



**All India Civil Service  
Coaching Centre  
(AICSCC)**

# **UPSC CSE 2025**

# **Foundation Course – Indian Polity**

**Class 4 - Class XI – Political Science: Indian  
Constitution At Work**

**Dr. Anbu Arumugam**

# **Chapter 1**

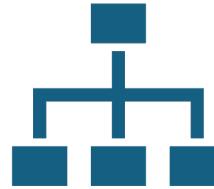
# **Constitution: Why and How?**



## Introduction

**Purpose of a Constitution:** Defines the structure of the government, lays down the rights and duties of citizens, and provides a framework for governance.

**Importance in Democracy:** Ensures rule of law, limits the powers of government, and protects individual freedoms.



## Need for a Constitution

**Framework for Governance:** Provides a structured way to manage the complexities of governance.

**Limiting Power:** Prevents arbitrary use of power by defining roles and responsibilities of different government branches.

**Protection of Rights:** Safeguards individual rights against state encroachments.

**Social Contract:** Acts as an agreement among citizens on the principles and norms governing their society.

# Making of the Indian Constitution

**Historical Context:** Influenced by colonial rule, the freedom struggle, and the need to integrate diverse regions and cultures.

**Constituent Assembly:** Formed in 1946, comprised representatives from various regions, communities, and ideologies.

**Key Figures:** Dr. B.R. Ambedkar (Chairman of the Drafting Committee), Jawaharlal Nehru, Sardar Patel, and others.

**Debates and Deliberations:** Extensive discussions and debates on various aspects, reflecting democratic principles.

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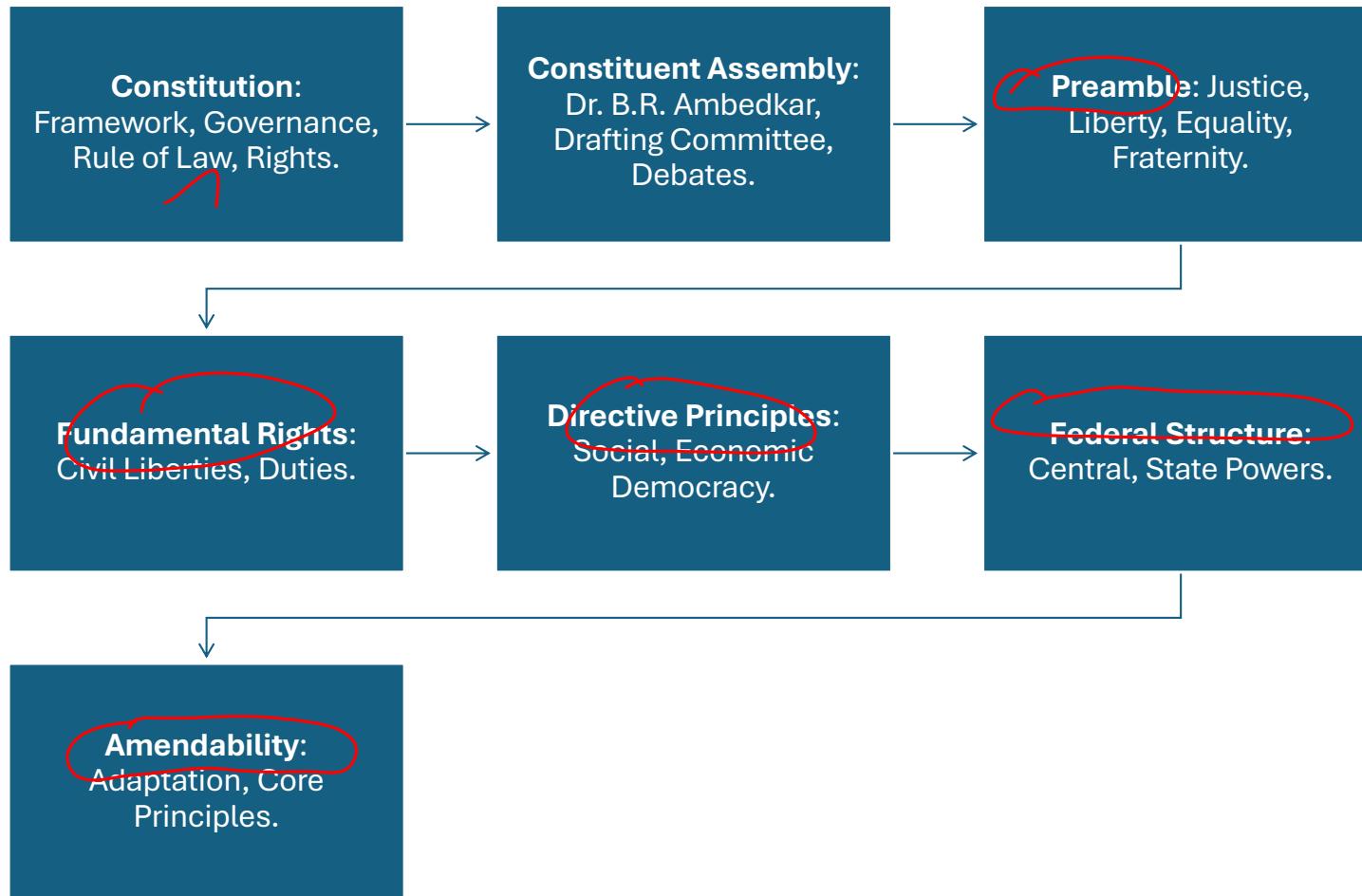


# Key Features of the Indian Constitution

Rigid/  
Plurality  
A 368

- **Length and Detail:** One of the longest constitutions in the world, addressing diverse aspects of governance and society.
- **Preamble:** States the objectives – Justice, Liberty, Equality, and Fraternity.
- **Fundamental Rights and Duties:** Ensures civil liberties and outlines citizen responsibilities.
- **Directive Principles of State Policy:** Guidelines for the state to achieve social and economic democracy.
- **Federal Structure:** Division of powers between the central and state governments.
- **Amendability:** Provides a mechanism to adapt to changing needs while maintaining core principles.

# Keywords for UPSC Recall



# **Chapter 2**

## **Rights and Duties in the Indian Constitution**

# Rights

## Bill of Rights

- **Definition:** A list of rights mentioned and protected by the constitution.
- **Democratic Requirement:** Ensures individual rights and government recognition of these rights, providing remedies in case of violations.

## Fundamental Rights in the Indian Constitution

- **Historical Demand:** Motilal Nehru Committee in 1928 demanded a bill of rights.
- **Special Provisions:** Listed and specially protected in the Constitution.
- **Government Accountability:** Constitution ensures government does not violate these rights.

# Ordinary Rights vs. Fundamental Rights

**Ordinary Rights:** Protected by ordinary law and can be changed by the legislature.

**Fundamental Rights:** Protected by the Constitution and can only be changed by amending the Constitution.

**Judiciary Role:** Protects Fundamental Rights from government actions, can declare Executive and legislative actions illegal if they violate these rights.

# Fundamental Rights Available to Citizens & Aliens

## Fundamental Rights not available to Aliens

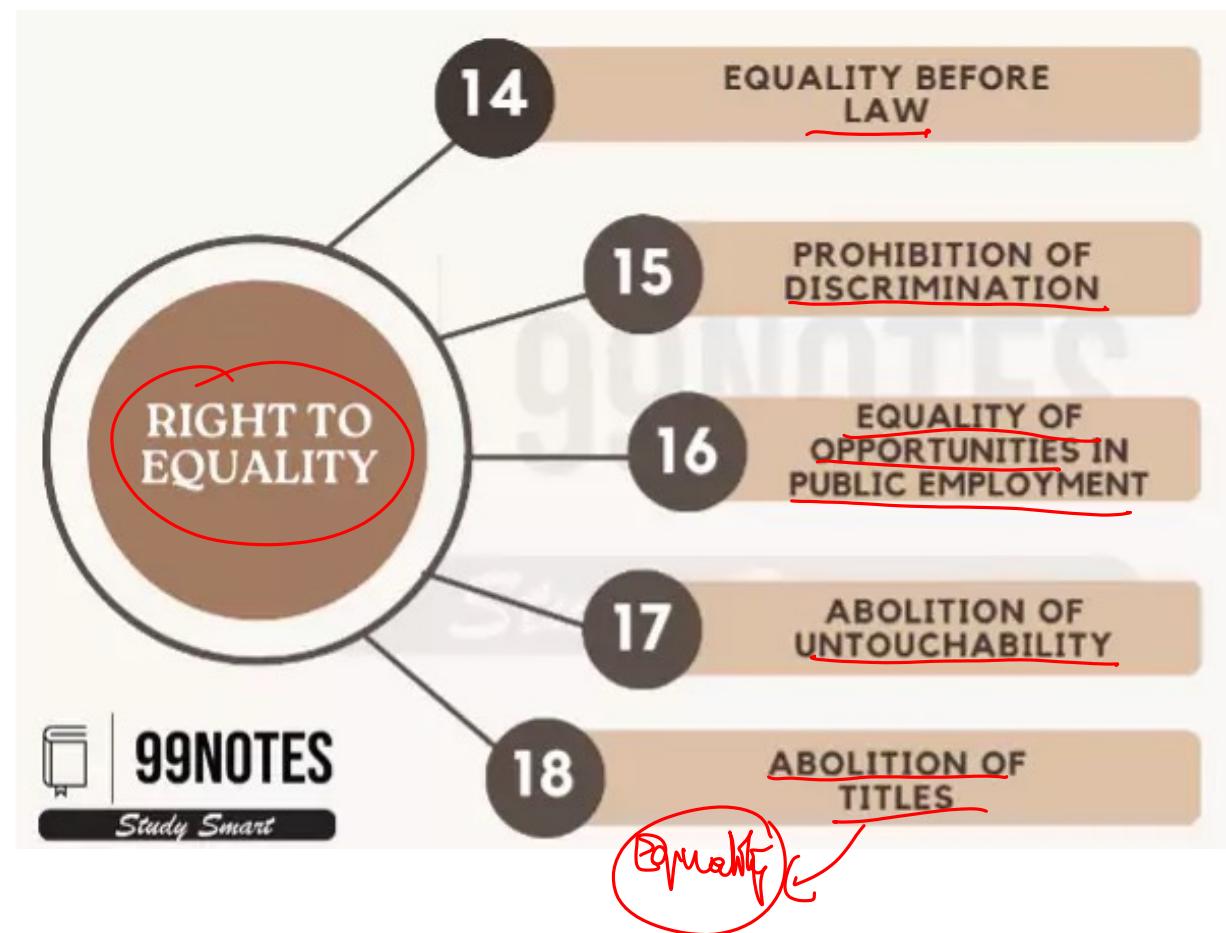
- Article 15 → Rights against discrimination on the grounds of religion, race, caste, sex or place of birth
- Article 16 → Right to equality of opportunity in the matters of public employment
- Article 19 → Freedom of speech & expression, assembly, association, movement, residence & profession
- Article 29-30 → Cultural and educational rights

