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**MADHYA PRADESH**

**STATE FOREST SERVICE**

**Polity**  
**of**  
**India and**  
**Madhya Pradesh**

**Module - 3**

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MPPSC

# *Polity of India and Madhya Pradesh*

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STATE CIVIL / FOREST SERVICE

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Unit 3



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**SYLLABUS**

<p style="text-align: center;"><b>MPPSC</b> <b>Civil / Forest</b> <b>(Prelim)</b> Examination</p>	<p><b>[Unit - 5] भारत एवं मध्यप्रदेश की संवैधानिक व्यवस्था</b>        [Constitutional System of <b>India</b> and <b>Madhya Pradesh</b>]</p> <ul style="list-style-type: none"> <li>• संविधान सभा / Constituent Assembly.</li> <li>• संघीय कार्यपालिका, राष्ट्रपति एवं संसद / Federal Executive, President and Parliament.</li> <li>• सर्वोच्च न्यायालय एवं न्यायिक व्यवस्था / Supreme Court and Judicial System.</li> <li>• संवैधानिक संशोधन / Constitutional Amendments.</li> <li>• नागरिकों के मौलिक अधिकार, कर्तव्य एवं राज्य के नीति-निदेशक सिद्धांत</li> <li>• Fundamental Rights and Duties of Citizens, Duties and Directive Principle of State.</li> <li>• राष्ट्रीय एवं प्रादेशिक संवैधानिक/सांविधिक आयोग एवं संस्थायें</li> <li>• National and Regional Constitutional/Statutory Commissions and Institutions.</li> <li>• मध्यप्रदेश की संवैधानिक व्यवस्था (राज्यपाल, मंत्रिमंडल, विधानसभा, उच्च न्यायालय) / Constitutional System of Madhya Pradesh (Governor, Cabinet, Legislative Assembly, High Court).</li> <li>• मध्यप्रदेश में त्रिस्तरीय पंचायतीराज एवं नगरीय प्रशासन व्यवस्था</li> <li>• Three-Tier Panchayati Raj and Civil Administration system in Madhya Pradesh</li> <li>• मध्यप्रदेश में सुशासन (अभिशासन व्यवस्था)</li> <li>• Good Governance in Madhya Pradesh (Governance System).</li> </ul>
<p style="text-align: center;"><b>MPPSC</b> <b>Forest Service</b> <b>(Main)</b> Examination</p>	<p><b>[Unit - 3] मध्यप्रदेश की राजनीति (Politics of M.P.)</b></p> <ul style="list-style-type: none"> <li>• मध्यप्रदेश की राजनीतिक व्यवस्था (राज्यपाल, मंत्रिमंडल, विधानसभा)</li> <li>• Political system of MP (Governor, Cabinet, Legislative Assembly).</li> <li>• मध्यप्रदेश में पंचायतीराज व्यवस्था / Panchayati Raj in MP</li> <li>• मध्यप्रदेश की सामाजिक व्यवस्था / Social system of MP</li> </ul>
<p style="text-align: center;"><b>MPPSC</b> <b>Assistant Professor</b> Or <b>Assistant Registrar</b> Or <b>Food Safety Officer</b> Or <b>Mining Inspector</b> Or <b>State Engineering Service</b> Examination</p>	<p><b>[Unit - 3] मध्यप्रदेश की राजनीति/ Politics of Madhya Pradesh</b></p> <p>♦ राज्यपाल, मुख्यमंत्री, मंत्रीमंडल, विधानसभा, उच्च न्यायालय, लोकायुक्त । ♦ राज्य सचिवालय, मुख्य सचिव, संभागायुक्त, पुलिस, कमिश्नर । ♦ जिला प्रशासन, नगरीय प्रशासन, स्थानीय स्वशासन, पंचायती राज संस्थायें । ♦ राज्य चुनाव आयोग, राज्य सूचना आयोग, राज्य अनुसूचित जाति आयोग, राज्य अनुसूचित जनजाति आयोग, राज्य पिछड़ा वर्ग आयोग, राज्य महिला आयोग । ♦ अनुसूचित जाति एवं अनुसूचित जनजाति अत्याचार निरोधक अधिनियम, 1989; पंचायत अनुसूचित क्षेत्रों तक विस्तार (पेसा) अधिनियम, 1996; पर्यावरण संरक्षण अधिनियम, 1986; मध्यप्रदेश गौवंश वध प्रतिषेध अधिनियम, 2004 । ♦ Governor, Chief Minister, Cabinet, Vidhan Sabha, High Court, Lokayukta. ♦ State Secretariat, Chief Secretary, Divisional Commissioner, Police Commissioner. ♦ District Administration, Urban Administration, Local Self Government, Panchayati Raj Institutions. ♦ State Election Commission, State Information Commission, State Scheduled Castes Commission, State Scheduled Tribes Commission, State Backward Classes Commission, State Commission for Women. ♦ <del>Schedule Caste and Schedule Tribe Prevention of Atrocities Act, 1989; Panchayats Extension to Schedule Areas (PESA) Act, 1996; Environment Protection Act, 1986; Madhya Pradesh Govansh Vadh Pratishedh Adhinyam, 2004.</del></p>

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- **राजनीति विज्ञान : एक समग्र अध्ययन**, राजेश मिश्रा, Orient Blackswan publishers, Hyderabad, 7 वां संस्करण,
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- **राजनीति विज्ञान**, Class : 11, माध्यमिक शिक्षा बोर्ड राजस्थान, अजमेर
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- **Governance and Politics of Madhya Pradesh**, Harish Kumar Khatri, Kailash Pustak Sadan, Bhopal; Revised Edition, 2024
- **Rajneeti Nama – Madhya Pradesh: Stories of Political Leaders (1956 to 2003)**, Deepak Tiwari, Indra Publishing House, Bhopal, 1st Edition.
- **Madhya Pradesh Panchayati Raj System**, Samarthan – Centre for Development Support, Bhopal.
- **Official Website of the Government of Madhya Pradesh & many other primary resources**

**FOR PYQs/MCQs Papers/Books resources**

- MPPSC, Assam PSC, CGPSC, UPSC, UPPSC, RPSC and various other state PSC exam papers
- **Indian Constitution & Polity (2025)**, A. K . Mahajan by YCT Publication Pvt. Ltd., Prayagraj.
- **सामान्य अध्ययन पूर्वोवलोकन : भारतीय राजव्यवस्था एवं शासन (2025)**, सम – सामयिक घटना चक्र, प्रयागराज (इलाहाबाद)
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# Historical Background of the Constitution

The Constitution of India is the most comprehensive and detailed constitution in the world. Its historical roots lie in India's rich traditions, religious beliefs, social movements, the legacy of colonial rule, and the experiences of the freedom struggle. Its making was not an accidental event; rather, it was the outcome of the long-standing aspirations of Indian society — liberty, equality, justice, and secularism.

