

* Making of Indian constitution :

- The constitution of india. is the supreme law of india. The document lays down the framework that demarcates fundamental political code, structure, procedure, powers & duties of government institution & sets out fundamental rights, directive principle & the duties of citizens. It is the longest written national constitution in world.
- It imports constitutional supremacy. Since it was created by constituent assembly rather than parliament, & was adopted by it's with a declaration in it's preamble, parliament cannot override the constitution.
- It was adopted by the constituent Assembly of india on 26 November 1949 & became effective on 26 January 1950. The constitution replaced the government of india Act 1935 as country's fundamental governing document. & Dominion of india became the republic of india. To ensure constitutional autonomy, it's framers repealed prior acts of the British parliament in Article 395. India celebrates it's constitution on 26 January as Republic Day.
- constitution declares india a sovereign, socialist, secular & democratic Republic. Assures it's citizens justice, equality & liberty & endeavours to promote Fraternity. original constitution is preserved in a nitrogen-filled case at parliament house in new delhi. words secular & socialist were added to preamble by 42nd amendment.

* Sources.

- 1) Australia → concurrent dist.
Freedom of trade, commerce & inter
course
Joint-sitting of two houses of a
parliament.
- 2) Canada → - Federation with strong centre.
- Vesting of residuary power in centre.
- Appointment of state governors by the
centre.
- Advisory jurisdiction of S.C.
- 3) Ireland → - Directive principle of state policy
- Nomination of mem. to rajyasabha
- Method of election of president.
- 4) Japan → Procedure established by law.
- 5) Russia → - Fundamental duties
- Ideas of justice.
- 6) UK → - Parliamentary government.
- Rule of law.
- Legislative procedure.
- single citizenship.
- cabinet system.
- prerogative writs.
- Parliamentary privileges.

- 7) U.S. →
- Fundamental rights
 - independence of judiciary.
 - Judicial review.
 - impeachment of the president.
 - Removal of supreme court & High court.
 - post of vice-president.

- 8) Germany →
- suspension of fundamental rights during emergency.

- 9) South Africa →
- Procedure for amendment in the indian constitution.
 - election of mem. of rajya sabha.

- 10) France →
- Republic
 - ideals of liberty, equality & fraternity in the preamble.

* Silent Features of Indian Constitution :-

* Longest written constitution :-

- constitution can be classified into written constitution such that of America or unwritten constitution such that UK.
- It is comprehensive elaborate & a detailed document.
- The factors that have contributed to this phenomenon are, geographical factors, single constitution for both centre & state & dominance of legal luminaries.

* Drawn From Various Sources :-

- It has borrowed most of its provisions from the constitution of various other countries as well as from the Gov. of India Act, 1935, Ex. structural part from Gov. 1935, independence judiciary from USA, Fundamental Rights from USA etc.
- Ex. Though we borrowed cabinet form of governance from UK, the cabinet is not allsupreme as in case of UK.

* Preamble of the constitution :-

- consist of the ideals objectives & basic principles of constitution.
- ⇒ salient features of the constitution have developed directly & indirectly from these objective which flow from preamble.

* Democratic system:-

- authority of the gov. rests upon the sovereignty of the people. people enjoy equal political rights.
- Free fair & regular elections are held for electing governments.

* India is republic:-

- Preamble declares India as a republic
- India is not ruled by a monarch or nominated head of state. India has an elected head of state who wields power for fixed term of 5 years.
- After every 5 years, the people of India indirectly elect their president.

* Fundamental Rights & Duties:-

- The constitution of India grants & guarantees Fundamental rights to its citizens.
- The constitution of India confirms the basic principle that every individual is permitted to enjoy certain basic rights & part III of constitution deals with those rights which are fundamental rights.
- six FR include → right to equality; right to Freedom; right against exploitation, right to Freedom of religion, cultural & Educational rights to constitutional remedies (Art. 32).

- The Fundamental rights are justiciable & are not absolute. Reasonable constraints can be imposed keeping in view the security requirement of the state.
- A new part IV(A) after the Directive principles of state policy was combined in the constitution by the 42nd Amendment, 1976 for fundamental duties.

* Double Jeopardy:-

- Part of III of Indian constitution defines on Fundamental rights available to people within the territory of India. Under these fundamental rights, one of the right which is defined in Art 20(2) state that:
 - No person shall be prosecuted & punished for the same offence more than once.
- Clause (2) of Art 20 provides that a person cannot be prosecuted & punished more than once for the same offence. The word 'prosecution' under this article consist of three essential component to categorize the concept.

The guidelines to be followed by the gov. of india are not enforceable by any court but the principles laid down there in are considered as principles of state policy.

down there in are considered 'Fundamental' in the governance of the country which makes it the duty of state to apply these principles in making laws to establish a just society in the country. The principle have been inspired by the directive principles given in the constitution of Ireland which are related to social justice, economic welfare foreign policy & legal administrative matters. DPSP are classified into two groups.

DPS are classified under the following categories →
Economic & socialistic, political & Administrations, justice
& legal, Environmental protection monuments.

