

Schedules [1 to 12]

Schedule 01: Name {State & UT}: {28 & 8}.

Schedule 02: List of allowances, privileges, and emoluments.

Schedule 03: Oath & affirmation.

Schedule 04: Allocation of seats for states & union territories in Rajya Sabha.

Schedule 05: Administration and control of scheduled area & scheduled tribe.

Schedule 06: Administration of tribal areas in the state of Assam, Meghalaya, Tripura, and Mizoram.

Schedule 07: 3 Legislative lists {Union (100), State (66 to 61), and Concurrent (47 to 52)} + Empty list (for future & kept under union).

Schedule 08: 22 official language.

Schedule 09: Land reform & abolition of the Zamindari System.

Schedule 10: Anti-defection (dal-badal) on the grounds of defection.

Schedule 11: Power, authority, and responsibilities of Panchayat.

Schedule 12: Powers, authority, and responsibilities of Municipalities.

Part I: The Union and its Territory. [1 to 4]

Article 1: Name and territory of the Union.

➤ India that is Bharat.

➤ India is a Union of States.

- Confederational.
- Federal (USA).
- Union (INDIA).

➤ States/UT are placed in the 1st Schedule.

➤ 3 types of Area:

- State (28).
- UT (8).
- Earned Area "Territory" (0).

Article 2. Admission or establishment of new states.

➤ Eg. Sikkim (16 May, 1975):

- 35th Amendment, 1974 (as a Co-State – Ar. 2A).
- 36th Amendment, 1975 (Sikkim became 22nd State of Our India: 16 May, 1975).

Article 3. Formation of new states and alteration of areas, boundaries or names of existing states.

➤ MP -> Chhattisgarh (1 Nov, 2000).

➤ UP -> Uttarakhand (9 Nov, 2000).

➤ Bihar -> Jharkhand (15 Nov, 2000).

➤ J&K, UT and Ladakh, UT (Now).

➤ Case: Berubari Union Case (WB), 1960: Resolved by BJP Govt. (Modi) but initiated by J. Nehru.



Article 4. Law made under Ar. 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

➤ 50% Simple Majority in the Parliament (needed).

➤ President (pre-informed and not if - but is applicable).

➤ Has to make changes in the 1st and 4th Schedules after the amendment under Ar. 2 and 3.

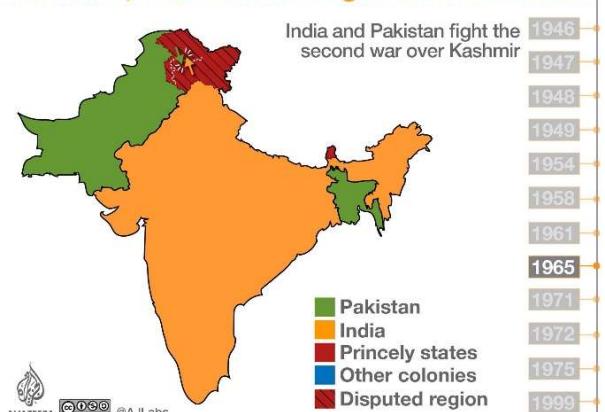
Concept (Akhand Bharat):



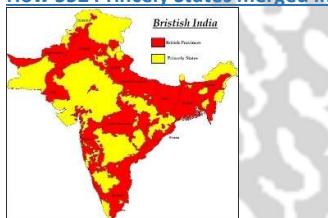
➤ [1893 Durand Line.](#)

- Durand Line, 1893[[India](#) |> Afghanistan (that time): Currently: [Afghanistan and Pakistan Border Line](#)].
- India |> Burma, 1935[[Currently Burma become Myanmar](#)].
- India |> Pakistan, 1947[[East \(Current Pakistan\)](#): Cyril Radcliffe Line and West (Become Bangladesh, 1971): Zero Line].

How India, Pakistan and Bangladesh were formed



➤ [How 552 Princely States merged into India.](#)



- Role [Sardar Patel, VP Manohar, Lord Mountbatten].
- Issues (3):



- Hyderabad: Operation Polo.
- Junagadh: Public Referendum.
- J&K:
 - Raja Hari Singh (King: Hindu) and Public (Mostly Muslim).
 - Pakistan Declared war by sending Terrorist.
 - After that, Raja Hari Singh ready to sign Instrumentation of Accession (26 Oct, 1947).
 - Sardar Patel orders Army to resolve the issue of J&K (Operation headed by Brigadier Usmani: Lion of Naushera).
 - But that time POK is occupied by Pakistan (Approximately 30% of the main land of J&K).

➤ [Fazal Ali Commission \(State and UT division according to Language Spoken in the region\).](#)

- [India in 1951.](#)



- A: British Province (9).
- B: Princely State (9).
- C: Commission (10).

- Prolonged Popular Agitation (Death of Potti Sriramula after Hunger Strike of 56 days).
 - Madras, 1952 (Tamil) |-> Andhra Pradesh (Telugu) on 1 oct, 1953 (on the basis of Language, Andhra Pradesh {C:Kurnool} become the 1st State).
- **Fazal Ali Commission (Supreme Court's Judge).**
 - Established: 1953.
 - Report: 1956 (State re-settlement).
 - Members (3): Fazal Ali, KM Panikkar & HN Kunzru.
 - Info:
 - Preservation and Strengthening of the Unity and Security of the Country.
 - Linguistic and Cultural Homogeneity.
 - Financial, Economic and Administrative Considerations.
 - Planning and Promotion of the welfare of the people in each state as well as of the nation as a whole.
 - 7th Amendment, 1956: State (14) and UT (6).



➤ [Shah Commission, 1966: PEPSU issue \(Patiala and East Punjab State Union\).](#)



- Himalayan Region: Himachal Pradesh.
- Hindi Speaker's Region: Haryana.
- Punjabi Religion: Punjab.
- Common Capital of Haryana and Punjab: Chandigarh(UT).

➤ [Current Situation of Our Country:](#)

INDIA

States and Union Territories



- State (28).
- UT (8).
- Earned State (0).

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Part II: Citizenship. [5 to 11]

Concept: Citizenship signifies the relationship between individual and state.

➤ 1st time discussed by Aristotle.

➤ 3 Types:

- Person (Foreigner).
- Citizen (Indian).
- Minority (Indian).

Article 5.Citizenship at the commencement of the Constitution.

➤ Constitution Commencement date: 26 Jan, 1950.

➤ He/She was born in India.

➤ Her parents were born in India.

➤ Should have lived in India for 5 years before the Constitution came into force (26th Jan, 1950).

Article 6.Rights of citizenship of certain persons who have migrated to India from Pakistan.

➤ Permit Rule: 19 July, 1948.

➤ Before 19 July, 1948.

➤ After 19 July, 1948 (6 Month time bond after filling the permit form issued by Ministry of Home Affairs).

Article 7.Rights of citizenship of certain migrants to Pakistan.

➤ After the Registration (6 Month time bond after filling the permit form issued by Ministry if Home Affairs).

Article 8.Rights of citizenship of certain persons of Indian origin residing outside India.

Article 9.Persons voluntarily acquiring citizenship of a foreign state not to be citizens.

Article 10.Continuance of the rights of citizenship.

Article 11.Parliament to regulate the right of citizenship by law.

Short Revision:

Ar. 5. Starting time Citizenship.

Ar. 6. Pak -> India.

Ar. 7. India -> Pak (by Mistake) -> India.

Ar. 8. Reside outside India.

Ar. 9. Foreign citizenship (accept) -> Indian citizenship (cancel).

Ar. 10. Continuance of citizenship (if not involve in any kind of suspicious activity).

Ar. 11. Laws and rules of citizenship is made by parliament (Home Ministry).

Concept:

➤ Facts:

- Citizenship Act, 1955 from Britain.
- Type: Single Citizenship (In USA Dual Citizenship).
- 1st Amendment: 1986.
- Way to take Citizenship (5 type).
- Loss of Citizenship (3 type).
- Laws and Rules: Parliament of India (Ministry of Home Affairs).

➤ Citizenship Act, 1955 (5 types).

- **By Birth**[Amendment in 1986 (Mother and Father anyone) -> Amendment in 2003 (Mother and Father Both should have Valid Doc)].
- **By Descent**, 1992 (Father should be Indian)-> [Amendment in 1992 (Descent (both): Mother/Father)].
- **By Registration** (After 7 years of Staying here you can able to apply for Citizenship).
- **By Naturalization** (Involvement in Art/Science; Indian Language Known; 10 years).
- **By Incorporation of Territory** (Eg. Sikkim).

➤ Loss of Citizenship (Under Ministry of Home Affairs, 3 type):

- **By Renunciation.**
- **By Termination.**
- **By Deprivation.**

➤ NRI, PIO, OCI.



- **NRI (Non-Resident Indian):** More than 6 Month, No Tax, Vote(Proxy Vote by Post Office).
- **PIO (Person of India Origin):** Removed in 2015, 6 Month (FRRO: Foreigner Regional Registration Office, Location verification every 6 month), No Vote, No Election, No Govt. Job.
- **OCI (Overseas Citizen of India):**(Pak & Bangladesh),2005 introduce, Visa, FRRO, No Vote, No Election, No Govt. Job.

➤ The Foreign-Exchange Management Act, 1999 (FEMA):

- **NRO (Non-Resident Ordinary Account):** Indian + Foreign Income; Tax Applied.
- **NRE (Non-Resident External):** Foreign Income; No Tax.
- **FCNR (Foreign Currency Non-Resident Account):** Same Currency.

➤ CAA, NRC, NPR & Citizenship Amendment Bill, 2019.

- Issues:

- Persian (Iran to India: Gujarat): 12th Century.
- Ind – Pak Partition: 1947.
- Tibet: 1959.
- Bangladesh: 1971/1972.
- Afghanistan (USSR – war (1979 to 1989) – Afghan): 1979.
- Sri Lanka: 1980 – 1990.
- Myanmar: 2015.
- **Illegal Migrants:**
 - Document (Visa).
 - Time (More than is being spent than the time allotted).
- **Controversy:**
 - In Supreme Court: Govt. says about Minorities of Pakistan, Afghanistan & Bangladesh.
 - In Media: Govt. says about Non – Muslims of Pakistan, Afghanistan & Bangladesh.
- **CAA (Citizenship Amendment Act, 2019):**
- **NRC (National Register of Citizens):**
 - Assam Movement by Students (1979 - 1985).
 - Assam Accord 1985: Citizen Before 24 Mar, 1971 (Bangladesh).
 - Supreme Court 2013.
 - NRC List: 19 Lakh -> 12 Lakh (Approx Hindu -> Citizenship will be given by CAA).

