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The book is adorned with questions prepared by a team of experts along with a vital role played by the Project Management team with members: Mona Yadav (Project Manager), Divya Gusain (Project Coordinator), Shivani Dixit, Ayush Rajput (Proof readers), Vinay Sharma, Kamal Kishor, Sonu Kumar (DTP coordinators), Shanu and Ankit Saini (Cover and Inner designer).

We hope this book will help the aspirants to achieve their goals of clearing UPSC as well as State PCS exams. Your valuable suggestions have always inspired us to strive for useful, authentic and more trustworthy publications. So your inputs and suggestions are welcomed for subsequent editions.

We wish you all the very best for your preparation and journey!!

Authors

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Constitutional Development in India

Sources Class-XI Old NCERT Chap 1 (Important Turning Points of Constitutional Development)

The process of constitutional development in India started with the establishment of the East India Company. There are certain events in the British rule that laid down the legal framework for the organisation and functioning of government and administration in British India. These events have greatly influenced our Constitution and polity.

Important Landmarks in Indian Constitutional Development

Important landmark Acts associated with Indian Constitutional development are as follows :

Regulating Act, 1773

- This Act was passed by the British Parliament to control the affairs of East India Company in India.
- For the first time, it recognised the political and administrative functions of the Company and laid the foundation of Central Administration in India.
- The Act elevated Governor of Bengal **Warren Hastings** to Governor-General and subsumed the presidencies of Madras and Bombay under Bengal's control.
- The Act named four additional members to serve with the Governor-General of Bengal in the Calcutta Council. These councillors were commonly known as the **Council of Four**.
- A Supreme Court was established in 1774 at Fort William in Calcutta comprising one Chief Justice and three other judges.

- British Judges were to be sent to India to administer the British Legal System that was used there. **Sir Elijah Impey** was the first Chief Justice.
- The Court of Directors was made to report about its revenue, civil and military affairs in India to the British Government.

Act of Settlement, 1781

- This Act was an Amending Act, which removed the shortcomings of the Regulating Act, 1773. It is also known as the **Declaratory Act, 1781**.
- The basic aim of the Act of Settlement, 1781 was to establish a new system of courts for removing the grievances against the Supreme Court.
- This Act reduced the number of members of Executive and Provincial Council from 4 to 3.

Pitts India Act of 1784

- This Act established the Board of Control over the Court of Directors to guide and supervise the affairs of the Company in India.
- It was introduced to remove the drawbacks of the Regulating Act. It was named after the then British Prime Minister, **William Pitt**. The Act placed Indian affairs under the direct control of the British Government.
- The Governor-General and Council were made subordinate to British Government. They were forbidden to declare war and enter into any treaty without the sanction of the Directors or the Secret Committee.
- It demarcated the political and commercial functions of the company.

- The Act clearly stated that the Presidencies of Madras and Bombay were to be subordinate to the Presidency of Bengal in all matters of war, diplomatic relations and revenue.

Act of 1786

- **Lord Cornwallis** demanded that power of the Governor-General should be enlarged to empower him, to override the majority of his council and act on his own special responsibility.
- The Act of 1786 was enacted to give him the power of working as both Governor-General and Commander in Chief. Thus, via Act of 1786, Cornwallis became the first effective ruler of British India under the authority of Board of Control and the Court of Directors.

Charter Act of 1793

- According to this Act, the Charter of the Company was renewed for 20 years and it was declared that it would be allowed to continue with the possession of all territories for the next 20 years.
- A regular code of all regulations was framed that could be enacted for the internal Government of the British territory in Bengal.
- The regulation applied to the rights, persons and property of the Indian people and it bound the courts to regulate their decisions by the rules and regulations.
- Thus, this Act laid the foundation of government by written laws and regulations in British India in place of the personal rule of the past rulers.

Charter Act of 1813

- This Act renewed the Company's Charter for 20 years, but it asserted the sovereignty of the British Crown over the Indian territories held by the Company.
- The Company was allowed to have territorial possessions for another 20 years. It was deprived of its monopoly of trade with India.
- It was allowed to continue with its monopoly of trade with China for 20 years.

Charter Act of 1833

- This Act came into being after many socio-political changes in British society.
- The act gave another 20 years to East India Company to trade in India. It was the final step towards concentration in British India.

Features of the Act, 1833

- It made the Governor-General of Bengal as the Governor-General of India and gave him all civil and military powers. **Lord William Bentinck** was the first Governor-General of India.

- Fourth member was added to Governor-General's Council for legislative purposes. **Lord Macaulay** was the first person to hold the office.
- The Act vested the legislative powers exclusively in Governor-General in council and deprived Governor of Bombay and Madras of their legislative powers.
- The Indian Civil Services was founded. It attempted to introduce a system of open competition for selection of civil servants and affirmed that the Indians should not be barred from holding any place, office or employment under the Company.
- **East India Company (EIC)** became the political ruler of India. EIC's commercial functions and activities were ended, making it a purely administrative body.
- The administration was urged to take steps to improve the conditions of slaves and to ultimately abolish slavery (slavery was abolished in 1843).
- This Act was the final steps towards **centralisation in British India**.

Charter Act of 1853

- This Act carried separation of the executive and the legislative functions a step further by the provision of additional members of Council for the purpose of the legislation.
- The Law Member was made a full member of the Executive Council of the Governor-General. The consent of the Governor-General was made necessary for all legislative proposals.
- Central Legislative Council was to consist of one representative each from the provinces. Measures concerning a province were to be considered in the presence of representatives from that province.
- The Chief Justice of the Supreme Court of Calcutta was to be the ex-officio member of the Council.
- The Council in its legislative capacity was to consist of 12 members. These included the Governor-General, Commander-in-Chief, four members of his Council, and six legislative members.
- The number of Directors was reduced from 24 to 18. Six of them were to be nominated by the Crown.

Government of India, Act of 1858

- This Act transferred the Government, territories, and revenues of India from the East India Company to the British Crown. British Crown assumed sovereignty over India from the East India Company.
- The rule of the Company was replaced by the rule of the **Crown in India**.
- The Board of Control and the Court of Directors were abolished. Their place was taken by the Secretary of State of India and his Indian Council. They were to govern India in the name of her majesty.

- The Secretary of State was to sit in Parliament. He was a Cabinet Minister of England and was responsible to Parliament. Ultimate power over India remained with Parliament.
- The Act created an **Indian Council** of 15 members. It was to advise the Secretary of State who could overrule its decisions.
- Approval of the Council was essential in financial matters. Most of the members of the Indian Council were those who had retired from Indian services.
- The Governor-General became known from now as the Viceroy or Crown's representative. In matters of policy and its execution, the Viceroy was increasingly reduced to a subordinate position in relation to the British Government. The Government of India was finally directly controlled from London.
- The Act for the first time introduced **local representation** in the Indian (Central) Legislative Council. Of the six new Legislative members of the Governor-General's Council, four members were appointed by the local (provincial) governments of Madras, Bombay, Bengal and Agra.

Indian Councils Act of 1861

- This Act initiated the process of decentralisation by restoring the legislative powers to the Bombay and the Madras Presidencies. It accorded statutory recognition to the **Portfolio System**.
- **Governor-General's Council** was expanded by including a minimum of 6 and a maximum of 12 additional members. These non-official members were added only for legislative purposes.
- Additional members were to be nominated by the Governor-General for a period of 2 years.
- Similar provisions were made for provincial Legislative Councils. The membership of each Provincial Legislature (Bombay, Bengal, Madras, North-Western Frontier Province, Punjab) was enhanced with a minimum of 4 and a maximum of 8 additional members nominated for a period of 2 years.

Indian Councils Act of 1892

- This Act dealt with powers, functions and compositions of the Legislative Council.
- Non-official members of **Imperial Legislative Council** to be nominated not by Britishers but by **Bengal Chamber of Commerce** and the Provincial Legislative Councils.
- Increase in the number of additional members of **Central Council** between 10 to 16 and increase in additional non-official members in **Provincial Council** between 8 and 20.

