

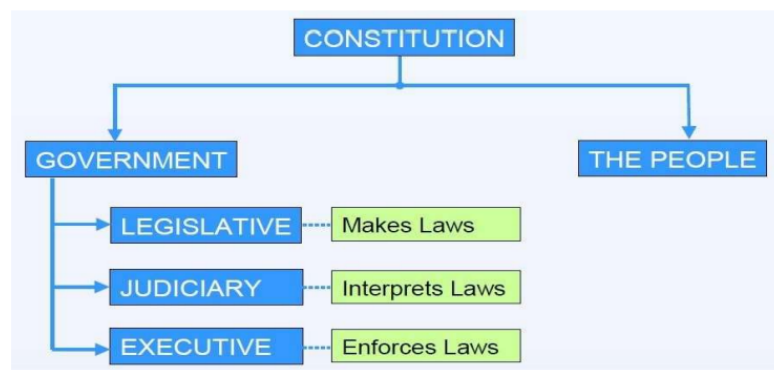
# Constitution

A Constitution is a set of fundamental principles according to which a state or other organization is governed.

Constitutional Law is the body of law that defines the role, powers and structure of different entities within a state including the executive, legislature and the judiciary.

A Constitution is concerned with 2 main aspects:-

- a) The relation between the different levels of Government.
- b) The relation between the Government and the Citizens.



**The arrangement which forces the rulers to stay within their jurisdiction by means of written (in most cases) constitution is called Constitutionalism.**

- A Controlled or limited Govt
  - Rule of law
  - Separation of powers
  - Prohibition of excessive taxation
  - Independent Judiciary
  - Fundamental rights to individuals
  - Dignity of individuals

**constituent assembly :**

9th December, 1946

389 members who included 93 from Princely States and 296 from British India.

Dr. Rajendra Prasad - President of assembly

H.C. Mukherjee - Vice-President

### **DRAFTING COMMITTEE : (29 aug 1947)**

chairman : BR Ambedkar

### **FUNCTIONS OF ASSEMBLY :**

1. Framing the Constitution.
2. Enacting laws and involved in the decision making process.
3. It adopted the National flag on **July 22, 1947**.
4. It accepted and approved India's membership of the British Commonwealth in May
5. It elected Dr. Rajendra Prasad as the first President of India on January 24, 1950.
6. It adopted the National anthem on January 24, 1950.
7. It adopted the National song on January 24, 1950.

constitution finally accepted on : ;NOV 26 ,1949

### **GOVERNMENT OF INDIA ACT, 1935 :**

- India would become a federation if 50% of Indian states decided to join it.
- The Act divided the powers between the Centre and units in terms of three lists—Federal List (for Centre, with 59 items), Provincial List (for provinces, with 54 items) and the Concurrent List (for both, with 36 items).
- made india a new system :

**provincial autonomy** = This meant that the provinces could make their own decisions about how to run things within their area, without as much control from the British government

- also planned to introduce a similar system of shared power at the national level, called dyarchy at the Centre.
- In six of the eleven provinces, it introduced a

**bicameral system.** This means they had two houses of government: an upper house called the legislative council and a lower house called the legislative assembly.

- The Act introduced separate electorates for three groups :
  - Depressed classes (scheduled castes)
  - women
  - labour (workers)
- made 10% of india eligible to vote
- It provided for the establishment of a Federal Court, which was set up in 1937.

## INDIAN INDEPENDENCE ACT, 1947

- 18 july 1947
- put mountbatten plan (**dickie bird plan**) and partition into action
- partitioned India into two independent dominions of India and Pakistan
- British suzerainty over the princely states was to end. These states could decide to join either India or Pakistan or remain independent. Over 560 states decided to merge with India.
- The British emperor would cease to use the title 'Emperor of India'.
- Muhammad Ali Jinnah was appointed Pakistan's Governor-General and Lord Mountbatten became India's.

