



TN - PSC

State Civil Services

Tamil Nadu Public Service Commission

Volume - 5

INDIAN POLITY



TAMILNADU PUBLIC SERVICE COMMISSION

INDIAN POLITY

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1 CHAPTER

Basics of Indian Constitution

STATE

“State is people organized for law within a definite territory” as defined by Woodrow Wilson.

- Four entities of state includes

1. Population

- Ideal number of the state is defined by various scholars namely **Plato**, **Aristotle**.
- “**Plato**, the ideal number would be 5040.
- **Aristotle**, the number should be neither too large nor too small.”

2. **Territory:** Territory includes land, water, air space for the particular area.

3. **Sovereignty**

- Absolute Independence that is a Government which is not controlled by any other power: internal or external.
- A country cannot have its own **Constitution** without being sovereign.
- India is a sovereign country.
- It is free from any **external control**.

4. **Government:** The state has a government as an institution to carry out the functions

State and Government

- Government is a part of the state but the state consists of **population, territory, government and sovereignty**.
- Powers of the government are derived from the State where else state possesses original powers.
- State is **permanent** and the Government is **temporary**.

INDIAN CONSTITUTION

Constitution empowers the government to fulfill the aspirations of the citizen

It follows a set of principles to guide the governance and structure of the state.

- A set of **fundamental legal-political** rules that:
 - binding on everyone in the state, including law making institutions;
 - concern the structure and operation of the institutions of government, political principles, and the rights of citizens;
 - based on widespread public legitimacy;
 - harder to change than ordinary laws;
 - recognized criteria for a democratic system in terms of representation and human rights

Functions of a Constitution

- Declare and define the boundaries of the **political community**.
- Declare and define the nature and authority of the political community.

- Express the identity and values of a national community.
- Declare and define **the rights and duties of citizens**.
- Establish legislative, executive, and judicial branches of government.
- Share power between different layers of **government or sub-state communities**.
- Declare the official religious identity of the state
- Commit states to particular **social, economic, or developmental goals**.

Evolution of Constitution of India

Company Rule in India (1773-1858)

Regulating Act, 1773	<ul style="list-style-type: none"> ● laid the foundation of Central Administration in India. ● Governor of Bengal → Governor-General of Bengal. (Lord Warren Hastings) ● Executive Council of 4 members to assist the GGB. ● Governors of Madras & Bombay presidencies subordinate to GGB. ● Set up the SC of Calcutta with 1 Chief justice and 3 other judges. ● Court of Directors of the Company to report the British Government regarding Company's revenue, civil and military affairs in India.
Act of Settlement, 1781	<ul style="list-style-type: none"> ● Safeguarded the GGB and its council from the jurisdiction of the SC. ● provided immunity to the servants for their official actions. ● Exempted revenue matters of Company from jurisdiction of the SC ● SC to administer the personal law of the defendant. ● GGB to frame regulations for Provincial Courts and Councils.
Pitt's India Act, 1784	<ul style="list-style-type: none"> ● Established a system of Double Government. <ul style="list-style-type: none"> ○ Court of Director to manage Company's commercial affairs ○ Board of Control to manage its political affairs. ● Board of Control to supervise and direct civil and military operations and revenues of the British possessions in India. (First time acknowledged)
Charter Act, 1813	<ul style="list-style-type: none"> ● Abolished the trade monopoly of the Company in India <ul style="list-style-type: none"> ○ exceptions: trade in tea and trade with China. ● Authorized Local Governments to levy taxes
Charter Act, 1833	<ul style="list-style-type: none"> ● GGB = Governor-General of India (Lord William Bentinck) <ul style="list-style-type: none"> ○ Vested all civil and military powers ○ exclusive legislative powers of the entire British India. ● Company → purely administrative body.
Charter Act, 1853	<ul style="list-style-type: none"> ● Separated legislative and executive functions of the GGI's Council. ● 6 members Indian Legislative Council to function as mini parliament. ● open competition system for Indian Civil Services for Indians also. ● Introduced local representation in the Indian (Central) Legislative Council. (out of 6 members 4 to be appointed by the local governments of Madras, Bombay, Bengal and Agra)

