

CS – 21 Constitutional Values and Fundamental Duties

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- The Constitution of India – an Introduction
- Federal Republic
- Rule of Law
- Separation of Powers
- Sovereignty, Democracy
- Secularism
- Sarva Dharma Sama Bhava

- Introduction of The Constitution of India.

The Constitution of India is the supreme Law of India

It Lays down the Framework defining Fundamental Political Principles, establishes the Structure, Procedures, Powers and government Institutions, and set's out Fundamental rights, directive principles and the duties of the citizens.

Drafted By the Constituent Assembly, It Was Adopted on 26th November 1949" and came into effect on "26th January 1950" marking india's emergence as an Independent Republic.

The Indian Constitution is the Longest Written constitution In the world, Containing 470 Articles, 25 Parts , 22 Schedules

How long did it Precisely to create the Indian Constitution? => 2 year, 11 month, 17 days

1. **Preamble :** The Preamble of the constitution is an Introductory statement that outlines guiding Principles of the constitution It declares Indian to be a "Sovereign", "Socialist", "Democratic Republic" and It's citizens "Justice", "Liberty", "equality", and "Fraternity".
2. **Sovereign :** India is free from external control and has the power to make it's own laws.
3. **Socialist :** Social and economic equality for all citizens.
4. **Secular :** No official state religion, equal respect for all religions.
5. **Demarcation :** The people have the power to elect their government.
6. **Republic :** The head of the state is elected and not a hereditary monarch.

- **Parts of the constitution.**

Part 1: The Union and its territory.(Articles 1–4)

This part deals with formations , Reorganization , and territorial jurisdiction of states and union territories.

It grants the power to Reorganize states, create new ones and change the boundaries through legislation.

Part 2: Citizenship (Articles 5–11)

Defines the requirements for Indian citizenship at the time of commencement of constitution & ways to acquire or lose citizenship in subsequent years.

Part 3: Fundamental rights. (Articles 12–35)

one of the most significant sections “ Fundamental Rights ” Provide basic Rient's and Freedom to all citizens.

These are enforceable by the Courts to Protect Citizen from discrimination and ensure equality.

Articles (14-18) : Right to equality.

Articles (19-22) : Right to Freedom

Articles (23-24) : Right against Exploitation

Articles (25-28) : Right to freedom of Religion

Articles (29-30) : Right to protect the culture and educational rights for minorities

Articles (32) : Right to constitutional Remedies

Part 4: Directive Principle of state policy.(Articles 36–51)

These are non-Justiciable guidelines for the government to frame policies and laws.

Though not enforceable by the courts, They are fundamental in governance and aim at securing social and economic welfare for the citizen.

Part 5: Fundamental Duties (Article 51A)

The Fundamental Duties are enshrined in Article 51A of the Constitution. These duties were added by the 42nd Amendment Act of 1976 on the recommendations of the Swarn Singh Committee. Unlike Fundamental Rights, which are enforceable by law, Fundamental Duties are non-enforceable in a court of law but serve as a moral obligation for every citizen.

It shall be the duty of every citizen of India to:

1. Abide by the Constitution and respect its symbols.
2. Cherish and follow ideals from the freedom struggle.
3. Uphold and protect India's sovereignty and integrity.
4. Defend the country and serve when called.
5. Promote harmony and respect women's dignity.
6. Preserve India's cultural heritage.
7. Protect the environment and show compassion for living creatures.
8. Develop scientific temper and humanism.
9. Safeguard public property and reject violence.
10. Strive for excellence in all activities.
11. Provide education opportunities for children aged 6-14.

Importance of Fundamental Duties

- They remind citizens that while enjoying Fundamental Rights, they also have responsibilities towards the nation.
- They promote the spirit of patriotism and strengthen the unity of the country.
- They serve as a guiding principle for shaping public policy and legislation.

Part 6 : The Union (Articles 52–151)

- **Structure of the Union government:** This part deals with the organization, powers, and functions of the Union government, including:

- **The President:** Election, powers, and functions of the President.
- **Parliament:** Composition, powers, and functioning of the Parliament (Lok Sabha and Rajya Sabha).
- **The Prime Minister and Council of Ministers:** Role and functions of the executive.
- **Judiciary:** Powers and functioning of the Supreme Court and high courts.