The historical background of the Indian Constitution is primarily linked to British rule, particularly the administrative experiences of the East India Company. However, it is important to note that even in ancient India, organized traditions of governance, systems of decision-making, and judicial concepts existed. Yet, the real process of modern constitutional development began in the latter half of the 18th century, when the British Parliament enacted a series of laws to regulate governance and administration in India.

These Acts — such as the **Regulating Act of 1773**, **Pitt's India Act of 1784**, **Charter Act of 1813**, **Morley-Minto Reforms of 1909**, **Montagu-Chelmsford Reforms of 1919**, and the **Government of India Act of 1935** — gradually introduced Indian participation, administrative accountability, and constitutional structures.

In 1934, **M. N. Roy proposed the idea of a Constituent Assembly**<sup>\*\*\*</sup>, which finally took shape on **9 December 1946**. After detailed debates and amendments, **the Constitution was adopted on 26 November 1949** and **came into effect on 26 January 1950**.

Thus, the Indian Constitution is not merely a legal document but a symbol of the nation's political consciousness, democratic commitment, and vision of inclusive development.

## 1.2 Regulating Act of 1773

The **Regulating Act of 1773**, passed by the British Parliament, was the first significant constitutional measure through which an attempt was made to control and regulate the functioning of the East India Company. It marked the first organized step towards the constitutional development of British rule in India<sup>\*\*\*</sup>. In other words, it reinforced the authority of the British Parliament to legislate for India<sup>\*\*\*</sup>.

### Key Provisions

- **Appointment of Governor-General of Bengal** : The Governor of Bengal was given the title of *Governor-General of Bengal*. **Warren Hastings** became the first to hold this office. The Governors of Madras and Bombay were made subordinate to him.

*First governor general of Bengal = Warren Hastings*<sup>\*\*\*</sup>

- **Executive Council** : To assist the Governor-General, a 4-member Executive Council was created, where decisions were to be taken by majority vote. This structure marked the beginning of the first *central executive authority* in British India.

- **Supreme Court at Calcutta (1774)\*\***: The first Supreme Court of India was established at Calcutta (Fort William) with a Chief Justice and three other judges. **Sir Elijah Impey\*\*\*** was appointed as the first Chief Justice. The Court's main objective was to settle disputes between British and Indian subjects.
- **Control over Company's Administration**: The Company was required to regularly report its financial position to the British Government. To curb corruption, officials were prohibited from engaging in private trade, accepting gifts, or taking bribes.
- **Court of Directors**: The Court of Directors of the East India Company was made accountable to the British Government and tasked with submitting regular administrative and financial reports.

### Amending Act of 1781

Also called the *Justice Act of 1781* or the *Act of Settlement*, this legislation aimed to remove the practical defects of the 1773 Act and resolve the constitutional and administrative conflicts between the Supreme Court of Calcutta and the Governor-General's Council.

### 1.3 Pitt's India Act, 1784

The **Pitt's India Act of 1784**, enacted by the British Parliament, was a significant law aimed at strengthening governmental control over the administrative activities of the East India Company and addressing the shortcomings of the Regulating Act of 1773. It marked the beginning of direct political involvement of the British Government in Indian affairs through the Company.

#### Key Features

**Dual System of Governance**: Two distinct authorities were created to manage Indian affairs:

- **Board of Control** – This body was under the British Government and was responsible for political and military affairs of India.
- **Court of Directors** – This body remained under the East India Company and continued to look after commercial and administrative matters.

#### Important Fact :

- ✍ Establishment of the *Board of Control* → **Pitt's India Act, 1784\*\*\***
- ✍ **Recognition of British Possessions**: For the first time, the territories under the Company were officially termed as "*territories in the possession of the British Crown.*"\*\*\*

### 1.4 Charter Act of 1813

The **Charter Act of 1813** was another important legislation passed by the British Parliament. Its main purpose was to clarify the constitutional status of British rule in India, curtail the monopoly of the East India Company, and open India to missionary and educational activities. The Act was passed due to increasing pressure from the British commercial class and demands for allowing Christian missionaries to work in India.

#### Key Provisions

- **End of Trade Monopoly**: The East India Company's monopoly over internal trade in India was abolished.\*\*\* From now onwards, all British citizens were permitted to trade in India. However, the Company retained its monopoly over the trade in tea and trade with China (particularly opium trade).\*\*\*
- **Sovereignty of the British Crown**: The Act formally recognized the sovereignty of the British Crown in India, though administration remained with the Company.

- **Religious Freedom & Missionary Activities** : For the first time, Christian missionaries were allowed to enter India to preach, build churches, and promote conversion.\*\*\* This also led to an increase in missionary-led educational efforts.
- **Promotion of Education** : The British Government allocated an annual grant of ₹1 lakh for establishing schools and colleges to promote English and modern education.
  - This laid the foundation for the gradual decline of traditional *Oriental education systems* (Sanskrit, Persian, Arabic, philosophy, mathematics, religious texts, etc.). Later,
  - Lord Macaulay's Minute (7 March 1835) declared English as the medium of instruction in India.\*\*\*
- **Taxation Powers** : Local governments were given the authority to levy taxes, with penalties prescribed for non-payment. This strengthened the revenue collection system.

### Oriental Education System

The term **Oriental** (from Latin *Orient*, meaning “Eastern”) refers to the traditional Indian system of education that existed during the colonial period in India.

This system emphasized the study of **ancient Indian languages, literature, philosophy, religion, science, and mathematics**. It represented the continuation of India's age-old scholarly traditions before the introduction of Western-style education by the British.

## 1.5 Charter Act of 1833

The **Charter Act of 1833** marked a historic turning point in the constitutional development of India. It laid the foundation of a unified central administration and ended the commercial character of the East India Company. With this Act, the era of **legislative centralization** in India began.

### Key Provisions

- **Establishment of Central Government** : The Governor-General of Bengal was re-designated as the **Governor-General of India**, with authority over both civil and military administration. This created a centralized administrative structure across British India. **Lord William Bentinck** became the **first Governor-General of India**.
- **End of Legislative Powers of Presidencies** : The independent legislative powers of Madras and Bombay Presidencies were abolished. Henceforth, only the Governor-General of India had the authority to make laws for the whole country.
- **Introduction of Law Member** : A legal expert was added to the Governor-General's Council to assist in legislative functions.\*\*\* This marked the beginning of an organized legislative process in India.
- **Participation of Indians in Administration** : For the first time, the idea of giving Indians opportunities to participate in administration was introduced,\*\*\* though it remained largely theoretical.
- **Competitive Examinations for Civil Services** : The Act proposed that all citizens of India should be eligible for civil service appointments through an open competitive examination. However, due to opposition from the Court of Directors, this provision was not implemented immediately.

