

## **Session 1**

### **Introduction to the Constitution of India**

[05.10.2020]

The Constitution is the supreme law of the country and all other law-making authorities must abide by it. They are constrained by the constitution in various forms and to different degrees. Most importantly, the constitution provides a guideline, a framework, for governing principles and procedures, ruling practices, right of citizens, their powers and of course their duties.

**Constitution is not created by the parliament.** It was formed by the constituent assembly after strenuous researches, discussions, surveys, and other such monumental efforts.

**The Constitution of India was adopted on 26<sup>th</sup> November, 1949.** However, it came into effect on 26<sup>th</sup> of January, 1950. 26<sup>th</sup> of January is celebrated as the Republic Day of India.

**Question 1: What is Constituent Assembly? Who were its members and what were their responsibilities? (5 Marks)**

**Solution:**

A *constituent assembly* or constitutional assembly is a body or assembly of popularly elected representatives which is assembled for the purpose of drafting or adopting the constitution similar document. The constituent assembly is entirely elected by popular vote that is, all constituent assemblies are constitutional conventions, but a constitutional convention is not necessarily a constituent assembly.

The Constituent Assembly appointed a total of 22 committees to deal with different tasks of constitution-making. Out of these, eight were major committees and the others were minor committees.

#### **Major Committees**

1. Drafting Committee – B.R. Ambedkar
2. Union Power Committee – Jawaharlal Nehru
3. Union Constitution Committee – Jawaharlal Nehru
4. Provincial Constitution Committee – Vallabhbhai Patel
5. Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas – Vallabhbhai Patel
6. House committee – B Pattabhi Sitaramayya
7. Language committee – Moturi Satyanarayana
8. Order of business committee – K M Munshi

Their responsibilities were to completely analyse the internal affairs of the country and to frame the Constitution of India, to give the rights equally to all citizens of the country.

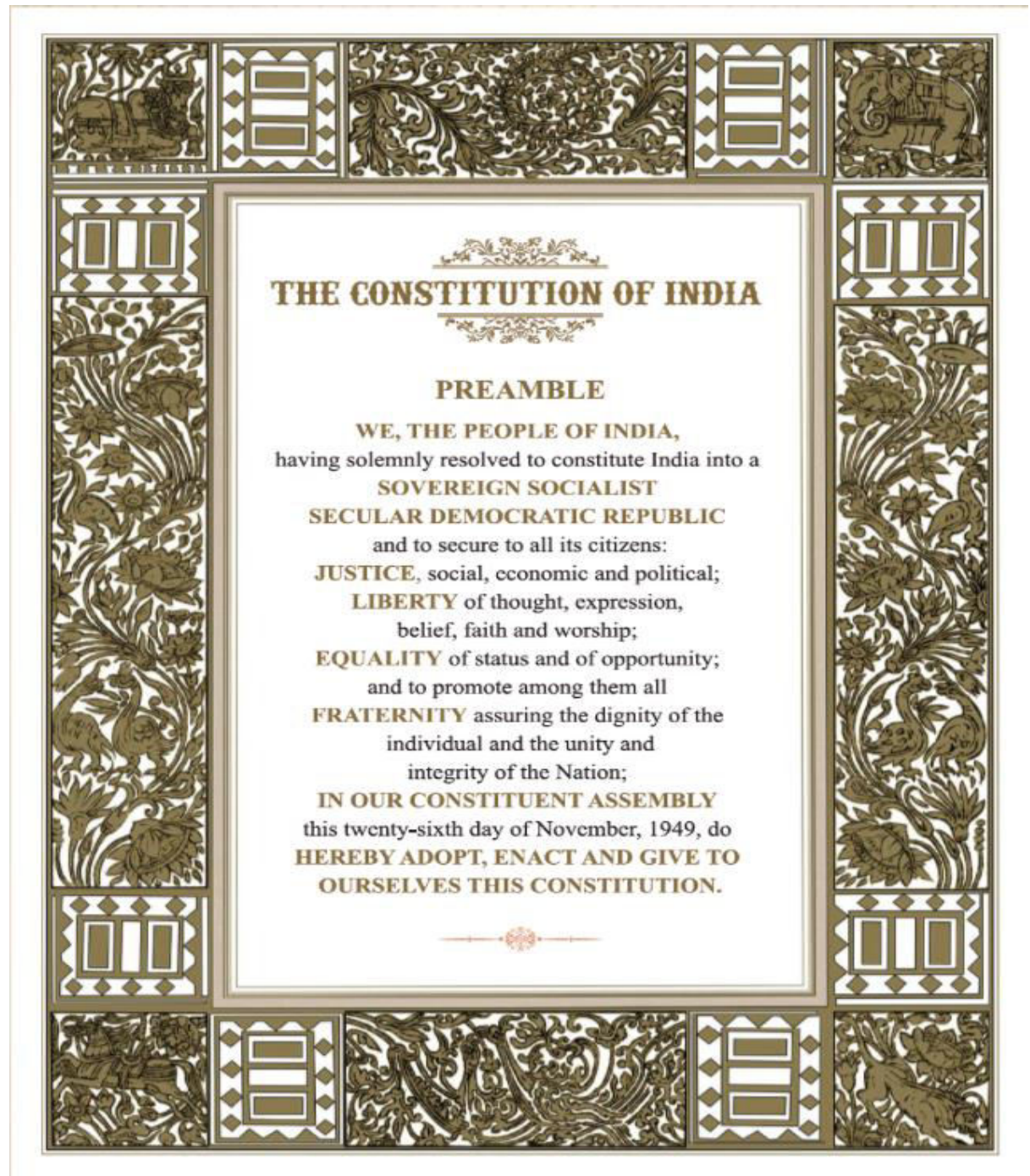
**Task 1: Find out and write how many amendments, article, parts and schedules currently our Constitution consists of. (5 Marks)**