## Fundamental Rights available to all

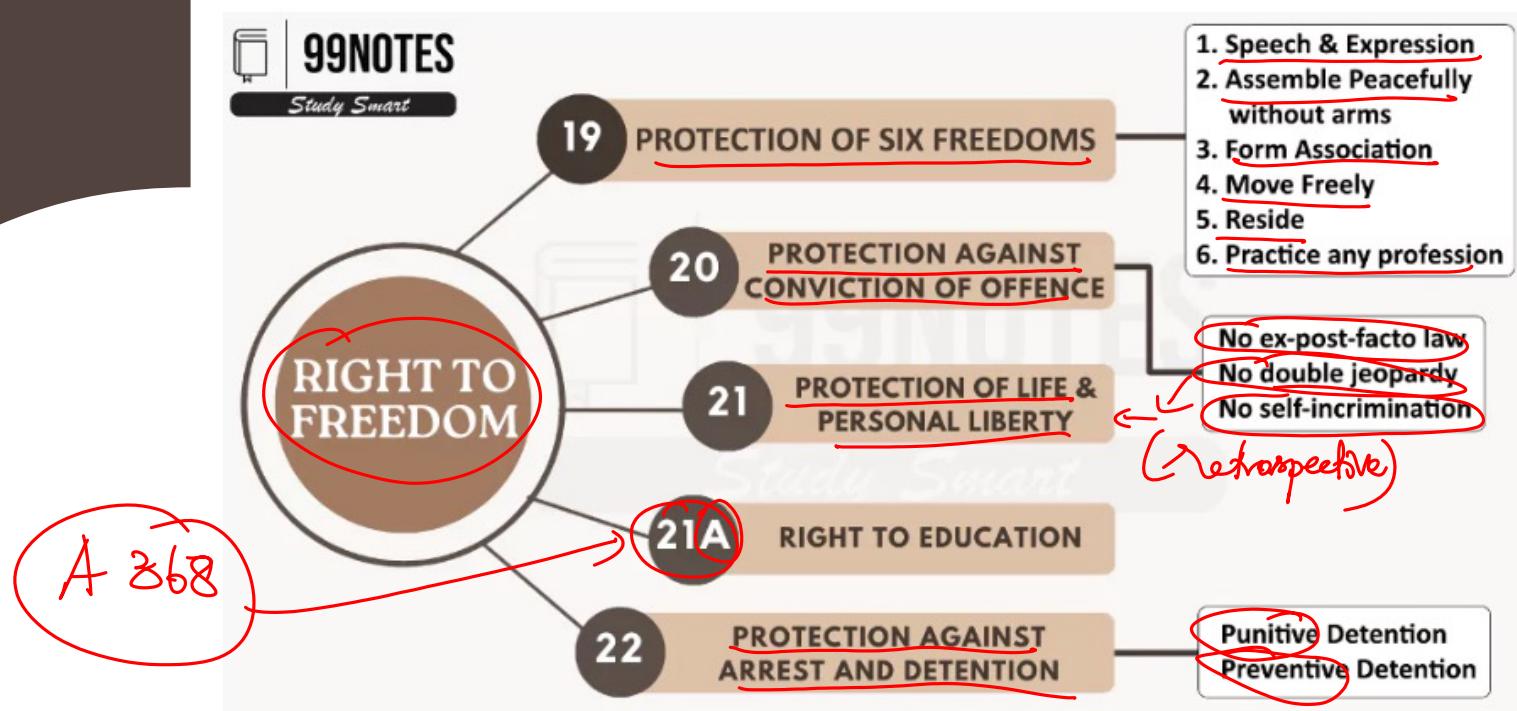
- Equality before law & Equal protection of law ← Article 14
- Protection in respect of conviction for offence ← Article 20
- Protection of Life and personal Liberty ← Article 21
- Protection against arrest and detention in certain cases ← Article 22
- Right to Education ← Article 21A
- Prohibition of human traffic, forced labour and child labour ← Article 23-24
- Religious Freedoms ← Article 25-28

Note: No right is available to enemy Alien

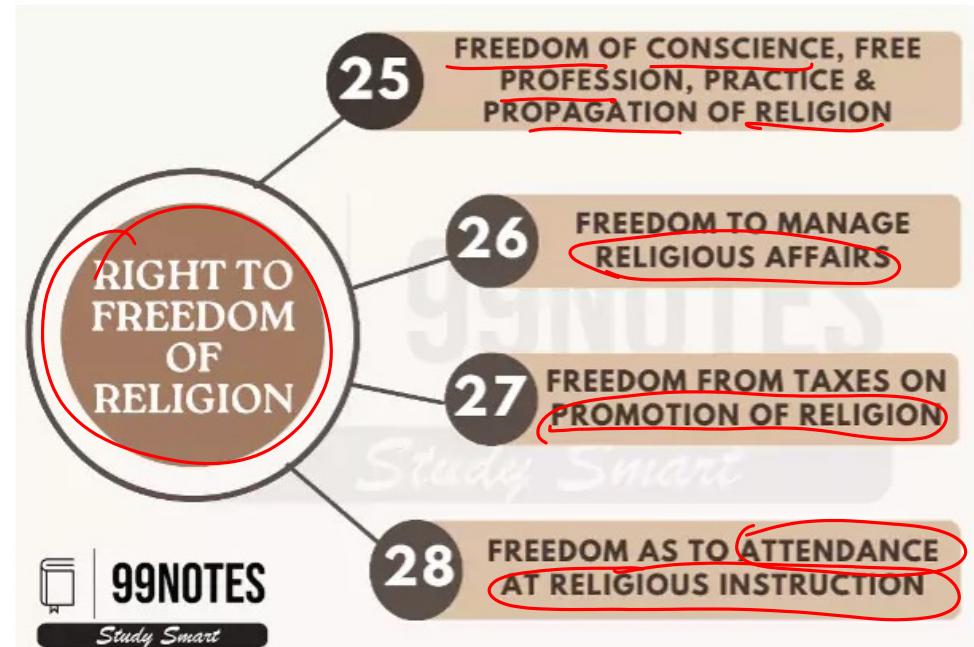
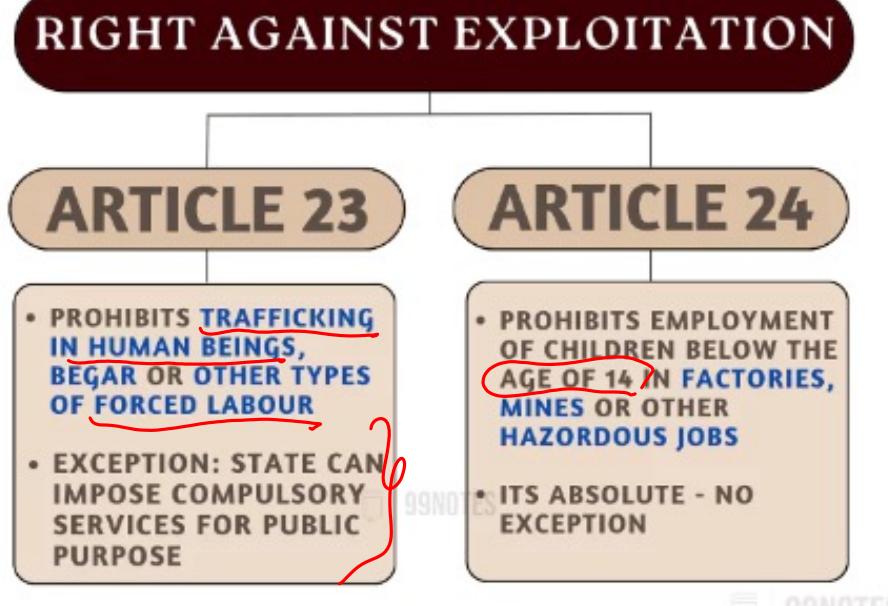
## Right to Equality



