



CareerUdaya
— Rise with Purpose —

APSC CCE & UPSC - INDIAN POLITY

Indian Polity

Complete Notes for APSC

The Constitution explained from the ground up - understanding, not memorisation

APSC CCE

UPSC

Constitution

Beginner to Advanced

Concept-driven

Rise with Purpose

PREPARED BY

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A detailed, teacher-style learning resource on the Indian Constitution - concepts, examples, tables and practice, explained so a beginner truly understands.

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SECTION 1

Historical Background of the Constitution

Let me begin with a question students rarely ask but always should: where did our Constitution actually come from? It did not fall from the sky in 1950. Many of its institutions - a law-making council, a civil service, a federal court, the office of Governor - were built slowly, brick by brick, over nearly two centuries of British rule. The framers did not start on a blank page; they inherited a working administrative machine and chose what to keep, what to repair and what to throw away. So to understand the Constitution, we first walk through the laws that shaped British India.

The era of Company rule (1773-1858)

In this phase the East India Company ruled, and the British Parliament slowly tightened its control over the Company through a series of Acts. Notice the direction of travel: from a trading company governing by accident, towards a centralised government answerable to London.

Act	What it did (and why it matters)
Regulating Act, 1773	The first step by the British Parliament to control the Company. Created the office of 'Governor-General of Bengal' (Warren Hastings was the first) and a Supreme Court at Calcutta (1774). The very idea of a single controlling head begins here.
Pitt's India Act, 1784	Set up a 'double government' - a Board of Control for political affairs and the Court of Directors for commerce. The Company's political functions came under direct British government supervision.
Charter Act, 1833	The high point of centralisation. Made the Governor-General of Bengal the 'Governor-General of India' (Lord William Bentinck was the first), with authority over the whole of British India. A Law Member (Macaulay) was added to the council.
Charter Act, 1853	Separated the legislative and executive functions of the Governor-General's council for the first time, and introduced open competition for the civil services - the seed of today's UPSC examinations.

The era of Crown rule (1858-1947)

The Revolt of 1857 changed everything. The British Crown took over directly from the Company, and from here the laws begin to look more like constitutional steps - representation, elections, provincial powers - even if grudgingly granted.

Act	What it did (and why it matters)
Govt of India Act, 1858	Abolished the East India Company and transferred power to the British Crown. Created the 'Secretary of State for India' (a British Cabinet member) and the office of Viceroy (Lord Canning was the first Viceroy).
Indian Councils Act, 1861	Began the slow association of Indians with law-making and started legislative devolution to the provinces (Bombay, Madras) - an early seed of federalism.
Indian Councils Act, 1909	The Morley-Minto reforms. Infamously introduced separate (communal) electorates for Muslims - sowing a divisive seed whose harvest was Partition.
Govt of India Act, 1919	The Montagu-Chelmsford reforms. Introduced 'dyarchy' in the provinces (subjects split into reserved and transferred) and a bicameral legislature at the centre.
Govt of India Act, 1935	The single most important source of our Constitution. Granted provincial autonomy, proposed an All-India Federation, and created a Federal Court (1937). A very large part of our Constitution is borrowed, almost word for word, from this Act.

Indian Independence Act, 1947 Ended British rule and created the two dominions of India and Pakistan, free to frame their own constitutions.

Exam tip

- 'Firsts' are favourite APSC/UPSC questions: first Governor-General of Bengal = Warren Hastings; first Governor-General of India = William Bentinck; first Viceroy = Lord Canning.
- Link each reform to its label: 1909 = Morley-Minto = separate electorates; 1919 = Montagu-Chelmsford = dyarchy in provinces.
- Remember that the Govt of India Act, 1935 is the biggest single source of borrowed provisions.

Memory trick: the 1935 anchor

- Federal scheme, Governor, Federal Court, Public Service Commissions, emergency ideas - 'all roads lead back to 1935'.
- Communal electorate timeline: planted in 1909, widened in 1932 (Communal Award), uprooted in 1950.

Key Takeaways

- Our constitutional institutions were built gradually under British rule, not invented in 1950.
- Company rule (to 1858) centralised power; Crown rule (1858-1947) slowly added representation.
- The Govt of India Act, 1935 is the most important British-era source of our Constitution.

Most Asked Concepts

- Regulating Act 1773 (first step), Charter Act 1833 (GG of India), GoI Act 1858 (Crown rule), 1909 (separate electorates), 1919 (dyarchy), 1935 (biggest source).
- The chain of 'firsts' (Governor-General of Bengal / of India, first Viceroy).

Common Student Mistakes

- Confusing the Governor-General of Bengal (1773) with the Governor-General of India (1833) - they are different offices created by different Acts.
- Mixing up 1909 (Morley-Minto) with 1919 (Montagu-Chelmsford) - remember M-M comes before M-C alphabetically and in time.
- Thinking dyarchy was introduced in the provinces by the 1935 Act - it was actually introduced by 1919 and ABOLISHED in the provinces by 1935.

Concept Check (answers below)

- Q1. Which Act created the office of the Governor-General of India?
- Q2. Which reforms introduced separate electorates, and in which year?
- Q3. Why is the Govt of India Act, 1935 so important for our Constitution?

Concept Check - answers

- A1. The Charter Act of 1833 (first holder: Lord William Bentinck).
- A2. The Indian Councils Act of 1909 (the Morley-Minto reforms).
- A3. Because a very large portion of the Constitution - the federal scheme, the office of Governor, the judiciary, emergency provisions and administrative detail - was drawn from it.

SECTION 2

Making of the Constitution

Now to the human story - who actually sat down and wrote this document, and how. This is one of the most-loved areas of the examiner, because it is full of memorable dates, names and 'firsts'. But do not just memorise them; follow the story, and the facts will stick on their own.

The Constituent Assembly

The demand for a body of Indians to frame India's own constitution grew through the freedom movement. The Constituent Assembly was finally constituted in 1946 under the Cabinet Mission Plan. Its members were not directly elected by the people (universal adult franchise did not yet exist); they were elected indirectly by the members of the provincial legislative assemblies.

- The Assembly first met on 9 December 1946. Dr Sachchidananda Sinha was its temporary (interim) Chairman.
- On 11 December 1946, Dr Rajendra Prasad was elected the permanent President of the Assembly.
- On 13 December 1946, Jawaharlal Nehru moved the historic 'Objectives Resolution', which laid down the philosophy and guiding ideals - and later became the basis of the Preamble.
- Sir B. N. Rau served as the Constitutional Advisor to the Assembly.

The Drafting Committee

Of the many committees, the most important was the Drafting Committee, set up on 29 August 1947. It was chaired by Dr B. R. Ambedkar - which is why he is rightly called the 'Father of the Indian Constitution' (also the 'Chief Architect'). The committee had seven members and the heavy responsibility of turning ideas and debates into precise legal text.

Milestone	Date / detail
Constituent Assembly first met	9 December 1946
Objectives Resolution moved (Nehru)	13 December 1946
Drafting Committee formed (Ambedkar, chair)	29 August 1947
Constitution adopted / signed	26 November 1949 (now 'Constitution Day')
Constitution came into force	26 January 1950
Time taken	2 years, 11 months and 18 days
Original size	395 Articles, 22 Parts, 8 Schedules

Concept: Why two different dates - 1949 and 1950?

- The Constitution was ADOPTED on 26 November 1949, but most of it came INTO FORCE on 26 January 1950.
- Why wait? Because 26 January was already sacred to the freedom movement - on this day in 1930 the Congress had declared 'Purna Swaraj' (complete independence). The framers honoured that memory.
- So 26 November is Constitution Day (Samvidhan Divas); 26 January is Republic Day.

Exam tip

- Adopted 26-11-1949; enforced 26-01-1950 - keep these two dates separate; the examiner loves to swap them.
- The beautifully hand-written (calligraphed) original was penned by Prem Behari Narain Raizada, with artwork by Nandalal Bose and his team - it was not printed or typed.
- Ambedkar = Chairman of the Drafting Committee; Rajendra Prasad = President of the Constituent Assembly. Do not confuse the two roles.

Key Takeaways

- The Constituent Assembly (1946, Cabinet Mission Plan) was indirectly elected by provincial assemblies.
- Rajendra Prasad presided over the Assembly; Ambedkar chaired the Drafting Committee.
- Adopted 26 Nov 1949, enforced 26 Jan 1950; took about 2 years 11 months; originally 395 Articles, 22 Parts, 8 Schedules.

Most Asked Concepts

- The 1946/1949/1950 date trio; the Objectives Resolution (Nehru); the Drafting Committee chairman (Ambedkar).
- Original numbers: 395 Articles, 22 Parts, 8 Schedules.

Common Student Mistakes

- Saying the Constitution 'came into force' on 26 November 1949 - it was only ADOPTED then; it came into force on 26 January 1950.
- Calling Ambedkar the 'President of the Constituent Assembly' - he chaired the Drafting Committee; Rajendra Prasad was the Assembly's President.
- Believing the Assembly was elected by the people directly - it was elected indirectly by the provincial legislatures.

Concept Check (answers below)

- Q1. Who moved the Objectives Resolution, and on what date?
- Q2. Why was 26 January 1950 chosen as the date to bring the Constitution into force?
- Q3. How many Articles, Parts and Schedules did the original Constitution have?

Concept Check - answers

- A1. Jawaharlal Nehru, on 13 December 1946.
- A2. To honour 'Purna Swaraj Day' - 26 January 1930, when complete independence had been declared.
- A3. 395 Articles, 22 Parts and 8 Schedules.

SECTION 3

Salient Features of the Constitution

If someone asks you, 'What kind of Constitution does India have?', this chapter is your answer. The framers were not shy about borrowing good ideas from around the world - and they were criticised for it. Ambedkar's reply was wise: there is nothing wrong in borrowing, as long as you adapt what you borrow to your own conditions. So our Constitution is a thoughtful blend, not a copy.

Borrowed features - the sources

This table is a permanent favourite of the examiner. Do not cram it blindly; notice the logic - we took the working machinery (federation, judiciary, emergencies) from the 1935 Act and Canada, the rights and review from the USA, and the directive ideals from Ireland.

Source	Borrowed features
Govt of India Act, 1935	Federal scheme, office of Governor, judiciary, Public Service Commissions, emergency provisions, administrative details
British Constitution	Parliamentary government, rule of law, single citizenship, cabinet system, writs, bicameralism, law-making procedure
US Constitution	Fundamental Rights, judicial review, independence of the judiciary, impeachment of the President, the post of Vice-President, preamble
Irish Constitution	Directive Principles of State Policy, nomination of members to the Rajya Sabha, method of election of the President
Canadian Constitution	A federation with a strong centre, residuary powers with the centre, appointment of state Governors by the centre, advisory jurisdiction of the Supreme Court
Australian Constitution	Concurrent List, freedom of trade and commerce, joint sitting of the two Houses
Weimar (Germany)	Suspension of Fundamental Rights during an emergency
Soviet (USSR)	Fundamental Duties, and the ideals of justice (social, economic, political) in the Preamble
French Constitution	The ideals of liberty, equality and fraternity; the republic
South African	Procedure for amending the Constitution; election of Rajya Sabha members

Memory trick: who gave what

- 'US gave us Rights and Review' (Fundamental Rights + Judicial Review).
- 'Ireland inspired our Ideals' (DPSP).
- 'Canada built our strong Centre'; 'USSR gave us Duties'.

The other defining features

- Longest written constitution in the world - because India is huge and diverse, and the framers chose to spell things out in detail to reduce future confusion.
- A blend of rigidity and flexibility - some parts amend easily by simple majority, others need a special majority, and a few need ratification by the states.
- Federal in form but with a strong unitary bias - often called 'quasi-federal'. In normal times power is shared with the states; in an emergency it tilts sharply towards the centre.

- A parliamentary form of government (the Westminster model) - the real executive (the Council of Ministers) is drawn from and answerable to the legislature.
- An integrated and independent judiciary - a single hierarchy with the Supreme Court at the top, insulated from political pressure.
- Fundamental Rights, Directive Principles and Fundamental Duties - the rights you can enforce in court, the goals the State should pursue, and the duties citizens owe in return.
- A secular state, universal adult franchise, single citizenship, and detailed emergency provisions.

Concept: 'Federal with a unitary bias' - what does this really mean?

- A pure federation (like the USA) treats the centre and states as near-equals, each supreme in its own sphere.
- India tilts the balance towards the centre: a single citizenship, an all-India services, the centre appointing Governors, and emergency powers that let the centre take over a state.
- So in calm weather India behaves like a federation; in a storm (emergency) it behaves almost like a unitary state. This deliberate flexibility was a response to the threats of partition and disintegration.

Exam tip

- The exact source of a borrowed feature is a classic MCQ - lock in 'FR & judicial review = USA', 'DPSP = Ireland', 'emergency suspension of FR = Germany'.
- Know the labels: 'quasi-federal', 'Westminster model', 'parliamentary sovereignty + judicial supremacy synthesis'.

Key Takeaways

- Our Constitution is a thoughtful blend of borrowed and original features, adapted to Indian conditions.
- It is the lengthiest written constitution, federal with a unitary bias, parliamentary, with an integrated independent judiciary.
- Sources to remember: 1935 Act (machinery), USA (rights/review), Ireland (DPSP), Canada (strong centre), USSR (duties).

Most Asked Concepts

- The source-of-borrowed-feature table (USA, Ireland, Canada, Germany, USSR).
- 'Federal with unitary bias' / 'quasi-federal'; parliamentary vs presidential system.