**Solution:** The following lists contains the number of amendments, articles, parts and schedules that our Constitution consists of,

1. No. of Amendments : 104 as of January, 2020

- |                     |   |                     |
|---------------------|---|---------------------|
| 2. No. of Articles  | : | 395 articles        |
| 3. No. of Parts     | : | 22                  |
| 4. No. of schedules | : | 12 and 5 appendices |

**Task 2: Draw/Paste Preamble. Explain the key terms mentioned in it. (10 Marks)**



The Preamble to the Constitution of India is a brief introductory statement that sets out guidelines, which guide the people of the nation, and to present the principles of the Constitution, and to indicate the source from which the document derives its authority, and meaning.

1. **Sovereign:** It means the independent authority of a State. It means that it has the power to legislate on any subject; and that it is not subject to the control of any other State / external power.

2. **Socialist:** The term socialist used here refers to democratic socialism, i.e. achievement of socialist goals through democratic, evolutionary and non-violent means. Essentially, it means that (since wealth is generated socially) wealth should be shared equally by society through distributive justice, not concentrated in the hands of few, and that the government should regulate the ownership of land and industry to reduce socio-economic inequalities.

3. **Secular:** Secular means that the relationship between the government and religious groups are determined according to constitution and law. It separates the power of the state and religion. There is no difference of religion *i.e.* Hinduism, Buddhism, Jainism, Sikhism, Christianity and Islam are equally respected and moreover, there is no state religion.

4. **Democratic:** The people of India elect their governments by a system of universal adult franchise, popularly known as "one person one vote". Every citizen of India 18 years of age or older and not otherwise debarred by law is entitled to vote. The word *democratic* refers not only to political democracy but also to social and economic democracy.

5. **Republic:** In a republican form of government, the head of state is elected and not a hereditary monarch. Thus, this word denotes a government where no one holds public power as proprietary right. As opposed to a monarchy, in which the head of state is appointed on a hereditary basis for life or at least until abdication, a democratic republic is an entity in which the head of state is elected, directly or indirectly, for a fixed tenure.

6. **Justice:** Justice stands for rule of law, absence of arbitrariness and a system of equal rights, freedom and opportunities for all in a society. India seeks social, economic and political justice to ensure equality to its citizens.

*(i) Social Justice:*

Social Justice means the absence of socially privileged classes in the society and no discrimination against any citizen on grounds of caste, creed, colour, religion, gender or place of birth.

*(ii) Economic Justice:*

Economic Justice means no discrimination between man and woman on the basis of income, wealth and economic status. It stands for equitable distribution of wealth, economic equalities for everyone.

*(iii) Political Justice:*

Political justice means equal, free and fair opportunities to the people for participation in the political process. It stands for the grant of equal political rights to all the people without discrimination.

7. **Liberty:** The idea of Liberty refers to the freedom on the activities of Indian nationals. This establishes that there are no unreasonable restrictions on Indian citizens in term of what they think, their manner of expressions and the way they wish to follow up their thoughts in action.

8. **Fraternity:** This refers to a feeling of brotherhood and a sense of belonging with the country among its people. It embraces psychological as well as territorial dimensions of National Integration. It leaves no room for regionalism, communalism, casteism etc., which hinders the unity of the State.

**Indian citizens have six fundamental rights:** Right to Freedom, Right to Equality, Cultural, and Educational Rights, Right to Constitutional Remedies, Right against Exploitation. Lately, the Right to Privacy has also been added to the fundamental rights.

