

Indian Constitution at Work

Textbook in Political Science for Class XI



11102



राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING

First Edition

March 2006 Chaitra 1928

Reprinted

February 2007 Magha 1928

December 2007 Pausa 1929

December 2008 Pausa 1930

January 2010 Magha 1931

November 2010 Kartika 1932

November 2013 Kartika 1935

December 2014 Pausa 1936

December 2015 Agrahayana 1937

January 2017 Pausa 1938

January 2018 Magha 1939

February 2019 Magha 1940

January 2020 Magha 2020

PD 140T BS

© National Council of Educational
Research and Training, 2006

₹ 115.00

The cartoons on the cover have
been taken from the works of –

Shankar

R.K. Laxman

Printed on 80 GSM paper with
NCERT watermark

Published at the Publication Division
by the Secretary, National Council of
Educational Research and Training,
Sri Aurobindo Marg, New Delhi
110 016 and printed at Deep
Trading Co., H-203, Sector-63, Noida
201 301

ALL RIGHTS RESERVED

- ❑ No part of this publication may be reproduced, stored in a retrieval system or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publisher.
- ❑ This book is sold subject to the condition that it shall not, by way of trade, be lent, re-sold, hired out or otherwise disposed of without the publisher's consent, in any form of binding or cover other than that in which it is published.
- ❑ The correct price of this publication is the price printed on this page. Any revised price indicated by a rubber stamp or by a sticker or by any other means is incorrect and should be unacceptable.

OFFICES OF THE PUBLICATION

DIVISION, NCERT

NCERT Campus
Sri Aurobindo Marg
New Delhi 110 016

Phone : 011-26562708

108, 100 Feet Road
Hosdakere Halli Extension
Banashankari III Stage
Bangaluru 560 085

Phone : 080-26725740

Navjivan Trust Building
P.O. Navjivan
Ahmedabad 380 014

Phone : 079-27541446

CWC Campus
Opp. Dhankal Bus Stop
Panlhati
Kolkata 700 114

Phone : 033-25530454

CWC Complex
Maligaon
Guwahati 781 021

Phone : 0361-2674869

Publication Team

Head, Publication Division : Anup Kumar Rajput

Chief Editor : Shveta Uppal

Chief Production Officer : Arun Chitkara

Chief Business Manager : Bibash Kumar Das

Assistant Editor : Shashi Chadha

Production Assistant : Prakash Veer Singh

Cover and Layout

Shveta Rao

Sketches

Rajeev Kumar

Cartoons

Irfaan

FOREWORD

The National Curriculum Framework (NCF), 2005, recommends that children's life at school must be linked to their life outside the school. This principle marks a departure from the legacy of bookish learning which continues to shape our system and causes a gap between the school, home and community. The syllabi and textbooks developed on the basis of NCF signify an attempt to implement this basic idea. They also attempt to discourage rote learning and the maintenance of sharp boundaries between different subject areas. We hope these measures will take us significantly further in the direction of a child-centred system of education outlined in the National Policy on Education (1986).

The success of this effort depends on the steps that school principals and teachers will take to encourage children to reflect on their own learning and to pursue imaginative activities and questions. We must recognise that given space, time and freedom, children generate new knowledge by engaging with the information passed on to them by adults. Treating the prescribed textbook as the sole basis of examination is one of the key reasons why other resources and sites of learning are ignored. Inculcating creativity and initiative is possible if we perceive and treat children as participants in learning, not as receivers of a fixed body of knowledge.

These aims imply considerable change in school routines and mode of functioning. Flexibility in the daily time-table is as necessary as rigour in implementing the annual calendar so that the required number of teaching days is actually devoted to teaching. The methods used for teaching and evaluation will also determine how effective this textbook proves for making children's life at school a happy experience, rather than a source of stress or boredom. Syllabus designers have tried to address the problem of curricular burden by restructuring and reorienting knowledge at different stages with greater consideration for child psychology and the time available for teaching. The textbook attempts to enhance this endeavour by giving higher priority and space to opportunities for contemplation and wondering, discussion in small groups, and activities requiring hands-on experience.