- It increased the power of legislative councils and gave them the power of discussing the budget and addressing questions to the executive.
- The non-official members of the Provincial Legislative Council to be nominated by local bodies such as Universities, District boards and Municipalities.
- The functions of the Legislative Councils both at Central and Provinces were enlarged, so as to include the discussion on the financial statement (budget), addressing questions to the executive, etc.

Indian Councils Act of 1909

- This Act is also known as the **Morley-Minto Reforms** after the Secretary of State for India (Lord Morley and the Viceroy Lord Minto).
- It changed the name of the Central Legislative Council to the Imperial Legislative Council.
- The Act introduced a system of **Communal Representation for Muslims** by accepting the concept of a **Separate Electorate**. It was a system where seats were reserved only for Muslims and only Muslims would be polled.
- It expanded **Legislative Council** at the Centre from 16 to 69 members and **Provincial Legislatures** with 52 in Bengal, 47 in Madras, Bombay and United Province each, 41 in East Bengal and Assam, 25 in Punjab and 16 in Burma.
- Election was introduced for Legislative Council at the Centre based on the electoral college. It was the first attempt to introduce a representative and popular element in Indian Administration.
- At the Provincial level, the elected non-official members were now in majority.
- This Act enlarged the function of the Legislative Council such as the right to discussion, asking questions and supplementary questions, etc.

August Declaration of 1917

On 20th August, 1917, Montague presented the historic Montague Declaration (August Declaration) in the British Parliament. This declaration proposed the increased participation of Indians in the administration and the development of self-governing institutions in India.

Government of India Act, 1919

- This Act is also known as the **Montague-Chelmsford Reforms** as Montague was the Secretary of State for India and Lord Chelmsford was the Viceroy of India in 1919.
- It was in favour of the declaration of British Government on 20th August, 1917. Its objective was the gradual introduction of responsible government in India.

Features of the Act

- This Act introduced the system of Dyarchy (a term derived from the Greek word *di-arche*), which means double rule, in the provinces. It was considered to be a substantial step towards transfer of power to the Indians.
- The provincial subjects of administration were to be divided into two categories namely transferred and reserved.
 - The **transferred subjects** were to be administered by the Governor with the help of ministers responsible to the Legislative Council.
 - Whereas, the Governor and the Executive Council were to administer the **reserved subjects** without having any responsibility towards the Legislature. However, this experiment was largely unsuccessful.
- This Act set the **Devolution Rules**, by which subjects of administration were divided into two categories namely, **Central and Provincial**.
- Central category had subjects of all India importance (like Railways and Finance), while matters relating to the administration of the provinces were classified as Provincial.
- It introduced **bicameralism** (Concept of two Houses) and direct elections in the country for the first time. Consequently, the Indian Legislative Council was replaced by a bicameral legislature consisting of an Upper House (Council of State) and a Lower House (Legislative Assembly). The majority of members of both the Houses were to be chosen by direct election.
- The number of Indians in the Governor-General's Executive Council was raised to three in a council of six members (other than the Commander-in-Chief). The Indian members were entrusted with departments such as law, education, labour, health and industries.
- **Communal representation** extended to Sikhs, Christians, Anglo-Indians, etc.
- It provided for a new office of the **High Commissioner for India** in London and transferred to him some of the functions of the Secretary of State for India.
- It also provided for franchise for those who were educated, paid tax and had property and granted reservation to women on 41 seats in provincial legislature and limited reservation in Central legislature.
- It made provision for the establishment of a Public Service Commission, which came into being in 1926 for the recruitment of civil servants. It separated Provincial budgets from the Central budget and Provincial legislatures were authorised to enact their budgets.
- It granted franchise to a limited number of people on the basis of property, tax or education.

Government of India Act, 1935

- The British Government came up with the Government of India Act of 1935, after series of efforts in the form of White Papers and Round Table Conferences.
- The Act was a significant step towards establishing a completely responsible Government in India. It was a lengthy document with 321 Sections and 10 Schedules.

Features of the Act

- This Act made a provision for the establishment of an **All India Federation** consisting of provinces and princely states as units.
- This Act divided the powers between the Centre and Units in terms of three lists
 1. Federal List (59 items)
 2. Provincial List (54 items)
 3. Concurrent List (36 items)
- Residuary powers were vested in the Viceroy.
- It provided for the adoption of dyarchy at the Centre. Therefore, the federal subjects were divided into **reserved** subjects and **transferred** subjects. Nonetheless, this provision of the Act did not come into operation at all.
- This Act removed the Council of India (established by the Government of India Act of 1858).
- This Act led to the establishment of a **Reserve Bank of India** and established a **Federal Court** in 1937.
- This Act introduced **Provincial Autonomy** and abolished dyarchy in the Provinces (introduced in 1919).
- This Act introduced responsible governments in Provinces. As per this arrangement, the Governor was required to act with the advice of Ministers responsible to the Provincial Legislature. This provision came into effect in 1937, though it was discontinued in 1939.
- This Act introduced bicameralism with a Legislative Council (Upper House) and a Legislative Assembly (Lower House) in 6 out of 11 Provinces.
- It extended communal representation to the depressed classes, women and labour.
- It extended franchise and about 10% of the total population got the voting right.
- It provided for the establishment of Federal Public Service Commission, Provincial Public Service Commission and Joint Public Service Commission for two or more Provinces.

- The proposed All India Federation did not materialise. It could not convince anyone; the Indian National Congress, the Muslim League, the Hindu Mahasabha or the princely states. Muslims opposed the majority rule.
- Princes opposed the forces of democracy and Congress opposed federation by courtesy. Government of India Act of 1935 thus, remained a lost ideal.
- The Act of 1935 as a whole, however, was important. It not only acted as an Interim Constitution, but also provided a basis for the **Constitution of Free India**.
- The Acts alongwith earlier constitutional reforms, gave direction to the process of change as well as influenced its contents.

Cripps Mission, 1942

In 1942, Cripps Mission was sent to India under the leadership of Sir Stafford Cripps. Some of the proposals given by the Cripps Mission are given below :

- Dominion status would be given to India, after the Second World War.
- Once the Second World War ends, an elected body would be set up in India for framing of Indian Constitution.
- Even the Indian States would participate in the Constitution-making body.
- Almost all the Parties and sections in India rejected the proposals given by the Cripps Mission.

Cabinet Mission, 1946

- The Indian States and British Provinces would combine to form the Union of India.
- A Constituent Assembly would be established consisting of 389 members.
- 14 members from major political parties would form an interim government.
- A representative body would be formed named the Constituent Assembly.
- Until the Constitution was framed, the Constituent Assembly would act as the Dominion Legislature.
- Until the Constitution was framed, India would be administered as per the Government of India Act, 1935.

Indian Independence Act of 1947

- It was based on the famous **Mountbatten Plan** (3rd June, 1947). The Act relieved the assent of the crown on 18th July, 1947 and became effective on 15th August, 1947.

- The Act provided for the creation of two independent dominions – India and Pakistan.
- It provided for the Partition of Punjab and Bengal with separate **Boundaries Commissions** to demarcate the boundaries between them.
- Besides West Punjab and East Bengal, Pakistan was to consist of territories of Sind, North-Western Frontiers Provinces, Sylhet division of Assam, Bhawalpur, Khairpur, Baluchistan and eight other relatively minor Princely states in Baluchistan.
- By this Act, the sovereignty and responsibility of the British Crown over India were to lapse from the ‘Appointed Day’ (the date India gets independence – later decided as 15th August, 1947).
- Under the Act, following provisions were made :
 - The post of Secretary of State was abolished and the Crown was longer the source of authority.
 - The Governor-General and provincial Governors to act as Constitutional Heads.
 - Dominion status was given to India.
 - Constituent Assembly was to function as the provisional Parliament of the dominion.
 - The Constituent Assembly was to have unlimited powers to frame any Constitution and to repeal any Act of British Parliament including the Indian Independence Act.

