Constitution of India, Philosophy and

Unit 1 : Introduction

1. Meaning, nature and importance of constitution
2. Indian constitutional development.
3. Constitutent assembly making of Indian constitution and role of Dr. B. Ambedkar.

Unit 2: Constitutional Philosophy & It's values

1. Preamble.
2. Citizenship
3. Features of Indian constitution.

Unit 3 : Constitutional Rights & Duties.

1. Fundamental Rights.
2. Fundamental Duties.
3. Directive Principles of state policy

Unit - 1

Constitution - Meaning, nature, importance

I Meaning :-

Defn:- Constitution means to form or to establish. It means the formation or establishment of the fundamental law which determines the political structure of the state.

constitution
↓ derived from
latin word 'constituere'
↓
To form / compose / establish
(It is an act of establishment of government)

From the above defn it is clear that constitution is the fundamental law of the land which establishes the main organs of the state that is the
① Legislature ② The executive (formally our laws) ③ Judiciary (settle disputes & give justice)
defines their powers demarcates their responsibilities & regulate their relationships with one another. defines the powers of the central & the state govt and also regulates the relation b/w the people and the state by listing the rights & duties

of the citizens

2/10/24

II Nature and importance of constitution

Nature / characteristics of constitution

① Type of Political structure :- Democratic / Socialism / Communist

② Type of Government → Parliamentary / Presidential

③ Type of State structure → Federal / Unitary

→ India follow both, Switzerland unitary

Without written constitution → Indian
(flexible constitution)

Nature of the constitution

The characteristic features of our constitution are as follows

① The constitution determines the political system of the country such as democracy, socialism etc

② The constitution determines the structure of the state that is unitary or federal

③ The constitution determines the form of government that is parliamentary or Presidential

④ The constitution establishes the main organs of the state that is the legislature, the executive and the judiciary. defines their powers, responsibilities and regulate their relationships with one another

⑤ Constitution contains the laws which govern the distribution of powers between the center and the state.

⑥ Constitution of our country may be written that is systematically documented or may be unwritten

⑦ The constitution may be detailed or brief

⑧ The constitution may be rigid or flexible.

I Importance of constitution

① It is essential for the operations of the any state. constitution guides the way to go on and achieve the social & economic stability

② It makes the government responsible. It is a law under which a government should operate.

③ It states the fundamental rights of people and makes the government responsible

see whether people enjoy their rights.

④ It provides aims and objectives of any nation. There is no state without any social and economical objectives

⑤ It works as an instrument of change. It helps in reforming the goals of the society

II Indian constitutional development

1947 - Thomas Batter mission

governor general → representative of british king

director - east india company

1857 → 1st ~~time indian~~ war of Independence

1858 → indian act.

secretary of India → another person, member of british cabinet

he & vice Roy control india

along with 15 members

Indian council act - 1861

1861 - Indians entered legislature as non official members

1858 government of India act

↓

1861 Indian council act. 1861

(non official member)

↓

1892

(indirect election) (representative chosen by british) (black on backgrd)

↓

1909

(direct election) (communal representation)

Indian council act of 1909

morley minto reform, assured in executive council

↓ 1919

government of India act 1919

4/10/24

1858 - 1947 (Kings rule):

government of India Act - 1858

Rule of EIC (east india company) (removed from rule)

→ Dual govn. (Diarchy) Bicameralism

(a) transferred list - extended communal representation to remaining religion

↓

1935 govn of india act 1935

IIB Indian constitutional development

The period of 1773 to first British constitutional experiments in India can be divided into two part phase

phase ① constitutional experiment during the rule of east India company (1773 - 1857)

phase ② constitutional experiments under the British Crown rule (1857 - 1947)

phase ① constitutional development rule under British crown.

① Government of India Act of 1858

- This act was passed by British parliament brought end to the rule of East India company. the powers were transferred to the British crown.
- The secretary of state for India was given the powers & duties of the former part of directors the controlled the Indian administration to the viceroy of India.
- The secretary of state for India was assisted by the council of India consisting of 15 members which acted like an advisory body.
- British Governor General of India was made the Vice Roy of India.