LISTS OF DOCUMENTS

LIST A

A person's name on any one of these documents, if issued before the midnight of March 24, 1971, will make him/her eligible for inclusion in the updated NRC:

- (1) 1951 NRC
- (2) Any Assam voter list up to March 24, 1971
- (3) Land and tenancy records
- (4) Citizenship certificate
- (5) Permanent residential certificate
- (6) Refugee registration certificate
- (7) Passport
- (8) LIC policy document
- (9) Any government-issued licence/certificate
- (10) Any govt service/ employment certificate
- (11) Bank or post office accounts
- (12) Birth certificate
- (13) Board/university educational certificate
- (14) Court records/processes

LIST B

If a person has no List A document that carries his/her name, he/she can furnish a List A document that carries the name of a direct ancestor (father, mother, grandfather, grandmother, and so on), along with a List B document to establish his/her relationship with the ancestor. The List B documents — which are not subject to the March 24, 1971, cut-off date — are:

- (1) Birth certificate
- (2) Land document
- (3) Board/university certificate
- (4) Bank/LIC/post office records
- (5) A certificate from a circle officer or gram panchayat secretary in case of a married woman
- (6) Voter list
- (7) Ration card
- (8) Any other legally acceptable document.

- **For Assam Only:** Not in the NRC List -> Tribunal (120 days) -> SC -> Detention Centre.
 - NRC Cost in Assam: 1200 Crore.
 - Whole India (NRC): 10 to 11 Lakh People might be found.
 - 1 Detention Centre (1000 People) Making Cost: 46 Crore.
 - Total Detention Centre Making Cost: 27,000 Crore.
 - Food Issue: 10 People x Rs. 25 = 2.5 Crore Daily.

- **NPR (National Population Register):** A list of usual residents of the Country.



Part III: Fundamental Rights. [12 to 35]

Information:

- Source: USA.
- French Language: Magna Carta (but this word was used 1st in Britain).
- Nehru Report: 1928.
- Karachi Session: 1931.
- Suspend (while Emergency): President – Temporary.
- Restriction: Parliament – Life Time.
- Protector: SC (Ar. 32) & HC (Ar. 226).
- Arguable: Yes (in SC & HC).
- Enforceable: Yes (by SC & HC).

Article 12. Definition of state.

- State no such law has been made which concerns the fundamental right of anyone.
- State definition: Central Govt, State Govt, Local Govt, Electricity Dept, ONGC, SAIL, Airport Authority, etc.

Article 13. Laws inconsistent with or in derogation of the fundamental rights.

- Derogation.
- Inconsistent.
- Pre(Like: Personal Law)<– Parliament → Post.
- Triple Talaq Issue.
- Positive discrimination is allowed.

Right to Equality [14 to 18]:

Article 14. Equality before law.

- Equality before Law (EBL): 20% in India.
 - 1st time: AV Dicey Theory (followed in Britain).
- Equal Protection of Law (EPL) [from USA]: 80% in India.
 - Classification.
 - Differentiation.
- Relief: For President [Ar. 71] & Governor [Ar. 161].

Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

- +ve Discrimination.
 1. Heavy Duties (not for Female)& Army Zone.
 2. Reservation & its Issues.

Article 16. Equality of opportunity in matters of public employment.

- Reservation (+ve Discrimination as per quota allotted): On Religion basis, Gender basis & Area or Region basis.

Article 17. Abolition of untouchability.

- It's a crime and the Law was made in 1955, which has been made strict in 1989.

Article 18. Abolition of titles.

- Abolished: Maharaja, Sir, Night Hood, Rai, Raibahadur, Foreign title.
- Allowed: National Award (not be used as a title), Educational (Prof, Dr, Er) & Rank (Police, Military).

Right to Freedom [19 to 22]:

Article 19. Protection of certain rights regarding freedom of speech, etc (Backbone of Our Indian Constitution).

- A. Right to freedom of Speech and Expression (Speech, Silence, Media, Mannequin, Flag, RTI:2005).
 - B. Right to assemble peacefully and without arms.
 - C. Right to form association or unions or co-operative societies.
 - D. Right to move freely throughout the territory of India.
 - E. Right to reside and settle in any part of the territory of India.
 - F. Right to property. [Repealed– 44th Amendment, 1978]
 - G. Right to practice any profession or to carry on any occupation, trade or business.
- [Not Allowed]: Integrity & Sovereignty, Safety, Public, Moral, Court, International Relations.

Article 20. Protection in respect of conviction for offences.

- No Ex-Post-Facto Law (Punishment according to the Time of Offense).
- No Double Jeopardy (One Offense to be Punished with Only One Punishment).
- No Self-Incrimination (Cannot testify against Himself).

Article 21. Protection of Life and Personal Liberty.

- Life: Environment, Suicide (IPC 309: Crime), Health.
- Personal Liberty: Solitude & Foreign Travel (Maneka Gandhi Case), Privacy, Adultery (IPC 497).

Article 21-A. Right to Elementary Education. [86th Amendment, 2002]

- Age: 6 Year to 14 Year (Free Education).

Article 22. Protection against Arrest and Preventive Detention in certain Cases.

Punitive Detention or Arrest (After Offense or Crime):

1. FIR & Warrant (informed).
2. Must be produced before the court within 24-hour
3. Lawyer (can have as per he/she wants).
4. Right to be released after 24-hours unless the magistrate authorises further detention.

➤ **Preventive Detention or Arrest (Before Offense or Crime):**

5. Without warrant, the person can be detained 3 months.
6. Detention period can be increased (more than 3 months).
7. Opportunity to make a representation against the detention order.

➤ **The Preventive detention Laws made by the Parliament are:**

- a. PDA: Preventive Detention Act (1950 – 1969).
- b. ASFPDA (Mostly implemented in Assam or 7 Sister States): Armed Forces “Special Powers” Act (1958 – Now).
- c. UAPA: Unlawful Activities Prevention Act (1967) [Amendment: 2004, 2008, 2012 & 2019].
- d. MISA: Maintenance of Internal Security (1971 – 1978) [By Indira Gandhi – Mostly Misused for Winning the Election].
- e. NSA: National Security Act (1980 – Now) [Mostly Used].
- f. TADA: Terrorist and Disruptive Activities (1985 – 1995) [Most Dangerous].
- g. POTA: Prevention of Terrorism Act (2002 – 2004).

➤ **Technical Terms:**

- Interrogation.
- Custody (Normal Matter).
- Arrest (FIR, 24-hours, Lawyer).
- Police Remand (Max 15 days, usually 14 days).
- Judicial Custody (Court -> Jail: Head - Jailer).

Right against Exploitation [23 & 24]:

Article 23. Prohibition of Traffic in Human Beings and Forced Labour.

- Human Trafficking (Child Beggar, Sex Slave, Prostitution).
➤ Bonded (Paying Less after work, Debt Trap Labour).
➤ Forced Labour.

[NOTE]: Allowed when the time of National Interest & Emergency.

Article 24. Prohibition of Employment of Children in factories, etc.

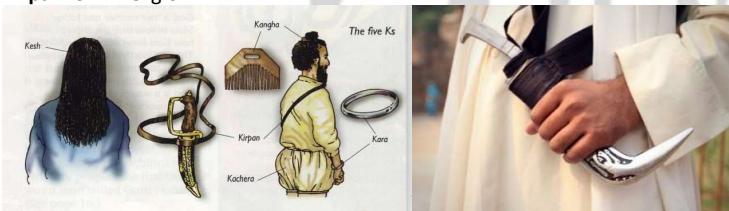
- Below 14 years age.
➤ Factory: Mat (Mirzapur, UP).
➤ Mine: CH₄ Methane Gas (Highly Combustion).
➤ Dangerous: Crackers Factory (Shivkashi, Tamil Nadu).

Right to Freedom of Religion [25 to 28]:

Article 25. Freedom of conscience and free profession, practice and propagation of religion.

- Freedom of Conscience.
➤ Right to Profession.
➤ Right to Practice.
➤ Right to Propagate.
➤ **Personal Law:**

- a. **Kirpan:** Sikh Religion.



- b. **Hizab:** Muslim Religion.



- c. **Triple Talaq:** Muslim Religion.



- d. **Sindoor:** Hindu Religion.



Article 26. Freedom to manage religious affairs.

- Right to establish and maintain institutions for religious and charitable purposes.
➤ Right to manage its own affairs in matters of religion.
➤ Right to own and acquire movable and immovable property.
➤ Right to administer such property in accordance with law.

Article 28. Freedom as to attendance at religious instruction or religious worship in certain educational institutions.

- Government School and Institution: No Religious Education Provided and not enforceable.

Cultural and Educational Rights [29 & 30]:

Article 29. Protection of interests of minorities.

- Not to Deprived from any Institution on the basis of Culture, Language, Script, Religion, Caste.



Article 30. Right of minorities to establish and administer educational institutions.

- Eg. Madarsa, Sanskrit, Jainism, Buddhism School and Institutions.



Right to Property [31]: [Repealed – 44th Amendment, 1978 – Fundamental Right to Legal Right Ar. 300-A]

Article 31. Compulsory acquisition of Property. [Repealed]

Right to Constitutional Remedies [32 to 35]:

Article 32. Remedies for enforcement of fundamental right including writs [Soul of Our Indian Constitution].

- Soul, Heart, Protector, Guarantor (SC - Direct).
- Fundamental Right making Fundamental Right a Fundamental Right (Ar. 32).
- Judicial Proceeding (Writs – Order of Court – So Cause Notice):

a. Habeas Corpus.

- i. To Have the Body.
- ii. Must be present in Court within 24-hours.
- iii. Personal Liberty.
- iv. Applied Only for Punitive Detention or Arrest, not for Preventive Detention or Arrest (according to Ar. 22).

b. Mandamus.