Crown Rule in India (1858 to 1947)

Government of India Act, 1858	<ul style="list-style-type: none"> ● British Government took control over territory of India ● aka Act of Good Government of India. ● GGI = Viceroy of India (Lord Canning) <ul style="list-style-type: none"> ○ representative of British Crown in India. ● Board of Control and Court of Directors ceased to exist. ● Secretary of State for India, with complete authority and control over Indian administration. ● Created a 15 member Council of India to assist the SSI.
Indian Councils Act, 1861	<ul style="list-style-type: none"> ● Viceroy to nominate Indians as the non-official members (Lord Canning nominated 3 Indians: the Raja of Benaras, the Maharaja of Patiala and Sir Dinkar Rao) ● Decentralized legislative powers <ul style="list-style-type: none"> ○ Empowered the Bombay and Madras Presidencies. ● established new legislative councils for Bengal, North-Western Provinces and Punjab. ● Viceroy to make rules and orders for the Council <ul style="list-style-type: none"> ○ members of the council in-charge of and authorized to issue orders regarding their allocated departments ● Viceroy to issue ordinances in emergency with a validity of 6 months.
Indian Councils Act, 1892	<ul style="list-style-type: none"> ● Increased non-official members in Central and Provincial legislative councils. ● legislative councils can discuss budget and address questions to the executive. ● Provided for the nomination of some non-official members of the: <ul style="list-style-type: none"> ○ CLC by Viceroy based on recommendation of PLCs and Bengal Chamber of Commerce ○ PLCs by Governors on the recommendation of district boards, Municipalities, universities, trade associations, zamindars and chambers.
Indian Councils Act, 1909	<ul style="list-style-type: none"> ● aka Morley-Minto Reforms. ● members in the CLC ↑ from 16 to 60 and members in the PLCs also increased but not uniformly. ● members of LC can ask supplementary questions, move resolutions on the budget, etc. ● association of Indians with the executive councils of the Viceroy and Governors. (Satyendra Prasad Sinha as the Law member) ● communal representation for Muslims and separate electorate.
Government of India Act, 1919	<ul style="list-style-type: none"> ● Also called the Montagu-Chelmsford Reforms. ● Separated Central and Provincial subjects. <ul style="list-style-type: none"> ○ Provincial subjects: <ul style="list-style-type: none"> ■ Transferred subjects: governed by the Governor with the aid of ministers of the LC ■ Reserved subjects: governed by the Governor with his executive council. ● Introduced bicameralism and direct elections in the country. ● 3 out of 6 members of the Viceroy's executive council = Indian.