② Indian council act of 1861

- Indians were nominated as non-official members for the first time in the legislative council of vice roy.
- legislative council were established in provinces and center.
- In

③ Indian council act of 1892

- The legislative council was given more power they had the power to debate on the budget & ask questions to the executive.
- Indirect election was introduced for the first time.
- Indian coun

④ Indian council act 1909

- This act is also called Morley - Minto reform
- for the first time direct elections were introduced for the legislative council.
- The central legislative council was renamed as Imperial legislative council
- communal representation was introduced. It was a system where seats were reserved only for muslims and only muslim could be vote.
- For the first time Indian's were appointed to the executive council of Viceroy.

⑤ Government of India act 1919

- This act is also called as Montagu Chelmsford reform
- Bicameralism was introduced for the first time
- Diarchy (Dual governance) was introduced in the provincial subjects. It was divided into ① reserve ② transfer.
- The transferred list included agricultural health, education, and supervision of local government.
- The reserved list included communication, foreign affairs, defence, and could under the control of vice roy.
- out of 6 members in Vice Roy executive council 3 of them were Indians
- Public service commission was established for the first time

⑥ Government of India act of 1935

- This was the longest and the last constitutional measures introduced by British India. It was the result of multiple round table conference & a report by the Simon commission
- Bicameralism was introduced in 6 province, out of 11 province.
- As per the act the powers were divided into federalist, provincial list and concurrent list
- Provincial autonomy was introduced in

the provincy by removing diparchy
- Provided provisions for establishing federal court, reserve bank of India

Cripps mission - 1942

- Dominion status would be given to India after second world war
- Once the Second world war ends an elected body would be set up in India for framing of Indian constitution
- Almost all parties & sections in India rejected the proposals given by the Cripps mission

Cabinet mission - 1946

- Indian states & the British provinces would combine to form union of India
- A constituent assembly would be establish consisting of 389 members
- 14 members from major political parties would form an interim government a representative body would be form name as the constituent assembly.

- until the constn was framed India would be administered as per the government of India act 1935.

The Mount Bastten Plan / Indian Independence act of 1947

- The british India was partition into India & Pakistan with effect from 15 aug 1947
- ~~The~~ They complete legislative authority to the constituent assembly
- Establish government in both provinces & states.

15/10/24

Imp

Cabinet Mission
↓ direct election
Member of provincial Legislative Assembly
↓ indirect election
Members of constituent assembly (1946)
↓
389 (original membership) — 292 – provincial up, 93 – princely state
↓
Dr. Rajendra Prasad (President)
Dr. B.R. Ambedkar (chairman)
↓
1st session 9th Dec 1946 P.V9
Partition
↓
299 (final membership)
↓
Drafting committee
↓
29th August 1947
↓
7 members including chairman.
↓
1st draft Feb 1948
↓ BN Rao
↓
2 years, 11 months, 18 days for completion. P.V2
↓
~~BN Rao~~

↓
26th Nov 1949 (complete) ⇒ actual 284 members present
↓
26th Jan 1950 (adopted)

Constituent Assembly

- The constituent Assembly is a body composed for the purpose of drafting or adopting or constitution
- The members of the constituent assembly of India were chosen by indirect election by the members of the provincial legislative assemblies which was according to the recommendation of the cabinet mission.
- The cabinet mission stated that there should be 292 members let due to provincial legislative assemblies, 93 members represented Indian princely state & 4 members represented chief commission provinces thus the total membership was 389.
- Dr. Rajendra Prasad became the president & B.R. Ambedkar was appointed as chairman.
- The constituent assembly that had been elected for conducted centre trial its

P.V.9

first meeting on 9th december 1946.