## 1.6 Charter Act of 1853

The **Charter Act of 1853** was the last legal revision of the East India Company's Charter. It served as a milestone in administrative reform, legislative restructuring, and limited Indian participation.

### Key Provisions

# Making of the Constitution

## 2.1 Demand for a Constituent Assembly

The demand for establishing a Constituent Assembly to frame an independent and indigenous Constitution of India was the outcome of a long political and ideological process. It reflected the growing democratic consciousness of the Indian national movement and dissatisfaction with British colonial rule.

### Development of the Demand

- **Early Idea (1934)** : The concept of a Constituent Assembly was first put forward in 1934 by the Indian communist leader M. N. Roy.\*\*\* He proposed that the Constitution of India should be framed by a Constituent Assembly elected by the people of India themselves.
- **Formal Demand by the Congress (1935)** : In 1935, the **Indian National Congress** officially demanded the creation of a Constituent Assembly, stating that the people of India must have the decisive role in determining their destiny. (As early as 1924, the Swaraj Party had also supported this idea.)
- **Nehru's Declaration (1938)** : In 1938, **Pandit Jawaharlal Nehru** clearly declared that India's Constitution would be framed by a Constituent Assembly elected on the basis of adult franchise, without any interference from external powers. The Congress formally approved this declaration in 1939 through a resolution.
- **Support by Mahatma Gandhi (1939)** : In his article "**The Only Way**" published in *Harijan* in 1939, **Mahatma Gandhi** wrote : "Only a Constituent Assembly can frame a constitution which is indigenous to this land and which can genuinely and fully represent the will of the people."\*\*\*
- **August Offer (1940)** : Through the August Offer of 1940, the British government gave a formal indication that it accepted the principle of a Constituent Assembly, marking an important shift in colonial policy.
- **Cripps Mission (1942)** : In 1942, **Sir Stafford Cripps, a member of the British Cabinet**, came to India with a proposal that after the end of World War II, a Constituent Assembly would be set up to decide India's future Constitution.\*\*\*

#### Question :

Who said "*Only a Constituent Assembly can frame a truly indigenous Constitution for the country and can, in the real sense and fully, represent the will of the people*"? [MPPSC Pre Civil 2022]

- (a) Mahatma Gandhi
- (b) Dr. B.R. Ambedkar
- (c) Jawaharlal Nehru
- (d) Annie Besant

### Provisions of the Cripps Proposal (1942) :

Proposal	Description
1. Dominion Status	After the end of the war, India will be granted full Dominion Status. India's new Constitution will be framed by a Constituent Assembly.

# Salient Features of the Indian Constitution

## Uniqueness of the Indian Constitution

The Indian Constitution, though inspired by many major constitutions of the world, is unique and distinctive in its philosophical foundations, structure, and implementation. Its comprehensiveness, inclusive character, and emphasis on social and economic justice make it stand apart from other constitutions in the world.

### 3.1 Major Features of the Indian Constitution

► **World's Longest Written Constitution** : The Constitution of India is the most comprehensive written constitution in the world.

- **Originally** : 395 Articles, 22 Parts, and 8 Schedules.
- **At present** : About 470 Articles, 25 Parts, and 12 Schedules.

#### Reasons for comprehensiveness :

- Geographical and social diversity of India.
- Detailed provisions inherited from the Government of India Act, 1935.
- A single Constitution for both the Union and the States.
- Extensive involvement of experienced legal experts in the Constituent Assembly.
- Incorporation of provisions from many foreign constitutions.

#### Sources of the Constitution and Adopted Features

S. No.	Source (Country/Document)	Features Adopted
1	Government of India Act, 1935	Federal system, office of Governor, judiciary, Public Service Commissions, emergency provisions, administrative details
2	British Constitution	<u>Parliamentary system</u> ***, <u>Rule of Law</u> ***, legislative procedure, single citizenship, <u>cabinet system</u> ***, parliamentary privileges, bicameralism, <u>public service, secretariat system</u> ***
3	U.S. Constitution	<u>Fundamental Rights</u> ***, independence of judiciary, <u>judicial review</u> ***, office of Vice-President, procedure for removal of judges, impeachment of President, idea of Preamble
4	Irish Constitution	<u>Directive Principles of State Policy</u> ***, method of election of President, nomination to Rajya Sabha***, state aid to educational institutions***
5	Canadian Constitution	<u>Federal system with a strong Centre</u> ***, <u>residuary powers with the Centre</u> ***, appointment of Governors, <u>reservation of bills for President</u> ***, advisory jurisdiction of Supreme Court, <u>Centre-State relations</u> ***

6	Australian Constitution	<u>Concurrent List</u> <sup>***</sup> , freedom of trade and commerce, language of Preamble, joint sitting of both Houses of Parliament
7	Weimar Constitution of Germany	Emergency provisions (suspension of Fundamental Rights)
8	USSR (former)	Fundamental Duties, ideals of justice (social, economic, political) in Preamble
9	French Constitution	Republican form, ideals of liberty, equality, fraternity in Preamble
10	South African Constitution	Amendment procedure, election of Rajya Sabha members
11	Japanese Constitution	<u>"Procedure established by law"</u> <sup>***</sup>

**Dr. B.R. Ambedkar proudly remarked :** "The Constitution of India has been framed after incorporating the distinctive features of the constitutions of the world."

► **Balance of Flexibility and Rigidity**

The process of amendment places the Indian Constitution between the two extremes of flexible and rigid constitutions.

- **By Special Majority (Article 368):** Requires the approval of 2/3rd members present and voting, and a simple majority of the total membership of each House.
- **By Special Majority + State Ratification:** Some provisions (like those related to the federal structure) also require ratification by at least half of the states.
- **By Simple Legislative Process:** Certain provisions can be amended by an ordinary legislative procedure in Parliament.

Thus, the Indian Constitution is neither too rigid (like the U.S.) nor too flexible (like the U.K.), but a balanced mix of both.

► **Federal System with Unitary Bias**

Although federal in structure, the Indian Constitution incorporates strong unitary features to ensure national unity and integrity.

**Federal Features :**

- Dual polity (Union and States).
- Division of powers through three lists (Union, State, and Concurrent).
- Written Constitution.
- Supremacy of the Constitution.
- Independent judiciary.
- Bicameral legislature at the Centre.