**Question 2: What is the difference between constitutional and fundamental rights? (5 Marks)**

**Solution:**

***Fundamental Rights:***

- The fundamental Rights are the basic and inalienable rights granted to every citizen of India and in some cases to non-citizens too. Some of the fundamental rights are:
  - (a) Right to Equality
  - (b) Right to Freedom
  - (c) Right against Exploitation
  - (d) Right to Freedom of Religion
  - (e) Cultural and Educational Rights
  - (f) Right to Constitutional Remedies

These laws are so powerful that no power on Earth, even the Parliament of India can take these from us.

***Constitutional Rights***

- A Constitutional Rights is the supreme right guaranteed by the Constitution of India. It means that if any law contradicts with Constitutional Rights, it will be declared null and void. These rights are not the basic rights and do not apply to everyone, unlike fundamental rights.

-----X-----

|         |                 |
|---------|-----------------|
| NAME    | DEBARGHYA BARIK |
| REG. NO | RA2011026010022 |



## Session2

### **Equality and social justice- various kinds of freedoms-social control**

Constitution commands equal treatment of all citizens barring any social distinction based on caste, colour, race, religion, sex and so on. No privileges to be extended to any section of the society, and improvement in the conditions of backward classes (SCs, STs, and OBCs) and women. Social, economic and political justice; liberty of thought expression, belief, faith and worship; equality of status and of opportunity, are promised by the constitution to the country's citizens.

**Question 1: What are the various Acts pertaining to various kinds of freedom? (10 Marks)**

**Ans: Six types of freedoms are given to the citizens of India: These are included under Article 19 that is Right to Freedom and other articles as 67,45,87,92. They are as follows:**

- **Freedom of Speech and Expressions:** It is a principle that supports the freedom of an individual or a community to articulate their opinions and ideas without fear of retaliation, censorship, or legal sanction.
- **Freedom to Assemble peacefully without arms:** Article 19 (1)(b) provides that all citizens shall have the right to assemble peaceably and without arms
- **Freedom to join Associations and Unions:** Article 19 (1)(c) accords all citizens the right to form associations or unions or cooperative societies.
- **Freedom to move freely throughout the Territories of India:** Article 19(1)(d) gives us a fundamental right to "move freely throughout the territory of India", from one state to another, with a sense of security and freedom.
- **Freedom to Reside and Settle in any part of India:** The Article 19 gives the citizens the rights to reside in any part of India. But there are certain restrictions regarding this right.
- **Freedom to practice any profession or to carry on any occupation, trade or business:** This right is guaranteed by our constitution under Article 19(1)(g), which states that all the citizens have right to practise any profession, or to carry on any occupation, trade and business. This basic intention of this fundamental rights is to evolve socio-economic strengthening throughout the country.



**Task 1: Write a note on “Human Rights Violation” in your words. Paste a related newspaper article (5 Marks)**

**Ans:** Human rights are the basic rights and freedoms to which everyone is entitled on the basis of their common humanity. They include civil and political rights, as well as economic, social, and cultural rights. However, when the country fails to secure these rights and the citizens are harassed in ways then it is called “Human Rights Violation”. Violations exist in every part of the worlds. The world reports show that Individuals are tortured or abused in 81 countries, where the citizens are stripped of their basic human rights. In India The National Human Rights Commission (NRC) is responsible for regulating the issues. But the situation is alarming. Issues like Rape, Dowry, Child Labour, Harassment, Workplace Exploitation and Cultural Deaths have become an everyday affair.



Newspaper Article:

|             |                 |
|-------------|-----------------|
| Name:       | DEBARGHYA BARIK |
| Reg. Number | RA2011026010022 |

### Session3

## **Fundamental Rights, Fundamental Duties, constitutional amendments, secularism**

### Fundamental Rights

1. Right to Equality
2. Right to Freedom
3. Right to Freedom of Religion
4. Cultural and Educational Rights
5. Right to Constitutional Remedies

It shall be the duty of every citizen of India —

1. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
2. To cherish and follow the noble ideals which inspired our national struggle for freedom;
3. To uphold and protect the sovereignty, unity and integrity of India;
4. to defend the country and render national service when called upon to do so;
5. 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;
6. To value and preserve the rich heritage of our composite culture;
7. To protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures;
8. To develop the scientific temper, humanism and the spirit of inquiry and reform;
9. To safeguard public property and to abjure violence;
10. 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;
11. 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 to fourteen years.



**Task1: Prepare a survey report on awareness among your college mates about fundamental rights and duties. Write the analysis in the space provided. (10 Marks)**

**Ans:** In our classroom of J1, the students are aware of six Fundamental Rights and Fundamental Duties, but they are not completely aware of the Fundamental Duties. Few people thought that the Rights and the Duties are the same thing, but actually they are both different things completely. Fundamental Rights are the rights that government gives us whereas the other means the duties that we have to fulfil as students. So, in all 100% knew about Fundamental Rights; while only 60% people knew about Fundamental duties that the government expects us to obey.