# Right to Freedom



# Right to Freedom of Religion Rights Against Exploitation



## CULTURAL AND EDUCATIONAL RIGHTS

### ARTICLE 29

- CITIZEN HAVING A DISTINCT LANGUAGE, CULTURE OR SCRIPT SHALL HAVE RIGHT TO CONSERVE IT
- NO CITIZEN SHALL BE DENIED ADMISSION INTO ANY STATE FUNDED EDUCATIONAL INSTITUTIONS

### ARTICLE 30

- ALL MINORITIES HAVE RIGHT TO ESTABLISH & ADMINISTER EDUCATIONAL INSTITUTION
- STATE CAN'T DISCRIMINATE (ON THE BASIS OF LANGUAGE & RELIGION) WHILE GRANTING AID TO EDUCATIONAL INSTITUTION

## Types of Writs

### TYPES OF WRITS

#### HABEAS CORPUS

TO RELEASE A PERSON DETAINED UNLAWFULLY

#### MANDAMUS

COMMANDS A PUBLIC OFFICIAL TO PERFORM HIS/HER DUTIES THAT S/HE HAS FAILED OR REFUSED TO FULFIL

#### PROHIBITION

FORBIDDING TO PERFORM AN ACT OUTSIDE ITS JURISDICTION (ISSUED BY HIGHER COURT TO LOWER COURT)

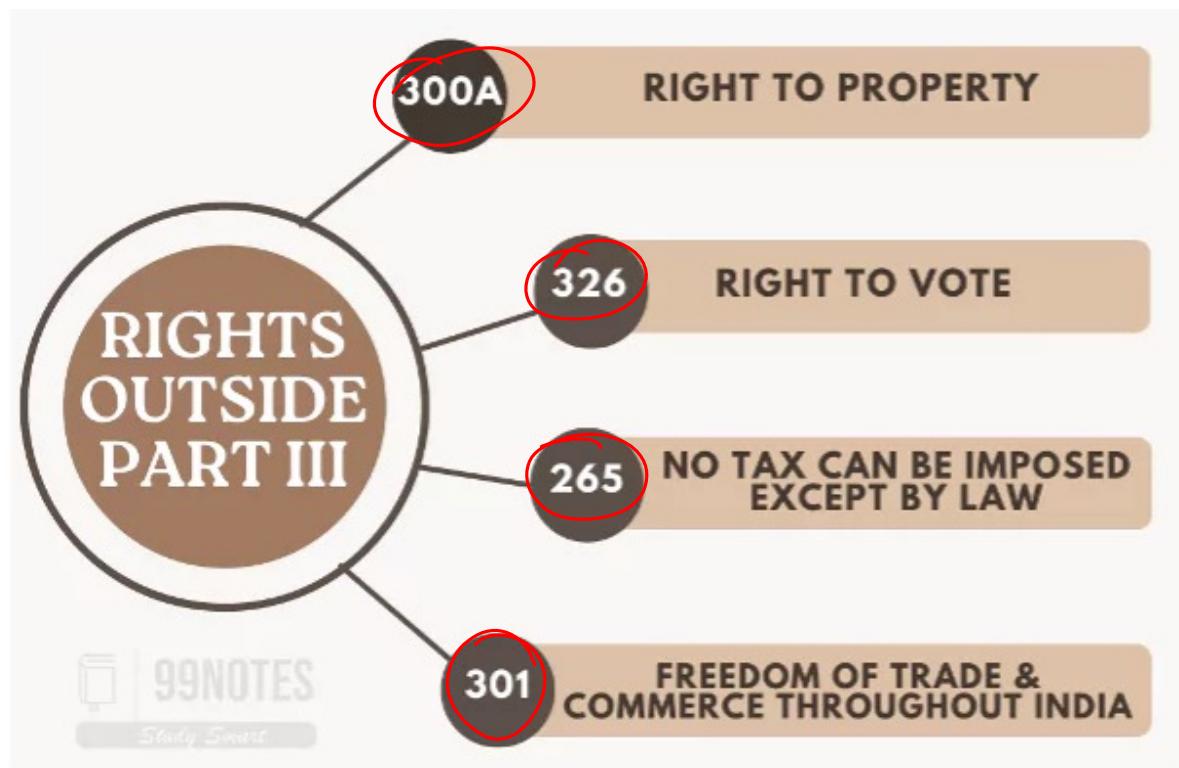
#### CERTIORARI

TO TRANSFER OR OVERTURN THE LOWER COURT'S DECISION (ISSUED BY HIGHER COURT TO LOWER COURT)

#### QUO-WARRANTO

TO PREVENT THE ILLEGAL USURPATION OF PUBLIC OFFICE BY A PERSON

## Rights Outside Part III of Constitution



# Keywords for UPSC Recall

**Bill of Rights:**  
Constitutional Protection,  
Remedy.

**Fundamental Rights:**  
Equality, Freedom,  
Exploitation, Religion,  
Culture, Constitutional  
Remedies.

**Ordinary Rights:**  
Legislature, Judiciary.

**Preventive Detention:**  
Apprehension, Detention  
Period.

**Rights of Accused:** Fair  
Trial, Double Jeopardy,  
Retrospective Laws.

**NHRC:** Inquiry,  
Recommendations.

**DPSR:** Societal Goals,  
Government Policies.

**Right to Property:**  
Fundamental Right, Legal  
Right, Amendment

# **Chapter 3**

# **Election and Representation**

# Election System in India

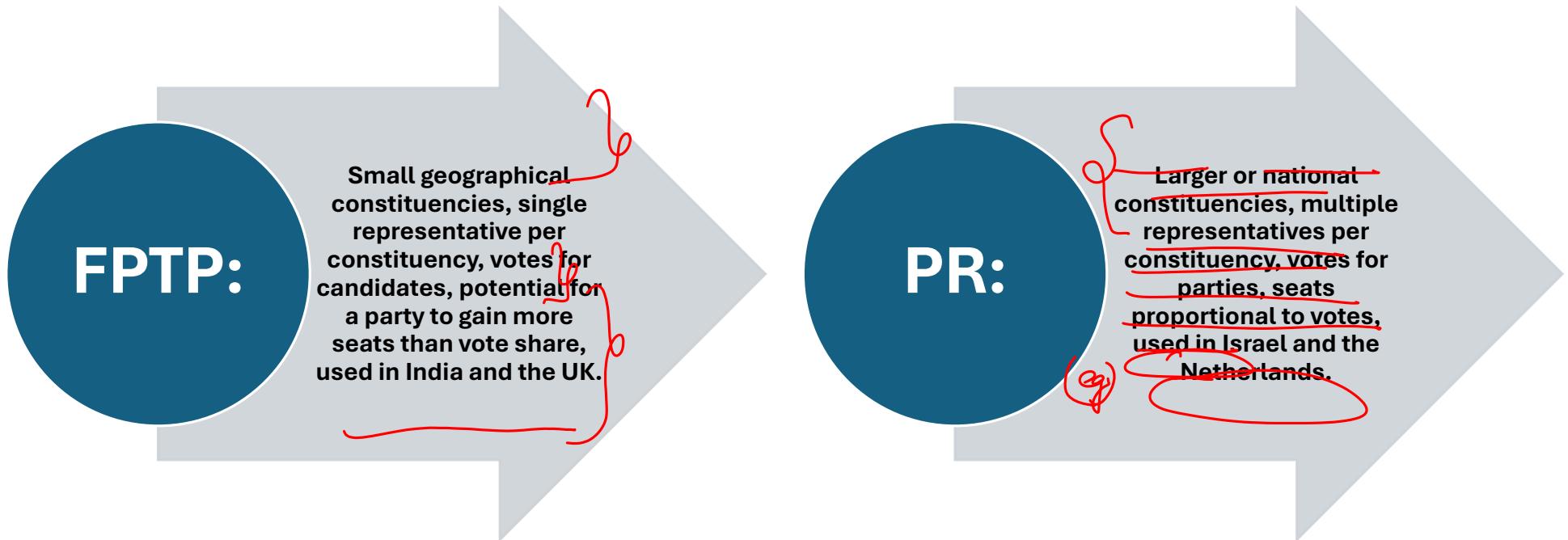
## First Past the Post (FPTP) System

- **Constituencies:** India is divided into 543 constituencies, each electing one representative.
- **Winning Criterion:** The candidate with the highest votes in a constituency wins, regardless of whether they secure a majority.
- **Other Names:** Also called the Plurality System.
- **Constitutional Method:** Prescribed by the Indian Constitution.

