan)

•Constituent assembly now had two functions:

- 1)To make the constitution with Dr Rajendra prasad as president
- 2)To work as legislature in order to form laws(First Parliament of India) headed by J.V Malvankar

Till 26 Nov 1949 these functions were carried out by Assembly(Till this date Constitution was completed):2 years 11 months 18 days

Mahatma Gandhi and Jinnah were not the member of Constituent assembly

Important works of Constituent Assembly

- 1)Ratified India Membership of Common Wealth in May 1949
- 2)Adopted National flag on 22 July 1947
- 3)National Anthem and National Song were adopted on 24 Jan 1950
- 4)It adopted First president of India as Dr Rajendra Prasad on 24 Jan 1950

11 Sessions,64 Countries,64 Lakhs,Final session:24 Jan1950
First General Election:1951-52

Committees to carry out the tasks of Constitution Making: 8 Major and 15 Minor

- 1)Union power,Union Constitution,State comm chaired by J.L Nehru
- 2)Provincial Constitution Comm:Sardar Vallabh bhai patel

Sardar title by Gandhi ji after Bardoli Satyagraha,On his birthday National Unity day is also celebrated 31 October

- 3)Drafting Comm:B.R Ambedkar

4)Advisory Comm on F.Rights,Minorities,Tribal and other excluded areas:Vallabh bhai patel(4 Sub comm under this:-)

- FR sub comm:JB Kriplani
- Minority sub comm:H.C Mukherjee
- NE Frontier tribal area comm:Gopinath Badoli
- Excluded and partially excluded area comm:A.B Thakkar

5)Rules comm and Steering comm:Rajendra Prasad:The **Steering Committee's** role is to provide advice, ensure delivery of the project outputs and the achievement of project outcomes. This may include such tasks as: ... The **Steering Committee** provides support, guidance and oversight of progress. Members do not usually **work** on the project themselves.

Drafting Committee(Likhna):29 Aug 1947

One chairman (Dr B.R ambedkar) and 6 other Members

- 1)Gopalswamy ayenger
- 2)Krishnaswamy ayer
- 3)KM Munshi
- 4)Sayyed Md Saidullah
- 5)Madhvao Rao replacing BL Mitter(Resigned)
- 6)T Krishnamachari replaced DP Khaitan(died)

- First Draft presented to constituent assembly : Feb 1948

Constitution was completed 26 Nov 1949:22 Parts,8 Schedules,395 Articles and Preamble Fee articles was enforced then only and rest constitution was enforced later.

Arc:5,6,7,8,9,60,324

Constitution was commenced(Laagu) on 26 Jan 1950

31 Dec 1929 Lahore session,Near Ravi river

- Adopted Poorna swaraj as Goal Declared
- 26 Jan 1950 as complete independence day/Poorna swaraj diwas

Criticism of Constituent Assembly

- Not a representative body (Members are not elected by people)
- Time Consuming(USA:4 Months)
- Not a sovereign body(Formed by British Proposal)
- Dominated by congress
- Viscount Simon : Constituent assembly is a body of Hindus

Tricks to Learn Parts and Articles

Parts have Articles inside it

1) Union & its Territory(Ar1-4) : usko

2) Citizenship(5-11) chaha

3) Fundamental Rights(12-35) fir

4) Directive principles of state policy(36-51) dekha

4A) Fundamental Duties(51A) fir

5) Union(52-151) usko

6) State(152-237) socha

7) Removed Part-B of first schedule states(238)by 7 CAA 1956 ,Earlier states were divided into Part A,Part B like that): BHI

8) Union Territory(239-242) usne

9) Panchayat(243.243A——243O) par

9A) Municipality(243P——243Z,243ZA——243ZG) mujhe

9B) Cooperative societies(243ZH——243ZT) chor

10) Schedule and Tribal Areas(244,244A) smjha

11) Relation between Union & States(245—263) roya

12) Finance, Properties, Contracts & Suits(264—300A)
firse

13) Trade, Commerce & Intercourse within the territory of
India(301-307) tujhe

14) Services under Union & States(308-323)
sochkar

14A) Tribunals(323A,323B) tuje

15) Elections(324-329A) Ek

16) Special Provisions related to certain
classes(330-342) pal

17) Official Languages(343-351) laga

18) Emergency(352-360) etna

19) Miscellaneous(361-367) maine

20)Amendment of Constitution(368) apna

21)Temporary,Transit and Special provisions(369,370,371—392)) takna

22)Short title,Commencement and Authoritative(393-395) socha

Numbers me:22

Counting me:25

Part 4A & 14A:Added by 42 CAA 1976:Mini Constitution

9A-Added by 74 CAA 1992

9B-Added by 97 CAA 2011

Trick: Usko chaha fir dekha fir usko socha B usne par mujhe chor smjha

Roya firse tujhe sochkar tujhe ek pal laga etna maine apna takna socha

Schedules of Constitution

- This is the list in constitution that tabulate the Bureaucratic activities and policies of govt.