- As a result of the partition under the plan of June 3, 1947, a seperate constituent assembly was setup for Pakistan.
- The representatives of Bengal, Panjab, Sindh, northwestern frontier province Baluchistan, and the Sylhet + Assam opposed to be the members of constituent Assembly of India, There was a fresh election in the new province of west Bengal & East Panjab
- As a result of the partition when the constituent assembly reassembled the membership of the house was reduced to 299
- of these 284 were actually present on 26th November 1949 and gave their signatures to the constitution has final passed

Indian constitution

① Cabinet mission plan.

- At the end of world war 2 the british government sent 3 of the minister to India for a solution to the question of India's Independence.
- This scheme of minister was called cabinet mission
- The cabinet mission made it clear that its objective was not to lay down the details of the constitution but to speedy start a process which by constituent would be frame by the Indians for the Indians.

② constituent assembly

③ Drafting committee ⇒

- On 29th August 1947 a drafting committee under the chairmanship of Dr. B. Ambedkar was formed by the constituent assembly
- The drafting committee had 7 members including the chairman B.R. Ambedkar
- The first draft was prepared by B.N. Rau and was ready by Feb 1948
- The constituent assembly discuss the draft and took 2 years 11 months & 17 days to finally pass the constitution.

④ commencement of the constitution of India

- Some of the provisions of the constitution of India, especially those relating to citizens, was immediately put into force to enable the displace persons from Pakistan to register themselves as the citizen of India.
- The constitution as the whole whole however came into force only with effect from 26th Jan 1950. This is the date of the commencement of Indian constitution.

content of the Indian constitution

- The constitution of India as originally adopted had 22 parts 395 articles & 9 schedules at
- At current the Indian constitution is divided into 25 parts & 12 schedules

Sources of Indian constitution

Sources of Indian constitution

Art / Provision / law	Source
① Basic structure of our political system, provisions regulating the union state relation, declaration of emergency	Government India Act of 1935.
② concept of directive principle	Irish constitution P.V.Q
③ Parliamentary system with ministers responsible to the legislature and the provisions relating to the issue of writs	British constitution
④ Fundamental Rights	US constitution (Amendment)
P.V.Q Preamble inspired by	
⑤ Fundamental duties	Russian constitution

(6) The federal structure and the provisions related to union state relation, distribution of powers b/w union & state.	Canadian constitution
(7) Emergency provision	German constitution
(8) Provisions making the president the executive head of the state and the supreme commander of the arm forces & the provisions making the vice president ex-official chairman of the council of state	US constitution

it said article 32 is the soul of Indian constitution. 18/10/24.

III. Role of Dr. BR Ambedkar.

- On august 29, 1947, Dr. Ambedkar was appointed the chairman of the drafting committee that was constituted by constituent assembly to draft a constitution for Independent India. The major contributions are

(1) Fundamental rights - Ambedkar was a champion of fundamental rights and part-3 of the Indian constitution guarantees the fundamental rights to the citizens against the state.

(2) Parliamentary democracy - He firmly believe that the parliamentary system of government alone can bring the equality in society through the application of the principles of social democracy. The preamble of the Indian constitution highlights the principles of parliamentary democracy

(3) protective discrimination / reservation
The real contribution of Ambedkar is reflected in the protective discrimination scheme of the reservation policy of the gover

mend. under the provisions of part-3 & many of part-4 dealing with the constitutional mandate to the condition of the schedule cast SC, schedule tribes /ST and other backward classes OBC.

④ State socialism

He proposed state ownership of agriculture with a collectivised method of cultivation and a magnified modified form of state socialism in the field of industry

Unit-2

Constitutional Philosophy and its Values

I Preamble

The Preamble of the Indian Constitution is as follows.

"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 opportunity and to promote among them all
FRATERNITY assuring the dignity of individual and unity and integrity of the nation.

IN OUR CONSTITUTION ASSEMBLY this 26 day of November 1949, DO HERE BY ADOPT, ENACT AND GIVE

TO OURSELVES THIS CONSTITUTION

Elements of Preamble.

① SOVEREIGN → no body outside us independent, any control which is above us, only they can have constitution. Pure independence.