## Proportional Representation (PR) System

- **Seats Allocation:** Parties fill seats proportionally to their vote share using pre-declared preference lists.
- **Usage in India:** Used for indirect elections, such as for the President, Vice-President, Rajya Sabha, and Vidhan Parishads.

# Comparison to FPTP





## Reservation of Constituencies

- **Purpose:** Seats reserved for Scheduled Castes (SC) and Scheduled Tribes (ST) to ensure political representation.
- **Decision Body:** Delimitation Commission, an independent body appointed by the President, determines reserved constituencies based on population proportions.
- **Extension:** Initially for 10 years, now extended till 2020, with potential further extensions.

# Universal Franchise and Right to Contest

Voting &  
Contesting

**Voting Eligibility:** Universal adult franchise; citizens aged 18 and above (post-1989 amendment).

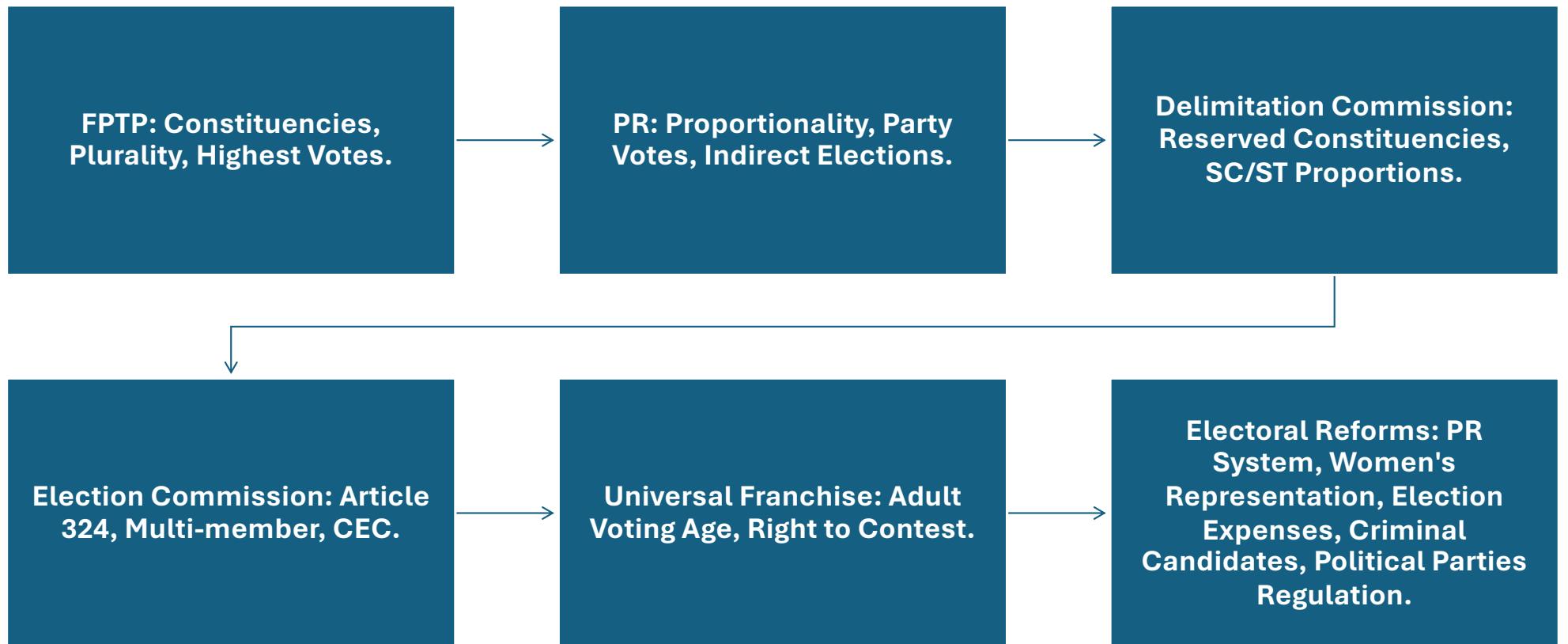
**Contesting Elections:** Citizens can stand for elections with minimum age requirements (e.g., 25 years for Lok Sabha or Assembly). No restrictions based on income, education, class, or gender.

**Disqualification:** Imprisonment for two or more years disqualifies a candidate.

# Independent Election Commission

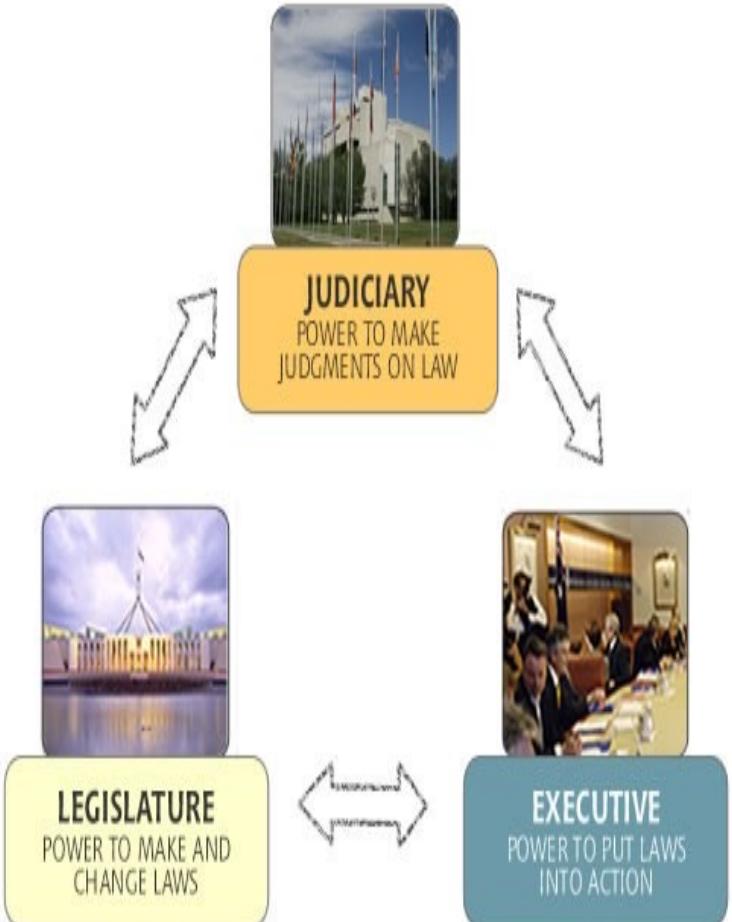
- **Article 324(1):** Vests the superintendence, direction, and control of elections in an Election Commission.
- **Structure:** Initially single-member, now multi-member since 1993.
- **Tenure and Removal:** CEC and Election Commissioners serve for six years or until age 65; CEC can be removed by Presidential order following a special majority recommendation from both Houses of Parliament.
- **Functions:** Supervise voter list preparation. Determine election schedules. Ensure free and fair elections. Implement the model code of conduct. Accord recognition to political parties and allot symbols.
- **Special Majority Definition: Two-thirds Majority** Required for decisions impacting Election Commissioners, including removal.