**Question 1: What do you mean by 'Secularism' and how successful Indian polity have been maintaining communal harmony within the state. (5 Marks)**

**Ans:** Secularism in India means equal treatment of all religions by the state. With the 42nd Amendment of the Constitution of India enacted in 1976, the Preamble to the Constitution asserted that India is a secular nation. The states support or participate in a neutral manner in the affairs of all religious groups.

Declared as a secular country, India has several provisions for the protection of the minority communities. The state does not discriminate on the basis of any particular religion. There are constitutional provisions for equality of opportunities for all. Despite precautionary, preventive, and positive measures been envisaged in the constitution, communal disturbances keep recurring. The government had often expressed its commitment towards maintaining communal harmony within the country and has been taking steps – legal, statutory, administrative, economic and so on.

**Question 1: What are the powers and functions of the Supreme Court of India. (5**

Marks)

**Ans: The powers of The Supreme Court of India are:**

- **Power to punish for contempt** (civil or criminal) of court with simple imprisonment for 6 months or fine up to 2000. Civil contempt means wilful disobedience to any judgment. Criminal contempt means doing any act which lowers the authority of the court or causing interference in judicial proceedings
- **Judicial review** - to examine the constitutionality of legislative enactments and executive orders. The grounds of review is limited by- Parliamentary legislation or rules made by the Supreme Court.
- **Deciding authority** regarding the election of President and Vice President
- **Enquiring authority** in conduct and behaviour of UPSC members
- **Withdraw cases pending** before high courts and dispose of them itself
- **Appointment of ad hoc judges:** if at any time there is lack of quorum of Judges of Supreme Court, the CJI may with the previous consent of the President and Chief Justice of High Court concerned request in writing the attendance of Judge of High Court duly qualified to be appointed as Judge of SC.
- **Appointment of retired judges of supreme court or high court:** The CJI at any time with the previous consent of the President and the person to be so appointed can appoint any person who had previously held the office of a Judge of SC.
- **Appointment of acting Chief Justice and discharge the duties of the office**
- **Revisory Jurisdiction:** The Supreme Court under Art. 137 is empowered to review any judgment or order made by it with a view to removing any mistake or error that might have crept in the judgement or order.
- Supreme Court as a Court of Record

The Supreme Court is a court of record as its decisions are of evidentiary value and cannot be questioned in any court

|                        |                        |
|------------------------|------------------------|
| <b>Name:</b>           | <b>DEBARGHYA BARIK</b> |
| <b>Reg.<br/>Number</b> | <b>RA2011026010022</b> |

## Session4

### The levels of government, Indian Federation

India is a “Union of States”, i.e. it has federal structure. **There are two levels of government:** a central authority looking after the major affairs of the country and the other is a local government which looks after the functioning and activities of specific regions. At center the Union government, and at State level, we have the individual State governments.

The Government at the center: *Lok Sabha* and the *Rajya Sabha*. Then come the various state governments, the *Vidhan Sabhas*, and the *Vidhan Parishad*. And finally, we have the Municipal Corporations, Municipalities, and the *Panchayats*, which are local governing bodies.

Constitution clearly demarcates legislative powers and jurisdictions of these government bodies. This is understood through following lists:

Union List: Includes subjects of national importance, like defense, finance, railways, banking etc. Only the Central Government is allowed to make laws.

State List: Includes all matters pertaining to particular state like transport, Trade, Commerce, agriculture etc. The state government is the deciding authority for framing laws for these matters.

Concurrent List: Includes topics on which both the Union and the state government can make laws: education, forests, trade unions etc. In case of conflict with respect to laws, the decision of the Union Government will prevail as it is the final authority.

#### **Question 1: How do you think the federal system of government is essential/beneficial for the smooth governance? (5 Marks)**

**Ans:** Federalism is part of the basic structure of the Indian constitution which cannot be altered or destroyed through constitutional amendments under the constituent powers of the Parliament without undergoing judicial review by the Supreme Court.

Federalism in India describes the distribution of legal authority across national states and local government in India. It is embedded from the Canadian model of Federalism.

This Federalism is asymmetric as the developed powers of the constituent units are not all the same.

Federal system has two levels of governance in the in the country. There can even be more that is the entire power is not concentrated with one government.

After the removal of Article 370, India has become a fully federal country because all the states and the Union Territories have same power and follows the same constitution unlike Jammu and Kashmir that have different rules and regulation

|                        |                        |
|------------------------|------------------------|
| <b>Name:</b>           | <b>DEBARGHYA BARIK</b> |
| <b>Reg.<br/>Number</b> | <b>RA2011026010022</b> |