Common Student Mistakes

- Swapping sources - e.g. attributing DPSP to the USA (it is Ireland) or judicial review to Britain (it is the USA).
- Calling India 'purely federal' - it is federal with a strong unitary bias.
- Confusing Fundamental Rights (enforceable) with Directive Principles (not directly enforceable).

Concept Check (answers below)

- Q1. From which country's constitution did India borrow the Directive Principles of State Policy?
- Q2. What does it mean to call the Indian Constitution 'quasi-federal'?
- Q3. Name any two features borrowed from the US Constitution.

Concept Check - answers

- A1. Ireland (the Irish Constitution).
- A2. It is federal in form (power shared with states) but with a strong unitary bias (power tilts to the centre, especially in emergencies).
- A3. Any two of: Fundamental Rights, judicial review, independence of the judiciary, impeachment of the President, the office of Vice-President.

SECTION 4

The Preamble

The Preamble is the short paragraph that opens the Constitution, and it is far more important than its size suggests. The jurist N. A. Palkhivala beautifully called it the 'identity card of the Constitution'. Think of it as the soul of the document - it tells you who gave us the Constitution, what kind of country we want to be, and what goals we are committed to. Read it slowly, word by word, because every single word is loaded with meaning.

The text - and what each key word means

The Preamble declares: '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, LIBERTY, EQUALITY and to promote among them all FRATERNITY...' Now let us unpack the heavy words.

Word	What it means
Sovereign	India is supreme and free - not subordinate to any external power; it can decide its own internal and foreign policy.
Socialist	A commitment to social and economic justice and reducing inequality (added by the 42nd Amendment, 1976). India follows 'democratic socialism', not the Soviet kind.
Secular	The State has no official religion and treats all religions equally (added by the 42nd Amendment, 1976). India's secularism means equal respect, not anti-religion.
Democratic	The government derives its authority from the people, who rule through elected representatives chosen by universal adult franchise.
Republic	The head of State (the President) is elected, not a hereditary monarch - the highest office is open to any citizen.

The Preamble then promises four great values: JUSTICE (social, economic and political), LIBERTY (of thought, expression, belief, faith and worship), EQUALITY (of status and opportunity), and FRATERNITY (brotherhood, assuring the dignity of the individual and the unity and integrity of the nation).

Concept: Where did the Preamble come from?

- It is based on the 'Objectives Resolution' moved by Nehru on 13 December 1946 and adopted by the Constituent Assembly.
- So the soul of the Constitution was drafted at its very beginning, and the rest of the document grew around these ideals.

The 42nd Amendment and the Preamble

The Preamble has been amended only once, by the 42nd Amendment Act of 1976 (often called the 'Mini-Constitution' for the sheer number of changes it made). It added three words: 'Socialist', 'Secular' and 'Integrity'. Remember this trio - it is one of the most asked single facts in all of Polity.

Two great debates the examiner loves

First: is the Preamble a PART of the Constitution? The courts changed their mind over time. In the Berubari Union case (1960), the Supreme Court said the Preamble was NOT a part of the Constitution. But in the landmark Kesavananda Bharati case (1973), it reversed this and held that the Preamble IS a part of the Constitution. Second: can the Preamble

be AMENDED? Kesavananda Bharati settled this too - yes, it can be amended, but its 'basic features' cannot be destroyed (and indeed it was amended once, in 1976).

One more crucial point students forget: the Preamble is non-justiciable. That means you cannot go to court to enforce the Preamble directly - it is neither a source of government power nor a limitation on it. It is a key to understanding the Constitution, not a weapon to be used in court.

Exam tip

- The 42nd Amendment (1976) added exactly three words: Socialist, Secular, Integrity - memorise 'S-S-I, by 42'.
- Berubari (1960): Preamble NOT part of the Constitution. Kesavananda Bharati (1973): Preamble IS part of it. The later case prevails.
- The Preamble is non-justiciable (not enforceable in a court).
- Order of the four values: Justice, Liberty, Equality, Fraternity - remember 'JLEF'.

Memory trick: the Preamble keywords

- Nature of the State: 'So-So-Se-De-Re' = Sovereign, Socialist, Secular, Democratic, Republic.
- The four objectives: 'JLEF' = Justice, Liberty, Equality, Fraternity.
- 42nd Amendment additions: 'S-S-I' = Socialist, Secular, Integrity.

Key Takeaways

- The Preamble is the 'identity card' of the Constitution, based on Nehru's Objectives Resolution.
- It declares India a Sovereign Socialist Secular Democratic Republic and promises Justice, Liberty, Equality, Fraternity.
- Amended once (42nd Amendment, 1976) - added Socialist, Secular, Integrity. It is part of the Constitution (Kesavananda) but non-justiciable.

Most Asked Concepts

- The three words added by the 42nd Amendment (Socialist, Secular, Integrity).
- Berubari vs Kesavananda Bharati on whether the Preamble is part of the Constitution.
- Meaning of Sovereign, Secular, Republic; the four values and their order.

Common Student Mistakes

- Thinking the Preamble can be enforced in court - it is non-justiciable.
- Forgetting that 'Socialist' and 'Secular' were NOT in the original Preamble - they were added in 1976.
- Saying the Preamble cannot be amended - it can (Kesavananda), and it was, once.
- Mixing up the order - it is Justice, Liberty, Equality, Fraternity (not Liberty first).

Concept Check (answers below)

- Q1. Which amendment added the words 'Socialist' and 'Secular' to the Preamble, and in which year?
- Q2. In which case did the Supreme Court hold that the Preamble IS a part of the Constitution?
- Q3. Is the Preamble enforceable in a court of law?

Concept Check - answers

- A1. The 42nd Amendment Act, 1976 (it also added 'Integrity').
- A2. The Kesavananda Bharati case (1973), reversing the earlier Berubari Union case (1960).
- A3. No - the Preamble is non-justiciable; it cannot be directly enforced in court, though it helps interpret the Constitution.

SECTION 5

Union and its Territory

Open the Constitution and the very first words you meet are: 'India, that is Bharat, shall be a Union of States.' Students read past this quickly, but pause - the framers chose the word 'Union', not 'Federation', and they did it on purpose. Let me explain why, because this one word carries a whole philosophy.

Why 'Union' and not 'Federation'?

Dr Ambedkar himself explained it in the Assembly. The word 'Union' was chosen to make two things clear: first, that the Indian federation was not the result of an agreement among the states (so no state has the right to break away from it); and second, that the country is one integral whole. In short, India is an indestructible Union - the states can be reshaped, but the Union cannot be broken.

Article	What it provides
Article 1	India, that is Bharat, is a Union of States; defines the territory of India (states + Union Territories + any territories acquired).
Article 2	Parliament may admit into the Union, or establish, new states (e.g. territories outside India).
Article 3	Parliament may form new states and alter the areas, boundaries or names of existing states (i.e. reorganise the states within India).
Article 4	Laws made under Articles 2 and 3 are not treated as constitutional amendments under Article 368 - so they pass by a simple majority.

Concept: 'An indestructible Union of destructible states'

- Parliament can, under Article 3, carve out a new state, merge states, or change a state's name or boundary - even against the wishes of the state concerned (the state's view is sought but is NOT binding).
- So the states are 'destructible' (re-drawable by Parliament), but the Union itself is 'indestructible' (no state may secede). This is a key marker of India's unitary tilt.
- Real examples: the States Reorganisation Act, 1956 redrew India on linguistic lines; Telangana was created in 2014; Jammu & Kashmir was reorganised into two Union Territories in 2019.

Exam tip

- An Article 3 bill needs the President's prior recommendation and must be referred to the concerned state legislature for its views - but those views do not bind Parliament.
- Because of Article 4, creating or renaming a state needs only a simple majority, not the special amendment procedure.

Key Takeaways

- Article 1 calls India a 'Union of States' - chosen to stress that no state can secede.
- Article 3 lets Parliament reorganise states (the state's consent is not required, only its views).
- India is 'an indestructible Union of destructible states'.

Most Asked Concepts

- Why 'Union' was preferred over 'Federation'; Article 3 procedure; the simple-majority point under Article 4.

Common Student Mistakes

- Thinking a state's consent is needed to change its boundary - only its (non-binding) views are sought.
- Believing reorganising a state needs a constitutional amendment - Article 4 makes it a simple-majority law.

Concept Check (answers below)

- Q1. Why did the framers use the word 'Union' rather than 'Federation'?
- Q2. Under which Article can Parliament form a new state, and is the state's consent required?

Concept Check - answers

- A1. To stress that the federation is not based on an agreement among states and that no state has a right to secede - India is one integral whole.
- A2. Article 3; the state's consent is NOT required - only its views are sought, and they do not bind Parliament.

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SECTION 6

Citizenship

Citizenship is the legal bond between a person and the State - it decides who 'belongs' and who can claim the full set of rights the Constitution offers. Here is the first big idea to fix in your mind: India has SINGLE citizenship. Unlike the United States, where a person is a citizen both of the USA and of a particular state, an Indian is a citizen of India alone - not of Assam or Maharashtra. This was a deliberate choice to strengthen unity in a diverse country.

Where the rules live

The Constitution (Articles 5 to 11, in Part II) only settled who would be a citizen when the Constitution commenced in 1950. It deliberately left the ongoing details to Parliament, which enacted the Citizenship Act, 1955. So for current rules on acquiring or losing citizenship, we look at that Act, not the Constitution.

Acquiring citizenship (Act of 1955)	Losing citizenship (Act of 1955)
By birth	By renunciation (voluntarily giving it up)
By descent (through parents)	By termination (on acquiring another country's citizenship)
By registration	By deprivation (compulsory, by the government, e.g. for fraud)
By naturalisation (long residence)	-
By incorporation of territory	-

Exam tip

- Single citizenship is the headline fact - contrast it with the dual citizenship of the USA.
- Constitution (Arts 5-11) = citizenship at commencement only; Citizenship Act, 1955 = the living law.
- India does NOT allow full dual citizenship; the OCI (Overseas Citizen of India) card is a special status, not true dual citizenship.

Key Takeaways

- India has single citizenship to promote unity and fraternity.
- Articles 5-11 dealt with citizenship in 1950; the Citizenship Act, 1955 governs it now.
- Five ways to acquire and three ways to lose citizenship.

Most Asked Concepts

- Single vs dual citizenship; the modes of acquiring/losing citizenship; the Constitution-vs-1955-Act division.

Common Student Mistakes

- Saying Indians have citizenship of both India and their state - it is single citizenship (India only).
- Treating the OCI card as full dual citizenship - it is not.

Concept Check (answers below)

- Q1. What kind of citizenship does India follow, and why was it chosen?
- Q2. Which law governs the acquisition and loss of Indian citizenship today?

Concept Check - answers

- A1. Single citizenship - chosen to promote national unity and a sense of fraternity in a diverse country.
- A2. The Citizenship Act, 1955 (the Constitution's Articles 5-11 only covered citizenship at commencement).

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SECTION 7

Fundamental Rights

We now reach the heart of the Constitution for the ordinary citizen - and one of the most heavily tested chapters in APSC and UPSC. Fundamental Rights are the guarantees in Part III (Articles 12-35) that protect you against the misuse of state power. They are called 'fundamental' for two reasons: they are guaranteed by the Constitution itself, and they are justiciable - meaning if the State violates them, you can go straight to the courts. They are often called the 'Magna Carta of India'.

Why do we even need Fundamental Rights?

Think about it from the framers' chairs in 1947. India was a new democracy with a powerful State. Without firm guarantees, a future government could crush dissent, discriminate against minorities, or jail people without reason. Fundamental Rights are a wall the people built around themselves - a promise that certain freedoms are beyond the reach of any ordinary law or temporary majority. That is why Article 13 declares any law that violates a Fundamental Right to be void; this single Article is the foundation of judicial review in India.

The six Fundamental Rights

Originally there were seven. The Right to Property was removed from this list by the 44th Amendment (1978) and made an ordinary legal right under Article 300A. So today there are six categories - learn them as a set.

Right	Articles	Core idea
Right to Equality	14-18	Equality before the law (14), no discrimination (15), equal opportunity in public jobs (16), abolition of untouchability (17) and of titles (18)
Right to Freedom	19-22	Six freedoms incl. speech & expression (19), protection of life and personal liberty (21), right to education (21A), safeguards on arrest (22)
Right against Exploitation	23-24	Ban on human trafficking and forced labour (23) and on child labour below 14 in hazardous work (24)
Right to Freedom of Religion	25-28	Freedom of conscience and to practise, profess and propagate religion, and to manage religious affairs
Cultural & Educational Rights	29-30	Protection of minorities' language/culture (29) and their right to set up and run educational institutions (30)
Right to Constitutional Remedies	32	The right to move the Supreme Court directly to enforce the other rights - the 'heart and soul' of the Constitution

Concept: Article 32 - why Ambedkar called it 'the heart and soul'

- A right is worthless if there is no way to enforce it. Article 32 gives you the RIGHT TO A REMEDY: you can go directly to the Supreme Court if a Fundamental Right is violated.
- The Court enforces rights by issuing writs - five powerful orders: Habeas Corpus ('produce the body' - against illegal detention), Mandamus ('we command' - to a public official to do their duty), Prohibition and Certiorari (against lower courts/tribunals acting beyond their power), and Quo-Warranto ('by what authority' - challenging a person's claim to a public office).
- High Courts can issue the same writs under Article 226, and on even wider grounds - so you have two doors to justice.