- i. We Command (To give Order).
- ii. Public Duty (For not doing public duty properly and depriving someone's right).
- iii. President & Governor (not applicable).

c. Quo – Warranto.

- i. On what Warrant.
- ii. Constitutional Inquiry on the post of Employee.
Eg. ASI*, SI**, I***, CO (Silver*), SP (Rope).

d. Prohibition.

- i. To stop/ Forbid / Stay Order.
- ii. Order: Higher Court to Lower Court (SC -> HC -> DC).

e. Certiorari.

- i. To Certified.
- ii. Order: Higher Court to Lower Court (SC -> HC -> DC).
1. Out of Jurisdiction.
2. Unfair Justice.
3. Unnatural.

- Situation: [SC < HC] in terms of Writs.

- a. Ar. 32: Supreme Court (Fundamental Right).
- b. Ar. 226: High Court (Fundamental Right + Other Right {Legal Right, Copyright}).

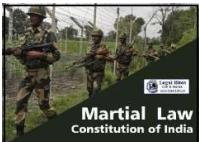
Article 33. Power of Parliament to modify the fundamental rights in their application to forces, etc.

- To limit Fundamental Rights:

- a. Army.
- b. Detective.
- c. Ambassador.
- d. Media.

Article 34. Restriction on fundamental rights while martial law is in force in any area.

- If Martial Law come into force in any area.



Article 35. Legislation to give effect to some of the provisions of fundamental rights.

- Parliament can make law to empower the fundamental rights.

Right to Information [RTI – 2005] (Ar. 19 {a}):



Right to Education [Ar. 21-A]:



No Fundamental Right:

- Strike.
- Traffic Jam.
- Compulsory Employment.
- Vote (Political Right).
- Accommodation (Legal Right: SC treats accommodation as a FR, so the govt. should pay attention to it).

Only for Indian Citizens: 15, 16, 19, 29, 30.

Triple Talaq Issue:



- Marriage: Nikah (as per consent of both of them) & with Witness (5).
- Security Money: Moharden (Mahr).
- Issue: Nikah Halala Ritual.
- Divorce (Talaq) type (3): with witness (2).
 - Talaq – e – Ahassan (90 days).
 - Talaq – e – Hassan (30 – 30 – 30 day).
 - Talaq – e – Biddatt (Instant Triple Talaq) **[Repealed]**.
- Case in Supreme Court (Shayara Bano vs UOI).
 - Judge: 5.
 - 2 = Against.
 - 2 = Favour (Reason: Ar. 13 & Ar. 14).
 - 1 = Favour (Un-Islamic: Which is Implemented in 12th Century).
 - In 2017, SC says Instant Triple Talaq should not be practiced.
 - In 2019, SC ordered parliament to make law against Instant Triple Talaq.
 - Cognizable Offence.
 - Without Warrant Arrest.
 - Information: Female / Relation.
 - Bail: Magistrate.
 - Punishment: 3 Years.
 - Settlement: Female in the presence of Magistrate.
 - Child Custody: Female.



Part IV: Directive Principles of State Policy. [36 to 51]

Information:

- **Information & Suggestion:** BN Rao.
- **Just Like "Check":** KT Shah.
- **Public Welfare (It will establish Social & Economic Democracy):** Baba Saheb Bhim Rao Ambedkar.
- **Source:** Ireland (but Ireland -> Spain).

Article 36. Definition of State.

➤ **State means:** Legislative & Executive Organs of the Central and State Govt, All Local Authorities, All other public authorities.

Article 37. Application of the directive principles.

- Neither Enforceable nor arguable.
- State at will.

Article 38. State to secure a social order for the promotion of welfare of the people.

- **Justice (3):** Social, Economic, Political.
- **Democracy (2):** Social, Economic.

Article 39. Certain principles of policy to be followed by the State.

- Male / Female = Same Work -> Same Salary.

Article 39-A. Equal justice and free legal aid.

Article 40. Organization of village panchayats.

- Village Panchayat = MK Gandhi (Favour) vs Baba Bhim Rao Ambedkar (Not in Favour).
- Applicable (came into force – 1st time): 2 Oct, 1959 (Nagaur, Rajasthan).
- Now Village Panchayat mentioned in Ar. 243-A.

Article 41. Right to work, to education, and to public assistance in certain cases.

- Old age education.
- Handicap education.
- Old Age Pension.
- Widow Job & Pension.
- Senior Citizenship Facilities.

Article 42. Provision for just and humane conditions of work and maternity relief.

- Maternity Relief (Female: 3 months before and after and Male: 15 days before and after).
- Justified condition.
- No salary cut.
- For 2 kids only.

Article 43. Living wage, etc. for workers.

Article 43-A. Participation of workers in management of industries.

- Consult and take suggestion from workers also.

Article 43-B. Promotion of co-operative societies.

Article 44. Uniform civil code for the citizens.

- Marriage{Polygamy}{value same but diff. rituals as per your religion and caste).
- Divorce (by court only).
- The legacy (Ancestral property).
- Adopt (less than 21 years).

[NOTE 1]: Laws and Rules are Same but Rituals different (as per your religion and caste).

[NOTE 2]: Implemented in Goa State.

Article 45. Provision for early childhood care and education to children below the age of six years.

- [Free Health Care] {0 to 6} and {6 to 14} [Free Education: 86th Amendment, 2002 – Ar. 21-A Right to Education].

Article 46. Promotion of educational and economic interests of scheduled caste, scheduled tribes and other weaker sections.

- SC / ST / OBC / EWS [Education, Economic, Quota in Job].
- 1950 -> 1960 ... 2020 -> 2030 (extended by Modi's Govt).

Article 47. Duty of state to raise the level of nutrition and the standard of living and to improve public health.

- Mid-day meal (in govt. school).
- Ration Card.
- Raise the level of nutrition.
- Raise the level of standard of living.
- Raise the level to improve public health.

[NOTE]: Drugs Banned, Alcohol Banned.

Article 48. Organization of agriculture and animal husbandry.

- Agriculture: Machinery Cost (low), Loan (NABARD: National Bank for Agriculture and Rural Development).
- Animal Husbandry (not to kill or feed): Based on Economic and milch (dudharu).
- Revolution: Green Revolution, White Revolution (Milk).
- To Safeguard cattle (cow, buffalo).

[NOTE]: 42nd Amendment, 1976 (Sardar Swarn Singh Committee).

Ar. 48-A (added for State).

Ar. 51-A (added for Citizen).

Article 48-A. Protection and improvement of environment and safeguarding of forests and wild life.

- National Park.
- Wildlife Sanctuary.
- Biosphere Reserve.
- National Green Tribunal (for safeguarding Environment, Wildlife, Forest).

Article 49. Protection of monuments and places and objects of national importance.

- National Heritage.
- Building or Monuments.
- Archaeological sites.
- Archaeological Survey of India, HQ – New Delhi, CISF (Central Industrial Security Force).
- UNESCO{World Heritage List} (United Nations Educational, Scientific and Cultural Organization), HQ – Paris, France.

Article 50. Separation of judiciary from executive.

- Legislature (for Law Making).
- Executive (to enforce law, tackle issue, watch offenses and arrest the culprit).
- Judiciary (for providing Justice).

Article 51. Promotion of international peace and security.

- International Relations issues should be handled with peace.
- Maintain International Peace.
- International Treaty should not be broken.
- International Dispute (if occur): then use arbitrary.
- UNO (India became a member of UNO by this article but actually, we are already been a member of UNO since 1945 and our constitution came into force in 26 Jan, 1950).
- Respect all countries.

Socialistic vs Gandhian vs Liberal:

Socialistic	Gandhian	Liberal
38	40	42
39	43	43
39-A	43-B	44
41	46	45
42	47	47
43	48	48
43-A		48-A
45		49
47		50
		51

Fundamental Rights vs Directive Principles of State Policy:

Fundamental Rights	D.P.S.P.
Part III [12 to 35]	Part IV [36 to 51]
Source: USA.	Source: Ireland -> Spain.
For: Citizens of India.	For: State.
Appeal in Court: Yes (Enforceable & Arguable).	Appeal in Court: No (Neither Enforceable nor Arguable).
For State: -ve	For State: +ve
For Citizens: +ve	For Citizens: -ve
President can suspend except (Ar. 20 & 21).	Neither implemented nor suspended.
Completely devoted to Citizen of India.	Completely devoted for Public Welfare.
By Birth we are eligible to have.	Only & only by Amendment.
Legal Recognition: SC (Ar. 32) & HC (Ar. 226).	Political Recognition: It depends on Politician's consent & better economic conditions of the state.

Case Related to D.P.S.P.:

- ❖ 1951*: Champakam Dorairajan Case vs Madras.
 - Fundamental Right more Superior than DPSP (DPSP is sub-ordinate of FR).
- ❖ 1967*: Golaknath vs Punjab.
 - Supplementary (or Balance) (FR <-> DPSP).
- ❖ 1976: NM Thomas vs Kerala.
 - Balance Maintain by Court (FR & DPSP).
- ❖ 1980*: Minerva Mill (Textile Industry) vs UOI (Indira Gandhi).
 - The balance between FR & DPSP cannot be distracted.
- ❖ 2008*: Ashok Kr. Thakur vs UOI.
 - FR -> Civil + Political Right.
 - DPSP -> Social + Economic Right

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Part IV-A:Fundamental Duties.[51-A]

Information:

- 1st time implement: Japan.
- Source: USSR (now Russia).
- DPSP: Government's Duty [Part IV].
- Fundamental Duties: Public's Duty [Part IV-A].
- Committee:
 - Sardar Swarn Singh Committee (only added).
 - Verma Committee (enforcement committee or making it applicable or came into force or implemented).
- FD (in Our Indian Constitution): 0 + 10 [42nd Amendment, 1976] + 1 [86th Amendment, 2002] => 11 (now).

Article 51-A.Fundamental duties.

