



Success is our right. We will definitely succeed!"

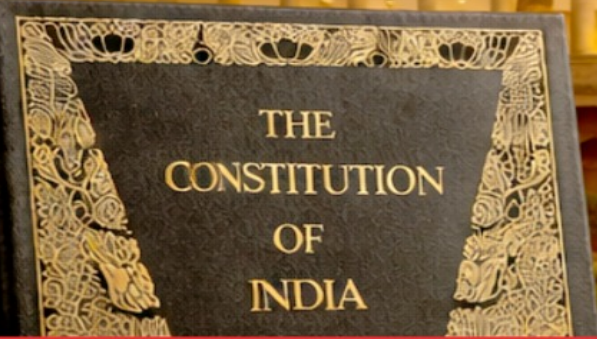
— Anil Nagar, Founder & CEO, Adda Education

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English Edition

TNPSC INDIAN POLITY

BASED ON LATEST SYLLABUS



THE
CONSTITUTION
OF
INDIA

- + It covers 100% of the TNPSC Syllabus
- + Topic-wise PYQs are added under every Chapter
- + Complete preparation guide for all TNPSC Group 1, 2/2A and 4 Exams
- + Exclusive: All 2025 Indian Polity PYQs are Included.
- + A simplified Version of Political Concepts, Making them Easy to Read and Revise



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INTRODUCTION BASICS OF POLITICAL SCIENCE

Political Theory & Core Concepts

1. The State and its Foundations

☞ According to **Garner**, Political Science begins and ends with the State. A State must possess four essential elements:

1. **Population:** No fixed number, but it must be sufficient for a division of labor and self-sustenance.
2. **Territory:** Defined boundaries including land, internal waters, and territorial air space.
3. **Government:** The administrative machinery through which the State's will is formulated.
4. **Sovereignty:** The supreme power that distinguishes the State from all other human associations.

☞ **Theories of the Origin of the State:**

- **Divine Origin Theory:** State created by God.
- **Social Contract Theory (Hobbes, Locke, Rousseau):** State is an outcome of a contract between individuals to escape the "State of Nature."
- **Evolutionary Theory:** State is a historical growth, starting from the family (The most scientific theory).

2. Sovereignty - Sovereignty is the absolute power of the State.

- **Monistic Theory (John Austin):** Sovereignty is absolute, universal, inalienable, and indivisible. There is one single legal authority.
- **Pluralist Theory (Laski, MacIver):** Sovereignty is shared between the State and various other social, economic, and religious associations.
- **Internal vs. External:** Internal is the power over citizens; External is the independence from foreign control.

3. Liberty, Equality, and Justice

- **Liberty:** Derived from 'Liber' (Free).
 - **Negative Liberty:** Absence of obstacles/restraints (J.S. Mill - 'On Liberty').
 - **Positive Liberty:** Presence of conditions for self-development (Isaiah Berlin).
- **Equality:**
 - **Numerical Equality:** Identical treatment.
 - **Proportional Equality:** Treatment based on merit/need (Aristotle).
- **Justice:** The reconciliation of individual conduct with general welfare.
 - **John Rawls' Theory:** Focuses on 'Justice as Fairness' and the 'Veil of Ignorance' in his work 'A Theory of Justice'.

Political Ideologies & Thinkers

Ideology	Key Thinkers	Core Tenets
Liberalism	John Locke, Adam Smith	• Individualism, limited government, free market, and rule of law.
Marxism	Karl Marx, Engels	• Class struggle, abolition of private property, and a stateless / classless society.
Socialism	Robert Owen, Saint-Simon	• Social ownership of means of production to reduce inequality.
Gandhism	Mahatma Gandhi	• Ahimsa (Non-violence), Satyagraha (Truth-force), • Sarvodaya (Universal uplift).
Dravidianism	Periyar E.V.R., C.N. Anna	• Rationalism, Social Justice, Self-Respect, and Anti-Casteism.
Fascism	Mussolini, Hitler	• Totalitarianism, Extreme nationalism, and Rejection of democracy.

The Indian Constitution**1. Evolution & Framing**

- **Cabinet Mission Plan (1946):** Provided the blueprint for the Constituent Assembly.
 - **Timeline:** First Meeting: Dec 9, 1946 (Sachchidananda Sinha as Interim President).

- Objectives Resolution: Dec 13, 1946 (Nehru).
- Adoption: Nov 26, 1949 (Constitution Day).
- Commencement: Jan 26, 1950 (Republic Day).
- **Chairman of Drafting Committee:** Dr. B.R. Ambedkar (The Modern Manu).

2. *Preamble & Borrowed Features*

- **Preamble:** Declares India a **Sovereign, Socialist, Secular, Democratic, Republic**. (42nd Amendment added: Socialist, Secular, Integrity).
- **Borrowed Features:**
 - **UK:** Parliamentary system, Rule of Law, Single Citizenship.
 - **USA:** Fundamental Rights, Judicial Review, Preamble.
 - **Ireland:** Directive Principles (DPSP).
 - **South Africa:** Amendment procedure (Art 368).

3. *Salient Features*

- **Longest Written Constitution:** Originally 395 Articles, 8 Schedules, and 22 Parts.
- **Quasi-Federal System:** Described by K.C. Wheare as "Federal in form but Unitary in spirit."
- **Secular State:** The state has no official religion and treats all religions equally.

Organs of Government & Procedures

1. *The Legislature (Parliament - Art 79)*

- **Rajya Sabha (Upper House):** Max 250 members. 12 nominated by the President. Permanent body (1/3rd retire every 2 years).
- **Lok Sabha (Lower House):** Max 550 members. Directly elected. Term of 5 years.
- **Legislative Procedure:** Ordinary Bills can be introduced in either house; Money Bills (Art 110) only in Lok Sabha.

2. *The Executive (Art 52 - 78)*

- **President:** Nominal head. Elected by an electoral college (Elected MPs + Elected MLAs).
- **Prime Minister:** Real head. Appointed by the President as the leader of the majority party.
- **Collective Responsibility (Art 75):** The Council of Ministers is collectively responsible to the Lok Sabha.

3. *The Judiciary (Art 124 - 147)*

- **Supreme Court:** Apex court. Guardian of the Constitution and Fundamental Rights.
- **The 5 Writs (Art 32 & 226):**
 1. **Habeas Corpus:** To release a person unlawfully detained.
 2. **Mandamus:** To command a public official to perform their duty.
 3. **Prohibition:** To prevent a lower court from exceeding its jurisdiction.
 4. **Certiorari:** To quash an order already passed by a lower court.
 5. **Quo-Warranto:** To challenge the legality of a person's claim to a public office.

↳ *Local Self Government (LSG)*

- **Ancient Evidence:** **Uttiramerur Inscriptions** (Cholas) detail the 'Kudavolai' system (election by lot).
- **Lord Ripon's Resolution (1882):** The "Magna Carta of LSG."
- **73rd & 74th Amendments (1992):**
 - **Rural (73rd):** Part IX, 11th Schedule (29 functional items).

- **Urban (74th):** Part IX-A, 12th Schedule (18 functional items).

- **TN Context:** 1994 panchayat Act. Reserve **50% of seats for women**.

↳ *International Relations & Foreign Policy*

- **Panchsheel (1954):** 5 principles (Mutual respect for integrity, Non-aggression, Non-interference, Equality, Peaceful co-existence).
- **Non-Alignment Movement (NAM):** India's Cold War strategy to stay neutral.
- **Nuclear Policy:** 'No First Use' (NFU) and 'Credible Minimum Deterrence'.
- **Look East to Act East:** Moving from trade to strategic security partnerships in Indo-Pacific.

POLITICAL IDEOLOGIES

- ↳ Political ideologies are structured sets of ideas that explain how society should be organised, how power should be exercised, and what role the state should play in the lives of people.

↳ *Anarchism*

Rejects all forms of authority, hierarchy, and the state. Believes government is unnecessary and harmful. Historically linked with socialist and anti-capitalist movements.

↳ *Authoritarianism*

Power is concentrated in a single authority or a small group. Political pluralism is rejected and order is maintained through coercion. Military rule and autocracy are common examples.

↳ *Communitarianism*

Emphasises the role of community in shaping individual identity and values. Community welfare and shared responsibility are prioritised over individual autonomy.

Robert D. Putnam explained communitarianism through the example of bowling in America.

- Earlier, bowling helped people interact and build social capital.
- With television and the internet, people spent more time alone.
- This reduced social interaction and community bonding.
- The decline of social capital led to political apathy.
- As a result, the quality of democracy weakened.

↳ *Communism*

Advocates collective ownership of means of production. Aims to eliminate class divisions, private property, and economic inequality to achieve collective welfare.

↳ *Conservatism*

Focuses on preserving traditional values, customs, and institutions. Generally, resists radical or rapid social and political change. Principles vary across regions and cultures.

Meaning & Definition

- A Constitution is the **fundamental law** that governs a state.
- It defines the **structure, powers, and limits of government institutions**.
- It specifies the **rights and duties of citizens**.
- It acts as the **supreme law of the land**, ensuring order and protection of liberties.
- The term **Constitution** comes from the Latin *constitutere*, meaning **to establish or set up**.
- In the contemporary sense, it refers to principles governing the **functioning of government** and its **relationship with the people**.

Why do we need a constitution?

- A Constitution provides the **basic framework for governance**.
- It **defines the distribution of powers** among state institutions.
- It **protects fundamental rights** and lays down guiding principles.
- It ensures **accountability** and prevents abuse of authority.
- It promotes **citizen participation, transparency, and democracy**.
- It fosters **national identity, stability, and effective government functioning**.

Historical Importance of Constitution

- **British rule (18th century)**: Introduced centralized administration, deeply impacting India's political, social, and economic life.
- **Early demands (19th century)**: Leaders like Raja Ram Mohan Roy, Dadabhai Naoroji, and Gopal Krishna Gokhale sought greater Indian representation.
- **Indian National Congress (1885)**: Began with reform demands and later led the struggle for self- rule and independence.
- **Freedom movement**: Mahatma Gandhi's non-violent civil disobedience mobilized masses and strengthened the demand for self-governance.
- **Constituent Assembly (1946)**: Formed under the Cabinet Mission Plan; Dr. Rajendra Prasad was President and Dr. B.R. Ambedkar chaired the Drafting Committee.
- **Adoption of Constitution**: After extensive debates and global influences, the Constitution was adopted on **26 November 1949** and came into force on **26 January 1950**.

Classification of Constitution

Based on Evolution

- **Written Constitution**: Codified in a single document; provides clarity, legal certainty, and constitutional supremacy (India, USA)
- **Unwritten Constitution**: Based on customs, judicial decisions, and statutes (UK, New Zealand)

Based on Amendment Process

- **Flexible Constitution**: Can be amended through ordinary legislative process (UK)
- **Rigid Constitution**: Requires special procedures like supermajority or referendum (USA, India)

Based on distribution of Power

- **Federal Constitution**: Powers divided between central and state governments (India, USA)
- **Unitary Constitution**: All powers concentrated in the central government (UK, France)

Based on Nature

- **Evolved Constitution**: Developed gradually through customs and judicial decisions (UK)
- **Enacted Constitution**: Framed and adopted at a specific point in time (India)

Based on Head of State

- **Republican Constitution**: Head of state is elected; sovereignty rests with the people (India, USA)
- **Monarchical Constitution**: Head of state is a monarch, usually hereditary (UK, Japan)

Based on Sovereignty

- **Presidential Constitution**: President is both head of state and government (USA)
- **Parliamentary Constitution**: Executive is drawn from and accountable to the legislature (India, UK)

Structure of Indian Constitution

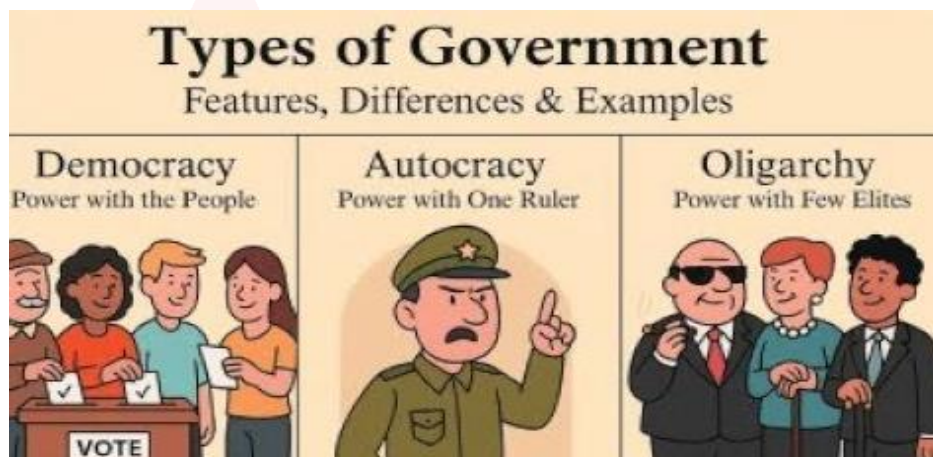
Parts	- Group Articles on similar subjects or themes. - Each Part deals with a specific aspect of governance or administration. - Increased from 22 to 25 Parts.
Articles	- Individual provisions or clauses of the Constitution. - Numbered sequentially within Parts. - Increased from 395 to 448 Articles.
Schedules	- Lists or tables attached to the Constitution. - Provide supplementary details and clarity. - Increased from 8 to 12 Schedules.

