The first function of a constitution is to provide a set of basic rules that allow for minimal coordination amongst members of a society

The second function of a constitution is to specify who has the power to make decisions in a society. It decides how the government will be constituted.

So the third function of a constitution is to set some limits on what a government can impose on its citizens. These limits are fundamental in the sense that government may never trespass them

The fourth function of a constitution is to enable the government to fulfil the aspirations of a society and create conditions for a just society.

People as a collective entity come into being only through the basic constitution. It is by agreeing to a basic set of norms about how one should be governed, and who should be governed that one forms a collective identity by agreeing to certain basic norms and principles one constitutes one’s basic political identity.

Constitutional norms are the overarching framework within which one pursues individual aspirations, goals and freedoms. The constitution sets authoritative constraints upon what one may or may not do. It defines the fundamental values that we may not trespass. So the constitution also gives one a moral identity

India’s Constitution was formally created by a Constituent Assembly between December 1946 and November 1949.

it drew upon a long history of the nationalist movement that had a remarkable ability to take along different sections of Indian society together.

The Constitution drew enormous legitimacy from the fact that it was drawn up by people who enjoyed immense public credibility, who had the capacity to negotiate and command the respect of a wide cross-section of society, and who were able to convince the people that the constitution was not an instrument for the aggrandizement of their personal power.

It carried enormous public authority, because it had the consensus and backing of leaders who were themselves popular.

The authority of people who enact the constitution helps determine in part its prospects for success.

It held its first sitting on 9 December1946 and reassembled as Constituent Assembly for divided India on 14 August 1947.

Its members were chosen by indirect election by the members of the Provincial Legislative Assemblies that had been established under the Government of India Act, 1935.

The Constituent Assembly was composed roughly along the lines suggested by the plan proposed by the committee of the British cabinet, known as the Cabinet Mission. Pg no.15

The Constitution was adopted on 26 November 1949. 284 members were actually present on 24 January 1950 and appended their signature to the Constitution as finally passed. The Constitution came into force on 26 January 1950.

there was a serious attempt to make the Assembly a representative body.

Members of all religions were given representation under the scheme described above;

in addition, the Assembly had twenty eight members from the Scheduled Castes.

In terms of political parties, the Congress dominated the Assembly occupying as many as eighty-two per cent of the seats in the Assembly after the Partition. The Congress itself was such a diverse party that it managed to accommodate almost all shades of opinion within it.

Only one provision of the Constitution was passed without virtually any debate: the introduction of universal suffrage (meaning that all citizens reaching a certain age, would be entitled to be voters irrespective of religion, caste, education, gender or income

The Constitution drew its authority from the fact that members of the Constituent Assembly engaged in what one might call public reason. The members of the Assembly placed a great emphasis on discussion and reasoned argument. They did not simply advance their own interests, but gave principled reasons to other members for their positions

The President of the Constituent Assembly, Dr. Rajendra Prasad and the Chairman of the Drafting Committee, Dr. B.R. Ambedkar

Objectives Resolution (the resolution that defined the aims of the Assembly) moved by Nehru in 1946. This resolution encapsulated the aspirations and values behind the Constitution

Based on this resolution, our Constitution gave institutional expression to these fundamental commitments: equality, liberty, democracy, sovereignty and a cosmopolitan identity.

Thus, our Constitution is not merely a maze of rules and procedures, but a moral commitment to establish a government that will fulfil the many promises that the nationalist movement held before the people.

1.India is an independent, sovereign, republic;

2. All powers and authority of sovereign and independent India and its constitution shall flow from the people;

This led to the adoption of the parliamentary form and the federal arrangement, which would distribute governmental powers between the legislature and the executive on the one hand and between the States and the central government on the other hand.

borrowing these ideas was not slavish imitation. Far from it. Each provision of the Constitution had to be defended on grounds that it was suited to Indian problems and aspirations

Chapter: 2

Bill of rights copy

Fundamental rights copy

Pg 31 list rights

***Article 16: backward class pg 32***

Equality of opportunity means that all sections of society will get equal opportunities. Pg33

***Article 21: life and personal liberty***

Every person will enjoy freedom without threatening freedom of pthers or endangering the law and order.

Personal liberty pg 34

Right to shelter and livelihood too in right to liberty.

Preventive detention copy

rights of accused pg 36

writs in copy

pg 41 explanation

NHRC: pg 42 established on 1993

DPSP: pg43 irish constitution

A separate list of policy guidelines for the government which are non justiciable are called as directive principles of state policy.