**Unitary Features :**

- Strong Centre, especially in emergency situations.
- Single citizenship for all Indians.
- Governors of states appointed by the Centre.
- All-India Services (IAS, IPS, IFS) under Union control.

# Union and its Territory

## 5.1 Union of States

### ► Article 1 – Name and Nature of India :

Article 1 of the Indian Constitution defines India's constitutional identity and territorial structure.

Article 1(1) states : *“India, that is Bharat, shall be a Union of States.”*

✎ **Official Constitutional Name of India** – *“India, that is Bharat”*

✎ **Nature of India's Political System** – A *“Union of States”*

#### Key Points :

- The Constitution does not use the term *“federal”*; instead, it describes India as a *“Union of States.”*
- The Constituent Assembly intended India's Union to be *indestructible*, meaning that no state has the right to secede from it.
- *“Like India, in the United States too, unilateral secession by states is not permissible; however, in India, Parliament has explicit power under Article 3 to alter state boundaries, names, or status—whereas the U.S. Constitution grants no such power.”*

**Note** : Under the American constitutional system, unilateral secession of states is not valid, as established in the principle of **Texas v. White (1869)**, which upheld the concept of an *“indestructible Union.”*

#### Three Categories of the Indian Territory (Article 1(2))

According to Article 1(2), the territory of India consists of three components:

S.No.	Category	Description
1	<b>Territories of States</b>	The defined boundaries of each state.
2	<b>Union Territories</b>	Areas under the direct administration of the Central Government.
3	<b>Other Territories</b>	Areas that may be incorporated into India in the future (e.g., acquired territories).

- The details of these territories are provided in the **First Schedule of the Constitution**.
- At present, India comprises **28 states and 8 Union Territories**.
- All states are uniformly governed by the general provisions of the Constitution.

### ► **Article 2 – Admission and Establishment of New States**

Article 2 empowers Parliament, by law and on prescribed conditions, to:\*\*\*

- Admit new states into the Union of India (Admission).
- Establish new states (Establishment).
- This power may also be exercised to incorporate **foreign territories** into India.

**Example** : In 1961, Goa, Daman, and Diu were acquired from Portuguese rule and incorporated into India.

# Fundamental Rights

## Description of Fundamental Rights in the Constitution

Part III of the Indian Constitution, from **Articles 12 to 35**, presents a comprehensive and legally enforceable description of the Fundamental Rights.\*\*\* The framers of the Constitution, while drafting these provisions, drew inspiration from the **Bill of Rights of the American Constitution**. However, in the Indian Constitution, these rights have been included in a much more **detailed, extensive, and systematic manner**. For this reason, Part III is referred to as the “Magna Carta of India,” which is a very apt title.\*\*\*

In reality, the detailed and justiciable structure of Fundamental Rights provided in the Indian Constitution is **rare to find not only in America but in any democratic constitution of the world**.

### 6.1 Nature and Objectives of Fundamental Rights

The Indian Constitution provides every individual with a **constitutional guarantee of unrestricted, equal, and just Fundamental Rights**. These rights are available without any form of discrimination (such as on the basis of religion, caste, gender, language, *etc.*).

The objectives of these rights are embedded in the following points:

- To strengthen the principle of **equality and liberty**.
- To safeguard **individual dignity and honour**.
- To ensure **national interest, unity, and integrity**.
- To bring the ideals of **political democracy** into practice.
- To **limit the powers of the State** and place checks on arbitrary governance.
- To establish the **Rule of Law**, rather than rule by individuals or arbitrariness.

### Why are these Rights called “Fundamental”?

These rights are termed “Fundamental” because:

1. The **Constitution itself guarantees and protects them**.
2. They are **indispensable for the all-round development** (physical, intellectual, moral, and spiritual) of an individual.
3. They form the **basic pillars of the democratic system of governance**.

### Categories of Fundamental Rights and Relevant Articles

Category	Rights & Articles
<b>1. Right to Equality (Articles 14–18)***</b>	<ul style="list-style-type: none"> <li>• Equality before law and equal protection of laws (Article 14)</li> <li>• Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth (Article 15)</li> </ul>

# Directive Principles of state Policy

The Directive Principles of State Policy (DPSP) are mentioned in **Part IV (Articles 36 to 51)** of the Constitution of India. <sup>\*\*\*</sup> This concept was adopted by the framers of the Constitution from the **1937 Constitution of Ireland**. <sup>\*\*\*</sup> During the Constituent Assembly debates, Dr. B. R. Ambedkar described these directive principles as a **“unique feature”** of the Constitution. Constitutional scholar **Granville Austin** has described them as the **“Conscience of the Constitution.”** <sup>\*\*\*</sup>

## 7.1 Key Features of the Directive Principles of State Policy

In the Constitution of India, the Directive Principles of State Policy are constitutional principles that provide guidance to the State for the establishment of social, economic, and political justice. Although their nature is **non-justiciable**, they play a very significant role in realizing the vision of a welfare state.

### Key Features :

1. **Non-Justiciable Nature** <sup>\*\*\*</sup>: According to Article 37, their violation cannot be challenged in a court of law.
2. **Establishment of Social-Economic Democracy** <sup>\*\*\*</sup>: Promotes social justice, economic equality, poverty eradication, and upliftment of the weaker sections.
3. **Concept of a Welfare State** : Aims to establish India as an active, responsible, and welfare-oriented democratic state.
4. **Need for Legislative Enforcement** : They are **not self-executing**; legislation is required for their implementation.
5. **Inspired from British India** : The “Instruments of Instructions” under the Government of India Act, 1935 provided partial ideological basis for DPSP.
6. **Socialist Orientation** : These principles promote community welfare, collective interest, and equitable distribution of wealth, thus affirming the socialist ideals embodied in the Constitution.
7. **Limited Constitutional Protection** : If any law violates DPSP, it cannot be declared unconstitutional solely on that basis. However, if a law seeks to implement DPSP, courts provide it greater constitutional tolerance when tested against Fundamental Rights.
8. **Guidance for State Policy-Making** : They guide policymakers to frame policies based on public welfare and social justice.
9. **Influential in Judicial Interpretation** : Although DPSP are not directly enforceable by courts, they are considered an important factor in constitutional interpretation. Particularly, when a law is enacted to implement DPSP, the court may uphold it as constitutionally valid in relation to Articles 14 or 19.

### Police State' vs 'Welfare State'

- ✦ In a **police state**, the objective of governance is merely to maintain law and order and provide external security, with minimal interference in the lives of citizens.
- ✦ A **welfare state**, as envisaged in Part IV of the Indian Constitution, actively promotes the social, economic, and political well-being of its citizens.