Enactment and Adoption of the Indian Constitution

- Constituent Assembly:** Established in 1946; Dr. Rajendra Prasad was President.
- Drafting Committee:** Appointed on 29 August 1947, chaired by Dr. B.R. Ambedkar.
- Draft Preparation:** Took 166 days over 2 years, 11 months, and 18 days; final draft introduced on 4 November 1948.
- Adoption:** Draft Constitution passed by the Constituent Assembly on 26 November 1949 (**Date of Adoption**).
- Enactment:** Major provisions came into force on 26 January 1950 (**Date of Enactment**), making India a sovereign republic.

Forms of Government - They can be classified into three main forms of government or types of government that serve as the foundation for all other types.

- Autocracy:** Rule by a single individual (e.g., Absolute Monarchy – Saudi Arabia)
- Oligarchy:** Rule by a few elites or powerful groups (e.g., Ancient Sparta)
- Democracy:** Rule by the people through elections or representation (e.g., India, USA)



- Democracy:** Rule by the people; protects rights and allows elections.
 - Direct Democracy:** Citizens vote on laws (e.g., Swiss cantons)
 - Representative Democracy:** Citizens elect officials (e.g., India, USA, Germany)
- Monarchy:** Rule by a king, queen, or emperor (hereditary).
 - Absolute Monarchy:** Complete power (e.g., Saudi Arabia)
 - Constitutional Monarchy:** Symbolic monarch; elected officials govern (e.g., UK, Japan, Spain)
- Authoritarianism:** Power with one ruler or small group; limited freedoms (e.g., North Korea, Belarus)
- Totalitarianism:** Extreme authoritarianism; government controls all aspects of life (e.g., Nazi Germany, Stalin's USSR)
- Oligarchy:** Rule by a small elite group based on wealth, family, or military (e.g., Ancient Sparta, Apartheid-era South Africa)
- Theocracy:** Religious leaders hold political power; laws based on sacred texts (e.g., Iran, Vatican City)
- Communism:** State controls resources to create a classless society (e.g., Cuba, China)
- Socialism:** Reduces inequality via public services while allowing private enterprise (e.g., Sweden, Denmark, Norway)
- Technocracy:** Rule by experts or professionals instead of elected politicians (e.g., central banks, policy committees)
- Other Forms:**
 - Aristocracy:** Rule by nobility or elite families
 - Meritocracy:** Rule based on talent and ability
 - Kleptocracy:** Corrupt rule exploiting power for personal gain

Preamble of the Constitution

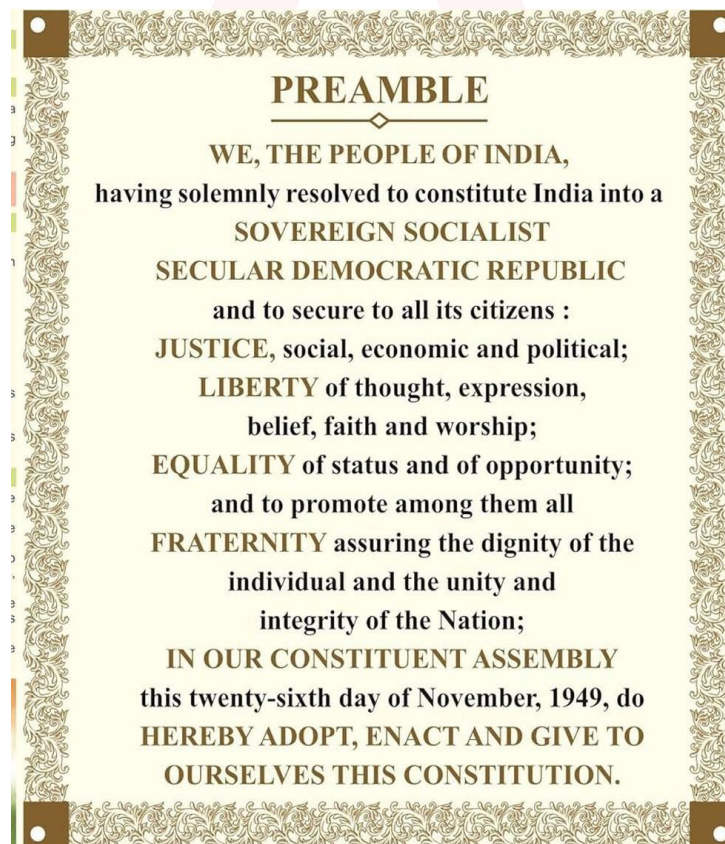
- The **Preamble** is the **introductory part** of the Indian Constitution.
- It states the **essence, objectives, and guiding principles** of the Constitution.
- It reflects the **ideals and aspirations** on which the Indian State is based.
- **N.A. Palkhivala** called the Preamble the “**Identity Card of the Constitution**”.
- **K.M. Munshi** described it as the “**Political Horoscope of the Constitution**”.

Historical Background

- The Preamble originated from the **Objective Resolution** introduced by **Jawaharlal Nehru** on **13 December 1946** in the Constituent Assembly.
- The Objective Resolution laid down the **core principles and objectives** of the Constitution.
- **B.N. Rau** prepared the initial draft of the Preamble.
- The draft was presented to the Constituent Assembly on **4 July 1947**.
- After detailed debates, the Preamble was **adopted on 22 January 1947**.

Objective Resolution stated that:

- India would be an **independent, sovereign republic** governed by the Constitution.
- All territories of India would form the **Union of India**.
- These territories would be **autonomous units**, deriving powers from the people.
- **Justice** (social, economic, political) and **freedoms** of thought, expression, belief, faith, worship, vocation, association, and action would be guaranteed (subject to law and morality).
- **Safeguards** would be provided for minorities, depressed and backward classes, and tribal areas.

Text of the Preamble

Ingredients of the Preamble

- **Source of authority** – The Constitution derives its authority from the **people of India**.
- **Nature of the Indian State** – India is declared a **Sovereign, Socialist, Secular, Democratic, Republic**.
- **Objectives of the Constitution** – It aims to secure **Justice, Liberty, Equality, and Fraternity**.
- **Date of adoption** – The Constitution was adopted on **26 November 1949**.

Features of the Preamble

- The Preamble is a **brief introduction** explaining the **philosophy and objectives** of the Constitution.
- It declares India as a **Sovereign, Socialist, Secular, Democratic Republic**.
- It ensures **Justice, Liberty, Equality**, and promotes **Fraternity**.
- It reflects the **ideals and aspirations of the people of India**.
- It serves as the **soul, spirit, and guiding principle** of the Constitution.

Key Words in The Preamble

"We, the People of India"

- This phrase shows that the Constitution **derives its authority from the people of India**.
- It means the Constitution is **not imposed by any external power**.
- It reflects the **collective will and aspirations** of the people.
- It signifies the **power, responsibility, and democratic role of citizens** in self-governance.

Sovereign

- The term '**Sovereign**' means India is **independent and self-governing**.
- India is **not subject to control** of any other country.
- No external or internal authority is **above the Indian State**.
- India is free to manage its **internal and external affairs**.
- As a sovereign state, India can **acquire or cede territory**.

Socialist

- The word "**Socialist**" was added by the **42nd Constitutional Amendment (1976)**.
- It reflects India's commitment to **social and economic equality**.
- The State plays a key role in **equitable distribution of resources**.
- It aims to ensure **basic amenities for all citizens**, irrespective of status.
- The socialist principle is reflected in the **Directive Principles of State Policy (DPSPs)**.

Secular

- The word "**Secular**" was added by the **42nd Constitutional Amendment (1976)**.
- The term "**Secular**" means India has **no official state religion**.
- The State treats **all religions equally**.

- It guarantees **freedom of conscience**.
- Citizens can **profess, practice, and propagate** their religion without discrimination.

Democratic

- The term '**Democratic**' means the government is **accountable to the people** and works on their consent.
- India follows a **representative parliamentary democracy**.
- The **executive is responsible to the legislature**.
- **Universal adult franchise** and **periodic elections** are ensured.
- **Rule of law** and **independence of the judiciary** are maintained.
- Democracy includes **political, social, and economic equality**.

Republic

- The term "**Republic**" means the **head of state is elected**, not hereditary.
- It rejects **monarchy** and upholds **democratic principles**.
- **Political sovereignty** rests with the **people**, not a single ruler.
- There is **no privileged class**; all public offices are **open to every citizen** without discrimination.

Justice

- **Justice** ensures **social, economic, and political fairness** for all citizens.

Types of Justice:

- **Social justice** – Equal treatment regardless of caste, color, religion, gender; upliftment of SCs, STs, OBCs, and women.
- **Economic justice** – Elimination of inequalities in wealth, income, and property; no economic discrimination.
- **Political justice** – Equal political rights, access to offices, and voice in governance.
- The ideal of **justice** is influenced by the **Russian Revolution**.

Liberty

- **Liberty** means **freedom from undue restraints** and opportunities for individual growth.
- The Preamble guarantees **liberty of thought, expression, belief, faith, and worship**.
- Liberty is **qualified**, not absolute, and must be exercised **within constitutional limits**.

Equality

- **Equality** means **no special privileges** and **equal opportunities** for all.

Dimensions of Equality in the Preamble:

- **Civic Equality** – Ensured by **Fundamental Rights (Articles 14–18)**.
- **Political Equality** – Ensured by **Articles 325 & 326** related to elections.
- **Economic Equality** – Ensured by **Directive Principles (Article 39)** for equal livelihood and pay for equal work.

Definition of a Citizen

A citizen is a member of a political community (a State) who owes allegiance to that State.

- Rights: They are entitled to enjoy all legal rights and privileges granted by the State.
- Obligations: They are legally obligated to obey the country's laws and fulfill specific duties (such as paying taxes or serving in the military if required).

Constitutional Framework in India

The Constitution of India provides the fundamental basis for citizenship:

- Location: Part II, Articles 5 to 11.
- Scope: It does not contain permanent or elaborate provisions. It primarily identifies who was considered a citizen at the commencement of the Constitution (January 26, 1950).
- Limitations: The Constitution does not describe the permanent rules for the future acquisition or loss of citizenship.

The Role of Parliament

Because the Constitution is not exhaustive regarding citizenship, it grants power to the legislative body:

- Empowerment: Article 11 empowers Parliament to enact laws regarding the acquisition and termination of citizenship.
- The Citizenship Act, 1955: In exercise of this power, Parliament passed this Act, which has been amended several times to address evolving needs.

Types of Citizens

Citizens can generally be categorized into two groups based on how they obtained their status:

Type	Description
Natural Citizens	• Individuals who become citizens automatically by birth within the territory or through lineage.
Naturalised Citizens	• Individuals who were originally citizens of another country but acquired citizenship later through a legal process.

Citizenship Relevant Articles

Article	Description
Article 5	• Citizenship at the commencement of the constitution
Article 6	• Rights of citizenship of certain persons who have migrated to India from Pakistan
Article 7	• Rights of citizenship of certain migrants to Pakistan
Article 8	• Rights of citizenship of certain persons of Indian origin residing outside India
Article 9	• Persons voluntarily acquiring citizenship of a foreign State not to be citizens
Article 10	• Continuance of rights of citizenship
Article 11	• Parliament to regulate the right of citizenship by law

- ✎ As can be seen above it has been explicitly mentioned in **Article 11**, that any law related to citizenship is to be made by Parliament. For this purpose, **Citizenship** as a subject is mentioned in the **Union list**.

Article 5: Citizenship at the Commencement of the Constitution

- ✎ Article 5 talks about citizenship for people at the commencement of the Constitution, i.e., 26th January 1950. Under this, citizenship is conferred upon those persons who have their domicile in Indian territory and:

1. Who was born in Indian territory; or
2. Whose either parent was born in Indian territory; or
3. Who has ordinarily been a resident of India for not less than 5 years immediately preceding the commencement of the Constitution.

Article 6: Rights of Citizenship of Certain Persons Who Have Migrated to India from Pakistan

- ✎ This Article provides conditions for citizenship for a person who has migrated from Pakistan into India after India's partition in August 1947.
- If a person himself or either of his parents or grandparents were born in India, as defined under Government of India Act, 1935 and fulfil any of the two conditions below:
 1. If the person has migrated from Pakistan before 19th July 1948 and has been ordinarily resident in India since his migration.
 2. If the person has migrated from Pakistani Territory into Indian Territory after 19th July 1948, he should have to be residing in the Indian territory for at least six months and after that, he has to register himself as a citizen to an officer who has been appointed by the Government for this purpose.

Article 7: Rights of Citizenship of Certain Migrants to Pakistan

- ✎ This article dealt with people who migrated to Pakistan after 1st March 1947 and then returned to India for resettlement or living in India permanently. A sympathetic view was taken of persons who earlier had migrated to Pakistan but later returned. These people could apply for registration after being resident of India for a period of six months.

Article 8: Rights of Citizenship of Certain Persons of Indian Origin Residing Outside India

- ✎ Any person of Indian origin who was living outside India and whose parents or grandparents were born in India as defined in the Government of India Act 1935 can register himself as an Indian citizen with the diplomatic or consular representative of the country where he is residing.

Article 9: People Voluntarily Acquiring Citizenship of a Foreign State Not to be Citizens

- ✎ Person who has voluntarily acquired citizenship of a foreign country will not be citizens of India.

Article 10: Citizenship and Domestic Law

- ✎ Any person who is considered a citizen of India under any of the provisions of Part 2 shall continue to be citizens and will also be subject to any law made by the Parliament.

Article 11: Parliament to Regulate the Right of Citizenship by Law

- ✎ The Parliament has the right to make any provision concerning the acquisition and termination of citizenship and any other matter relating to citizenship.