- Additional highlighted information of Constitution

- 26 Jan 1950: 8 Schedules

Today: 4 New schedules added by Amendment

9th: 1st CA 1951

10th: 52nd CA 1985

11th: 73rd CA 1992

12th: 74 CA 1992

- 1st Schedule:

- 1) Name of States and UTs

- 2) Territorial Jurisdiction

- 2nd Schedule

- 1) Emoluments, Allowances and Privileges etc

- a) President of India

- b) Governor of State

- c) Speaker & Deputy Speaker (LS)

- d) Chairman and Deputy Chairman (RS)

- e) Speaker & D. Speaker (LA), Chairman & D. Chairman (LC)

- f) CAG, Judge of SC & HC

Note: Prime Minister and COM not in this

- 3rd Schedule

Forms of Oaths and Affirmations :

- 1) Candidates for the election to the Parliament/State legislature

- 2) Member of Parliament/State Legislature

3) Union Minister/State Minister

-Judge of SC & HC

-CAG

•4th Schedule

Allocation of seats in Rajya sabha to States and Union territories

•5th Schedule

Provisions for the Administration and Control of Schedule Areas and Tribes

•6th Schedule

Provisions related to the Admin of 4 Tribal areas :Assam, Meghalaya, Tripura and Mizoram

More Decentralisation for states in Schedule 6 ,So schedule 5 states also wanted to be consider under schedule 6

•7th Schedule

Division of Powers between Centre and State

1)Centre List:100 (Banking,Railways,Defence)

2)State List:61 (Police,Health,Agri,Land)

3)Concurrent List:52 (Education,Forest,Electricity)

"If in concurrent list on the same subjects law is made by both Union and State then Union law will prevail"

•8 Schedule:Initially 14 Languages

,Currently 22 Languages

#8 New Languages Added:

1)21 CA 1967:Sindhu

2)71 CA 1992:Konkani,Manipuri & Nepali

3)92 CA 2003:Bodo, Maithili, Dongri, Santhali

•Remaining 14 Languages

Tamil, Telugu, Malayalam, Kannada, Oriya, Marathi, Gujarati, Bengali, Hindi, Punjabi, Kashmiri, Assamese, Sanskrit, Nepali, Urdu

“English is not the part of 8th Schedule”

Additional Schedules

9th Schedule:1st CA 1951 ,Arc-31B added

24 April 1973:SC said Judicial Review is the basic structure of Constitution:Keshavananda Bharti case

Concept:Land is a subject under state list, Law has to be made by state. But that time in case of any land reforms or laws related to land acquisition land holders use to go to court for Right to Property as it was a fundamental Right that time. Because of this state find it difficult to make laws.

Arc-31B:Acts and Regulations of state legislature dealing with land reforms, Abolition of Zamindari system and Parliament dealing with other matters ..Basically list of central and state laws which can't be challenged in courts(Judicial Review not allowed)

Ab isme kuch aise laws bhi add hone lage jo land reforms se related nahi the lekin FRs break horhe the but schedule ke according court nahi jaya ja sakta uske against..

2007 me SC ne judgement dia ki 24 April 1973 ke baad jo bhi laws isme dale gaye hain all will have Judicial Review...

•10 Schedule:52 CA 1985(Anti Defection Law)

Disqualification of Any member of Parliament or State Legislature in case of Defection (Disqualified for remaining term)

•11 Schedule:73 CA 1992

Panchayat was provided constitutional Status with 29 Subjects from the state list

•12 Schedule:74 CA 1992

Municipality was given constitutional status with 18 subjects from state list

TRICK:

T E A R S O F O L D P M

Features of India Constitution

1)Written and Longhiest Constitution

2)Constitution has 395 Articles,22 Parts,12 Schedules and a Preamble

Parts added 4A,14A,9A,9B and Part 7 Deleted

3)Indian constitution is Bulkiest one because we have borrowed many of its features from different constitutions ,Also it is coming out from GOI 1935 which in itself was big Act.

Also we have one constitution for Union and State combined

2)Indian Constitution is Rigid and Flexible:Amendment is possible but not easily..Changes can be done with simple majority then Flexible otherwise Rigid(Special Majority)

Rigid:USA and Flexible:UK;India is blend of both

3)Constitution has taken its features from Various sources:

1)GOI-1935

Office of Governor

Emergency Provisions

Public Service Commission

2)British Constitution

Parliamentary Form of Govt.

