



# GROUP 2/2A MAINS



## NOTES

**“ஒரு நாள் ஒரு தலைப்பு ஒரு தேர்வு ஒரு GROUP 1 பதவி உங்களுக்கு”**



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Presents

TAMIL NADU PUBLIC SERVICE COMMISSION

# GROUP 2/2A MAINS

டி.என்.பி.எஸ்.சி. குரூப்-2/2A பதவிகளில் உள்ள 2327 காலிப் பணியிடங்களுக்கான தணிக்கை ஆய்வாளர், செயல் அலுவலர் (பேரூராட்சி), கைத்தறி ஆய்வாளர், முதுநிலை ஆய்வாளர் (கூட்டுறவு), உதவிப் பிரிவு அலுவலர்.. உள்ளிட்ட 60000 ரூபாய் சம்பளம் உள்ள பதவியை வென்றிட...

# 48 DAYS

## STUDY PLAN + TEST BATCH

“ஒரு நாள் ஒரு தலைப்பு ஒரு தேர்வு  
ஒரு GROUP 2 பதவி உங்களுக்கு”



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**ONLINE / BILINGUAL**

# **TNPSC GR - II A MAINS TEST SERIES**

## **FEATURES**

### **48 online test - daily 1 topic**

- Gk 30 questions
- Grammar 20 questions
- Reasoning 20 questions

### **Printed materials**

- Gk
- Grammar (English/Tamil)
- Reasoning

### **Additional notes**

- Policy notes
- Syllabus based current affairs

### **Video class**

- Gk
- Grammar (English/Tamil)
- Reasoning

### **Extra**

- Pyq analysis topic wise
- Mains Syllabus - decode
- Guide 2 A
- Must watch videos



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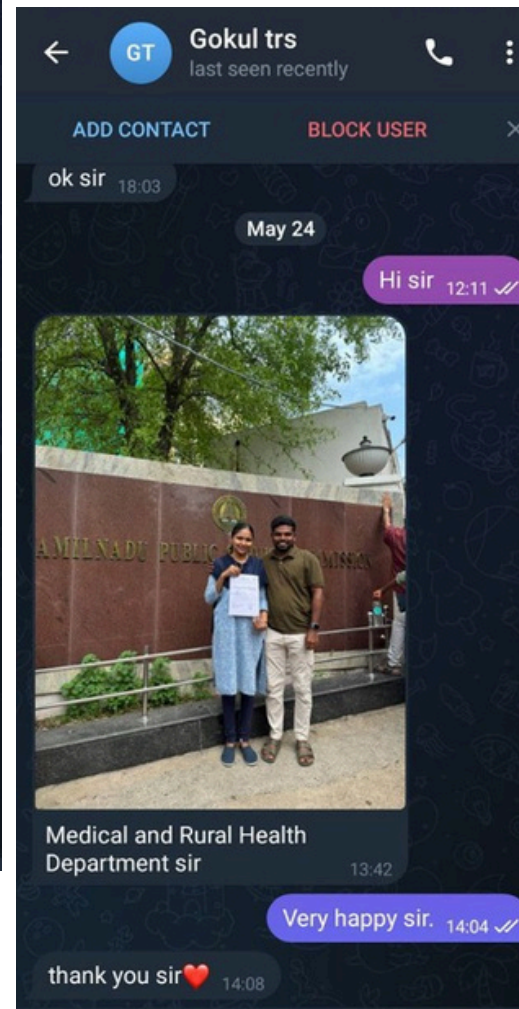
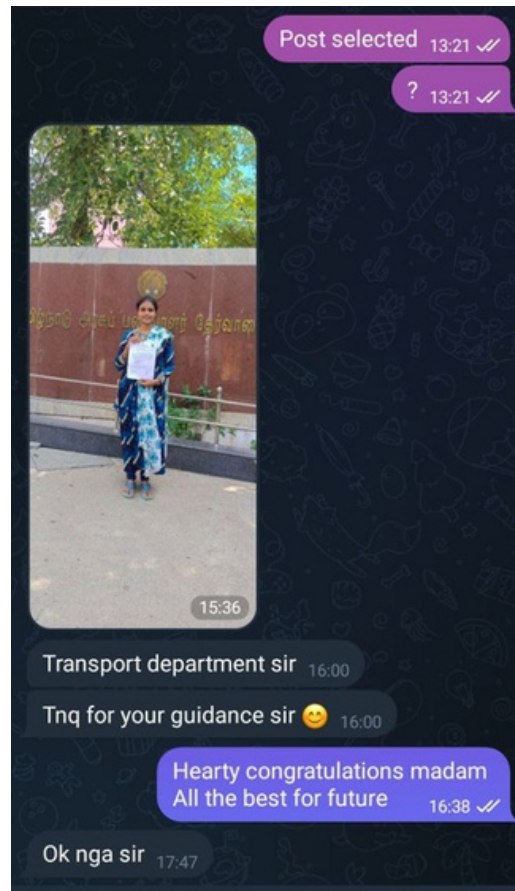
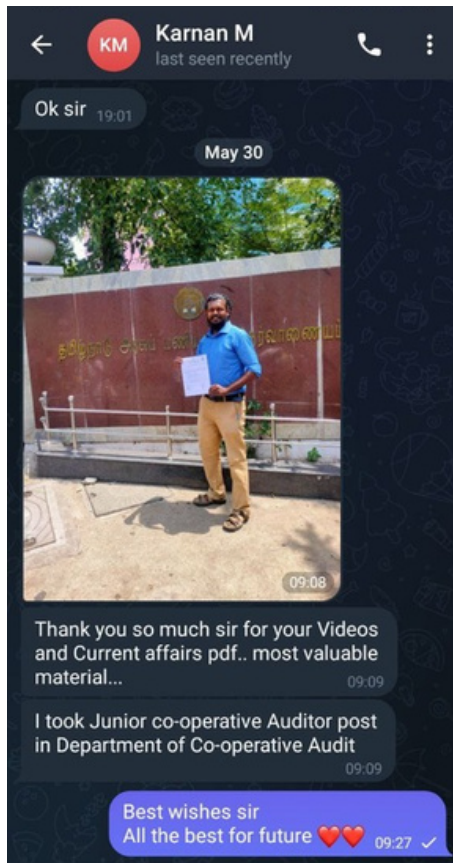
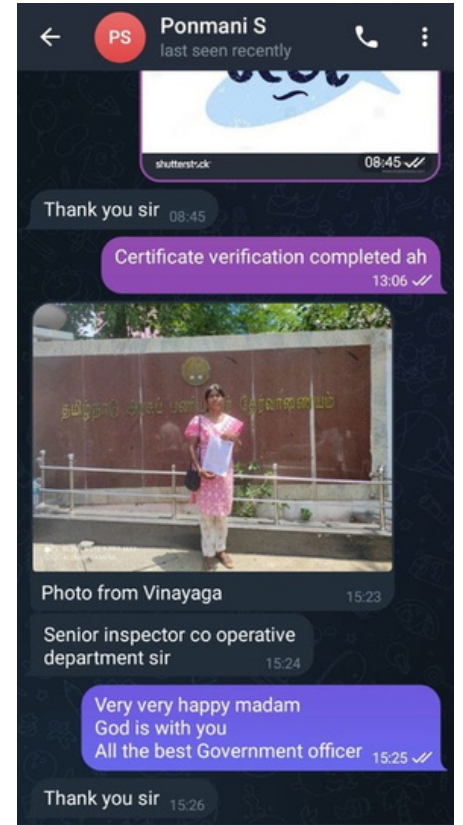
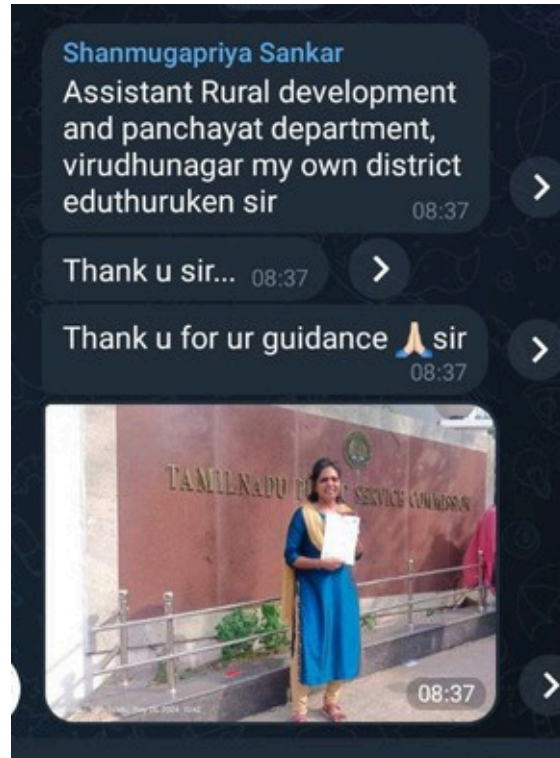
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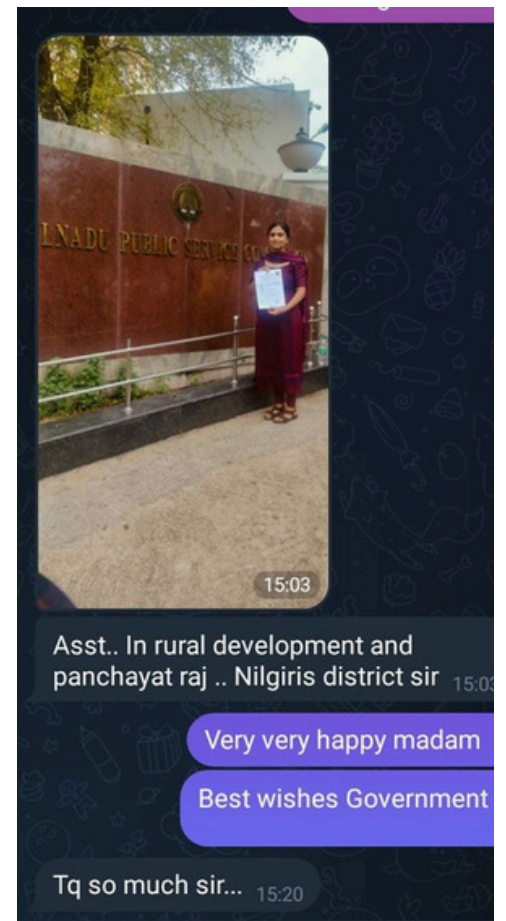
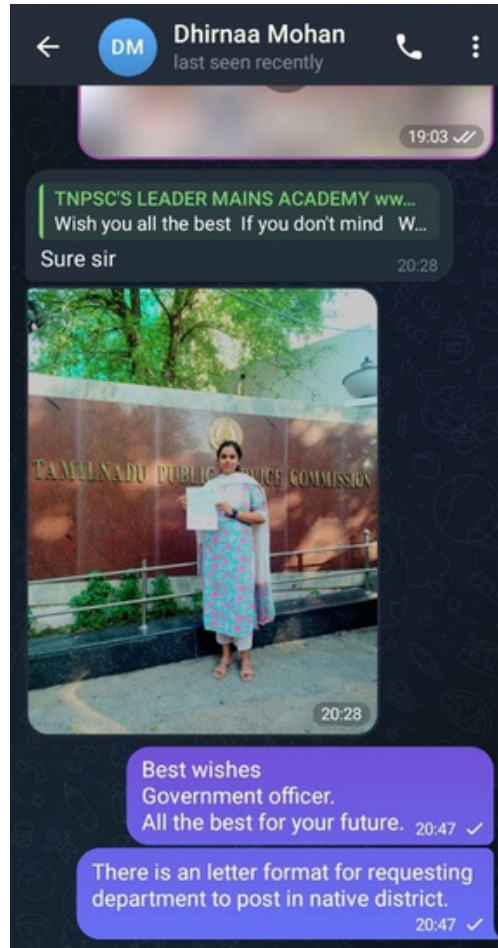
**“ஒரு நாள் ஒரு தலைப்பு ஒரு தேர்வு  
ஒரு GROUP 2 பதவி உங்களுக்கு”**

# OUR INSTITUTE 2022-2024 GROUP 2 ACHIEVERS





# OUR INSTITUTE 2022-2024 GROUP 2 ACHIEVERS



# PART - I

## PYQ

### ANALYSIS

இப்பகுதி  
கேள்விகள்  
எப்படி  
கேட்கப்படும்  
என்பதை  
சொல்லும் !!

## 1. Constitution of India

69. It took \_\_\_\_\_ to draft and enact the Indian Constitution.

- (A) 2 years, 11 months, 17 days (B) 2 years, 9 months, 15 days  
(C) 2 years, 8 months, 10 days (D) 2 years, 7 months, 8 days

இந்திய அரசியலமைப்பு இயற்றப்படுவதற்கு எத்தனை ஆண்டுகள் எடுத்துக் கொள்ளப்பட்டன?

- (A) 2ஆண்டுகள், 11 மாதங்கள், 17 நாட்கள் (B) 2 ஆண்டுகள், 9 மாதங்கள், 15 நாட்கள்  
(C) 2ஆண்டுகள், 8 மாதங்கள், 10 நாட்கள் (D) 2 ஆண்டுகள், 7 மாதங்கள், 8 நாட்கள்

14. Indian constitution was adopted on

- (A) 26<sup>th</sup> November 1949 (B) 26<sup>th</sup> July 1949 (C) 26<sup>th</sup> May 1949 (D) 26<sup>th</sup> June 1949

இந்திய அரசியலமைப்பு ஏற்றுக்கொள்ளப்பட்டது

- (A) 26 நவம்பர் 1949 (B) 26 ஜூலை 1949 (C) 26 மே 1949 (D) 26 ஜூன் 1949

18. Who Stated, Indian Constitution is first and foremost a social document"?

- (A) Granville Austin (B) Pylee (C) Motilal Nehru (D) None of the above

"இந்திய அரசியலமைப்பு, முதல் மற்றும் முதன்மையாக, ஒரு சமூக ஆவணமாகும்" எனக்கூறியவர் யார்?