Acquisition of Citizenship: The Citizenship Act (1955)

- ✎ The **Citizenship Act (1955)** provides for the acquisition and loss of citizenship after the commencement of the Constitution. This act prescribes **five ways** to acquire citizenship in India:

1. Acquisition of Citizenship by Birth
 - **Born between 26th Jan 1950 and 1st July 1987:** Any person born in India during this period is an Indian citizen, irrespective of the nationality of his/her parents.
 - **Born between 1st July 1987 and 2nd Dec 2004:** Every person born in this period will be a citizen of India if one of his/her parents was a citizen of India at the time of his/her birth.
 - **Born after 3rd Dec 2004:** Every person who is born in India after this date is a citizen if one of his/her parents is Indian and the other is not an illegal immigrant at the time of the person's birth.
2. Acquisition of Citizenship by Registration
 - ✎ The Central Government may, on an application, register any person (not being an illegal migrant) as a citizen of India if they belong to any of the following categories:
 - A person of Indian origin who has been ordinarily living in India for the **past 7 years** before applying.
 - A person of Indian origin who is ordinarily resident in any country or place outside undivided India.
 - A person who is **married to a Citizen of India** and has been living in India for the past 7 years.
 - Minor children of parents who are citizens of India.
 - A person of full age and capacity whose parents are registered as citizens of India.
 - A person of full age and capacity who (or either of his parents) was earlier a citizen of independent India, and is ordinarily resident in India for **twelve months** immediately before making an application.
 - A person of full age and capacity who has been registered as an **Overseas Citizen of India (OCI)** cardholder for five years, and is ordinarily resident in India for twelve months before applying.
3. Acquisition of Citizenship by Descent
 - **Born outside India (26th Jan 1950 - 10th Dec 1992):** A person is a citizen by descent if his **father** was a citizen at the time of his birth.
 - **Born outside India (After 10th Dec 1992):** A person is considered a citizen of India if **either** of his parents is a citizen of India at the time of birth.
 - **Born outside India (After 3rd Dec 2004):** Parents must declare that their minor child does not hold a passport of any other country and must **register the birth within one year** at an Indian Consulate.

Mode	Meaning	Description
Renunciation	Voluntary surrender by citizen	• Must be of full age & capacity. Minor children also lose citizenship but can resume at 18 years.
Termination	Automatic loss	• When person voluntarily acquires foreign citizenship (except during war).
Deprivation	Compulsory removal by Government	• Grounds: fraud, disloyalty to Constitution, enemy communication during war, imprisonment >2 yrs within 5 yrs of naturalization, residence outside India for 7 continuous years.

Single Citizenship

- ☞ The Indian Constitution is federal and envisages a dual polity (Centre and States), however it provides only for a single citizenship i.e. the Indian citizenship. Indian citizens owe allegiance only to the Union. Unlike federal countries like the USA and Switzerland there is no separate State citizenship in India.

Citizenship and Special Residency Statutes in India

Overseas Citizen of India (OCI)

- ☞ Overseas Citizenship of India (OCI) is a form of permanent residency available to people of Indian origin (PIO) and their spouses. It allows them to live and work in India indefinitely. The OCI status is **not citizenship** and does not grant the right to vote in Indian elections or hold public office. The Indian government can revoke OCI status in a wide variety of circumstances. As of 2020, there are 6 million holders of OCI cards among the Indian Overseas diaspora.

Non-Resident Indian (NRI)

- ☞ An NRI can also be a person who has gone out of the nation for employment. The definition of Non-Resident Indian is provided in the **Income Tax Act 1961**. As per **Section 6** of The Income-tax Act, 1961, NRI (Non-Resident Indian) is a citizen who has not resided in India for a specified period for the purposes of the Income Tax Act.
- ☞ For the purposes of the Income Tax Act, a “**residence in India**” requires:
 - To stay in India for at least **182 days** in a financial year; **or**
 - **365 days** spread out over four consecutive years

and at least **60 days** in that year.

- ☞ Two laws, the **Income Tax Act, 1961** and the **Foreign Exchange and Management Act (FEMA), 1999**, are applied for regulating different financial activities of an NRI.

Person of Indian Origin (PIO)

- ☞ A person who or whose ancestors was an Indian national and who is presently holding another country's citizenship/nationality (i.e., he/she is holding a foreign passport).

Eligibility Criteria for PIO

- Has held an Indian Passport at any time; **or**
- Who or either of his/her parents/grandparents/great grandparents was born and permanently resident in India.
- ☞ The definition of resident here is derived from the **Government of India Act, 1935**. However, the External Affairs Ministry has barred residents of Pakistan, Bangladesh, Bhutan, Nepal, China, Iran, and Sri Lanka.
 - Who is a spouse of an Indian citizen or PIO.

Merger of Schemes

- ☞ The PIO Card scheme was launched by the government to provide Persons of Indian origin with certain privileges. On **9 January 2015**, the Person of Indian Origin Card scheme was withdrawn by the Indian Government and was **merged** with the Overseas Citizen of India (OCI) card scheme. PIO cardholders must apply to convert their existing card to OCI cards.

Note: The PIO Card would continue to be a valid travel document in India till **31 December 2022**.

Previous Year Questions (PYQs): Citizenship

Q1. The correct statements about citizenship are:

1. The constitution deals citizenship from articles 5 to 11 under Part IV
2. In India both a citizen by birth as well as a naturalised citizen are eligible for the Office of President
3. Renunciation, Termination and Deprivation are the three ways of losing citizenship
4. Citizens and aliens enjoy all civil and political rights

- (a) 1, 2, 3 and 4
(c) 1, 2 and 3

- (b) 2 and 3
(d) 1, 3 and 4

குடியுரிமை பற்றிய சரியான வாக்கியத்தை கூறுக :

1. இந்திய அரசியலமைப்பு பகுதி IV உள்ள உருப்பு 5 - 11 வரை குடியுரிமையை குறிக்கிறது
2. பிறப்பு மற்றும் குடிமையளிக்கும் செயல் மூலம் ஒருவர் இந்திய குடியரசுத் தலைவர் பதவிக்கு தகுதியானவர்
3. உரிமை துறத்தல், முடிவுக்கு கொண்டு வருதல் மற்றும் இழக்கச் செய்தல் மூலம் ஒருவர் குடியுரிமையை இழக்கலாம்
4. குடிமகன் மற்றும் அயலார் (Alien)

இருவரும் எல்லா வகையான குடிமை மற்றும் அரசியல் உரிமைகள் பெறுகின்றனர்.

- (a) 1,2, 3 மற்றும் 4
(b) 2 மற்றும் 3
(c) 1,2 மற்றும் 3
(d) 1, 3 மற்றும் 4

Q2. Under the Indian Citizenship Act 1955, one can acquire Citizenship by

- (i) Birth (ii) Descent
(iii) Marriage (iv) Registration

- (a) (i) only
(b) (ii) only
(c) (i), (ii) and (iii)
(d) (i), (ii) and (iv)

இந்தியக் குடியுரிமைச் சட்டம் 1955-ன் கீழ் ஒருவர் இந்தியக் குடிமகனாக வேண்டுமென்றால்

- (i) இந்தியாவில் பிறந்திருக்க வேண்டும்
(ii) இந்திய வம்சாவளியாக இருக்க வேண்டும்
(iii) இந்தியரை மனதிருக்க வேண்டும்
(iv) குடியுரிமைக்காகப் பதிவு செய்திருக்க வேண்டும்

- (a) (i) மட்டும்
(b) (ii) மட்டும்
(c) (i), (ii) மற்றும் (iii)
(d) (i), (ii) மற்றும் (iv)

Q3. Under which circumstances the Indian Citizenship cannot be terminated?

- (a) At the time of emergency
(b) At the time of war
(c) At the time of Elections
(d) All of these

எந்த சூழ்நிலையில் ஒருவரது இந்திய குடியுரிமையை நீக்க முடியாது?

- (a) அவசரநிலை அமலில் உள்ள பொது
(b) போர் நடந்து கொண்டிருக்கும்பொது
(c) தேர்தல் நடைபெறும் பொது
(d) மேல உள்ள அனைத்தும்

Q4. Article 5 of the Constitution of India deals with

- (a) Nature of the Indian Parliamentary system
(b) Formation of States
(c) Indian Citizenship
(d) Amendment procedures

இந்திய அரசியலமைப்பின் 5வது சரத்து எதை கையாள்கிறது?

- (a) இந்திய நாடாளுமன்ற அமைப்பின் தன்மை
(b) மாநிலங்களவை உருவாக்கம்
(c) இந்தியக் குடியுரிமை
(d) திருத்த நடைமுறைகள்

Q5. Which of the following statements about the citizenship Amendment Act, (CAA) 2019 are true?

1. Citizenship will be granted to all the foreigners who lived in India for more than six years.
2. Citizenship to members of Hindus, Sikh, Buddhist, Jain, Parsi or Christian communities from Afghanistan, Bangladesh and Pakistan who entered India on or before 31 Dec, 2014.
3. Members of specific communities will be granted citizenship within 6 years instead of 12 years
4. The CAA will help to the preparation of National Register of Citizens

- (a) 1 and 2 are true (b) 2 and 4 are true
(c) 3 and 4 are true (d) 2 and 3 are true

குடியுரிமை திருத்தச் சட்டம் (CAA) 2019 பற்றிய பின்வரும் கூற்றுகளில் எது / எவை உண்மையானவை?

1. இந்தியாவில் 6 ஆண்டுகளுக்கு மேல் வாழ்ந்த வெளிநாட்டினருக்கு குடியுரிமை வழங்கப்படும்
2. ஆப்கானிஸ்தான், பங்களாதேஷ் மற்றும் பாகிஸ்தானில் இருந்து வந்து 31 டிசம்பர் 2014க்கு முன் இந்தியாவிற்குள் நுழைந்த இந்துக்கள், சீக்கியர்கள், பௌத்தர்கள், சமணர்கள், பார்சிகள் அல்லது கிறிஸ்துவ சமூகங்களின் உறுப்பினர்களுக்கு குடியுரிமை
3. குறிப்பிட்ட சமூகங்களுக்கு சார்ந்தவர்கள் 12 ஆண்டுகளுக்கு பதிலாக 6 ஆண்டுகளில் குடியுரிமை வழங்கப்படும்
4. குடிமக்களின் தேசிய பதிவேடு தயாரிப்பதில் CAA உதவும்

- (a) 1 மற்றும் 2 சரி (b) 2 மற்றும் 4 சரி
(c) 3 மற்றும் 4 சரி (d) 2 மற்றும் 3 சரி

Answer Key

Question Number	Q1	Q2	Q3	Q4	Q5
Correct Option	(b)	(d)	(b)	(c)	(b)



Directive Principles of State Policy (DPSP)

↳ The Directive Principles of State Policy (DPSP) are enumerated in **Part IV** of the Constitution from **Articles 36 to 51**. Dr. B.R. Ambedkar described these principles as 'novel features' of the Indian Constitution. Granville Austin has described the Directive Principles and the Fundamental Rights as the 'Conscience of the Constitution'.

- **Objective:** It guarantees social and economic democracy and tries to establish a welfare state.
- **Importance:** Directive Principles together with the Fundamental Rights contain the "philosophy of the Constitution" and are known as the "soul of the Constitution".
- **Source:** The concept of DPSP has been borrowed from the Irish Constitution of 1937.

Features of the Directive Principles

- **Definition:** Constitutional recommendations for legislative and executive policy-making.
- **Origin:** Modern version of the 1935 Instrument of Instructions.
- **Goal:** Establishing a Welfare State through social and economic democracy.
- **Legal Status:** Non-justiciable (cannot be challenged in court if not implemented).

Perspectives from the Architects

Authority	Description/Perspective
Dr. B.R. Ambedkar	– Described DPSP as the "Novel Features" of the Indian Constitution.
Granville Austin	– Termed them as tools for furthering the "Social Revolution."
Sir B.N. Rau	– Viewed them as "Moral precepts" for the authorities of the State.
L.M. Singhvi	– Referred to them as the "Life-giving provisions" of the Constitution.
M.C. Chagla (Ex- CJI)	– Stated that implementing DPSP would make India a "Heaven on earth."
Sir Alladi K. Ayyar	– Noted that no responsible Ministry can afford to ignore these provisions.

Implementation Example: Right to Education

↳ Initially, the Right to Education was only a Directive Principle. Once the nation attained the necessary resources, the 86th Amendment (2002) was passed. This converted the directive into a Fundamental Right (Article 21A) for children aged 6 to 14, becoming effective on April 1, 2010.

Classification of DPSP

↳ The Constitution does not formally categorize these articles. However, for clarity, they are traditionally grouped into three ideological categories:

- **Socialistic:** Aimed at providing social/economic justice and establishing a welfare state.
- **Gandhian:** Based on the ideology of the national movement and Gandhi's program of reconstruction.
- **Liberal-Intellectual:** Focused on modernism, uniform civil codes, and international peace.

Constitutional Provisions

ARTICLES	SUBJECT
Article 36	• Definition
Article 37	• Application of the principles contained in this Part
Socialistic Principles	
Article 38	• State to secure a social order for the promotion of welfare of the people
Article 39	• Certain principles of policy to be followed by the State
Article 39(A)	• Equal justice and free legal aid (42nd Amendment Act, 1976)
Article 41	• Right to work, to education and to public assistance in certain cases
Article 42	• Provision for just and humane conditions of work and maternity relief
Article 43	• Living wage and decent standard of life.
Article 43(A)	• Participation of workers in management of industries (42nd Amendment Act, 1976)

Gandhian Principles	
Article 40	• Organisation of village panchayats
Article 43(B)	• Promotion of co-operative societies (97th Amendment Act, 2011)
Article 46	• Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections
Article 47	• Duty of the State to raise the level of nutrition and the standard of living and to improve public health
Article 48	• Organisation of agriculture and animal husbandry on modern and scientific lines and prohibition of slaughter of cows, calves and milch cattle
Liberal-Intellectual Principles	
Article 44	• Uniform civil code for the citizens
Article 45	• Provision for early childhood care and education to children below the age of six years
Article 48(A)	• Protection and improvement of environment and safeguarding of forests and wild life (42nd Amendment Act, 1976)
Article 49	• Protection of monuments and places and objects of national importance
Article 50	• Separation of judiciary from executive
Article 51	• Promotion of international peace and security

Article 36: Definition of 'State'

- ↳ The term 'State' carries the same meaning as in Part III (Fundamental Rights). It includes:
- Central Level: The Government and Parliament of India.
 - State Level: The Government and Legislature of each State.
 - Local/Other: All local authorities and bodies under the control of the Government of India.