➤ Concept:

➤ Fundamental Duties (11):

1. *To abide by the Constitution and respect its ideals and institution, the National Flag and the National Anthem.
 - [CASE]: Immanuel vs Kerala.
2. To cherish and follow the noble ideals that inspired the national struggle for freedom.
3. To uphold and protect the Sovereignty, Unity and Integrity of India.
4. To defend the Country and Render National Service when called upon to do so.
5. To promote harmony and the spirit of common Brotherhood amongst all the People of India.
6. To value and preserve the rich heritage of the Country's Composite Culture.
7. *To protect and improve the Natural Environment including Forests, Lakes, Rivers and Wildlife and to have compassion for living creatures.
 - [CASE]: Mehta vs UOI.
8. To develop Scientific Temper, Humanism and the Spirit of Inquiry and Reform.
9. *To safeguard Public Property and to Abjure Violence.
10. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.
- 11.*To Provide opportunity for Education to his child onward between the age of 6 and 14 years. [86th Amendment, 2002]

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Part V: The Union Government. [52 to 151]

President:

Article 52.The President of India.

- Source: UK.
- From UK (Queen).

Article 53.Executive Power of the Union.

- Executive Power:
 - Real (head / power): Prime Minister.
 - Official (head/ power): President.

Article 54.Election of President.

- Conduct By: Election Commission.
- Electoral Committee/College:
 - LS (2: Anglo-Indian), RS (12: Interest in Arts, Science and Culture): Nominated by the President.
 - Total Nominated Members in Parliament = $2 + 12 = 14$.
- Participate: LS, RS and VS. **[$2 + 12 = 14$ Nominated candidates in Parliament and VP are not allowed]**
- Indirect Procedure of Election (Elect: WE -> MP,MLA -> President).
- Single-Transferable and Preferable Vote.

Preferable Voting				
[Stages]	{Member}	{A}	{B}	{C}
	2	1	3	
	3	1	2	
	3	2	1	
	2	3	1	
	1	3	2	
[1 st Stage]	1	2	2	
[2 nd Stage]	X	1	2	{win}

- No. of stages possible = No. of nominated member.

[NOTE 1]: Only one president in history won the presidential election in the 2nd Stage of counting the vote: VV Giri.

[NOTE 2]: The election of the President has to be taken at any cost within 6 months.

[NOTE 3]: Dissolved Vidhan Sabha won't be able to participate in the Presidential Election.

- Vote Count:
 - MLA Vote Count (of VS) = Population of State / VS seat * 1000.
 - MP Vote Count (of Parliament) = Total MLA's Vote / Total MP (LS + RS) = 708.
- Security Amount or Money (Jamanat Rashi): 15,000 and 1/6 Vote.

Article 55.Manner of Election of President.

- Electoral Quota = {Total Vote / (Candidate + 1)} + 1

Article 56.Term of office of President.

- Term/Tenure: 5 Years.

Article 57.Eligibility of Re-election.

- Eg. Rajendra Prasad.

Article 58.Qualifications for Election as President.

- Citizen of India.
- 35 Year Age.
- Eligibility of LS.
- 50 Introducer or Proposer (MP).
- 50 Written Acceptor or Permissive or Approver (MP).
- 15,000 Jamanat Rashi.

Article 59.Conditions of President's Office.

- No Mad.
- No Bankruptcy (Diwalya).
- Not in the place of profit (Govt. Job).
- Not the member of Parliament (LS/RS).
- Not the member of Vidhan Sabha (VS/VP).

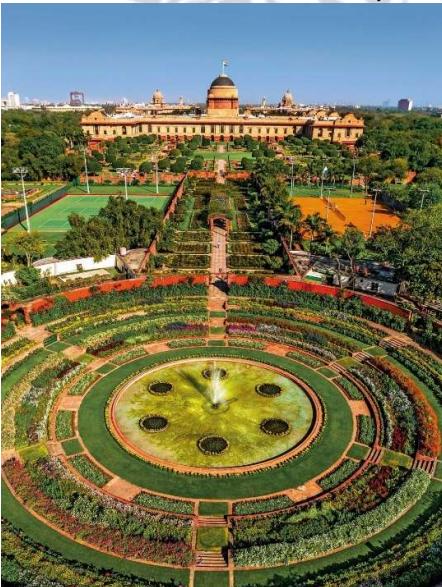
Article 60.Oath or affirmation by the President.

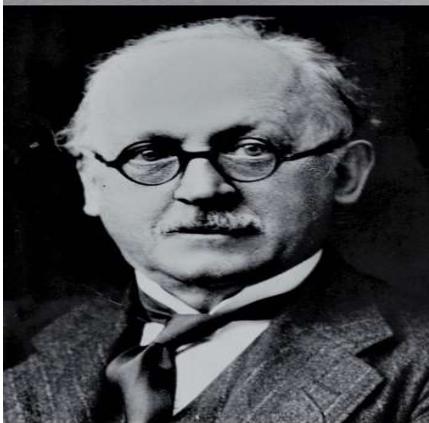
- By CII of Supreme Court ($33 + \text{CII} = 34$).

Article 61.Procedure for Impeachment of the President.

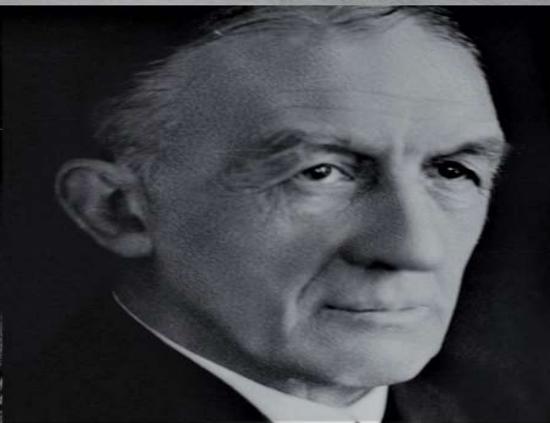
- Source: USA.

- **Conditions:**
 - Come under the influence of a Foreign State.
 - Violating the Constitution.
 - Do not listen to the Cabinet Ministry.
- **Impeachment Meaning:** Disestablish (remove from the office or post).
- **Right to be fired:** Parliament Only.
- **Participate in the Process of Impeachment of President:**
 - (LS + 2 Anglo-India) & (RS + 12).
 - Impeachment can start or be introduced from any house of the Parliament.
 - To Start or Introduce the Impeachment: Need to be ready 1/4th or 25% Member of any House of the Parliament by written.
 - To passed the Impeachment: Need to be ready 2/3rd or 66% Member of any House of the Parliament.
 - After this the President was told that impeachment has been passed on you by this House of the Parliament.
 - And you now have 14 days to express your views in the House.
 - And if the second house also passes the impeachment of the President, then he will be removed from his post (need 66% to pass).

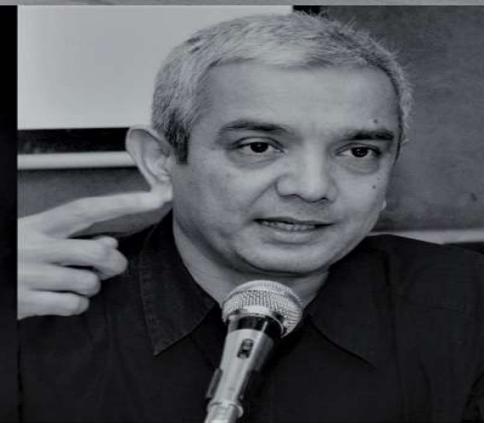




Edwin Lutyens



Herbert Baker



Bimal Patel

Article 62. Time of holding election to fill vacancy in the Office of President and the Term of office of Person elected to fill casual vacancy.

- Election of President within 6 Month (Compulsory).
- President ➤ Vice President ➤ CJI ➤ Any other Senior Judge from Supreme Court

- Impeachment. (Vice-President appoint only)
 - Election is Conducted in a Wrong Way. (Vice-President appoint only)
 - Death. (Vice-President appoint only)
- **Death of President (if any):**
- **Dr. Zakir Hussain (President).**
 - V.V. Giri (Vice-President -> President).
 - Resigned (self) to Become President (there is no need of Resignation because he is not at Position of Profit but still, he did it).
 - Md. Hidayutulla (CJI -> President due to V.V. Giri).
 - CJI, President, Vice-President.
 - **Fakhruddin Ali Ahmed (President).**
 - V.D. Jatti (Vice-President -> President).
- **Powers and Functions of The Hon'ble President:**
- Executive Power.
 - Final Signature.
 - Appoint (Ministry, PM, CJI, CAG, AG, Governor, etc.).
 - Oath.
 - Legislative Power.
 - Area -> SC/ST Candidate (Seat Reserve)->To get up in the Election.
 - 2 Anglo-Indian Nominated in LS.
 - 12 Nominated in RS.
 - First Speech of the Year.
 - Sign the Bill (Bill -> Act).
 - Call Joint Session (Member of the LS & RS in the Central Hall of the Parliament).
 - Financial Power.
 - To introduce the Budget (But it is done by the Union Finance Minister).
 - Finance Commission (43% of Tax revert back to State/UT).
 - Emergency Fund released by the President.
 - Diplomatic Power.
 - Ambassador or High Commission (Common Wealth){UPSC – CSE: IFS, Indian Foreign Service}.
 - Military Powers.
 - Education Power.
 - Central University (President -> Chancellor | Vice-Chancellor, VC).
 - State University (Governor -> Chancellor | Vice-Chancellor, VC).
 - [Note]: Delhi University -> Chancellor (Vice President).
 - Discretionary Power.
 - Special Power.
 - Arrest (No).
 - Criminal Case (No).
 - Civil Suit (Yes).
 - Judicial Power[Ar. 72].
 - Emergency Power[Part XVIII].
 - Veto Power[Ar. 111].

Article 72.Power of President to Grant Pardons, etc., and to suspend, remit or commute sentences in certain cases.

- **Pardon:** On the advice of Ministry of Home Affairs (Union Home Ministry); Completely Absolve.
- **Commutation:** Nature Change (Hard to Normal but not Time); Hang till death to Life imprisonment.
- **Remission:** Period Change (10 Year to 5 Year but not Nature); Not for Death Sentence (Hang till Death).
- **Respite:**Free for Certain Time due to Medical or Health Issue.
- **Rerieve:** For Hanging till Death (Death Sentence) -> Stay Order.