- (A) கிரண்வில் ஆஸ்டின் (B) பைலி (C) மோதிலால் நேரு (D) மேற்கூறிய எதுவுமில்லை

35. Consider the following statements:

- (I) The doctrine of Eclipse is applied in relation to a pre-constitutional law enacted before 26th January 1950  
(II) The Act is eclipsed when the constitution came into force and a shadow falls on it because it is inconsistent with the constitution.

(III) All laws governed by Articles 13 (1) and 13 (2) are pre-constitutional laws.

Wh of the above mentioned are correct?

- (A) (I) and (II) are correct (B) (I) and (III) are correct (C) (II) and (III) are correct  
(D) (I), (II) and (III) are correct, (E) Answer not known

கீழ்க்காணப்படும் வாக்கியங்களை கருதுக.

(I) கிரகணக் கோட்பாடு என்பது 26 ஜனவரி 1950-க்கு முன் இயற்றப்பட்ட அரசியல் சாசனசட்டங்களை சாரும்

(II) அரசியல் சாசனம் வந்த பிறகு முன் உள்ள சட்டங்களின் மீது ஒரு நிழல் பட்டு கிரகண கோட்பாட்டின் கீழ் வந்து விடுகின்றன. ஏனெனில் இது

அரசியலமைப்பிற்கு ஒத்து போகாதது

(III) விதி 13(1) மற்றும் 13(2)ன் கீழ் உள்ள அனைத்து சட்டங்களும் அரசியல் சாசனத்திற்கு முன்பாகவே உள்ள சட்டங்களாகும்

மேலே காணப்படுபவையில் எவை சரியானவை?

- (A) (I) மற்றும் (II) சரி (B) (I) மற்றும் (III) சரி (C) (II) மற்றும் (III) சரி

62. The first Article of the Constitution declares that India is

- (A) United States (B) Union of States (C) Federal states (D) All are correct (E) Answer not known

இந்திய அரசியல் சாசனத்தின் முதல் விதி இந்தியாவை

- (A) ஐக்கிய மாநிலங்கள் என்றழைக்கின்றது (B) ஒன்றிய மாநிலங்கள் என்றழைக்கின்றது

(C) கூட்டாட்சி மாநிலங்கள் (D) அனைத்தும் சரியே (E) விடை தெரியவில்லை

186. Match the following:

- (a) USA Constitution 1. Removal of Supreme Court Judges  
(b) Weimar Constitution of Germany 2. Suspension of Fundamental Rights during Emergency



(c) British Constitution

(d) Irish Constitution

	(a)	(b)	(c)	(d)
(A)	1	2	3	4
(B)	2	4	3	1
(C)	3	1	4	2
(D)	4	3	2	1

(E) Answer not known

கீழ்க்கண்டவற்றைப் பொருத்துக

(a) அமெரிக்க அரசியல் சாசனம்

(b) ஜெர்மனியின் வெய்மர்அரசியல் சாசனம்

(c) பிரிட்டிஷ் அரசியல் சாசனம்

(d) ஐரிஷ் அரசியல் சாசனம்

	(a)	(b)	(c)	(d)
(A)	1	2	3	4
(B)	2	4	3	1
(C)	3	1	4	2
(D)	4	3	2	1

(E) Answer not known

16. The word "**Secular**" added to the Preamble of Indian Constitution, is according to which of the following Amendments?

(A) 10<sup>th</sup> Amendment (B) 42<sup>nd</sup> Amendment (C) 44<sup>th</sup> Amendment (D) 43<sup>rd</sup> Amendment

(E) Answer not known

இந்திய அரசியலமைப்பின் முகவுரையில் 'மதசார்பின்மை' கொள்கை பின்வருவனவற்றின் எந்தசட்ட திருத்தத்தின்படி கூட்டப்பட்டது?

(A) 40வது சட்ட திருத்தம் (B) 42வது சட்ட திருத்தம் (C) 44வது சட்டதிருத்தம்

(D) 43வது சட்டதிருத்தம் (E) விடை தெரியவில்லை

136. Which term was included in the Preamble of Indian Constitution in 1976?

1976 ல் இந்திய அரசியலமைப்பின் முகப்புரையில் சேர்க்கப்பட்ட கூற்று யாது ?

(A) Secularism (B) Socialism (C) Communism

மதச்சார்பின்மை சமதர்மம் கம்யூனிஸம்

(D) All of the above (E) Answer not known

மேற்கூறிய அனைத்தும் விடை தெரியவில்லை

117. Under which circumstances the Indian Citizenship cannot be determined?

(A) At the time of emergency (B) At the time of war (C) At the time of Elections

(D) All of these (E) Answer not known

எந்த சூழ்நிலையில் ஒருவரது இந்திய குடியுரிமையை நீக்க முடியாது?

(A) அவசர நிலை அமலில் உள்ள போது (B) போர் நடந்து கொண்டிருக்கும் போது

(C) தேர்தல் நடைபெறும் போது (D) மேலே உள்ள அனைத்தும் (E) விடை

தெரியவில்லை

67. According to Right to Education Act, children of which age group will be provided free and compulsory education?

(A) 7- 14 years (B) 6- 14 years (C) upto 14 years (D) upto 10 years (E) Answer not known



கல்வி உரிமை சட்டத்தின்படி குழந்தைகளில் எந்த வயதுக்குட்பட்டவருக்கு கட்டாய மற்றும் இலவச கல்வி வழங்கப்படும்

- (A) 7 முதல் 14 வயது வரை (B) 6 முதல் 14 வயது வரை (C) 14 வயது வரை (D) 10 வயது வரை (E) விடை தெரியவில்லை

69. Which Article of Indian Constitution, speaks about 'Abolition of Titles'?

- (A) Art.18 (B) Art.19 (C) Art.20 (D) Art.21 (E) Answer not known

இந்திய அரசியலமைப்பின் எந்த ஷரத்து 'பட்டங்களை ஒழித்தல்' பற்றி கூறுகிறது?

- (A) விதி 18 (B) விதி 19 (C) விதி 20 (D) விதி 21 (E) விடைதெரியவில்லை

135. With reference to fundamental duties of Indian citizens, consider the following statements

1. Fundamental duties are enforceable by law
2. Fundamental duties establish a democratic balance
3. Some of the fundamental duties are moral duties while others are civic duties

Which of the above mentioned statement/s is/are correct?

- (A) 1 and 2 only (B) 2 and 3 only (C) 1 and 3 only  
(D) 1, 2 and 3 are correct (E) Answer not known

'அடிப்படை கடமைகள்' பற்றிய கீழ்க்கண்ட கூற்றுகளில் சரியானவை எவை?

1. அடிப்படை கடமைகள் சட்டத்தால் வலியுறுத்தி நடைமுறைப்படுத்தப்பட தக்கவை
  2. அடிப்படை கடமைகள் மக்களாட்சியை சமநிலைப்படுத்த உதவுகின்றன.
- அடிப்படை கடமைகள் சில அறமுறையானவை மற்றும் பல குடியியல் சார்ந்த கடமைகளாகும்

சரியானது? மேலே குறிப்பிட்ட கூற்று/கள் எது/எவை சரியானது ?

- (A) 1 மற்றும் 2 மட்டும் (B) 2 மற்றும் 3 மட்டும் (C) 1 மற்றும் 3 மட்டும் (D) 1,2 மற்றும் 3 சரியானவை (E) விடை தெரியவில்லை

142. Fundamental Duties were incorporated in the constitution on the recommendation of

- (A) Shah Commission (B) Santhanam Committee (C) Administrative reforms commission  
(D) Swarnam Singh Committee (E) Answer not known

அடிப்படைக் கடமைகள் அரசியலமைப்பில் சேர்க்க பரிந்துறை செய்தது.

- (A) ஷா ஆணையம் (B) சந்தானம் கமிட்டி (C) நிர்வாக சிசதிருந்த ஆணையம்  
(D) சுவரன்சிங் குழு (E) விடை

தெரியவில்லை

### 8. Directive Principles of State Policy

67. According to which of the following articles free and compulsory education for all children up to the age of 14 years is provided

- (A) Article 25 (B) Article 14 (C) Article 40 (D) Article 45

கீழ்க்காணும் எந்த ஷரத்தின் படி 14 வயதுக்குட்பட்ட குழந்தைகளுக்கு இலவச மற்றும் கட்டாய கல்வி வழங்கப்படுகிறது

- (A) ஷரத்து 25 (B) ஷரத்து 14 (C) ஷரத்து 40 (D) ஷரத்து 45

16.The directive principles of State Policy are placed in which part of the Indian Constitution?

- (A) Part IV (B) Part V (C) Part VI (D) Part VII

இந்திய அரசியலமைப்பின் எந்தப் பகுதியில் அரசு வழிகாட்டு நெறிமுறைக் கொள்கைகள் இடம்பெற்றுள்ளன?

- (A) பகுதி IV (B) பகுதி V (C) பகுதி VI (D) பகுதி VII

# PART - 2

# TEXT BOOK

SCERT

இப்பகுதி  
பள்ளி  
பாடப்புத்தகத்தை  
சார்ந்த  
தகவலை  
கொண்டது

**Class 12 History****The Reconstruction of Post-Colonial India****Constitution Making**

- ❖ The draft of the Indian Constitution has to be drafted by Indians; The demand for a British Parliament was officially raised in 1934 on behalf of the Indian National Congress.
- ❖ The Congress boycotted the White Paper issued by the colonial government.
- ❖ As early as 1922, Gandhiji had put forward the idea that Indians would framing their own constitution.
- ❖ Gandhiji had said that Home Rule should not be a gift to Indians by the British Parliament, but should come from representatives freely elected by Indians and who would express the will of Indians.
- ❖ Elections to the provincial legislatures were held in August 1946 on the basis of the Government of India Act 1935.
- ❖ The provincial legislatures elected the central legislature and acted as the constituent assembly.
- ❖ In the provincial elections held in 1946 only those who owned property had the right to vote.
- ❖ The principle of universal adult suffrage had not come into existence.
- ❖ The election results indicated that the Muslim League had influence in Muslim majority constituencies and the Indian National Congress in elsewhere.
- ❖ The Muslim League kept aloof from the process of constitution making and began to press for a separate state.
- ❖ The Congress was represented in the Constituent Assembly.
- ❖ Elected members of the provincial legislatures elected the members of the Congress for the Constituent Assembly.
- ❖ Although the Congress dominated the Constituent Assembly (224 seats), Communists and Socialists were present in small numbers.
- ❖ The Congress saw to it that Dr. B.R. Ambedkar was elected to the Constituent Assembly from Bombay and elected him as the Chairman of the Drafting Committee.
- ❖ The Congress leadership included eminent constitutional lawyers in the Constituent Assembly along with the experts of its own party
- ❖ The Constituent Assembly was formed by the Congress with the intention of framing the Indian Constitution on the basis of the meaning of autonomy and the idealism of the freedom struggle as enshrined in the Fundamental Rights Resolution passed by the Indian National Congress at Karachi (March 1931).
- ❖ This was the basic reason for the framing of the Constitution of India as a document that faithfully guaranteed the fundamental rights of the citizens and the directives of state policies.
- ❖ The Constitution of India guaranteed an independent Electoral Commission and universal adult suffrage.
- ❖ Moreover, the Constitution of India ensured the independence of the judiciary as much as it guaranteed the sovereignty of the people's representatives in legislation.
- ❖ On 13 December 1946, Jawaharlal Nehru introduced the Objectives Resolution for the Indian Constitution in the Constituent Assembly.
- ❖ The first meeting of the Constituent Assembly was held on December 9, 1946.
- ❖ Rajendra Prasad was elected President.
- ❖ The Objectives Resolution introduced by Nehru was a brief introduction to the spirit and content of the Indian Constitution.
- ❖ The significance of this resolution adopted by the House can be understood by looking at the Preamble of the Constitution of India, the Fundamental Rights and the Directive Principles of the State.
- ❖ The Constitution of India was adopted by the Constituent Assembly on 26 November 1949.
- ❖ The Constitution of India ushered in a new dawn for India and established the continuity of Indian heritage.
- ❖ The fundamental rights were derived from clause 5 of the Objectives Resolution.

- ❖ Similarly, the rights listed at the Karachi session of the Indian National Congress (referred to in Chapter 5) formed the source of this.
- ❖ The spirit of the Constitution is derived from the experience of the War of Independence.
- ❖ Similarly, the legal language of the Constitution was taken from the Objectives Resolution and, more importantly, from the Universal Declaration of Human Rights promulgated by the United Nations on December 10, 1948.

### **Merger of Princely States**

- ❖ The adoption of the Constitution of India on November 26, 1949 may be regarded as the beginning of a new daring experiment by the newborn nation.
- ❖ When the Constituent Assembly of India was formed and the drafting of the Constitution for independent India began, the new challenges that the nation and its leaders had to face.
- ❖ Among them, the unification of Indian territories or princely states was important.
- ❖ The integration of the princely states into the Indian Union was completed by 15 August 1947.
- ❖ Except Kashmir, Junagadh, and Hyderabad, all the other princely states signed the Instrument of Accession and accepted India's central supremacy in defence, foreign affairs and communications.
- ❖ The integration of the princely states with any one of the provinces of India was easily accomplished.
- ❖ At the All India State Peoples Conference held in December 1945 and April 1947, the threat that any province which refused to accede to the Indian Constituent Assembly would be regarded as enemies of the Indian Union was enough to get many princely states to sign the instrument of accession and accede to India.
- ❖ In addition, princes who acceded to the Indian Union were given generous privy purse to the princes.
- ❖ Sardar Vallabhbhai Patel, the then Home Minister and Minister for State Administration in the interim cabinet, accomplished the task of complete integration of the princely states with India.
- ❖ Peoples movements also played an important role in pressuring the princely states to merge them with the Indian Union.
- ❖ There were three struggles which played an important role in the annexation of the princely states.
- ❖ The Diwan of Travancore, C.P. The Punnapura-Vayalar armed struggle against Ramasamy was important.
- ❖ Another important struggle was the Praja Mandal and the tribal uprisings in Odisha (Nilgiris, Dhenkanal and Talcher) which was the second major anti-Swadeshi agitation in India.
- ❖ The struggles waged by the Indian National Congress against the Maharaja of Mysore also played an important role in the annexation of the Indian princely states.