Article 37: Nature of DPSP

- ↳ This article establishes two defining traits:
1. Non-Justiciable: They cannot be enforced by any court.
 2. Fundamental Governance: Despite being unenforceable, they are "fundamental in the governance of the country," making it the State's duty to apply them when making laws.

Socialist Directive Principles

- ↳ These Directive Principles follow the ideas of 'socialism'. These principles put special emphasis on providing social and economic justice to the people and set the path of our country towards the welfare state.
- ↳ The articles in DPSP which advocate socialist principles are: Article 38, Article 39, Article 39 A, Article 41, Article 42, Article 43, Article 43 A.

Article 38: Social Order & Welfare

- Core Goal: The State must secure a social order based on Social, Economic, and Political justice.
- **Article 38(2):** Directs the State to minimize inequalities in income, status, facilities, and opportunities.

Note: Article 38(2) was added by the 44th Amendment Act (1978).

Article 39: Specific Policy Principles

- ↳ The State must direct its policy toward securing:
- (a) Livelihood: Adequate means of livelihood for all citizens (men and women).
 - (b) Resource Distribution: Equitable distribution of material resources for the common good.
 - (c) Economic Balance: Prevention of concentration of wealth and means of production.
 - (d) Equal Pay: Equal pay for equal work for both men and women.
 - (e) Health Protection: Protection of workers' health and preventing the abuse of children; ensuring citizens aren't forced into unsuitable jobs by economic necessity.
 - (f) Child Development: Opportunities for children to develop with dignity and protection against exploitation.

Note: Clause (f) was substituted by the 42nd Amendment Act (1976) to emphasize that children be given opportunities to develop in a healthy manner and in conditions of freedom and dignity, protecting them against moral and material abandonment.

- **Article 39(A):** mandates that the State ensures the legal system promotes justice based on equal opportunity for all citizens. It requires providing free legal aid through legislation or schemes to ensure no one is denied justice due to economic or other disabilities.
- **Article 41:** Mandates the State to secure the right to work, education, and public assistance for the unemployed, elderly, and disabled within its economic limits.
- **Article 42:** Requires the State to ensure just and humane working conditions and provide maternity relief for women.

Q3. Who described, that the "The Directive Principles" and the "Fundamental Rights" are the conscience of the Constitution?

- (a) Granville Austin
- (b) Dr. B.R. Ambedkar
- (c) K.C. Wheare
- (d) Dr. Ivor Jennings

வழிகாட்டு நெறிமுறைக் கோட்பாடுகளும் 'அடிப்படை உரிமைகளும்' அரசியலமைப்பின் மனசாட்சி என்று வர்ணித்தவர் யார்?

- (a) கிரான்வில் ஆஸ்டின்
- (b) டாக்டர் பி. ஆர். அம்பேத்கர்
- (c) கே. சி. வீயர்
- (d) டாக்டர் ஐவர் ஜென்னிங்ஸ்

Q4. Consider the following statement:

Assertion [A]: The adoption of Uniform Civil Code though mentioned in the Constitution of India is yet to be accomplished.

Reason [R]: Directive principles are non-justiciable.

- (a) Both [A] and [R] are true and [R] is the correct explanation of [A]
- (b) Both [A] and [R] are true, but [R] is not the correct explanation of [A]
- (c) [A] is true, but [R] is false
- (d) [A] is false, but [R] is true

பின்வரும் கூற்றைக் கவனியுங்கள்:

கூற்று [A]: இந்திய அரசியலமைப்பில் குறிப்பிடப்பட்டிருந்தாலும், பொது சிவில் சட்டத்தை ஏற்றுக்கொள்வது இன்னும் நிறைவேற்றப்படவில்லை.

காரணம் [R]: வழிகாட்டு நெறிமுறைகள் நீதிமன்றத்தால் செயல்படுத்த முடியாதவை.

- (a) [A] மற்றும் [R] ஆகிய இரண்டும் சரி, மேலும் [R] என்பது [A]-விற்கான சரியான விளக்கம்.
- (b) [A] மற்றும் [R] ஆகிய இரண்டும் சரி, ஆனால் [R] என்பது [A]-விற்கான சரியான விளக்கமல்ல.
- (c) [A] சரி, ஆனால் [R] தவறு.
- (d) [A] தவறு, ஆனால் [R] சரி.

Q5. Which of the following is not correct about "directive principles of State Policy"?

- (a) Enforceable through law courts
- (b) Promotes cottage industries and organisation of Village Panchayats
- (c) Free and compulsory education for children below 14 years of age
- (d) Betterment of scheduled castes and tribes

பின்வருவனவற்றில் அரசு வழிகாட்டு நெறிமுறைக் கோட்பாடுகள் குறித்துத் தவறானது எது?

- (a) நீதிமன்றங்கள் மூலம் செயல்படுத்தக்கூடியவை
- (b) குடிசைத் தொழில்கள் மற்றும் கிராம பஞ்சாயத்துகளின் அமைப்பை ஊக்குவிக்கிறது
- (c) 14 வயதுக்குட்பட்ட குழந்தைகளுக்கு இலவச மற்றும் கட்டாயக் கல்வி
- (d) பட்டியல் சாதிகள் மற்றும் பழங்குடியினரின் மேம்பாடு

Answer Key

Question No.	Q1	Q2	Q3	Q4	Q5
Correct Option	(c)	(b)	(a)	(a)	(a)



Fundamental Duties

- Fundamental Duties are moral obligations of all citizens.
- They remind citizens that rights and duties go together.
- The original Constitution (1950) did not contain Fundamental Duties.
- They were added by the 42nd Constitutional Amendment Act, 1976.
- Initially, 10 Fundamental Duties were inserted in the Constitution.
- They are mentioned in Article 51A (Part IV-A) of the Constitution.

Key Features of Fundamental Duties

- **Borrowed from USSR:** India borrowed the concept of Fundamental Duties from the Constitution of the USSR.
- **Constitutional Provisions:** A new Part IV-A and Article 51-A on Fundamental Duties were added by the 42nd Constitutional Amendment Act, 1976.
- **Addition in Fundamental Duties:** The total fundamental duties were increased to 11 by the 86th Constitutional Amendment, 2002. It made it a Fundamental Duty of parents of children from 6-14 years of age to provide them education.
- **Provision in Other Countries:** No major democratic country with the exception of Japan specifically contains a list of duties of citizens. On the contrary, socialist countries have always given equal importance to the fundamental rights and duties of their citizens.

Origin and Rationale for Fundamental Duties

Swaran Singh Committee

- **Background:** The necessity of Fundamental Duties was felt during the Internal Emergency (1975–1977).
- **Establishment:** In 1976, the Indira Gandhi government set up a Committee chaired by Sardar Swaran Singh to recommend constitutional duties.
- **Key Recommendations:**
 - Inclusion of a separate chapter on fundamental duties.
 - Emphasis that citizens must be conscious of their duties while enjoying their rights.
- **Outcome:** Based on these recommendations, the 42nd Amendment Act (1976) added 10 duties to the Constitution.

Rationale for Incorporation

- **Historical Necessity:** Originally absent from the Constitution (except for Article 33 regarding armed forces), they were added to address "internal disturbances" during the 1970s.
- **The "Rights-Duties" Correlation:** They serve as a reminder that rights and duties are inseparable; one cannot exist without the other in a healthy democracy.
- **Democratic Balance:** As stated by Indira Gandhi, duties establish a balance by making people equally conscious of their obligations as they are of their rights.
- **International Alignment:** Incorporation brought India in line with Article 29(1) of the Universal Declaration of Human Rights, which emphasizes duty to the community.
- **National Consensus:** Though initially opposed by some parties, the subsequent Janata Government chose not to repeal them, showing universal agreement on their importance.

List of Fundamental Duties

Article 51A - Fundamental duties. — It shall be the duty of every citizen of India —

- (a) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) To cherish and follow the noble ideals that inspired the national struggle for freedom;
- (c) To uphold and protect the sovereignty, unity and integrity of India;
- (d) To defend the country and render national service when called upon to do so;
- (e) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women;
- (f) To value and preserve the rich heritage of the country's composite culture;
- (g) To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;
- (h) To develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) To safeguard public property and to abjure violence;
- (j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement; and
- (k) To provide opportunities for education to his child or ward between the age of six and fourteen years.

Note: Provision (k) was added by the 86th Constitutional Amendment Act, 2002.

Characteristics of Fundamental Duties

- **Non-Justiciable:** These fundamental duties are non-justiciable in nature. Hence, they cannot be directly enforced by the courts.
- **No Legal Sanction for Violation:** There is also no legal sanction against their violation. However, the Parliament is free to provide for their enforcement by bringing in suitable legislation.
- **Applies to Citizens:** They are confined only to the citizens of India and do not extend to foreigners. Here, it must be noted that a citizen is expected to render these Fundamental Duties towards the country of India and not towards the government.
- **Combination of Moral & Civic Duties:** Fundamental Duties are an amalgamation of moral and civic duties. For example, cherishing noble ideals of freedom struggle is a moral custom and respecting the Constitution, National Flag and National Anthem is a civic duty.
- **Rooted in Indian Culture:** Though these duties were borrowed from the erstwhile USSR, they represent Indian traditions, mythology, religions and practices. They were basically a codification of tasks that were integral to the Indian way of life.

Applications of Fundamental Duties

Below are a few common examples where citizens in a group or individually render their Fundamental Duties towards the country:

Article	Real-world Application / Example
51A (a)	• Standing up in movie theatres during the national anthem
51A (b)	• Including Desh Bhakti curriculum in school syllabus
51A (c)	• SATARK NAGRIK SURAKSHIT DESH – being vigilant
51A (d)	• Volunteering during COVID-19 crisis
51A (e)	• Stop mob lynching or honour killings or objectification of women in advertisements
51A (f)	• Stop making graffiti on the walls of monuments
51A (g)	• Reuse, reduce & recycle plastic waste
51A (h)	• Don't fall prey to fake news

51A (i)	• Adhere to peaceful protest
51A (j)	• Valuing entrepreneurship and start-up culture
51A (k)	• Right to Education in India

Importance of Fundamental Duties

1. Building a Responsible Nation

- **National Transformation:** Global examples like Singapore and the USA (Citizens' Almanac) show that emphasizing "responsible citizenship" helps nations transition from developing to developed status.
- **Active Participation:** Duties transform citizens from mere spectators into active participants in achieving national goals.
- **Strengthening Democracy:** Democracy can only take deep root when citizens fulfill their social responsibilities, leading to inclusive development.

2. Promoting Social Harmony

- **Sense of Responsibility:** Duties make citizens considerate of the rights of others, fostering a more thoughtful society.
- **Cultural Roots:** They codify traditional Indian values like tolerance, peace, and communal harmony.
- **Discipline and Patriotism:** They instill a sense of national pride and act as a deterrent against anti-social activities like vandalizing public property.

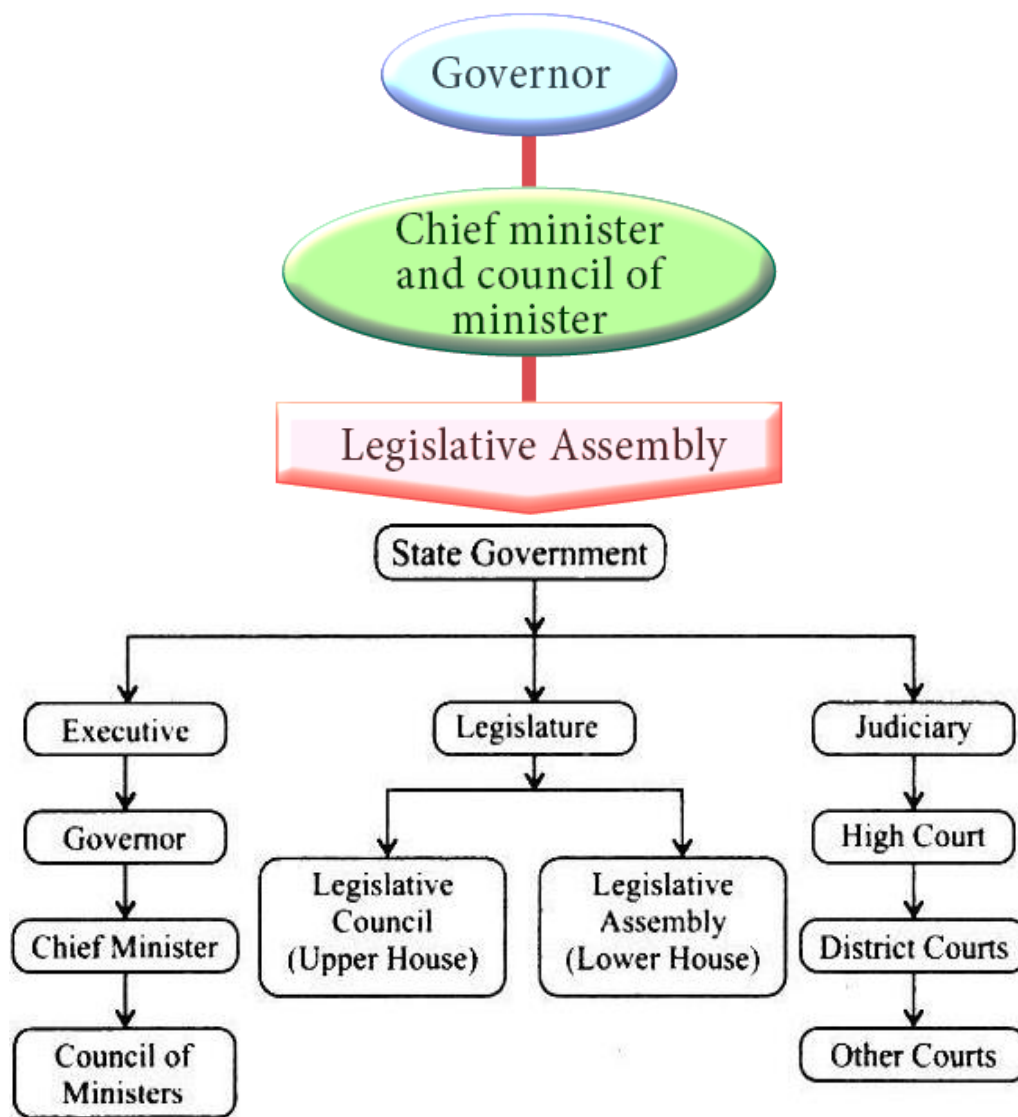
3. Relationship with Rights

- **Two Sides of the Same Coin:** Rights and duties are inseparable. For example, a teacher performing their duty to teach simultaneously fulfills a student's right to education.
- **Complementary Nature:** Even Fundamental Rights (like Article 19 - Freedom of Speech) come with "reasonable restrictions" that reflect our duties toward the sovereignty and security of the state.