	<ul style="list-style-type: none"> ● separate electorates for Sikhs, Indian Christians, Anglo-Indians and Europeans also. ● Granted franchise to a people based on property, tax or education. ● Created office of High Commissioner for India in London. ● set up a Central Service Commission for recruiting civil servants. ● Separated provincial budgets from the Central budget and authorized the provincial legislatures to enact their budgets.
<p>Government of India Act, 1935</p>	<ul style="list-style-type: none"> ● Established All India Federation = provinces + princely states. ● Divided powers into three lists: <ul style="list-style-type: none"> ○ Federal list (for Centre, with 59 items), ○ Provincial list (for Provinces, with 54 items). ○ Concurrent list (for both, with 36 items). ● Residuary Powers: vested in the Viceroy ● Abolished dyarchy in the provinces and introduced provincial autonomy. <ul style="list-style-type: none"> ○ introduced responsible Governments in provinces ● adoption of dyarchy at the Centre ● Federal subjects were divided into transferred subjects and reserved subjects. ● Introduced bicameralism in 6 out of 11 provinces (Bengal, Bombay, Madras, Bihar, Assam and the United Provinces). ● separate electorates for depressed classes, women and labour. ● Abolished the Council of India. ● Established <ul style="list-style-type: none"> ○ Reserve Bank of India to control currency and credit of the country. ○ Federal Public Service Commission, ○ Provincial Public Service Commission ○ Joint Public Service Commission. ○ Federal Court.
<p>Indian Independence Act, 1947</p>	<ul style="list-style-type: none"> ● gave immediate effect to Mountbatten Plan ● Ended British rule in India <ul style="list-style-type: none"> ○ declared India independent and sovereign state from August 15, 1947. ● partitioned of India and Pakistan as two independent dominions with right to secede from the British Commonwealth. ● empowered the Constituent Assemblies to frame and adopt any constitution of their respective nations ● abolished the office of SSI and transferred his powers to the Secretary of State for Commonwealth Affairs. <ul style="list-style-type: none"> ○ discontinued the appointment of Civil Servants ● dropped the title of Emperor of India of the King of England. <ul style="list-style-type: none"> ○ Crown ceased to be the Source of Authority. ○ deprived him of his right to veto bills or ask for reservation of certain bills for his approval. ● designated the GGI and provincial governors = constitutional (nominal) heads of the states.

2

CHAPTER

Constituent Assembly

Cabinet Mission Plan provisioned to set up a Constituent Assembly of India:

- Total strength = **389 partly** elected and partly nominated
 - **296 seats** were allotted to British India
 - 292 members from the 11 **governors' provinces**
 - 4 from the 4 chief **commissioners' provinces**
 - 93 seats to the **Princely States**.
- **Allotted seats in proportion to their respective population.**
- Seats allocated to each British province were to be divided among **Muslims, Sikhs and General (others)**, in proportion to their population.
- Representatives of each community → elected by members of that community by proportional representation using a **single transferable vote**.
- Representatives of the princely states were to be nominated by the heads of the **princely states**
- Members were **indirectly elected** by the members of the **provincial assemblies**.
- Did not present the sentiments of the masses as the members of **provincial assemblies** themselves were elected on a **limited franchise**.
- Election for British Indian Provinces was held in July-August 1946.
 - **Indian National Congress won 208 seats,**
 - **Muslim League won 73 seats**
 - **Independent players held 15 seats**
- seats of princely states were not filled as they refrained from the Assembly
- Assembly had representatives from every section of the society
- Mahatma Gandhi was not a member of the Constituent Assembly.
- On April 28, 1947 representatives of the 6 states became part of the assembly
- after the **Mountbatten Plan of June 3, 1947**, most of the princely states entered the assembly.
- Later Muslim League from the Indian dominion also joined the assembly.

Working of the Constituent Assembly

- first meeting: December 9, 1946.
 - Muslim League boycotted and demanded a separate state of Pakistan
 - Only 21 members attended the first meeting.
 - **Dr Sachchidananda Sinha** was elected as the interim President of the Assembly, (French practice)
 - **Dr Rajendra Prasad** was elected as the President of the Assembly
 - **H.C. Mukherjee and V.T. Krishnamachari → Vice-President**

Objective Resolution

- Presented on Dec 13, 1946, by **JL Nehru** in the Constituent Assembly, unanimously adopted by the assembly on January 22, 1947.
- Important provisions:
 - proclaim India as the **Independent Sovereign Republic**
 - India, shall be a Union of territories of British India that join it
 - Boundaries determined by the **Constituent Assembly** which shall possess residuary powers and exercise all powers and functions of the Government and administration implied in the Union
 - power and authority of Independent India derived from the people
 - shall guarantee to all the people of India
 - **justice, social, economic and political**
 - **equality of status of opportunity, and before the law;**
 - **freedom of thought, expression, belief, faith, worship, association and action**
 - adequate safeguards shall be provided for **minorities, backward and tribal areas** and depressed and other backward classes
 - Maintain integrity of the territory of the **Republic** and its **sovereign** rights on land, sea and air according to justice and the law of civilized nations
 - attains its rightful and honoured place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind.