**Validation document:** *It was a legal document created under the Government of India Act, 1935, which was also used at the time of partition as an agreement for the accession of the princely states of India with either India or Pakistan.*

- ❖ The Nizam of Hyderabad refused to submit to Indian rule and declared Hyderabad as an independent state.
- ❖ The ruler of Junagadh wanted to join Pakistan against the will of the people.
- ❖ Similarly, when Maharaja Hari Singh, the Hindu ruler of Kashmir, declared that Kashmir would be an independent state, the people of that country started a 'Quit Kashmir' agitation against the king under the leadership of the National Conference.
- ❖ The movements that emerged in Kashmir and other princely states were against the fragility of feudalism and the social relations that existed there.
- ❖ Within 48 hours of the Nizam's declaration of independence, India resumed police operations there.
- ❖ The Communists led the Telangana Peoples Movement to vent their anger against the Nizam of Hyderabad and his army, the Razakars, and this gave a legal pretext for police action against Hyderabad.
- ❖ Since 1946, Patel had been negotiating with the Maharaja of Kashmir, but Hari Singh, the ruler of Kashmir, had refused to accede to India.



- ❖ However, a few months after India's independence (October 1947), when some Pakistanis plundered Kashmir, Maharaja Hari Singh could not stop it.
- ❖ Patel was adamant that the King of Kashmir sign the Instrument of Accession before the Indian army was sent to assist the Kashmiri King.
- ❖ As a result, Kashmir became a part of independent India.
- ❖ The assurances given by the leaders during this event and concern for the Kashmiri people led the Constituent Assembly to grant special status to Jammu and Kashmir under Article 370 of the Indian Constitution.

### **Reorganisation of States on Language Basis**

- ❖ An important aspect of the making of post-independence India was the reorganisation of states along linguistic lines.
- ❖ The colonial rulers left the Indian subcontinent as administrative units, i.e., provinces divided only for administrative convenience and not on the basis of Indian territory, language and culture.
- ❖ Freedom and the concept of constitutional democracy reinforced the view of the people as sovereign and not merely administrative, but as a multicultural nation on the basis of a federal philosophy.
- ❖ The reorganisation of states on linguistic basis was raised and discussed by the Constituent Assembly between 1947 and 1949.
- ❖ But the Constituent Assembly kept the debate pending for two reasons.
- ❖ The first reason is that the reorganisation of states on linguistic basis is a major task.
- ❖ Another reason is that at a time when the Partition of India and related violence are taking place, the debate on linguistic states will create more problems.
- ❖ After the Constitution of India came into force, the policy of reorganisation of states on linguistic basis was implemented in a phased manner.
- ❖ It began with the creation of Andhra Pradesh in 1956 and culminated in the partition of Punjab into the Punjabi speaking state of Punjab and the states of Haryana and Himachal Pradesh.
- ❖ From 1920 onwards the demand for linguistic states was integral to the Indian independence movement.
- ❖ The Indian National Congress (1920) at its session in Nagpur promised that national identity based on linguistic identity would be preserved through the formation of linguistic provincial Congress committees.
- ❖ Section 86 of the Nehru Report of 1928 clearly stated
- ❖ "The demand for linguistic reorganisation of states on the basis of majority population, subject to financial and administrative considerations, must be met."
- ❖ In its election manifesto of 1945 for the elections to the provincial and central legislatures, the Indian National Congress had a strong reference to linguistic provinces.
- ❖ "The Congress will stand by the independence of each group living within the Indian nation] and will support the creation of linguistic and cultural provinces within the nation to promote the individual life and culture of those groups."
- ❖ On 31 August 1946, a month after the elections to the Constituent Assembly, Pattabhi Sitaramayya placed the demand for Andhra Pradesh before the Constituent Assembly.
- ❖ "The Constituent Assembly should take this whole issue as the first and foremost issue and settle it," he said.
- ❖ On 8 December 1946, when he presided over a conference, he passed a resolution urging the Constituent Assembly to adopt the policy of reorganisation of states on linguistic basis.
- ❖ A notification issued by the Government of India stating that Andhra would be a separate entity in the new constitution along with Sindh and Orissa (Odisha), and the same was done in the Government of India Act 1935.
- ❖ But the Drafting Committee was of the view that Andhra cannot be mentioned as a separate unit till the geo provincial boundaries of Andhra Pradesh are framed.
- ❖ Therefore, on 17 June 1948, Rajendra Prasad, the Chairman of the Constituent Assembly, appointed a three member commission.

- ❖ The Linguistic Provinces Commission, as it was called, considered the creation of new linguistic provinces Andhra, Kerala, Karnataka and Maharashtra.
- ❖ The report submitted by this Commission on 10 December 1948 listed the reasons against the concept of linguistic provincial reorganisation.
- ❖ The commission spoke against the creation of the four proposed states of Andhra Pradesh, Kerala, Karnataka and Maharashtra.
- ❖ The JVP team submitted its report on April 1, 1949.
- ❖ Unfortunately this Committee also supported the decision of the Linguistic Provincial Commission.
- ❖ The group said linguistic provinces advocated "narrow regionalism" that could pose a "threat" to the country's development.
- ❖ While the JVP group noted that 'language has the power to bind as well as divide', it insisted that 'when a favourable situation develops in the country - when people's thoughts are calm - new provinces can be created by changing the boundaries so that it will be easier and beneficial for all interests.'
- ❖ The JVP team concluded its statement It was not the time for the reorganisation of the state on linguistic lines.
- ❖ In other words, the work of forging a consensus for the reorganisation of states on linguistic lines was temporarily postponed.
- ❖ At the same time, it opened the door for future reorganisation of interstate boundaries and the creation of new states from existing states.
- ❖ The framers of the Indian Constitution had a broad view that state reorganisation could not be limited to linguistic reorganisation but could be based on other acceptable considerations.
- ❖ After the first general election, the concept of linguistic states resurfaced.
- ❖ Potti Sriramulu died on the night of 15 December 1952 after starting a fast unto death demanding the bifurcation of Andhra Pradesh.

### **Article 3 (Article 3) of the Constitution of India states as follows:**

#### **Parliament may by law take the following steps:**

- a) form a new State by separation of territory from a State, or by amalgamation of two or more States or parts of States or by incorporation of any territory into the provinces;*
- b) increase the territory of any State;*
- c) reduce the territory of any State;*
- d) vary the boundaries of any State;*

- ❖ During Nehru's tenure, the policy of reorganisation of states on linguistic basis was passed as the States Reorganisation Act in 1956 and implemented firmly.
- ❖ Andhra Pradesh comprising Hyderabad was formed.
- ❖ Kerala was formed by the state of Travancore, the Kingdom of Cochin and the Malabar district of Madras State.
- ❖ Karnataka was formed by the Kingdom of Mysore and parts of Bombay and Madras State.
- ❖ In all this, language identity was the central theme.
- ❖ The state of Gujarat was carved out of Maharashtra in May 1960 to meet the demand of the Gujarati-speaking people.
- ❖ Although the demand for a state of Punjab put forward by the Punjabi Sabha was seen as separatist until 1966, in 1966 Punjab province was divided into three states Punjab, Haryana and Himachal Pradesh.
- ❖ Thus ended the linguistic reorganisation of provinces initiated by the Indian National Congress in 1920.

## **12th Political Science**

### **Chapter 1 : The Constitution of India**

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**Meaning, functions and significance of the Constitution**

- Though India is a land of cultural diversity, all Indians are interdependent and cooperative in many ways.
- For all the people of this country to live in harmony, it is necessary to have certain basic rules and regulations.
- Without these rules and regulations, democracy cannot survive. In that case, the condition of the people will be unsafe.
- During the colonial period, India was governed on the basis of Charters, Council Acts, and the Government of India Act. The movements of the newly emerging India and its leaders wanted a new India to be built on the basis of a defined, written and new constitution.
- The Central Legislative Assembly was converted into a Constituent Assembly. A new constitution had to be proposed to create a federation that would provide unity and coordination to the various sections as a union of states.
- The most important function of a constitution is to provide the basic rules which unite all the citizens of the state.
- A constitution consists of rules for the formation of a government and its rule. The constitution defines the appropriations required for the different parts of a state.
- A Union of States is essential for Indian pluralism. The Indian freedom movement also wanted a democratic form of government. Accordingly, Parliament decides the policies and laws of our government.
- The Constitution gives the government the power to fulfil the aspirations of a community and to set the limits of a society.
- Part IV of the Constitution of India contains provisions for the State to make laws to address many of the prevalent problems in Indian society.
- The constitution expresses the basic identities of the people of a country.
- A constitution proposes certain basic laws that are never violated by its citizens. A constitution protects all the citizens of a country. It also establishes the relationship between the Central Government and the State Governments of a country and the relationship between the various States.
- Most of the world's polities are found as written documents; They have many categories and lists.
- There are some states which do not have the Constitution as a single document, as in the case of England. The UK government has a multi-part polity that is a collection of customs, treaties and historical precedents.

**Secular state**

A state that does not follow the principles of secularism is called a secular state. A theocratic state is a state religion with a religion as the state religion. All the high posts of that government will be reserved only for the followers of the state religion. Examples of a theocratic state are Pakistan, Vatican City, etc.

**Creation**

- The formation of a constitution refers to information such as how a constitution came into being, who framed it and what are its power structures.
- For example, the U.S. Constitution was created following the success of the national movement there. The Constitution of India is a legal constitution framed by a constituent assembly of the people. The Constitution of India reflects the consensus of the majority of the people in the country at the time of independence.
- There are instances in some countries where the constitution is ratified by a referendum.

**Referendum**

- A referendum is a direct vote on one or more sets of questions for the consent of the electorate rather than being debated and passed by the people's representatives in the legislatures.
- The referendum system is seen as a legal arrangement, an endorsement and consent of the individual and the public.
- Not a single amendment to the Indian Constitution has ever been put to a referendum.
- This is a setback in Indian democracy and it is useful to study the Swiss referendum system to understand its relevance.

**Features of a Constitution**

- A good constitution should accommodate the expectations of all sections of the society.
- Constitutions that discriminate on the basis of religion, caste and language may not be accepted by everyone in the country.
- The basic provisions of the Constitution reveal its character. Any government that secures liberty and equality for all its citizens is successful.

**Secularism in India**

- The 42nd Amendment to the Constitution of India was changed from 'Sovereign, Socialist, Secular, Democratic Republic' to 'Unity and Integrity of the Country' by former Prime Minister Indira Gandhi in 1976 during the National Emergency.
- In a good constitution, powers are not concentrated in an individual or a single institution, as all power is likely to be misused if it is concentrated in one individual or a single institution.
- In turn, a system of distribution and balancing is adopted for sharing with various agencies.
- The Indian Constitution distributes its constitutional powers horizontally among institutions such as the legislature, executive and judiciary.
- The Indian constitution is not too rigid; Nor is it very flexible; This is manifested by its unchanging basic structure and the amendments made to it.
- A well-drafted constitution is one that retains its core and adapts to changing circumstances.
- The founding fathers of our Constitution have ensured that our Constitution works even in times of crisis.

**Preparatory functions of the Constitution**

- The members of the Constituent Assembly wrote the Constitution. The first meeting of the Constituent Assembly was held on 9 December 1946. The Constituent Assembly for the remaining India after the partition of Pakistan met again on 14 August 1947. The members of the Constituent Assembly were elected by the members of the Constituent Assembly by a secret vote by the members of the then provincial legislatures.
- The hierarchy of members of the Constituent Assembly was based on the proposal of the British Cabinet Committee, known as the Cabinet Mission.





**(Photo illustration: Members of the Drafting Committee of the Indian Constituent Assembly, February 1948: Sitting: From left: N. Madhava Rao, Syed Muhammad Saadullah, Dr. B. R. Ambedkar, Sir Alladi Krishnaswamy, Sir P. N. Rao, Standing, from left: S. N. Mukherjee, Jugal Kishore Khanna, Kewal Krishna)**

- Members were allocated from the provinces, princely states or groups of states in proportion to their population, at the rate of one in a million.
- Accordingly, 292 members were elected from the provinces and 93 members from the princely states.
- Each province was allotted a seat in proportion to the population of the Hindu, Muslim and Sikh communities.
- These members were elected according to the number of transferable votes allotted to the respective provinces by a system of proportional representation based on the single transferable vote.
- The princely states were allowed to evolve a system of electing their own members from their territories in proportion to their population.

### **Formation of the Constituent Assembly**

**284 Members adopted and signed the Constitution on 26.11.1949.**

- The first meeting of the Constituent Assembly was held on 9 December 1946 at 11 am in the Constituent Assembly, New Delhi. The first meeting of the day was: "The election of the pro-tem president. Acharya J. B. Kripalani (United Provinces: General) asked Dr. Sachchidanand Sinha to preside over the meeting as the acting President.
- Dr. Rajendra Prasad presided over the meeting of the House on 24.01.1950 to approve the Constitution.
- The Constituent Assembly's deliberations from 9 December 1946 to 24 January 1950 are in 12 volumes.

### **Sources of the Constitution of India**

- ❖ Volume 1 - 9 December to 23 December 1946
- ❖ Volume 2 - 20 January to 25 January 1947
- ❖ Volume 3 - 28 April to 2 May 1947
- ❖ Volume 4 - 14 July to 31 July 1947

- ❖ Volume 5 - 14 August to 30 August 1947
- ❖ Volume 6 - 27 January 1948
- ❖ Volume 7 - 4 November 1948 to 8 January 1949
- ❖ Volume 8 - 16 May to 16 June 1949
- ❖ Volume 9 - 30 July to 18 September 1949
- ❖ Volume 10 - 6 October to 17 October 1949
- ❖ Volume 11 - 14 November to 26 November 1949
- ❖ Volume 12 - 24 January 1950

### **Sources of the Constitution of India**

#### **Government of India Act, 1935**

The Federal Rules, the Governorship, the Judiciary, Public Service Commissions, the Emergency Rules and the administrative details were taken up from the Government of India Act, 1935. They are as follows:

#### **Britain**

Parliamentary Government, Single Citizenship, Rule of Law, Parliamentary Processes. Interim injunctions

#### **U.S. Constitution**

Fundamental Rights, judicial review, impeachment of the President, removal of judges of the Supreme Court, High Courts, Vice President, etc.