Concept: Article 21 - the quiet giant

- Article 21 simply says no person shall be deprived of life or personal liberty except by procedure established by law.
- In the Maneka Gandhi case (1978), the Supreme Court read it expansively: the 'procedure' must be just, fair and reasonable, not arbitrary. Over time, the Court has read into Article 21 the right to live with dignity, the right to a clean environment, to livelihood, to health, to education and even to privacy (Puttaswamy, 2017).
- So Article 21 has become the most fertile source of new rights in our Constitution - which is exactly why the examiner keeps returning to it.

Exam tip

- Right to Property: removed from Fundamental Rights by the 44th Amendment (1978); now a legal right under Article 300A.
- Right to Education (Article 21A) was inserted by the 86th Amendment (2002), for children aged 6 to 14.
- Most Fundamental Rights are available only against the State, but Articles 17 (untouchability), 23 and 24 are available against private individuals too.
- During a National Emergency, the six freedoms in Article 19 can be suspended, and other rights too - but Articles 20 and 21 can NEVER be suspended (44th Amendment).

Memory trick: the six rights

- 'EFE-RCC' = Equality, Freedom, against Exploitation, Religion, Cultural-educational, Constitutional remedies.
- Article anchors: Equality 14-18, Freedom 19-22, Exploitation 23-24, Religion 25-28, Cultural 29-30, Remedies 32.

Key Takeaways

- Fundamental Rights (Part III, Articles 12-35) are justiciable guarantees against the State - the 'Magna Carta of India'.
- Six categories today (Right to Property was removed in 1978).
- Article 13 = basis of judicial review; Article 32 = the right to enforce rights ('heart and soul'); Article 21 = the expanding source of new rights.

Most Asked Concepts

- The six categories with their Article ranges; the five writs; Article 32 and Article 21.
- Right to Property's removal (44th Amendment); Article 21A (86th Amendment); rights that survive an emergency (20 and 21).

Common Student Mistakes

- Still counting Right to Property as a Fundamental Right - it was removed in 1978.
- Thinking all Fundamental Rights are absolute - they are subject to reasonable restrictions.
- Believing Articles 20 and 21 can be suspended in an emergency - they cannot.
- Confusing Article 32 (Supreme Court, a Fundamental Right itself) with Article 226 (High Courts, not a Fundamental Right but wider).

Concept Check (answers below)

- Q1. Why did Ambedkar call Article 32 the 'heart and soul' of the Constitution?
- Q2. Which Fundamental Right was removed by the 44th Amendment, and what is its status now?
- Q3. Name the five writs the courts can issue.

Concept Check - answers

- A1. Because it guarantees the right to a remedy - the ability to approach the Supreme Court directly to enforce the other rights; without it, rights would be unenforceable.
- A2. The Right to Property; it is now an ordinary legal (constitutional) right under Article 300A, not a Fundamental Right.
- A3. Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo-Warranto.

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SECTION 8

Directive Principles of State Policy

If Fundamental Rights tell the State what it must NOT do to you, the Directive Principles (Part IV, Articles 36-51) tell the State what it SHOULD do FOR you. They are a set of goals - economic and social democracy - that the framers wanted every government to work towards. Borrowed from the Irish Constitution, they are the conscience of the Constitution, reminding rulers that political freedom is incomplete without social and economic justice.

The big catch - they are not enforceable

Here is the feature the examiner tests most: unlike Fundamental Rights, the Directive Principles are NON-JUSTICIABLE. You cannot go to court to force the government to implement them. Why make promises you cannot enforce? Because in 1950 a poor, newly independent State simply could not guarantee jobs, healthcare and a living wage to everyone overnight. So the framers made them goals to strive for, not rights to claim - 'fundamental in the governance of the country', and a duty on the State to apply, even if the courts cannot compel it.

The three families of Directives

The Directives are not classified in the Constitution itself, but scholars group them into three families by their underlying philosophy - and this classification is a favourite question.

Family	Example Articles	What they aim for
Socialistic	38, 39, 39A, 41, 42, 43, 47	Social and economic justice - fair distribution of wealth, equal pay, free legal aid (39A), a living wage, public health and nutrition
Gandhian	40, 43, 46, 47, 48	Gandhi's vision - village panchayats (40), cottage industries (43), upliftment of weaker sections (46), prohibition (47), protection of cattle (48)
Liberal-Intellectual	44, 45, 48, 48A, 49, 50, 51	Uniform Civil Code (44), early-childhood care (45), environmental protection (48A), separation of the judiciary from the executive (50), international peace (51)

Concept: When Rights and Directives clash

- Sometimes a law made to fulfil a Directive can collide with a Fundamental Right. Which wins?
- In Champakam Dorairajan (1951), the Court held that Fundamental Rights prevail over Directives - leading Parliament to pass the very First Amendment to protect such laws.
- But the mature position came in Minerva Mills (1980): the two are complementary, like two wheels of a chariot, and must be read in HARMONY. The goal is balance, not the dominance of one over the other.

Exam tip

- Article 44 = Uniform Civil Code; Article 40 = village panchayats; Article 50 = separation of judiciary from executive; Article 48A = environment. These specific Article-to-Directive links are very frequently asked.
- Articles 48A (environment) and the Fundamental Duties (51A) were BOTH added by the 42nd Amendment, 1976.
- Remember: Fundamental Rights are justiciable; Directive Principles are NOT. That single contrast underlies most MCQs here.

Memory trick: the three families

- 'SoGaLi' = Socialistic, Gandhian, Liberal-intellectual.
- Gandhian giveaways: panchayats (40), cottage industry (43), weaker sections (46), prohibition (47), cattle (48).
- Liberal flagship: Uniform Civil Code (44) and separation of judiciary (50).

Key Takeaways

- Directive Principles (Part IV, Articles 36-51, from Ireland) are goals for socio-economic justice.
- They are non-justiciable but 'fundamental in the governance of the country'.
- Three families: Socialistic, Gandhian, Liberal-Intellectual. Rights and Directives are complementary (Minerva Mills).

Most Asked Concepts

- Justiciable (FR) vs non-justiciable (DPSP); the three-fold classification; specific links like Article 44 (UCC), 40 (panchayats), 50 (separation of judiciary).
- The FR-vs-DPSP cases: Champakam Dorairajan and Minerva Mills.

Common Student Mistakes

- Thinking Directive Principles can be enforced in court - they cannot (non-justiciable).
- Mixing up the families - e.g. placing the Uniform Civil Code (Liberal) among the Gandhian directives.
- Forgetting that DPSP were inspired by Ireland (not the USA).

Concept Check (answers below)

- Q1. Why are the Directive Principles made non-justiciable?
- Q2. Which Article directs the State to secure a Uniform Civil Code?
- Q3. What did Minerva Mills (1980) say about the relationship between Rights and Directives?

Concept Check - answers

- A1. Because in 1950 the State lacked the resources to guarantee them; they were made goals to strive for, not enforceable rights.
- A2. Article 44.
- A3. That they are complementary and must be read in harmony - neither has absolute supremacy over the other.

SECTION 9

Fundamental Duties

Rights and duties are two sides of the same coin - a point the original Constitution, focused on rights, did not spell out. The Fundamental Duties were added later to restore that balance, reminding citizens that the freedoms they enjoy come with responsibilities towards the nation. They sit in Part IVA, in a single Article - Article 51A.

Where they came from

The Fundamental Duties were NOT in the original Constitution. They were added by the 42nd Amendment (1976), on the recommendation of the Swaran Singh Committee, and the idea was borrowed from the Constitution of the (then) USSR. Originally there were ten duties; an eleventh was added later by the 86th Amendment (2002) - the duty of a parent or guardian to provide education to their child between the ages of 6 and 14 (a neat companion to the Right to Education added by the same amendment).

- To abide by the Constitution and respect the National Flag and National Anthem.
- To cherish the noble ideals of the freedom struggle.
- To uphold and protect the sovereignty, unity and integrity of India.
- To defend the country and render national service when called upon.
- To promote harmony and the spirit of common brotherhood, transcending religion, language and region.
- To value and preserve our rich composite heritage and culture.
- To protect and improve the natural environment.
- To develop the scientific temper, humanism and the spirit of inquiry and reform.
- To safeguard public property and to abjure violence.
- To strive towards excellence in all spheres of activity.
- (11th, added in 2002) To provide opportunities for education to one's child or ward aged 6 to 14.

Exam tip

- Like the Directive Principles, the Fundamental Duties are NON-JUSTICIABLE - there is no direct legal punishment for not performing them.
- Added by the 42nd Amendment (1976); the 11th duty added by the 86th Amendment (2002); inspired by the USSR; recommended by the Swaran Singh Committee.
- Fundamental Duties apply only to CITIZENS, not to foreigners.

Memory trick: the duties' origins

- '42 added the Duties, 86 added the 11th.'
- Same 86th Amendment gave both the Right to Education (21A) and the matching 11th duty (51A-k).

Key Takeaways

- Fundamental Duties are in Part IVA, Article 51A - added by the 42nd Amendment (1976), inspired by the USSR.
- Originally 10; the 11th (education of one's child) was added by the 86th Amendment (2002).
- They are non-justiciable and apply only to citizens.

Most Asked Concepts

- The 42nd-Amendment origin, the Swaran Singh Committee, the USSR inspiration, and the 11th duty (86th Amendment).

Common Student Mistakes

- Thinking Fundamental Duties were in the original Constitution - they were added in 1976.
- Believing they can be legally enforced like Fundamental Rights - they are non-justiciable.
- Forgetting the 11th duty and the amendment (86th, 2002) that added it.

Concept Check (answers below)

- Q1. Which amendment added the Fundamental Duties, and on whose recommendation?
- Q2. How many Fundamental Duties are there now, and which amendment added the latest one?

Concept Check - answers

- A1. The 42nd Amendment (1976), on the recommendation of the Swaran Singh Committee (inspired by the USSR).
- A2. Eleven; the 11th (a parent's duty to provide education to a child aged 6-14) was added by the 86th Amendment (2002).

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SECTION 10

Amendment of the Constitution

A constitution must be a living document - rigid enough to be stable, flexible enough to grow with the times. Our framers struck this balance cleverly: some parts can be changed easily, others need a great deal of agreement. The amendment procedure lives in Article 368 (Part XX), and understanding its three routes is essential, because the examiner constantly asks 'which type of majority is needed for this change?'

The three routes to amendment

Type of majority	Used for (examples)
Simple majority (outside Article 368)	Many provisions can be changed like an ordinary law - admission of new states, citizenship, creation of legislative councils, salaries. These are not counted as 'amendments' under Article 368.
Special majority (Article 368)	A majority of the TOTAL membership of each House plus two-thirds of the members PRESENT AND VOTING. Used for most of the Constitution - Fundamental Rights, Directive Principles, etc.
Special majority + ratification by half the states	For the truly federal provisions - election of the President, the distribution of powers between centre and states, the Supreme Court and High Courts, representation of states in Parliament, and Article 368 itself.

Concept: How an amendment actually moves

- An amendment Bill can be introduced in EITHER House of Parliament (not in a state legislature), by a minister or a private member - no prior permission of the President is needed.
- It must be passed by each House separately by the required majority; there is NO provision for a joint sitting to resolve a deadlock on an amendment Bill.
- After both Houses pass it (and states ratify, where needed), the President MUST give assent - the 24th Amendment (1971) made the President's assent compulsory.

Exam tip

- The amendment procedure was borrowed from the South African Constitution.
- Federal-flavoured changes need state ratification (by half the states); a good memory hook is 'anything touching the centre-state balance or the courts needs the states' nod'.
- There is no joint sitting for a Constitution Amendment Bill (unlike an ordinary bill).

Key Takeaways

- Amendments are governed by Article 368, with three routes: simple majority, special majority, and special majority + state ratification.
- Amendment Bills start only in Parliament; the President's assent is compulsory (24th Amendment).
- The procedure was inspired by South Africa.

Most Asked Concepts

- Which majority is needed for which change; the federal provisions requiring state ratification; the no-joint-sitting rule.

Common Student Mistakes

- Thinking every amendment needs ratification by the states - only the federal provisions do.
- Believing a joint sitting can be called for an amendment Bill - it cannot.
- Assuming an amendment Bill can begin in a state legislature - it can only start in Parliament.

Concept Check (answers below)

- Q1. Which Article lays down the amendment procedure?
- Q2. Give two examples of provisions that need ratification by half the states.

Concept Check - answers

- A1. Article 368.
- A2. Any two of: election of the President, distribution of legislative powers between centre and states, the Supreme Court and High Courts, representation of states in Parliament, Article 368 itself.

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SECTION 11

Basic Structure Doctrine

This is one of the most important ideas in all of Indian Polity - a judge-made doctrine that quietly limits the most powerful body in the land, Parliament itself. The question it answers is deceptively simple: can Parliament amend ANY part of the Constitution, even Fundamental Rights, even the Constitution's core? The answer the Supreme Court eventually gave reshaped Indian democracy.

The story, told through the cases

Follow the tug-of-war between Parliament and the courts; it is the best way to remember this.

Case	What it held
Shankari Prasad (1951)	Parliament CAN amend Fundamental Rights under Article 368.
Golaknath (1967)	Reversed course - Parliament CANNOT amend Fundamental Rights.
24th Amendment (1971)	Parliament struck back, declaring it could amend any part, including Fundamental Rights.
Kesavananda Bharati (1973)	The landmark settlement - Parliament can amend any part of the Constitution, INCLUDING Fundamental Rights, but it cannot damage or destroy the 'basic structure'.

Concept: What exactly is the 'basic structure'?