[CASE] Phoolan Devi was kept nude for 2 weeks, 22 Thakurs used to rape every day.



[CASE] Amroha Murder Case: Death-row convict Shabnam sent to Bareilly Jail.



Emergency Provisions[Part XVIII]:

Article 352.Proclamation of Emergency [National Emergency].

- **Source:** Germany.
- **Implemented:** 1962, 1971, 1975.
- **Condition:**
- Foreign Attack.
 - Armed Revolt.
 - Disturbance [Removed].

Article 358.Suspension of provisions of Ar. 19 (A to F) during emergencies.

Article 359 Suspension of the enforcement of fundamental rights during emergencies.

Article 365. Effect of failure to comply with, or to give effect to directions given by the Union (President's Rule).

Article 360. Provisions as to [Financial Emergency].

Article 111. Assent to Bills (Veto Powers).

➤ **Veto Power of the President:**

○ **Absolute Veto(India):[Removed]**

- Private Member's Bill (Non-Minister's Bill)
- Government Bills (Ministers)

○ **Suspensive Veto(India):**

- Simple Majority.
- Reconsideration / Review (One Time Only). After this:
 - It is Obligatory for the President to give assent to the bill.

○ **Qualified Veto(USA):**

- Reconsideration / Review (One Time Only). After this:
 - Now it needs Special Majority.

○ **Pocket Veto(India):**

- Neither ratifies nor rejects nor return the bill, but simply keeps the bill pending for an indefinite period.
- Eg. 1986 President of India is Gyani Zail Singh (Used this veto).
- Bill (Regarding Indian Post Office) Amendment Bill (privacy issue).

Vice-President:

Article 63. The Vice-President of India.

➤ From USA.

Article 64. The Vice-President to be ex-officio chairman of the council of states.

➤ Vice-President of India is also a Chairman of the Rajya Sabha of the Parliament.

➤ Salary as a Chairman of the Rajya Sabha of the Parliament.

➤ Chairman of the Rajya Sabha of the Parliament is not the member of the Rajya Sabha.

Article 65. The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President.

➤ Vice-President -> President (in the absence).

Article 66. Election of Vice-President.

➤ **Conduct By:** Election Commission.

➤ **Participate:** LS, RS, 2 Anglo-Indian and 12 Nominated Candidate. **[Anglo-Indian and nominated is allowed because they are nominated by the President]**

➤ **Indirect Procedure of Election.**

➤ **Single-Transferable and Preferable Vote.**

➤ VS and VP both are not allowed to participate in the Election of Vice-President.

➤ Note: President's Impeachment Process is same as Vice-President's Election.

➤ **Qualification:**

- 35 Year Age.
- 15,000 Jamanat Rashi.
- 20 Introducer (MP).
- 20 Written Acceptor (MP).
- Not a member of LS, RS.
- No Mad.
- Bankruptcy (Diwalya).
- Not at the Position of Profit (Govt. Job).

Article 67. Term of office of Vice-President.

➤ **Term/Tenure:** 5 Years.

➤ **Impeachment of Vice-President:**

- Starts from RS only.
- Start: 25% Vote.
- Pass: 66% Vote.
- 14 days' time to explain in LS.
- LS -> Pass with 66% then impeached otherwise not.

➤ After Mid-Term election of President, then the new president is coming with his own 5-year term.

Article 68. Time of Holding election to fill vacancy in the office of Vice-President and the term of office of person elected to fill casual vacancy.

➤ Within 6 months (As Soon As Possible).

Article 69. Oath or affirmation by the Vice-President.

➤ By President -> CJI -> Other Senior Judge of Supreme Court (if needed).

Article 70. Discharge of President's functions in other contingencies.

Article 71. Matters relating to, or connected with, the election of a President or Vice-President.

➤ Supreme Court (Directly).

Article 72. **[Discussed Above].**

Article 73. Extent of executive power of the Union.

➤ By President.

Union Ministers:

Article 74. Council of Ministers to Aid and Advise President.

➤ To help (Aid) and provide advice to President, Council of Ministers is present which is Headed by the Prime Minister.

➤ 1861 (Lord Canning) -> Port Folio / Departmental Procedure.

➤ Structure of Council of Minister:[15% of LS only]

- Prime Minister (Head).
- Cabinet Minister (Supreme/Main).
- State Minister (Helper).
- State Minister (Free Charge).
- Vice-Minister (Helper).

➤ Cabinet Ministry (Group of Minister):

- Prime Minister (Head).
- Cabinet Minister (Supreme/Main).
- State Minister (Free Charge).

➤ Super-Cabinet{Yojna Aayog or Planning Commission -> Super Cabinet (said by Pt. K. Santanam)} (NITI – Aayog).



➤ Kitchen-Cabinet (PM & Family) {a blot on the Constitution}.



➤ Extra-Ministry (under PMO): Eg. Arun Jaitley (Ministry of Defence + Ministry of Finance).



Article 75. Other provisions as to ministers.

- Appointed by President.
- Advice by Prime Minister.
- Ordinary People can also be a Minister on the Advice of Council of Minister and the Prime Minister. (For 6 Month Only)

Attorney General:

Article 76. Attorney-General for India.

- Qualification: As per qualified as the Judge of Supreme Court.
- AG (Attorney-General) -> SG (Solicitor-General): Qualified as HC's Judge -> ASG (Additional Solicitor-General): Qualified as DC's Judge.
- Union of India (if someone file a case) -> AG.
- AG (Case in SC, HC, DC).
- SG (Case in HC, DC).
- ASG (Case in DC).
- These all are able to take care of the other people of the country that's why salary is given but other facilities are provided.
- Salary: Not Given.
- Tenure: As per under-decision of President (on the advice of PM)

Article 88. Rights of ministers and Attorney General as respects Houses.

Article 77. Conduct of business of the Government of India.

Article 78. Duties of Prime Minister as respects the furnishing of information to the President, etc.

Parliament:

Article 79. Constitution of Parliament.

Article 80. Composition of the Council of States (Rajya Sabha).

Article 81. Composition of the House of the People (Lok Sabha).

Article 82. Readjustment after each census.

Article 83. Duration of Houses of Parliament.

Article 84. Qualification for membership of Parliament.

Article 85. Sessions of Parliament, prorogation and dissolution.

Article 86. Right of President to address and send messages to Houses.

Article 87. Special address by the President.

Article 88. Rights of Ministers and Attorney General as respects Houses [Discussed Above].

Article 98.Secretariat of Parliament.

Article 100.Voting in Houses, Power of Houses to act notwithstanding vacancies and quorum.

Article 118.Rules of Procedure.

Article 107.Provisions as to introduction and passing of bills.

Article 108.Joint sitting of both Houses in certain cases {from Australia}.

Article 110.Definition of "Money Bills".

Budget [112 to 117]:

Article 112.Annual Financial Statement (Budget).

Article 113.Procedure in Parliament with respect to estimates.

Article 114.Appropriation Bills.

Article 115.Supplementary, additional or excess grants.

Article 116.Votes on account, votes of credit and exceptional grants.

Article 117.Special provisions as to Financial Bills.

Article 120. Language to be used in Parliament.

Article 121.Restriction on discussion in Parliament.

Article 122.Courts not to inquire into proceedings of Parliament.

Article 123.Power of President to promulgate ordinances during recess of Parliament.

SC (Supreme Court):

Article 124.Establishment and Constitutional of Supreme Court.

Article 125.Salaries, etc., of Judges.

Article 126.Appointment of acting Chief Justice.

Article 127.Appointment of Ad-Hoc Judges.

Article 128.Attendance of Retired Judges at sittings of the Supreme Court.

Article 129.Supreme Court to be a Court of Record.

Article 130.Seat of Supreme Court.

Article 131.Original Jurisdiction of the Supreme Court.

Article 132.Appellate Jurisdiction of Supreme Court in appeals from High Courts in certain cases.

Article 133.Appellate Jurisdiction of Supreme Court in appeals from High Courts in Regards to Civil Matters.

Article 134.Appellate Jurisdiction of Supreme Court in Regard to Criminal Matter.

Article 135.Jurisdiction and powers of the federal court under existing law to be exercisable by the Supreme Court.

Article 136.Special leave to appeal by the Supreme Court.

Article 137.Review of Judgements or orders by the Supreme Court.

Article 138.Enlargement of the Jurisdiction of the Supreme Court.

Article 139.Conferment on the Supreme Court of Powers to issue certain writs.

Article 140.Ancillary Powers of Supreme Court

Article 141.Law declared by Supreme Court to be binding on all courts.

Article 142.Enforcement to decrees and orders of Supreme Court and orders as to discovery, etc.

Article 143.Power of President to consult Supreme Court.

CAG (Comptroller and Auditor General of India):

Article 148.Comptroller and Auditor General of India.

Article 149.Duties and powers of the Comptroller and Auditor General.

Article 151.Audit Reports.

Part VI:The State Government.[152 to 237]

Governor:

Article 152.Definition of state.

Article 153.Governors of states.

Article 161.Power of governor to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.

State Ministers:

Article 163. Council of ministers to aid and advise governor.

Article 164.Other provisions as to ministers.

AG (Advocate General):

Article 165.Advocate General for the state

State Legislature:

Article 168.Constitution of legislatures in states.

Article 169.Abolition or creation of legislative councils in states.

Article 170.Composition of the Legislative Assemblies (LA).

Article 171.Composition of the Legislative Councils (LC).

Article 178. The Speaker and Deputy Speaker of the Legislative Assembly (LA).

Article 182.The Chairman and Deputy Chairman of the Legislative Council (LC).

Article 202.Annual Financial Statement.

Article 213.Power of Governor to promulgate ordinances during recess of Legislature.

HC (High Court):

Article 214.High courts for states.

Article 215.High courts to be courts of record.

Article 226.Power of High Courts to issue certain writs.

Subordinate Court:

Article 233.Appointment of district judges.

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Part VIII:The Union Territories.[239 to 242]

Part IX:The Panchayats.[243 to 243-O]

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Part IX-A:The Municipalities.[243-P to 243-ZG]

Part IX-B:The Co-operative Societies.[243-ZH to 243-ZT]

Part X:The Scheduled and Tribal Areas.[244 to 244-A]

Article 244.Administration of scheduled areas and tribal areas.