# Keywords for UPSC Recall



**Chapter 4 Executive  
Chapter 5 Legislature  
Chapter 6 Judiciary**

## SEPARATION OF POWERS



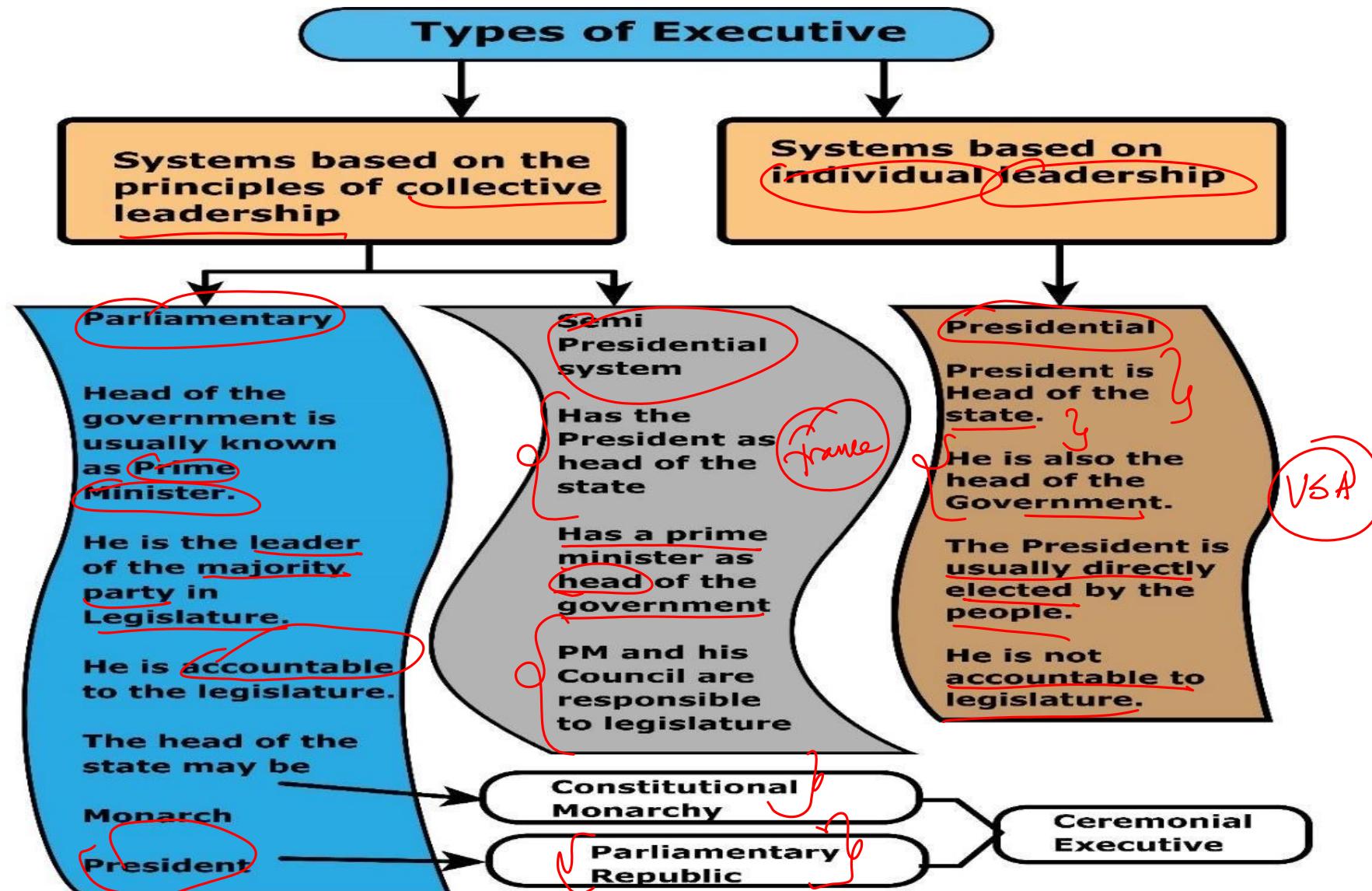
Aristotle, who lived in the 4th century BC, originally introduced the idea of separation of powers in his writings, referring to the General Assembly, Public Officials, and Judiciary as the three branches of government.

On the current design tenet of separation of powers, John Locke's (1632-1704) constitutional philosophy was elaborated.

The work of the philosopher Montesquieu, whose work is based on the English system, was produced in the 18th century and is a highly systematic and scientific theory.

James Madison, the father of the American constitution, stated that the judicial, executive and legislative branches should all have equal power.

## Types of Executive



Country	System
USA	Presidential.
Canada	Parliamentary democracy with a constitutional monarchy.
France	Semi-presidential system: The President appoints the Prime Minister as well as the ministers but cannot dismiss them as they are responsible to the parliament.
Japan	Parliamentary system with the Emperor as the head of the state and the Prime Minister as the head of government.
Italy	Parliamentary system with the President as the formal head of state and the Prime Minister as the head of government.
Russia	Semi-presidential system where President is the head of state and Prime Minister, who is appointed by the President, is the head of government.
Germany	Parliamentary system in which President is the ceremonial head of state and the Chancellor is the head of government.

# Role of Parliament

## Why do we need a Parliament?

- A genuine democracy is inconceivable without a representative, efficient and effective legislature

Forum  
Law Making  
Representation

## Why do we need two Houses of Parliament?

- Countries with large size and much diversity
- Prefer to have two houses of the national legislature to give representation to all sections in the society
- To give representation to all geographical regions or parts of the country.

## Rajya Sabha

- Equal representation to all the parts of the country irrespective of their size or population called as symmetrical representation

Upper House

## Lok Sabha

- For the purpose of election, the entire country (State, in case of State Legislative Assembly) is divided into territorial constituencies of roughly equal population

Lower House

# Functions of the Parliament



ENACTS  
LEGISLATIONS  
FOR THE  
COUNTRY



CONTROL OF  
EXECUTIVE AND  
ENSURING ITS  
ACCOUNTABILIT  
Y



FINANCIAL  
FUNCTION



REPRESENTATIO  
N



DEBATING  
FUNCTION



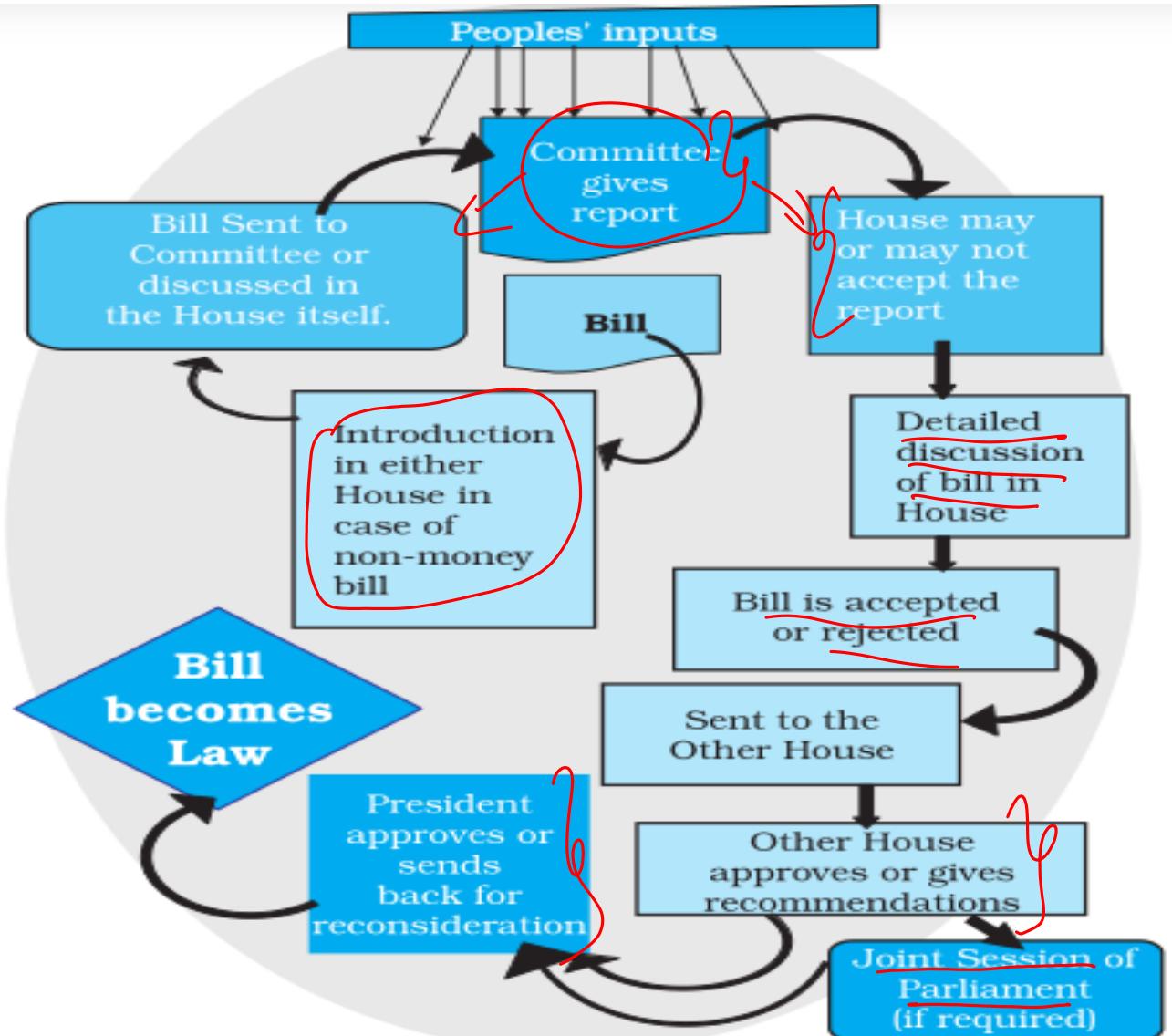
CONSTITUENT  
FUNCTION



ELECTORAL  
FUNCTIONS



JUDICIAL  
FUNCTIONS



# How does the Parliament Make Laws?

- 1. Government Bill**
- 2. Private Bill**
- 3. Non-Money Bill**
  - (a) **Ordinary Bill**
  - (b) **Constitution Amendment Bill**
- 4. Money Bill**



## Judiciary

- Why do we Need an Independent Judiciary?
- To protect the rule of law and ensure the supremacy of law
  - To safeguard the rights of the individual,
    - Independence of Judiciary
- No involvement of the legislature in the process of appointment of judges
  - Security of Tenure
- Not financially dependent on either the executive or legislature

### **Supreme Court of India**

- Its decisions are binding on all courts.
- Can transfer Judges of High Courts.
- Can move cases from any court to itself.
- Can transfer cases from one High Court to another.

### **High Court**

- Can hear appeals from lower courts.
- Can issue writs for restoring Fundamental Rights.
- Can deal with cases within the jurisdiction of the State.
- Exercises superintendence and control over courts below it.