Changes after the Indian Independence Act, 1947

- Assembly → fully **sovereign body** to frame Constitution
- became the **legislative body**.
 - responsible to frame the Constitution and enact ordinary laws for the country.
 - worked as the Constitutional body → chaired by **Dr Rajendra Prasad**
 - as a **legislative body** → **G.V. Mavlankar** became chairman (till Nov 26, 1949).
- Muslim League withdrew from the assembly
 - reduced the total strength of the assembly to 299 from 389.
 - strength of Indian provinces reduced to 229 from 296
 - princely states to 70 from 93.

Other Functions Performed by the Assembly

- Ratified India's membership of the Commonwealth in May 1949
 - **Adopted National Flag of India on July 22, 1947**
 - **Adopted National Anthem on January 24, 1950**
 - Elected Dr Rajendra Prasad as the **first President of India on January 24, 1950**
 - On **January 24, 1950, the Constituent Assembly** held its final session but continued as the provincial parliament from January 26, 1950, till the first general elections in 1951-52 were held.
-

Committees of the Constituent Assembly

	Committee	Headed by
Major Committee	Union Powers Committee	J.L. Nehru
	Union Constitution Committee	J.L. Nehru
	Provincial Constitution Committee	Sardar Patel
	Drafting Committee	Dr B.R. Ambedkar
	Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Sardar Patel
	Fundamental Rights Sub-Committee	J.B. Kriplani
	Minorities Sub-Committee	H.C. Mukherjee
	North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi
	Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee	A.V. Thakkar
	North-West Frontier Tribal Areas Sub-Committee	
	Rules of Procedure Committee	Dr Rajendra Prasad
	States Committee (for Negotiation with states)	J.L. Nehru
	Steering Committee	Dr Rajendra Prasad
	Minor Committee	Finance and Staff Committee
Credentials Committee		A.K. Ayyar
House Committee		B. Pattabhi Sitaramayya
Order of Business Committee		Dr K.M. Munshi
Ad-hoc Committee on National Flag		Dr Rajendra Prasad
Committee on Functions of the Constituent Assembly		G.V. Mavalankar
Ad-hoc Committee on the SC		S. Varadachari
Committee on Chief Commissioners' Provinces		B. Pattabhi Sitaramayya
Expert Committee on the Financial Provisions of the Union Constitution		Nalini Ranjan Sarkar
Linguistic Provinces Commission		S.K. Dar
Special Committee to Examine the Draft Constitution		J.L. Nehru
Press Gallery Committee		Usha Nath Sen
Ad-hoc Committee on Citizenship		S. Vallabhachari

Drafting Committee

- On August 29, 1947, set up to prepare a draft of the new Constitution.
- seven-member committee with
 - **Dr B.R. Ambedkar → Chairman**
 - **N. Gopalaswamy Ayyangar**
 - **Alladi Krishnaswamy Ayyar**
 - **Dr K.M. Munshi**
 - **Syed Mohammad Saadullah**
 - **N.M. Rau**
 - **T.T. Krishnamachari**
- First draft published in February 1948
- second draft published in October 1948.

Enactment of the Constitution

- Dr B.R. Ambedkar introduced the final draft on **Nov 4, 1948**, for first reading.
- Second reading held on November 15, 1948,
- third reading on November 14, 1949.
- draft was passed on November 26, 1949 (Constitution day).
- **Constitution as adopted on November 26, 1949, contained**
 - **Preamble**
 - **394 Articles**
 - **8 Schedules.**
- Provisions of citizenship, elections, provisional parliament, temporary and transitional provisions and short title contained in **Article 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393** came into force on November 26, 1949. The remaining provisions came into force on January 26, 1950.
- With the adoption of the Constitution, all the provisions under the Indian Independence Act, 1947 and the **Government of India Act, 1935 were repealed.**
- **Abolition of Privy Council Jurisdiction Act (1949)** continued.