Interim Government (1946)

Member	Portfolios Held
Pt Jawaharlal Nehru	External Affairs and Commonwealth Relations
Sardar Vallabhbhai Patel	Home, Information and Broadcasting
Dr Rajendra Prasad	Food and Agriculture
Dr John Mathai	Industries and Supplies
Jagjivan Ram	Labour
Sardar Baldev Singh	Defence
CH Bhabha	Works, Mines and Power
Liaquat Ali Khan	Finance
Abdur Rab Nishtar	Posts and Air
Asaf Ali	Railways and Transport
C Rajagopalachari	Education and Arts
Ibrahim Ismail Chundrigar	Commerce
Ghazanfar Ali Khan	Health
Joginder Nath Mandal	Law

Making of the Indian Constitution

Sources Class-VII Old NCERT Chap 1 (How we Made our Constitution?), Class-VIII New NCERT Chap 1 (Indian Constitution), Class-IX New NCERT Chap 2 (Making of the Constitution), Class-XI New NCERT Chap 1 (Constitution: Why and How?)

Constitution

The Constitution of a country is a set of written rules that are accepted by all people living together in a country.

The Constitution is the supreme law that determines the relationship among people citizens living in a territory and also the relationship between the people and government.

Need of Constitution

The Constitution is needed due the following reasons:

- The Constitution lays out certain ideals that form the basis of the kind of country in which citizens aspire to live in. For example, the Indian Constitution lays down India to be a sovereign, socialist, secular and democratic republic.
- The Constitution expresses the aspirations of the people about creating a good society. It provides a set of rules that allow for smooth coordination between diverse members of society.
- The Constitution also defines the nature of a country's political system. For example, Nepal's earlier Constitution stated that the country was to be ruled by the King and his Council of Ministers.
- The Constitution specifies which organs have what power so that there is no encroachment on each other's powers.
- Constitution lays down rules that check any misuse of authority by any of the three organs of the government viz. Legislature, Executive and Judiciary.

- The Constitution also checks the power of the government by providing a set of Fundamental Rights that are inviolable under normal conditions. The government cannot take arbitrary and unreasonable decisions.
- Constitution also checks the majoritarianism in a diverse society by providing special rights to the minority groups.
- It generates a degree of trust and coordination that is necessary for different kinds of people to live together. This ensures that minorities are not excluded from mainstream society and have access to what is available to the majority.
- Constitution also protects us from ourselves as often we might take certain decisions which are harmful to us as well as to others. For example, the reasonable restriction imposed along with Fundamental Rights is to restrict us from taking any hasty decisions.

Historical Background of Indian Constitution

- Prior to the Constituent Assembly that convened in 1948 to draft the Indian Constitution, the Fundamental Law of India was mostly enshrined in statutes enacted by the British Parliament. **Government of India Act** of 1919 and Act of 1935, were prominent among them. In 1928, **Motilal Nehru** and other Congress leaders drafted a Constitution for India.
- In 1931, at the **Karachi Session** of the Indian National Congress, it was decided that Universal Adult Franchise, the right to freedom and equality and

protecting the rights of minorities will be included in the Constitution of independent India.

- In 1934, **Indian National Congress** presented the demand for the creation of an Indian Constituent Assembly in front of the British Indian government.

Development of the Indian Constitution

The Constituent Assembly developed Indian Constitution in various phases as follows:

Constituent Assembly

- In 1946, the British decided to examine the possibility of granting independence to India. As a result, a **British Cabinet Mission** was despatched to India to :
 - Hold discussions with the representatives of British India and the Indian States in order to agree on the framework for writing a Constitution.
 - Set up a constituent body and an executive council.
- After this mission negotiations took place afterwards and a Constituent Assembly was indirectly elected by the provincial legislatures comprising 278 representatives and 15 women by the method of proportional representation with the **Single Transferable Vote**.
- The Constituent Assembly came into force in 1946. Members of the Constituent Assembly included **Jawaharlal Nehru, Dr Rajendra Prasad, Sardar Patel, Maulana Azad** and many more supreme leaders of the country. On 9th December, 1946, the first meeting of the Constituent Assembly took place. Dr. Rajendra Prasad was later appointed as the Chairman of the Constituent Assembly.
- Each Province and each Princely State or Group of States were allotted seats proportional to their respective population. 292 members were elected from (roughly in the ratio of 1:10,00,000). The Provinces (that were under direct British rule) while the Princely States were allotted a minimum of 93 seats.
- The Assembly consisted of 389 members representing provinces (292), states (93), the Chief Commissioner Provinces (3) and Baluchistan (1). The strength of the Assembly was reduced to 299 following the withdrawal of the Muslim League members after the partition of the country.
- The seats in each Province were distributed among the three main communities, Muslims, Sikhs and General, in proportion to their respective populations.

- Parties represented in the Constituent Assembly were the **Congress Party**, which had a majority, Muslim League, Scheduled Caste Federation, the Indian Communist Party and the Union Party.
- The Constituent Assembly met for the first time in December 1946 and by November 1949 the draft Constitution was approved.
- The Constitution came into effect in January, 1950 and the Constituent Assembly was transformed into a Provisional Parliament.

Framing of the New Constitution 1947-1950

- The Constituent Assembly set up 13 committees for framing the Constitution. On the basis of the reports of these committees, a draft of the Constitution was prepared by a seven-member Drafting Committee under the Chairmanship of **Dr BR Ambedkar**.
- The drafting Constitution was published in January 1948. On 26th November, 1949, the Constitution of India was passed and adopted by the Constituent Assembly.
- Finally, Constitution of India came into force on 26th January, 1950.

Important Committees of the Constituent Assembly and their Chairmen

Committee	Chairman
Committee on the Rules of Procedure	Rajendra Prasad
Steering Committee	Rajendra Prasad
Finance and Staff Committee	Rajendra Prasad
Credential Committee	Alladi Krishnaswami Ayyar
House Committee	B Pattabhi Sitaramayya
Order of Business Committee	KM Munsif
Ad hoc Committee on the National Flag	Rajendra Prasad
Committee on the Functions of the Constituent Assembly	GV Mavalankar
States Committee	Jawaharlal Nehru
Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Vallabhbhai Patel
Minorities Sub-Committee	HC Mookherjee
Fundamental Rights Sub-Committee	JB Kripalani
North-East Frontier Tribal Areas and Assam Excluded and Partially Excluded Areas Sub-Committee	Gopinath Bardoloi
Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee	AV Thakkar
Union Powers Committee	Jawaharlal Nehru
Union Constitution Committee	Jawaharlal Nehru
Drafting Committee	Dr BR Ambedkar

Procedure Adopted in the Constituent Assembly

- The Constituent Assembly worked in a systematic, open and consensual manner.
- First, some basic principles were decided and agreed upon. Then a Drafting Committee prepared a draft Constitution for discussion. Several rounds of thorough discussion took place on the Draft Constitution, clause by clause.
- The members of the Assembly placed a great emphasis on discussion and reasoned argument. They did not simply advance their own interests but gave principled reasons to other members for their positions.
- The Constituent Assembly worked through the mechanism of committees. The Constituent Assembly had eight major committees on different subjects. Usually, Jawaharlal Nehru, Rajendra Prasad, Sardar Patel and BR Ambedkar chaired these committees.
- Each committee usually drafted particular provisions of the Constitution, which were then subjected to debate by the entire Assembly. Usually, an attempt was made to reach a consensus with the belief that provisions agreed to by all, would not be detrimental to any particular interests.
- The Assembly met for one hundred and sixty-six days, spread over two years, eleven months and 18 days. Its sessions were open to the press and the public.

Drafting Committee

- On 29th August, 1947, the Constituent Assembly set-up a Drafting Committee under the Chairmanship of **Dr BR Ambedkar** to prepare a draft for the Constitution of India. Thus, BR Ambedkar is rightly regarded as the 'Father of the Constitution of India'.
- While deliberating upon the Draft Constitution, the Assembly moved, discussed and disposed of as many as 2473 amendments out of a total of 7653 tabled amendments.

Objective Resolution adopted in the Constituent Assembly

The Objectives Resolution, 1946 was introduced by Jawaharlal Nehru in the very first session of the Constituent Assembly. Basically, these resolutions were the aspirations of people who were making the Constitution.

Principles Outlined in the Objective Resolution

Indian Constitution has embodied the objectives expressed in this resolution.

The ideals/principles embodied in the objectives resolution are reflected in the Preamble to the Constitution.