4. Legal and Constitutional Value

- **Legal Interpretation:** The Supreme Court (1992) ruled that Fundamental Duties can be used to determine the constitutional validity of a law. If a law helps fulfill a duty, it may be considered "reasonable" under Article 14 or 19.

✍ **Conclusion:** Rights and duties co-exist for the betterment of the individual and the maintenance of a balanced social order.



GOVERNOR

Constitutional Position of the Governor

The Governor is the **constitutional head of the State**. The provisions relating to the Governor are contained in **Part VI of the Constitution (Articles 153 to 162)**.

- Article 153 provides that there shall be a **Governor for each State**
- The same person can be appointed as Governor for **two or more States**
- The Governor is the **nominal executive authority** in the State
- Real executive power is exercised by the **Council of Ministers headed by the Chief Minister**

Nature of the Office

- The Governor occupies a position similar to the President at the Union level
- Acts as the **link between the Union and the State**
- Functions as:
 - Constitutional head of the State
 - Representative of the President

Appointment of the Governor

- The Governor is appointed by the **President of India** (Article 155)
- Appointment is made by a **warrant under the hand and seal of the President**

Nature of Appointment

- The Governor is **neither elected nor appointed by the State Legislature**
- Appointment is based on the **aid and advice of the Union Council of Ministers**

Rationale for Central Appointment

- Maintains unity and integrity of the nation
- Ensures effective Centre-State coordination
- Prevents provincialism

Qualifications, Conditions and Term

Qualifications (Article 157)

A person to be appointed as Governor must:

- Be a **citizen of India**
- Have completed **35 years of age**

Conditions of Office (Article 158)

- Should not be a member of Parliament or State Legislature
- Should not hold any office of profit
- Entitled to official residence and emoluments

Term of Office (Article 156)

- Normal term: **5 years**
- Holds office during the **pleasure of the President**
- May resign by addressing resignation to the President
- Can be removed before completion of term

Powers and Functions of the Governor

The powers of the Governor are similar to those of the President but exercised at the State level.

A. Executive Powers

- All executive actions of the State are taken in the **name of the Governor**
- Appoints:
 - Chief Minister
 - Other Ministers
 - Advocate General of the State
 - State Election Commissioner
 - Chairman and Members of State Public Service Commission
- Acts on the **aid and advice of the Council of Ministers**

B. Legislative Powers

- Summons and prorogues the State Legislature
- Dissolves the Legislative Assembly
- Addresses the State Legislature
- Nominates members to the Legislative Council (if bicameral)
- Gives assent to Bills

Ordinance Making Power (Article 213)

- Can promulgate Ordinances when Legislature is not in session
- Ordinance has the same force as an Act
- Must be approved within **six weeks** of reassembly

C. Financial Powers

- Money Bills can be introduced only with prior recommendation of the Governor
- Causes the State Budget to be laid before the Legislature
- Controls Contingency Fund of the State

D. Judicial Powers

- Appoints District Judges in consultation with High Court
- Can grant pardons, reprieves, respites and remissions
- Cannot pardon death sentence

E. Discretionary Powers

The Governor can act **without ministerial advice** in certain situations:

- Appointment of Chief Minister in a hung Assembly
- Dismissal of a Ministry that has lost majority
- Reserving Bills for President's consideration
- Reporting breakdown of constitutional machinery (Article 356)

Role of Governor in State Administration

- Acts as constitutional guardian
- Ensures governance according to Constitution
- Plays a key role during political instability
- Acts as Centre's representative in the State

Position of Governor – Controversies

- Role during hung Assemblies
- Use of Article 356
- Allegations of political bias

Despite criticism, the office remains vital for **constitutional balance**.

CHIEF MINISTER

Position of the Chief Minister

↳ The **Chief Minister** is the **real executive authority in the State** and occupies the most powerful position in the State political and administrative system.

- Head of the State Government
- Leader of the Council of Ministers
- Principal policy-maker at the State level
- Pivot of the entire State administration

↳ Though the Constitution does not explicitly enumerate the powers of the Chief Minister, his position emerges from conventions, parliamentary practice and political realities.

Nature of the Office

- Comparable to the Prime Minister at the Union level
- Central figure in State governance
- His authority depends on majority support in the Legislative Assembly
- The effectiveness of the State administration largely depends on his leadership

In ancient India, the Smritis included **Manusmriti**, **Yajnavalkya Smriti**, **Narada Smriti**, and other Smritis.

Constitutional Position of the Judiciary

- ↳ The **Judiciary** is one of the three organs of the Indian State, along with the Legislature and the Executive. It acts as the **guardian of the Constitution**, protector of Fundamental Rights, and the final interpreter of laws.

Judiciary during the Medieval Period

- ↳ During the Tughlaq period, a code of civil procedure was compiled. This code was known as **Fiqh-e-Firoz Shahi**. It prescribed detailed procedures and laws relating to various civil and judicial matters. The work was originally written in Arabic and later translated into Persian.
- ↳ The judicial system based on **Fiqh-e-Feroze Shahi** continued to be followed until the reign of Aurangzeb. In 1670, it was replaced by **Fatawa-i-Alamgiri**, which became the authoritative legal code during his rule. **Fatawa-i-Alamgiri** systematically compiled Islamic laws relating to administration, justice, and governance and served as the primary reference for judges (Qazis).

Learning Objectives - The Judiciary

- To trace the evolution of the judicial system in India
- To understand the hierarchical structure of the Indian judiciary
- To explain the jurisdiction of the Supreme Court, High Courts, and Subordinate Courts
- To understand the need for an independent judiciary
- To know the differences between Civil Law and Criminal Law

Judiciary during the British Period

- The present Indian judicial system was largely shaped during British colonial rule.
- The origin of codified common law in India dates back to 1727 under the Charter of 1726.
- Under this Charter, Mayor's Courts were established at Madras, Bombay, and Calcutta by the East India Company.
- The Regulating Act of 1773 provided for the establishment of a Supreme Court in India.
- The first Supreme Court was set up at Fort William, Calcutta.
- Sir Elijah Impey was appointed as the first Chief Justice of this court.
- Supreme Courts were later established at
 - Madras in 1801
 - Bombay in 1824
- These Supreme Courts functioned until 1862.
- In 1862, the Supreme Courts were replaced by High Courts in the three presidency towns.

Judicial Reforms under British Governors

- **Warren Hastings introduced important judicial reforms.**
- **He established:**
 - Mofussil Diwani Adalat for civil cases
 - Mofussil Fauzdari Adalat for criminal cases
- **Appeals from these courts lay to:**
 - Sadar Diwani Adalat (civil appellate court)
 - Sadar Nizamat Adalat (criminal appellate court)
- **Lord Cornwallis reorganised the civil and criminal judicial system.**
- During his tenure:
 - District Fauzdari Courts were abolished
 - Circuit Courts were established at Calcutta, Dacca, Murshidabad, and Patna
- During the period of William Bentinck, the Circuit Courts were abolished.

High Courts and Codification of Laws

- The Calcutta High Court, established in 1862, is the oldest High Court in India.
- The Allahabad High Court is the largest High Court in the country.
- Sadar Diwani Adalat and Sadar Nizamat Adalat were established at Allahabad.
- A Law Commission was set up under the chairmanship of Lord Macaulay.
- The Commission codified Indian laws and led to the enactment of:
 - Civil Procedure Code, 1859
 - Indian Penal Code, 1860
 - Criminal Procedure Code, 1861

Federal Court and Supreme Court

- The Government of India Act, 1935 provided for the establishment of a Federal Court.
- The Federal Court was not the highest court, as appeals could be made to the Privy Council in England.
- The jurisdiction of the Privy Council was abolished by the Abolition of Privy Council Jurisdiction Act, 1949.
- The Supreme Court of India was inaugurated on 28 January 1950.

Judiciary and the Constitution

- After independence, India framed its own Constitution.
- The Constitution gives the highest importance to Justice as a fundamental objective.

- During British rule, laws and courts served colonial interests, not Indian welfare.
- The Constituent Assembly ensured:
 - Independence of the judiciary
 - Power of judicial review
- Supreme Court Rules, 1966 were framed under Article 145 of the Constitution.
- The Supreme Court of India is the highest court of the land.
- It is established under:
 - Part V – The Union (Chapter IV: Union Judiciary)
 - Part VI – The States (Chapter VI: Subordinate Courts)
- Articles 124 to 147 of the Constitution deal with the composition, powers, and jurisdiction of the Supreme Court.

Constitutional Basis

- Part V (Articles 124–147) – Supreme Court
- Part VI (Articles 214–231) – High Courts
- Provisions relating to Subordinate Courts

Nature of Indian Judiciary

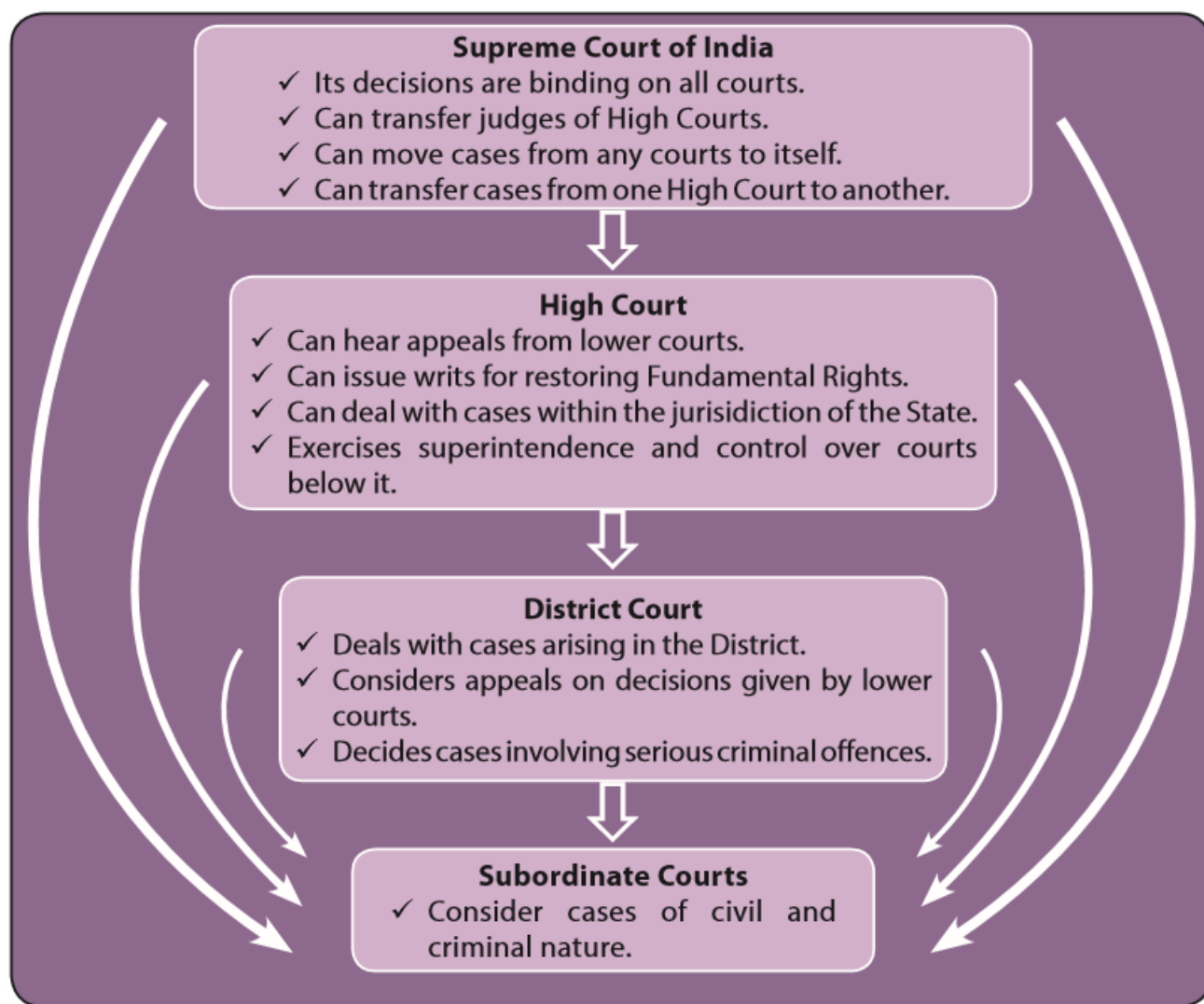
- Independent and integrated judicial system
- Single hierarchy of courts with the Supreme Court at the apex
- Uniform application of laws throughout the country

Court System in India

- ↳ India follows an **Integrated Judicial System**, where courts are arranged in a hierarchy and decisions of higher courts are binding on lower courts.

