

AHS2476– Indian Constitution


Unit-I - Introduction

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UNIT I

Introduction

Historical background– Government of India act – Indian councils act–
Making of the constitution - **Philosophy of the Indian constitution –
Preamble.**

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Presentation Outline

- Philosophy of the Indian constitution
 - Preamble

Philosophy of the Indian Constitution

Every constitution has a philosophy of its own.

- Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **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 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.**

Philosophy of the Indian Constitution

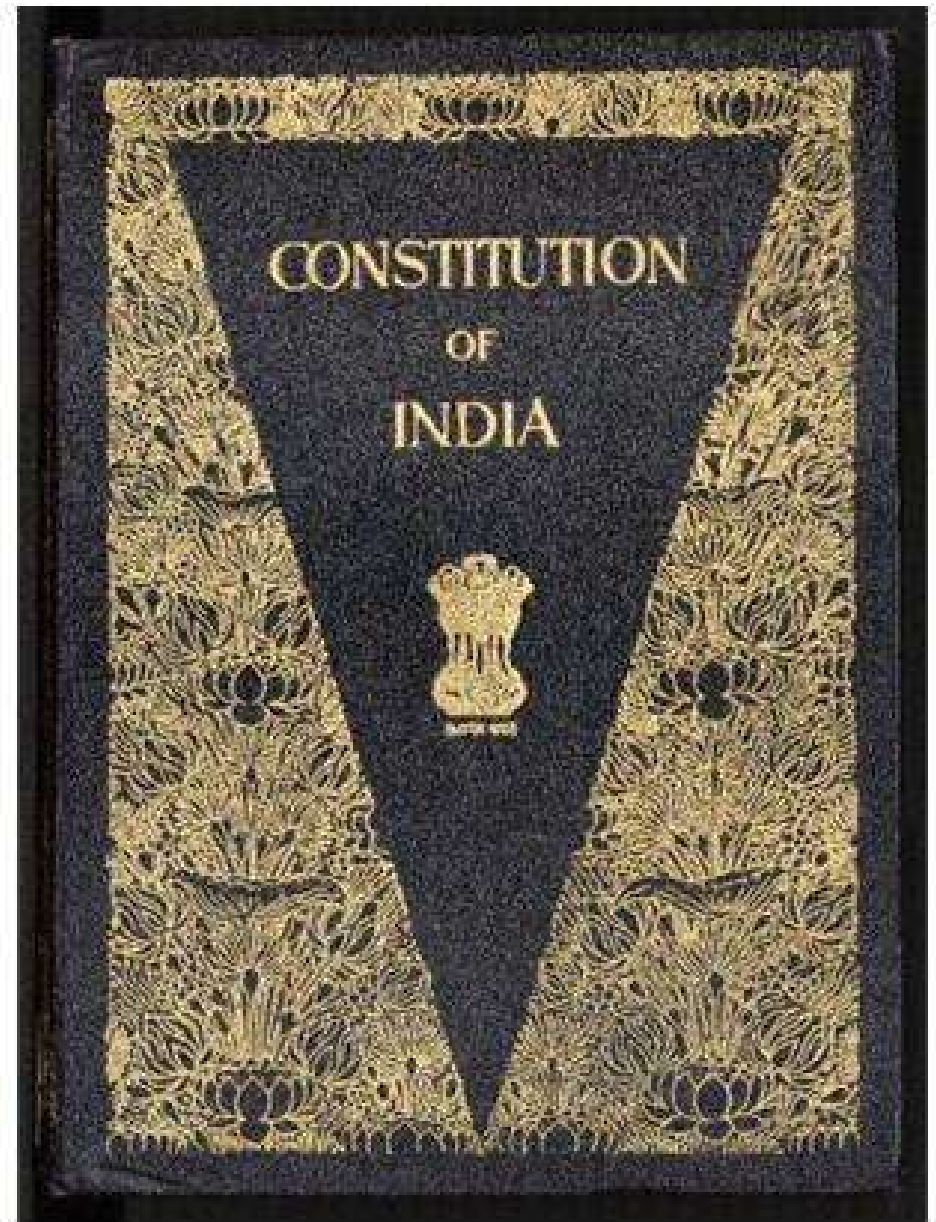
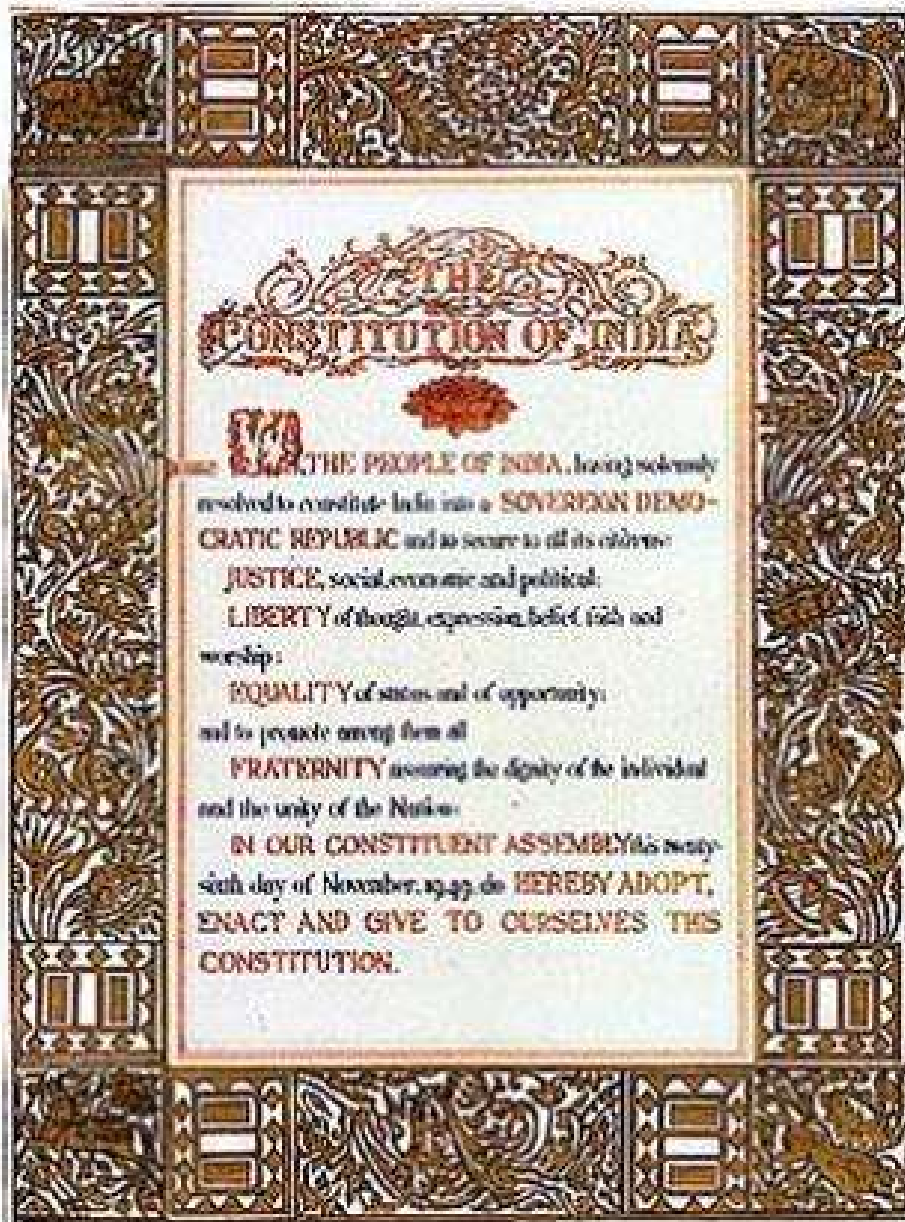
"We, the people" - signifies that power is ultimately vested in the hands of the People of India.