The government of India known as the union government but often simply as the centre is the national gov. of republic of India, a federal democracy located in South Asia.

located in south asia, consisting of 28 union states & eight union territories. Under the constitution, there are three primary branches of government: the legislative the executive & the judiciary, whose powers are vested in bicameral parliament, president, aided by the council of ministers & the supreme court resp.

* Lok Sabha :-

- constitutionally the house of the people is the lower house of India's bicameral parliament, with upper house being the Rajya Sabha. Members of the Lok Sabha are elected by an adult universal suffrage & first-past-the-post system to represent their respective constituencies & they hold their seats for five years or until the body is dissolved by the president on the advice of the Council of Ministers. The house meets in the Lok Sabha chambers of Sansad Bhavan, New Delhi.
- currently the house has 543 seats which are made up by the election up to 543 elected members & at maximum.

* Rajya Sabha :-

- The Council of States, is the upper house of the bicameral parliament of India. As of 2022 it has a maximum membership of 245, of which 233 are elected by legislature of the state & union territories using single transferable votes through open ballots, while the president can appoint 12 members for their contribution to art, literature, science & social services. The potential seating capacity of the Rajya Sabha is 250. Members sit for staggered terms lasting six years, with about third of the 233 designated up for election every two years in even numbered years, in even years.

The rajya sabha meets in continuous session & unlike the lok sabha meets in continuous session & unlike the lok-sabha meets in continuous session & unlike the lok sabha, being the lower house of the parliament, Rajya sabha like the lok sabha, can be prorogued by the president.

* President :-

- Head of the state of ~~republic~~ republic of india. The president is the nominal head of the executive the First citizen of the country as well as the commander-in-chief of indian armed forces.
- Article 53 of constitution of india states that the president can exercise their powers directly or by subordinate authority though all of the executive powers vested in the president are, in practise exercised by the prime minister with advice of cabinet minister.

• Appointment powers :-

- The person most likely to command the support of the majority in lok sabha. The president then appoints the other mem. of the council of ministers, distributing portfolios to them on the advice of the prime minister. The council of ministers remain in power at the pleasure of president.
- President appoint 12 mem. of rajyasabha from

Page No.
Date

amongst the person who have special knowledge or practical experience in respect of such matters as literature, science, art & social service. The president may nominate not more than two members of Anglo indian community as lok sabha mem. per article 331 which was removed in 2019.

- Government of states are also appointed by the president who shall work at the pleasure of the president. Per article 156, the president is empowered to dismiss a governor who violated the constitution in their acts.

- The chief justice of india & other judges of the supreme court of india & state/union territory high court.

- The chief minister of the national capital territory of delhi.

- The comptroller & Auditor general of india.

- Attorney general of india.

- Ambassadors & H. Commission.

• Financial powers:

- A bill can be introduced in the parliament only with the president recommendation.

- lays annual financial statement, before parliament.

- can take

• Military Powers:-

- President is Supreme commander of indian armed forces. President can declare war or conclude peace on the advice of union council of ministers headed by P.M.

• Eligibility :-

- Article 58 OF the constitution sets the principal qualification one must meet to be eligible to the office OF the president. President Must be:
 - a citizen OF india
 - OF 35 years OF age or above.
 - qualified to become a member OF the Lok Sabha.
- A person shall not be eligible for selection as president if they hold any office OF profit under the Gov. OF india or the Government OF any state or any local or other authority subject to the control OF any OF the said governments.
- certain office-holders, however are permitted to stand as presidential candidates. These are:
 - The current vice-president.
 - The governor OF any state.
 - A minister OF union or OF any state.
- In the event that the vice-president, a state governor or a minister is elected president, they are considered to have vacated their previous office on the date they begin serving as president.
- A member OF parliament or state legislature can seek election to the office OF the president but if they are selected elected as president, they shall be deemed to have vacated their seat in parliament or state legislature on the date on which they enter upon their office as President [Article 59(r)].

- Page No. _____
Date _____
- Article 57 provides that a person who holds, or who has held, office as president shall, subject to the other provisions of this constitution be eligible for re-election to that office
 - under the presidential & vice-presidential elections Act, 1952, a candidate to be nominated for the office of president needs 50 electors as proposers & 50 electors as secondors for their name to appear on ballot.

• Impeachment :-

A resolution to impeach the president has to be passed by a two-thirds majority of the total no. of mem. of originating house. It is then sent to the other house. The other house investigates the charge that have been made.

- under Article 61.
- when a president is to be impeached for violation of the constitution, the charge shall be preferred by either house of parliament.

* State gov. →

Governor →

- The governor of the state of India have similar powers & functions at the state level as those of president of India at the central level. Governor exist in the state, while lieutenant governors exist in union territories including the (NCT).

- The governor act as a nominal head whereas the real power lies with the CM & his cabinet. Although, in union territories the real power lies with the lieutenant governor or administrator.

• Qualification =

- Article 157 & Article 158 of constitution of India specify eligibility requirements for the post of governor.

- must be 35 years age.

- should not be a member of either house of parliament or house of state legislature.

- should not hold any office of profit.

Appointment :-

- ~~st~~ governor of state appointed by the President.