## ENFORCEMENT OF CONST.

- came into power - 26 jan, 1950
- This day is referred to in the Constitution as the 'date of its commencement' and celebrated as the Republic Day
- the Assembly ceased to exist, transforming itself into the Provisional Parliament of India

until a new  
Parliament was constituted in 1952

## **salient feature of const**

- largest written democratic constitution of the world.
- mix of federalism and unitarianism
- pramble os const
- makes india democratic state
- secular
- socialist
- parliamentry system
- fundamental duties of civilians
- right to equality

## **right to freedom :**

Freedom of Speech and Expression.

- Freedom to Form Associations.
- Freedom to Assemble Peaceably Without Arms.
- Freedom to Move Freely in India.
- Freedom of Residence in Any Part.
- Freedom of Adopting Any Profession or Trade or Occupation.

freedom of religion

education rights

## **fundamental rights**

Freedom of Speech and Expression.

- Freedom to Form Associations.
- Freedom to Assemble Peaceably Without Arms.
- Freedom to Move Freely in India.

- Freedom of Residence in Any Part.
- Freedom of Adopting Any Profession or Trade or Occupation.

freedom of religion

education rights

cultural rights

## Fundamental duties

1. Respect for the Constitution, the National Flag and the National Anthem.
  2. Cherish the noble ideals of the freedom struggle.
  3. Uphold and protect the sovereignty, unity and integrity of India.
  4. Defend the country and render national service when called.
  5. Promote the common brotherhood of all the people of India and renounce any practice derogatory to the dignity of women.
- Fundamental Duties
6. Preserve the rich heritage of the nation's composite culture.
  7. Project the natural environment and have compassion for living creatures.
  8. Develop scientific temper, humanism and spirit of inquiry and reform.
  9. Safeguard public property and abjure violence.
  10. Strive for excellence in all individual and collective activity.
  11. Duty of the parents to send their children to schools for getting education

## Directive Principles of State Policy (DPSP)

The Directive Principles of State Policy (DPSPs) are a set of guidelines in the Indian Constitution that outline the **ideals that the government should keep in mind when making laws** and formulating policies. These principles are found in Part IV of the Constitution, in Articles 36–51.

## parliamentary system

indian parl system is BICAMERAL legislature

- lok sabha - directly elected by people

- rajya sabha - elected by members of legis assembly

## **functions of the parliament :**

- The Parliament legislates on all matters mentioned in the Union List and the Concurrent List.
- the Parliament exercises control over the executive by several measures
- alter boundaries of states and UTs

executive functions :

- vote of no confidence (sarkar girao)
- oppose any demand in financial bill (cut motion)

## **federal system :**

Federalism is a system of government in which powers have been divided between the centre and its constituent parts such as states or provinces

- **HOLDING TOGETHER FED : tilted towards center eg- india**
- **COMING TOGETHER FED :** states have more autonomy eg-usa , australia

## **federalism in india (features) :**

- holdinh together
- quasi fedral
- both fedral and unitary
- is a union of states
- introduced by GOI act 1919
- more power to cetre
- fliexible (easy to amend) but rigid
- lok sabha >>> rajya sabha

- unequal states in RAJYA SABHA
- single citizenship allowed to civilians

### **federal features of indian uniion :**

#### **2 levels :**

center and states

#### **division of power : 3 lists**

- union list
- state list
- concureent list

each has given subjects

### **EMERGENCY PROVISIONS :**

A state of emergency refers to a period of governance that can be proclaimed by the President of India during certain crisis situations

These provisions enable the Central government to meet any abnormal situation effectively.

#### **types :**

- national emergency (war, armed rebellion) (gets apporved by parl within 1 month)
- constitutional emergency ()
- finanncial