- The Court deliberately never gave a closed list - it is decided case by case. But over the years, features held to be part of the basic structure include: the supremacy of the Constitution, the rule of law, the separation of powers, judicial review, federalism, secularism, the sovereign democratic republican character, free and fair elections, and the independence of the judiciary.
- The effect is powerful: even a properly passed amendment can be struck down by the courts if it harms the basic structure. So Parliament is supreme in amending, but not unlimited.
- Kesavananda Bharati (1973) was decided by the largest-ever bench of 13 judges, by a wafer-thin 7-6 majority.

Exam tip

- Case order to memorise: Shankari Prasad (1951) -> Golaknath (1967) -> 24th Amendment (1971) -> Kesavananda Bharati (1973).
- Later cases reinforced it: Indira Gandhi v Raj Narain (1975), Minerva Mills (1980, added judicial review and the FR-DPSP balance to the basic structure), and I. R. Coelho (2007, even Ninth Schedule laws are subject to it).

Key Takeaways

- The Basic Structure Doctrine was laid down in Kesavananda Bharati (1973).
- Parliament can amend any part of the Constitution but cannot destroy its basic structure.
- The basic structure is an open list developed case by case (judicial review, federalism, secularism, etc.).

Most Asked Concepts

- Kesavananda Bharati (1973); the case-law timeline; elements of the basic structure; Minerva Mills and I. R. Coelho.

Common Student Mistakes

- Saying Parliament cannot amend Fundamental Rights at all - it can, but without harming the basic structure.
- Thinking the basic structure is a fixed list in the Constitution - it is judge-made and open-ended.
- Crediting Golaknath with the basic structure doctrine - it came from Kesavananda Bharati.

Concept Check (answers below)

- Q1. In which case was the Basic Structure Doctrine established?
- Q2. Can Parliament amend Fundamental Rights after Kesavananda Bharati?

Concept Check - answers

- A1. Kesavananda Bharati v State of Kerala (1973).
- A2. Yes - it can amend Fundamental Rights, but it cannot damage or destroy the basic structure of the Constitution.

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SECTION 12

Union Executive: President and Vice-President

The Union Executive consists of the President, the Vice-President, the Prime Minister and the Council of Ministers, plus the Attorney General. The President is the head of State and the first citizen of India - but here is the most important idea to grasp: the President is a NOMINAL or constitutional head, not the real ruler. The real power lies with the Council of Ministers headed by the Prime Minister. The President reigns; the Cabinet governs.

The President - election and term (Articles 52-62)

The President is not elected directly by the people. He is elected indirectly by an electoral college, using a special method - and the details are heavily tested.

- Electoral college: the ELECTED members of both Houses of Parliament + the ELECTED members of the legislative assemblies of all states (and of Delhi and Puducherry). Nominated members do NOT vote.
- Method: proportional representation by a single transferable vote, through a secret ballot, with the value of votes weighted by population - to balance the states against the Union.
- Qualifications: a citizen of India, at least 35 years old, qualified to be a member of the Lok Sabha, and not holding any office of profit.
- Term: five years; eligible for re-election any number of times. The first President, Dr Rajendra Prasad, served two terms.

Concept: Impeachment - and how it differs from the election

- The President can be removed only by impeachment, under Article 61, for 'violation of the Constitution'.
- The charge can be brought by either House (with 14 days' notice signed by one-fourth of the members), and must be passed by a special majority (two-thirds of the total membership) in BOTH Houses.
- A key twist: in the impeachment, the NOMINATED members of Parliament DO participate - even though they cannot vote in the President's election. The state legislatures, which help elect the President, play no part in impeaching him.

Concept: The President's veto - three kinds

- When a bill reaches the President (Article 111), he can assent, withhold assent (absolute veto), or return it for reconsideration (suspensive veto - but if Parliament passes it again, he must assent).
- He also has a 'pocket veto': since the Constitution sets no time limit, he can simply sit on a bill and not act - famously used by President Zail Singh on the Indian Post Office (Amendment) Bill.
- On a Constitution Amendment Bill, however, the President has NO veto - the 24th Amendment made his assent compulsory.

The Vice-President (Articles 63-71)

- The Vice-President is the second-highest constitutional office and the ex-officio Chairman of the Rajya Sabha.
- Election: by an electoral college consisting of the members of BOTH Houses of Parliament (both elected AND nominated) - note that, unlike the President, no state legislatures are involved.
- Qualifications: a citizen, at least 35 years old, and qualified to be a member of the Rajya Sabha. Term: five years. The first Vice-President was Dr S. Radhakrishnan.

Exam tip

- President's electoral college = elected MPs + elected MLAs (no nominated members, no Legislative Councils). VP's electoral college = all members of both Houses of Parliament only.
- Article 74 - the Council of Ministers aids and advises the President, and that advice is binding (the President may return it once, then must accept it: 42nd and 44th Amendments).
- Supreme Commander of the armed forces and the power to grant pardons (Article 72) are the President's; he exercises them on ministerial advice.

Memory trick: President vs VP elections

- President: 'elected only' (elected MPs + elected MLAs) elect him; nominated members participate only in his IMPEACHMENT.
- VP: 'Parliament only' (both Houses, elected + nominated) elects him; no states involved.

Key Takeaways

- The President is the nominal head; real power lies with the PM and Council of Ministers.
- President elected indirectly by elected MPs + elected MLAs (proportional representation, single transferable vote).
- Removable only by impeachment (Article 61) for violation of the Constitution; has absolute, suspensive and pocket vetoes.
- The Vice-President is the ex-officio Chairman of the Rajya Sabha, elected by both Houses of Parliament.

Most Asked Concepts

- The President's electoral college and election method; impeachment vs election (who participates); the three vetoes.
- Article 74 (binding advice); the VP as Rajya Sabha Chairman and his electoral college.

Common Student Mistakes

- Saying the President is elected directly by the people - it is an indirect election.
- Including nominated MPs or Legislative Council members in the President's electoral college - they are excluded.
- Forgetting that the President has no veto over a Constitution Amendment Bill.
- Confusing the President's electoral college (MPs + MLAs) with the VP's (Parliament only).

Concept Check (answers below)

- Q1. Who forms the electoral college for the election of the President?
- Q2. Do nominated members of Parliament vote in the President's election? Do they participate in his impeachment?
- Q3. Whose ex-officio Chairman is the Vice-President?

Concept Check - answers

- A1. The elected members of both Houses of Parliament and the elected members of the state legislative assemblies (plus Delhi and Puducherry).
- A2. No, they do not vote in the election; but yes, they DO participate in the impeachment.
- A3. The Vice-President is the ex-officio Chairman of the Rajya Sabha.

SECTION 13

Prime Minister and Council of Ministers

If the President is the nominal head, the Prime Minister is the real head of the government - the chief executive who actually runs the country. In our parliamentary system, modelled on Britain, the PM is the keystone of the whole arch. Let me show you why this office is so central.

The Prime Minister (Articles 74-75)

- Appointment: the President appoints as Prime Minister the leader of the party (or coalition) that commands a majority in the Lok Sabha. In practice the people's verdict decides; the President's role is largely formal.
- The PM is the head of the Council of Ministers, the leader of the majority party, and the principal channel of communication between the President and the Cabinet.
- A minister must be a member of either House of Parliament; if appointed without a seat, he must get elected within six months, or he ceases to be a minister.
- The first Prime Minister of India was Jawaharlal Nehru.

The Council of Ministers

The Council of Ministers is the team that governs, with the PM at its head. It has three tiers - Cabinet Ministers (the top, in charge of major ministries), Ministers of State, and Deputy Ministers. The small inner ring of senior Cabinet Ministers is what we usually call 'the Cabinet'.

Concept: Collective responsibility - the heartbeat of parliamentary government

- Article 75(3) says the Council of Ministers is COLLECTIVELY responsible to the Lok Sabha. This is the golden rule of the parliamentary system.
- It means the ministers swim or sink together: if the Lok Sabha passes a no-confidence motion against the Council, the ENTIRE Council must resign, not just one minister. Decisions of the Cabinet bind every minister, who must publicly support them or resign.
- This is why a government with a Lok Sabha majority can govern confidently, and why losing that majority brings the whole government down.

Exam tip

- The 91st Amendment (2003) capped the size of the Council of Ministers at 15% of the total strength of the Lok Sabha (to curb jumbo ministries).
- Ministers hold office 'during the pleasure of the President' (Article 75) - but in practice, at the pleasure of the Prime Minister.
- Collective responsibility is to the LOK SABHA (the popular house), not to the Rajya Sabha.

Key Takeaways

- The PM is the real head of government, leader of the Lok Sabha majority, appointed by the President.
- The Council of Ministers is collectively responsible to the Lok Sabha (Article 75(3)) - the core of parliamentary democracy.
- Its size is capped at 15% of the Lok Sabha (91st Amendment); ministers must be members of Parliament (within six months).

Most Asked Concepts

- Article 75; collective responsibility (to the Lok Sabha); the 15% cap (91st Amendment); the six-month membership rule.

Common Student Mistakes

- Saying the Council of Ministers is collectively responsible to both Houses - it is responsible only to the Lok Sabha.
- Forgetting the 91st Amendment's 15% ceiling on the Council's size.
- Thinking a non-member can stay a minister indefinitely - he must get a seat within six months.

Concept Check (answers below)

- Q1. To which House is the Council of Ministers collectively responsible?
- Q2. What is the maximum permitted size of the Council of Ministers, and which amendment fixed it?

Concept Check - answers

- A1. The Lok Sabha (Article 75(3)).
- A2. 15% of the total strength of the Lok Sabha, fixed by the 91st Amendment (2003).

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SECTION 14

Parliament

Parliament is the law-making heart of our democracy and one of the richest chapters for the exam. The first thing students get wrong is the definition itself: Parliament is NOT just the two Houses. Under Article 79, Parliament consists of the President AND the two Houses - the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). The President is very much a part of Parliament, which is why a bill becomes law only with the President's assent.

The two Houses compared

Feature	Rajya Sabha (Council of States)	Lok Sabha (House of the People)
Maximum strength	250 (238 elected + 12 nominated)	550 (530 from states + 20 from UTs)
How elected	Indirectly, by elected MLAs of states (single transferable vote)	Directly, by the people (universal adult franchise)
Term	Permanent body - never dissolved; one-third retire every two years (6-year term)	Five years (can be dissolved earlier)
Presiding officer	The Vice-President (ex-officio Chairman)	The Speaker

Concept: Why the Lok Sabha is more powerful - the Money Bill

- A Money Bill (Article 110) - dealing with taxes, government spending and borrowing - can be introduced ONLY in the Lok Sabha, and only on the President's recommendation.
- The Rajya Sabha cannot reject or amend a Money Bill; it can only make recommendations, and must return the bill within 14 days. The Lok Sabha may accept or reject those recommendations - so the final word is the Lok Sabha's.
- Whether a bill is a Money Bill is decided by the Speaker of the Lok Sabha, and that decision is final. This financial supremacy is the clearest sign of the directly-elected house's greater power.

Concept: The joint sitting (Article 108)

- If the two Houses disagree over an ordinary bill, the deadlock can be broken by a JOINT SITTING of both Houses, summoned by the President and presided over by the Speaker of the Lok Sabha.
- Because the Lok Sabha is larger, the joint sitting usually favours its will. But note the exceptions: there is NO joint sitting for a Money Bill or for a Constitution Amendment Bill.

Exam tip

- Rajya Sabha = permanent body, 1/3 retire every 2 years, members have a 6-year term, chaired by the Vice-President.
- Money Bill: Lok Sabha only; Rajya Sabha just recommends (14 days); the Speaker certifies a Money Bill.
- Joint sitting: presided by the Speaker; not available for Money Bills or amendment Bills.
- Anti-defection rules are in the Tenth Schedule, added by the 52nd Amendment (1985).

Memory trick: house numbers

- Rajya Sabha 250 = 238 + 12; Lok Sabha 550 = 530 + 20.
- 'Money starts in the Lok Sabha; the Speaker certifies it; the Rajya Sabha only suggests.'

Key Takeaways

- Parliament (Article 79) = President + Rajya Sabha + Lok Sabha.
- Rajya Sabha: permanent, indirectly elected, max 250, chaired by the VP. Lok Sabha: directly elected, max 550, presided by the Speaker.
- The Lok Sabha is supreme in money matters (Article 110) and in a joint sitting (Article 108).

Most Asked Concepts

- The composition and strength of the two Houses; Money Bill procedure (Article 110); joint sitting (Article 108) and its exceptions.
- Permanent nature of the Rajya Sabha; the Speaker's powers; anti-defection (Tenth Schedule).

Common Student Mistakes

- Defining Parliament as just the two Houses - it includes the President.
- Thinking the Rajya Sabha can reject a Money Bill - it can only recommend changes (within 14 days).
- Believing a joint sitting can be held for a Money Bill or an amendment Bill - it cannot.
- Saying the Rajya Sabha can be dissolved - it is a permanent body.

Concept Check (answers below)

- Q1. According to Article 79, who together make up Parliament?
- Q2. In which House can a Money Bill be introduced, and what is the Rajya Sabha's role?
- Q3. Who presides over a joint sitting of the two Houses?

Concept Check - answers

- A1. The President and the two Houses - the Rajya Sabha and the Lok Sabha.
- A2. Only in the Lok Sabha; the Rajya Sabha can only make recommendations and must return it within 14 days.
- A3. The Speaker of the Lok Sabha.

SECTION 15

Parliamentary Committees

Parliament is too big and too busy to examine every issue in detail on the floor of the House. So much of the real, careful work happens in smaller Parliamentary Committees - often called 'mini-Parliaments'. They scrutinise budgets, examine government spending and study bills in depth, away from the noise of the main chamber. Three financial committees are the most important for the exam.