Bicameralism

Rule of Law

Single Citizenship

3)USA Constitution

Fundamental Rights

Judicial Review

Impeachment of President

Post of Vice President

Removal of Judges of SC & HC

4)Ireland Constitution

Directive principles of state policy

Method for the Election of President

Nomination of Members of Rajya sabha

5)Canada Constitution

Federation with Strong Centre

Residuary Power with centre

Appointment of Governor of states by centre

Advisory Jurisdiction of S.C

6)Germany

Suspension of FR during Emergency

7)Australia

Concurrent List

Joint sitting of Two houses of Parliament

Freedom of Trade,Commerce & Intercourse(Part-13)

8)Russia

Fundamental Duties

Justice(Social,Economic and Political Justice) of Preamble

9)France

Republic,Equality,Liberty and Fraternity

10)South Africa

Procedure of Amendment

Election for the members of Rajya Sabha

11)Japan

Procedure to make Laws

4)Federal System with Unitary Bias

Federal Features	Unitary Features
Two Govt	Strong Centre
Division Of Powers	Single Constitution
Written Constitution	Single Citizenship
Supremacy of Const.	Flexibility to change
Rigidity of Constitution	Integrated Judiciary
Independent Judiciary	Appointment of Governor by

	Union
Bicameralism	All India Services(IAS,IPS,IFS)
	Emergency

Note:

- *Federation is not mentioned in the constitution*
- *Quasi Federal: KC Wheare*
- *Bargaining Federal: Morris Jones*
- *Cooperative Federal: Granville Austin*

5)Parliamentary form of Government at Centre and State

- *Presidential form:Executive and Legislature totally separated*
- *Parliamentary form:Executive and Legislature are in cooperation/Westminster Model*
- **Features of Parliamentary form of Government**
 - Presence of Nominal and Real Head
 - Majority party Rule
 - Collective responsibility of Executive to the Legislature
 - Membership of Ministers in Legislature
 - Leadership of PM in Centre and CM in State
 - Dissolution of Lower House

Indian Parliament	British Parliament
Not Sovereign(Judiciary)	Sovereign
Elected Head(Republic)	Hereditary Head
Blend of Parliament Sovereignty(UK) & Judicial Supremacy(USA)	
Judiciary Integrated & Independent (No exe Interference,Security of Tenure)	

“Parliament can make any law:Sovereign but Judiciary can cancel that:Supreme ”

6)Fundamental Rights:

Taken from USA,Part-3(Arc 12-35): Total 7(On deleted later)=6 FRs

Right to property was deleted by 44 CA 1978 and shifted to Arc 300A.Arc 32 and Arc 19(f) were earlier related to Property which are now removed

•Six Fundamental Rights

- Right to Equality(14-18)**
- Right to freedom(19-22)**
- Right against exploitation(23-24)**
- Right to freedom of religion(25-28)**
- Cultural & Educational Rights(29-30)**
- Right to Constitutional Remedy(32):Heart & Soul of Constitution**

-Properties:

- Justiciable
- Not Absolute(Have restrictions Ex:Abuse)
- Not Sacrosanct(Not fixed can be changed)
- FR under Arc 20 & 21 Can't be suspended under any emergency situation

Note: 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

7)Directive Principles of state Policy:Ireland,Part-4(Arc 36-51)

- Non Justiciable
- Establish Welfare State
- State apply these principle to make laws so known as Fundamental Governance of country

8)Fundamental Duties:

Taken From Russia,Part 4A(Arc-51A) by 42 CA 1976

- Suggested by Swarn Singh Committee
- Total 11 FDs(10+ 1 added later by 86 CA

2002:It says that it is the duty of Parents to send their children between age of 6-14 years to school)

- Non Justiciable

9)Secular State

This was not Present in original Constitution and was added by 42 CA 1976 into the Preamble.

Indian Meaning of Secular: All religions in the country will have same support & Status from the state.

10) Universal Adult Franchise

18 Years and Above has Right to Vote; When constitution was made this age was 21 later by 61 CA 1988 it was reduced to 18 years.

11) Single Citizenship

12) Independent Bodies: Election commission of India, CAG, UPSC & State PSC

13) Emergency Provisions: Part-18 (Art 352-360)

- National Emergency (352)
- State Emergency/President Rule (356)
- Financial Emergency (360)

14) Three Tier Government

- Central Govt
- State Govt
- Local Government: 11 and 12 Schedules