#### **Ireland**

Government Guidelines

#### **Canada**

Federalism with a strong central government, concurrent list with the central government, appointment of a state governor by the central government, advisory jurisdiction of the Supreme Court

#### **Australia**

Freedom of Trade, Freedom of Commerce, Joint Sitting of both Houses of Parliament

#### **Weimar Constitution of Germany**

Deprivation of fundamental rights during the Emergency

#### **Soviet Union**

Fundamental Duties, Values of Justice (Social, Economic and Political) in the Preamble, Fundamental Duties. (Ratified in the 42nd Amendment.)

#### **France**

Republic, Liberty, Equality, Fraternity in the Preamble

## **South Africa**

Constitutional Amendment, Election of Members to Rajya Sabha

(The finalized, revised draft came into force on January 26, 1950).

## **Salient features of the Indian Constitution**

### **Longest written constitution:**

The Indian Constitution is considered to be the longest written constitution in the world. It has various provisions on the relations between the states, the central government and the relations between them. The founding fathers of our Constitution have drawn up our Constitution from various constitutions and constitutions of the world. Individual rights are listed in detail as Fundamental Rights, Directive Principles of State Policy and Administrative Procedures.

### **Individuality with both rigidity and flexibility:**

The Constitution of India may be called rigid and flexible in terms of its enforcement mechanisms.

### **Sovereign, Socialism, Secularism, Democracy, Republican**

- India is governed by the people through elected representatives with universal adult suffrage.
- If India is a sovereign state, it can manage its internal and external affairs without any interference from any foreign country.
- The term 'socialism' has been incorporated in the Constitution of India through the 42nd Amendment. In India, a mixed economic system is a combination of socialist and capitalist economies.
- In India, secularism is not a state religion in India; It means that all religions are recognized equally.
- The Republic of India means that the head of the state is elected by election and not by the monarchy.

### **Parliamentary system of government**

- Since Parliament controls the functioning of the Council of Ministers, it is called Parliamentary System.
- In a parliamentary form of government, the executive is subordinate to Parliament; The government will last as long as it has the support of a majority in Parliament.

### **Single Citizenship**

- The Constitution of India provides for single citizenship. Citizenship granted by the Union Government is for all states.
- On February 27, 2015, the Lok Sabha passed amendments to the Citizenship Act, 1955.
- A person applying for Indian citizenship through registration or naturalisation mode will be granted citizenship if he fulfills the specified eligibility criteria.
- A person can apply for Indian citizenship if he has resided in India continuously or has been in government service for 12 months. But the Act also provides for relaxation of these qualifications in case of extraordinary circumstances.

### **Adult suffrage**

- Those who have completed 18 years of age are eligible to vote on the basis of the principle of 'one person, one vote'.
- There is no discrimination on the basis of caste, religion, sex, race or merit among Indian citizens in voting in elections.

### **An independent and integrated judicial system**

- In India, it is an autonomous body that functions without any administrative interference or interference from parliament and legislatures in the functioning of the judiciary.
- In the unified Indian judicial system, the Supreme Court is subordinate to the High Courts, Subordinate Courts and Subordinate Courts.

### **Fundamental Rights**

- The Constitution enshrines the enjoyment of certain fundamental rights by every individual as a fundamental principle.
- Fundamental Rights are enumerated in Part III of the Constitution of India.
- Fundamental Rights are classified under six headings; These are: the right to equality, the right to freedom, the right against exploitation, the right to religious worship, and the right to education and culture, and the right to constitutional remedy. Initially, ownership of property was conferred under Article 31(a). Accordingly, the right to property was also a fundamental right.
- The 44th Amendment Act, 1978 removed the right to property from the purview and added Article 300(a). Thus the ownership of property is considered as a legal right.
- The fundamental rights guaranteed by the Constitution of India are upheld by the courts.
- If a person feels that his fundamental rights have been violated, he can approach a court of law for relief. Article 32 guarantees the right to approach the Supreme Court directly.
- It ensures political justice for the people. Fundamental rights in India are not absolute. Appropriate sanctions may be imposed considering the country's security requirement.

### **'Right to education'**

- Article 21A of the Constitution of India (82nd Amendment, 2002) enshrines free and compulsory education as a fundamental right to all children in the age group of 6-14 years.
- States may frame rules to enforce this. The Right of Children to Free and Compulsory Education Act, 2009 was enacted to fulfil the fundamental rights guaranteed under Article 21-A of the Constitution.

### **Government Guidelines**

- Part IV of the Constitution of India lays down the guidelines to be followed by the State in relation to governance.
- One of the unique features of the Constitution of India is the Directive Principles of Government Policy.
- These are the guidelines for the implementation of social and economic justice by the Government in India.
- It contains significant provisions for equal pay for men and women, free and compulsory basic education and the right to work.
- Part IV of the Constitution of India lays down provisions for granting assistance to the State in the event of old age, unemployment, sickness, schemes for livelihood, special treatment for economically weaker sections, discrimination in resource distribution, etc.
- The rules laid down in the government policy guidelines, though not enforced by the courts, are considered of paramount importance to the governance of the country.



## **Fundamental Duties**

Fundamental duties have been added by the 42nd Amendment.

The Fundamental Duties enshrined in Article 51A of Part IVA of the Constitution are ethical duties to be followed by every Indian.

### **The duties of every citizen of India are as follows**

- a) Obey the Constitution and respect its values, the National Flag and the National Anthem.
  - b) We must adopt and emulate the noble values of our freedom struggle.
  - c) to protect and protect the sovereignty, unity and integrity of India.
  - d) Come forward to defend the country and serve the country when called upon in times of need.
  - e) To promote unity and universal brotherhood among people transcending religious, linguistic and caste barriers and to abandon activities that are derogatory to the dignity of women.
  - f) Respect and preserve the rich heritage of our pluralistic culture.
  - g) Protect and develop our natural resources including forests, lakes, rivers and wildlife to make them suitable for all living things.
  - h) Develop scientific curiosity, humanism, exploration and reform.
  - i) To protect and prevent damage to public property.
  - j) We shall strive to excel in individual and collective action so as to take our efforts and achievements to higher and higher goals and continue to elevate the country.
- (x) The parents or guardians of such children shall provide opportunities for education to children between the ages of six and fourteen.

## **Federal or unitary**

- India is a system of government with an indestructible union (central government) and destructible states.
- This means that the unitary state is of a character during the Emergency.
- The Union cannot be said to be fully federal. But it is almost federal.
- The Indian Constitution, though federal in form, has both a unitary form of government and a federal system which can be used according to the need of time and circumstances.

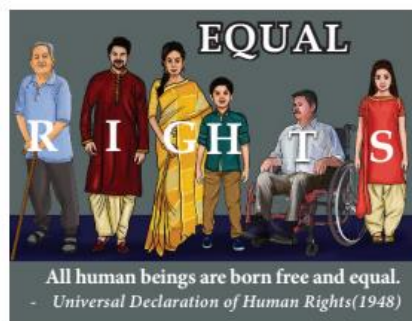
## **Judicial review balance Parliamentary supremacy**

- One of the special features of the Constitution of India is that the judiciary has the freedom to see that the fundamental rights guaranteed by the Constitution of India are not violated and to interfere, if necessary, in the executive functions of Parliament.
- The judiciary and parliament are equally supreme.
- Judicial review is the power to nullify a law passed by Parliament if it is contrary to the basic principle of the Constitution.

## **Citizenship of India**

- Citizenship is the identification of who the legal members of a country are.
- The Citizenship Act, 1955, regulates the acquisition and confirmation of citizenship.
- The Constitution of India provides for citizenship by birth, succession, registration, naturalization and continued residence in an area. Rules are provided for the revocation and cancellation of citizenship in specific circumstances.

**The Overseas Citizens of India registration system and their rights are provided in the Constitution**



## **X Std**

### **Unit – 1 Constitution of India**

- ❖ A constitution is a fundamental law that reflects the basic principles on which the administration of a country is based.
- ❖ It is the linchpin of a country's progress.
- ❖ The concept of a constitution was first introduced in the United States of America (U.S.A.) Appeared.

### **Formation of Indian Constitution**

- ❖ The Constitution of India was framed in 1946 by the Constituent Assembly of India framed under the Cabinet Mission scheme.
- ❖ The council consisted of 389 members, including 292 provincial representatives, 93 nominated members of princely states, one from Baluchistan and three (3) from the chief commissioners of the provinces.
- ❖ The first meeting of the Constituent Assembly was held on December 9, 1946.

- ❖ Senior member Dr. Sachchidananda Sinha was elected.
- ❖ Following his death during the ongoing session to draft the Constitution of India, Dr. Rajendra Prasad was the President of the Constituent Assembly of India and H.C. Mukherjee and V.T. Krishnamachari was also elected vice presidents.
- ❖ The session was held in 11 sittings for 166 days.
- ❖ During this meeting, 2473 amendments were mooted. Some of them were accepted.
- ❖ The Constituent Assembly undertook the task of framing the Constitution of India through various committees.
- ❖ Chairman of the Drafting Committee of India, Dr. B.R. Ambedkar. The Constitution of India was framed under the leadership of Dr. B.R. Ambedkar.
- ❖ Hence he is known as the "Father of Indian Constitution".
- ❖ After the Constitution of India was written, it was debated by the public, the press, provincial legislatures and others.
- ❖ Finally, the Constitution of India, consisting of the Preamble, 22 Parts, 395 Articles and 8 Schedules, was adopted on 26 November 1949.
- ❖ The Constitution of India came into force on January 26, 1950.
- ❖ This day is celebrated as the Republic Day of India every year.

**The Constitution of India was written in Italian style by Prem Behari Narain Raizada in his handwriting.**

#### **Salient features of the Constitution of India**

- ❖ It is the longest written constitution in the world.
- ❖ Most of its ideas are derived from the constitutions of different countries
- ❖ It is inflexible and flexible.
- ❖ Federalism forms government (central and state governments).
- ❖ It makes India a secular country.
- ❖ Provides an independent judiciary.
- ❖ He introduced universal adult suffrage and granted universal adult suffrage to all citizens up to the age of 18 without any discrimination.

#### **introduction**

- ❖ The word 'Preamble' refers to the introduction or preamble to the Constitution.
- ❖ It incorporates the basic principles, objectives, and ideals of the Constitution.
- ❖ It is referred to with great respect as the "key to the Constitution".
- ❖ The Preamble of the Constitution of India is based on Jawaharlal Nehru's 'Objectives Resolution' adopted by the Constituent Assembly of India on 22 January 1947.
- ❖ The Preamble was amended by the 42nd Constitutional Amendment Act, 1976.
- ❖ Accordingly, three new terms were added, namely Socialism, Secularism and Solidarity.
- ❖ The Preamble of the Constitution of India begins with the words 'We the People of India'.
- ❖ From this we can infer that the people of India are the source of the Constitution of India.
- ❖ The Preamble of our Constitution states that India is a Sovereign, Socialist, Secular, Democratic and Republic.
- ❖ Its objective is to provide security to all citizens of India in social, economic and political justice.

**Liberty, Equality and Fraternity became the main slogans of the French Revolution of 1789. These have been given importance in the Preamble of the Constitution of India.**

#### **citizenship**

- ❖ The word 'Citizen' is derived from the Latin word 'Civis'.
- ❖ It means a 'resident of a city-state'.
- ❖ The Constitution of India provides for a uniform single citizenship throughout India.

- ❖ Articles 5 to 11 of Part II of the Constitution of India deal with citizenship.

**Citizenship Act (1955)**

- ❖ The Citizenship Act, 1955, which came into force after the Constitution of India came into force, deals with acquisition and loss of citizenship.
- ❖ The Act has been amended eight times by constitutional amendment.

**Obtaining Citizenship** - According to the Citizenship Act, 1955, a person can acquire citizenship in any of the following ways:

1. By Birth: Any person born in India on or after January 26, 1950 is a citizen of India.
2. By descent: A person born outside India on or after January 26, 1950, is a citizen of India by descent if his father was a citizen of India at the time of his birth.
3. By registration: One can obtain Indian citizenship by applying for Indian citizenship and registering with appropriate recognition.
4. By naturalisation: A foreigner can acquire Indian citizenship by applying for naturalisation to the Government of India.
5. By territorial accession: When other countries/territories accede to India, the Government of India may grant citizenship to the citizens of such countries as its citizens.

**Loss of citizenship** - According to the Citizenship Act, 1955, a person can lose his citizenship in three ways: renunciation, termination or loss of citizenship if it is acquired by law or by privilege under the Constitution.

1. A citizen voluntarily renounces his citizenship.
2. Automatic termination of Indian citizenship on acquiring citizenship of another country.
3. If the Central Government finds that a citizen who has acquired citizenship by naturalization or has obtained citizenship by fraud, has made a false representation or concealed facts, or has traded with an enemy country or has been imprisoned for a term of two years, the Central Government is satisfied that he is guilty. It will deprive him of his citizenship.

**Fundamental Rights**

- ❖ Articles 12 to 35 of Part III of the Constitution of India deal with fundamental rights.
- ❖ The framers of the Constitution created these fundamental rights under the influence of fundamental rights enshrined in the Constitution of the United States.
- ❖ Originally, the Constitution of India guaranteed seven fundamental rights.
- ❖ But at present, there are only six fundamental rights.
- ❖ Part (III) of the Constitution of India is called the 'Mahasasana of India'.
- ❖ Fundamental rights are common to all residents of India.
- ❖ But there are also some fundamental rights that are exclusive to Indian citizens.

**Right to remedy in accordance with the Constitution (Article 32)**

- ❖ An order or order issued by the court with the seal of the court is called a writ.
- ❖ It is an order issued by the court to prevent the passage of certain laws.
- ❖ Both the Supreme Court and the High Courts are empowered to issue five types of writs.
- ❖ The Supreme Court is called the 'Guardian of the Constitution' because it protects the rights of the people by issuing such orders.
- ❖ Dr. B.R. Ambedkar, Article 32 of the Constitution is the 'heart and soul' of the Indian Constitution.