Part XI:Relations between the Union and the States.[245 to 263]

Centre-State Legislative Relations:

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Article 249.Power of Parliament to legislate with respect to a matter in the State List in the national interest.

Centre-State Administrative Relations:

Article 262.Adjudication of disputes relating to waters of inter-state rivers or river valleys.

Article 263.Provisions with respect to an inter-state council

Part XII:Finance, Property, Contracts and Suits.[264 to 300-A]

Centre-State Financial Relations:

Article 265.Taxes not to be imposed save by authority of law.

Article 266.Consolidated Funds and public accounts of India and of the states.

Article 267.Contingency Fund.

Article 280.Finance Commission.

Right to Property:

Article 300-A.Persons not to be deprived of property save by authority of law.

Part XIII:Trade, Commerce and Intercourse within the Territory of India.[301 to 307]

Part XIV:Services under the Union and the States.[308 to 323]

Public Services:

Article 312.All-India Services.

Public Service Commissions:

Article 315.Public Service Commissions for the Union and for the states.

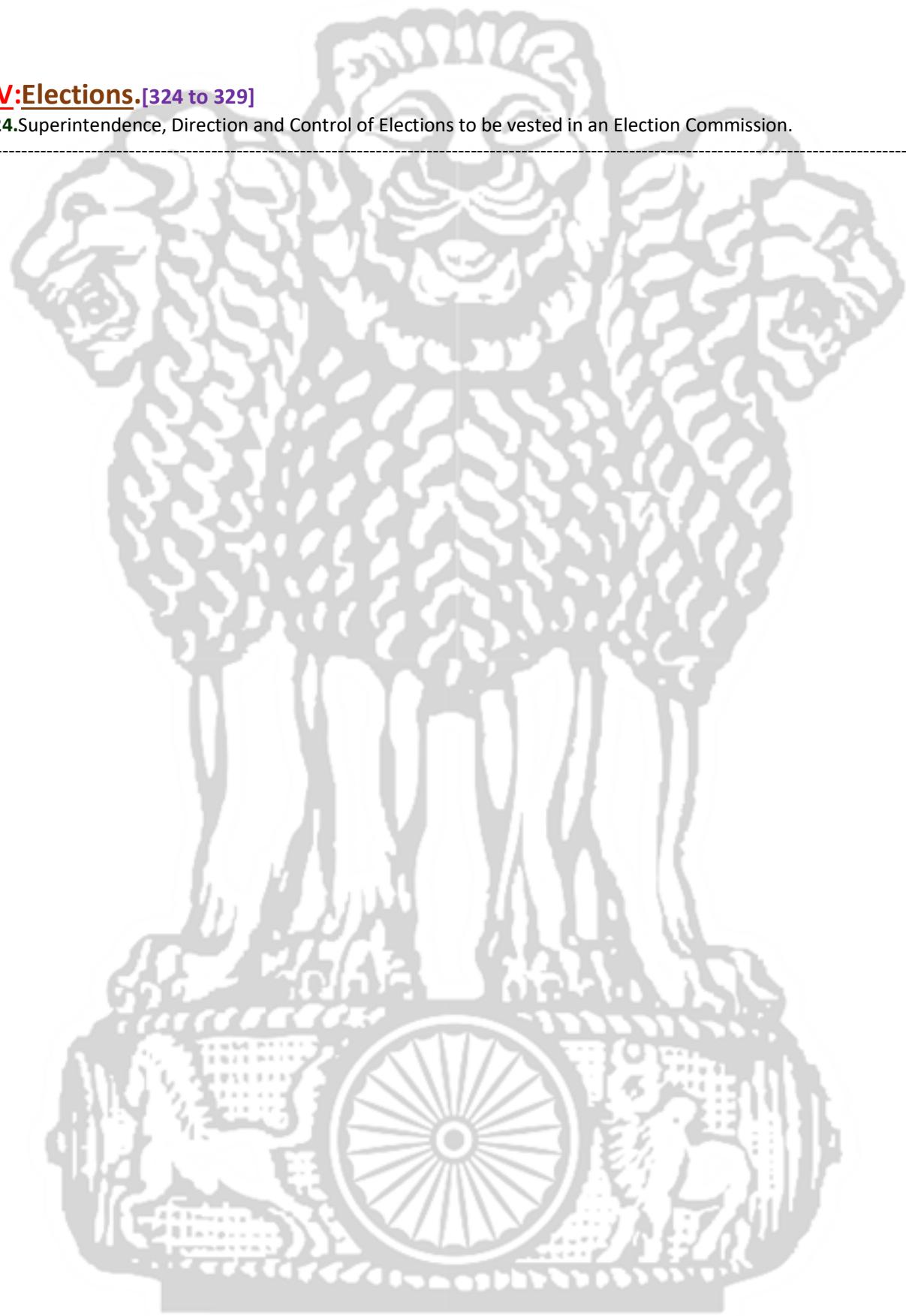
Part XIV-A:Tribunals.[323-A to 323-B]

Article 323-A.Administrative tribunals.

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Part XV:Elections.[324 to 329]

Article 324.Superintendence, Direction and Control of Elections to be vested in an Election Commission.



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Part XVI:Special Provisions relating to Certain Classes.[330 to 342]

Article 330.Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.

- SC: 84 seats & ST: 47 seats (in LS).
- For 10 years only (in starting time): But still, it is available. [In 2020 it is going to end -> But it is extended to 2030 by the Parliament (BJP Govt.)]

Article 331.Representation of the Anglo-Indian Community in the House of the People.

- 2 Anglo-Indian Representative is chosen or elected by the Hon'ble President. [Now it is over]

Article 332.Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.

- SC& ST seats (in VS).

Article 333.Representation of the Anglo-Indian Community in the Legislative Assemblies of the States.

- 1 Anglo-Indian Representative is chosen or elected by the Hon'ble Governor. [Going to be end]

Article 338.National Commission for Scheduled Castes.

- National Commission for SC. [Head(Power as similar as Cabinet Ministers) made by Hon'ble President; Report directly to Hon'ble President]
- Member: 7

Article 338-A.National Commission for Scheduled Tribes.

- National Commission for ST. [Head (Power as similar as Cabinet Ministers) made by Hon'ble President; Report directly to Hon'ble President]
- Member: 5

Article 338-B.National Commission for Backward Classes.

Article 339.Control of the Union over the Administration of Scheduled Areas and the welfare of Scheduled Tribes.

- SC/ST's [Welfare and Administration -> Control by the Union Govt. (Responsibility)]

Article 340.Appointment of a Commission to Investigate the conditions of Backward Classes.

- **OBC (Other Backward Classes)'s Commission appointed to Investigate the Conditions:** (2 times)
 - Kaka Kalekar Commission [by Morarji Desai, 1978]
 - Mandal Commission [Started by Morarji Desai -> But Report Comes in 1980; Viswanath Pratap Singh approve this (27% for OBC)]
- **OBC (classified by Union of India):**
 - Creamy Layer (Annual Income > 8 Lakh): Reservation ↗
 - Non-Creamy Layer (Annual Income < 8 Lakh): Reservation ↘
- **OBC (classified by State Govt.):**
 - EBC/MBC or BC – I or Annexure – I or Scheduled – I
 - BC or BC – III or Annexure – II or Scheduled – II
- **OBC classified economically:**
 - EBC -> BC – I
 - BC -> BC – II

Article 341.Scheduled Castes (SC).

- President can announce any caste or group as a part of SC. [Canceled or Revert Back by the Parliament(only)]

Article 342.Scheduled Tribes (ST).

- President can announce any caste or group as a part of ST. [Canceled or Revert Back by the Parliament(only)]

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Part XVII: Official Language.[343 to 351]

➤ **Concept:**

- English is an Auxiliary Language for everywhere in our Country.
- **Official-Language:** Paper Work (Hindi/English).
- **State-Language:** Famous Language (for each state).
- **National Language:** Countries' Famous Language (Hindi).
- **Regional Language** (for each state).
- **Union's Official-Language** (Hindi/English).
- **Union's State-Language** (Hindi).
- **States' Official-Language:**
 - Eg. For Bihar: Hindi, Urdu and English.
- **States' State-Language:**
 - Eg. For Bihar: Hindi, Bhojpuri, Maithili.

Article 343.Official Language of the Union.

➤ **Official Language of Union: Hindi (English is an Auxiliary Lang.)**

- Applied: 14 September, 1949 by Aayangar Formula
- 1st time as a Country Language (Hindi): by Narmada Ji
- Bal Gangadhar Tilak (1st time raise demand from BEIC to make Hindi as a National Language).
- Hindi: Country Language -> Famous Language ☐

Article 344.Commission and Committee of the Parliament on Official Language.

➤ **If want to change Official Language, then:**

- Commission and Committee has to be created. (JPC: Joint Parliamentary Committee).
- Head of the 1st Commission of Official Language: Bal Gangadhar Kher.
- Head of the 1st Joint Parliament Committee (JPC): Govind Ballav Pant.

Article 345.Official Language or Languages of a State.

➤ Famous Language of each State and English is used as an Auxiliary Language.

Article 346.Official Languages for communication between one state and another or between a State and the Union.

➤ **Communication between:**

- State to State: Hindi/English
- State to Central: Hindi/English

Article 347.Special provision relating to language spoken by a section of the population of a state.

➤ If Demand raised by the population of any state to make their language as State Language then Hon'ble President can do that but it needs 2/3rd majority in the parliament.

Article 348.Language to be used in the Supreme Court and in the high courts and for acts, bills, etc.

➤ HC/SC's Official Language is only English.**[Fixed]**

Article 349.Special procedure for enactment of certain laws relating to language.

➤ **Change in Official Language is only made by 3 bodies:[But all these required 2/3rd majority in the Parliament]**

- On the advice or report of Commission of Official Language.
- On the advice or report of Joint Parliamentary Committee (JPC).
- By Hon'ble President.

Article 350.Language to be used in representations for redress of grievances.