Criticism to the Constituent Assembly

- **Not a Representative Body** - did not reflect the mass verdict due to election by the limited franchise.
- **Not a Sovereign body** as it was formed based on the proposals of the British Government and held its meeting with their permission.
- Took greater time in framing the Constitution as compared to the American constitution which took only 4 months.
- Dominated by Congress
- Domination of Lawyers and Politicians
- Dominated by Hindus

- **S.N. Mukherjee = chief draftsman of the constitution**
- **Prem Behari Narain Raizada = calligrapher**
 - handwritten the original text of the constitution in a flowing italic style.
- beautified and decorated by artists from Shanti Niketan including Nand Lal Bose and Beohar Rammanohar Sinha.
- calligraphy of the **Hindi version = Vasant Krishan Vaidya**
 - decorated and illuminated = Nand Lal Bose.
- elephant = symbol of the Constituent Assembly.
 - Elephant figurine carved on the seal of the assembly.
- Originally, the Constitution of India did not make any provision concerning an authoritative text of the Constitution in the Hindi Language.
 - made by the 58th Constitutional Amendment Act of 1987 which inserted a new Article 394-A in the last part of the constitution.

3

CHAPTER

Preamble & Political System

Scope of Political Science

Policy science is classified under 4 subdivisions,

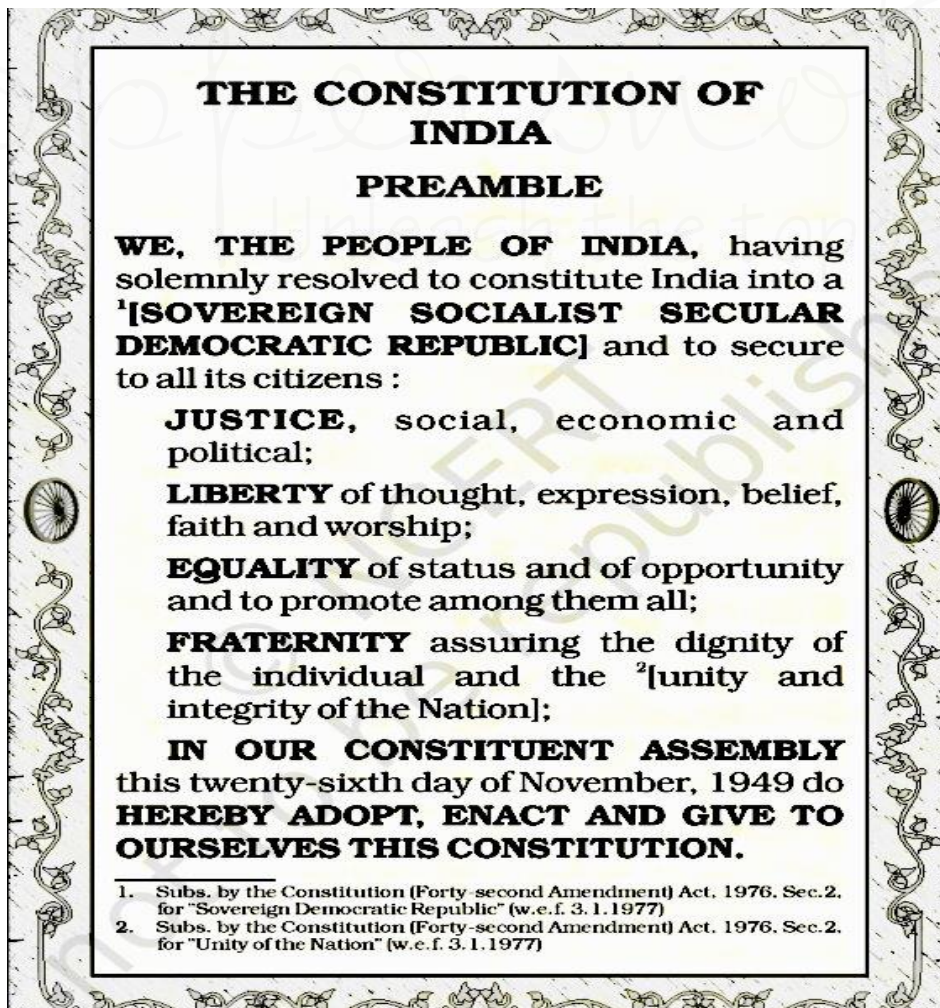
- Political Theory
- Political Institutions
- Political Dynamics
- International Relations

Political Theory- It includes political thought and philosophy and further explains the basic concepts of the discipline.