Integrated  
Judiciary

### **District Court**

- Deals with cases arising in the District.
- Considers appeals on decisions given by lower courts.
- Decides cases involving serious criminal offences.

### **Subordinate Courts**

- Consider cases of civil and criminal nature

# Jurisdiction of Supreme Court

## Original:

- Settles disputes between Union and States and amongst States.

## Appellate:

- Tries appeals from lower courts in Civil, Criminal and Constitutional cases

## Advisory:

- Advises the President on matters of public importance and law

## Writ:

- Can issue writs of Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo warranto to protect the Fundamental Rights of the individual.

## Special Powers:

- Can grant special leave to an appeal from any judgment or matter passed by any court in the territory of India

# Points to Remember

## States with bicameral legislature:

- Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, Uttar Pradesh.

## Bicameralism in Germany:

- Federal Assembly (Bundestag)
- Federal Council (Bundesrat)

## Defection:

- A member is considered to be defected if s/he remains absent in the House when asked by the party leadership to remain present or votes against the instructions of the party or voluntarily leaves the membership of the party.

## Equality of states in USA:

- Every state has equal representation in the Senate.

## Fourth Schedule of Constitution

- Number of members to be elected from each State in Rajya Sabha.

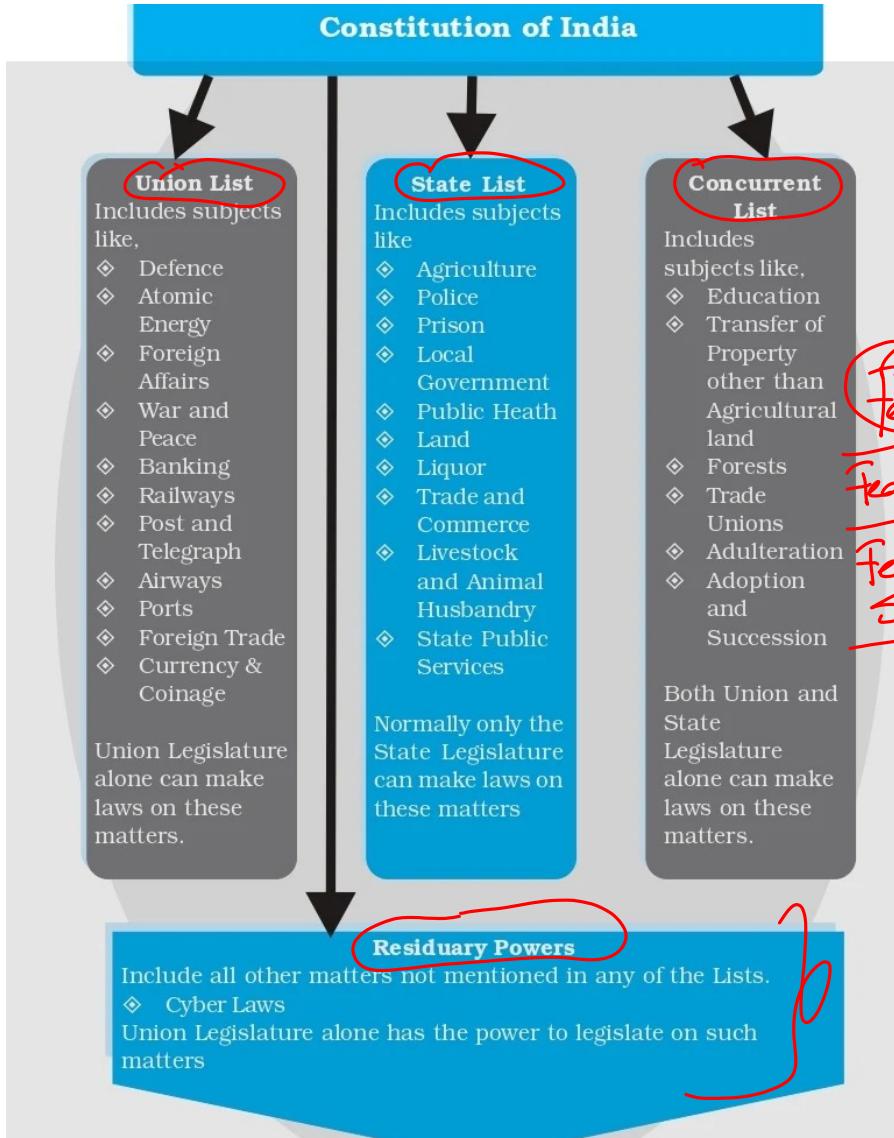
# Keywords for UPSC

## Recall



- Implements laws; includes President, Prime Minister, Council of Ministers, and Cabinet. Key concepts: federal structure, emergency powers, public accountability.
- Law-making body; comprises Parliament (Lok Sabha and Rajya Sabha). Key concepts: unicameral vs. bicameral, elections, legislative procedures, powers and functions, role of Speaker, and parliamentary committees.
- Interprets laws; includes Supreme Court and High Courts. Key concepts: judicial review, PIL, judicial activism, independence of judiciary, criminal and civil justice systems.

# **Chapter 7 Federalism**



## • What is Federalism?

• Federalism refers to a system of government in which power is divided between a central authority and various constituent units, such as **states** or provinces.

# Nature of Indian Federalism



KC Wheare called it “Quasi-federal”.



Granville Austin called it “Cooperative federalism” (need for national integrity and unity).



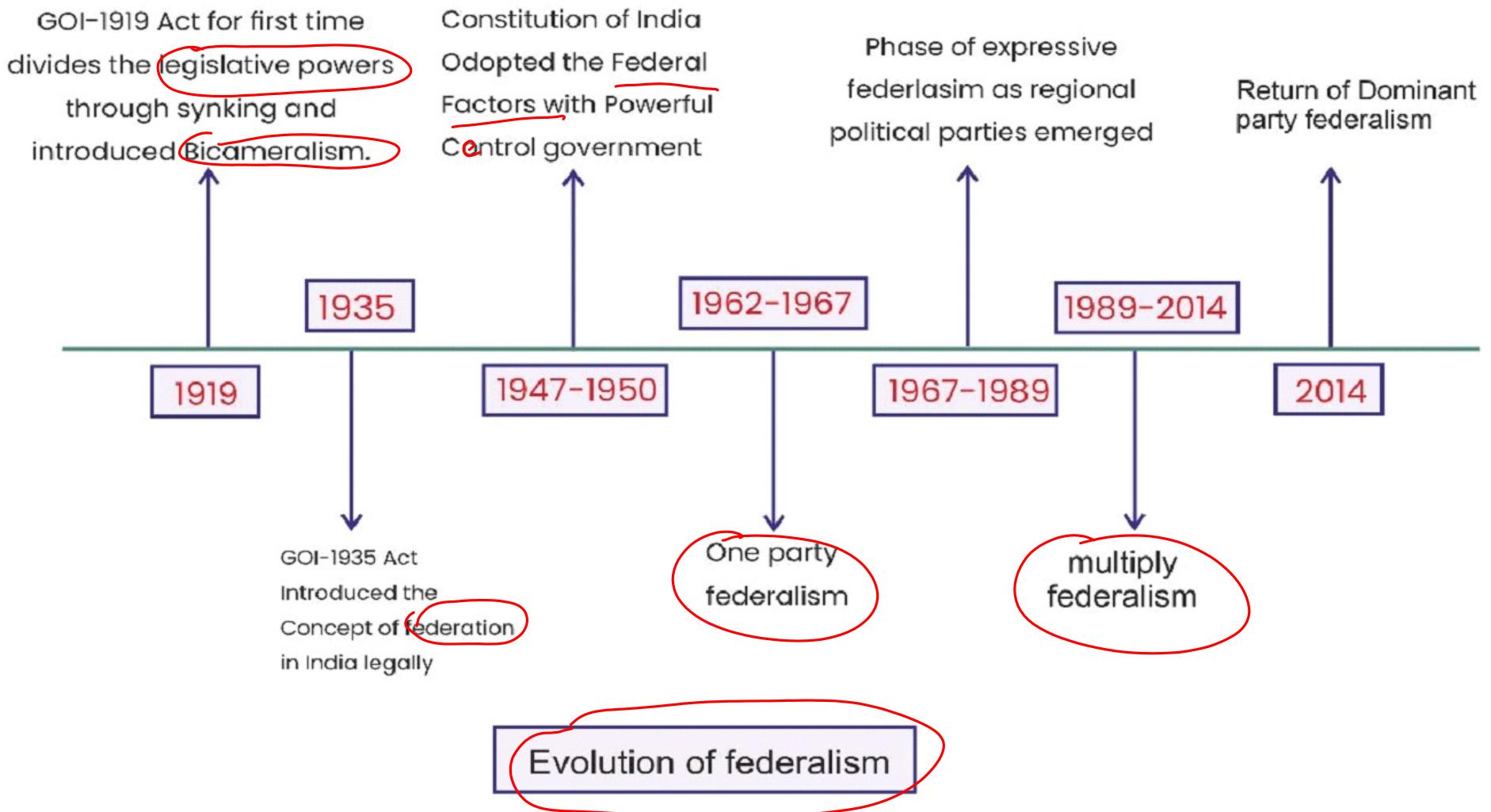
Morris Jones defined it as 'Bargaining Federalism'.