➤ Complaint (redress of grievance). **[Any language you want is applicable to accept that redress of grievance (complaint)]**

Article 350-A.Facilities for instruction in mother-tongue at primary stage.

➤ Primary Education is in mother-tongue **[Local Language or Famous Language or Regional Language]**

Article 350-B.Special officer for Linguistic Minorities.

➤ Linguistic Minorities' development in all the sphere has to be made and safeguard.

Article 351.Directive for development of the Hindi Language.

- Hindi Language development is the responsibility Central Government (UOI).
- **8th Schedule:**Languages (22) - Kashmiri, Sindhi, Punjabi, Hindi, Bengali, Assamese, Odia, Gujarati, Marathi, Kannada, Telugu, Tamil, Malayalam, Urdu, Sanskrit, Nepali, Manipuri, Konkani, Bodo, Dogri, Mathili, Santhali.
 - 14 (from starting)
 - 1: 21st Amendment (Sindhi)
 - 3: 71st Amendment (Nepali, Manipuri, Konkani)
 - 4: 92nd Amendment (Bodo, Dogri, Mathili, Santhali)
- **Classical Language[6]:**(Before 1500 B.C.)
 - Dravid Bharat[4] (Kannada, Telugu, Tamil, Malayalam); Other[2] Odia, Sanskrit.

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Part XVIII:Emergency Provisions.[352 to 360]

[Discussed above in the Power of President of Part V]

Part XIX:Miscellaneous.[361 to 367]

Article 361.Protection of president and Governors and Rajpramukhs.

- Session Matter
- Civil Matter

Article 363.Bar to interference by courts in disputes arising out of certain treaties, agreements, etc.

- Bar to interference by Court (SC/HC/DC) in the matter of International Relations, Treaties, Agreements, etc.

Article 364.Special provisions as to major ports and aerodromes.

- Major Seaport/Aerodromes is kept under Union of India (Central Govt.).

Article 365.Effect of failure to comply with, or to give effect to directions given by the Union (president's rule).

- Union of India ->**[Order]**->State & UT**[State Emergency Ar. 356 (President's Rule)]**
 - Eg. Demonetization, Lockdown (while Covid19).

Article 366.Definitions.

- Anglo-India:
- Debt:
- Loan:
- Fee:
- Tax:
- Subsidiary:

Article 367.Interpretation.

- Explanations.
-

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Part XX:Amendment of the Constitution.[368]

Article 368.Power of Parliament to amend the Constitution and procedure therefor.

- Borrowed from South Africa
- Power of LS is same as RS.
- Joint Session is not allowed.
- Baba Saheb Bhim Rao Ambedkar said that constitution is neither hard nor simple.

➤ **Way to make Amendment (3):**

- **Simple Majority (½): more than 50%:**
 - Counting within the present MPs in the Parliament.
 - Simple Correction:
 - President can revert back.
 - With the prior permission of the Hon'ble President.
 - Not Count as an Amendment (because it is considered as Simple Correction).
 - Formation of new states and alteration of areas, boundaries or names of existing states. **[1st Schedule]**
 - Salary or Payment. **[2nd Schedule]**
 - Legislative Councils (creation or abolition) in any states.
- **Special Majority (2/3rd): more than 66%:**
 - Counting of the overall MPs in the Parliament.
 - Maximum amendment is done by this.
 - Amendments (made):
 - In Fundamental Rights. **[Part III]**
 - In DPSP. **[Part IV]**
- **Special Majority (2/3rd) more than 66% + (½) of the states:**
 - Counting of the overall MPs in the Parliament.
 - Amendments (made):
 - In President's Election.
 - In Judiciary.
 - In Executive.
 - In Legislative Election.
 - In Tax (GST).
 - In Procedure of Amendment Ar. 368 might be abolished.

➤ **All-important Amendments:**

- **1st Amendment (1951):** Zamindari Pratha Abolished; 9th Schedule.
- **7th Amendment(1976):** Abolished the existing classification of states into 4 groups (Part A,B,C,D).
- **8th Amendment (1960):** Extended the reservation of seats for SCs and STs in LS (for 10 years) -> 1950 to 1960..... Till 2020 to 2030.
- **18th Amendment (1966):**Shah Commission for PEPSU.
- **35th Amendment (1974):**Sikkim: Co-State.
- **36th Amendment (1975):** Sikkim: 22nd State, 16 May 1975.
- **42nd Amendment (1976):**
- **44th Amendment (1978):**
- **52nd Amendment (1985):**Known as **Anti-Defection Law**; Disqualification of the members of Parliament and state legislatures on the ground of defection and added a new 10th Schedule (**Dal-Badal Information: Applied for Winning Party**).
- **61st Amendment (1989):** Eligibility Age Criteria for participation in Election (21 to 18) and Election Commission (Member count changed from 1 into 3).
- **65th Amendment (1990):** SC
- **89th Amendment (2003):** ST
- **123rd Amendment (2018):** OBC
- **124th Amendment:** UR (10%)
- **69th Amendment (1991):** Delhi and Puducherry (VS creation).
- **70th Amendment (1992):** Delhi and Puducherry (able to participate in President's Election).
- **21st Amendment (1967):** Language added (Sindhi).
- **71st Amendment (1992):** Language added (Nepali, Manipuri, Konkani).
- **92st Amendment (2003):** Language added (Bodo, Dogri, Mathili, Santhali).
- **73rd Amendment (1992):** 11th Schedule -> Panchayat, 24 April, 1993
- **74th Amendment (1992):** 12th Schedule -> Municipalities.
- **84th Amendment (2002):**LS -> Seats' count changed after 2026.
- **86th Amendment (2002):** Ar. 21-A Right to Education and one more Fundamental Duty is added (To provide opportunities for education to his child onward between the age of six and 14 years).
- **91st Amendment (2003):** Council of Ministers of LS (15% Max)
- **99th Amendment (2014):** National Judicial Appointment Commission (NJAC). Repealed.
- **100thAmendment (2015):**India <- **[Some Territories Exchange]** -> Bangladesh
- **122ndAmendment (2016):** GST

- **125th Amendment:** Eastern State.
 - **126th Amendment:** SC/ST reservation extended (2020 to 2030).

Part XXI:Temporary, Transitional and Special Provisions.[369 to 392]

Article 369.Temporary power to Parliament to make laws with respect to certain matters in the State List as if they were matters in the Concurrent List.

- Over Now [this is only for 5 years after Constitution came into force.]

Article 370. Temporary provisions with respect to the State of Jammu and Kashmir

- #### ➤ Jammy and Kashmir & Ar. 35-A

Article 371. Special provision with the respect to the States of Maharashtra and Gujarat.

Trick to Remember: NAM AAP Ka SiMi Aalu Gobi Kathal (N: Nagaland; A: Assam; M: Manipur; A: Andhra Pradesh; AP: Andhra Pradesh University; Si: Sikkim; Mi: Mizoram; Aalu: Arunachal Pradesh; Gobi: Goa; Kathal: Karnataka):

Article 371-A Special provision with the respect to the States of Nagaland

Article 371-B Special provision with respect to the States of Nagaland.

Article 371-B. Special provision with respect to the States of Assam.

Article 371-D Special provision with respect to the States of Manipur.

Article 371-D. Special provision with respect to the States of Andhra Pradesh and Bihar

Article 371-E. Establishment of Central University in Andhra Pradesh.

Article 371-F. Special provision with respect to the States of Sikkim.

Article 371-G.Special provision with the respect to the States of Mizo

Article 371-H. Special provision with the respect to the States of Arunachal Pradesh and Nagaland

Article 371-I. Special provision with the respect to the States of Goa.

Article 371-J. Special provision with the respect to the States of Karn

Article 392. Power of the President to remove difficulties.

Part XXII: Short title, Commencement, Authoritative Text in Hindi & Repeals. [393 to 395]

Article 393. Short title.

- Short title of our Constitution: **Indian Constitution**
 - Germany: Weimar Constitution

Article 394. Commencement.

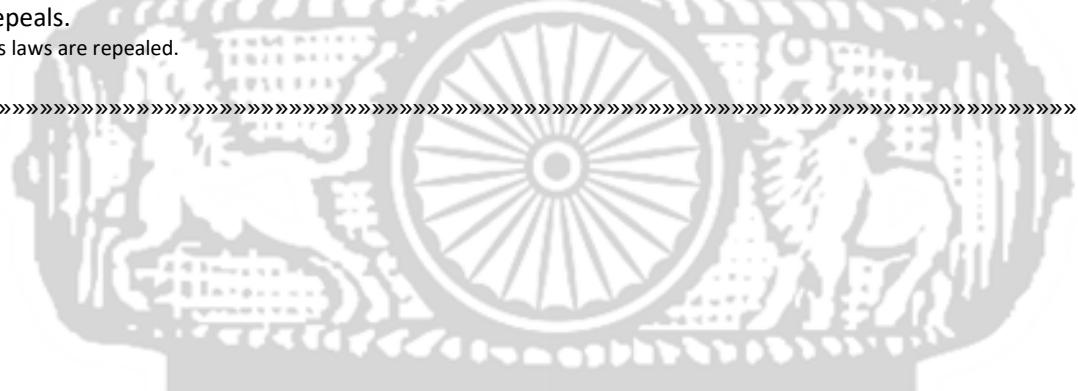
- Start: 26 Nov, 1949 (16%).
 - 100% Commencement on 26 Jan, 1950

Article 394-A. Authoritative text in the Hindi language.