The main ideals/principles outlined in the resolution were:

- Constituent Assembly declares India as an independent, sovereign, republic and to draw up for her future governance a Constitution.
- India shall be the Union of States.
- All powers and authority of India and Government are derived from the people.
- People will get guarantee about Justice, Equality and Liberty.
- Adequate safeguards shall be provided for minorities, backward and depressed.
- Whereby shall be maintained the integrity of the territory of the Republic.
- The state will contribute to the promotion of world peace and the welfare of mankind.

Important Facts Related to Making of the Constitution














- The duration of the making of Indian Constitution was 2 years, 11 months and 18 days (around three years).
- Every debate of Constituent Assembly is recorded and preserved in 12 sections.
- The task of Constitution-making was completed on 26th November, 1949 by the Constituent Assembly. 284 members of the Constituent Assembly out of 299 finally signed the Constitution.
- Every year, 26 November is observed as **Constitution Day** in India since 2015.

Timeline of Constituent Assembly

Session	Duration
First Session	9-23 December, 1946
Second Session	20-25 January, 1947
Third Session	28 April - 2 May, 1947
Fourth Session	14-31 July, 1947
Fifth Session	14-30 August, 1947
Sixth Session	27 January, 1948
Seventh Session	4th Nov, 1948-8 Jan, 1949
Eighth Session	16th May - 16 June, 1949
Ninth Session	30th July - 18 Sep, 1949
Tenth Session	6-17 October, 1949
Eleventh Session	14-26 Nov, 1949

[The Assembly met once again on 24th January, 1950, when the members appended their signatures to the Constitution of India].

Important Personalities of Constituent Assembly

Personalities	Description				
 Rajendra Prasad	<ul style="list-style-type: none">■ He was born (1884-1963) in Bihar.■ He was the President of the Constituent Assembly.■ He was a lawyer, known for his role in the Champaran Satyagraha.■ He was the President of Congress for the three times.■ Post-independence, he was the first President of India.	 HC Mookherjee	<ul style="list-style-type: none">■ He was born (1887-1956) in Bengal.■ He was the Vice-Chairman of the Constituent Assembly.■ He was a reputed author and educationist and Congress leader.■ He was also a member of the All India Christian Council and Bengal Legislative Assembly.■ Post-independence, he was the Governor of West Bengal.	 Sarojini Naidu	<ul style="list-style-type: none">■ She was born (1879-1949) in Hyderabad.■ She was a proponent of civil rights, women's emancipation and anti-imperialists ideas.■ She is also known as 'Nightingale of India'.■ She was the India's first women Governor.
 Vallabhbhai Jhaverbhai Patel	<ul style="list-style-type: none">■ He was born (1875-1950) in Gujarat.■ He was Minister of Home, Information and Broadcasting in the Interim Government.■ He was a Lawyer and leader of Bardoli Peasant Satyagraha.■ He played a decisive role in the integration of the Indian princely states.■ Post-independence, he was the Deputy Prime Minister.	 Baldev Singh	<ul style="list-style-type: none">■ He was born (1901-1961) in Haryana.■ He was a successful entrepreneur and leader of the Panthic Akali Party in the Punjab Assembly.■ A nominee of the Congress in the Constituent Assembly.■ Post-independence, he was the Defence Minister in the Union Cabinet.	 Durgabai Deshmukh	<ul style="list-style-type: none">■ She was born (1909-1981) in Andhra Pradesh.■ She was a member of the Constituent Assembly and the Planning Commission of India.■ She was awarded with Padma Vibushan.
 Abul Kalam Azad	<ul style="list-style-type: none">■ He was born (1888-1958) in Saudi Arabia.■ He was an educationist, author, theologian.■ He was a scholar of Arabic.■ He was a Congress leader active in the National Movement.■ He also opposed Muslim separatist politics.■ Post-independence, he was the Education Minister in the first Union Cabinet.	 Bhimrao Ramji Ambedkar	<ul style="list-style-type: none">■ He was born (1891-1956) in Madhya Pradesh.■ He was the Chairman of the Drafting Committee.■ He was a social revolutionary thinker and agitator against caste divisions and caste-based inequalities.■ He was the Law Minister in the first cabinet of post-independence India.■ He was the founder of the Republican Party of India.	 Shyama Prasad Mukherjee	<ul style="list-style-type: none">■ He was born (1901-1953) in Kolkata.■ He served as the Minister for Industry and Supply in Jawaharlal Nehru's Cabinet.■ He founded the Bharatiya Jana Sangh in 1951.
 TT Krishnamachari	<ul style="list-style-type: none">■ He was born (1899-1974) in Tamil Nadu.■ He was a member of the Drafting Committee.■ He was an entrepreneur and Congress leader.■ Post-independence, he was the Finance Minister in the Union Cabinet.	 Jawaharlal Nehru	<ul style="list-style-type: none">■ He was born (1889-1964) in Uttar Pradesh.■ He was the Prime Minister of the Interim Government.■ He was a lawyer and Congress leader.■ He was an advocate of socialism, democracy, and anti-imperialism.■ Post-independence, he was the first Prime Minister of India.	 Somnath Lahiri	<ul style="list-style-type: none">■ He was born (1901-1984) in West Bengal.■ He was the sole Communist member in Constituent Assembly in 1946.■ He was the editor of Swadhinata, a daily left using political magazine.
		 Jaipal Singh			<ul style="list-style-type: none">■ He was born (1903-1970) in Jharkhand.■ He represented the tribal people in Constituent Assembly.■ He was also the captain of Indian Hockey team which won gold medal in 1928 Summer Olympic at Amsterdam.

Indian Constitution : Preamble and Its Features

Sources Class-VII Old NCERT Chap 2 (What our Ideals Are : The Preamble), Class-VII New NCERT Chap 3 (Chief Features of Our Constitution), Class-VIII New NCERT Chap 1 (Indian Constitution), Class-IX & X Old NCERT Chap 4 (The Constitution of India and its Salient Features), Class-XI Old NCERT Chap 3 (Preamble, Its Main Features and Indian Union)

Preamble of the Indian Constitution

- A **Preamble** is an introductory statement in a document that explains the document's aims and objectives. In a Constitution, Preamble presents the intention of its framers, the history behind its creation and the core values and principles of the nation.
- The **Preamble** is based on the **Objectives Resolution**, which was drafted in the Constituent Assembly by Jawaharlal Nehru on 13th December, 1946 and adopted by Constituent Assembly on 22nd January, 1947.
- Preamble was drafted by the constitutional advisor of the Constituent Assembly, **BN Rao**.
- The Preamble has been amended only once by the **42nd Constitutional Amendment**, 1976.
- Through this Amendment, the words **socialist** and **secular** were added between the words **Sovereign** and **democratic** and the words 'unity of the Nation' were changed to **unity and integrity of the Nation**.
- **American Constitution** is the source of Preamble and its language is derived from **Australian Constitution**.
- The words **liberty, equality** and **fraternity** in the Preamble are taken from **French Constitution**.

Importance and Utility of the Preamble

- The Preamble of the Constitution contains ideas that the Constitution seeks to achieve. It does not grant any power but it gives direction and purpose to the Constitution. It outlines the objectives of the whole Constitution.

- It also enshrines the grand objectives and socio-economic goals, which are to be achieved through constitutional processes.
- Through the *Berubari case*, the Court stated that 'Preamble is the key to open the mind of the makers' but it cannot be considered as part of the Constitution. Therefore it is not enforceable in a court of law.
- In the 1995, for case of *Union Government vs Life Insurance Corporation (LIC) of India*, the Supreme Court held that Preamble is an integral part of the Constitution but is not directly enforceable in a court of justice in India.

Components of Preamble

The components of the Preamble of the Indian Constitution are :

- The Preamble shows that the people of India are the source of authority. It means power lies with the citizens to elect their representatives and they also have the right to criticise their representatives.
- It comprises the date of its adoption, which is 26th November, 1949.
- It states that the objectives of the Constitution of India, are justice, liberty, equality and fraternity which is to maintain the integrity and unity of the nation as well as the citizens.
- It also justifies the nature of the Indian State, which is sovereign, socialist, republic, secular and democratic.