Hierarchy of Courts

- Supreme Court of India
- High Courts
- Subordinate Courts



Supreme Court

- Apex court of the country
- Final court of appeal
- Interpreter and guardian of the Constitution

High Courts

- Highest judicial authority at the State level
- One High Court for one or more States or Union Territories
- Exercises supervisory control over subordinate courts

National Human Rights Commission (NHRC)

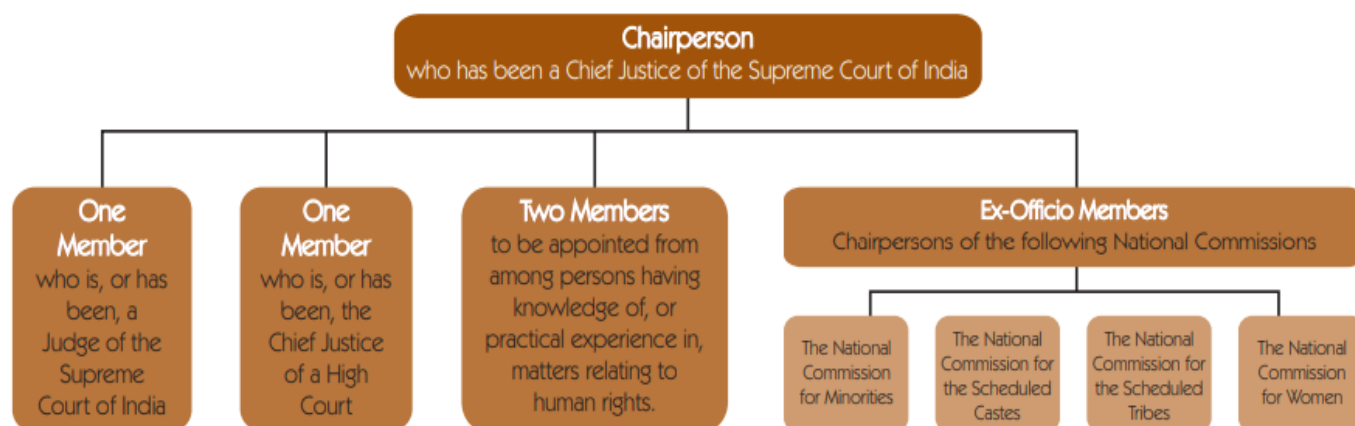
- The National Human Rights Commission (NHRC) is an **independent body created by law**.
- It was set up on 12 October 1993 under the **Protection of Human Rights Act, 1993**.
- The main role of the NHRC is to protect and promote human rights in India.
- It looks after basic rights such as the right to life, freedom, equality, and human dignity.
- These rights are **guaranteed by the Constitution of India**.
- The commission also follows international human rights standards, such as the **Paris Principles on Human Rights**.
- **Headquarters:** New Delhi

Objectives

- **Strengthen institutions** for a focused approach to human rights issues.
- **Investigate abuses by authorities** independently to protect human rights.
- **Support and enhance** ongoing efforts to promote and protect human rights.

Composition

- The National Human Rights Commission is a multi-member body. It consists of a chairperson and five members.
- **Current NHRC Chairperson:** Justice V. Ramasubramanian, preceded by Justice Arun Kumar Mishra.

**Appointment**

- The President of India appoints the NHRC chairperson and members.
- Appointments are made based on recommendations from a **6-member committee**.
- The committee is **headed by the Prime Minister** and includes:
 - Speaker of the Lok Sabha
 - Deputy Chairman of the Rajya Sabha
 - Leaders of the Opposition in both Houses
 - Union Home Minister

- If he/she is adjudged Insolvent
- Taking outside paid work
- Physical or mental incapacity
- Declared of unsound mind or body
- Conviction and imprisonment for a crime
- For **proven misbehaviour or incapacity**, the President must refer the case to the Supreme Court for inquiry.

Functions

- Inquire into human rights violations or negligence by public servants (suo motu, petitions, or court orders).
- Intervene in court cases involving human rights violations.
- Visit prisons and detention centers to check living conditions and suggest improvements.
- Review laws and constitutional safeguards and suggest better implementation.
- Analyze threats like terrorism that affect human rights and recommend action.
- Study international treaties and suggest measures for their enforcement.

Tenure, Conditions of Service & Salaries and Allowances

- **Term:** 3 years or until age 70, whichever comes first.
- **Reappointment:** Eligible
- The Central Government decides the salary, allowances, and service conditions of the NHRC chairperson and members.

Grounds of Removal

- The President of India can remove the NHRC chairperson or members in certain cases:

- Promote and conduct human rights research.
- Increase public awareness about human rights and protections.
- Support NGOs working in human rights.
- Perform any other functions needed to promote human rights.

Powers & Limitations

- The NHRC **can set its own procedures and has civil court powers**, enabling it to request reports from the Central and State governments.
- NHRC can only make recommendations; it cannot enforce them.
- It does not have its own investigative machinery & cannot impose penalties on perpetrators or directly provide relief to victims.
- It cannot investigate complaints filed more than one year after the incident.
- It cannot directly investigate armed forces violations and relies on the Centre's report.
- It can ask authorities to approach higher courts for relief to victims.

TN State Human Rights Commission (TNSHRC)

- The Tamil Nadu State Human Rights Commission (TNSHRC) is a statutory body set up under Section 21 of the Protection of Human Rights Act, 1993 to protect and promote human rights at the state level.
- It was constituted on 17 April 1997 by the Government of Tamil Nadu.

Composition

- **Chairperson** – a retired Chief Justice or Judge of a High Court. The current chairman is **Justice Thiru S. Manikumar**.
- **One Member** – a High Court or District Judge (with at least 7 years experience as District Judge).
- **One Member** – a person with knowledge or practical experience in human rights.
- **Secretary** – the Chief Executive Officer of TNSHRC.

Appointment

- The **Governor of Tamil Nadu** appoints the Chairperson and members.
- Appointments are made on the recommendation of a **State-level Committee** consisting of:
 - Chief Minister
 - Speaker of Legislative Assembly
 - State Home Minister
 - Leader of Opposition in the Legislative Assembly.
- If the State has a Legislative Council, its Chairperson and Leader of Opposition are also members of the committee.
- **For appointing sitting judges, consultation with the Chief Justice of the High Court is required.**

Tenure, Conditions of Service & Salaries and Allowances

- **Term:** 3 years or until age 70, whichever comes first.
- **Reappointment:** Eligible
- Salaries, allowances, and other conditions of service of TNSHRC Chairperson and members are fixed by the State Government

Grounds of Removal

- Although the Chairperson and the members of a State Human Rights Commission are appointed by the Governor, they can be removed only by the President.
- The **manner and grounds for removal of the chairperson or a member of the SHRC are the same as those of the chairperson or members of the NHRC.**
- The President of India can remove the SHRC chairperson or members in certain cases:
 - If he/she is adjudged Insolvent
 - Taking outside paid work
 - Physical or mental incapacity
 - Declared of unsound mind or body
 - Conviction and imprisonment for a crime
- For proven misbehaviour or incapacity, the President must refer the case to the Supreme Court for inquiry.

Jurisdiction of SHRC

- A State Human Rights Commission can **investigate human rights violations related to the State List and Concurrent List of the Seventh Schedule of the Constitution.**
- It cannot inquire into cases already being handled by the NHRC or any other statutory commission.
- The Central Government may confer upon the State Human Rights Commissions the functions relating to human rights in the Union Territories, except the UT of Jammu & Kashmir and Ladakh.
 - The functions relating to human rights **in the case of UT of Delhi are to be dealt with by the National Human Rights Commission.**

Functions

- Inquire into human rights violations or negligence by public servants (suo motu, petitions, or court orders).
- Intervene in court cases involving human rights violations.
- Visit prisons and detention centers to check living conditions and suggest improvements.
- Analyze threats like terrorism that affect human rights and recommend action.
- Review laws and constitutional safeguards and suggest better implementation.
- Promote and conduct human rights research.
- Increase public awareness about human rights and protections.
- Support NGOs working in human rights.
- Perform any other functions needed to promote human rights.

The National Consumer Disputes Redressal Commission (NCDRC)

- It is a quasi-judicial body. It was established in 1988.
- It was set up under the **Consumer Protection Act, 1986**.
- The aim is to provide speedy, economical and summary resolution of consumer complaints or disputes.

Headquarters: New Delhi mm

Composition

- Chairperson (retired or a sitting judge of the Supreme Court) and seven other members.

Current Chairperson - Mr. Justice Amreshwar Pratap Sahi

Powers and Functions

- Can hear consumer complaints above ₹1 crore (₹10 crore after amendment of the 1986 Act).
- Exercises appellate and revisional powers over State and District Commissions.
- Aggrieved persons can appeal NCDRC orders in the Supreme Court within 30 days.
- Can ask State Commissions to submit periodic reports on cases.
- Can issue instructions for uniform procedures in hearings.
- Can investigate violations of consumer protection rules.

Related Acts

Consumer Protection Act, 1986	Consumer Protection Act, 2019 (Amendment)
• Enacted to protect consumers' rights in India. • Provides a mechanism for redressal of consumer complaints. • Establishes Consumer Disputes Redressal Commissions at District, State, and National levels. ○ State - can take up cases valued under ₹10 crore (₹100 million) ○ District - can take up cases valued under ₹1 crore (₹10 million). • Covers issues like defective goods, deficient services, unfair trade practices, and overcharging. • Allows consumers to file complaints and seek compensation. • Encourages fair business practices and accountability.	• Replaces the 1986 Act to strengthen consumer rights. • Covers goods, services, e-commerce, and unfair trade practices. • Introduces Central Consumer Protection Authority (CCPA) to protect consumer interests. • Provides for product liability and stricter penalties for violations. • Allows complaints to be filed online through e-filing. • Reduces the jurisdiction limits for District, State, and National Commissions. • Promotes awareness and quick grievance redressal.

Difference between Judicial and Quasi-Judicial bodies

Aspect	Judicial Bodies	Quasi-Judicial Bodies
Definition	• Courts with constitutional authority to interpret and enforce laws.	• Non-judicial entities with limited authority governed by the principles of natural justice.
Head	• Judges	• Experts
Nature of Authority	• Absolute	• Subject to Judicial Review
Jurisdiction	• All legal matters	• Limited to specific areas like consumer rights, environment, etc.
Examples	• SC, HC & DC	• National Green Tribunal (NGT), Consumer Courts, etc.

National Green Tribunal (NGT) Established in 2010 as a specialized environmental tribunal under **National Green Tribunal Act, 2010**. It is a **statutory body**.

- Handles cases on environmental protection, forest conservation, and environmental rights. Provides compensation for environmental damage.
- Aims to dispose of cases **within six months**.
- Guided by **principles of natural justice**.
- **Principal Bench:** Located in New Delhi, serving the Northern Zone of India.
- **Regional Benches**
 - Bhopal (Central Zone Bench),
 - Pune (Western Zone Bench),
 - Chennai (Southern Bench) and
 - Kolkata (Eastern Bench).
- **India is the third country after Australia and New Zealand** to set up a dedicated environmental tribunal (NGT).

PRINCIPLES OF NATURAL JUSTICE



Objectives

- Ensure fast disposal of cases on environmental protection and natural resources.
- Enforce environmental legal rights and provide relief/compensation for damages.
- Safeguard the right to a safe environment (Article 21).
- Strengthen environmental governance and accountability.
- Integrate legal and scientific expertise for informed decisions.
- Promote sustainable development balancing environment and growth.
- Raise public and policymaker awareness on environmental protection.

Composition

- **Chairperson:** A retired Supreme Court judge, **Current chairperson - Justice Prakash Shrivastava**.
- **Judicial members:** Retired High Court judges, (at least 10, and not more than 20)
- **Expert members:** Professionals with at least 15 years of experience in fields related to environment or forest conservation, (at least 10, and not more than 20).

Appointment

- Chairperson: Appointed by Central Government in consultation with CJI.
- ↳ Judicial & Expert Members: Appointed by a Selection Committee formed by Central Government.

Tenure

- **Term:** 5 years or till the age of sixty-five years, whichever is earlier

Reappointment: Not eligible.

Jurisdiction

- The NGT can hear all civil cases related to environmental issues and laws listed in Schedule I of the National Green Tribunal Act, 2010 which include: The Water (Prevention and Control of Pollution) Act, 1974.
- The Water (Prevention and Control of Pollution) Cess Act, 1977.
- The Forest (Conservation) Act, 1980.
- The Air (Prevention and Control of Pollution) Act, 1981.
- The Environment (Protection) Act, 1986.
- The Public Liability Insurance Act, 1991.
- The Biological Diversity Act, 2002.

Not applicable to

- Wildlife Protection Act of 1972
- Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- Other laws enacted by States relating to forests, tree preservation, etc.