Financial committee	What it does (and its composition)
Public Accounts Committee (PAC)	Examines the audit report of the CAG and checks whether public money was spent as Parliament intended. 22 members (15 from the Lok Sabha, 7 from the Rajya Sabha); by convention its Chairman is from the Opposition.
Estimates Committee	Examines the government's budget estimates and suggests economies - 'the continuous economy committee'. It has 30 members, ALL from the Lok Sabha.
Committee on Public Undertakings	Examines the reports and accounts of public-sector undertakings. 22 members (15 Lok Sabha + 7 Rajya Sabha).

Exam tip

- PAC: 22 members, Chairman from the Opposition (a convention since 1967), works on the CAG's report - this trio of facts is very frequently asked.
- The Estimates Committee is the largest financial committee (30 members) and is drawn ENTIRELY from the Lok Sabha.
- Department-related Standing Committees (24 of them) examine the demands for grants and bills of the various ministries.

Key Takeaways

- Committees are the 'mini-Parliaments' that do Parliament's detailed work.
- Three financial committees: Public Accounts (CAG report, 22 members, Opposition chair), Estimates (30, all Lok Sabha), Public Undertakings (22).

Most Asked Concepts

- PAC composition and link to the CAG; Estimates Committee (30, Lok Sabha only); the role of standing committees.

Common Student Mistakes

- Thinking the Estimates Committee has Rajya Sabha members - it is entirely from the Lok Sabha.
- Forgetting that the PAC examines the CAG's report and is usually chaired by the Opposition.

Concept Check (answers below)

- Q1. Which committee examines the audit report of the CAG, and who chairs it by convention?
- Q2. From which House are all members of the Estimates Committee drawn?

Concept Check - answers

- A1. The Public Accounts Committee (PAC); by convention it is chaired by a member of the Opposition.
- A2. Entirely from the Lok Sabha (30 members).

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SECTION 16

State Executive: the Governor

Just as the Union has a President as its nominal head, each state has a Governor. The structure mirrors the centre - a Governor (nominal head), a Chief Minister and a Council of Ministers (the real executive). But the Governor's office carries a special tension that the President's does not, and that tension is exactly what the examiner probes. Let me explain it carefully.

Appointment and the 'dual role'

- The Governor is APPOINTED by the President (Article 155) - not elected at all - and holds office 'during the pleasure of the President' (Article 156), normally for five years.
- Qualifications: a citizen of India and at least 35 years old. By convention the Governor is usually an outsider (not from the state) and is appointed after consulting the Chief Minister - though these conventions are not always honoured.

Concept: Why the Governor is a controversial office

- The Governor wears two hats. He is the constitutional head of the state - and at the same time he is an agent of the central government, appointed and removable by it.
- This dual role creates a conflict of loyalty: is the Governor working for the state he heads, or for the centre that appointed him? This is why recommending President's Rule, reserving bills for the President, and choosing a Chief Minister in a hung assembly so often become political flashpoints.
- The Sarkaria Commission and the Punchhi Commission both examined this office and recommended that the Governor's discretion be used sparingly and impartially.

Exam tip

- The Governor's pardoning power (Article 161) is narrower than the President's: a Governor CANNOT pardon a death sentence, and cannot pardon in court-martial cases. The President can do both.
- The Governor has MORE discretionary power than the President - e.g. reserving a bill for the President's consideration (Article 200), recommending President's Rule (Article 356), and appointing a CM when no party has a clear majority.
- The Governor is appointed, holds office during the President's pleasure, and has no fixed security of tenure.

Key Takeaways

- The Governor (Article 153) is the nominal head of the state, appointed by the President and holding office during his pleasure.
- He has a dual role - constitutional head of the state and agent of the centre - which makes the office controversial.
- His pardoning power (Article 161) excludes death sentences and court-martials, and he has wider discretion than the President.

Most Asked Concepts

- Appointment and tenure of the Governor; the dual-role controversy; Article 161 vs the President's pardon; discretionary powers.

Common Student Mistakes

- Thinking the Governor is elected - he is appointed by the President.
- Believing the Governor can pardon a death sentence - he cannot (only the President can).
- Treating the Governor's discretion as identical to the President's - the Governor actually has more.

Concept Check (answers below)

- Q1. How is the Governor appointed, and for how long does he hold office?
- Q2. How does the Governor's pardoning power differ from the President's?

Concept Check - answers

- A1. He is appointed by the President and holds office during the pleasure of the President (normally a five-year term).
- A2. The Governor (Article 161) cannot pardon a death sentence or act in court-martial cases; the President (Article 72) can do both.

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SECTION 17

Chief Minister and State Council of Ministers

If the Governor is the state's nominal head, the Chief Minister is its real head of government - the exact counterpart of the Prime Minister at the centre. Everything you learnt about the PM and the Union Council of Ministers maps neatly onto the CM and the State Council of Ministers, with the Governor playing the President's role.

- The Chief Minister is appointed by the Governor (Article 164) - in practice, the leader of the majority party in the state Legislative Assembly. The other ministers are appointed by the Governor on the CM's advice.
- The State Council of Ministers is COLLECTIVELY responsible to the state Legislative Assembly - the same parliamentary principle as at the centre.
- The 91st Amendment (2003) caps the size of the state Council of Ministers at 15% of the strength of the Legislative Assembly, subject to a minimum of 12 ministers.

Concept: The CM as the link

- The Chief Minister is the principal channel of communication between the Governor and the Council of Ministers. He advises the Governor on the appointment of ministers, the allocation of portfolios and major decisions.
- Just as the PM's resignation means the fall of the Union government, the CM's resignation means the fall of the state government - because the Council stands or falls together (collective responsibility).

Exam tip

- Collective responsibility of the state Council is to the Legislative ASSEMBLY (the popularly elected house), not the Council.
- The 15% cap and the minimum of 12 ministers (91st Amendment) apply to the states too.

Key Takeaways

- The CM is the real head of the state government, appointed by the Governor (Article 164).
- The State Council of Ministers is collectively responsible to the Legislative Assembly.
- Its size is capped at 15% of the Assembly (minimum 12) by the 91st Amendment.

Most Asked Concepts

- Article 164; collective responsibility to the Assembly; the 15%/minimum-12 cap.

Common Student Mistakes

- Saying the state Council is responsible to the Legislative Council - it is responsible to the Legislative Assembly.
- Forgetting the minimum of 12 ministers under the 91st Amendment.

Concept Check (answers below)

- Q1. To which body is the State Council of Ministers collectively responsible?
- Q2. What size limit does the 91st Amendment place on the state Council of Ministers?

Concept Check - answers

- A1. The state Legislative Assembly.
- A2. A maximum of 15% of the strength of the Legislative Assembly, subject to a minimum of 12 ministers.

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SECTION 18

State Legislature

At the state level, the law-making body is the State Legislature. Most states have only ONE house - the Legislative Assembly (Vidhan Sabha) - and are called unicameral. A few states also have a second house, the Legislative Council (Vidhan Parishad), and are called bicameral. The Assembly is the directly elected, powerful house; the Council is a secondary, advisory chamber.

Feature	Legislative Assembly (Vidhan Sabha)	Legislative Council (Vidhan Parishad)
Nature	Directly elected by the people; the real law-making house	Indirectly/partly elected; a secondary, advisory house
Term	Five years (can be dissolved)	Permanent body - one-third retire every two years (like the Rajya Sabha)
Strength	Generally 60 to 500 members	Not more than one-third of the Assembly's strength, and not fewer than 40
Exists in	Every state	Only a few states (currently six)

Concept: Creating or abolishing a Legislative Council

- A Legislative Council is not permanent in a state. Under Article 169, Parliament can create or abolish a Council in a state - but only if the state's Legislative Assembly first passes a resolution to that effect by a special majority.
- So whether a state is unicameral or bicameral can change over time, on the state Assembly's own initiative.

Exam tip

- A Legislative Council's strength = at most one-third of the Assembly, minimum 40. It is a permanent body like the Rajya Sabha.
- Only the Assembly's vote in a no-confidence motion can bring down the state government; the Council cannot.
- Article 169 is the key article for creation/abolition of the Council.

Key Takeaways

- Most states are unicameral (Assembly only); a few are bicameral (Assembly + Council).
- The Legislative Council is a permanent, secondary house, at most one-third the Assembly's size (minimum 40).
- Article 169 lets Parliament create/abolish a Council on the Assembly's resolution.

Most Asked Concepts

- Unicameral vs bicameral states; composition of the Council; Article 169.

Common Student Mistakes

- Thinking every state has two houses - most have only the Assembly.
- Believing the Council is as powerful as the Assembly - it is only advisory.

Concept Check (answers below)

- Q1. What is the maximum strength of a Legislative Council relative to the Assembly?
- Q2. Under which Article can a Legislative Council be created or abolished?

Concept Check - answers

- A1. Not more than one-third of the Legislative Assembly's strength (and not fewer than 40).
- A2. Article 169 (on a resolution passed by the state Legislative Assembly).

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SECTION 19

Centre-State and Inter-State Relations

A federal country must answer a hard question: who controls what - the centre or the states? Our Constitution divides powers in great detail, but always with a thumb on the scale in favour of the centre. Relations are studied under three heads - legislative, administrative and financial - and the Seventh Schedule is the heart of it.

The division of law-making powers (Seventh Schedule)

List	Who legislates, and on what
Union List (List I)	Subjects of national importance - defence, foreign affairs, currency, railways, banking. Only Parliament can legislate (about 100 subjects).
State List (List II)	Subjects of local importance - police, public health, agriculture, local government. Normally only the state legislates (about 60 subjects).
Concurrent List (List III)	Subjects on which both can legislate - education, marriage, forests, criminal law (about 50 subjects). If their laws clash, the Union law prevails (Article 254).

Concept: The centre's built-in advantages

- Residuary powers - subjects not in any list (like cyber law) - belong to the Union (Article 248). In the USA they go to the states; here they go to the centre.
- In the Concurrent List, when a central and a state law conflict, the central law wins (Article 254).
- Parliament can even legislate on a State List subject in certain situations (e.g. when the Rajya Sabha passes a resolution of national interest, or during an emergency). This is the unitary tilt in action.

Inter-State relations

- Inter-State Council (Article 263) - a body to discuss and coordinate matters of common interest between the centre and states (set up in 1990 on the Sarkaria Commission's recommendation).
- Inter-State water disputes (Article 262) - Parliament may provide for adjudication, and may bar even the Supreme Court from such disputes.
- Zonal Councils - statutory (not constitutional) bodies that promote cooperation among groups of states.
- Article 301 guarantees freedom of trade, commerce and intercourse throughout the territory of India.

Exam tip

- Residuary powers are with the Union (Article 248); in a Concurrent List clash, the Union prevails (Article 254).
- The three Lists are in the Seventh Schedule. Inter-State Council = Article 263; water disputes = Article 262.
- Zonal Councils are statutory, NOT constitutional - a favourite trick question.

Key Takeaways

- Powers are divided by the Seventh Schedule into the Union, State and Concurrent Lists; residuary powers rest with the Union.
- In a Concurrent List conflict, the central law prevails (Article 254).
- Inter-State Council (Article 263) and water disputes (Article 262) govern relations between states.

Most Asked Concepts

- The three Lists and residuary powers; Article 254; Inter-State Council (263) and water disputes (262); zonal councils being statutory.

Common Student Mistakes

- Giving residuary powers to the states - they belong to the Union.
- Saying the state law prevails in a Concurrent List clash - the Union law does (Article 254).
- Calling Zonal Councils constitutional bodies - they are statutory.

Concept Check (answers below)

- Q1. With whom do residuary powers rest?
- Q2. In a conflict over a Concurrent List subject, whose law prevails?

Concept Check - answers

- A1. With the Union (Parliament), under Article 248.
- A2. The central (Union) law prevails, under Article 254.

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SECTION 20

Emergency Provisions

The Emergency provisions are the most powerful - and most dangerous - part of the Constitution. They let the centre transform India almost overnight from a federal to a near-unitary state to meet a grave crisis. Dr Ambedkar defended them as a safety valve; history has shown how they can also be misused. There are THREE kinds of emergency, and you must keep them clearly apart.

Type	Article	Grounds and effect
National Emergency	352	War, external aggression or 'armed rebellion'. The federation becomes virtually unitary; Parliament can legislate on State subjects; some Fundamental Rights can be suspended. Proclaimed three times: 1962, 1971 and 1975-77.
President's Rule (State Emergency)	356	Failure of the constitutional machinery in a state. The state government is dismissed and the state is run by the President through the Governor.
Financial Emergency	360	A threat to the financial stability or credit of India. Has NEVER been proclaimed.

Concept: National Emergency (Article 352) - what the 44th Amendment fixed

- The 1975 Emergency, declared on the ground of 'internal disturbance', was widely seen as an abuse of power. After it ended, the 44th Amendment (1978) built in strong safeguards.
- It replaced the vague 'internal disturbance' with the precise term 'armed rebellion'.
- A proclamation must now be approved by both Houses within ONE month (earlier two), by a SPECIAL majority, and can then continue only six months at a time.
- Crucially, it provided that Articles 20 and 21 can NEVER be suspended, even during an emergency - a direct lesson from the dark days of 1975.

Concept: President's Rule (Article 356) and the Bommai safeguard

- Under Article 356, if a state's government cannot function according to the Constitution, the centre can take over - but this power has often been misused to topple opposition state governments.
- Approval is needed within two months; it then runs six months at a time, up to a maximum of three years.
- The landmark S. R. Bommai case (1994) was a turning point: it held that a proclamation of President's Rule is subject to JUDICIAL REVIEW, and that the test of a government's majority must be taken on the floor of the Assembly, not by the Governor's subjective opinion.