**a) Habeas corpus**

- ❖ It protects a person from unlawful arrest.

**b) Writ of Mandamus**

- ❖ The petitioner can get the work done by the concerned department with legal assistance

**c) Prohibition**

- ❖ It prevents a lower court from overstepping its jurisdiction.

**d) Certiorari**

- ❖ It is an order of the High Court to the subordinate courts to refer the documents to itself or to the appropriate officer for fair consideration.

**e) Quo-Warranto**

- ❖ The Writ prohibits the unlawful and improper occupation of Government office.

**Suspending fundamental rights**

- ❖ When Emergency is declared by the President under Article 352 of the Constitution of India, the freedom guaranteed under Article 19 of the Constitution of India ceases automatically.
- ❖ Other fundamental rights can also be suspended by the President by certain orders.
- ❖ These orders of the President must be approved by Parliament.

Fundamental Rights	Directive Principles of State Policy
It was derived from the Constitution of the USA.	It was drawn on the model of the Constitution of Ireland.
Even the Government cannot take away or abridge these rights.	These are mere instructions to the Government.
These are enforceable by a court of law.	These are not enforceable in any court.
These have legal sanctions.	These have moral and political sanctions.
These rights strengthen political democracy in the country.	The implementation of these principles ensures social and economic democracy.

**I. Right to equality**

- ✓ Article **14** - Equality before the law.
- ✓ Article 15- Prohibition of discrimination on grounds of religion, race, caste, sex and place of birth.
- ✓ Article 16 - Equality of opportunity in public employment. Article 17 - Abolition of untouchability.
- ✓ Section **18** - **Abolition of degrees other than** military and academic degrees.

**II. Right to Freedom**

- ✓ Article 19 - Right to freedom of speech and expression, right to assemble peacefully, right to form associations and associations, right to reside and practise business in any place of interest within the territory of India.
- ✓ Article 20 - Right of accused persons and right to protection from punishment.
- ✓ Article **21** - Right to protection of life and personal liberty.
- ✓ Article **21A** - Right to elementary education.
- ✓ Section 22 - **Right to protection against arrest and detention in certain cases**

**III. Right against Exploitation**

- ✓ Section 23 - Prevention of forced labour, bonded labour and inhuman trade.
- ✓ Section **24** - Prevention of child labour in factories and dangerous places.

**IV. Religious Right**

- ✓ Article **25** - **Right to profess, practice and propagate any religion.**
- ✓ Article **26** - Right to manage religious affairs.

- ✓ Article 27 - Freedom against payment of tax for propagation of any religion.
- ✓ Article 28 - Right not to attend worship and instruction in religious educational institutions

#### **V. Educational and cultural rights**

- ✓ Article 29 - **Protection of Writing, Language and Culture** of Minorities.
- ✓ Article 30 – Right to establish **and** administer educational institutions of minorities.

**In 1978, by the 44th Constitutional Amendment, the right to property (Article 31) was removed** from the list of fundamental rights.

**It is enshrined as a legal right under Part XII, Article 300A** of the Constitution of India.

#### **VI. Right to Constitutional Settlement**

- ✓ Article 32 - When the fundamental rights of an individual are affected, **he can** approach the court and get his right.

#### **Fundamental Duties**

- ❖ The Fundamental Duties of the Indian Constitution were incorporated under the influence of the Constitution of the former Soviet Union (USSR).
- ❖ In 1976, the Sardar Swaran Singh Committee recommended a constitutional amendment.
- ❖ Accordingly, the 42nd Amendment to the Constitution in 1976 included some responsibilities of citizens in our Constitution.
- ❖ These added responsibilities were called duties of citizens.
- ❖ The amendment also added a new Part IV A of the Constitution.
- ❖ This new section consists of only one section, 51A.
- ❖ It is a specific code of laws that describes the ten fundamental duties of citizens.

#### **List of Fundamental Duties**

1. Every citizen of India shall respect the Constitution, its principles, institutions, national anthem , national flag and national symbols.
2. To cherish and nurture the noble ideals which inspired the freedom struggle.
3. To preserve the sovereignty, unity and integrity of India.
4. Readiness to serve the nation when required for national security.
5. To promote fraternity among all the people of India, forgetting religious, linguistic, regional or regional differences, rejecting the practice of degrading treatment of women , promoting the spirit of preserving the dignity of women.
6. Respect and preserve our superior, traditional composite culture.
7. To protect and improve the natural environment including forests, lakes, rivers, wildlife and living organisms.
8. To develop scientific theory, humanism, research temper and reform.
9. Renounce violence and protect public property.
10. To work towards excellence in all activities, individual and collective, for sustainable, high effort and achievement of the nation.
11. To provide educational opportunities to all children in the age group of 6 to 14 years. (51A (k) of the 86th Constitutional Amendment Act, 2002) Under Fundamental Duty 11 has been introduced. Under this section, all Indian citizens or parents shall have access to education to all their children in the age group of 6 to 14 years.

#### **6th Grade- Term 2**

#### **Unit 2 - Constitution of India**

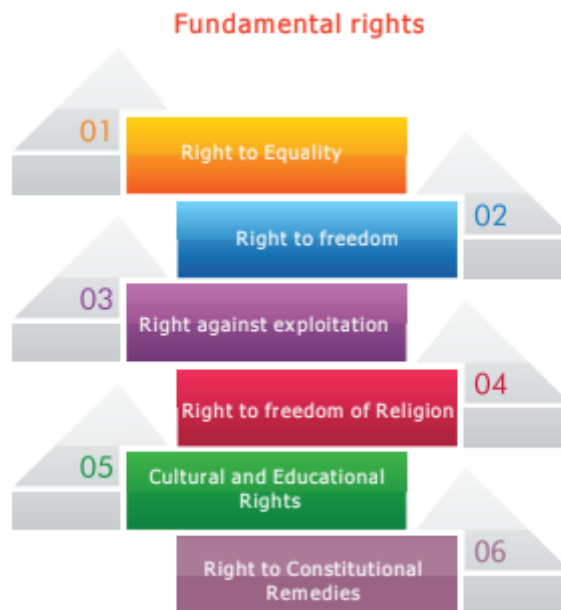


- ❖ Our Constitution came into force on January 26, 1950.
- ❖ That is why we celebrate Republic Day, said history teacher Malarmathi.
- ❖ But there were many other reasons why our Constitution came into force on that day .
- ❖ **ESPECIALLY IN THE CONGRESS SESSION HELD IN LAHORE IN 1929, THE SLOGAN OF PURNA SWARAJ WAS STRENGTHENED.**
- ❖ Subsequently, 26 January 1930 was celebrated as Purna Swaraj Day.
- ❖ Later it became our Republic Day.
- ❖ The Constitution formulates and documents certain basic rules and principles rights required by a country and defines the duties and functions of its citizens.
- ❖ Then the country will be governed with the help of that law.
- ❖ "The Constitution of India is the supreme law of our country.
- ❖ It defines basic political principles, structures, methods, and powers.
- ❖ It gives us an overall framework by listing the duties of state institutions, setting out the fundamental rights and duties of citizens, and issuing guidelines.
- ❖ The Constituent Assembly of India was formed in 1946 with 389 members representing different parts of India and political parties.
- ❖ Dr. Rajendra Prasad was elected as its President.
- ❖ Jawaharlal Nehru, Sardar Vallabhbhai Patel, Maulana Azad, S. Radhakrishnan, Vijayalakshmi Pandit and Sarojini Naidu were among its members.
- ❖ The organization consisted of 15 women members.
- ❖ A seven member constitution drafting committee was formed and Dr. Ambedkar was elected as its chairman.
- ❖ P.N. Rao was appointed as the advisor for the project.
- ❖ The first meeting of the committee was held on December 9, 1946.
- ❖ The writing of the Constitution began on the same day.

**Ambedkar is known as the 'Father of the Indian Constitution'.**

- ❖ The team read the constitutions of 60 countries including the United Kingdom, the United States, the then Soviet Russia, France and Switzerland and modelled on the special parts of them.
- ❖ Nearly two thousand amendments were made before the final constitution was made.
- ❖ Two years, 11 months and 18 days later, on November 26, 1949, the full constitution was ready.
- ❖ A sum of Rs.64 lakhs was spent on this.
- ❖ The Preamble of our Constitution guarantees to every Indian justice, liberty and equality and emphasizes fraternity.
- ❖ The Preamble of the Constitution is called the Preamble.
- ❖ It defines India as a sovereign, equality, secular and democratic republic.
- ❖ The Constitution has given full power to the people of India.
- ❖ The members of Parliament and Legislative Assembly are elected by the people.
- ❖ They have executive power.
- ❖ Thus sovereignty is the supreme power of a country.
- ❖ The law, which allows people to have different theological and religious beliefs of their choice, gives them the same non-discrimination rights.
- ❖ Since there is no religion for the state, the state sees all religions on the same plane.
- ❖ The Government of India is governed through the Legislative Assembly (Parliament).
- ❖ The Constitution of India provides for the State and Union Governments to follow the Parliamentary Form of Government.
- ❖ According to this system, the executive power would be the collective responsibility of the legislature (parliament).
- ❖ The party with the largest number of members will form the government.
- ❖ The rights that are most essential to every citizen are called fundamental rights.

- ❖ Right to equality, right to freedom of action, right against exploitation, right to freedom of religion, right to cultural and educational education and right to legal remedy are listed as essential rights.



- ❖ The Constitution lays down certain guidelines to be followed by governments while legislating and governing.
- ❖ These are not mandatory but should be taken into consideration.
- ❖ Every citizen of India who has completed 18 years of age gets the right to vote.
- ❖ Nothing including caste, religion, gender or economic strata can stand in the way of them getting this right."
- ❖ There will be duties of every citizen as much as rights.
- ❖ Respect the National Flag and the National Anthem,
- ❖ Respect and uphold of the Constitution by all citizens,
- ❖ Following in the footsteps of our leaders who fought for freedom, defending the country and being ready to serve the country when needed,
- ❖ Brotherhood of all irrespective of caste, creed, language, ethnicity and borders.
- ❖ Preserving our ancient heritage,
- ❖ Conservation of nature and wildlife including forests, rivers and lakes,
- ❖ To nurture the spirit of science, humanism and reform.
- ❖ Avoiding violence and protecting government property,
- ❖ The Constitution has made it our duty to ensure that the parents or guardians of children provide educational opportunities to their children between the ages of 6-14 years. Social scientist Arumugam concluded.

#### Information Box

- ✓ In the Drafting Committee of the Constitution, P. R. Ambedkar, N. Gopalaswami. K.M. Munshi, Syed Mohammad Saadullah, N. Madhava Rao, T.D. Krishnamachari and Alladi Krishnaswamy, legal experts.
- ✓ The chairman of the committee, P. R. Ambedkar is considered as the chief architect of our Constitution.
- ✓ When our Constitution was framed, there were 395 Articles, 22 Parts and 8 Schedules. There are currently 448 organs, regions, and 12 tables.
- ✓ The Constitution has been amended 101 times till 16.9.2016.

True copies of the Constitution of India (Hindi and English) are preserved in a helium gas casket in the Parliament Library.

### **VIII Std**

#### **Citizens and Citizenship**

- ❖ Civics is the study of the government of a country and the rights and duties of its people.
- ❖ The word citizen is derived from the Latin word civic.
- ❖ It means 'resident' in the city states of ancient Rome.
- ❖ After the disappearance of the city-states, the term came to mean a member of a nation.
- ❖ The citizens of a country are entitled to enjoy all civil and political rights.

#### **Citizenship and Citizenship**

- ❖ A citizen of a country is one who enjoys the legal rights and privileges granted by the state, and at the same time respects the laws of the land and performs his duties.
- ❖ Citizenship is the right of a citizen to legally reside in a country for as long as he or she chooses

#### **Types of citizenship**

- ❖ Citizenship is of two types
  1. Natural Citizenship: Citizenship by Birth
  2. Naturalization; Naturally-applying citizenship

#### **Indian Citizenship Act, 1955**

The Act lays down the rules governing the acquisition or loss of citizenship by an Indian citizen.

#### **Obtaining Citizenship**

- ❖ The Indian Citizenship Act, 1955 prescribes five ways of acquiring citizenship. They are classified as follows

##### **1. Citizenship by birth**

- ❖ A person born in India on or after January 26, 1950 or before July 1, 1987 is a citizen of India by birth, irrespective of the nationality of his parents.
- ❖ A child born in India on or after July 1, 1987 shall be a citizen of India at the time of birth of either parent of the child.
- ❖ Those born in India on or after December 3, 2004 are citizens by birth.
- ❖ or if one of the parents is a citizen of India and the other is not an illegal migrant.

##### **2. Citizenship by descent**

- ❖ If a person was born outside India on or before January 26, 1950 and before December 10, 1992, is a citizen of India by descent, his father is a citizen of India.
- ❖ A person born outside India on or after December 10, 1992 is a citizen of India by birth if either of his parents is a citizen of India at the time of his birth.
- ❖ A person born outside India on or after December 3, 2004 cannot become a citizen of Indian origin if his/her birth has not been registered with the Indian High Commission within one year.

##### **3. Obtaining citizenship by registration**

- ❖ A person of Indian origin can acquire citizenship by registration whether he is residing in any country or outside undivided India.
- ❖ A person of Indian origin residing in any country can apply for registration only after seven years of residence in India.
- ❖ A person marrying a citizen of India should have resided in India for seven years preceding the application by registration.

**4. Naturalization**

- ❖ When a person applies, the central government issues him or her a certificate of naturalisation.
- ❖ Naturalization is granted to prevent an Indian who is not a citizen of any country from becoming a citizen of the country in which he or she resides.
- ❖ When a person renounces his foreign citizenship, he or she is granted naturalized citizenship.
- ❖ A person acquires Indian citizenship if he is a resident of India or is in the service of the Government of India or has resided in India for the whole year.
- ❖ A person possessing good qualities and adequate knowledge of any one of the languages listed in the Eighth Schedule of the Indian Constitution (currently 22 languages) is eligible for naturalization.