Keywords Used in the Preamble

We the People of India

- It indicates the ultimate sovereignty of the **people of India**.
- Sovereignty means the independent authority of the State, not being subject to the control of any other State or external power.

Republic

- The term **Republic** indicates that the head of the state is elected by the people.
- The tradition of hereditary rule came to an end by the incorporation of this concept.

Secular

- The term **secular** means that State does not recognise any religion and is neutral in matters of religion. It treats all religions equally.
- Supreme Court in **SR Bommai vs Union of India** (1994) held that secularism is the basic structure of the Constitution.

Liberty

- The term **Liberty** means freedom for the people to choose their way of life, have political views and behaviour in society.
- It means no unreasonable restrictions can be imposed on the citizens in terms of their thoughts, feelings and views. But liberty does not mean freedom to do anything, a person can do anything but within the limit set by the law.
- Anything, which can create public disorder cannot come under liberty. These limits are set by the Constitution to avoid injuries in the name of liberty.

Justice

- Justice among the citizens is necessary to maintain order in society. The term 'Justice' comprises of three elements that complete the definition, which are social, economic and political.
- **Social Justice** It means that the Constitution wants to create a society without discrimination on any grounds like caste, creed, gender, religion, etc.
- **Economic Justice** It means no discrimination can be caused by people on the basis of their wealth, income, and economic status. It means wealth must be distributed on the basis of their work, not with any other reason. Every person must be paid equally for an equal position and all people must get opportunities to earn for their living.
- **Political Justice** It means that all citizens should have equal political rights, equal access to all political offices and equal voice in the government.

Sovereign

- The term **Sovereign** means the independent power of the state.
- In other words, a sovereign state is not subject to the control of any other state or external power and that state has the power to legislate on any subject.

Socialist

- **Socialism** means ownership of productive forces by the government, so that they benefit people equally.
- India has adopted **Democratic Socialism**, which is different from Communist Socialism.

Democratic

- The term **Democratic** implies that the Constitution of India has an established form of Constitution that gets its authority from the will of the people expressed in an election.
- It indicates that the source of the power of the government vests in its people.
- A democratic government is a government of the people, for the people and by the people.

Equality

- The term **Equality** means no section of society has any special privileges and all the people have been given equal opportunities for everything without any discrimination.
- It means removing all types of discrimination from society to build a healthy environment for the people to live in. Everyone is equal before the law.

Fraternity

- The term **Fraternity** means a feeling of brotherhood and an emotional attachment with the country and all the people.
- It refers to a feeling, which helps to believe everyone is the children of the same soil and connected with each other. Brotherhood is above social norms or regulations, it is the relationship above caste, age, or gender.

THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **[SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC]** and to secure to all its citizens :

JUSTICE, social, economic and political;

LIBERTY, of thought, expression, belief, faith and worship;

EQUALITY, of status and of opportunity and to promote among them all

FRATERNITY, assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY

this twenty-sixth day of November, 1949 do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

Salient Features of the Indian Constitution

The important salient features of the Indian Constitution are :

World's Longest Written Constitution

- The Indian Constitution contains 465 articles, 25 parts and 12 schedules. Hence, it is world's longest Constitution.
- It is a comprehensive, elaborate and detailed document. The factors that have contributed to this phenomenon are geographical factors (the vastness of country and diversity), historical factors (influence of GoI, 1935), a single Constitution for both centre and state and dominance of legal luminaries.

Parliamentary Democracy

- Our Parliament has adopted a parliamentary system of democracy. Constituent Assembly decided to espouse a parliamentary form of government both for the Centre and the states.
- In the Indian parliamentary system, a distinction is made between the nominal and real executive heads.
- The Council of Ministers is responsible before the Lok Sabha, the Lower House of Union Parliament. There are close relations between the executive and the legislature. Executive functions are exercised by members of the Parliament appointed by the Prime Minister to the cabinet.
- The parties in the minority serve in opposition to the majority and have the duty to challenge it regularly. Prime Minister may be removed from power whenever they lose the confidence of a majority of the ruling party or of the Parliament.

Fundamental Rights

- The Constitution of India grants and guarantees Fundamental Rights to its citizens. The Constitution of India confirms the basic principle that every individual is permitted to enjoy certain basic rights and part III of the Constitution deals with those rights, which are known as a Fundamental Right.
- The six Fundamental Rights include Right to Equality; Right to Freedom; Right Against Exploitation; Right to Freedom of Religion; Cultural and Educational Rights and Right to Constitutional Remedies (Art. 32).
- The Fundamental Rights are justiciable and are not absolute. Reasonable constraints can be imposed keeping in view the security requirements of the state.

Drawn from Various Sources

- Indian Constitution has absorbed those features from other nations Constitutions that suited Indian problems and aspirations.

- Constituent Assembly took the best of features from everywhere and made them its own. Our Constitution has features taken from the Government of India Act, 1935.
- Those features are Federal Scheme, Office of the Governor, Judiciary, Public Service Commissions, Emergency provisions, Administrative details.

Borrowed Features of Indian Constitution

Countries	Borrowed Features
Australia	Concurrent list, Freedom of trade, commerce and intercourse, Joint-sitting of the two Houses of Parliament.
Canada	Federation with a strong Centre, Vesting of residuary powers in the Centre, Appointment of state governors by the Centre Advisory, jurisdiction of the Supreme Court.
Ireland	Directive Principles of State Policy, Nomination of members to Rajya Sabha, Method of election of the President.
Japan	Procedure established by law.
Soviet Union (USSR)	Fundamental Duties, Ideals of justice (social, economic and political).
The UK	Parliamentary government Rule of Law, Legislative procedure, Single citizenship Cabinet system, Prerogative writs Parliamentary privileges, Bicameralism.
US	Fundamental Rights, Independence of judiciary, Judicial review Impeachment of the President, Removal of Supreme Court and High Court judges, Post of Vice-President.
Germany (Weimar)	Suspension of Fundamental Rights during emergency.
South Africa	Procedure for Amendment in the Indian Constitution, Election of members of Rajya Sabha.
The France	Republic Ideals of liberty, equality and fraternity in the Preamble.

Fundamental Duties

- The Constitution (42nd Amendment) Act, 1976, chapter IV-A introduced a code of ten 'Fundamental Duties' for citizens.
- The Fundamental Duties are indeed to serve as a constant reminder to every citizen that while the Constitution has specifically conferred on them certain Fundamental Rights, it also requires the citizens to observe certain basic norms of democratic conduct and democratic behaviour.

Directive Principles of State Policy

- A unique aspect of the Constitution is that it comprises a chapter in the Directive Principles of State Policy.
- These principles are in the nature of directives to the government to implement them to maintain social and economic democracy in the country.

Federation with a Strong Centralising Tendency

- The Indian Constitution includes all the federal characteristics of governance such as Dual Government System (centre and state), division of powers between the three state organs (executive, judiciary and legislature), constitutional supremacy, independent judiciary and bicameralism (lower and upper house).

Integrated Judicial system

- The Constitution provides for a single integrated judicial system common for the Union and the states.
- The Supreme Court of India works at the apex level, High courts at the state level and other courts work under the High courts.

Independent Judiciary

- It is necessary to secure the philosophical foundations of the rule of law and democracy. Firstly, the Constitution makers created a separate Judiciary independent of legislature and executive.
- Secondly, the Constitution has ensured the complete independence of the Judiciary in matters of administration and finances.

A Mixture of Rigidity with Flexibility

- The Indian Constitution strikes a fine balance between rigidity and flexibility when it comes to ease of modification. Article 368 lays down two types of modifications.
- Some provisions may be amended by a special parliamentary majority, i.e. a 2/3rd majority of the members of each House present and vote and the majority (i.e. more than 50 %) of each House's total membership.
- Some other provisions can be amended by a special parliamentary majority and with half of the total states ratifying them. This ensures that with the widest possible majority, the Constitution is amended.
- At the same time, in the manner of the ordinary legislative process, certain provisions of the Constitution can be amended by a simple majority of Parliament. Such Amendments are not within the scope of Article 368.