Powers

- Handles civil cases under seven environmental laws, can impose strict penalties, and functions as a Civil Court, conducting proceedings under the Indian Penal Code (BNS).
- Guided by the principles of natural justice rather than the Civil Procedure Code, 1908 to ensure fair and impartial decisions.
- Suo motu powers to address environmental issues on its own initiative.
- Dispose of appeals/applications within 6 months.
- Polluter Pays Principle to hold parties liable for environmental damage.
- Provide compensation for damaged property or environmental harm.
- Offer relief to victims of environmental pollution and hazardous substance accidents.

Importance

- First specialized judicial body for environmental cases in India.
- Ensures timely resolution through expedited grievance redressal.
- Enforces environmental laws via fines and accountability measures.
- Directs proactive measures to prevent environmental damage.
- Orders remedial actions to address existing environmental degradation.
- Bridges judiciary, executive, and public in environmental governance.

- An **Administrative Tribunal** is a **quasi-judicial body** that resolves **administrative disputes**. They can **review administrative decisions**.
- The **Swaran Singh Committee (1976)** recommended setting up Administrative Tribunals.
- Tribunal proceedings are treated as **judicial proceedings**. They have **powers similar to a civil court** in service-related matters.
- Functions include deciding cases on **recruitment, transfer, posting, and service conditions**.
- Their main objective is to **reduce the burden on courts** and ensure **speedy justice** in service matters.

Constitutional and Legal provisions

Provision	Description
Article 323A	• Empowers Parliament to establish Administrative Tribunals. • These tribunals deal with disputes related to recruitment and service conditions of public servants. • They cover services of the Centre, States, local bodies, public corporations, and public authorities.
Administrative Tribunals Act, 1985	• The Act authorizes the Central Government to set up the Central Administrative Tribunal (CAT) and State Administrative Tribunals (SATs). • It aims to provide speedy, effective, and inexpensive justice to aggrieved public servants.
Tribunals for Other Matters (Article 323B)	• Empowers Parliament and State Legislatures to establish tribunals for dispute resolution. • Tribunals can cover matters like: ○ Taxation ○ Foreign exchange, import/export ○ Industrial and labour issues ○ Land reforms ○ Urban property ceiling ○ Elections (Parliament & State legislatures) ○ Foodstuffs ○ Rent and tenancy rights

Features

- Follow the **principles of natural justice** (fair hearing and no bias).
- **Not bound by the Civil Procedure Code (CPC)** or strict rules of evidence.
- Composed of members with **subject-matter expertise**.
- Exercise **quasi-judicial powers** like examining evidence and passing binding orders.
- Decisions are subject to **appeal before higher courts** (High Courts/Supreme Court).
- Ensure **speedy and time-bound resolution** of disputes.

Types of Administrative Tribunals

Central Administrative Tribunal (CAT)

- **Central Administrative Tribunal (CAT)** was established in **1985** under the **Administrative Tribunals Act, 1985**.

- Its **principal bench is in New Delhi**, with additional benches across various states.
- Not bound by the Civil Procedure Code, 1908. Guided by the **principles of natural justice**.

Jurisdiction

- Has **original jurisdiction** over **recruitment and service matters** of public servants.
- Covers **All-India Services, Central Civil Services, civil posts under the Centre, and civilian defence employees**.
- **Excludes** members of the **armed forces, Supreme Court officers and staff, and Parliament secretarial staff**.

Composition

- It is a **multi-member body** consisting of a **Chairman and Members**.
- Earlier, it had a **Chairman, Vice-Chairman, and Members**.

- The **Administrative Tribunals (Amendment) Act, 2006** removed the post of **Vice-Chairman**.
- Currently, there is **1 Chairman** and **65 Members** (sanctioned strength).

Appointment & Tenure

- Members are drawn from **judicial and administrative streams** and are **appointed by the President**.
 - As per **Tribunal Rules, 2021**, the **Chairman can be a Judicial or Administrative Member**.
 - The **Chairperson must be a sitting or retired High Court judge**. Current Chairperson -

Justice Ranjit Vasantrao More.

- A person with **at least 3 years' experience** as a Judicial or Administrative Member is eligible to be appointed as **Chairman**.
- After the **2006 amendment** to the **Administrative Tribunals Act, 1985**, **CAT members were accorded the status of High Court judges**.

Tenure: 5 years or until **65 years (Chairman)** and **62 years (Members)**, whichever is earlier.

Appeals to be made

- **Appeals against CAT orders** are heard by the respective **High Court first**.
- In **L. Chandra Kumar Case (1997)** confirmed that appeals **cannot go directly to the Supreme Court**.

State Administrative Tribunal (SAT)

- **Administrative Tribunals Act, 1985** allows the **Central Government** to establish **State Administrative Tribunals (SATs)** on the request of state governments.
- SATs have **original jurisdiction** over **recruitment and service matters** of state government employees.
- A **state-level selection committee** selects members of the SAT.
- **Chairman and members** are **appointed by the President** in consultation with the **state Governor**.

Establishment

- Established in **Andhra Pradesh, Himachal Pradesh, Odisha, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu, West Bengal, and Kerala**.
- **Madhya Pradesh, Tamil Nadu, and Himachal Pradesh SATs** were abolished.
- **Himachal Pradesh** reestablished its SAT; **Tamil Nadu** has requested reestablishment.
- **Haryana** has requested the establishment of a SAT.

Joint Administrative Tribunal (JAT)

- **Joint Administrative Tribunal (JAT)** can be set up for **two or more states** under the

Administrative Tribunals Act, 1985.

- JAT exercises **all powers and jurisdiction** of regular state tribunals.
- **Chairman and members** are **appointed by the President** in consultation with the **Governors of the concerned states**.

Issues

- Only **9 states** have established SATs: **Andhra Pradesh, Himachal Pradesh, Odisha, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu, West Bengal, and Kerala**.
- Members of tribunals like CAT are **eligible for reappointment**, which may affect their **autonomy**.
- **Non-uniformity** in appointment process, qualifications, retirement age, resources, and infrastructure affects **efficiency**.
- Members **lack constitutional protection** like High Court or Supreme Court judges.

New Tribunal Rules of 2020

- **2020 Rules framed** by Ministry of Finance under **Section 184 of Finance Act 2017**.
- Replace 2017 Rules, which were struck down by Supreme Court.
- **Key Provisions**
 - **Applicable Tribunals:** 19 tribunals including **CAT, Income Tax Appellate Tribunal, Customs, Excise, Service, Tax, Appellate, Tribunals**.
 - **Exclusion:** **Foreigners Tribunals** not covered
 - **Appointment:** By **Central Government** on **Search-cum-Selection Committee** recommendation
 - **Removal:** Committee can **recommend removal** and **inquire into misconduct**.
 - **Qualifications:** Only persons with **judicial or legal experience** eligible
 - **Term:** **Fixed tenure of 4 years**.
 - **Independence** Re-appointment eligibility removed to safeguard independence.

Previous Year Questions (PYQs) : Administrative Tribunals

- Q1. Who said, Delegated legislation and administrative tribunals are the manifestation of "New despotism"?**
- (a) John E. Kersell (b) Sir Cecil Carr
(c) Lord Hewart (d) D.L. Hewit
(e) Answer not known

"புதிய சர்வாதிகாரத்தின் வெளிப்பாடுதான் பிரதிநிதித்துவ சட்டமும் நிர்வாக தீர்ப்பாயங்களும் என்று யார் சொன்னார்கள்?"

- (a) ஜான் E. சர்ச்சில்
(b) சர் சிசில் கார்
(c) ஹெவார்ட் பிரபு
(d) D.L. ஹேவிட்
(e) விடை தெரியவில்லை

- Emergency provisions are contained in **Part XVIII (Articles 352–360)** of the Constitution.
- Purpose:** To protect the Constitution, democratic system, financial stability, and the sovereignty, unity, integrity, and security of India.
- The Constitution provides for three types of emergencies:**
 - National Emergency – Articles 352–354, 358–359
 - President's Rule (State Emergency) – Articles 355–357
 - Financial Emergency – Article 360
- During an Emergency, the **Central Government gets extraordinary powers** and **states come under total control of the Centre**.
- The **provision for suspension of Fundamental Rights during Emergency is borrowed from the Weimar Constitution of Germany**.
- During an Emergency, **India's federal structure turns into a unitary one without any formal constitutional amendment** — a unique feature of the Indian Constitution.
- The Emergency provisions of the Indian Constitution are largely **borrowed from the Government of India Act, 1935**.

Related Articles

Article	Provision
352	● Proclamation of National emergency
353	● Effect of the proclamation of National emergency
354	● Application of provisions relating to the distribution of revenues during national emergency
355	● Duty of Union to protect states from external aggression and internal disturbances
356	● Provisions in case of failure of constitutional machinery in states
357	● Exercise of legislative powers under a proclamation issued under article 356
358	● Suspension of provisions of article 19 during emergencies
359	● Suspension of the enforcement of the rights conferred by part III during emergencies
360	● Provisions as to financial emergency

National Emergency

- Declared under **Article 352** when **war, external aggression, or armed rebellion** threatens India or any part of it.
- External Emergency:** War or external aggression
- Internal Emergency:** Armed rebellion
- Term **“Armed rebellion”** replaced **“Internal disturbance”** by the **44th Constitutional Amendment Act, 1978**.
- Emergency can be proclaimed **even before the actual occurrence** of war or aggression. Proclamation may apply to **entire India or a part of it**.
- President can declare it only on written recommendation of the Union Cabinet** (not Prime Minister alone).

Parliamentary Approval, Duration & Revocation

- Approval of Emergency proclamation or its continuance requires a **special majority** in **both Houses of Parliament** (*Earlier: simple majority before the 44th Amendment Act, 1978*).
- Proclamation must be approved within **1 month** of its issue. (*Earlier: 2 months; reduced by the 44th Amendment Act, 1978*).
- Exception (Lok Sabha dissolved):**
 - If Lok Sabha is dissolved or dissolves within 1 month without approval,
 - Emergency continues until 30 days after the first sitting of the new Lok Sabha,
 - Provided Rajya Sabha has approved it meanwhile.
- Duration:** Once approved by both Houses, **the Emergency remains in force for 6 months**.
- Emergency can be extended indefinitely, but only with Parliamentary approval every 6 months.

(Provision added by the 44th Amendment Act, 1978).

- **Before the 44th Amendment:** Emergency, once approved, could continue as long as the Executive desired.
- **Revocation:** President can revoke a National Emergency at any time by a subsequent proclamation. Such revocation does not require Parliamentary approval.
- President must revoke the Emergency if the Lok Sabha passes a resolution disapproving its continuation. (Provision added by the 44th Constitutional Amendment Act, 1978).
 - If one-tenth of Lok Sabha members submit a written notice:
 - To the Speaker (or President if Lok Sabha not in session),
 - A special sitting must be held within 14 days to consider the disapproval resolution (44th CAA, 1978).
- **Resolution of disapproval:**
 - Passed by simple majority
 - Required to be passed by Lok Sabha only.

Effects

The declaration of an emergency significantly alters the normal political and constitutional structure of the country.

Effect on Centre - State Relations

- **Executive:** During a National Emergency, the Union's executive power extends to directing States on how to exercise their executive authority.
- **Legislative:** During a National Emergency, Parliament can make laws on subjects in the State List.
- **Financial:** During a National Emergency, the President can reduce or suspend the distribution of central funds to the states.

Effect on life of the Lok Sabha and State Assembly

- **Lok Sabha Term:** During a National Emergency, its term can be extended by up to 1 year at a time, and up to 6 months after the emergency ends.
- **State Assembly Term:** Similarly, Parliament can extend a State Assembly's term by 1 year at a time, also up to 6 months after the emergency ends.

Effect on the Fundamental Rights

- **Suspension under Article 19:**
 - Article 19 rights (freedoms like speech, movement, etc.) are automatically suspended during a National Emergency.
 - No court order needed for suspension.
- **Suspension of other FR:**
 - President can suspend the right to approach courts for enforcing other Fundamental Rights.
 - Rights themselves are not suspended, only their enforcement is delayed.

Distinction between Article 358 and 359

Article 358	Article 359
● Only Fundamental Rights under Article 19	● All Fundamental Rights whose enforcement is suspended by Presidential Order
● automatically comes into force as soon as the Emergency is declared.	● Requires a Presidential Order to come into force
● Only External Emergency (war or external aggression)	● Both External and Internal Emergency
● Entire duration of Emergency	● Period specified in Presidential Order
● Whole country	● Area specified in Presidential Order
Similarities: ○ Protect only laws related to the Emergency from legal challenge. ○ Executive actions under such laws are also shielded from judicial review	

Historical Declarations

This form of Emergency has been declared on three occasions – in 1962, 1971, and 1975.

1. **First:** October 1962 – January 1968
 - Cause: Chinese aggression (External Emergency)
 - Covered 1965 India-Pakistan war → no new proclamation needed.
2. **Second:** December 1971
 - Cause: Pakistan attack (External Emergency)
3. **Third:** June 1975 – March 1977
 - Cause: Internal disturbances (Internal Emergency)

↳ Both second and third emergencies were revoked in March 1977.

President's Rule

- **Article 355:** Duty of the Centre to ensure state governments function according to the Constitution.
- **Article 356:** President's Rule can be imposed if a state government cannot operate per the Constitution.
- President can act based on Governor's report or other sources.

Tamil Political Thought

- Early Tamil political thought is reflected through kingship, ethics, literature, and social values.
- Governance was closely linked with morality, justice, and public welfare.
- Kings were expected to rule with righteousness rather than brute force.

Thirukkural in Political Thought

- Thirukkural is a foundational text of Tamil political philosophy.
- It emphasizes:
 - Righteous rule
 - Justice and fairness
 - Ethical governance
 - Duties and responsibilities of rulers
- Governance is viewed as a moral obligation toward the people.