**5. Citizenship acquired by annexation of territories**

- ❖ When any foreign territory accedes to India, the Government of India accepts the people of that area as citizens of India.
- ❖ From that particular day they become Indian citizens.
- ❖ For example, when Pondicherry acceded to India, the Indian government granted them Indian citizenship in 1962.

**Loss of Indian Citizenship**

- ❖ Articles 5 to 11 of Part II of the Constitution of India prescribe three ways of deprivation of citizenship.

**Relinquishing Citizenship (Renounce Citizenship voluntarily)**

- ❖ When a person acquires citizenship of a foreign country, his/her Indian citizenship is renounced by him/her.

**Termination of Citizenship (Legal Process)**

- ❖ If an Indian citizen voluntarily acquires citizenship of a foreign country, his/her Indian citizenship is automatically terminated.

**Denial of citizenship (compulsory termination)**

- ❖ A person who acquires Indian citizenship by fraud, misrepresentation or unconstitutional act is stripped of his citizenship by an order of the Government of India.

**Nationality and Citizenship**

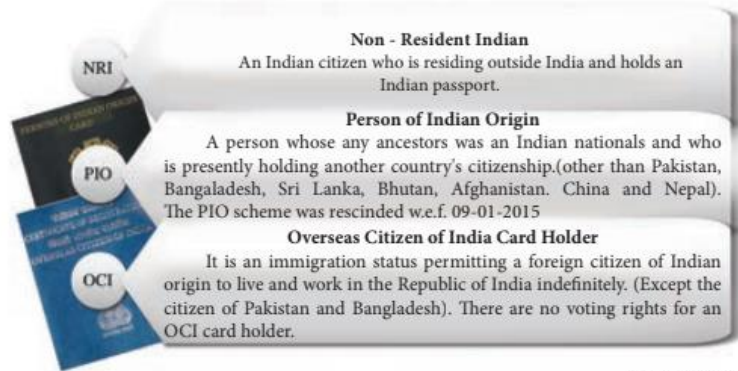
**It is the right of status which is acquired by a person of a particular nationality on the basis of origin, birth and ethnicity. Citizenship is a citizenship granted to an individual by the government of a country subject to the process of law.**

**One cannot change one's nationality but one can change one's citizenship.**

**Single Citizenship**

- ❖ The Constitution of India gives us single citizenship.
- ❖ That is called Indian citizenship.
- ❖ However, dual citizenship is granted in federal countries such as the United States of America and Switzerland. (National Citizenship, and State Citizenship))
- ❖ All citizens of India, irrespective of the state in which they are born or reside, enjoy all the political and civil rights of citizenship.

**In order of precedence, the President is the first citizen of the country.**

**Overseas Citizenship of India**

Citizens and Citizenship

**Rights and Duties of Indian Citizens**

- ❖ The Constitution of India guarantees us the following rights

**Fundamental Rights**

- ❖ Right to vote in Lok Sabha and State Assembly elections
- ❖ Right to work in Government offices of India.
- ❖ Right to be a member of the Parliament and the State Legislatures of India.
- ❖ The 42nd Amendment to the Constitution of India defines the fundamental duties of the citizens of India.
- ❖ For example: paying taxes honestly, respecting the opinions, beliefs and rights of others, acting for the security of the country, respecting and obeying laws.

We call the non-citizens of a country into two categories:

**1. Stranger (Alien)**

- ✓ A foreigner is a person who is not a citizen of a country.
- ✓ Example: Foreign tourists, foreign students

**2. Immigrant:**

- ✓ An emigrant is a person who has the right to reside and work in a country permanently without any hindrance.

**Characteristics of a Good Citizen**

- ❖ Abiding by the Constitution
- ❖ Obedience to the Law
- ❖ To contribute to society and perform civic service.
- ❖ Establishing Virtue and Justice
- ❖ Avoiding differences

**Pravasi Bharatiya Diwas (Pravasi Bharatiya Diwas)**

Pravasi Bharatiya Diwas is celebrated biennially by the Ministry of External Affairs, Government of India to raise the contribution of the Indian diaspora for the development of India. It is celebrated on January 9, the day Mahatma Gandhi visited India from South Africa

**Global Citizenship**

- ❖ Global citizenship means that everyone is part of a global community rather than a citizen of a particular country.
- ❖ All the people of the world have inherent rights and civic responsibilities.
- ❖ The basis of global citizenship is the involvement and participation of today's youth in building a new society.

**Conclusion**

- ❖ Our Constitution provides for single citizenship.
- ❖ It provides equal rights to all the people of India.
- ❖ Our Constitution promotes brotherhood and unity among the people of India for an integrated India.

## **Basic Concepts of Political Science – Part II**

### **Citizenship**

#### **Debut**

- ❖ In political theory, citizenship is not only the legal recognition of citizens, but also the right of all citizens to participate fully and equally in the political process.
- ❖ Democracy and citizenship always go in a straight line.
- ❖ Citizenship differs from country to country.
- ❖ In modern states, citizenship includes not only the rights of citizens but also the duties of the people to the state.

#### **Natural Citizenship (Natural Citizenship)**

- ❖ A natural citizen is a person who is born in this land and acquires that citizenship naturally.

#### **Naturalized Citizenship**

- ❖ Citizenship acquired by residue, marriage, etc., is a citizenship acquired by confirmation of status.
- ❖ According to Aristotle, citizenship is based on place of birth, family, lineage and culture.

#### **Citizenship and City-State**

- ❖ Citizenship, which had gained prominence in the Greek and Roman republics, disappeared completely during feudal times.
- ❖ Again, during the Renaissance, citizenship blossomed as a desirable part of humanity.
- ❖ In ancient Athens, in the city-state, citizenship was known to participate in the duties of the state.

#### **Marshall's analysis**

- ❖ Marshall, a free social democrat, classifies citizenship into three categories.
- ❖ They are civil, political and social civil rights.
- ❖ Freedom for all individuals is an important requirement of civil affairs.
- ❖ As citizens, we have the absolute right to participate in the decision-making process of politics.
- ❖ This is reflected in the political classification.

#### **Citizenship in India**

- ❖ The Constitution of India grants citizenship to all citizens without any discrimination.
- ❖ Citizenship laws are found both in parts of the Constitution and in related acts of Parliament.
- ❖ Citizenship in India is acquired by birth, descent, registration, naturalisation and territorial content.
- ❖ According to the Constitution, the State shall not discriminate citizens on the basis of race, caste, sex or place of birth.
- ❖ The rights of religious and linguistic minorities are also protected

#### **Global citizenship and nationality**

- ❖ National citizenship is the protection and right given to us by the government of the country in which we reside.
- ❖ However, since the state has a large number of solvable problems, individual rights are guaranteed to them by law.
- ❖ Universal citizenship is citizenship that transcends national boundaries.



- ❖ This right emphasizes the cooperation of diverse peoples and countries.
- ❖ Thus, citizenship resolves various socioeconomic inequalities.
- ❖ Moreover, universal citizenship reflects the unity of the nations of the world and the strength of cooperation.

*The Old Age Care and Welfare Act (MWPSC Act) was enacted in 2007 for the welfare of the elderly and parents.*

*According to this Act...*

*Established a "Maintenance Tribunal" to provide speedy and effective relief to the elderly.*

*According to this Act, care includes food, clothing, shelter and medical treatment.*

*The only condition of this Act is that those persons who are unable to maintain themselves by means of their own income and possessions are covered under this maintenance.*

*The Act made it mandatory to pay a maximum maintenance cost of '10,000 per month to the victims. The amount of maintenance also depends on the needs of the claimants and their needs to lead normal lives.*

*Parents and the elderly can appeal their wishes to the Care Officer before the Maintenance Tribunal to enjoy this benefit of the Government. As per this Act, the Advocates cannot defend any person before the Tribunal.*

*Anyone who knowingly abandons a person who is entrusted with the responsibility of protecting the welfare of the elderly shall be punished with a fine of Rs. 5,000 or imprisonment for three months or with both.*

## **Rights and Duties**

### **Debut**

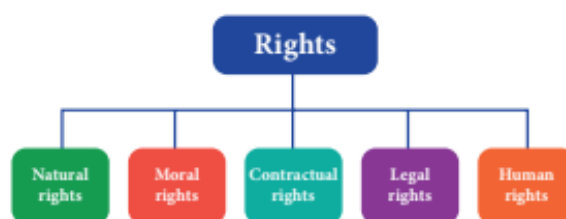
- ❖ Human rights are the combination of moral, legal and political elements in the world.
- ❖ If these rights are essential in modern times, it is because they are enshrined in the Constitution and the International Declaration of Human Rights.
- ❖ Everyone born into the human race has human rights based on being born as a human being.
- ❖ On this basis, all human beings, irrespective of caste, creed, creed and class, enjoy human rights on the basis of moral equality.

### **Characteristics**

- ❖ Rights are important for the social development of the people.
- ❖ Rights are available to all, irrespective of religion, caste, creed or gender.
- ❖ Rights and duties are interconnected.
- ❖ "If there are no duties, there are no rights."
- ❖ All rights are acquired by litigation in a court of law.
- ❖ It is the duty of the government to protect the rights of the people.
- ❖

### **Types of Rights:**

#### **a) Natural Rights**



- ❖ These rights are part of human nature and reason.
- ❖ Political theories say that every human being has certain fundamental rights.
- ❖ Even governments cannot deny this.

#### **b) Moral Rights**

- ❖ The right to morality is about good conduct, respect and virtue.
- ❖ It guides the people completely in accordance with morality.

#### **c) Legal Rights**

- ❖ Legal rights are equally available to all the citizens of the country.

- ❖ It is followed without any discrimination.
- ❖ Legal rights are rules that are accepted and enforced by the government.
- ❖ Legal rights are of three types.

**(i). Civil Rights**

- ❖ These rights provide the basic rights of a person to lead a decent life in society.
- ❖ It is protected by the government.
- ❖ That is, the state establishes and protects the civil liberties, namely, the right to life, liberty, and equality.

**(ii). Political Rights**

- ❖ Political rights are those which enable people to participate in political activities through their good conduct.
- ❖ These include the right to vote, the right to be elected, the right to hold public office, etc.

**(iii). Economic Rights**

- ❖ These rights provide economic security to the individual.
- ❖ For example, economic rights are the right to employment, right to proper security, right to social security etc.

**d) Contractual Rights**

- ❖ These rights are created by promises or contracts made to an individual in a particular event.

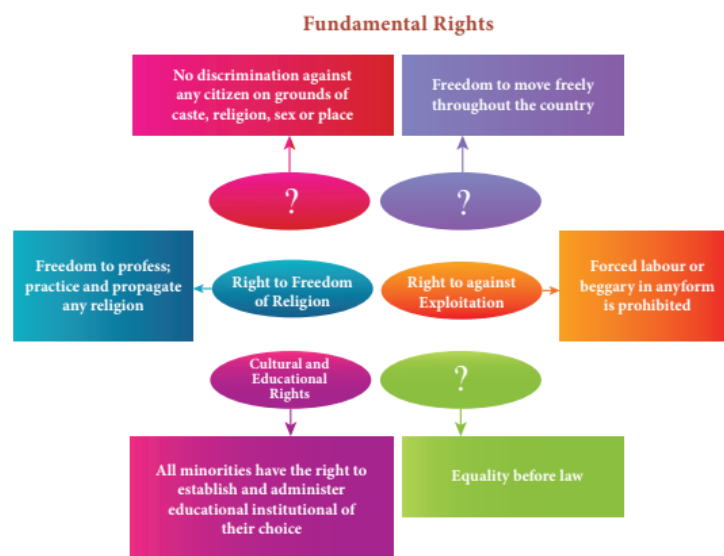
**e) Human Rights**

- ❖ Human rights are the highest of rights.
- ❖ It is supported and protected through laws and treaties domestically and internationally.
- ❖ It is an important one developed by a legal body at different times.
- ❖ International Human Rights Day is celebrated on December 10 every year.

**Bill of Rights and Fundamental Rights:**

- ❖ The Bill of Rights went into effect in the United States on December 15, 1791.
- ❖ It has enabled the guarantees of individual rights to be implemented with greater force and consensus by the Central and State Governments.

**James Madison introduced the Bill of Rights. It was based on his famous Virginia Declaration of Human Rights in 1776. The Bill of Rights is derived from the Magna Carta (1215) and the English Bill of Rights (1689). - James Madison**



**The Constituent Assembly took 2 years, 11 months and 20 days to frame the Constitution of India.**

**Right to Equality (Right to Equality)**

- ❖ The right to equality guarantees equality before the law.
- ❖ It prohibits discrimination on the basis of caste, religion, language, race and sex.

**Right to freedom (right to freedom)**

- ❖ It guarantees freedom of speech and expression, the right to assemble peacefully in public without arms, the right to form associations, and the right to move freely throughout the country.

**Right to Life and Personal Liberty**

- ❖ No citizen should be denied personal liberty.
- ❖ That is, no person should be detained when he is arrested without informing him of the reason.
- ❖ He should also be given the right to choose a lawyer to represent him.
- ❖ He must be produced before the court within 24 hours of his arrest.

**Preventive Detention**

- ❖ Detention is the act of preventing the act of an illegal person under the compulsion of time.
- ❖ Preventive Detention is an act taken by the State to prevent any person from threatening law and order and prejudicial to national security and peace.
- ❖ For this, the government has the power to arrest or detain the person.

**Right Against Exploitation**

- ❖ Child labour, human trafficking and forced begging are forms of forced labour of children.
- ❖ It also prohibits children below the age of fourteen from engaging in factories, mines or any occupation which is injurious to health.

**Right to Freedom of Religion**

- ❖ In India, the Constitution gives all citizens the right to choose their religion and belief.
- ❖ Article 26 of the Constitution provides for the establishment of institutions for the purpose of serving every person in the pursuit of religious affairs and the ownership and administration of movable and immovable property in accordance with law.