Exam tip

- Article 352 = National; 356 = President's Rule; 360 = Financial. The Financial Emergency has never been used.
- 44th Amendment: 'armed rebellion' replaced 'internal disturbance'; Articles 20 and 21 can never be suspended.
- S. R. Bommai (1994) made Article 356 judicially reviewable and required a floor test.

Memory trick: the three emergencies

- '352 Nation, 356 State, 360 Finance' (3-5-2 / 3-5-6 / 3-6-0).
- National Emergency declared in 1962 (China), 1971 (Pakistan), 1975 (internal) - the last triggered the 44th Amendment.

Key Takeaways

- Three emergencies: National (352), President's Rule (356), Financial (360, never used).
- The 44th Amendment tightened the National Emergency ('armed rebellion'; Articles 20 & 21 never suspended).
- S. R. Bommai (1994) made President's Rule subject to judicial review and the floor test.

Most Asked Concepts

- The three types and their Articles; the 44th-Amendment safeguards; the three times National Emergency was declared; the Bommai case.

Common Student Mistakes

- Confusing the Articles - 352 (national), 356 (state), 360 (financial).
- Thinking Articles 20 and 21 can be suspended in a National Emergency - they cannot (44th Amendment).
- Believing a Financial Emergency has been declared - it never has.

Concept Check (answers below)

- Q1. Under which Article is President's Rule imposed, and what did the Bommai case decide about it?
- Q2. Which two Fundamental Rights can never be suspended, even during a National Emergency?

Concept Check - answers

- A1. Article 356; S. R. Bommai (1994) held that it is subject to judicial review and that a government's majority must be tested on the floor of the Assembly.
- A2. Articles 20 and 21 (protection in respect of conviction, and the right to life and personal liberty).

SECTION 21

The Judiciary: Supreme Court and High Courts

A constitution is only as strong as the court that guards it. India chose an INTEGRATED and INDEPENDENT judiciary - a single pyramid with the Supreme Court at the apex, then the High Courts, then the subordinate courts, all enforcing the same laws. 'Integrated' means there is no separate set of federal and state courts as in the USA; 'independent' means the judges are insulated from political pressure so they can hold even the government to account.

The Supreme Court (Articles 124-147)

- **Composition:** the Chief Justice of India and other judges (the sanctioned strength is currently 34 in all). Judges are appointed by the President, in practice through the 'collegium' of senior judges.
- **Qualifications:** a citizen who has been a judge of a High Court for five years, OR an advocate of a High Court for ten years, OR a distinguished jurist. Judges retire at 65.
- **Removal:** only by impeachment (Article 124), on grounds of proved misbehaviour or incapacity, requiring a special majority in both Houses - the same near-impossible process that protects independence.

Concept: The many roles of the Supreme Court

- Original jurisdiction (Article 131): it directly hears disputes between the centre and states, or between states.
- Writ jurisdiction (Article 32): it enforces Fundamental Rights by issuing writs - itself a Fundamental Right.
- Appellate jurisdiction: it is the highest court of appeal in constitutional, civil and criminal matters.
- Advisory jurisdiction (Article 143): the President may seek its opinion on a question of law or fact.
- Court of Record (Article 129): its judgments are recorded as precedents and it can punish for contempt.

The High Courts (Articles 214-231)

- There is a High Court for each state (though a single High Court may serve two or more states or Union Territories). Judges are appointed by the President and retire at 62.
- The High Court's writ power under Article 226 is WIDER than the Supreme Court's: a High Court can issue writs not only to enforce Fundamental Rights but also 'for any other purpose' (i.e. for ordinary legal rights too).

Exam tip

- Supreme Court judges retire at 65; High Court judges at 62 - a classic comparison MCQ.
- Article 32 (Supreme Court) is itself a Fundamental Right; Article 226 (High Court) is NOT a Fundamental Right but is wider in scope.
- Original jurisdiction = Article 131; advisory = Article 143; court of record = Article 129.

Memory trick: retirement ages and writs

- 'Supreme 65, High 62' (the higher court, the higher age).
- Article 32 = Supreme Court writs (a Fundamental Right); Article 226 = High Court writs (wider, 'for any other purpose').

Key Takeaways

- India has a single, integrated, independent judiciary with the Supreme Court at the top.
- SC judges retire at 65, HC judges at 62; both are removable only by impeachment.
- Article 32 (SC) is a Fundamental Right; Article 226 (HC) is wider, available 'for any other purpose' too.

Most Asked Concepts

- Composition, qualifications and removal of judges; the SC's five jurisdictions; Article 32 vs 226; retirement ages.

Common Student Mistakes

- Saying SC and HC judges retire at the same age - it is 65 and 62 respectively.
- Thinking Article 226 is a Fundamental Right - it is not (only Article 32 is).
- Believing the High Court's writ power is narrower than the Supreme Court's - it is actually wider.

Concept Check (answers below)

- Q1. At what ages do Supreme Court and High Court judges retire?
- Q2. How is the writ power under Article 226 wider than that under Article 32?

Concept Check - answers

- A1. Supreme Court judges retire at 65; High Court judges at 62.
- A2. Article 226 (High Courts) can issue writs to enforce Fundamental Rights AND for any other purpose (ordinary legal rights), whereas Article 32 (Supreme Court) is only for enforcing Fundamental Rights.

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SECTION 22

Judicial Review and Judicial Activism

Two ideas decide how powerful the judiciary really is in practice - judicial review and judicial activism. Students often confuse them, so let me draw a clean line between the two.

Judicial review

Judicial review is the power of the courts to examine whether a law or a government action is consistent with the Constitution - and to strike it down if it is not. It flows from Articles 13, 32, 226 and 137. This power is what makes the Constitution truly supreme: even Parliament's laws can be tested against it, and the Supreme Court has held that judicial review is itself part of the basic structure, so it cannot be taken away.

Judicial activism (and overreach)

Judicial activism is the proactive role courts play in protecting citizens' rights and promoting justice, often stepping in where the legislature or executive has failed. Its great instrument is Public Interest Litigation (PIL), pioneered in India by judges like Justice P. N. Bhagwati and Justice V. R. Krishna Iyer, which allows any public-spirited person to approach the court on behalf of those who cannot. When this activism goes too far and the courts start performing functions that properly belong to the executive or legislature, critics call it 'judicial overreach'.

Concept: Review vs activism - the clean distinction

- Judicial REVIEW is a POWER - the authority to test laws and actions against the Constitution.
- Judicial ACTIVISM is an ATTITUDE - a willingness to use that power energetically, and to expand access to justice (through PIL) to protect rights.
- So review is the tool; activism is how vigorously the tool is used. Overreach is when it is used beyond the court's proper sphere.

Exam tip

- Judicial review draws on Articles 13, 32, 226 and 137, and is part of the basic structure.
- PIL in India is associated with Justices P. N. Bhagwati and V. R. Krishna Iyer.
- Distinguish judicial activism (proactive justice) from judicial overreach (crossing into executive/legislative territory).

Key Takeaways

- Judicial review is the power to test laws/actions against the Constitution (Articles 13, 32, 226, 137); it is part of the basic structure.
- Judicial activism is the proactive use of that power, with PIL as its main tool.
- Judicial overreach is activism that crosses into the executive's or legislature's domain.

Most Asked Concepts

- The source of judicial review; review as basic structure; PIL and the judges who pioneered it; activism vs overreach.

Common Student Mistakes

- Treating judicial review and judicial activism as the same thing - one is a power, the other an attitude.
- Thinking judicial review can be removed by an amendment - it is part of the basic structure.

Concept Check (answers below)

- Q1. From which Articles does judicial review flow, and is it part of the basic structure?
- Q2. What is the main instrument of judicial activism in India?

Concept Check - answers

- A1. From Articles 13, 32, 226 and 137; yes, judicial review is part of the basic structure.
- A2. Public Interest Litigation (PIL).

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SECTION 23

Local Self-Government: Panchayati Raj and Municipalities

Democracy must reach the village and the neighbourhood, not stop at Delhi and the state capital. This is the idea behind local self-government - the third tier of our democracy. For decades these bodies existed only at the mercy of state laws; then two historic amendments in 1992 gave them constitutional status and turned 'grassroots democracy' from a slogan into a structure.

Panchayati Raj - the 73rd Amendment (1992)

The 73rd Amendment added Part IX and the Eleventh Schedule (29 subjects) to the Constitution, creating a uniform structure of rural local government. Before this, Rajasthan had been the first state to launch Panchayati Raj (in Nagaur, on 2 October 1959), following the Balwant Rai Mehta Committee's recommendation of a three-tier system.

- A three-tier structure: the Gram Panchayat (village), the Panchayat Samiti (intermediate/block) and the Zila Parishad (district).
- The Gram Sabha - the assembly of all voters in a village - is the foundation of the whole system.
- Reservation of seats for Scheduled Castes, Scheduled Tribes, and at least one-third for women (in many states now raised to one-half).
- A fixed five-year term, with elections conducted by an independent State Election Commission, and finances reviewed by a State Finance Commission every five years.

Municipalities - the 74th Amendment (1992)

The 74th Amendment is the urban twin of the 73rd. It added Part IXA and the Twelfth Schedule (18 subjects), giving constitutional status to urban local bodies. These come in three forms by the size of the town: the Nagar Panchayat (a transitional area), the Municipal Council (a smaller urban area) and the Municipal Corporation (a large city).

Exam tip

- 73rd Amendment = Panchayats = Part IX = Eleventh Schedule = 29 subjects. 74th Amendment = Municipalities = Part IXA = Twelfth Schedule = 18 subjects. Keep these two sets straight - they are constantly swapped in MCQs.
- Rajasthan was the FIRST state to inaugurate Panchayati Raj (1959); the Balwant Rai Mehta Committee recommended the three-tier system.
- Elections to local bodies are conducted by the STATE Election Commission (not the Election Commission of India).

Memory trick: the twin amendments

- '73 for the village (Gram), 74 for the town (Nagar).'
- '11th Schedule = 29 (Panchayats); 12th Schedule = 18 (Municipalities).'

Key Takeaways

- The 73rd and 74th Amendments (1992) gave constitutional status to rural and urban local bodies.
- Panchayats: Part IX, Eleventh Schedule (29 subjects), three-tier, Gram Sabha, reservation for SC/ST/women, State Election & Finance Commissions.
- Municipalities: Part IXA, Twelfth Schedule (18 subjects), three types (Nagar Panchayat, Municipal Council, Municipal Corporation).

Most Asked Concepts

- 73rd vs 74th Amendment (Parts IX/IXA, Schedules 11/12, subjects 29/18); the three-tier system and Gram Sabha; State Election Commission; Rajasthan as the first state.

Common Student Mistakes

- Swapping the two amendments - 73rd is rural (Panchayats), 74th is urban (Municipalities).
- Mixing the schedules - Eleventh (29 subjects) is for Panchayats, Twelfth (18) is for Municipalities.
- Saying local elections are run by the Election Commission of India - they are run by the State Election Commission.

Concept Check (answers below)

- Q1. Which amendment gave constitutional status to Panchayats, and which Part and Schedule did it add?
- Q2. Which body conducts elections to local bodies?

Concept Check - answers

- A1. The 73rd Amendment (1992); it added Part IX and the Eleventh Schedule (29 subjects).
- A2. The State Election Commission (not the Election Commission of India).

SECTION 24

Constitutional Bodies and the Election Commission

Before we meet the individual bodies, fix one definition firmly, because it is the basis of a whole family of questions: a CONSTITUTIONAL body is one created DIRECTLY by the Constitution itself, with its powers and structure written into the text. Contrast this with a statutory body (created by an Act of Parliament) and a non-constitutional body like NITI Aayog (created by a mere executive order). The Election Commission, UPSC, Finance Commission, CAG, Attorney General and the SC/ST/BC commissions are all constitutional bodies.

Constitutional body	Article	Core function
Election Commission	324	Conducts elections to Parliament, state legislatures, and the offices of President and Vice-President
Union Public Service Commission	315	Central recruiting agency for the all-India and central services
Finance Commission	280	Recommends sharing of taxes between centre and states
Comptroller & Auditor General	148	Audits the accounts of the centre and the states - 'guardian of the public purse'
Attorney General	76	Highest law officer of the Union
National Commissions (SC / ST / BC)	338 / 338A / 338B	Safeguard the interests of Scheduled Castes, Scheduled Tribes and Backward Classes

The Election Commission (Article 324)

The Election Commission of India is the independent body that has conducted the world's largest democratic exercise, election after election, since 1950. Its independence is the reason Indian elections are broadly trusted, so the Constitution shields it carefully.

- It is responsible for elections to Parliament, the state legislatures, and the offices of the President and Vice-President. (Note: local body elections are run by the STATE Election Commissions, not by the EC of India.)
- Composition: at present it is a three-member body - the Chief Election Commissioner (CEC) and two Election Commissioners. It was a single-member body until 1989, and has been a permanent three-member body since 1993.
- Members are appointed by the President and hold office for six years or until the age of 65, whichever is earlier.

Concept: The protected status of the CEC

- To keep the Commission fearless, the Chief Election Commissioner can be removed only in the SAME manner as a judge of the Supreme Court - by impeachment, needing a special majority in both Houses.
- The other two Election Commissioners do not have this protection - they can be removed only on the RECOMMENDATION of the CEC. This asymmetry (CEC strongly protected, ECs less so) is a very common exam point.
- The legend T. N. Seshan, as CEC in the 1990s, showed how powerful and independent this office can be in enforcing the model code of conduct.