The National Council of Educational Research and Training (NCERT) appreciates the hard work done by the textbook development committee responsible for this book. We wish to thank the

Chairperson of the advisory group in Social Sciences, Professor Hari Vasudevan and the Chief Advisors for this book, Professor Suhas Palshikar and Professor Yogendra Yadav for guiding the work of this committee. Several teachers contributed to the development of this textbook; we are grateful to their principals for making this possible. We are indebted to the institutions and organisations which have generously permitted us to draw upon their resources, material and personnel. We are especially grateful to the members of the National Monitoring Committee, appointed by the Department of Secondary and Higher Education, Ministry of Human Resource Development under the Chairmanship of Professor Mrinal Miri and Professor G.P. Deshpande, for their valuable time and contribution. As an organisation committed to systemic reform and continuous improvement in the quality of its products, NCERT welcomes comments and suggestions which will enable us to undertake further revision and refinement.

New Delhi
20 December 2005

Director
National Council of Educational
Research and Training

A LETTER TO YOU

Dear Students,

Looking at the title of this book, you may wonder: “why am I studying Indian Constitution again? Didn’t I study it in the previous classes?” Yes, you have studied the broad structure of the Indian government and some bits of the Constitution. But this book takes you to something different from what you have already studied.

You have now chosen Political Science and will study this subject for the next two years. What better way can there be to get introduced to Political Science than through politics of our own country? That is what this book does. The study of the working of the Indian Constitution here is a gateway to studying politics in India. The study of Indian politics is a window to understanding politics in other societies. We hope that through the study of institutions and the politics of power surrounding them, you would come to know about the principles and theories of politics. Thus this book will tell you about the way our Constitution has been working and the way it shapes politics in our country. This book is not about legal provisions and technical details in the Constitution. It is about how institutions are shaped through interaction with actual politics.

We were inspired to write this different kind of a textbook by the National Curriculum Framework 2005. It says that instead of just memorisation and repetition, emphasis should be laid on ‘developing concepts and the ability to analyse socio-political realities’. The Foreword to this book by the Director of NCERT explains the vision of this new curriculum. The new syllabi for Political Science recognise the need to deepen the student’s understanding of the provisions and the working of the Constitution of India.

That is why you would find more focus on the rationale and the real life consequences of the Constitution than just more and more information on the Constitution. This textbook will introduce you to the idea of constitution and the story of the making and working of the Indian Constitution. We certainly talk about the various key provisions of the Constitution. But we have added three new features.

In the first place, this textbook responds to your curiosity about why a particular arrangement in the Constitution was adopted and why not some other. Secondly, it allows you to see how institutions grow in the company of actual politics. That is why chapters in this book do not stop at 1950. They in fact start off at 1950 and take you to some instances drawn from the political history of the last fifty years or more. We hope that this book will create an appetite for more information about Indian politics; it will prepare you for the course on Indian politics that you will study next year. Thirdly, this book allows you to compare India and its Constitution to other countries in the world having many similar concerns and different answers. So, wherever possible this textbook tells you about what has happened elsewhere in the world. We hope you will develop a habit of comparing any one institution to other institutions and other social situations.



Articles



We have also introduced a number of aides for you to get more interested in the subject that you are studying. In each chapter, there will be some example of an **article from the Constitution** itself. This will give you a feel of the exact wording, the vocabulary of our Constitution. You will also find **some quotations** in each chapter. Most of these are from the debates in the Constituent Assembly. The purpose is to introduce you to this extraordinary heritage of political intelligence and foresight that we have inherited and also the drama that was unfolding in the making of the Constitution.

Quotations from Constituent Assembly Debates (CAD)

Source: <http://parliamentofindia.nic.in/ls/debates/debates.htm>

Many chapters have **cartoons** too. But they are not there simply as comic relief. They tell you about the criticisms, about the weak spots, about near-failures. We hope that apart from enjoying these cartoons, you would learn from them, both about politics and about how to think about politics. Finally, there are these two characters that keep popping up on the sides of your textbook pages from time to time. Irfaan, the cartoonist, has especially penned them so that you would relate to them. They are just like you: inquisitive, curious,

often cynical! Some times they are bold—more than what the authors of this book have been!—enough to ask inconvenient questions and make comments that make one sit up and think. We call them **Unni** and **Munni**. While writing this book, we have grown quite fond of them and we hope that they will endear themselves to you as well. Perhaps, taking inspiration from them, you would ask more questions to your teachers and pass on some of these to us.