**Cultural and Educational Rights**

- ❖ These nonpolitical rights are granted by the Constitution to minorities, groups or sections of India based on religion, language and culture.
- ❖ It cannot be denied that any citizen has the right to education in educational institutions run by the Government or aided by the Government.
- ❖ This right cannot be denied on the grounds of caste, religion, race, sex, creed, creed, etc.
- ❖ Citizens have the right to study in the schools or colleges of their choice.
- ❖ If any educational institution discriminates on this basis, it will be denied financial aid from the government.
- ❖ Moreover, the Government cannot insist on the manner of education to be followed by these minority institutions.
- ❖ Those educational institutions should be allowed to function in a manner that preserves their culture.

**Right to Constitutional Remedies**

- ❖ The Supreme Court may remedy under Article 32 of the Constitution.
- ❖ The High Court remedy under Article 226 of the Constitution.
- ❖ The court issues writs for this purpose.
- ❖ They are of five types.
  1. Writ of Habeas Corpus
  2. Writ of Mandamus
  3. Writ of Certiorari
  4. Writ of Certiorari (W
  5. Writ of Quo Warranto)
  6. Writ of Prohibition or Injunction
- ❖ Therefore, fundamental rights are used in our country as a tool to protect individual rights and freedoms.

- ❖ Thus, while exercising fundamental rights, it upholds a democratic way of life and its basic principles of equality and justice in the society.
- ❖ Fundamental Rights are a cornerstone of our country's independence.
- ❖ This is what we have got after the trial and great suffering.

**New Rights:**

**Right to Information (Right to Information)**

- ❖ The Right to Information Act, 2005 legalises the right of people to seek information from the government.
- ❖ This law has made governments more transparent and accountable to citizens.
- ❖ Through this, the informed citizens can easily monitor the activities of the Government.
- ❖ Thus the government has been made accountable to the people.

**Privacy (Right to Privacy)**

- ❖ It is not necessary to surrender all the rights of an individual to the government.
- ❖ Privacy is integral to human dignity.
- ❖ Article 21 of the Constitution provides for the protection of privacy.
- ❖ It is an integral part of the right to life and personal liberty.
- ❖ These rights are enshrined in Part III of the Constitution.

**Rights of Transgender Rights**

- ❖ Transgender people are different from men or women in their characteristics.
- ❖ Only recently have their problems been addressed.
- ❖ They are now known as the 'third gender'.
- ❖ The Supreme Court has called for legal recognition of their gender identity.
- ❖ Orders have been issued to provide all the fundamental rights given to transgenders and others.

# PART - 3

## OTHER SOURCE

STANDARD BOOKS

இப்பகுதி தேர்வு  
நோக்கில் எந்த  
தகவலும்  
விடுபடவில்லை  
என்று  
எண்ணத்தை  
தரும்

## **UNION AND ITS TERRITORY**

Articles 1 to 4 under Part-I

- Article 1 describes India, that is, Bharat as a States' not Federation of states. (it is not result of agreement between the states and there is no right to secede for the states)
- According to Article 1, territory of India can be classified into three categories: 1) Territories of the states, 3) Territories acquired by GoI
- 'Territory of India' is a wider expression than 'Union of India'. Union of India implies States whereas of India implies States, UTs, Territories that may be acquired
- Article 2 grants two powers to Parliament: admit new states (already in existence establish new states (states non-existent before
- Article 3 authorises Parliament to: Article 3 authorises Parliament to deal with internal readjustment of territories of constituents of union of India (i.e Bill for the purpose : 1) Prior recommendation of President 2) should be referred to concerned state legislature for its views
- Laws made under Art 2 and Art 3 shall not be considered as constitutional Amendment under Art 368.
- If any territory has to be ceded to a foreign country, it cannot happen under Art 3. It needs an amendment with constitutional under Art 368.
- 100th Constitutional Amendment Act enclaves to Bangladesh.

### **New states that came in to Existence after 1956**

1. 1960 : Maharastra , Gujarat from Bombay
2. 1963 : Nagaland
3. 1966 : Haryana, Chandigarh and HP from Punjab Province
4. 1972 : Manipur, Tripura and Meghalaya.
5. 1975 : Sikkim (36 CAA)
6. 1987 : Mizoram, Arunachal Pradesh and Goa
7. 2000 : Chattisgarh, Uttarakhand and Jharkahand
8. 2014 : Telangana

### **Evolution of States and Union Territories:**

- Dhar Commission (1948): Reorganisation of states on the basis of administrative convenience rather than linguistic factor.
- JVP Committee(1948): Formally rejected language the basis for reorganisation of states



- Fazl Ali Commission (1955) September 1955 and broadly accepted language as the basis of reorganisation of states. But, it rejected the theory of 'one language-one state'.
- Based on Fazl Ali commission, States reorganisation act 1956 and 7th CAA led to Abolition of four fold classification of states and formation of 14 states and 6 UTs.
- First linguistic state created in India – Andhra state in 1953

## **Union Territories**

### **Evolution:**

### **Reasons for creation of Union Territories**

- Delhi & Chandigarh: Political and Administrative Reason
- Puducherry, Dadra & Nagar Haveli, Daman and Diu Cultural distinctiveness
- Andaman Nicobar, Lakshadweep importance.

### **Administration of Union Territories:**

- There is no uniformity in administrative system
- Administered by President through an (agent of President and not head of state governor) appointed by him.
- President can specify designation of administrator: Lt. Governor or Chief Commissioner or Administrator.
- Governor of a state can be appointed administrator of UT.
- Parliament can legislate on subjects of all the 3 lists
- Parliament can establish a High Court, Legislature, Chief Minister and Council of Ministers for a
- UT of National Capital Territory of Delhi Puducherry have legislative assembly, chief ministers and council of ministers.
- Delhi is only Union Territory that has High Court of its own.
- Provisions for administration of UTs are applicable to acquired territories
- Ministry of Home Affairs is nodal agency for all UTs. Special Provisions for Delhi
- 69th Constitutional Amendment Act of 1991 provided special status to UT of Delhi
- Legislative assembly can make laws on all subjects of state and concurrent list ex and land
- Designation of administrator: Lieutenant Governor
- CM & Council of Ministers are appointed by president

Criteria	States	Union Territories
Relationship with Centre	Federal	Unitary
Distribution of Powers	Exists	Do not exists
Uniformity in Politics & Administration	Exists in States	Do not exists
Governor	Head of the State	Agent of the Center
Parliamentary laws on State List	Only under exceptional circumstances	Regularly all three lists

**Citizenship****Who are citizens?**

At the time of commencement of the constitution

- Person who is domicile in India the parent is Indian,(descent) or resident in India for 5 years
- People who came from Pakistan
- People who went to Pakistan and returned back to India before commencement of this constitution.
- Persons of Indian origin residing outside India (by registration)

Ways of acquisition of Citizenship under Citizenship Act 1955 – Birth, Descent, Registration, Naturalisation, incorporation of a new Territory

**Loss of Citizenship:**

Renunciation : Voluntarily giving away of citizenship.

Termination : Acquiring foreign citizenship automatically terminates Citizenship

Deprivation : Compulsory termination by central government in cases of fraudulent acquisition of citizenship

**FUNDAMENTAL RIGHTS**

Part III of the Constitution from Articles 12 to 35

- **Inspiration:** Bill of rights-USA
- Originally 7 FRs, Presently 6 FRs. Right to property deleted by 44th CAA 1978. Presently Right to property was, Legal right (Art 300A)
- Magna Carta of India.

- Promote political democracy
- Prevent authoritarian & despotic rule
- Place limitation on Legislature and Executive

**Fundamental rights are:**

Right to equality	Article 14 to 18
Right to freedom	Article 19 to 22
Right against exploitation	Article 23 to 24
Right to freedom of religion	Article 25 to 28
Cultural and educational rights	Article 29 to 30
Right to constitutional remedies	Article 32

<b>Only to citizens</b>	Few are available only to citizens not to foreigners (Art 15,16,19,29 and 30).
<b>Citizens and foreigners Not for enemies</b>	Available to citizens and foreigners too but not enemy aliens (14,20,21,21A,22,23,24,25,26,27,28).
<b>Against citizens</b>	Fundamental rights available against private citizens too – 15,17,23,24,32(Only HabeausCorpus).

**Features:**

1. They are not absolute but qualified. Reasonable restrictions can be imposed.
2. Most of them are available against the arbitrary action of the State, with a few exceptions, against the Action of private individuals.
3. Most of them are negative in character, that is, place limitations on the authority of the State, while others are positive in nature, conferring certain privileges on the persons.
4. They are justiciable
5. Defended and guaranteed by the Supreme Court (Article 32) and High court. (Article 226)
6. They are not sacrosanct or permanent (can be amended).
7. They can be suspended during the operation of a National Emergency except the rights guaranteed by Articles 20 and 21.

8. Their scope of operation is limited by Article 31A, 31B, 31C. Their application can be restricted while martial law is in force in any area.

9. Most of them are directly enforceable. For few an enabling law can be made only by Parliament is necessary. Ex – 21A, PoA Act, 1989

Article 12–Definition of State: Union and State governments legislatures, local authorities, PSUs etc.

Article 13–all laws that are inconsistent with fundamental rights shall be void – Basis of judicial review

Laws Include:

- a. Laws of parliament, state legislature
- b. Ordinances
- c. Non legislative sources of law (Convention).
- d. Delegated legislation

Word law do not apply for personal laws.

Article 14: It has 2 concepts:

1. Equality before the law
2. Equal protection of the law Equality before the law (Negative concept):
  1. Absence of any special privileges in favour of any person
  2. Equal subjection of all persons to the ordinary law

Equal protection of the law (Positive concept):

1. Equality of treatment under equal circumstances
2. Similar application of same law to all people who are similarly situated
3. Like should be treated alike without discrimination Rule of law is a Part of Basic Structure

**Exceptions:**

- President of India and Governor of the state. (No criminal proceedings can be initiated during their office)
- Foreign sovereigns, ambassadors and diplomats.
- Art 31C – Laws made for implementing DPSP under 39(b), 39(c).
- Article 105, 194 –MLAs and MPs are not liable for any of their action inside legislature.
- Article 361A, No person shall be liable for true reporting of freedom to publish proceedings of Parliament and State Legislature.

Article 15: There shall not be any discrimination against citizens only on the grounds of race, religion, caste, sex or place of birth (discrimination on other grounds is allowed)

1. No discrimination in giving Access to shops, Public restaurants, hotels and places of public entertainment – applicable to state.

2. No discrimination in Use of wells, tanks, bathing ghats maintained by state funds for general public. Applies to both citizens and state.

**Exceptions:** Women and children, SC/ST, educationally and socially backward classes of citizens.

93rdAA–Reservations in Private educational institutions for OBCs other than Minority educational Institutions.

**Creamy layer** is applicable for OBC reservations.

**Article 16:** Equality of opportunity in Public employment

No citizen can be discriminated or made ineligible for employment of any office under the state and on the grounds of only religion, race, caste, sex, descent, place of birth or residence. (Under article 15 descent and place of residence are not present)

**Exceptions:**

- a. Residence as conditions for certain types of employment (only by the parliament). Example 371D in Andhra Pradesh.
- b. Reservations to socially and educationally backward classes. (State can provide)
- c. Incumbent of an office related to Religious or denominational institutions belonging to particular religion. Reservations:
  - a. Mandal Commission (1979) was appointed under Article 340 of the constitution. It identified 52% of the population as OBCs and recommended 27% Reservations.
  - b. Indira Sawani Judgement – Total reservations shall not exceed 50% (including carry forward jobs)
  - c. Merit shall not be compromised.
  - d. Reservations exists at entry level not in promotions.
  - e. Creamy layer to exclude advanced sections among OBCs.
  - f. Ram Nandan Committee was appointed to identify creamy layer among OBC. Government approved it.
  - g. 77thAmendment Act its provides reservation in promotions in favour of SCs and STs if they are not adequately represented in the services.
  - h. 85thconstitutional amendment act, its provides consequential seniority for SCs, STs with retrospective effect from June 1995.
  - i. 81st amendment act, It empowers the state to fill backlog vacancies even if there cross 50% ceiling.

**Article 17:** Abolishes untouchability, it is applicable to state and private citizens.

1. Protection of Civil rights act is meant to enlarge scope of this article.

2. Term untouchability is not defined in Constitution or civil rights, protection act.
3. Practice of Untouchability can disqualify an individual to contest in elections.

**Article 18:** Abolition of Titles – state cannot confer any title on a citizen or foreigner.

1. Citizens cannot accept any Titles from foreign state.
2. A foreigner working for Indian government cannot accept a title from foreign state without the consent of the President.
3. No citizen or foreigner holding any office of profit shall not accept any present, emolument without the consent of the President.
4. Bharat Ratna, Padma Awards are not titles. (Not to be used as suffixes or prefixes to the names of awardees)

**Article 19-22 Right to freedom:**

Article	Freedom	Reasonable Restrictions
Article 19 - 1(a)	Freedom of Speech and Expression (Every citizen has right to express his beliefs and convictions. It includes freedom of press, freedom of information, silence, freedom against bandh, right to telecast, advertise etc.)	Sovereignty and Integrity of India Security of State Friendly relation with foreign states. Public Order Decency or Morality, contempt of court, deformation, incitement to an offense.
Article 19 - 1(b)	Freedom of Assembly Every citizen has to right to assemble peacefully without arms. They can conduct meetings, demonstrations and take out processions. This right does not include right to strike.	Sovereignty and Integrity of India, Public order, section 144 of CRPC allows magistrate to restrain an assembly or meeting or procession. Under section 141 IPC assembly 5 or more persons can be made unlawful.
Article 19 -1(c)	All citizens have right to form associations or unions or cooperative societies	Sovereignty and Integrity of India, Public Order and Morality.
Article 19 – 1 (d)	Citizen can move freely throughout the territory of the country.	Interest of general public, protection of interest of tribals.
Article 19 -1 (e)	Freedom of Residence	General public interest,



	Every citizen has right to reside and settle any part of the country.	protection of interest of scheduled tribes
Article 19 – 1 (f)	Removed by 44 <sup>th</sup> amendment Act	Removed by 44 <sup>th</sup> amendment Act
Article 19 – 1 (g)	Citizens has right to practice any profession, occupation, trade or business	General public interest, professional and technical qualifications, licences etc are necessary. However State can monopolize a business

- These 6 rights are protected only against state action and not private individual
- Important rights included under Art. 19 (a): Freedom of Press, No Right to Strike, RTI etc.
- Freedom to move in and out of the country is not available under Article 19 (Present under Article 21)

#### **Article 20 Protection in respect to conviction for offences**

<b>Article</b>	<b>Explanation</b>	<b>Other Points</b>
No ex post facto laws, (no retrospection)	No person shall be convicted by applying law backwards	Applies only to criminal laws not to civil and tax laws. Do not apply to prevention detention.
No double Jeopardy	No person shall be prosecuted and punished for the same offense twice	Available only for proceedings before a court of law or judicial tribunal not before departmental and administrative authorities.
No Self Incrimination	No person shall be witness of his own case.	Blood samples, specimen signatures, thumb impressions, exhibition of body, production of material objects are not covered.