② SOCIALIST → (minimize) the gap b/w rich & poor

③ SECULAR → not support any religion. No national religion

④ DEMOCRATIC → By the people of the people for the people

⑤ REPUBLIC → no hereditary ruler

⑥ JUSTICE

Political → ↓ [illegible]

Economic → ↓ no difference [illegible]

Social → ↓ no discrimination on the basis of caste, religion, place of birth

⑦ LIBERTY → kind of freedom / no unwanted restriction on thought, faith worship

⑧ EQUALITY → all are equal.

⑨ FRATERNITY → all the religions together with the feeling of brotherhood

scholar

Every written constitution begins with Preamble

Purpose of the Preamble

① It indicates the source of the constitution

② It states the basic objective sought to be achieved by the constitution

③ It indicates the nature of state the constitution seeks to establish.

Elements of the Preamble.

① SOVEREIGNITY

- It means absolute independence that is a government which is not controlled by any other power internal or external

① SOCIALIST

- In 1976, the 42nd amendment to the constitution incorporated socialist & secular in the preamble.
- The word socialism has been used in the context of economic planning.
- It signifies major role in the economy.
- It also means commitment to attain the ideal of the removal of inequality, provision of minimum basic necessities to all, equal pay for equal work.

② SECULARISM

- India is neither religious nor irreligious nor antireligious. It implies that in India there will be no state religion. The state will not support any particular religion out of public fund.
- This has two implications:
  1. Every individual is free to believe in and practice any religion he/she belongs to.
  2. State will not discriminate against any individual or group on the basis of religion.

③ DEMOCRATIC

- The last line of the preamble says hereby adopt, enact and give to ourselves this constitution.
- According to the last line democracy is generally known as government of the people by the people and for the people.
- Democratic means the government is elected by the people. It is responsible & accountable to the people.

④ REPUBLIC

- The preamble also declares India as Republic.
- It means that the head of the state is the president who is indirectly elected and he is not a hereditary ruler as in the case of British monarch.

⑤ JUSTICE

→ ① Political Justice: This means that every 5 years the members of the legislature of the union and of each state shall be elected by the vote of entire adult population.

- According to the principle one man one vote

→ (5) Economic Justice

- It means no discrimination b/w man & women on the basis of income, wealth and economic status. It stands for equitable distribution of wealth the end of monopolistic control over means of production and distribution, decentralisation of economic resources and the securing of adequate opportunities to all for an earning

→ (6) Social Justice:

It means the absence of socially privileged classes in the society and no discrimination against any citizen on the basis of cast, colour, religion gender or place of birth. India stands for eliminating all forms of exploitation from society

(7) LIBERTY

It signifies not only the absence of any unwanted restrictions on the freedom of individual actions but also the creation of conditions which provide essential ingredients constituted of individual social progress depends on the progress of the individual.

(8) EQUALITY

Each individual is assured of equality of status and opportunity for the development of the best in him and the means for the enforcement of the rights guaranteed to him

(9) FRATERNITY

Spirit of Brotherhood among all sections of the people a feeling that they are all children of the same soil the same motherland.

III CITIZENSHIP

study with part IV of Constitution

Law

legal relationship

person → gives loyalty

state/country → gives protection

legal relationship b/w person & country where in person gives loyalty and country gives protection

29/10/24.

Note :

Citizenship is defined as the legal relationship between an individual and the state under which the individual pledges his loyalty to the state and the state offers protection to the individual.

- Citizenship is confined only to natural or physical persons
- It is not extended to corporations and juristic persons
- There are two kinds of citizenships they are

(1) Single citizenship (2) Dual citizenship

(1) Single citizenship : It means that a citizen of a country has a single or only one citizenship for the entire country. Example : India.

(2) Dual citizenship. It means that a citizen of a country has a citizenship that is

(i) Federal citizenship (citizenship of the union)

(ii) State citizenship (citizenship of the state)

ex: USA & Switzerland.

Significance of citizenship

(1) citizenship determines the relationship b/w the state and the citizen.