At the end of each chapter, you would find some interesting **puzzles** in the form of exercises. Encouraged and inspired by the NCF and the hope of the Director of NCERT that textbooks must help improve the system of assessment, and with the help of some young friends, we have tried to mix the exercises with some innovative puzzles. They will make you ‘use your grey cells’! We hope that in solving these puzzles, you would not feel that you are answering exam questions.

We have prepared this book with the help of a large team that kept working for over six months. This included many school and college teachers, educationists, political scientists and artists. You would read about this group under the title Textbook Development Team listed on page ix. Professor Krishna Kumar, Director of NCERT, supported us through out this effort and kept on guiding us. We also received support and valuable inputs from Professor Hari Vasudevan, Professor Gopal Guru, Professor Mrinal Miri, Professor G.P. Deshpande and members of the National Monitoring Committee.

A large number of people have contributed generously to the making of this book. We were fortunate to have the benefit of the expertise of Professors Rajeev Bhargava, Pratap Mehta, Sandeep Shastri, Dr. Sanjeeb Mukherji, Dr. Sanjay Lodha, Dr. Pushkar Raj, Ms. M. Manisha, Dr. Shailendra Deolankar and Ms. Chaitra Redkar in writing these chapters. Pankaj Pushkar, Manish Jain, Alex George and M. Manisha formed the backbone of the team. They did research for this book, spent sleepless nights in preparing the drafts, the boxes and



Munni



Unni

other material that you see in this book. Their concern for quality and their insights into the pedagogy of social science lifted the book a few notches above what it would otherwise have been. Manish Jain relentlessly pursued the agenda of improving the quality and innovativeness of the exercises. Pankaj Pushkar has practically steered this book through the last six months. Dr. SriRanjani and Dr. Sanjeer Alam, both at the Lokniti Programme of the CSDS kindly extended their help in times of urgent need. Amit Ahuja, a doctoral student at the university of Michigan, extended help in preparing the boxes with comparative examples.

We are sure that you will appreciate this pleasant design that Shweta Rao has prepared and the cartoons and Unni-Munni characters born from the pencil of Irfaan Khan. The Children's Book Trust kindly allowed us the use of Shankar's cartoons. Mr. R. K. Laxman also gave permission for using cartoons drawn by him. In short, this is a collective effort to make study of Political Science more lively, relevant and student-friendly. We must also mention the generosity of the Lokniti Programme of the CSDS, and Professor Peter R. De Souza, Director, Lokniti, for literally housing the entire work of the book at their premises and for providing infrastructure.

You have recently passed a big exam. Now it is our turn to be examined. Whether this textbook fails or passes in what it tried to do is for you to evaluate. We would be eagerly waiting for our exam result with your comments, criticisms and suggestions to make a better attempt next time.

Suhas Palshikar
Yogendra Yadav
Chief Advisors

TEXTBOOK DEVELOPMENT COMMITTEE

CHAIRPERSON, ADVISORY COMMITTEE FOR TEXTBOOKS AT THE SECONDARY LEVEL

Hari Vasudevan, *Professor*, Department of History, University of Calcutta, Kolkata

CHIEF ADVISORS

Suhas Palshikar, *Professor*, Department of Politics and Public Administration, University of Pune, Pune, Maharashtra

Yogendra Yadav, *Senior Fellow*, Centre for the Study of Developing Societies, Delhi

MEMBERS

A.K. Verma, *Reader*, Department of Political Science, Christ Church College, Kanpur, U.P.