Government tried to give effect to them: pg 43

Fundamental duties:

42nd ammendement

The **Fundamental Duties** are **defined** as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India.

Fundamental Rights are important because:

* These Rights ensure all those freedoms which make one’s life worth living.
* Fundamental rights provide equality of status and opportunity as well as protect individuals from any type of exploitation.

Preamble: equality of status and opportunity. Secure all its citizens

As citizens we must abide by the const. defend our county pro harmony among all its citizens protect the environment.

Copy Q5

Kesgav nanda bharti case and diff btw FD and FR.

44th ammendement right to property was removed from fun right in order to abolish zamindari system and introduction of land reforms.

Chapter: 3

Elections are a symbol of democracy.

Indian is a large demo…pg 52

Distinguish btw direct and indirect pg 53

Non demo, contries also hold elections.

FPTP:

In the electoral race the candidate who is ahead of others and crosses the post first is the winner. Do not need majority votes but maximum no of votes.

Plurality system

Proportional representation

The party gets same no. of seats in parlmnt as the its pro of votes.

Netherlands and Israel

Where PR in india? Pg 59

Distinguish pg 59

Why india adopt fptp system: pg 60

Constituency: a particular area of the state where all the voters living in that area elect a representative.

Separate electorate: for electing a representative from a particular community only those voters would be eligible who belong to that comm.

Reserved conti. All voters in the const. are eligible to vote but the candidate must belong to only a par comm for whom the seat is reserved.

84 SC 47 St

Delimitation commission pg 65 appt. for the purpouse of drawing up the boundaries of consti all over the country.

Universal adult frajnchise: pg 66

All citizen of above the age of 18 ae eligible to vote.

Req for contesting elec. Pg 67

Lok sabha 25 yrs

Prisonment for 2 or more years

Election commission 1)definition 2) single or multi mem body 3) CEC presides over EC. 4) app. By PRESIDENT advice of COM 5) security of tenure CEC apt 6 yrs cont till 65removed by special maj. In both houses

Wide functions pg 70

Emerged as id body using more powers.

***Article 324***

***Not resp. for state ele.***

***Reforms pg 73***

*Ch*apter: 4

Executive

Principal function:

Pg 79 implementation, framingof policy, administrative machinery

Pol exe, permanet executive

Pg 81 and notes

Article 74

Council of ministers and pm to advise president

The President is elected for a period of five years. But there is no direct election by the people for the office of President. The President is elected indirectly. This means that the president is elected not by the ordinary citizens but by the elected MLAs and MPs. This election takes place in accordance with the principle of proportional representation with single transferable vote. The President can be removed from office only by Parliament by following the procedure for impeachment. This procedure requires a special majority as explained

Discretionary powers website

In a parliamentary system, the Council of Ministers is dependent on the support of the majority in the legislature. This also means that the Council of Ministers may be removed at any time and a new Council of Ministers will have to be put in place.

Such a situation requires a Head of the state who has a fixed term, who may be empowered to appoint the Prime Minister

and who may symbolically represent the entire country.

when no party has a clear majority, the President has the additional responsibility of making a choice and appointing the Prime Minister to run the government of the country

powers of pm pg 92 and notes

In the first place, these developments have resulted in a growing discretionary role of the President in the selection of Prime Ministers.

Secondly, the coalitional nature of Indian politics in this period has necessitated much more consultation between political partners, leading to erosion of prime ministerial authority.

Thirdly, it has also brought restrictions on various prerogatives of the Prime Minister like choosing the ministers and deciding their ranks and portfolios.

Fourthly, even the policies and programmes of the government cannot be decided by the Prime Minister alone. Political parties of different ideologies come together both as pre-poll and post-poll allies to form a government. Policies are framed after a lot of negotiations and compromises among the allies.

In this entire process, the Prime Minister has to act more as a negotiator than as leader of the government

State level, a similar parliamentary executive exists, though with some variations. The most important variation is that there is a Governor of the State appointed by the President

The bureaucracy is also expected to be politically neutral. This means that the bureaucracy will not take any political position on policy matters. In a democracy, it is always possible that a party is defeated in elections and the new government wants to opt for new policies in the place of policies of the previous government. In such a situation, it is the responsibility of the administrative machinery to faithfully and efficiently participate in drafting the policy and in its implementation.

Union Public Service Commission has been entrusted with the task of conducting the process of recruitment of the civil servants for the government of India.

The bureaucracy is an instrument through which welfare policies of the government must reach the people

Chapter: 5

Law making is function of legislature.

Article 109 money bill not introduced in states.