## 7.2 Recommendation of Directive Principles : Deliberations in the Constituent Assembly

The Constitutional Advisor to the Constituent Assembly, **Sir Benegal Narsing Rau (B.N. Rau)**, presented an important suggestion that the individual rights of citizens should be divided into two categories:

- **Justiciable Rights** : Those rights which citizens can enforce through the courts.
- **Non-Justiciable Rights** : Those principles which guide the government but cannot be enforced through the courts.

This suggestion was accepted by the **Drafting Committee** of the Constitution. As a result :

- The justiciable rights were placed in **Part III** as **Fundamental Rights**, which can be enforced in a court of law by citizens.
- The non-justiciable rights were incorporated in **Part IV** as the **Directive Principles of State Policy**, which guide the State in policy-making and governance.

The Directive Principles of State Policy are explained in Part IV of the Indian Constitution. This provision has been borrowed from the Constitution of which country?  
 [MPPSC Civil (Pre) 2023]  
 (a) United Kingdom  
 (b) South Africa  
 (c) United States of America  
 (d) Ireland

### Fundamental Rights vs Directive Principles of State Policy: Key Differences

Aspect	Fundamental Rights	Directive Principles of State Policy
1. Nature	These are negative in nature, as they restrain the State from performing certain actions.	These are positive in nature, as they direct the State to perform certain actions.
2. Judicial Enforcement	These are <b>justiciable</b> — citizens can directly approach the courts in case of violation.	These are <b>non-justiciable</b> — no direct appeal can be made in court for their violation.
3. Objective	Their aim is the establishment of <b>political democracy</b> .	Their aim is to realize <b>social and economic democracy</b> .
4. Legal Recognition	They enjoy constitutional and legal recognition.	They enjoy <b>moral and political</b> recognition.
5. Direction of Welfare	They promote <b>individual welfare</b> .	They give priority to <b>collective/social welfare</b> .
6. Need for Legislation	They are self-executory — no special law is needed for their enforcement.	They require legislation for implementation — they are not self-executory.
7. Judicial Interpretation	Courts can declare a law unconstitutional if it violates Fundamental Rights.	Courts cannot invalidate a law merely because it violates Directive Principles; however, they may uphold a law if it furthers Directive Principles.

## 7.3 Constitutional Role of Article 37

Although the Directive Principles of State Policy are not legally enforceable in courts, Article 37 clearly states that: *“These principles are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”* Thus, these principles impose a moral and political obligation on the State. Their implementation depends on the power of public opinion and the spirit of responsible governance.

# President and vice President

The Union Executive is described in **Part V of the Indian Constitution (Articles 52 to 78)**.<sup>\*\*\*</sup> It forms the core administrative structure of the Union Government. It comprises the following key components:

- President
- Vice-President
- Prime Minister
- Council of Ministers
- Attorney General for India

In the Indian parliamentary system, the **real executive powers** lie with the **Prime Minister and the Council of Ministers**, while the **President is the constitutional head** and a symbol of unity, integrity, and strength of the nation. The position of the President in Indian governance is similar to that of the Head of State in the United Kingdom.<sup>\*\*\*</sup>

## 9.1 President of India

The President of India is the **first citizen of the Republic** and the **constitutional head of the Union**. All executive powers of the Union are vested in the name of the President.

✍ **Current President : Smt. Draupadi Murmu**



### Election of the President

The President of India is **not directly elected by the people**, but through an **indirect election** by an **Electoral College**.

### Composition of the Electoral College –

The Electoral College consists of :

- Elected members of the Lok Sabha and Rajya Sabha<sup>\*\*\*</sup>
- Elected members of the Legislative Assemblies of all States<sup>\*\*\*</sup>
- Elected members of the Legislative Assemblies of Union Territories of Delhi and Puducherry<sup>\*\*\*</sup>

### Important Points

- The 104th Constitutional Amendment Act, 2019 abolished the special representation for the Anglo-Indian community in the Lok Sabha and State Legislative Assemblies (effective from 25 January 2020).<sup>\*\*\*</sup>
- If a State Legislative Assembly has been dissolved, its members **cannot vote** in the Presidential election.

### !! Special Instructions !!

- Nominated members of Parliament and State Legislative Assemblies, as well as members of Legislative Councils (whether elected or nominated), do **not** participate in the election of the President.
- Nominated members of the Legislative Assemblies of Delhi and Puducherry are **also not eligible to vote**.
- This provision was added by the 70th Constitutional Amendment Act, 1992, which came into effect from 1 June 1995.<sup>\*\*\*</sup>

# Prime Minister and Council of Minister

**Prime Minister of India** is the real executive head of the Central Government. It is the central pillar of the parliamentary system and is responsible for policy-making, administrative functioning, and leading the Council of Ministers. The Prime Minister is the leader of the political party or coalition that has a majority in the Lok Sabha and also acts as the head of the Council of Ministers. While highlighting the role of the Prime Minister in the Constituent Assembly, Dr. B.R. Ambedkar stated — *“If any executive in our Constitution can be compared with the President of the United States, it is the Prime Minister of India, not the President.”*

## 10.1 Constitutional Provisions

According to Article 75(1) of the Indian Constitution : **“The Prime Minister shall be appointed by the President.”**<sup>\*\*\*</sup> Although no specific procedure is mentioned in this provision, as per the parliamentary democratic tradition of India, the President appoints the leader of the party or coalition having a majority in the Lok Sabha as the Prime Minister. This is a formal constitutional duty of the President and not a discretionary power.

1. **Appointment in case of clear majority** : If a single party or a pre-election coalition secures a clear majority in the Lok Sabha, the President appoints the leader of that party/coalition as the Prime Minister. This has become a constitutional convention.
2. **When there is no clear majority** : If no party or coalition secures a majority in the Lok Sabha, the President needs to exercise discretionary power. Generally, the President :
  - Appoints the leader of the largest party/coalition as the Prime Minister;
  - Asks the PM-designate to prove majority in the Lok Sabha within a specified period (usually one month).

**Example** : In 1979, after the fall of the Janata Party government, President Neelam Sanjiva Reddy appointed Chaudhary Charan Singh as Prime Minister even though he did not have a majority at that time.<sup>\*\*\*</sup>

3. **Appointment in sudden emergencies** : If a sitting Prime Minister dies suddenly and there is no clear successor, the President appoints a senior leader as an *Acting Prime Minister* until the parliamentary party elects a formal leader.

### Examples

- After the death of Jawaharlal Nehru in 1964 — Gulzarilal Nanda became Acting PM.
- After the death of Lal Bahadur Shastri in 1966 — Nanda again became Acting PM.
- After the assassination of Indira Gandhi in 1984 — Rajiv Gandhi was sworn in immediately (not as Acting PM).