6. Part VI: The States (Articles 152–237)

- **This part is similar to Part V but pertains to the State governments. It defines the structure of state governments, including the roles of the Governor, the State Legislature, and the Chief Minister.**
 - **Governor (Article 153–162):** The Governor is the representative of the President in the state.
 - **State Legislature:** Like Parliament at the Union level, states have a legislature (unicameral or bicameral) responsible for making laws on state subjects.
 - **Chief Minister and Council of Ministers:** The Chief Minister heads the state government and works with the Council of Ministers to execute policies.

7. Part IX: Panchayats (Articles 243–243O)

- **Added by the 73rd Amendment in 1992, this part introduces the Panchayati Raj system, which establishes local self-government at the village level. Panchayats are responsible for local development, infrastructure, and governance in rural areas.**
 - **Gram Panchayat:** The primary unit of local self-governance at the village level.
 - **Zila Parishad:** Governs districts and coordinates the activities of the Panchayats.

8. Part IXA: Municipalities (Articles 243P–243ZG)

- **Introduced by the 74th Amendment in 1992, this part deals with urban local governance. It establishes municipalities, which are responsible for governing towns and cities, handling services like water supply, waste management, urban planning, and infrastructure development.**

9. Part XVIII: Emergency Provisions (Articles 352–360)

- **This part deals with the declaration and management of emergencies:**
 - **National Emergency (Article 352):** Declared in cases of war, external aggression, or armed rebellion, allowing the central government to assume sweeping powers.
 - **President's Rule (Article 356):** Can be declared if a state's constitutional machinery breaks down, allowing the central government to take over the administration of the state.
 - **Financial Emergency (Article 360):** Can be declared if the financial stability of India is threatened, allowing the central government to control the finances of the states.

10. Part XX: Amendment of the Constitution (Article 368)

- **This part outlines the procedure for amending the Constitution. Amendments can be made through a special majority of Parliament, and in certain cases, they require ratification by at least half of the state legislatures.**
 - **The Constitution has been amended numerous times to address evolving political, social, and economic conditions. Amendments can either modify a specific part or add new provisions, as seen in the case of Fundamental Duties and local self-governance.**

11. Schedules

- **The Constitution originally had eight schedules, which have now increased to twelve. The schedules provide supplementary details to the articles in the Constitution:**
 - **First Schedule:** Lists the states and union territories.
 - **Second Schedule:** Specifies the emoluments and privileges of public officials, including the President, Governors, judges, etc.
 - **Third Schedule:** Contains the forms of oaths and affirmations.
 - **Seventh Schedule:** Contains three lists that divide powers between the Union and the States—Union List, State List, and Concurrent List.

- **Constitutional bodies :**

Constitutional bodies are organizations or institutions that derive their authority and powers directly from the Constitution of India. They play a vital role in the governance and functioning of the country.

- 1. Election Commission of India (Article 324)**
- 2. Union Public Service Commission (UPSC) (Article 315–323)**
- 3. State Public Service Commissions (SPSC) (Article 315–323)**
- 4. Comptroller and Auditor General of India (CAG) (Article 148)**
- 5. Finance Commission (Article 280)**
- 6. National Commission for Scheduled Castes (NCSC) (Article 338)**
- 7. National Commission for Scheduled Tribes (NCST) (Article 338A)**
- 8. Attorney General of India (Article 76)**
- 9. Advocate General of the State (Article 165)**

These constitutional bodies ensure that the country's governance, administration, and justice systems function according to the principles laid down by the Constitution.

- **Federal Republic**

India's Federal Republic system combines both a federal structure, where power is divided between central and state governments, and a republic system, where the head of state is elected and not a hereditary monarch.

- 1. Federal System:**

- **India has a federal system of government, meaning the power is shared between the central (national) government and state governments. This structure is defined in the Indian Constitution, which provides for the division of powers and responsibilities through a Union List, State List, and Concurrent List (under the Seventh Schedule).**
- **The Union List covers matters of national importance, such as defense, foreign affairs, and communications. The State List deals with issues of local or state concern, like police, health, and agriculture. The Concurrent List includes areas where both the Union and the States can legislate, such as criminal law and marriage.**

- 2. Division of Powers:**

- The Constitution also provides for a system of dual polity, where there are two levels of government: the Central Government and the State Governments.
- The Supremacy of the Constitution ensures that any dispute regarding the powers of the central or state governments is settled by the Judiciary, primarily the Supreme Court of India.