Political institution - they carry out functions by undertaking comparative analysis of the function.

Political Dynamics and International relations are in hand with the political systems.

Preamble



- **Introduction or preface** to the Constitution.
- Provides **guidelines** for the Constitution.
- embodies basic **philosophy** and **fundamental values** as the basis for the Constitution.
- Reflects dreams and aspirations of founding fathers of the Constitution.
- enacted after the rest of the Constitution was already enacted.
- neither a source of power to the **legislature** nor a **prohibition**
- **non justiciable** not enforceable in Courts of law.
- can be amended without altering the basic structure.

Ingredients of the Preamble

- **Preamble** makes **people of India, the ultimate authority**
- declares India as sovereign, socialist, secular democratic and republican polity.
- **Objectives of the Constitution: justice, liberty, equality and fraternity**
- Date of adoption of the Constitution: It stipulates **November 26, 1949** as the date.

Key Terms related to Preamble

- **Sovereignty: absolute Independence** that is a Government which is **not controlled** by any other power: **internal or external**. A country cannot have its **own Constitution** without being sovereign. India is a sovereign country. It is free from any external control.
- **Socialist**: not part of the original Constitution.
 - Added by **42nd Amendment act**
 - used in the context of **economic planning**.
 - commitment to attain ideals like **removal of inequalities, provision of minimum basic necessities to all, equal pay for equal work**.
- **Secularism**: added by **42nd Constitutional Amendment Act 1976**.
 - India is neither religious nor irreligious nor anti-religious.
 - **no state religion**- the state does not support any particular religion
- **Democratic Republic**: Government is elected by the people and is responsible and accountable to the people.
- **Justice**: to give people what they are entitled to in terms of basic rights to food, clothing, housing, participation in decision making and living with dignity as human beings.
 - taken from the **Russian Revolution (1917)**
 - three dimensions of **Justice- social, economic and political**.
 - Social justice: equal treatment of all citizens without any social distinction based on caste, colour, race, religion, sex and so on.
 - Economic justice: **non-discrimination on economic factors**.

Social justice + economic justice = 'distributive justice'

 - Political justice: all citizens should have equal **political rights, equal access to all political offices and equal voice in the Government**.
- **Liberty**: of thought and expression; absence of restraints on the activities of individuals, and at the same time, providing opportunities for the development of individual personalities.

- taken from the **French Revolution (1789–1799)**.
- **Equality:** absence of special privileges to any section of the society, and the provision of adequate opportunities for all individuals without any discrimination.
 - three dimensions of equality—civic, political and economic.
- **Fraternity:** sense of brotherhood; promotes the feeling of fraternity by a system of single citizenship and by **article 51A (Fundamental Duties)**.

Preamble as a part of the Constitution

Berubari Union v. Unknown Case, 1960	Kesavananda Bharati v. State of Kerala Case, 1973	Union Government Vs LIC of India Case, 1995
<ul style="list-style-type: none"> ● SC stated that 'Preamble is the key to open the mind of the makers' but it can not be considered as part of the Constitution. Therefore it is not enforceable in a Court of law. 	<ul style="list-style-type: none"> ● SC held that “Preamble of the Constitution will now be considered as part of the Constitution. The Preamble is not the supreme power or source of any restriction or prohibition but it plays an important role in the interpretation of statutes and provisions of the Constitution.” 	<ul style="list-style-type: none"> ● SC held that Preamble is the integral part of the Constitution but is not directly enforceable in a Court of justice in India.