Separation of Power

- There are three organs of the Government viz. Executive, Legislature and Judiciary, as per the Constitution of India.

- Each of these three organs has different powers as per the Constitution of India, this is done to ensure that there is no misuse of power and balance of power is maintained.
- The executive is a smaller group of people who are responsible for running the government and implementing the laws. Our elected representatives are known as the Legislature and the System of courts is known as the Judiciary.

Balance between the Sovereignty of Parliament and Judicial Supremacy

- A fine balance has been struck between parliamentary sovereignty and judicial supremacy by the Indian Constitution.
- The Supreme Court is vested by Articles 13, 32 and 136 with the power of judicial review. By its power of judicial review, it can strike down any parliamentary law as unconstitutional.
- On the other hand, the Parliament, being the representative of the people's will, has the authority to make laws and it can also amend the major part of the Constitution through its powers under Article 368.

Single Constitution

- There are no separate Constitutions for the States.
- In a true Federation, there are separate Constitutions for the Union and the States.

Centre's Control over States

- The States have to respect the laws made by the Central Government and cannot make any law on matters on, which there is already a central law.
- Rajya Sabha does not represent the State's equality. In a true Federation, the upper house of the Legislature has equal representation from the constituting units of the States.

Adult Suffrage

- Under the Indian Constitution, every person who is a citizen of India and who has attained the age of 18 years is entitled to vote in Parliamentary and State Legislature Assembly elections for electing representatives.
- There is no discrimination in this respect on grounds of sex, caste, religion, property, etc.

Single Citizenship

- Though the Constitution of India is federal and provides for dual polity, i.e., Centre and States, it provides for single citizenship for the whole of India. The American Constitution provides for dual citizenship, i.e., the citizenship of America and State citizenship.

- On the other hand, there is only one citizenship in India, i.e., the citizenship of India. There is no State citizenship. Every Indian is a citizen of India and enjoys the same rights of citizenship no matter in what state he resides.

Judicial Review

- The concept of judicial review is an essential feature of the Constitution that helps the Constitution to work properly.
- The judiciary is considered to be the guardian of the Constitution, thus it is the duty of the judiciary to check the actions that are violative of various articles in the Constitution.
- The actions of various organs of the government like the Executive and Legislature can be questioned by the judiciary using judicial review.

Basic Structure Doctrine

- The basic structure doctrine is an Indian judicial norm that the Constitution of India has certain basic features that cannot be changed or destroyed through amendments by the Parliament.
- The basic features of the Constitution have not been openly defined by the Judiciary.
- At least, 20 features have been described as 'basic' or 'essential' by the courts in numerous cases and have been incorporated in the basic structure.
- In *Indira Gandhi vs Raj Narayan* case and also in the *Minerva Mills* case, it was witnessed that the claim of any particular feature of the Constitution to be a 'basic' feature would be determined by the court in each case that comes before it.

Amendability of the Constitution

- An Amendment of the Constitution can be initiated only by the introduction of a bill for the purpose in either House of Parliament and not in the state legislatures.
- The bill can be introduced either by a minister or by a private member and does not require prior permission from the President. There are three ways in, which the Constitution can be amended:
 - Amendment by a simple majority of the Parliament.
 - Amendment by a special majority of the Parliament.
 - Amendment by a special majority of the Parliament and the ratification of at least half of the state legislatures.

Emergency Provisions

- Indian Constitution contains elaborate provisions to deal with those challenges that pose a threat to the country's security and unity.

- The President can declare three types of emergencies — National (Article 352), State (Article 356) and Financial (Article 360) emergency in a state.

Three-tier Government

- Through 73rd and 74th Amendment Act, we have rural and urban local bodies as an additional constitutional tier of the government structure.
- This section fulfills the dream of Gandhiji to see a self-functioning village in India.

Independent Bodies

Constitution has set up various independent bodies and vested them with powers to ensure the constitutional provisions. These are :

- **Election Commission** The Election Commission of India is an autonomous constitutional authority responsible for administering Union and State election processes in India.
The body administers elections to the Lok Sabha, Rajya Sabha, State Legislative Assemblies in India and the offices of the President and Vice-President in the country.
- **Comptroller and Auditor General (CAG)** It is a constitutional functionary, independent of Parliament/legislature and executives.
The CAG is responsible for Audit of Ministries and departments of Government of India and the State governments.
- **UPSC and SPSC** The Constitution of India has made the Union Public Service Commission (UPSC) and State Public Service Commission (SPSC), advisory institutions that provide advice on the subject sent to it by the President of India or by the Governors of the State respectively. UPSC is the central recruitment agency in India and SPSC is the state recruitment agency.
These institutions have been provided with security of tenure, fixed service conditions, etc to ensure that they are not susceptible to the whims of either the legislature or the executive.

Unitary Feature of Indian Constitution

- India is a federal government but it more emphasis towards a unitary system of government. It is sometimes considered a quasi-federal system as it has features of both a federal and a unitary system.
- **Article 1** of the Indian Constitution states, "India, that is Bharat, shall be a union of states." The word 'Federation' is not mentioned in the Constitution.
- The Seventh Schedule of the Constitution contains three lists of subjects. These subjects show how the division of power is made between the two sets of government.

Indian Federation and Reorganisation of States

Sources Class-IX & X Old NCERT Chap 1 (Our Government in States), Class-X New NCERT Chap 2 (Federalism), Class-XI New NCERT Chap 7 (Federalism), Class-XII New NCERT Chap 8 (Regional Aspirations), Class-XII New NCERT Chap 1 (Challenges of National Building), Class-XII Old NCERT Chap 14 (Regional Imbalances : Regionalism, Linguism and Separatism)

Federalism

- Federalism is a system of government, in which the power is divided between a central authority and various constituent units of the country.
- Usually, a federation has two levels of government. One is the government for the entire country that is usually responsible for a few subjects of common national interest.
- The others are governments at the level of provinces or states that look after much of the day-to-day administering of their state. Both these levels of government enjoy their power independently.
- There are two kinds of routes through which federations have been formed :
 - The first route involves independent states coming together on their own to form a bigger unit so that by pooling sovereignty and retaining identity they can increase their security. This type of **coming together** federation includes the USA, Switzerland and Australia.
 - The second route is where a large country decides to divide its power between the constituent states and the national government. India, Spain and Belgium are examples of this kind of **holding together** federations.

Indian Federalism

- Indian Constitution has declared India to be a Union of States. The Constitution of India has adopted federal features but it does not claim that it establishes a federation.
- In the Indian Constitution, the word federation is not mentioned with regard to the nature of Indian polity.
- **Article 1** of the Constitution describes India as a ‘Union of States’, which implies two things: **firstly**, it is not the result of an agreement among the states and **secondly**, the states have no freedom to secede or separate from the Union. Besides, the constitution of the Union and the states is a single framework within which they must function. The federation is a union because it is indestructible and helps to maintain the unity of the country.

Nature of Indian Federalism

Indian model of federalism is called a quasi-federal system as it contains major features of both a federation and Union as follows:

- **Flexibility of the Constitution** The Constitution is a blend of flexibility and rigidity. Certain provisions of the Constitution can be easily amended. In case the amendments seek to change aspects of federalism in India, the provision to bring about such amendments is not easy.
- **Unequal Representation of states in the Rajya Sabha** The representation of the states in the Upper House is based on the state's population. For example, Uttar Pradesh has 31 seats and Goa has 1 in the Rajya Sabha. In an ideal federal system, all the states should have equal representation.

- **Governor's Appointment** The Governor of a state acts as the centre's representative in the state as central government appoints the Governor not the state government.
- **All India Services** Through the All India Services such as the Indian Administrative Services (IAS), Indian Police Services (IPS), etc., the centre interferes in the executive powers of the states. These services also offer uniformity in administration throughout the nation.
- **More Power Vests with the Centre** The Constitution guarantees more powers with the Union List. On the Concurrent List of subjects, the Parliament can make laws that can override the laws made by a State legislature on some matters. The Parliament can also make laws regarding certain subjects in the State List.

Conflicts in India's Federal System

Federalism is the most relevant factor of modern constitutionalism. The core objectives of Indian federalism are unity in diversity, devolution in authority and decentralisation in administration.