3. Republic System:

- A republic is a form of government in which the country's head of state is elected and is not a hereditary monarch. In India, the head of state is the President, who is elected indirectly by the people through an electoral college.
- The Indian Constitution emphasizes that the President is not a monarch, and his or her power is largely ceremonial, with real executive powers vested in the Council of Ministers headed by the Prime Minister.

4. Sovereignty:

- As a sovereign republic, India's sovereignty rests with the people. The Constitution declares India as a sovereign state, meaning it is free from external control or influence.
- The Republic nature ensures that the political power remains with elected representatives, not with a monarch or hereditary ruler.

5. Unitary Features:

- Despite the federal nature of the Indian system, the Constitution also contains certain unitary features, which strengthen the central government's authority. For example, in times of emergency, the President can dissolve the power-sharing structure, and the Union Government can assume control over state matters.
- Single citizenship (as opposed to separate state and national citizenship) also reflects a more unitary approach.

6. Supreme Court's Role:

- The Supreme Court of India plays a crucial role in maintaining the balance between the Union and State powers. It resolves disputes between the Centre and States, ensuring that the federal framework is upheld.
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7. Significance in Indian Governance:

- India's federal republic system is designed to promote a balance between the unity of the country and the autonomy of its diverse states. It allows local governance while maintaining national cohesion.
- The republican nature ensures that sovereignty rests with the people and not with any individual or family, emphasizing democracy, equality, and justice for all citizens.

● The Rule of Law

The Rule of Law is a fundamental principle of governance that ensures that every individual, including those in power, is subject to the law. It means that the law should govern a nation, as opposed to being governed by the arbitrary decisions of individual rulers. In the context of the Indian Constitution, the Rule of Law is crucial in maintaining justice, equality, and liberty. Here's an explanation of the Rule of Law in a seven-mark answer:

1. Definition of Rule of Law:

- The Rule of Law refers to the principle that all individuals and authorities are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated. It also ensures that the law is applied fairly and consistently, without bias or favoritism.

2. Principles of Rule of Law:

- **Supremacy of Law:** The law is supreme and should be followed by everyone, including the government. No one, not even the President or Prime Minister, is above the law.
- **Equality Before the Law:** All individuals, regardless of their status or position, are equal before the law. This is reflected in the Right to Equality (Articles 14-18) in the Indian Constitution, which ensures that the law applies equally to all citizens.
- **Legal Protection of Rights:** The Rule of Law guarantees that legal rights and liberties are protected. It ensures that individuals can approach the judiciary if their rights are infringed upon.

3. Absence of Arbitrary Power:

- In a society governed by the Rule of Law, no individual or authority has the power to act arbitrarily or in an authoritarian manner. All actions, decisions, and policies must be in accordance with established law, ensuring fairness and justice.
- This principle ensures that the government cannot act outside its legal powers and must operate within the framework set by the law.

4. Judicial Independence:

- The Rule of Law is closely linked to the independence of the judiciary, which plays a key role in ensuring that the law is applied fairly. The judiciary serves as a check on the powers of the legislature and the executive, ensuring that laws passed by the government are in accordance with the Constitution and are not arbitrary.
- In India, the Supreme Court and High Courts are empowered to strike down any law or executive action that violates the Constitution, maintaining the Rule of Law.

5. Due Process of Law:

- The due process of law ensures that laws are applied in a fair, transparent, and non-discriminatory manner. It guarantees that no one can be deprived of their life or liberty without a fair trial and proper legal procedure.
- This is enshrined in Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty.

6. Protection of Fundamental Rights:

- The Rule of Law ensures that the Fundamental Rights of individuals (such as the right to equality, freedom of speech, and protection from arbitrary arrest) are upheld. The judiciary is responsible for enforcing these rights and ensuring that no action of the state infringes upon them unlawfully.
- The Fundamental Rights are justiciable, meaning citizens can approach the courts if their rights are violated, reinforcing the Rule of Law.