Foundations of the State

- **A state is defined by:**
 - People
 - Wealth
 - Ministers
 - Friends
 - Fortifications
- Stability of the state depends on balanced administration and moral leadership.

Introduction to Politics

- Politics aims to create change-oriented awareness in society.
- It does not blindly accept existing social systems.
- Political thought encourages:
 - Critical thinking
 - Social reform
 - Questioning outdated beliefs
- Ideas and ideologies shape long-term social change.
- Political ideas are more powerful than weapons in transforming society.

Role of Thinkers in Society

- Thinkers form the intellectual base of social and political change.
- They:
 - Influence public decisions
 - Identify turning points in history
 - Guide society through ideas
- Their thoughts benefit diverse communities.
- Ideas are transformed into common principles for social progress.

Thinkers and Social Change

- New political ideas gain strength through thinkers' active participation.
- They promote rational thinking and oppose outdated customs.
- Interaction between thinkers and society creates new governance frameworks.
- Political decisions at the intellectual level affect daily life of people.
- Tamil Nadu has a rich tradition of influential thinkers.

Classification of Modern Thinkers

- National political thinkers
- Tamil political thinkers
- Socialist thinkers
- Thinkers of social justice
- All have contributed to modern political and social transformation in Tamil Nadu.

Political Ideologies in Tamil Nadu

- Tamil Nadu political thought combines:
 - Right ideology
 - Left ideology
 - Centre ideology
- Strong emphasis on social justice.
- Continuity seen from:
 - Thiruvalluvar
 - Bharathiyar
 - Periyar
- Dravidian ideology emerged from this intellectual tradition.

Ancient Political Ideas – Thiruvalluvar

- Thiruvalluvar is one of the greatest ancient political philosophers of Tamil Nadu.
- His ideas remain relevant across time.

Three Sections of Thirukkural

- Arathupal – Moral philosophy and ethics
- Inbathupal – Love and human emotions
- Porutpal – Political and administrative philosophy

Seven Parts of the State in Porutpal

- Country – 7 chapters
- Army – 2 chapters
- Friendship – 17 chapters
- Ministers – 10 chapters
- Defence (Fort) – 1 chapter
- Wealth – 4 chapters
- Citizens – 13 chapters
- These elements explain the structure of an ideal state.
- Emphasis is placed on moral leadership, capable ministers, and welfare of citizens.

"படை குடி கூழ்அமைச்சு நட்பரண் ஆறும்
உடையான் அரசருள் ஏறு" (குறள்: 381)

*"An army, people, wealth, a minister, friends, fort; six things
Who owns them all, a lion lives amid the kings"*

(Kural: 381)

Meaning

☞ A ruler who possesses an army, people, wealth, ministers, friends, and fort is considered the greatest among kings. Such a king is compared to a lion among rulers.

Political Meaning of the Kural

- Thiruvalluvar defines the essential components of a state.
- A strong state depends on the balanced presence of six elements.
- Kingship is not based on personal power alone but on effective institutions.

Six Essential Elements of a State

- Army (படை) – For protection and defence
- People (குடி) – Foundation of the state
- Wealth (கூழ்) – Economic strength
- Minister (அடைச்சு) – Administrative efficiency
- Friends (நட்பு) – Alliances and diplomacy
- Fort (அரண்) – Security and defence system

Idea of Ideal Kingship

- A king must ensure harmony among all six elements.
- Possession alone is not enough; proper management is essential.
- Such a ruler commands respect and authority naturally.
- The king is compared to a lion, symbolising strength, leadership, and courage.

Political Philosophy Highlighted

- Thiruvalluvar presents a systematic theory of the state.
- Emphasis on institutional governance rather than autocracy.
- Reflects early ideas of welfare state and administrative balance.
- Applicable to both ancient monarchy and modern governance.

State and Kingship in Thirukkural

- Thiruvalluvar explains the structure of the state through Porutpal.
- Government consists of ministry, army, wealth, people, friendship, and citizens.
- These elements together determine the quality of a king.
- The king is given a separate and central role in governance.
- Porutpal contains extensive ideas on administration and statecraft.

Nature of a King – 25 Chapters

- Thiruvalluvar explains the nature of a king in 25 chapters.
- These chapters are classified into:
 - Qualities of a ruler
 - Duties of a ruler
 - Administrative conduct

Qualities of a King

- Education
- Listening ability
- Wisdom
- Avoiding faults
- Seeking good counsel
- Avoiding mean-mindedness
- Rational thinking
- Prioritising time for action
- Assessing and assigning tasks
- Embracing responsibility
- Acting without forgetting duty
- Justice
- Refraining from harmful deeds
- Compassion
- Espionage and intelligence
- Valour and spirit
- Avoiding laziness
- Perseverance
- Determination
- These qualities are essential for ideal governance.

Welfare State Concept

- Thiruvalluvar's political thought is based on welfare of the people.
- Justice is central to kingship.
- A king must:
 - Guard the realm and subjects
 - Deliver justice impartially
 - Protect people like a divine guardian

முறைசெய்து காப்பாற்றும் மன்னவன் மக்கட்கு
இறையென்று வைக்கப் படும். (குறள்: 388)

*Who guards the realm and justice strict maintains,
That king as god over subject people reigns.*

(Kural: 388)

- Welfare of citizens is the ultimate duty of the ruler.

Features of a State

- Maintenance of ethics
 - Removal of injustice
 - Impartial administration
 - Protection of honour
 - Promotion of social harmony
- These features ensure stability and prosperity of the state.

TNPSC 2025 Previous Year Questions

TNPSC 2025 All Polity Previous Year Questions

Q1. Choose the correct matches :

- (1) Sarkaria Commission - 1983
- (2) Rajamannar Commission - 1973
- (3) Punchhi Commission - 2007
- (4) Venkatachalia Commission - 2002
- (A) (1) and (3) are correct
- (B) (1) and (2) are correct
- (C) (2) and (3) are correct
- (D) (3) and (4) are correct
- (E) Answer not known

சரியான பொருத்தங்களை தேர்ந்தெடு :

- (1) சர்க்காரிய குழு - 1983
- (2) இராஜாமன்னார் குழு - 1973
- (3) புன்ச்சி குழு - 2007
- (4) வெங்கடாச்சலையா குழு - 2002
- (A) (1) மற்றும் (3) சரியானவை
- (B) (1) மற்றும் (2) சரியானவை
- (C) (2) மற்றும் (3) சரியானவை
- (D) (3) மற்றும் (4) சரியானவை
- (E) விடை தெரியவில்லை

Correct Ans. A

Q2. Which schedule deals with powers and responsibilities of Municipalities in the 74th Amendment Act?

- (A) 12th Schedule
- (B) 11th Schedule
- (C) 9th Schedule
- (D) 10th Schedule
- (E) Answer not known

74-வது அரசமைப்பு திருத்தச் சட்டத்தின் படி நகராட்சியின் அதிகாரமும் பொறுப்பும் இடம்பெற்றுள்ள அட்டவணை எது?

- (A) 12 - வது அட்டவணை
- (B) 11 - வது அட்டவணை
- (C) 9- வது அட்டவணை
- (D) 10- வது அட்டவணை
- (E) விடை தெரியவில்லை

Correct Ans. A

Q3. In the Indian Constitution which Amendment Act repealed Article 31 (A) and added Article 300 (A)?

- (A) 43rd Amendment Act
- (B) 42nd Amendment Act
- (C) 45th Amendment Act
- (D) 44th Amendment Act
- (E) Answer not known

இந்திய அரசியலமைப்பில் சரத்து 31 (A) எந்த சட்டத்திருத்தத்தின் மூலம் நீக்கப்பட்டு அது சரத்து 300 (A) ஆக சேர்க்கப்பட்டுள்ளது?

- (A) 43- வது சட்டத்திருத்தம்
- (B) 42- வது சட்டத்திருத்தம்
- (C) 45- வது சட்டத்திருத்தம்
- (D) 44- வது சட்டத்திருத்தம்
- (E) விடை தெரியவில்லை

Correct Ans. D

Q4. Choose the correct pairs listed below :

- (1) POCSO Act - 2012
- (2) Child Line - 1098
- (3) Central Government Hindu Succession Amendment Act - 1989
- (4) Right to Education Act - 2009
- (A) (1), (2) and (3) are correct
- (B) (2), (3) and (4) are correct
- (C) (1), (3) and (4) are correct
- (D) (1), (2) and (4) are correct
- (E) Answer not known

சரியான பொருத்தங்களை தேர்வு செய் :

- (1) போக்சோ சட்டம் (POCSO) - 2012
- (2) குழந்தைகளுக்கான உதவிமைய எண் - 1098
- (3) மத்திய அரசு இந்து வாரிசு உரிமை திருத்தச் சட்டம் - 1989
- (4) கல்வி உரிமைச் சட்டம் - 2009
- (A) (1), (2) மற்றும் (3) சரி
- (B) (2), (3) மற்றும் (4) சரி
- (C) (1), (3) மற்றும் (4) சரி
- (D) (1), (2) மற்றும் (4) சரி
- (E) விடை தெரியவில்லை

Correct Ans. D

Q5. Identify the statement that is false

- (A) Lok Adalat was set up to provide speedy justice
- (B) Family courts specifically handle family law matters
- (C) Mobile courts will be of great relief to the rural people
- (D) The E-courts project was established in 2000
- (E) Answer not known

கீழ்க்காணும் கூற்றுகளில் தவறான ஒன்று எது?

- (A) லோக் அதாலத் விரைவான நீதியை வழங்க அமைக்கப்பட்டது
- (B) குடும்பம் தொடர்பான சட்ட விவகாரங்களைக் குடும்ப நீதிமன்றம் கையாளுகிறது
- (C) நடமாடும் நீதிமன்றங்கள் கிராமப்புற மக்களுக்கு இடர்களைத் தீர்க்கும்
- (D) இ-நீதிமன்றங்கள் திட்டம் 2000-ஆம் ஆண்டு தொடங்கப்பட்டது
- (E) விடை தெரியவில்லை

Correct Ans. D

Q6. Which Article says that in the Parliamentary business, the presiding officer may, however, allow any member not proficient in Hindi and English to address the House in his mother tongue?

- (A) Article 120 (B) Article 121
- (C) Article 112 (D) Article 211
- (E) Answer not known

எந்த சரத்தின்படி, நாடாளுமன்ற உறுப்பினர் எவரேனும் இந்தி மற்றும் ஆங்கிலம் தெரியாதவராக இருப்பின் அவர் தனது தாய்மொழியில் உரையாற்ற அவைத்தலைவர் அனுமதிக்கலாம்?

- (A) சரத்து 120 (B) சரத்து 121
- (C) சரத்து 112 (D) சரத்து 211
- (E) விடை தெரியவில்லை

Correct Ans. A

Q7. Under which Article of the Indian Constitution, National Emergency can be declared?

- (A) Article - 352 (B) Article - 356
- (C) Article - 360 (D) Article - 368
- (E) Answer not known

இந்திய அரசியலமைப்பின் எந்த சரத்தின்படி தேசிய அவசர நிலை அறிவிக்கப்படுகிறது?

- (A) சரத்து - 352 (B) சரத்து - 356
- (C) சரத்து - 360 (D) சரத்து - 368
- (E) விடை தெரியவில்லை

Correct Ans. A

Q8. Basic concepts of India's foreign policy are

- (i) Preservation of national interest
- (ii) Achievement of world peace
- (iii) Colonialism, imperialism and racism
- (iv) Disarmament
- (A) (i) (ii) and (iii) are correct

- (B) (i) and (iv) are correct
- (C) (i) (ii) and (iv) are correct
- (D) (ii) (iii) and (iv) are correct
- (E) Answer not known

Q8. இந்திய வெளியுறவுக் கொள்கையின் அடிப்படைக் கருத்துக்கள்

- (i) தேசிய நலனைப் பேணுதல்
- (ii) உலக அமைதியை எய்துதல்
- (iii) காலனியாதிக்கம், சர்வாதிகாரம் மற்றும் நிறவேற்றுமை
- (iv) ஆயுதக் குறைப்பு
- (A) (i) (ii) மற்றும் (iii) சரி
- (B) (i) மற்றும் (iv) சரி
- (C) (i) (ii) மற்றும் (iv) சரி
- (D) (ii) (iii) மற்றும் (iv) சரி
- (E) விடை தெரியவில்லை

Correct Ans. C

Q9. Choose the right matches:

Committees - Chairman

- (1) Committee on Panchayat Raj Election - K. Shanthanam
- (2) Committee on Rationalisation of Panchayat statistics - G. Ramachandran
- (3) Committee on Panchayat Raj Training centres - V.K. Rao
- (4) Study team on Panchayat Raj Administration - V. Iswaran
- (A) (1) and (3) are correct
- (B) (1) and (4) are correct
- (C) (2) and (3) are correct
- (D) (3) and (4) are correct
- (E) Answer not known

சரியானவற்றோடு பொருத்துக :

குழுக்கள் - தலைவர்

- (1) பஞ்சாயத்து ராஜ் தேர்தல் குழு - K. சந்தானம்
- (2) பஞ்சாயத்து ராஜ் பகுப்பாய்வு மற்றும் புள்ளியல் குழு - G. ராமச்சந்திரன்
- (3) பஞ்சாயத்து ராஜ் பயிற்சி குழு - V.K. ராவ்
- (4) பஞ்சாயத்து ராஜ் நிர்வாகக் குழு - V. ஈஸ்வரன்
- (A) (1) மற்றும் (3) மட்டும் சரி
- (B) (1) மற்றும் (4) மட்டும் சரி
- (C) (2) மற்றும் (3) மட்டும் சரி
- (D) (3) மற்றும் (4) மட்டும் சரி
- (E) விடை தெரியவில்லை

Correct Ans. B