- No ex-post-facto law: 1) Applicable only on criminal laws and not on civil laws or tax laws. 2) Immunity cannot be claimed in case of preventive detention
- Double Jeopardy: Applicable in case of court or tribunal (not applicable before administrative authorities)

- No self incrimination: Applicable only to criminal cases (both oral and documentary) and not in case of civil proceedings.

**Article 21**

No person shall be deprived of his life or personal liberty except according to procedure established by law.

<b>Criteria</b>	<b>A.K. Gopalan Case Protection</b>	<b>Menaka Gandhi Case Protection</b>
Arbitrary executive actions	Available	Available
Arbitrary Legislative actions	Not Available	Available (Un reasonable unjust, unfair laws can be questioned by judiciary.)
Due process of law	Not Available	Available
Meaning of Liberty	It means only liberty relating to person, body of the individual	Wider and positive interpretation of liberty i.e., opportunity to live with dignity and to develop to ones capacities

<b>Due process of Law</b>	<b>Procedure established by Law</b>
Due process balances the power of law of the land and protects the individual person from it.	A law that is duly enacted by legislature or the concerned body is valid if it has followed the correct procedure

**Article 21A- Right to Education:**

- State shall provide for free and compulsory education to children in the age of 6 to 14 years in such a manner as a state may determine (86th constitution amendment act)
- Right to Education 2009 was enacted to enforce this.

**Article 22 – Protest against arrest and detention**

- Grounds to be informed, right to consult and defended by a lawyer, right to be produced a magistrate within 24 hours excluding journey and holidays.
- Shall not be detained for more period than authorized by magistrate.

**Preventive Detention:**

- Can be detained for 3 months under a preventive detention law, beyond that advisory board shall permit. The board shall consist of Judges of High Court.

- Parliament by law increase the period of preventive detention for more than three months without obtaining opinion of advisory board.
- Legislative power with regard to preventive detention is divided between parliament and state legislature.

**Right against Exploitation (Article 23 and Article 24):**

**Article 23-Prohibition of Traffic in Human being and forced labour.**

- It is available against state and private citizen.
- State can impose compulsory service for public purpose without any discrimination on grounds only of religion, race, caste, class. Article 24-Prohibits employment of children below the age of 14 years in hazardous industries.
- It does not prohibit child labour in non hazardous industry.
- Child Labour (Prohibition & Regulation) Act 2016, prohibits all kinds of employment of children below 14 years. 14 to 18 years children in Hazardous industries.

**Right to Freedom of Religion (Article 25 to 28) Article 25: -Freedom of conscience, freedom to profess, practice and propagate religion.**

- It do not provide right to religious conversions.
- It covers religious beliefs and practices
- Hindus under Article 25 includes Hindus, Sikhs, Jains and Buddhists.
- Reasonable Restrictions: Public Order, Morality, Health.
- State can also regulate economic, political activity associated with religion. It can provide welfare, reform of religious institutions.

**Article 26-Religious denominations** can establish, maintain, manage, and acquire property for religious and charitable purposes.

**Necessary conditions (by SC) to be considered as religious denomination:**

- 1) System of belief
- 2) Common organisation
- 3) Distinctive name

**Article 27-Freedom from taxation for religious institutions** – tax cannot be levied but fees against the service can be levied.

This article prohibits only levy of a tax and not a fee

**Article 28-** Freedom from attending religious instructions in educational institutions.

Not applicable to an educational institution established by the state but requiring imparting religious instruction

<b>Educational Institution</b>	<b>Religious Instructions</b>
Institutions wholly maintained by state	Completely prohibited
Institutions Administered by state but established under any endowment or trust	Religious instructions permitted
Institutions recognized by the state	Permitted on voluntary basis, student may or may not attend
Institutions receiving aid from the states	Permitted on voluntary basis, student may or may not attend

### **Cultural and Educational Rights (article 29 and 30)**

**Article 29-**Any section of the citizens residing in any part of India having distinct language and culture shall have right to protect the same. (collective right)

- It is a group right, it is available for both religious and linguistic minorities.
- No citizen can denied admission into any educational institutions maintained by the state or receiving aid from the state only on grounds of religion race, caste or language.
- Section of the citizens: It includes both, majority as well as minority (By SC).

**Article 30-**Rights of minorities to establish and administer educational institutions available to religious and linguistic minorities.

These institutions enjoy right to property, reservations for OBCs (93rd Amendment act) do not apply to these institutions.

It is applicable only to minority institutions.

**Article 32-**Right to constitutional remedies

- It is a basic feature of constitution, parliament can empower any subordinate court to issue writs of all kinds.
- President can suspend the right to move to any court for enforcement of fundamental right during national emergency. Dr. B R Ambedkar: Soul and heart of Constitution Writs can be issued by HC and SC to enforce FRs

<b>WRIT</b>	<b>Meaning/purpose</b>	<b>Locus Standi</b>	<b>Against to Whom</b>
Habeas Corpus	Show me the body	Do not apply	Private Citizen or

	of / to find the missing people		Public Authority
Mandamus	We command / To get the Job Done by an authority	Applies	Against Public Official
Prohibition	To Forbid / to stop the lower courts proceeding further in a case out of their jurisdiction	Applies	Judicial and Quasi Judicial bodies Certiorari
Certiorari	To be certified or to be informed / transfer a case due to excess of lower court jurisdiction	Applies	Judicial and Quasi Judicial bodies
Quo Warranto	By what authority / To prevent unqualified people taking public offices	Do not apply	Any public authority unqualified for the position.

**Article 33-Parliament** can restrict, abrogate fundamental rights of armed forces, para military force, police forces, intelligence agencies. (State Legislature cannot make a law on this).

- Members of armed forces also include other service providers to the armed forces. Example: Cooks and Carpenters.

**Article 34**-It provides for the restrictions on Fundamental rights while **martial law** in force.

- Martial Law is not defined in the constitution.
- Concept of Martial law is derived from Britain
- It refers to situation where civilian administration is run by military authorities.
- It empowers Parliament to indemnify any government servant or any other person where martial law in force.
- SC: Habeas Corpus is not automatically suspended

<b>Martial Law</b>	<b>National Emergency</b>
It affects only Fundamental rights	It affects not only Fundamental Rights but also Center-State Relations, distribution of revenues and legislative powers between

	center and states and may extend the tenure of the Parliament.
It suspends the government and ordinary law courts	It continues the government and ordinary law courts.
It is imposed to restore the breakdown of law and order due to any reason.	It can be imposed only on three grounds war, external aggression or armed rebellion.
It is imposed in some specific area of the country.	It is imposed either in the whole country or in any part of it.
It has no specific provision in the Constitution. It is implicit	It has specific and detailed provision in the Constitution. It is explicit

**Article 35**-Parliament only has power to make laws to give effect to certain FRs (ensures uniformity)

- 1) Residence as criteria for public employment. (Art. 16).
- 2) To empower courts and other than Supreme Court and high courts to issue writ orders, directions for enforcement of fundamental rights. (Art .32)
- 3) To make laws to take away fundamental rights for armed forces – para-military and police. (Art. 33)
- 4) To indemnify the acts of government servant during martial law. (Art. 34)
- 5) Parliament can also make laws for punishment of offenses declared under FRs.Example: untouchability, trafficking etc.

This Article extends the competence of Parliament to make laws on few matters specified in state list

- Status Right to Property was repealed by 44th amendment act, now it is a legal right under article 300A.
- Right to Property (Art 19) exists for Minority educational institutions as a fundamental right.

### **Exception to FR**

**Article 31A**-It prohibits five categories of laws from being invalidated for violation of article 14 and 19. They are related to land reforms, industry and commerce and include, Acquisition of States, Management of properties, amalgamation of corporations, modifications of rights of directors and share holders, modification of mining leases etc.

It does not immunise state law from Judicial review unless reserved received president assent after reservation.

**Article 31B**-It saves acts and regulations placed in ninth schedule from judicial review.

- In IR Coelho case, Supreme Court stated that laws placed under 9th schedule after April 24th 1973 comes are open to challenge in court (Art. 14, 15, 19, 21 and basic structure). Judicial review was stated as part of

basic structure of constitution. Article 31C-Brought in by 25th amendment act 1971, It states that Art. 39B and Art. 39C can override article 14 and 19. Rights Outside Part – III: They are not fundamental rights but they are constitutionally guaranteed legal rights.

1. Article 265: No tax can be levied or collected except by authority of law
2. Article 300A- Right to property
3. Article 301 – Trade, Commerce and Inter course throughout territory of India.
4. Article 326 – Right to Vote. Note: Under Article 226 High Courts have Writ Jurisdiction on these rights.

### **Directive Principles of State Policy**

#### **Art 36-51(Part IV)**

- Inspiration: Irish constitution
- Dr.Ambedkar described DPSP as NOVEL features.
- DPSP and Fundamental rights are: philosophy, soul and conscience of the constitution.
- They are essential for Governance.

**Features of DPSP:** Constitutional instruction to state. These resemble the instrument of instruction of GOI act 1935 to the Viceroy.

- Aimed to establish Economic and social democracy.
- Aims to establish a welfare state
- Art. 37: These are fundamental in the governance and it shall be the duty of state to apply these principle in making laws
- Non-justiciable
- SC: DPSP can be considered as reasonable restriction in relation to Art. 14 and Art. 19

Classification of DPSP (Not mentioned in constitution)

Remember the DPSP related to health, education for Mains.

<b>Principles</b>	<b>Sections</b>
Socialistic principles	38, 39, 39A, 39B, 41, 42, 43, 43A, 47
Gandhian principle	40, 43, 43B, 46, 47, 48
Liberal intellectual principle	44, 45, 48, 48A, 49, 50, 51.

- 42nd CAA (1976) added DPSPs. They are:

**Article-39:** To secure opportunities for healthy development of children. **Article-39A:** To promote equal justice and to provide free legal aid to poor. **Article 43A:** Participation of workers in the management of industry.

**Article 48A:** Safeguarding forests and wildlife.

- 44thCAA added- Article 38 (state to secure social order for the promotion of welfare of the people)
- 86thCAA– Changed subject matter of Article 45, (provision for early childhood care and education of children below 6 years).
- 97thCAA amendment act – introduced Article 43B - Cooperative societies.

**List of DPSP:**

Article No.	Subject Matter
A-36	Definition of State
A-37	Application of the directive principles
A-38	State to secure a social order for the promotion of welfare of the people
A-39	<p>Certain principles of policy to be followed by the State.</p> <p><b>To Secure :</b></p> <ul style="list-style-type: none"> <li>a. Rights to adequate means of livelihood</li> <li>b. Equal distribution of material resources of the community for the common good</li> <li>c. Prevention and concentration on health</li> <li>d. Equal pay for equal work</li> <li>e. Preservation of health and strength of workers.</li> <li>f. opportunities for healthy development of children</li> </ul>

Article No.	Subject Matter
A-39(A)	Equal justice a free legal aid
A-40	Organization of village panchayats



A-41	Right to work, to education, and to public assistance in certain cases
A-42	Provision for just and humane conditions of work and maternity relief.
A-43	Living wage, etc. for workers
A-43(A)	Participation of workers in management of industries.
A-43(B)	Promotion of co-operative societies
A-44	Uniform Civil code for the citizens
A-45	Provisions for early childhood care and education to children below the age of six years.
A-46	Promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections.
A-47	Duty of the state to raise the level of nutrition and the standard of living and to improve public health. Prohibit the consumption of Intoxicants
A-48	Organisation of agriculture and animal husbandary
A-48(A)	Protection and improvement of environment and safeguarding of forests and wild life
A-49	Protection of monuments and places and objects of national importance.
A-50	Separation of judiciary from executive
A-51	Promotion of international peace and security.

**Directive Outside – Part – IV:**

**Article 335 (Part XVI):** Claims of members of SCs STS shall be taken consideration without compromising efficiency of administration in Public employment.

**Article 350A (Part XVII):** Instruction in mother tongue at the level of primary education.

**Article 351 (Part XVII):** Development of Hindi Language.

**FR V/S DPSP**

<b>FR</b>	<b>DPSP</b>
Justiciable	Non-justiciable
Political justice	Economic and Social justice.
Have legal sanction	No legal sanction
Personal & individualistic.	Societarian and socialistic.
Automatically enforced	Not automatically enforced.
Courts declares a law violating FR is unconstitutional	Courts can't declares a law violating DPSP as unconstitutiona

**FUNDAMENTAL DUTIES:****Art 51A, PART IV A, Source -USSR**

- Swaran Singh Committee (1976) recommended 8FDs
- 42nd CAA included 10FDs in constitution
- Features of FDs:
  - o Some are moral, some are civic
  - o Confined to citizens only
  - o Non-justiciable

**List Fundamental Duties:**

- o To abide by constitution, respect its ideals and institutions.
- o To cherish and follow the noble ideals
- o To uphold and protect sovereignty, unity and integrity
- o To defend the nation
- o To promote harmony and spirit
- o To value and preserve the rich heritage
- o To protect natural environment
- o To develop scientific temper

- o Safeguard public property
- o Excellence in all spheres of individual and collective activity
- o Providing opportunities for education of the age group 6-14 years (86th CAA) (Remember these and observe the fundamental duties that overlap in language with DPSP).