Exam tip

- Article 324 = Election Commission. It handles national and state elections and the President/VP elections - but NOT panchayat/municipal polls (those are the State Election Commission's job).
- CEC removed like a Supreme Court judge; other ECs removed on the CEC's recommendation - learn this difference.

Key Takeaways

- Constitutional bodies are created directly by the Constitution (EC, UPSC, Finance Commission, CAG, AG, SC/ST/BC commissions).
- The Election Commission (Article 324) is an independent, three-member body conducting national, state and presidential/VP elections.
- The CEC is removed like a Supreme Court judge; the other ECs only on the CEC's recommendation.

Most Asked Concepts

- The constitutional-vs-statutory-vs-non-constitutional distinction; Article 324; the EC's composition and the CEC's protected removal; State Election Commission for local polls.

Common Student Mistakes

- Thinking the Election Commission conducts panchayat and municipal elections - that is the State Election Commission.
- Believing all three Election Commissioners enjoy the same removal protection - only the CEC is removed like a Supreme Court judge.
- Calling NITI Aayog or NHRC a constitutional body - they are not.

Concept Check (answers below)

- Q1. Which body conducts elections to the office of the President, and under which Article?
- Q2. How is the Chief Election Commissioner removed, and how does this differ from the other Election Commissioners?

Concept Check - answers

- A1. The Election Commission of India, under Article 324.
- A2. The CEC is removed in the same manner as a Supreme Court judge (impeachment); the other ECs can be removed only on the recommendation of the CEC.

SECTION 25**Union Public Service Commission**

Every government needs a fair, merit-based way to recruit its officers - free from political favouritism. That is the job of the Union Public Service Commission, the constitutional body (Articles 315-323) that selects candidates for the all-India and central services, including the very examination many of you are preparing for.

- The Chairman and members of the UPSC are appointed by the President and hold office for six years or until the age of 65, whichever is earlier.
- Although appointed by the President, a member can be REMOVED only by the President on the ground of misbehaviour - and only after the Supreme Court, on a reference, has held an inquiry and upheld the charge (Article 317). This protects the UPSC's independence.
- Crucially, the UPSC is only an ADVISORY body - the government is not bound to accept its advice, though by convention it usually does.

Exam tip

- UPSC = central recruitment; the State Public Service Commission (also under Article 315) does the same for the states.
- UPSC Chairman/members: 6 years or 65; the SPSC's: 6 years or 62.
- The UPSC is advisory - its recommendations are not legally binding on the government.

Key Takeaways

- The UPSC (Articles 315-323) is the central recruiting agency, an independent constitutional body.
- Members hold office for 6 years or until 65; removable only for misbehaviour after a Supreme Court inquiry.
- It is an advisory body - its advice is not binding.

Most Asked Concepts

- UPSC's advisory nature; tenure (6 years/65); the special removal procedure (Article 317); UPSC vs State PSC (65 vs 62).

Common Student Mistakes

- Thinking the UPSC's recommendations are binding on the government - they are only advisory.
- Confusing UPSC tenure (65) with State PSC tenure (62).

Concept Check (answers below)

- Q1. Is the advice of the UPSC binding on the government?
- Q2. How can a UPSC member be removed?

Concept Check - answers

- A1. No - the UPSC is an advisory body; its advice is not legally binding.
- A2. Only by the President, on the ground of misbehaviour, and only after the Supreme Court has inquired into and upheld the charge (Article 317).

SECTION 26

Finance Commission

In a federation, money is power - and the centre and the states are always negotiating over how to share it. The Finance Commission is the constitutional referee of that negotiation: a body (Article 280) that the President constitutes every five years to recommend how the nation's tax revenues should be divided.

- It is a quasi-judicial body, constituted by the President every fifth year (or earlier if needed), with a Chairman and four other members.
- Its core task is to recommend (1) the distribution of the net proceeds of taxes BETWEEN the centre and the states (the 'vertical' share), (2) the allocation of that money AMONG the states (the 'horizontal' share), and (3) grants-in-aid to the states, and measures to strengthen the funds of panchayats and municipalities.
- Its recommendations are advisory, not binding - though they are almost always accepted.

Exam tip

- Finance Commission = Article 280, constituted every five years, Chairman + four members.
- The first Finance Commission was chaired by K. C. Neogy; do not confuse the Finance Commission (constitutional) with the now-defunct Planning Commission (non-constitutional).

Key Takeaways

- The Finance Commission (Article 280) is a constitutional, quasi-judicial body set up every five years.
- It recommends the sharing of taxes between centre and states, the allocation among states, and grants-in-aid.
- It has a Chairman and four members; its recommendations are advisory.

Most Asked Concepts

- Article 280; the five-year cycle; Chairman + 4 members; the centre-state tax-sharing role; Finance Commission vs Planning Commission.

Common Student Mistakes

- Confusing the Finance Commission (constitutional, Article 280) with the Planning Commission/NITI Aayog (non-constitutional).
- Forgetting it is constituted every five years with a chairman and four members.

Concept Check (answers below)

- Q1. Under which Article and how often is the Finance Commission constituted?
- Q2. What is its main function?

Concept Check - answers

- A1. Article 280; it is constituted by the President every fifth year (or earlier).
- A2. To recommend the distribution of tax revenues between the centre and the states, their allocation among states, and grants-in-aid.

SECTION 27

Comptroller and Auditor General (CAG)

When the government spends public money, someone must check that it was spent lawfully and as Parliament intended. That watchdog is the Comptroller and Auditor General - the 'guardian of the public purse'. Dr Ambedkar called the CAG the most important officer under the Constitution, because without an honest auditor, the power of the purse that Parliament holds would be meaningless.

- The CAG (Article 148) is appointed by the President and, to keep him independent, can be removed only in the SAME manner as a Supreme Court judge (by impeachment). He holds office for six years or until the age of 65.
- He audits all the accounts of the central and state governments and of bodies financed by them. His reports go to the President or Governor, are laid before the legislature, and are then examined by the Public Accounts Committee.
- An important subtlety: in India the CAG is largely an AUDITOR (he checks spending AFTER it happens). Unlike the British CAG, he has no 'control' over the issue of money from the treasury - so the 'Comptroller' in his title is, in practice, only an auditor's role.

Exam tip

- CAG = Article 148, removed like a Supreme Court judge, reports examined by the PAC - this chain (CAG -> report -> PAC) is frequently tested.
- Remember the limitation: the Indian CAG controls nothing at the spending stage; he audits afterwards.

Key Takeaways

- The CAG (Article 148) is the 'guardian of the public purse', appointed by the President and removed like a Supreme Court judge.
- He audits central and state accounts; his reports are examined by the Public Accounts Committee.
- In practice he is an auditor (post-spending), not a true comptroller.

Most Asked Concepts

- Article 148; removal like a Supreme Court judge; the CAG-report-PAC link; the auditor-not-comptroller point.

Common Student Mistakes

- Thinking the CAG controls the issue of money like the British CAG - the Indian CAG only audits.
- Forgetting that the CAG's reports are examined by the PAC.

Concept Check (answers below)

- Q1. How is the CAG removed from office?
- Q2. Which committee examines the CAG's audit reports?

Concept Check - answers

- A1. In the same manner as a judge of the Supreme Court (by impeachment).
- A2. The Public Accounts Committee (PAC).

SECTION 28

Attorney General and Advocate General

Governments go to court too - they sue and are sued, and they need expert legal advice. The Constitution therefore creates a chief lawyer for the Union (the Attorney General) and a chief lawyer for each state (the Advocate General). Learn them as a pair, because the parallels are exact.

Feature	Attorney General (Article 76)	Advocate General (Article 165)
Level	The Union (highest law officer of the centre)	The State (highest law officer of the state)
Appointed by	The President	The Governor
Qualification	Qualified to be a judge of the Supreme Court	Qualified to be a judge of a High Court
Tenure	Holds office during the pleasure of the President	Holds office during the pleasure of the Governor

Concept: A right students always forget

- The Attorney General has the right to speak and take part in the proceedings of BOTH Houses of Parliament (and their committees), but he has NO right to vote.
- He is not a full-time government servant and is not barred from private legal practice - though he cannot advise or appear against the Government of India. The Advocate General has the same rights in the state legislature.

Exam tip

- Attorney General = Article 76 (President appoints; SC-judge qualification); Advocate General = Article 165 (Governor appoints; HC-judge qualification).
- The AG can speak in Parliament but cannot vote.

Key Takeaways

- The Attorney General (Article 76) is the Union's highest law officer, appointed by the President.
- The Advocate General (Article 165) is the state's highest law officer, appointed by the Governor.
- The AG may speak in both Houses but cannot vote.

Most Asked Concepts

- Article 76 vs 165; appointing authorities; the speak-but-not-vote right; the SC-judge vs HC-judge qualification.

Common Student Mistakes

- Swapping the articles (76 = AG, 165 = Advocate General).
- Thinking the AG can vote in Parliament - he can only speak.

Concept Check (answers below)

- Q1. Who appoints the Attorney General and the Advocate General respectively?
- Q2. Can the Attorney General vote in Parliament?

Concept Check - answers

- A1. The President appoints the Attorney General (Article 76); the Governor appoints the Advocate General (Article 165).
- A2. No - he may speak and take part in proceedings but he cannot vote.

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SECTION 29

National Commissions (SC, ST, BC)

The Constitution does not just promise equality; it creates dedicated watchdogs to protect the groups most likely to face discrimination. Three such commissions now have full constitutional status, and the examiner loves the story of how they evolved.

Commission	Article	Note
National Commission for Scheduled Castes	338	Safeguards the rights of Scheduled Castes
National Commission for Scheduled Tribes	338A	Carved out of the combined SC/ST commission by the 89th Amendment (2003)
National Commission for Backward Classes	338B	Given constitutional status by the 102nd Amendment (2018)

Exam tip

- 338 = SCs, 338A = STs, 338B = Backward Classes - learn the trio together.
- The separate ST commission came from the 89th Amendment (2003); the NCBC got constitutional status only by the 102nd Amendment (2018).
- By contrast, the National Human Rights Commission (NHRC) and the National Commission for Women are STATUTORY, not constitutional.

Key Takeaways

- Three constitutional commissions protect SCs (338), STs (338A) and Backward Classes (338B).
- The ST commission was created by the 89th Amendment (2003); the NCBC got constitutional status by the 102nd Amendment (2018).
- The NHRC and the National Commission for Women are statutory, not constitutional.

Most Asked Concepts

- Articles 338/338A/338B; the 89th and 102nd Amendments; constitutional vs statutory commissions.

Common Student Mistakes

- Calling the NHRC or the National Commission for Women a constitutional body - they are statutory.
- Forgetting that the NCBC became constitutional only in 2018 (102nd Amendment).

Concept Check (answers below)

- Q1. Under which Article is the National Commission for Scheduled Tribes, and which amendment created it?
- Q2. Is the NHRC a constitutional body?

Concept Check - answers

- A1. Article 338A; it was created by the 89th Amendment (2003).
- A2. No - the NHRC is a statutory body (created by the Protection of Human Rights Act, 1993), not a constitutional one.

SECTION 30

Non-Constitutional Bodies and NITI Aayog

Not every important body is written into the Constitution. Many powerful institutions are 'non-constitutional' (also called extra-constitutional) - created either by an Act of Parliament (statutory) or by a simple decision of the government (executive). Knowing which is which is a guaranteed exam question.

NITI Aayog - the headline example

NITI Aayog (the National Institution for Transforming India) was set up in 2015 by a simple executive resolution of the government - so it is neither a constitutional nor a statutory body. It replaced the Planning Commission (itself a non-constitutional body that had existed since 1950). The shift was deliberate: the old Planning Commission allocated funds to states from above; NITI Aayog is a think-tank that promotes 'cooperative federalism', advising rather than dictating, and it has NO power to allocate funds.

- Chairperson: the Prime Minister. It also has a Vice-Chairperson, a Chief Executive Officer (CEO), and a Governing Council made up of all the Chief Ministers and the Lieutenant Governors of the Union Territories.
- Other examples of non-constitutional bodies: the NHRC, the Central Vigilance Commission (CVC), the Central Information Commission (CIC), the CBI, and the Lokpal - all statutory; NITI Aayog and the former Planning Commission - executive.

Exam tip

- NITI Aayog is NON-constitutional and NON-statutory (executive body); it replaced the Planning Commission in 2015 and has no fund-allocation power.
- Its Chairperson is the Prime Minister; its Governing Council includes all CMs and UT Lieutenant Governors.
- Distinguish: constitutional (in the Constitution) vs statutory (by an Act) vs executive (by a government order).

Key Takeaways

- Non-constitutional bodies are created by statute or by executive order, not by the Constitution.
- NITI Aayog (2015, executive body) replaced the Planning Commission; it is a think-tank with no power to allocate funds; the PM chairs it.
- NHRC, CVC, CIC, CBI and Lokpal are statutory bodies.

Most Asked Concepts

- NITI Aayog's non-constitutional status and 2015 origin; Planning Commission vs NITI Aayog; the statutory-vs-constitutional distinction.

Common Student Mistakes

- Calling NITI Aayog a constitutional or statutory body - it is an executive body.
- Thinking NITI Aayog allocates funds to states - it does not (unlike the old Planning Commission).

Concept Check (answers below)

- Q1. What type of body is NITI Aayog, and what did it replace?
- Q2. Who is the Chairperson of NITI Aayog?

Concept Check - answers

- A1. NITI Aayog is a non-constitutional, non-statutory (executive) body, set up in 2015; it replaced the Planning Commission.
- A2. The Prime Minister of India.