7. Importance in Indian Democracy:

- The Rule of Law is essential for the functioning of a democratic society. It helps maintain social order, ensures justice, and protects individual freedoms. It prevents misuse of power, ensures fairness in governance, and promotes equality.
- It forms the backbone of a fair legal system, as seen in India's Constitution, which safeguards the principles of democracy and justice.

- **The Separation of Powers**

The Separation of Powers is a fundamental principle of the Indian Constitution that divides the powers and responsibilities of governance into three distinct branches: the Legislature, the Executive, and the Judiciary. This system ensures that no single body or individual holds excessive power, promoting a system of checks and balances.

1. Legislature:

- The Legislature is responsible for making laws. In India, this function is carried out by the Parliament, which is a bicameral body consisting of the Lok Sabha (House of the People) and the Rajya Sabha (Council of States).
- The Legislature debates and enacts laws on various issues, including the economy, national security, and public welfare. It also has the power to amend the Constitution and oversee the Executive through questioning and scrutiny.

2. Executive:

- The Executive is responsible for implementing and enforcing the laws made by the Legislature. In India, the Executive includes the President, the Council of Ministers headed by the Prime Minister, and the various administrative departments and officials.
- The Executive formulates and executes government policies, manages day-to-day administration, and represents India in foreign matters. It derives its authority from the laws enacted by the Legislature.

3. Judiciary:

- The Judiciary is responsible for interpreting the laws and ensuring their constitutionality. The Judiciary in India is independent and impartial, with the Supreme Court at the apex, followed by the High Courts and lower courts.
- The Judiciary safeguards the rights and liberties of citizens by reviewing laws passed by the Legislature and actions taken by the Executive to ensure they comply with the Constitution. It has the power of judicial review, meaning it can declare laws or actions unconstitutional if they violate the Constitution.

4. Checks and Balances:

- The principle of Separation of Powers ensures that the three branches of government act independently but also keep each other in check. For example, while the Legislature makes laws, the Executive can enforce them, but the Judiciary can strike down unconstitutional laws.
- This system prevents the concentration of power in one branch and ensures a system of accountability, transparency, and fairness.

5. Importance in Indian Democracy:

- The Separation of Powers ensures that no branch of government becomes too powerful or oversteps its authority, promoting democracy, protecting individual freedoms, and upholding the Constitution.
- It strengthens democratic governance and ensures that each branch functions within its constitutional limits, maintaining a balance between them for effective governance.

In conclusion, the Separation of Powers in the Indian Constitution creates a system of checks and balances that divides governmental powers among the Legislature, Executive, and Judiciary to ensure a fair, transparent, and accountable democratic system.

- **Sovereignty**

Sovereignty in the context of the Indian Constitution refers to the supreme authority and independence of India to govern itself without interference from external forces. It signifies that India is free to make its own laws and decisions, and no foreign power can challenge its authority

1. Supreme Authority:

- **Sovereignty means that India has the ultimate authority over its territory and affairs. The Indian state has full control over its domestic and foreign policies. No external power or country has the right to impose laws or influence decisions within India's borders.**

2. Constitutional Framework:

- **The Indian Constitution defines India as a sovereign state in its Preamble, stating that the country is free from external control and interference. This sovereignty is fundamental to India's independence as a republic.**

3. Freedom from External Interference:

- **Sovereignty ensures that India is not subject to foreign domination or influence. The country's foreign policy, including matters related to defense, diplomacy, and treaties, is decided solely by the Indian government without any external interference.**

4. Independence in Lawmaking:

- **As a sovereign nation, India has the power to make and amend its own laws through its Parliament. No other nation or power can override or interfere with the laws passed by the Indian legislature, except in cases where the Constitution itself is amended by the Indian Parliament.**

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5. Limits of Sovereignty:

- **While India is sovereign, it is still bound by its Constitution, which ensures that the exercise of sovereignty is within a legal framework. India can enter into treaties or agreements with other nations, but these must respect India's sovereignty. In cases of international obligations or treaties, India can reserve certain provisions to protect its sovereignty**

● Democracy

Democracy in the context of the Indian Constitution refers to a system of government where the people hold the power to make decisions, either directly or through elected representatives. It ensures that the government is accountable to the people and operates for their welfare.