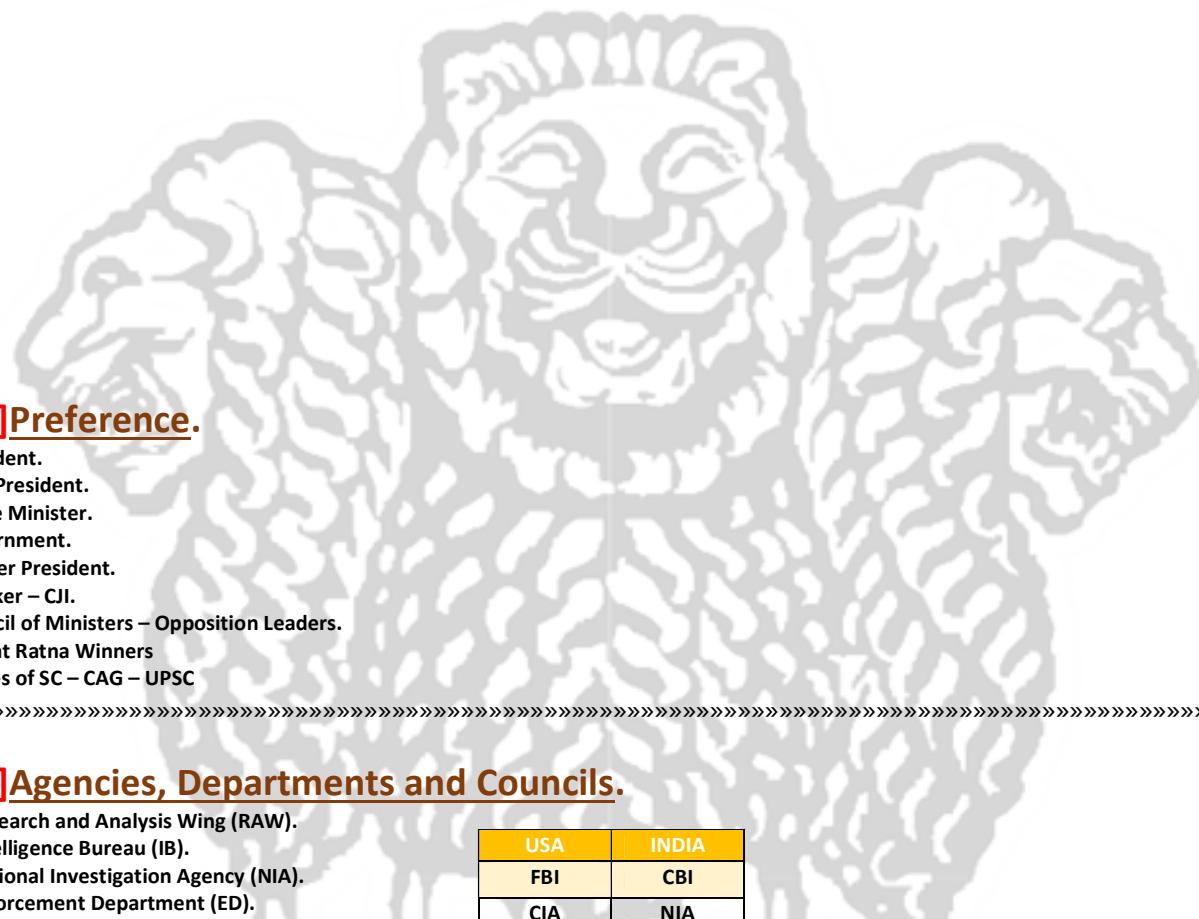
- Constitution is in English -> [Converted] -> Hindi [On the Advice of Hon'ble President of India, 1987]

Article 395.Repeals.

- All previous laws are repealed.



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[Topic]Preference.

- 1) President.
 - 2) Vice-President.
 - 3) Prime Minister.
 - 4) Government.
 - 5) Former President.
 - 6) Speaker – CJI.
 - 7) Council of Ministers – Opposition Leaders.
 - 8) Bharat Ratna Winners
 - 9) Judges of SC – CAG – UPSC

»»

[Topic] Agencies, Departments and Councils.

- 1) Research and Analysis Wing (RAW).
 - 2) Intelligence Bureau (IB).
 - 3) National Investigation Agency (NIA).
 - 4) Enforcement Department (ED).
 - 5) Income Tax Department (ITD).
 - 6) Goods and Services Tax Council (GSTC).
 - 7) Central Vigilance Commission (CVC).
 - 8) Central Bureau of Investigation (CBI).
 - 9) Criminal Investigation Department (CID).
 - 10) Narcotics Control Bureau (NCB).
 - 11) Military Intelligence (MI of Military).
 - 12) Local Investigation Unit (LIU of Police/Thana).

USA	INDIA
FBI	CBI
CIA	NIA

»»

[Topic] Constitutional Body vs Non-Constitutional vs Unconstitutional vs Statutory Body.

- **Constitutional Body:**
 - Attorney General (AG: Ar. 76)
 - Parliament (Ar. 79).
 - Comptroller and Auditor General (CAG: Ar. 148)
 - SC (Ar. 124)
 - HC (Ar. 214)
 - Finance Commission (Ar. 280).
 - **Non – Constitutional:**
 - NITI Aayog.
 - National Development Council.
 - **Unconstitutional:**
 - Murder, Rape, Abduction.
 - **Statutory Body:**
 - UPSC/PSC.
 - Election Commission (EC).
 - Comptroller and Auditor General (CAG).
 - National Green Tribunal (NGT).
 - National Human Rights Commission of India (NHRC).
 - Court (DC/HC/SC).
 - Panchayat/Municipality.
 - RBI/SEBI.
 - Committee / Commission (SC/ST/OBC/FEMALE).

[Topic] Historical Background.

- ❖ The Britishers came to India in 1600 (as traders: BEIC).
- ❖ Charter Act (Granted by Queen Elizabeth).
 - In 1765: Company (came for trading) -> obtained the 'diwani' (rights over revenue and civil justice).
- ❖ The Company Rule (1773 – 1858).
 - Regulating Act of 1773:
 - First "Governor – General" of Bengal: "Lord Warren Hastings".
 - SC establishment (at Calcutta) in 1774.
 - Appeal only from England.
 - "Governor" of Bombay and Madras presidencies Subordinates to the "Governor – General" of Bengal.
 - Pitt's India Act of 1784:
 - Double Government:
 - Court of Director: Commercial Affairs.
 - Board of Control: Political Affairs (Civil and Military or Revenues of the British Possessions in India).
 - Power to Override the Decision of his Council (Veto Power to Governor – General), 1786.
 - Charter Act of 1813:
 - Invest money on Education.
 - Christian Missionaries come to India (To Enlighten the People).
 - Abolished (partially) the Trade Monopoly of BEIC and open for all other British Merchants.
 - However, it continued the monopoly over the trade in Tea and trade with China (by BEIC only).
 - Charter Act of 1833:
 - Abolished the Complete Trade Monopoly of BEIC and open for all other British Merchants.
 - Legal Member (sent complaint to England against BEIC for his incompetence or illegal manner of activity).
 - Charter Act of 1853:
 - Establishment of Legislative and Execution functions for the Governor – General's Council.
 - Open Competition (Exam)System for Selection and Recruitment of Civil Servants.
- Revolt of 1857: First War of Independence (Sepoy Mutiny)**
- ❖ The Crown Rule (1858 – 1947).

"Act for the Good Government of India": Abolished the BEIC and transferred the powers of Government, territories and revenues to the British Crown.

 - Government of India Act of 1858:
 - Power came under King of Britain.
 - Abolished the Double Government Rule (Court of Directors and Board of Council).
 - Governor – General to "Viceroy of India" (Representative of British Crown in India).
 - 1st Viceroy of India: Lord Canning.
 - Create new office (**Secretary of State for India**): Vested with Complete Authority and Control over Indian Administration (He was a member of British Cabinet and was responsible ultimately to the British Parliament).
 - Power Transfer from King to Queen, 1876:
 - Power transferred from King to Queen.
 - Indian Councils Act of 1861:
 - Viceroy: Lord Canning.
 - "Portfolio System" introduced by the Viceroy of India.
 - IPC, CrPC implemented.
 - Indian Councils Act of 1892:
 - Power of Discussion on Budget and addressing questions to the executive.
 - Election started (in certain bodies).
 - Indian Councils Act of 1909:
 - Morley (Secretary of State) – Minto (Viceroy of India) Reform.
 - "Divide and Rule Strategy".
 - Communal Representation: "Separate Electorate" for Muslim Members (were elected by the Muslims only).
 - Act legalized communalism and Lord Minto came into known as **Father of Communal Electorate**.
 - Government of India Act of 1919:
 - Montagu (Secretary of State) – Chelmsford (Viceroy of India) Reform.
 - "Divide and Rule Strategy" carry on.
 - "Separate Electorate" for Christian and Sikh Members.
 - Female can vote.
 - Double Government (Dyarchy) implement again (but in States or Provinces): Main Ministries for Britishers and others are for Indians.
 - Government of India Act of 1935:
 - Burma Separated from India in 1935.
 - Double Government (Dyarchy) in States or Provinces is abolished.
 - Introduced "Provincial Autonomy" in its place: It allows to act as autonomous units of administration.
 - And established dyarchy in the Central Government.
 - Cabinet Mission of March 1946:
 - Constituent Assembly. (1946 to 1950)
 - Sir Stafford Cripps.
 - Members: 389 (15 Female included) -> After Division -> 299 -> 284 (8 Female included).
 - 9 Dec, 1946 (1st Session): (**Temporary President**) Dr. Sachchidananda Sinha. (9 Dec, 1946)
 - 11 Dec, 1946: Dr. Rajendra Prasad was elected as President of the Assembly.

- **Advisor:** B.N. Rao. He suggests that every work should be done on the advice of committee and commission.
 - **13 Dec, 1946:** Objective Resolution introduced in the Assembly by J. Nehru.
 - **Union Power Committee:** J. Nehru.
 - **Union Constitutional Committee:** J. Nehru.
 - **Provincial Constitutional Committee:** Sardar Patel.
 - **Fundamental Rights, Minorities and Tribal Committee:** Sardar Patel.
 - **Order of Business Committee:** Dr. K.M. Munshi.
 - **Ad-Hoc Committee of the National Flag:** Dr. Rajendra Prasad and J.B. Kripalani.
 - **Drafting Committee:** Dr. B.R. Ambedkar.
 - **26 Nov, 1949:** Celebrate Constitutional Day.
 - **24 Jan, 1950 (Last Session).**
 - **26 Jan, 1950 (Republic Day).**
 - **Total Time Spent:** 2 Year 11 Month 18 Day.
 - **World 1st Constitution (Non – Written or Oldest):** UK.
 - **World 1st Written Constitution (Smallest):** USA.
- **Interim Government or Provisional Government. (1946 to 1951).**

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