(2) citizenship signifies power & membership of an individual to the country that is true citizenship.

(3) A citizen expresses loyalty to the nation. In return the nation provides protection to the citizens

(4) citizenship grants to a person the right to vote and the right to contest in the elections through the legislation. In other words citizenship provides to a person

opportunity to participate in politics.

(5) citizenship provides certain special rights that is fundamental rights to a person

(6) citizenship gives to a person the right to contest the elections for the office of the president or vice president of the country.

Citizenship at the commencement of the constitution

(1) Who are born in the territory of India

(2) Either of whose parents first born in the territory of India.

(3) Who had been ordinarily resident in the territory of India for not less than 5 years after the commencement of constitution of India.

Citizenship act of 1955 :

The act made provisions for acquisition & termination of citizenship

acquisition of citizenship

Under the act of 1955 Indian citizenship may be acquired by

(1) Birth

(2) Descent → grandparents

(3) Registration

(4) naturalisation → non indians become

(5) Incorporation of territory

Laws of Indian citizenship. Terminal

The citizen of a person may terminate

(1) By giving up of citizenship.

(2) ~~To volun~~ Through voluntary acquisition of citizenship of the other country.

(3) Through deprivation of citizenship by order of the government. → not a way

(4) A woman looses her citizenship by marrying a foreigner

(5) A person looses citizenship if he/she remains absent for a long period from the native state.

III Features of Indian Constitution

→ (1) Longest written constitution:

(2) It consist of 395 articles, 12 schedules and 87 ammendments

The reason for the lengthy characters are

(i) The ~~law~~ framers of the constitution not only laid down fundamental principles of the government but provided matters of administrative details.

(ii) It provides rules for the administration for both center & states.

(iii) There are seperate chapters about fundamental rights & directive principles of state policies

(iv) another reason for bulky character is it has direct with problem of scheduled caste (SC) scheduled tribe (ST), regional & linguistic etc.

(2) Preamble

(1) It indicates the source of the constitution and aims & objective of the constitution

(2) It also points out the nature of the state

(3) It is suppose to indicates its content

(4) It says that India should be a sovereign socialist, secular, democratic & republic state. It ensures to all its people justice, liberty, equality and fraternity

(3) A sovereign, socialist, secular, democratic republic

(i) Sovereign: India has emerged as an independent state.

Information of internal & external policies India will be guided by a national interest and not by external pressure.

(ii) Socialist /Socialism - means Removal of socio economic imbalance providing a massive justice.

(iii) Secular /Secularism - all religions in

the country however small in their strength have the same status and same prestige and support from the state.

There will be freedom of liberty of faith & worship

(iv) Democratic

It signifies that the real power comes from the people

constitution introduces universal adult franchise (right to vote)

Ultimate sovereignity but with the people who are the masters of the nations destiny

(v) Republic

The Constitution has made India an republic

The head of the state that is the president is elected indirectly by the people

It does not provide place to a king or a monarch to rule India.

→ (4)

(3) Establishment of Federal Polity ~~Polity~~

Article 1 of the constitution of India says "India that is Bharat shall be union of states.

Through the word federation is not use the government is federal a state is federal when

(1) There are two sets of a government

(2) There is distribution of power between the two

(3) There is a written constitution which is "The Supreme law of the land"

(4) There is ~~the~~ a independent Judiciary to interpret the constitution and settle dispute between the center and the state.

(5) All this features are present in India but Inspite of all this essential features of our federation Indian constitution has an unitary tendency

(6) There is also single Integrated Judiciary for the whole country

(7) All India services (Indian administrative service, Indian Police service and Indian forest service) proof another unitary feature.

→ (5) Fundamental Rights.

The constitution of India provides the basic principle that every individual is entitled to enjoy certain basic rights. and part III of the constitution deals with this rights which are known as fundamental rights.

Originally there were 7 category of rights but now they are 6 in number.