4 CHAPTER

Salient Features of The Constitution

- **Longest written constitution:** it contains:
 - **Separate provision** for states and centre and their **inter-relationship**.
 - borrowed provisions from several sources and constitutions of the world.

Countries	Borrowed Features of Indian Constitution
Australia	<ul style="list-style-type: none"> ● Concurrent list ● Freedom of trade, commerce and intercourse ● Joint-sitting of the two Houses of Parliament
Canada	<ul style="list-style-type: none"> ● Federation with a strong Centre ● Vesting of residuary powers in the Centre ● Appointment of state Governors by the Centre ● Advisory jurisdiction of the SC
Ireland	<ul style="list-style-type: none"> ● Directive Principles of State Policy ● Nomination of members to Rajya Sabha ● Method of election of the President
Japan	<ul style="list-style-type: none"> ● Procedure Established by law
USSR/Russia	<ul style="list-style-type: none"> ● Fundamental Duties ● Ideal of justice (social, economic and political) in the Preamble
UK	<ul style="list-style-type: none"> ● Parliamentary Government ● Rule of Law ● Legislative procedure ● Single Citizenship ● Cabinet system ● Prerogative writs ● Parliamentary privileges ● Bicameralism ● Procedure Established by law
US	<ul style="list-style-type: none"> ● Fundamental Rights ● Independence of judiciary ● Judicial Review ● Impeachment of the President ● Removal of SC and HC Judges ● Post of vice-President

Germany (Weimar)	<ul style="list-style-type: none"> ● Suspension of Fundamental Rights during emergency
South Africa	<ul style="list-style-type: none"> ● Procedure for Amendment in the Indian Constitution ● Election of members of Rajya Sabha
France	<ul style="list-style-type: none"> ● Republic ● Ideals of liberty, equality and fraternity in the Preamble

- separate provisions for SC, ST, women, children, and backward regions.
- detailed list of rights, DPSPs and details of administration procedures
- Originally (1949), had a **Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules**.
- Presently, it consists of a **Preamble, 25 parts, 448 Articles, 12 Schedules, and 104 Amendments till date**.
- **Unique blend of rigidity and flexibility:**
 - Some parts can be amended by **ordinary law making procedure** while certain provisions can be amended by a majority of the **total membership of that house and by a majority of not less than two-third of the members of that house present and voting**.
 - Some amendments are also required to be **ratified by the legislatures of not less than one-half of the states before** being presented to the President for assent.
- **India as a sovereign, socialist, secular, democratic and republic:** India is governed by its people through their elected representatives based on universal adult franchise.
- **Parliamentary System of Government:** Parliament controls the functioning of the CoM
 - executive is responsible to the legislature and remains in power as long as it enjoys the confidence of the legislature.
- **Single Citizenship:** single citizenship provided by the union and recognized by all the states across India.
- **Universal Adult Franchise:** establishes political equality in India through the method of universal adult franchise which functions on the basis of 'one person one vote'.
 - Every Indian who is 18 years of age or above is entitled to vote in the elections, irrespective of caste, sex, race, religion or status.
- **Independent and Integrated Judicial System:** free from the influence of the executive and the legislature.
 - SC as the apex court below which HCs and lower courts come
- **Fundamental Rights, Fundamental Duties and DPSPs:**
 - Fundamental Rights are not absolute but are subject to the limitations defined by the constitution itself and are enforceable in the court of law.
 - DPSPs are the guidelines to be followed by the states regarding governance and are not enforceable in the court of law.
 - Fundamental Duties, added by the 42nd Amendment are moral conscience which ought to be followed by the Citizens.
- **Federation with a strong centralising tendency:** India is an indestructible Union with destructible states means it acquires a unitary character during the time of emergency.
- **Balancing Parliamentary supremacy with Judicial Review:** An independent judiciary with the power of judicial review

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