In such cases, the appointment of an Acting PM is a constitutional formality until a new leader is formally chosen by the parliamentary party.

# ATTORNEY GENERAL OF INDIA

The office of the Attorney General of India is specified in Article 76 of the Indian Constitution. This office is the highest legal authority of the country, responsible for giving legal advice to the Central Government and representing it in the Supreme Court. (Part V, Chapter I, Article 76 of the Constitution).\*\*\*

## Appointment and Qualifications

- **Appointing Authority** : President (Art. 76(1))\*\*\*
- The President appoints on the advice of the Council of Ministers (Art. 74).
- **Qualifications** : A person who is eligible to be appointed as a judge of the Supreme Court can be the Attorney General. For this, any one of the following is required:
  - Must be a citizen of India.
  - Must have been a Judge of a High Court for at least 5 years;
  - or
  - Must have been an Advocate of a High Court for at least 10 years; or
  - Must, in the opinion of the President, be an eminent jurist.

According to Article 76 of the Indian Constitution, the President shall appoint as the Attorney General of India a person: [MPPSC Civil (Pre) 2024]

- (a) Who is qualified to be appointed as a Judge of a High Court.
- (b) Who has been an advocate of the Supreme Court for at least seven years.
- (c) Who is qualified to be appointed as a Judge of the Supreme Court.
- (d) Who has been an advocate of a High Court for at least seven years.

**Current Attorney General of India** : Shri R. Venkataramani

### 11.2 Term and Service Conditions

- The Constitution does not provide for a fixed tenure.
- He holds office during the pleasure of the President (Article 76(4))\*\*\*
- He may resign from his post voluntarily.
- Traditionally, when the Central Government resigns or changes, the Attorney General also resigns.
- Remuneration and service conditions are determined by the President; they are not separately mentioned in the Constitution.

### 11.3 Functions and Powers

The Attorney General, being the chief legal advisor to the Government of India, performs the following duties :

◆ To give legal advice on matters referred to him by the President. ◆ To perform legal duties assigned by the Constitution or by law. ◆ To represent the Government before the Supreme Court in matters referred by the President under Article 143. ◆ To appear on behalf of the Government of India in the Supreme Court and High Courts.

### Rights and Privileges

- Right to appear and be heard in any court in India (Article 76(3))\*\*\*

# THE SUPREME COURTS AND OTHER JUDICIAL SYSTEMS

## Structure of the Indian Judiciary

The Indian judiciary is an **integrated** and **independent** system, structured at three levels:

1. **Supreme Court of India** — the highest constitutional and appellate court of the country.
2. **High Courts** — for each state or group of states.
3. **District and Subordinate Courts** — functioning at the district level.

The Supreme Court is the **guardian of the Constitution** and the **final interpreter** of it. It hears cases related to constitutional matters, civil cases, criminal cases, and fundamental rights.

Unlike the U.S. Constitution, the Indian Constitution has established an **integrated judicial system**\*\*\*, in which the Supreme Court is at the top, followed by High Courts, and under them, the subordinate courts.

- This system is inspired by the **Government of India Act, 1935**.
- Its jurisdiction extends to **all laws made by the Union and the States**.

### 13.1 Establishment and Jurisdiction of the Supreme Court of India

#### ► Establishment and Historical Background

- **Date of Establishment**: 28 January 1950\*\*\*
- The Federal Court of India was established in **October 1937** in Delhi, consisting of **1 Chief Justice and 2 other judges**. Until independence, it was known as the **Federal Court of India**\*\*\*.



#### ► Constitutional Basis

- **Part V (Articles 124 to 147)**: Under Part V of the Constitution, provisions relating to the establishment, structure, powers, jurisdiction, and functioning of the Supreme Court of India are defined.
- **Role of Parliament**: U
- Under **Article 124(1)**, Parliament has the authority to regulate and determine the number of judges.
- **Article 348(1)(a)**: The language of court proceedings shall be **English**, until Parliament provides otherwise.

#### ► Composition and Appointment of Judges

1. **Current Composition**: The Supreme Court of India consists of **34 judges**\*\*\* — including **1 Chief Justice of India (CJI)** and **33 other judges**.

# HIGH COURT

## 14.1 High Court : Role and Structure

In India's single and integrated judicial system, the High Court serves as an important intermediate judicial institution, functioning below the Supreme Court and above the subordinate courts. A High Court has been established in every state, where it functions as the highest judicial authority at the state level. Articles 214 to 231 in Part VI of the Constitution provide detailed provisions regarding the establishment, jurisdiction, powers, and functioning of the High Courts.\*\*\*

- There shall be a High Court for each state.
- Some High Courts have jurisdiction over more than one state or Union Territory.
- Apart from delivering appellate justice, High Courts also protect fundamental rights, interpret the Constitution, and supervise subordinate judiciary.

### Historical Background

- Under the Indian High Courts Act, 1861, the High Courts of Calcutta, Bombay, and Madras were established in 1862.
- The Allahabad High Court was established in 1866.
- After independence, with the implementation of the Constitution, provincial High Courts became constitutional High Courts of states.
- Over time, as per reorganization of states and administrative needs, new High Courts were established, bringing the total to 25 today.

### Number and Jurisdiction

As of **2025**, a total of **25 High Courts** are functioning in India. Some have jurisdiction over only one state, while some cover more than one state or state(s) and Union Territory(ies).

- **High Courts with Jurisdiction Over Multiple States**
  1. **Gauhati High Court** : Jurisdiction over Assam, Nagaland, Mizoram, and Arunachal Pradesh (*Earlier also included Manipur, Meghalaya, and Tripura until they got separate High Courts in 2013*)
  2. **Bombay High Court** : Maharashtra, Goa, and Union Territories of Dadra & Nagar Haveli and Daman & Diu
  3. **Punjab & Haryana High Court** : Punjab, Haryana, and Union Territory of Chandigarh
- **High Courts with Jurisdiction Over State + UT**
  - **Calcutta High Court** : West Bengal & Andaman and Nicobar Islands
  - **Madras High Court** : Tamil Nadu & Puducherry

- **Kerala High Court** : Kerala & Lakshadweep
- **High Court Exclusively for a Union Territory**
  - **Delhi High Court** : Established in 1966, exclusively for the National Capital Territory of Delhi
- **Joint High Court**
  - **Jammu & Kashmir and Ladakh High Court** : After reorganization in 2019, one common High Court serves both Union Territories
- **Recent Establishments**
  - In 2013, separate High Courts were established for **Manipur, Meghalaya, and Tripura** to improve judicial accessibility.
  - In 2019, the **Andhra Pradesh High Court (Amaravati)** was established.