Alex M. George, *Independent Researcher*, Eruvatty, District Kannur Kerala

Anju Malhotra, *Principal*, Kalka Public School, New Delhi

Chaitra Redkar, *Sr. Lecturer*, SNDT College, Mumbai, Maharashtra

G. Pathak, *PGT*, Doni-Polo Public School, Itanagar, Arunachal Pradesh

M. Manisha, *Sr. Lecturer*, Department of Political Science, Loreto College, Kolkata

Manish Jain, former *PGT* and a *Doctoral student* with the Department of Education, University of Delhi, Delhi

Manisha Priyam, *Sr. Lecturer*, Gargi College, New Delhi

Pankaj Pushkar, *Senior Lecturer*, Directorate of Higher Education, Haldwani, Uttaranchal

Pratap Bhanu Mehta, *President*, Centre for Policy Research, New Delhi

Pushkar Raj, *Sr. Lecturer*, Department of Political Science, Zakir Hussain College, New Delhi

Rajeev Bhargava, *Senior Fellow*, Centre for the Study of Developing Societies, Delhi

Rakesh Shukla, *Advocate*, Supreme Court, New Delhi

Sandeep Shastri, *Director*, International Academy for Creative Teaching, Bangalore, Karnataka

Sanjay Lodha, *Associate Professor*, Department of Political Science, Mohan Lal Sukhadia University, Udaipur, Rajasthan

Sanjeeb Mukherjee, *Sr. Lecturer*, Department of Political Science, Calcutta University, Kolkata

Sayed Sabkulla, *PGT*, Maharani's Government Pre-University College, Mysore, Karnataka

Shailendra Deolankar, *Lecturer*, Department of Political Science, Govt. College, Aurangabad, Maharashtra

Shefali Jha, *Associate Professor*, Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University, New Delhi

Srilekha Mukherjee, *PGT*, St. Paul School, New Delhi

Versha Manku, *Vice Principal and PGT*, Kulachi Hansraj Model School, New Delhi

MEMBER-COORDINATOR

Sanjay Dubey, *Reader*, DESSH, NCERT, New Delhi

ACKNOWLEDGEMENTS

Efforts of many persons and organisations have gone into the making of this book. We appreciate the help extended by the following institutions and persons:

- Cagle Cartoons (*for the use of cartoons of Chappatte, John Trever and Ares*);
- The Children's Book Trust (*for the use of Shankar's cartoons*);
- Nehru Memorial Museum and Library and Down to Earth (*for the photographs*);
- Sarai, an initiative of the Centre for the Study of Developing Societies (CSDS), and Nirantar — Centre for Gender and Education;
- Lokniti, CSDS (*for housing the project of making of this book*);
- R.K. Laxman (*for allowing the use of his cartoons*);
- Arvind Sharma and Vikram Rawat (*for helping in the preparation of a foolproof copy*);
- Amit Ahuja, Sriranjani and Sanjeer Alam (*for providing research inputs*);
- Irfaan Khan (*for the cartoons and the Unni-Munni characters*);
- Shweta Rao (*for design and layout of the book*);
- Peter Ronald De Souza (*for allowing the use of Lokniti resources*);
- Pankaj Pushkar (*for untiring support in the making of this textbook*)

We are thankful to all these institutions and persons.

Suhas Palshikar and Yogendra Yadav, *Chief Advisors*

The contribution of M.V.S.V. Prasad, *Assistant Professor*, Department of Curriculum Studies, NCERT, in reviewing and updating the current edition is appreciated.

THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a ¹**[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC]** and to secure to all its citizens :

JUSTICE, social, economic and political;

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

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

FRATERNITY assuring the dignity of the individual and the ²[unity and integrity of the Nation];

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

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Sovereign Democratic Republic" (w.e.f. 3.1.1977)
2. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Unity of the Nation" (w.e.f. 3.1.1977)



CONTENTS

Foreword	iii
A letter to you	v
1. CONSTITUTION: WHY AND HOW?	1
2. RIGHTS IN THE INDIAN CONSTITUTION	26
3. ELECTION AND REPRESENTATION	51
4. EXECUTIVE	78
5. LEGISLATURE	100
6. JUDICIARY	124
7. FEDERALISM	150
8. LOCAL GOVERNMENTS	176
9. CONSTITUTION AS A LIVING DOCUMENT	196
10. THE PHILOSOPHY OF THE CONSTITUTION	220

Constitution of India

Part IV A (Article 51 A)

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 which inspired our 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; to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers, 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;
- *(k) who is a parent or guardian, to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

Note: The Article 51A containing Fundamental Duties was inserted by the Constitution (42nd Amendment) Act, 1976 (with effect from 3 January 1977).

*(k) was inserted by the Constitution (86th Amendment) Act, 2002 (with effect from 1 April 2010).