So far the Preamble has been amended only once in 1976 by 42nd amendment (change) which inserted the words Socialism, Secularism and Integrity.

A brief description of these concepts are as follows

- 1. Sovereign-** It means free to follow internal and external Policies (independent authority of states – not under the control of any other states /external).
 - 2. Secular-** It means no particular Religion is preferred.
 - 3. Socialist-** It means no concentration of Power and Money.
 - 4. Democratic-** It means rule by elected representative of the People of India.
 - 5. Republic-** It means no room for hereditary ruler or monarch.
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Philosophy of the Indian Constitution



Philosophy of the Indian Constitution

Purpose of Having a Preamble:

The Preamble to our Constitution serves two purposes: -

A) It indicates the source from which the Constitution derives its authority;

B) It also states the objects, which the Constitution seeks to establish and promote –
Summarises the objects of the constitution

Philosophy of the Indian Constitution

Constitution of India In General:-

- Constitution of India is considered to be the **supreme law of the** country, as it puts forth the framework of fundamental political principles.
- It establishes **the structure, procedures, powers and duties of the government and mentions the fundamental rights, directive principles and duties of citizens.**

The Indian Constitution shows Federal as well as Unitary System.

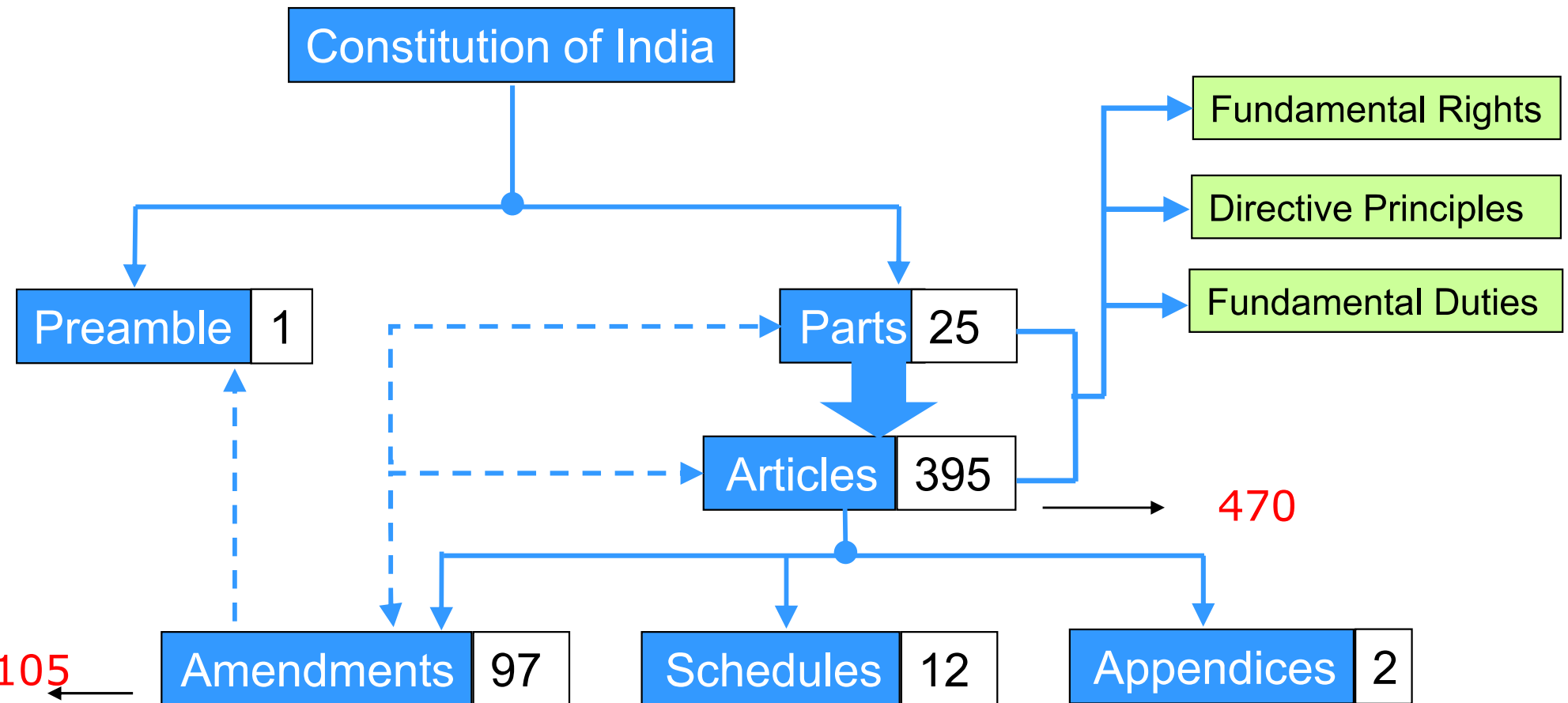
1. **Federal System-** powers are divided and/or shared between state and central governments
2. **Union System-** power concentration in central government with weak state Government

Philosophy of the Indian Constitution

Structure of Constitution of India:-

The Constitution, (as on March 2011),

consists of 1 preamble, 25 parts containing 395 articles, 12 schedules, 2 appendices and 97 amendments to date. Although it is federal in nature it also has a strong unitary bias.