#### 14.2 Structure and Appointment of Judges

- ▶ **Structure** : Every High Court has a Chief Justice, and the number of other judges is determined by the President under Article 216, based on workload and requirement.\*\*\*
- ▶ **Appointment of Judges**
  - The Chief Justice of a High Court is appointed by the President, after consulting the Chief Justice of India (CJI) and the Governor of the concerned state.\*\*\*
  - For the appointment of **other judges**, in addition to the above consultations, the **Chief Justice of the concerned High Court** is also consulted.
- ▶ **Qualifications for High Court Judges** : To become a judge of a High Court, a person must fulfil the following conditions:
  - Must be a **citizen of India**
  - Must have held a judicial office in India for at least 10 years, or\*\*\*
  - Must have practiced as an advocate in a High Court (or in two or more High Courts in succession) for at least 10 years.\*\*\*
- ▶ **Important Note** : There is **no minimum age requirement** for appointment as a High Court judge. Also, unlike the Supreme Court, there is **no provision** to appoint a person as a judge on the basis of being a "distinguished jurist".

#### 14.3 Provisions Related to Judges of the High Court

- ▶ **Oath / Affirmation (Article 219)** : Before assuming office, a High Court judge must take an oath/affirmation before the Governor (or a representative appointed by the Governor), stating that he/she will:\*\*\*
  - Bear true faith and allegiance to the Constitution of India,
  - Uphold the sovereignty, integrity, and unity of India,
  - Perform duties without fear, favor, affection, or ill-will,
  - Uphold the Constitution and the law.
- ▶ **Salary, Allowances & Pension** : The salaries, allowances, and service conditions of High Court judges are determined by Parliament. However, during a **Financial Emergency**, these service conditions may be reduced.

What is the maximum age limit for High Court Judges? [MPPSC Civil (Pre) 2023]

- (a) 60 years
- (b) 62 years
- (c) 58 years
- (d) 56 years

# SUBORDINATE COURT

## Subordinate Courts

In the Indian judicial system, the district and other lower courts functioning under the High Courts are collectively known as "**lower courts**" or "**subordinate courts.**" These courts operate under the judicial and administrative control of the High Courts and are considered important pillars of the country's judicial structure. Their primary role is -

*"To ensure speedy and accessible justice for the general public and to resolve civil and criminal cases at the local level."*

"In **Part VI of the Constitution, Articles 233 to 237** provide provisions regarding the organization of subordinate courts, their appointment process, service conditions, and ensuring their independence from the executive."

### **15.1** Appointment of District Judges (Article 233)\*\*\*

District Judges are appointed by the **Governor** of the state in consultation with the **respective High Court**. Appointments can be made through two sources :

- **Direct Recruitment (from the Bar)** : A candidate must
  - Be a citizen of India,
  - Have at least 7 years of experience as an advocate/pleader, and
  - Not be in the service of the Union or the State.\*\*\*
- **Promotion (from Judicial Service)** : Appointments are made by promoting officers from the subordinate judicial service, and for them, the condition of "not being in service" does **not** apply.

A District Judge is the highest judicial authority in a district. They possess both judicial and administrative powers, and also exercise supervisory authority over all subordinate courts in the district.\*\*\*

### **Appointment of Other Subordinate Judicial Officers (Article 234)**

*Appointments to subordinate judicial services* (other than district judges—such as Civil Judges and Magistrates) are made by the **Governor**, but only after consultation with:

- The **State Public Service Commission**, and
- The **High Court** of the state.

**Control over Subordinate Courts (Article 235)** : The **High Court** exercises control over subordinate courts. This includes powers related to:

- Posting,
- Promotion,
- Transfer,

# Governor

## State Executive System in the Indian Constitution

Just like the Union government, the Constitution of India provides for a **parliamentary form of government** at the state level as well. Detailed provisions related to the state executive are contained in **Part VI, Articles 153 to 167** of the Constitution.

The **State Executive** consists of the following key offices :

- **Governor**
- **Chief Minister**
- **Council of Ministers**
- **Advocate General of the State**

## Constitutional Position of the Governor

- ✂ The Governor is the **constitutional head of the state** and also represents the **Union (Central Government)**.
- ✂ Although the Governor is the **formal executive head** of the state, he/she normally acts on the **aid and advice of the Chief Minister and the Council of Ministers** (Article 163; *Shamsher Singh vs. State of Punjab, 1974*).
- ✂ The Governor can use **discretionary powers only in certain limited matters**, and even these decisions are subject to **judicial review**.
- ✂ Thus, the Governor performs a **dual role** - As the **constitutional head of the state**, As the **representative of the Union**, responsible to the President, The Governor is also a part of the state legislature.
- ✂ **7th Constitutional Amendment Act, 1956** : One person may be appointed as the Governor of two or more states simultaneously.\*\*\*
- ✂ There is **no provision for a Lieutenant Governor in states**; this designation exists only in some **Union Territories**.

### 20.1 Appointment of the Governor

The Governor is **not elected**, but is **appointed by the President** of India through a **warrant under his hand and seal.**\*\*\* In the *Har Govind Pant Case (1979)*, the Supreme Court clarified that the Governor is not subordinate to the Central Government, but is an independent constitutional authority.

#### Why is the Governor not directly elected?

The Constituent Assembly rejected the proposal for direct election of the Governor and instead adopted appointment by the President for the following reasons:

- Direct election would be **against the spirit of the parliamentary system**.
- It may create a **power conflict between the Governor and the Chief Minister**.
- The post of Governor is **largely ceremonial and symbolic**, so direct election is unnecessary.
- Direct election may lead to **increased party politics and political polarization**.

- Chief spokesperson of the State Government,
- Provides political leadership during emergencies,
- Acts as the key communicator between the government and the public and addresses public grievances.

## 21.7 Constitutional Relationship between the Chief Minister and the Governor

The relationship between the Governor and the Chief Minister has been clearly defined in the Indian Constitution. The nature of this relationship is based on the parliamentary system, constitutional responsibilities, and the directives embedded in the Constitution. Its foundation rests primarily on **three articles**— ♦ **Article 163**, ♦ **Article 164**, and ♦ **Article 167**.