1. Government by the People:

- **In a democracy, the people are the ultimate source of power. In India, the Constitution ensures that the government is formed by elected representatives who are chosen by the people through elections. These representatives make decisions on behalf of the people.**

2. Universal Adult Franchise:

- **The Indian Constitution gives every citizen above the age of 18 the right to vote, regardless of their gender, caste, or religion. This principle, known as universal adult suffrage, ensures that all citizens have an equal say in choosing their leaders.**

3. Periodic Elections:

- In India, elections are held regularly for various levels of government, including the Lok Sabha (Parliament), State Assemblies, and local bodies. These elections ensure that the government remains accountable to the people and that leaders remain responsive to the public's needs.

4. Right to Representation:

- Democracy in India means that citizens have the right to be represented in the Parliament and state legislatures. These representatives debate and make laws on behalf of the people, ensuring that citizens have a voice in the decision-making process.

5. Fundamental Rights and Freedom:

- The Indian Constitution guarantees Fundamental Rights (like freedom of speech, equality before the law, and freedom of religion) to all citizens, ensuring that democracy functions in a fair and just manner. These rights protect individuals' freedom and prevent the government from becoming oppressive.

In conclusion, Democracy in the Indian Constitution ensures that the government is formed by the people, for the people, and that it works in their best interests by giving them the power to elect representatives and protect their rights.

● Secularism

Secularism in the context of the Indian Constitution means that India does not have a state religion, and the government treats all religions equally. It ensures that everyone has the freedom to practice their religion without interference from the state.

1.No State Religion:

- India does not have an official religion. The Constitution ensures that the government does not favor any religion over others, treating all religions with equal respect and without discrimination.

2. Freedom of Religion:

- Every citizen of India has the right to practice, preach, and propagate their religion freely. This right is guaranteed by Article 25 of the Indian Constitution, which allows individuals to follow any religion of their choice.

3. Equal Treatment of Religions:

- The Indian government must treat all religions equally. No religion is given special treatment or privileges. The state ensures that laws and policies are made without any bias toward a particular religion.

4. Religious Tolerance:

- Secularism promotes tolerance and peaceful coexistence among people of different religions. It encourages mutual respect and understanding, allowing people to live together harmoniously despite their religious differences.

5. Separation of Religion from Government:

- In India, religion and politics are kept separate. The government does not intervene in religious matters, and religious institutions do not interfere in the functioning of the government. This separation ensures that the state remains neutral.

In conclusion, Secularism in the Indian Constitution ensures that all religions are treated equally, and people have the freedom to practice their religion without government interference, promoting unity and peace among diverse religious communities.

- **Sarva Dharma Sama Bhava**

Sarva Dharma Sama Bhava is a principle in the Indian Constitution that promotes religious equality and tolerance. It means that the government treats all religions equally and does not favor one over another.

1. Equality of All Religions:

- The phrase Sarva Dharma Sama Bhava translates to "equal respect for all religions." It means that the Indian government does not favor any particular religion and treats all religions with the same level of respect and importance.

2. Non-Interference in Religious Matters:

- The Constitution ensures that the government does not interfere in religious practices or beliefs. It allows individuals to follow and practice their religion freely without fear of discrimination or restriction.

3. Secular State:

- India is a secular state, which means that the state has no official religion. The government remains neutral in religious matters and does not impose any religion on its citizens. This ensures that people from all religious communities can live peacefully.

4. Protection of Religious Rights:

- The Indian Constitution guarantees freedom of religion under Article 25. This gives every individual the right to freely practice, profess, and propagate their religion, and the government is obligated to protect this freedom.

5. Promoting Harmony and Unity:

- The principle of Sarva Dharma Sama Bhava promotes religious harmony and unity in India, a country with a rich diversity of religious beliefs. It helps create a peaceful society where people of different religions live together with mutual respect and understanding.

In conclusion, Sarva Dharma Sama Bhava in the Indian Constitution promotes the idea of religious equality and ensures that all religions are treated with equal respect, fostering a peaceful and united society.