They are:-

(1) Right to Equality (14-18)
(2) Right to Freedom
(3) Right against exploitation
(4) Right to freedom of religion
(5) Cultural and Educational Rights.
(6) Right to constitutional Remedies

Right to property originally a fundamental right has been removed by 44- ammendment 1978 it is now a legal right

→ (6) Directive principles of The State Policy

(1) These principles are in the nature of directives to the government to implement them for establishing social and economic democracy in the country. It includes important principles like

(1) Adequate means of livelihood.
(2) Equal pay for both men & women
(3) Distribution of wealth so as to provide the commonhood free and compulsory primary education.
(4) Right to work
(5) Public assistance in case of old age, unemployment, sickness, disablement.
(6) The organisation of village Panchayat
(7) Special care to the economically backward class of the people

(7) Partly Rigid and Partly Flexible

(1) The constitution of India is neither purely rigid nor purely Flexible

(2) Some parts of the constitution can be ammended by the ordinary law process by the parliment

(3) sudden provisions can be ammended only when a bill for that purpose is pass in each of the houses of parliment by a majority of a total membership of that house and by a majority of not less than 2/3rd of the members of that house present and voting

(8) Fundamental Duties

(1) A new part IV (A) after the directive principles of a state policy was incorporated in the constitution by the 42nd ammendment 1976 for fundamental Duties.

(2) The purpose of incorporating these duties in the constitution is just to remind the people that by enjoying their rights as citizens they should also perform duties & rights & duties are co-related

(9) Secular state

(1) India is a secular state because it makes no discrimination b/w individuals on the basis of religion.

(2) It neither encourages nor discourages any religion.

(3) On the contrary Right to freedom of religion is ensured in the constitution and people belonging to any religious group have the right to practice and propagate any religion they like.

(10) Independent Judiciary

(1) The Judiciary occupies an important place in our constitution and is also made Independent of the legislative and executive

(2) The supreme court of India stands at the tip of integrated Judicial system.

(2) It acts as a protector of fundamental rights and guardian of the constitution
(4) If any law passed by the legislature or action taken by the executive contradicts the provision of the constitution. they can be declared as the ~~no~~ null and void by the supreme court thus it has the power of judicial tribunal.

(11) Single Citizenship
(1) The constitution of India recognises only single citizenship.
(2) In India we are the citizens of India only and not of the respective state to which we belong
(3) ~~this~~ This provision would help in promoting unity and integrity of the nation.

Features of Indian Constitution

Features of Indian constitution

(1) Longest constitution → explained in detail to avoid misunderstanding
(2) Preamble → begins with Preamble, summary
(3) Sovereign, Secular, Socialist, Democratic, Republic

Sovereign → real independence (absolute independence)

Secular → no state religion

Socialist → equal pay for equal work → Providing basic structures → reducing gap b/w rich & poor.

Democratic → Government of the people, for the people, by the people

Republic → head of state → No role of king/queen

(4) Establishment of federal Polity

Federal	Unitary
(1) Distribution of power (Union of states) → Central, State	(1) power concentrated on centre → Supreme court
(2) dispute b/w centre & state solved by → Supreme court	(2) → Public service exam
(3) → written constitution	(3) → Emergency condition

dispute btw center

(5) Fundamental Rights

→ (1) Right to freedom
→ (2) Right to equality
→ (3) Right against exploitation
→ (4) Right to freedom of religion
→ (5) Right to constitutional remedies → heart & soul of constitution
→ (6) cultural and educational Rights

(6) Fundamental Duties

(7) Secular state (all religions are equal)

(8) Directive Principle of state policy give direction to governments

(9) Independent Judiciary

→ power to supreme court given by constitution

(10) Partly rigid & partly flexible USA fully rigid British - fully flexible

(11) Single citizenship

USA & switzerland - dual citizenship.

India single citizenship not separate for state citizenship

Unit 3

CONSTITUTIONAL RIGHTS AND DUTIES

I FUNDAMENTAL RIGHTS

Fundamental Rights are the basic rights conferred on the citizen by the constitution of the country and which are essential for a man to lead a decent and respectable life and to attain the fullest development of his human personality

Significance of fundamental rights

(1) The fundamental rights are checked on the architecture action (unwanted actions) of the state.