- ▷ **Article 163: Aid and Advice of the Council of Ministers** : The Governor shall act, in the discharge of his functions, **on the aid and advice of the Council of Ministers headed by the Chief Minister, except in matters where the Constitution explicitly provides discretionary powers** to the Governor (e.g., hung assembly situation, administration of scheduled areas).
  - ✎ **Objective** : To restrict the Governor’s role to that of a constitutional head and not an independent executive authority.
- ▷ **Article 164: Appointment and Tenure of Ministers** : The Chief Minister is appointed by the Governor; however, such appointment is based on majority support in the Legislative Assembly. Other Ministers are appointed by the Governor **on the advice of the Chief Minister**.
  - Ministers hold office **during the pleasure of the Governor**, but their real tenure depends upon confidence in the Legislative Assembly.
  - The entire Council of Ministers is **collectively responsible to the Legislative Assembly**, which ensures the central position of the Chief Minister.
- ▷ **Article 167: Constitutional Duties of the Chief Minister** : The Chief Minister has the following constitutional responsibilities towards the Governor: **\*\*\***
  - ▷ **Art. 167(a)** – To keep the Governor informed about all decisions of the Council of Ministers. **\*\*\***
  - ▷ **Art. 167(b)** – To provide such administrative or legislative information as the Governor may call for.
  - ▷ **Art. 167(c)** – To present a decision taken by a Minister before the Council of Ministers for reconsideration if the Governor so requires. **\*\*\***
- ❖ **List of Chief Ministers / Leaders of the House of Madhya Pradesh**

Assembly	No.	Name	Tenure
First (1956–1957)	1	<p><b>Pt. Ravishankar Shukla</b> (vs Governor: Dr. Bhogaraju Pattabhi Sitaramayya)</p> <p>Took oath on 1 November, on the day of <i>Chhoti Diwali</i>. During the oath, someone remarked that the dark night of <i>Amavasya</i> (new moon) was approaching, to which he replied: “It doesn’t matter, even then we will light millions of lamps.” Unfortunately, that turned out to be his last Diwali, and the first sun (<i>Ravi</i>) of Madhya Pradesh set on the last day of that same year (31 December), while still in office.</p> <p>In 1957, for ticket distribution for the general elections, Shukla ji went to Delhi on the call of the Congress high command. It is said that at that time the Congress leadership had decided not to give him a ticket for the upcoming elections and had indicated that he could be</p>	01/11/1956 – 31/12/1956

		appointed as the Governor of some state. Although no official announcement was made, this news was published in various newspapers and conveyed to many important people. After receiving this information, Shukla ji left the Congress headquarters at Jantar Mantar and went straight to Connaught Place, where he spent about two hours walking with a friend. After returning, that very night he suffered a heart attack and passed away. The next day his mortal remains were brought to Bhopal.	
	2	<b>Shri Bhagwantrao Mandloi</b> (as Acting Chief Minister)	09/01/1957 – 30/01/1957
	3	<b>Shri Kailashnath Katju</b> After the death of Pt. Ravishankar Shukla, the political situation in Madhya Pradesh became uncertain. In this situation, Bhagwantrao Mandloi was sworn in as Acting Chief Minister. However, this decision was opposed by Takhatmal Jain, which created dissatisfaction and confusion within the Congress organization. At that time, Prime Minister Jawaharlal Nehru wanted to send Kailashnath Katju to Madhya Pradesh and appoint V.K. Krishna Menon as Defence Minister. (This is the same Menon who was accused of inadequate military preparedness on the border during the 1962 India–China war.) Since this decision was taken on the instructions of the Congress high command, all leaders formally accepted it, but internally the differences and disagreements remained very apparent.	31 Jan 1957 – 14/04/1957
<b>Second (1957–1962)</b>		<b>Shri Kailashnath Katju (again)</b> In the Second Legislative Assembly, Kunjilal Dubey was again elected Speaker and Anant Sadashiv Patwardhan as Deputy Speaker. Chandra Pratap Tiwari of the Praja Socialist Party was the Leader of the Largest Opposition Party. Around 1959, the DIG of Police of the Chhattisgarh Division informed Chief Minister Dr. Kailashnath Katju over the phone that an agitated crowd had gathered outside a minority institution and the situation was getting out of control. Permission was sought to open fire to control the crowd. Through the phone call, the officer not only wanted to inform but also to ascertain the intention of the Chief Minister. Since Katju had difficulty hearing, he shouted on the phone, “Speak louder!” ( <i>Jor se!</i> ). The police officer thought the Chief Minister was saying that the movement should be suppressed “forcefully” ( <i>zor se</i> ). Consequently, the situation was controlled through strong force, which drew heavy criticism at the administrative and political levels. Due to this incident and the growing public resentment during his tenure (including the 1961 Jabalpur riots), there was discontent among the people. As a result, in the 1962 general elections, although the Congress returned to power, Katju himself was defeated from his	15/04/1957 - 11/03/1962

# STATE LEGISLATURE

The detailed description of the organizational structure, formation, functioning, officers, privileges, and legislative powers of the State Legislature is contained in **Part VI of the Indian Constitution (Articles 168 to 212)**. Although its structure is similar to that of Parliament, there are certain distinct features in its nature, jurisdiction, and impact.

**Organizational Framework** : The structure of the Legislative Assembly is not uniform throughout the country. Two types of legislative systems exist in the States:

- ▷ **Unicameral Legislature** : It consists of only the Legislative Assembly. At present, **22 States of India** have only one House — the Legislative Assembly.
- ▷ **Bicameral Legislature** : It consists of two Houses — the Legislative Assembly and the Legislative Council. Currently, only **6 States** in India follow the bicameral system = **Uttar Pradesh, Bihar, Maharashtra, Karnataka, Andhra Pradesh, Telangana.**\*\*\*

## **23.1** In bicameral States, the Legislature consists of three components: (Article 168)\*\*\*

1. **Governor**
2. **Legislative Assembly (Lower House)**
3. **Legislative Council (Upper House)**

**Formation and Abolition of the Legislative Council (Article 169)** : According to Article 169 of the Constitution, Parliament may establish or abolish a Legislative Council in a State if the Legislative Assembly of that State passes a special resolution to that effect.\*\*\* The major constitutional conditions for this process are:

- The resolution must be passed by an **absolute majority** of the Assembly.
- It must be passed by **two-thirds majority of the members present and voting**.
- After its passage, Parliament may establish or abolish the Council through an ordinary bill (without constitutional amendment).\*\*\*

This arrangement provides flexibility to States according to their political and economic conditions.

- ✦ **Reference to Madhya Pradesh** : By the **7th Constitutional Amendment, 1956**, provision for the Legislative Council was made in Madhya Pradesh, but due to the non-issuance of Presidential notification, **unicameral system still prevails here**.
- ✦ **Reference to Jammu & Kashmir** : Earlier (from 1954 to 2019), Jammu & Kashmir had a **Legislative Council**. But after the **Jammu & Kashmir Reorganization Act, 2019**, implemented on **5 August 2019**, the State was reorganized into a **Union Territory**, and the Legislative Council was abolished.

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