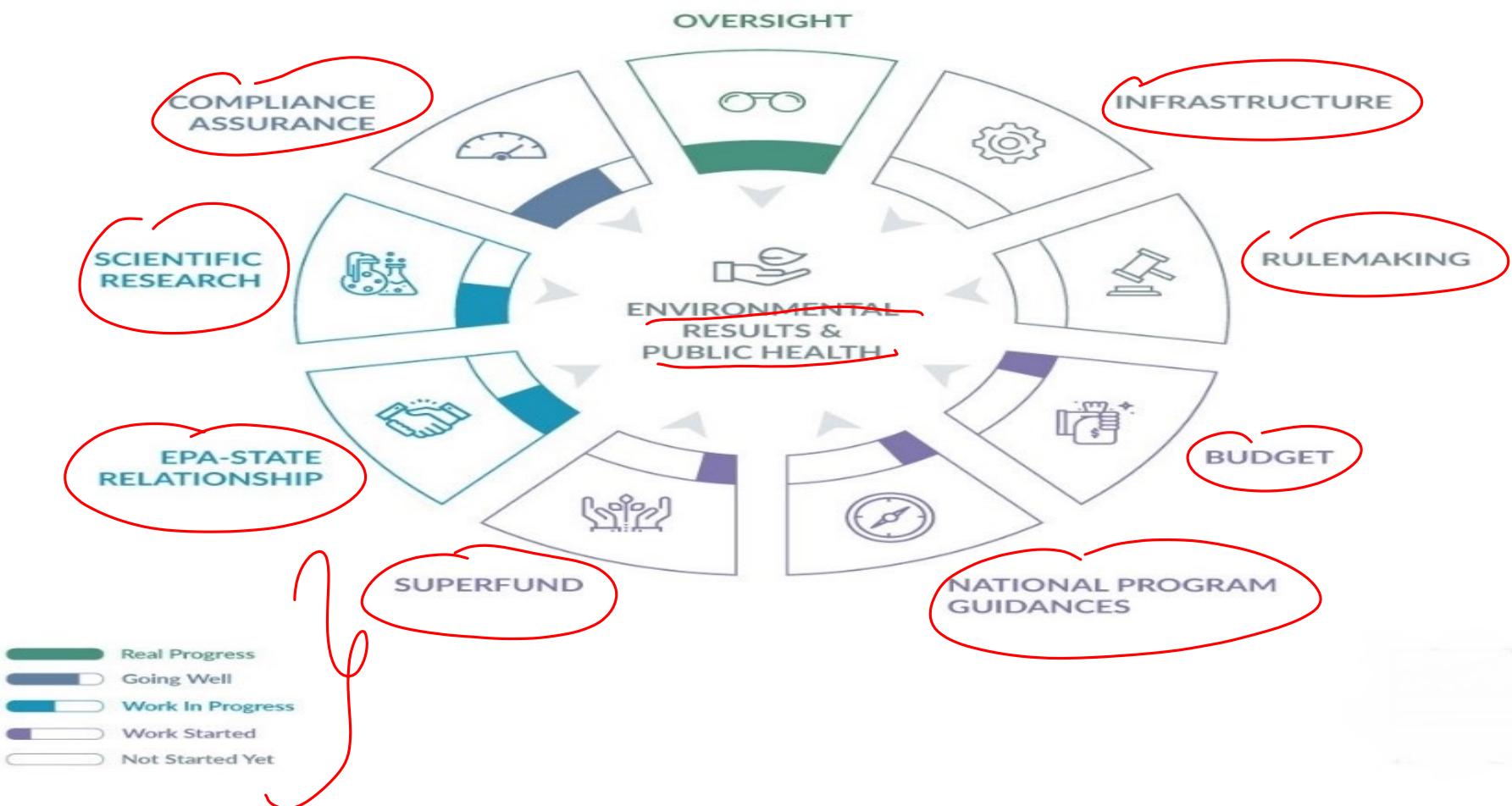
Ivor Jenning termed it as 'Federalism with Centralizing tendency'.



The Constitution specifies the distribution of legislative, administrative and executive powers between the union government and the state government



# COOPERATIVE FEDERALISM 2.0



# Competitive Federalism



## Why in News?

- Signs of competitive federalism especially in terms of ease of doing business
- States trying to attract investments by facilitating reforms

## Competitive Federalism in India

- One of the mandates of NITI Aayog to develop competitive federalism
- State governments do not look towards centre for Policy guidance and Fiscal resources
- Share of states in central tax revenue increased from 32% to 42%
- Freedom with states to plan their expenditure based on their own priorities
- Work within the context of shared national objectives

## What is Competitive Federalism?

	Concept where centre competes with states & vice-versa, &
	States compete with each other
	Policy shift from one-size-fit-all to based on own priorities within the state.
	Originated in countries such as the US
	According to Liberty Foundation (USA): it is a system that allows States to compete with each other over a broad range of issues to provide citizens with
	Bottom-up approach
	Services at the lowest cost, and
	The best value goods

## Progress in Terms of Competitive Federalism in States

- Reforms in ease of doing business
- Expediting the pending project clearances

Competed for investments by bringing various reforms

Eg. Andhra Pradesh & Karnataka (Hyderabad and Bengaluru)

## Way Forward

- India on right track of competitive federalism
- Not all states have yet embraced the concept
- Handful of states are taking steps to strengthen their business environments like

Special funding required by deficit states like Bihar, Odisha, Jharkhand, NE states etc to participate in competitive federalism

Reforms in land acquisition & Labour flexibility

Ambiguous distribution of Subjects

While forming constitution, it is unclear how the items of lists in schedule 7 were decided

Besides, there is little adherence to these lists at times

(For e.g., while health is an entry under state list, union government undertakes various initiatives in health)

**Conflict between agencies** of central and state govts stress cohesive functioning of centre and states

## Re-examining Federalism in India

### Context

Recent developments in Indian economy and polity have made stronger the case for India's move towards greater decentralization.



This has started a debate on re-examining federalism in India

**Overbearing interference** in institutions like the SC, RBI, CBI, etc can disturb their autonomy and create centralist tendencies

There are differences in the way some states and UTs relate to the Centre (for e.g., Delhi and Puducherry legislatures have powers different from states and in some states certain 'special provisions' exist)

The addition of PRIs via 73rd and 74th Constt Amendment Acts turned Indian federation into a multi-level federal system with a **multi-level public finance**

Because the **fiscal space of LGs was left ill-defined**, it created multiple channels of transfer arrangements, resulting in **conflicting priorities and distorted outcomes**

Misuse of **emergency provisions** can amount to centralisation of power

All these create a **notable asymmetry** in the way Indian federalism works

## How to strengthen federalism in India?

### Streamlining division of powers

It is important to have a **clear division** of labour, functions, responsibilities and regulatory role of various levels of governments

There is need to **re-look and redistribute entries** in the **Seventh Schedule**

**The principle of subsidiarity** which states, what can be done best (with minimum transaction and coordination costs) at a particular level should be done at that level and not at a higher level or lower level

**Punchhi Commission**  
Recommendation stating greater flexibility to states in relation to subjects in the state list and 'transferred items' in the concurrent list should be implemented

**Sarkaria Commission**  
Recommendation that Union govt must consult the states before legislating on items in the concurrent list need to be considered  
*(Reforms Commission)*

An **activity mapping drive** at the state level should be carried out for all tiers of local government, and this democratic bottom-up planning exercise should be taken up as a national goal

**Autonomy** of institutions must **not** be compromised

### Other Possible Steps

**New mechanisms** rather than tribunals should be considered as solution to the problem of Inter-State River Water Disputes in India

LGs should have a **predictable flow of untied funds** with the freedom to plan and prioritize

# Keywords for UPSC Recall

**Federalism:** Division of powers between central and state governments.

**Federal Structure:** Framework of governance in a federal system.

**Distribution of Powers:** Division between Union List, State List, and Concurrent List.

**Constitutional Provisions:** Key articles related to federalism in the Indian Constitution.

**Autonomy:** Powers and autonomy of state governments.

**Centre-State Relations:** Mechanisms and conflicts in centre-state relations.

**Emergency Provisions:** Impact on federal structure during national and state emergencies.

**State Reorganization:** Historical and political changes in state boundaries and structure.

# **Chapter 8**

# **Local Governments**



## Definition and Importance:

**Local Government:** Governs at the village and district levels; closest to common people.

**Purpose:** Addresses day-to-day problems of citizens; ensures local knowledge and interests in democratic decision-making and administration.

Decentralisation



## Advantages:

**Proximity:** Close to people, making it easier to address issues quickly and cost-effectively.

**Citizen Participation:** Allows direct involvement in decision-making related to local needs and development.



## Historical Growth in India:

**Ancient Times:** Self-governing village communities (Sabhas, Panchayats).

**British Era:** Elected local bodies established post 1882 by Lord Rippon; continued with Government of India Acts (1919, 1935).