(2) fundamental rights made the life of the people meaningful.

(3) The existence of oppressed people in our country is dangerous to nation peace. the removal of oppressed people only is possible only through the enforcement of fundamental rights.

(4) fundamental rights of citizens are absolutely essential for the functioning of democracy ex. If freedom of expression (which include freedom of speech & freedom of press) is

denied it deprives the people of the right to criticize and change their government which is absolutely necessary for the proper working of democracy

* Part III (article 12 to 35) deals the fundamental right granted to individual

Classification of Fundamental Rights
The fundamental rights incorporated in part III of the constitution of India as ammended are classified under 6 main categories they are:-

→ (1) Right to equality [article 14-18]
→ (2) Right to freedom [article 19-22]
→ (3) Right against exploitation [article 23-24]
→ (4) Right to freedom of religion [article 25-28]
→ (5) The cultural & educational rights [article 29-30]
* (6) Right to constitutional remedies [article 32-35]

article 31 is deleted by the 44th ammendment 1978

Explanation – Derivation

→ (1) Right to Equality (article 14-18)
Right to equality means equality in law it's claims that is legal civil and social various rights included in right to equality are
→ (1) Equality before law (article 14)
→ (2) Prohibition of discrimination (article 15)
→ (3) Equal opportunity (article 16)
→ (4) Abolition of Untouchability (article 17)
→ (5) Abolition of Titles (article 18)
• (6) The rigl

→ (2) Right to Freedom (article 19-22)
Protection of certain rights and of life and personal liberty and against arrest and detention.
article 19 of our constitution as ammended guarantees 6 basic and valuable freedom to the citizens of India they are
→ (1) Freedom of speech and expression
→ (2) Freedom to assemble peacefully and without arms
→ (3) Freedom to form association and unions
→ (4) Freedom to move freely throughout the territory of India.

→ (5) Freedom to reside and settle in any part of the territory of India.

(6) Freedom to practice any profession or carry on any occupation trade or business

Besides these 6 freedoms article 20, 21, 22 of our constitution guarantees protection in respect of conviction for offences, protection of life and personal liberty, protection against arrest and detention

→ (3) Right Against Exploitation (Article 23-24)

Exploitation means misuse of the services of someone by force or tradition

Right against exploitation puts a ban on → (1) Trafficking human beings and all forms of force labour

→ (2) Employment of children below the age of 14 years in hazardous (dangerous) operations

(3) Righ

→ (4) Right to freedom of Religion (Article 25-28)

The concept of secularism as embodied (included) in our constitution suggest

(1) There is no state religion

(2) There is equal respect and protection for all religions

(3) No one is to be discriminated against on the basis of religion

(4) Everyone is guaranteed full and equal freedom of religion

(5) Right to freedom of religion includes

(6) Freedom to manage religious affairs

freedom as to payment of taxes for promotion of any particular religion

(8) Freedom as to attendance at religious instructions in certain educational institutions.

(9) Freedom of conscience and Religio

→ (5) Right to constitutional remedies

Most important article – "Soul of the Constitution" "Heart of the constitution"

The fundamental rights are bound to lose their significance if they are not safeguarded by constitutional remedies. that is if there is no effective constitutional missionary to the enforcement of the fundamental rights.

Hence the framer of our constitution have made special provisions under Article 32 for the enforcement of fundamental rights.

Article 32 of the constitution guarantees the right to move to highest court of the land that is the Supreme Court directly by appropriate proceedings for the enforcement of fundamental rights.