Some of the conflicts in the smooth working of Indian federalism are as follows :

- **Regional Assertion vs Central Dominance** Indian federalism has a bias for the central government. That's why states have also sought to assert their interests and influence over the years, whether in times of one-party dominance or multi-party coalition politics. The pluralist character of India gives rise to many factors including regionalism.
- **Absence of Fiscal Federalism** Asymmetrical sharing of revenue and resource crunch at the periphery results in uneven development across the country. The current Goods and Services Tax (GST) measure is feared by many states to be against fiscal federalism in India.
- **Creation of Linguistic States** Union government has the authority to make, unmake and remake state boundaries. The push for regionalisation from various language groups and tribal communities compelled the Centre to adopt a formalised arrangement of reorganising the federating states in India.
- **Centralised Planning** Although economic and social planning is found in the Concurrent List of the Seventh Schedule to the Constitution, the Union Government has authority over national and regional planning in India. Centralised planning, through the Planning Commission, now NITI (National Institute for Transforming India) Aayog appointed by the Centre.

Post-Independence Consolidation of India

- British India had two types of territories Provinces, governed directly by British officials who were responsible to the Governor-General of India.
- Princely states under the control of local hereditary rulers having British Government as the sovereign but enjoying autonomy based on the treaty.
- When India gained independence on 15th August, 1947, the British Government dissolved their treaty relations with the over 600 princely states, who had the option of acceding to either India or Pakistan.
- Most of the princely states joined India either voluntarily or by armed intervention.

Integration of Princely States

- India's first Deputy Prime Minister, **Sardar Vallabhbhai Patel** played a key role in the integration of the princely states.
- Accession of the Princely states of Junagadh, Hyderabad, Kashmir and Manipur proved more difficult than the rest of the princely states.

Junagadh

- It was a small state on the coast of Saurashtra surrounded by Indian Territory without any geographical adjacency with Pakistan.
- It's **Nawab Mahabat Khan** who announced the accession of his state to Pakistan on 15th August, 1947, even though the majority of the people, overwhelmingly Hindu, desired to join India.
- Indian troops marched into the state. Later, voting was held in the state in February 1948, which favoured joining India.

Hyderabad

- The Nawab of Hyderabad succeeded in mobilising a group of orthodox Muslims called as Ittehadul Muslimeen and a militia called *Razakars*.
- They challenged the idea of India and hence, finally a police action was taken by the Government of India in 1948 leading to the surrender of Hyderabad on 17th September of that year. The Nawab agreed to accede Hyderabad to India.

Kashmir

- It was neither a part of India nor Pakistan at the time of independence. When on 22nd October, 1947, a section of Pakistanis backed by their army attacked Kashmir, the King of Kashmir **Maharaja Hari Singh** requested to help from the Indian Government.
- After the Maharaja signed the Instrument of Accession, the Indian Army was sent to help Kashmir.

Sikkim

- Till 1947, Sikkim was an Indian Princely state ruled by the chogyals. In 1947, after the Lapse of British Paramountcy, Sikkim became a 'Protectorate' of India.
- Sikkim became an integral part of India in 1975. The 36th constitutional amendment act was enacted to make Sikkim a full-fledged state of Indian Union.

Manipur

- Ruler of Manipur Estate, **Bodhchandra Singh** signed an agreement prior to independence with the Government of India to become a part of Indian Union.
- In 1948, Legislative Assembly elections were held under the pressure of public.
- After that Indian government pressurised the Emperor of Manipur to become a part of India and as a result Manipur finally merged in India.

State's Reorganisation

- The boundaries of provinces in pre-1947, India had been drawn in a haphazard manner as the British conquest of India had proceeded for nearly a hundred years.
- No heed was paid to linguistic and cultural cohesion so that most of the provinces were multilingual and multicultural.
- After, the accession of the Princely States and British Provinces, the states were grouped on the basis of historical and political considerations rather than on cultural or linguistic divisions. However, this was just a temporary arrangement.
- At this juncture, there was a need for the reorganisation of states on a permanent basis. Hence, various committee and commission are formed. Prominent ones among these are:

Dhar Commission

- Due to the growing demand of reorganisation of states on a linguistic basis, a commission was appointed in the Chairmanship of **SK Dhar** in 1948.
- The commission preferred reorganisation of states on the basis of administrative convenience including historical and geographical considerations instead of linguistic lines.

JVP Committee

- The JVP Committee was constituted in 1948 and consisted of **Jawaharlal Nehru, Vallabhbhai Patel** and **Pattabhi Sitaramayya**.
- The Committee submitted its report on April, 1949 and rejected the idea of the reorganisation of states on a linguistic basis. However, it said that the issue might be looked with a fresh perspective in the light of public demand.

Fazl Ali Commission

- **Jawaharlal Nehru** appointed a new commission under **Fazl Ali** in 1953 to consider these new demands.
- The commission submitted its full report in 1955 and made a suggestion for the reorganisation of the whole country into 16 states and three centrally administered areas.
- However, the government did not agree with the recommendations entirely and divided the country into 14 states and 6 Union territories bypassing the States Reorganisation Act in 1956.

Shah Commission

- On the recommendation of the Shah Commission report the **Punjab Reorganisation Act** was passed in 1966 by the Parliament and the State of Haryana was formed.
- Chandigarh was made a Union territory with a common capital of Punjab and Haryana.

Creation of New States : Constitutional Provision

- Indian Constitution empowers the Union Government to create new states out of existing states or two merge one state with another.
- This process is called the reorganisation of the states. The basis of reorganisation could be linguistic, religious, ethnic or administrative.
- Constitutional provisions for the creation of new states are :

Article 2

- Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.
- There are two powers given to Parliament by Article 2, namely:
 - (i) The power to admit new States into the Union and
 - (ii) The power to establish new States.

Article 3

- Formation of new States and alteration of areas, boundaries or names of existing States Parliament may by law:
 - Form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;
 - Increase the area of any State
 - Diminish the area of any State
 - Alter the boundaries of any State
 - Alter the name of any State

Creation of Constitutional Units

- The Constitution of India came into force on 26th January, 1950. It made India a sovereign democratic republic. The Republic of India was declared to be a Union of States under the new Constitution.
- The Constitution of India divided the states into four parts – Part-A, Part-B, Part-C and Part-D.

Part-A States

- There were a total of nine states under Part-A. These states were the former Governor provinces of British India. These states were to be administered by an elected Governor and a state legislature.
- They were organised by incorporating smaller states into contiguous provinces. For example, Gujarat and the Deccan were incorporated into Bombay.
- Part-A states are Bombay, West Bengal, Uttar Pradesh (former United Province), Madhya Pradesh (former central province), Punjab, Orissa, Madras, Assam and Bihar.

Part-B States

- There were a total of eight Part-B states. Part-B States included the major princely states that joined India.
- The executive heads of the Part-B states were designated as Raj Pramukhs. They would be ruled like the Part-A States with Legislatures and Councils of Ministers.
- The Raj Pramukhs, who were mainly former princes, were appointed by the President of India.
- Part-B states are Mysore, Hyderabad, Jammu and Kashmir, Rajasthan, Travancore-Cochin, Saurashtra, Patiala and East Punjab States Union (PEPSU) and Madhya Bharat (a new state, formed by integrating Indore, Gwalior and the other Central Indian States).

Part-C States

- There were a total of ten Part-C states. The smaller princely states that joined India were merged and constituted as the Part-C States along with some of the old Chief Commissioner's Provinces.
- The executive head of a Part-C State would be either a Chief Commissioner or a Lieutenant-Governor. Parliament could create legislatures and Councils of Advisors/Ministers in such states.
- Part-C states are Himachal Pradesh, Delhi, Kutch, Ajmer, Bilaspur, Vindhya Pradesh, Bhopal, Tripura, Manipur and Coorg.

Part-D States

- The extremely backward Andaman and the Nicobar Islands were constituted as a Part-D State.
- Part-D state of Andaman and Nicobar would be governed by the President of India through a Chief Commissioner.