**Constitutional Framework:** Directive Principles of State Policy (non-justifiable, advisory).

### Elections and Reservations:

- **Elections:** Direct elections at all three levels; term of 5 years.
- **Reservations:** 1/3 reserved for women; SC/ST reservations; optional reservations for OBCs.

### Transfer of Subjects:

- **Eleventh Schedule:** Lists 29 subjects to be transferred to Panchayats (e.g., agriculture, water management, education).

### Special Provisions for Adivasi Areas:

- **Separate Act (1996):** Protects traditional customs and grants more powers to Gram Sabhas; ensures respect for local traditions.

### State-Level Institutions:

- **State Election Commissioner:** Appointed by the state government; independent authority for conducting elections to local bodies.
- **State Finance Commission:** Reviews financial positions and revenue distribution between state and local governments.

# **Chapter 9**

# **Constitution as a Living**

# **Document**



## Are Constitutions Static?

- **Soviet Union:** Had four constitutions in 74 years; new constitution in Russia (1993) after the fall of the Soviet Union.
- **India:** Adopted on 26 November 1949, implemented from 26 January 1950. Continues to function effectively for over five decades.
- **Living Document:** Not static; includes flexibility for modifications and interpretations.



## Flexibility and Adaptability

**Flexibility:** Allows changes for new societal needs.

**Judicial Interpretations:** Courts interpret Constitution to address contemporary issues.

**Political Practice:** shows flexibility in addressing evolving challenges.



## Amendment Process

**Article 368:** Parliament's power to amend the Constitution through addition, variation, or repeal.

- **Additions:** Adding new provisions.
- **Variations:** Altering existing provisions.
- **Repeal:** Removing provisions.

# Controversial Amendments

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**How comprehensively can Parliament amend the Constitution?**

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**Can it change the very nature of the Constitution?**

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**Can it rewrite the whole Constitution?**

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**38th, 39th, 42nd Amendments: Made during the Emergency period (1975-77).**

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**42nd Amendment:** Attempted to override Supreme Court rulings, extended Lok Sabha term, introduced Fundamental Duties, restricted judicial review.

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**Kesavananda Bharati Case:** Established limits on Parliament's power to amend the Constitution; the “basic structure” doctrine.

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“Without the basic structure, we end up with a constitution without constitutionalism”-  
Upendra Buxi

# **Doctrine of Basic Structure**

## **Original Idea:**

- German Constitution

## **Landmark Judgement:**

- Kesavananda Bharati case 1973 (the phrase 'basic structure of the Constitution' was used for the first time)

## **Constituents of Basic Structure:**

- Supremacy of the Constitution, Parliamentary system, Free and fair elections, Independence of Judiciary, Limited power of Parliament to amend the Constitution, Powers of the Supreme Court under Articles 32, 136, 141 and 142, Powers of the High Courts under Articles 226 and 227...

## Evolution of the 'Basic Structure' Doctrine

### 1st Amendment

- Added Art. 31A + 31B (9th Sch.)
- Impact: Right to Property was curtailed to implement Zamindari Abolition Acts

1951

### Shankri Prasad Case

- Parliament has full authority to amend constitution
- It can abridge FRs to implement DPSPs
- **Harmonious Construction** - DPSP don't conflict FRs

### 17th Amendment

- Added compensation provisions in Art 31A
- Added more acts in 9th schedule

1964

1967

### 24th Amendment

- Amended Art. 368 & 13 giving unrestricted amendment power to the Parliament.
- Made it mandatory for President to give assent on Constitutional Amendment bills

1971

### 25th Amendment

- Added Art 31C- giving primacy to 39 (b) & (c) over the FRs enshrined in Art 14, 19 & 31

1973

### 42nd Amendment

- Amended Art 31C- giving primacy to all DPSPs over the FRs enshrined in Art 14, 19 & 31
- Made Parliament's amendment powers unrestricted.
- Prevented Courts from Judicial Review of Amendments.

1976

1980

### Golaknath Case

- 17th Amendment was challenged in Supreme court
- FRs are Transcendental & Immutable
  - All laws, **including amendments**, that are inconsistent with FRs are void under Art. 13

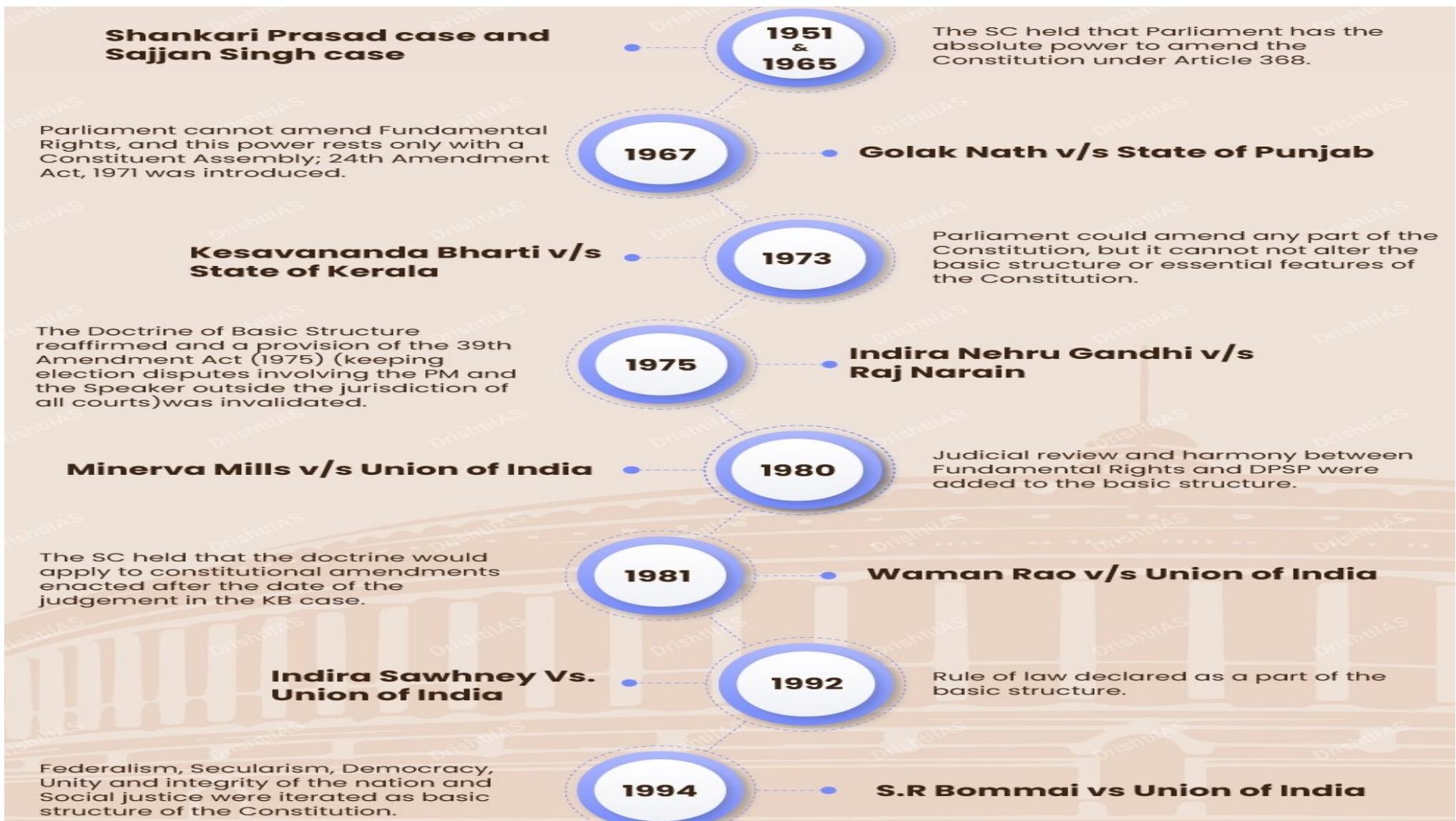
### Kesavananda Bharati Case

- Art. 368 allows amendment to any part including FRs
- **Preamble is Integral Part** of the Constitution & envisages socio-economic Justice.
- **Basic Structure** - Amendment can be done within broad contours of the Constitution.
- **Art 31C upheld**, but parts which stopped Judicial Review were struck down.

### Minerva Mills Case

- 'Judicial Review' is **Basic Structure** of the Constitution
- Parliament's power to amend the Constitution is not to destroy the constitution.
- **Constitution limits the power of the Parliament**; It can't grant itself unlimited power.





# **Chapter 10**

# **The Philosophy of the**

# **Constitution**

# **What is Meant by Philosophy of the Constitution?**

**Conceptual  
Structure**

**Constituent  
Assembly Debates**

**Constitution as  
Means of  
Democratic  
Transformation**

# What is the Political Philosophy of Our Constitution?

Multi-dimensional

Core Commitments

Peaceful and Democratic Practice

Individual Freedom

Social Justice

Respect for Diversity and Minority Rights

Secularism

Rights of Religious Groups

State's Power of Intervention

Procedural Achievements

# DR. ANBU ARUMUGAM

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