### **Consequences of the President's Rule -**

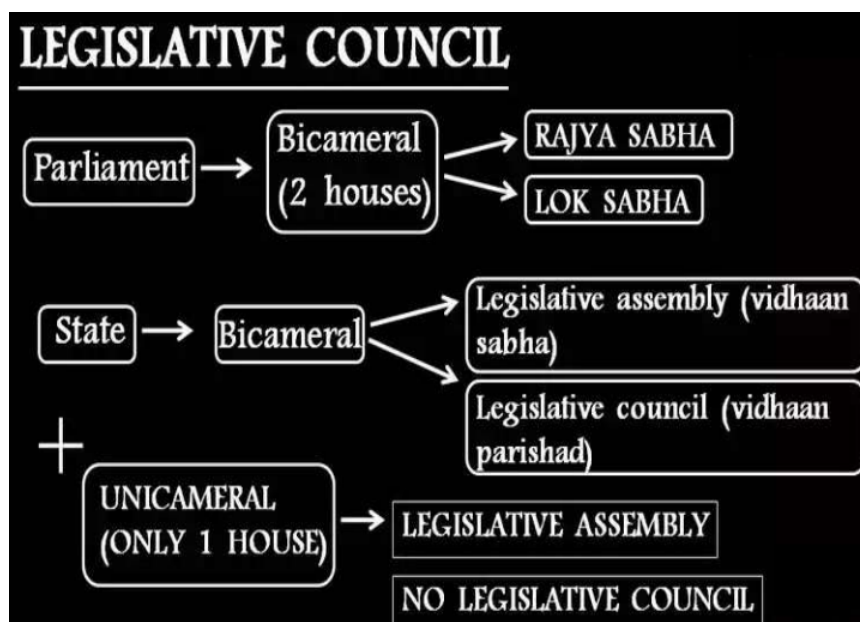
The President acquires the following extraordinary powers when the President's rule is imposed in a state:

- o He can take up the functions of the state government and powers vested in the governor or any other executive authority in the state.
  - o He can declare that the powers of the state legislature are to be exercised by the parliament.
  - o He can take all other necessary steps including the suspension of the constitutional provisions relating to anybody or authority in the state.
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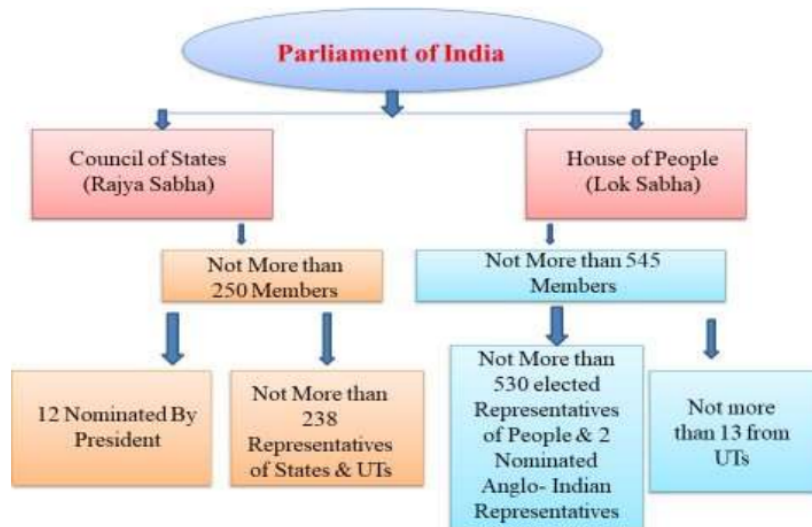
## UNIT 02

parliament consists :

- rajya sabha
- lok sabha
- president







eligibility to be at lok sabha :

- citizen of india
- 25 < age
- no office in profit
- sound mind
- not proclaimed criminal

special powers of rajya sabha :

- permanent house
- council of state
- 6 years term
- 250 max members (238 from states/uts) (12 elected by pres)
- minimum age 30 yrs
- rest = lok sabha requirements
- can shift items from state list to union or concurrent list
- remove the VP of india
- extend the emergency

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## Difference Between LS and RS

### **Lok Sabha**

1. Directly elected by People
2. Not a permanent House
3. Tenure: 5 years
4. May be early or late dissolved in case of emergency
5. Min age : 25 years
6. Money bill and Financial bill can only be introduced in LS.

### **Rajya Sabha**

1. Indirectly elected by People.
2. Permanent House
3. Tenure: 6 years
4. Not Dissolved
5. Min age: 30 Years
6. Can only give Suggestions
7. Can create new " All India Services"

### **types of majority :**

- simple majority : more than 50 % of voting members
- absolute majority : 50% of total members
- effective majority : more than 50% of (total - vacations)
- speacial majority : 66% of present and voting