Formation of Andhra Pradesh on Linguistic Basis

- The Government of India, in 1953 was forced to create the first linguistic state, the state of Andhra, by separating the 16-Telugu speaking districts of Madras state, comprising of the Coastal Andhra and Rayalaseema Regions.
- Andhra was created after the long drawn agitation and death of **Potti Sriramulu**, after a 56-day hunger strike for the cause.

Formation of Union Territories

After the States Reorganisation Act of 1956, Part-C and Part-D states were combined into a single category of 'Union Territory'.

The concept of the UT was added by the Constitution (Seventh Amendment) Act, 1956. Union Territories (UTs) are the federal territories and are administered by the Union Government of India. In the Union Territories, Lieutenant Governors are appointed by the President of India who serves as their administrators.

Puducherry, Jammu and Kashmir and Delhi were granted partial statehood, that's why they are the exception in this regard. They have an elected legislature and government.

The description of the formation of Union Territories is as follows :

- **Delhi** was earlier a State. On 27th March, 1952, the first Delhi Legislative Assembly elections were held on 48 seats. Chaudhary Brahm Prakash Yadav was the first CM of Delhi. However, after the State Reorganisation Act of 1956, Delhi lost its Statehood and became a Union Territory. In 1991, Partial Statehood status was granted to the Union Territory of Delhi and it came to be known as the National Capital Territory of Delhi.
- In 1954, **Puducherry** was merged into the Republic of India after attaining independence from French Rule and became the Union Territory of Puducherry. In 1963, Puducherry was granted the status of Partial Statehood.
- **Chandigarh** became a Union Territory in 1956.
- **Lakshwadeep** became a Union Territory in 1956.
- In 1961, **Daman and Diu and Goa** were merged into the Republic of India, after attaining independence from Portuguese Rule. In 1987, Goa was granted the status of Statehood and became the first Union Territory to receive such status.

- In 2019, **Jammu and Kashmir Reorganisation Act, 2019** was passed by the Indian Parliament and it reconstituted the state of Jammu and Kashmir into two Union territories- UT of Jammu and Kashmir and UT of Ladakh.
- In 2020, **Dadra and Nagar Haveli** and Daman and Diu were merged into a single Union Territory known as Dadra and Nagar Haveli and Daman and Diu.
- **Andaman and Nicobar Islands** is a Union Territory of India consisting of 572 islands, of which 38 are inhabited, at the junction of the Bay of Bengal and the Andaman Sea.

Timeline- Creation of New States and Union Territories in India

Nagaland	<ul style="list-style-type: none"> ▪ It was carved out from the state of Assam by the State of Nagaland Act, 1952.
Andhra Pradesh	<ul style="list-style-type: none"> ▪ It was created by the Andhra State Act, (1953) by carving out some areas from the State of Madras. ▪ Kurnool was the capital and High Court was established at Guntur.
Kerala	<ul style="list-style-type: none"> ▪ It was created by the State Reorganisation Act, 1956. ▪ It comprised Travancore and Cochin areas.
Gujarat and Maharashtra	<ul style="list-style-type: none"> ▪ The state of Mumbai was divided into two states i.e. Maharashtra and Gujarat by the Mumbai (Reorganisation) Act, 1960.
Haryana	<ul style="list-style-type: none"> ▪ It was carved out from the state of Punjab by the Punjab (Reorganisation) Act, 1966.
Meghalaya, Manipur and Tripura	<ul style="list-style-type: none"> ▪ These were first carved out as a 'sub-State' or 'autonomous state' within the State of Assam by 22nd Constitutional Amendment Act, 1969. Later in 1971, they received the status of a full-fledged State by the North-Eastern Areas (Reorganisation) Act, 1971. ▪ These States were elevated from the status of Union Territories by the North-Eastern Areas (Reorganisation) Act, 1971. ▪ The two Union Territories of Mizoram and Arunachal Pradesh (originally known as North-East Frontier Agency—NEFA), came into being.
Himachal Pradesh	<ul style="list-style-type: none"> ▪ The Union Territory of Himachal Pradesh was elevated to the status of state by the State of Himachal Pradesh Act, 1970.
Karnataka	<ul style="list-style-type: none"> ▪ It was created from the Princely State of Mysore by the State Reorganisation Act, 1956. ▪ It was renamed Karnataka in 1973.
Sikkim	<ul style="list-style-type: none"> ▪ Sikkim was first given the Status of Associate State by the 35th Constitutional Amendment Act, 1974 while it was under the rule of 'Chogyal'. ▪ It got the status of a full-fledged state in 1975 by the 36th Amendment Act, 1975.
Mizoram	<ul style="list-style-type: none"> ▪ It was elevated to the status of a full-fledged state by the State of Mizoram Act, 1986.
Arunachal Pradesh	<ul style="list-style-type: none"> ▪ It received the status of a full-fledged state by the State of Arunachal Pradesh Act, 1986.
Goa	<ul style="list-style-type: none"> ▪ Goa was separated from the Union Territory of Goa, Daman and Diu. It was made a full-fledged state by the Goa, Daman and Diu Reorganisation Act, 1987. ▪ But Daman and Diu remained as Union Territory.
Chhattisgarh	<ul style="list-style-type: none"> ▪ It was formed by the Constitutional Amendment Act, 2000 by dividing Madhya Pradesh on 1st November, 2000. ▪ Uttarakhand was formed by the Constitutional Amendment Act, 2000 by dividing Uttar Pradesh on 9th November, 2000.
Jharkhand	<ul style="list-style-type: none"> ▪ It was formed by the Constitutional Amendment Act, 2000 by dividing Bihar on 15th November, 2000.
Telangana	<ul style="list-style-type: none"> ▪ On 2nd June, 2014, Telangana was created after bifurcation it from erstwhile Andhra Pradesh.

Citizenship

Sources Class-VII Old NCERT Chap 11 (Citizenship), Class-IX & X Old NCERT Chap 3 (Society and Citizens), Class-XI New NCERT Chap 6 (Citizenship)

Meaning of Citizenship

- Citizenship is one of the most commonly used term in a democracy. It is used at all levels of politics; in formal legal documents, in laws, in Constitution, in party manifestoes and in speeches.
- The most widely accepted definition of citizenship is full and equal membership in a political community.
- This definition was given by the English Sociologist **TH Marshall** in his work **Citizenship and Social Class** written in 1949.
- The philosophical roots of this definition can be traced to the Greek and Roman conceptions of man as a political being and citizenship as the capacity to govern and to be governed.

Meaning of Citizen

- A citizen is a legally recognised subject or national of a state or commonwealth.
- A citizen is a member of a society, community, (originally a city or town but now usually a country) and carries with it rights to political participation, such membership is called citizenship.
- A citizen is not anyone who lives in a nation-state. Among those who live in a nation-state, these are citizens and aliens. A citizen is not just an inhabitant.
- All governments demand certain duties from the citizens. But, in return, the state must also admit some demands of the citizens on itself. These are called rights.
- A citizen must have political rights. A person who is ruled by laws but who has no political rights is not a citizen.

Components of Citizenship

- Citizenship refers to the rights and duties of the members of a nation-state.
- Citizenship has three components civil, political and social.
 - **Civil citizenship** for individual freedoms and are institutionalised in the law courts.
 - **Political citizenship** guarantees the right to participate in the exercise of political power in the community, either by voting or by holding political office.
 - **Social citizenship** is the right to participate in an appropriate standard of living, this right is embodied in the welfare and educational systems of modern societies.

Provisions for Citizenship

As per our Constitution, the following four categories of persons became the citizen of India at its commencement:

- **Persons Domiciled in India** (Article 5) A person who had his domicile in India alongwith fulfilled anyone of the three conditions :
 - (a) If he was born in India.
 - (b) If either of his parents was born in India.
 - (c) If he has been ordinarily resident in India for not less than 5 years immediately before the commencement of the Constitution.
- **Persons Migrated from Pakistan** (Article 6) A person who migrated to India from Pakistan, if he or either of his parents or his grandparents was born in undivided India alongwith fulfilled anyone of the two conditions
 - (a) if he migrated to India before 19th July, 1948, he had been ordinarily resident in India, since the date of his migration.