Philosophy of the Indian Constitution

Different elements of constitution are described as follows:-


1. **Preamble (1)** - The Preamble to the Constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document.
2. **Parts (25)** – The individual Articles of the Constitution are grouped together into the following Parts:
 1. Part I – Union and its Territory
 2. Part II – Citizenship.
 3. Part III – Fundamental Rights.
 4. Part IV – Directive Principles of State Policy.
 5. Part IVA – Fundamental Duties.
 6. Part V – The Union.
 7. Part VI – The States.
 8. Part VII – States in the B part of the First schedule (Repealed).
 9. Part VIII – The Union Territories
 10. Part IX – The Panchayats.

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11. Part IXA – The Municipalities. (Part IXB – The Cooperative Societies -not effective yet)
12. Part X – The scheduled and Tribal Areas
13. Part XI – Relations between the Union and the States.
14. Part XII – Finance, Property, Contracts and Suits
15. Part XIII – Trade and Commerce within the territory of India
16. Part XIV – Services Under the Union, the States.
17. Part XIVA – Tribunals.
18. Part XV – Elections
19. Part XVI – Special Provisions Relating to certain Classes.
20. Part XVII – Languages
21. Part XVIII – Emergency Provisions
22. Part XIX – Miscellaneous
23. Part XX – Amendment of the Constitution
24. Part XXI – Temporary, Transitional and Special Provisions
25. Part XXII – Short title, date of commencement, Authoritative text in Hindi and Repeals

3. **Article** - It is subcategory of different parts in the constitution which contains detail information of the subject or the title which an Article represents.

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4. **Amendments** - Amendment of the Constitution of India is the process of making changes to the nation's fundamental law. Changes to the Indian constitution are made by the federal parliament. The procedure is laid out in Part XX, Article 368, of the Constitution.
 5. **Schedules** - Schedules are lists in the Constitution that categorize and tabulate bureaucratic activity and policy of the Government.
 6. **Appendices** - They are extension to the constitution.
 7. **Fundamentals Rights (Part III- Article12-35)** - The Fundamental Rights are so important that the Constitution itself ensures that they are not violated by the government.
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Philosophy of the Indian Constitution

- **Fundamental Rights** are different from other rights available to us. While ordinary legal rights are protected and enforced by ordinary law.
- Fundamental Rights are protected and guaranteed by the constitution of the country.

The Constitution of India recognizes certain **basic fundamental rights** for every citizen of India, such as:-

- (a) Right to Equality
- (b) Right to Freedom
- (c) Right to Freedom of Religion
- (d) Right against Exploitation
- (e) Cultural & Educational Rights
- (f) Right to Constitutional Remedies

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8. **Fundamental Duties (Part IV Article 51A)** - These are considered as the duties that must be and should be performed by every citizen of India.

These fundamental duties are defined as: It shall be the duty of every citizens of India: -

- a. To abide by the Constitution.
- b. To uphold & protect the sovereignty, unity and integrity of India.
- c. To Cherish & follow the noble ideas which inspired our national struggle for freedom
- d. To defend the country & render national service when called upon to do so.
- e. To promote harmony & the spirit of common brotherhood.
- f. To value & preserve the rich heritage of our composite culture.
- g. To protect & improve the national environment.
- h. To develop the scientific temper, humanism and the spirit of inquiry and reform.
- i. To safeguard public property & to avoid violence.
- j. To strive towards excellence in all spheres of individual & collective activity, so that the nations constantly rises to higher levels of endeavor & achievement.

Philosophy of the Indian Constitution

9. **Directive Principles (Part IV- Article 36-51)**- It provides the social and economic base of a genuine democracy. The classification of these are as follows -
1. Socio-economic Principles
 2. Liberal Principles
 3. International principles