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SECTION 31

Important Constitutional Articles (Quick Reference)

You have now understood the concepts; this chapter is your ready-reckoner for the Article numbers the examiner asks directly. Do not try to memorise all 470-odd Articles - learn this curated list of the most-asked ones, and because you already understand WHAT each does, the numbers will stick far more easily.

Article	Provision
1	India, that is Bharat, shall be a Union of States
14 / 19 / 21	Equality before law / six freedoms / protection of life and personal liberty
21A	Right to education (added by the 86th Amendment)
32	Right to constitutional remedies - the 'heart and soul'
40 / 44 / 50	Village panchayats / Uniform Civil Code / separation of judiciary from executive (DPSP)
51A	Fundamental Duties
72 / 161	Pardoning power of the President / of the Governor
74 / 75	Council of Ministers to aid the President / appointment of the PM and ministers
76 / 165	Attorney General of India / Advocate General of a State
79 / 80 / 81	Constitution of Parliament / the Rajya Sabha / the Lok Sabha
110 / 112	Definition of a Money Bill / the Annual Financial Statement (Budget)
123 / 213	Ordinance-making power of the President / of the Governor
124 / 214	Establishment of the Supreme Court / the High Courts
131 / 143	Original jurisdiction of the Supreme Court / its advisory jurisdiction
148	Comptroller and Auditor General of India
226	Power of High Courts to issue writs (wider than Article 32)
280 / 315 / 324	Finance Commission / Public Service Commissions / Election Commission
300A	Right to property (a legal right, after the 44th Amendment)
338 / 338A / 338B	National Commissions for SCs / STs / Backward Classes
352 / 356 / 360	National Emergency / President's Rule / Financial Emergency
368	Power of Parliament to amend the Constitution

Exam tip

- Group the Articles by theme as you revise (rights, executive, legislature, judiciary, emergencies) - that is how the brain stores them, and how questions are framed.

SECTION 32

Important Constitutional Amendments (Quick Reference)

Amendments are where the Constitution meets history - each one is a response to a real political moment. Learn these landmark amendments not as numbers but as STORIES, and they become unforgettable.

Amendment	What it did
1st (1951)	Added the Ninth Schedule and reasonable restrictions on the freedoms in Article 19
7th (1956)	Reorganised the states on a linguistic basis
24th (1971)	Affirmed Parliament's power to amend any part (incl. Fundamental Rights); made the President's assent to an amendment compulsory
42nd (1976)	The 'Mini-Constitution' - added Socialist, Secular and Integrity to the Preamble, and the Fundamental Duties (Part IVA)
44th (1978)	Removed the Right to Property from Fundamental Rights (to Article 300A); replaced 'internal disturbance' with 'armed rebellion'; protected Articles 20 and 21
52nd (1985)	Introduced the Anti-Defection Law (the Tenth Schedule)
61st (1989)	Lowered the voting age from 21 to 18 years
73rd & 74th (1992)	Gave constitutional status to Panchayats and Municipalities
86th (2002)	Made education a Fundamental Right (Article 21A) and added the 11th Fundamental Duty
91st (2003)	Capped the Council of Ministers at 15% of the House
101st (2016)	Introduced the Goods and Services Tax (GST)
102nd (2018)	Gave constitutional status to the National Commission for Backward Classes
103rd (2019)	Provided 10% reservation for the Economically Weaker Sections (EWS)

Exam tip

- The 42nd and 44th Amendments are the most heavily tested - the 42nd ADDED Duties and the Preamble words; the 44th REMOVED the Right to Property and added emergency safeguards.
- The 61st (voting age) and the 73rd/74th (local bodies) are perennial favourites.

SECTION 33

Important Constitutional Schedules (Quick Reference)

The Schedules are the appendices of the Constitution - tables and lists kept separate from the main Articles to avoid clutter. The original Constitution had eight; there are now twelve. Note especially the Sixth Schedule, which is of direct importance to Assam.

Schedule	Subject
First	The states and Union Territories and their territories
Second	Salaries and emoluments of the President, Governors, judges, the CAG, etc.
Third	Forms of oaths and affirmations
Fourth	Allocation of Rajya Sabha seats to states and Union Territories
Fifth	Administration of Scheduled Areas and Scheduled Tribes
Sixth	Administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram (autonomous district councils)
Seventh	The Union, State and Concurrent Lists (division of powers)
Eighth	The official languages (currently 22)
Ninth	Laws placed beyond judicial review (added by the 1st Amendment; now subject to the basic-structure test after I. R. Coelho)
Tenth	Anti-defection provisions (added by the 52nd Amendment)
Eleventh	Powers and functions of Panchayats (29 subjects; 73rd Amendment)
Twelfth	Powers and functions of Municipalities (18 subjects; 74th Amendment)

Exam tip

- Sixth Schedule = tribal areas of Assam, Meghalaya, Tripura, Mizoram - very important for APSC.
- Don't confuse: Fifth Schedule (Scheduled Areas, most states) vs Sixth Schedule (tribal areas of the four north-eastern states).
- Eighth = languages (22); Ninth = immunity from review; Tenth = anti-defection; Eleventh = Panchayats (29); Twelfth = Municipalities (18).

Memory trick: the added schedules

- Original 8; four added later: 9th (1st Amendment), 10th (52nd), 11th (73rd), 12th (74th).
- '11 for the village (29), 12 for the town (18)'.

SECTION 34

Landmark Supreme Court Judgments (Quick Reference)

Polity is shaped as much by the courts as by Parliament. These landmark judgments are not optional trivia - they are the turning points that gave us the basic structure, expanded Article 21, and reined in the misuse of power. Learn the case, the year and the one-line significance.

Case	Year	Significance
Berubari Union	1960	Held that the Preamble is NOT a part of the Constitution (later reversed)
Golaknath	1967	Held that Parliament cannot amend Fundamental Rights (later overruled)
Kesavananda Bharati	1973	Laid down the Basic Structure Doctrine - the most important judgment in Indian constitutional law
Indira Sawhney (Mandal)	1992	Upheld OBC reservation, fixed the 50% ceiling, and introduced the 'creamy layer'
Maneka Gandhi	1978	Expanded Article 21 - procedure must be just, fair and reasonable
Minerva Mills	1980	Held that judicial review and the FR-DPSP balance are part of the basic structure
S. R. Bommai	1994	Made President's Rule (Article 356) subject to judicial review; secularism is basic structure
Vishaka	1997	Laid down guidelines against sexual harassment at the workplace
I. R. Coelho	2007	Even Ninth Schedule laws are open to the basic-structure test
K. S. Puttaswamy	2017	Declared the Right to Privacy a Fundamental Right under Article 21

Exam tip

- If you remember just three, remember Kesavananda Bharati (1973, basic structure), Maneka Gandhi (1978, Article 21), and Puttaswamy (2017, privacy).
- Pair each case with its ONE-LINE point - that is exactly how MCQs match cases to significance.

SECTION 35

Assam-Specific Constitutional and Administrative Facts

For an APSC aspirant, this chapter is gold - it connects the national Constitution to your own state. APSC frequently asks how the constitutional framework applies specifically to Assam and the North-East, so study these links carefully.

The Sixth Schedule and Assam

The Sixth Schedule provides for the administration of tribal areas in four states - Assam, Meghalaya, Tripura and Mizoram - through Autonomous District Councils with their own powers over land, forests and local customs. In Assam, this is the constitutional basis for the Bodoland Territorial Council (BTC), the Karbi Anglong Autonomous Council and the Dima Hasao (North Cachar Hills) Autonomous Council.

Item	Detail for Assam
Sixth Schedule councils	Bodoland Territorial Council, Karbi Anglong Autonomous Council, Dima Hasao Autonomous Council
Special provision	Article 371B - a special provision for the State of Assam (regarding a committee of the Assembly for tribal areas)
Legislature	Legislative Assembly of 126 seats (unicameral)
Parliamentary seats	14 Lok Sabha and 7 Rajya Sabha seats
High Court	The Gauhati High Court (established 1948)
Citizenship	Section 6A of the Citizenship Act (special provisions for Assam under the Assam Accord; cut-off date 24 March 1971)

Exam tip

- Sixth Schedule (Assam, Meghalaya, Tripura, Mizoram) vs Fifth Schedule (other Scheduled Areas) - this is a classic APSC distinction.
- Article 371B is the special constitutional provision specifically for Assam.
- Link the Assam Accord (1985) to Section 6A of the Citizenship Act and the 1971 cut-off date.

Key Takeaways

- The Sixth Schedule governs tribal-area administration in Assam (BTC, Karbi Anglong, Dima Hasao councils).
- Article 371B is the special constitutional provision for Assam.
- Assam: 126-seat Assembly, 14 Lok Sabha + 7 Rajya Sabha seats, Gauhati High Court (1948), Section 6A citizenship.

Most Asked Concepts

- Sixth Schedule councils of Assam; Article 371B; Fifth vs Sixth Schedule; Section 6A and the Assam Accord.

Common Student Mistakes

- Confusing the Fifth Schedule (general Scheduled Areas) with the Sixth Schedule (the four north-eastern states).
- Forgetting that Article 371B is specific to Assam.

SECTION 36
Question Bank (with Answer Key & Explanations)

Concepts become exam marks only when you test them. Here is a mixed bank in the exact APSC/UPSC styles - statement-based, match the following, assertion-reason and conceptual. Attempt each honestly first, then read the explanation, which is written to reinforce the concept, not merely reveal the letter.

Practice questions

- Q1 (Statements) Consider: 1. The Right to Property is a Fundamental Right. 2. Articles 20 and 21 cannot be suspended even during a National Emergency. Which is/are correct? (a) 1 only (b) 2 only (c) Both (d) Neither
- Q2 (Match) A. Article 14 B. Article 17 C. Article 21A :: 1. Abolition of untouchability 2. Equality before law 3. Right to education
- Q3 (Assertion-Reason) A: The Preamble can be amended. R: In Kesavananda Bharati, the Preamble was held to be a part of the Constitution. (a) Both true, R explains A (b) Both true, R does not explain A (c) A true, R false (d) A false, R true
- Q4 (Conceptual) The framers used the phrase 'Union of States' mainly to indicate that: (a) states can secede (b) no state has a right to secede (c) India is a confederation (d) states are sovereign
- Q5 (Statements) Consider: 1. The 42nd Amendment added the Fundamental Duties. 2. The 44th Amendment removed the Right to Property from the Fundamental Rights. Which is/are correct? (a) 1 only (b) 2 only (c) Both (d) Neither
- Q6 (Match) A. Sixth Schedule B. Tenth Schedule C. Eighth Schedule :: 1. Anti-defection 2. Languages 3. Tribal areas administration
- Q7 (Conceptual) Which one of the following is NOT a constitutional body? (a) Election Commission (b) Finance Commission (c) NITI Aayog (d) UPSC
- Q8 (Statements) Consider: 1. A National Emergency is proclaimed under Article 352. 2. A Financial Emergency under Article 360 has been declared once in India. Which is/are correct? (a) 1 only (b) 2 only (c) Both (d) Neither
- Q9 (Match) A. Kesavananda Bharati B. K. S. Puttaswamy C. S. R. Bommai :: 1. Right to Privacy 2. Basic Structure Doctrine 3. President's Rule subject to judicial review
- Q10 (Statements) Consider: 1. The 73rd Amendment added Part IX and the Eleventh Schedule. 2. Elections to Panchayats are conducted by the Election Commission of India. Which is/are correct? (a) 1 only (b) 2 only (c) Both (d) Neither

Answer key with explanations
Answers Q1-Q5

- Q1 - (b) 2 only. The Right to Property was removed from Fundamental Rights by the 44th Amendment (now Article 300A), so statement 1 is wrong; Articles 20 and 21 can never be suspended, so statement 2 is correct.
- Q2 - A-2, B-1, C-3. Article 14 = equality before law; Article 17 = abolition of untouchability; Article 21A = right to education.
- Q3 - (a). Both statements are true, and R is the correct explanation: because Kesavananda held the Preamble to be part of the Constitution, it can be amended under Article 368 (as it was in 1976).
- Q4 - (b) no state has a right to secede. 'Union' was chosen precisely to stress that India is an indestructible whole.
- Q5 - (c) Both. The 42nd Amendment added the Fundamental Duties; the 44th removed the Right to Property from Part III.

Answers Q6-Q10

- Q6 - A-3, B-1, C-2. Sixth Schedule = tribal areas administration; Tenth Schedule = anti-defection; Eighth Schedule = official languages.
- Q7 - (c) NITI Aayog. It is a non-constitutional (executive) body; the Election Commission, Finance Commission and UPSC are all constitutional bodies.
- Q8 - (a) 1 only. A National Emergency is under Article 352; a Financial Emergency (Article 360) has NEVER been declared, so statement 2 is wrong.
- Q9 - A-2, B-1, C-3. Kesavananda Bharati = Basic Structure; Puttaswamy = Right to Privacy; Bommai = President's Rule made judicially reviewable.
- Q10 - (a) 1 only. The 73rd Amendment did add Part IX and the Eleventh Schedule; but Panchayat elections are conducted by the STATE Election Commission, not the Election Commission of India, so statement 2 is wrong.

A closing word from your teacher

- Polity rewards understanding, not cramming - if you grasped WHY each provision exists, the Articles and amendments will stay with you.
- Revise the chapter-end Key Takeaways and Concept Checks, then test yourself with this bank and the CareerUdaya APSC mock tests.
- Understand the Constitution, and you will not just clear the exam - you will become a better citizen. All the best - CareerUdaya.

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