(Article 29-30)

→ (6) Cultural and Educational Rights

* Article 29(1) of the constitution of India guarantees to every section of the citizens residing anywhere in India and having distinct language, script or culture, the right to preserve their language, script or culture

For minorities

As per article 29(1) minorities also have the right to preserve their language script or culture

* Article 29(2) of the constitution provides that no citizens can be denied admission to any educational institution maintain or aided by the state on the basis of any religion, race, caste or language

minority → Article 29(2) guarantees even to minorities the right of admission into any educational institution maintain by the state or aided by the state

* Article 30(1) of the constitution says that all minority whether based on religion or language have the right to establish and administer educational institution of their choice

For minorities

- Article 30(2) of the constitution provides that the state shall not discriminate against any minority educational institution in the matter of grant in aid from state fund.

FUNDAMENTAL DUTIES

Fundamental Duties

*Rights and duties are correlated

*Fundamental duties are there for intended to serve as the constant reminder to every citizen that while the constitution specifically confer on them certain fundamental rights it also requires citizens to observe certain basic norms (rules) of democratic conduct and democratic behaviour

Source of Fundamental Duties

① We have made a 'fundamental duty on the lines of the "Chapter on the citizens duties of the sovierd Russia country

② on the Recommendation of Swaran Singh committee.

The indian constitution includes the fundamental duties in the constitution through the 42nd ammendment act in 1976.

Fundamental included in article 51A

① To abide the constitution and respect its ideals and institutions the national flag & national anthem

② To cherish and follow the nobel ideals which inspired our national struggle for freedom

③ To uphold and protect the sovereignity unity and integrity of India.

④ To defend the country and give national service when called upon to do so.

⑤ To promote harmony & the spirit of common brotherhood among all the people of India transcending religious, linguistic, regional divisitions, 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 include the natural environment including forest, lakes, rivers, & wild life and to have compassion for ~~to~~ living creature

(8) To develop the scientific temper to humanism and the spirit of enquiry and reform

(9) To safeguard public property and to avoid violence

(10) To strive towards excellence to all spheres of individuals and collective activities so that the nation constantly rises to higher levels of achievments

(11) Parents / Guardians to provide opportunities for educations to his/her child b/w the age of 6 years to 14 years

~~The~~ There were 10 fundamental duties but in 2002 86th amendment act added the 11 fundamental duty.

Significance of Fundamental Duties

(1) They serve as a reminder to the citizens that while enjoying their rights they should also keep the conscious of duties they owe to their country, their society & to their fellow citizens.

(2) They serve as warning against the antinational and antisocial activities like burning the national flag, destroying public property and so on.

(3) They serve as a source of inspiration for the citizens and promote assence of displine and commitment among them they create a feeling that the citizens are not just spectators but active participent in the realisation of national goals.

(4) They help the court in assessing & determining the constitutional validity of a law. In 1992 the supreme court ruled that in determining the constitutionality of any law if a court finds that the law in question seeks to give effect to a

fundamental duties it may consider such law to be reasonable in relation to article 14 (equality before law) or article 19 (6th freedoms) and thus safe & such laws from unconstitutionality

(5) they are enforcable by law Hence the parliament can provide for the imposition of appropriate penalty or punishment for failure to fulfill any of them

constitutional Rights & Duties

Fundamental rights ⇒ source US constitution
⇒ "Bill of Rights"
⇒ Part III → Indian constitution

significance of fundamental rights
(1) ⇒ checks unwanted actions of government
(2) ⇒ maintainance of international peace.
(3) ⇒ make the life of the people meaningful
(4) ⇒ Remove oppressed people from society
(5) ⇒ For proper working of democracy

Initially 7 Rights ⇒ Right to property (4th right)
legal Right.

⇒ 6 Fundamental right.
⇒ (Art 19-18) (1) Right to Equality
⇒ (Art 19-22) (2) Right to Freedom
⇒ (Art 23&24) (3) Right against exploitation
⇒ (Art 25-28) (4) Right to freedom of Religion
⇒ (Art 29-30) (5) cultural & Educational rights
⇒ (Art 32-45) (6) Right to constitutional remedy

+ Heart & soul of
said by Ambedkar

① Right to equality ⇒ ① equal before law (article 14)
(Art. 14-18) ⇒ ② prohibition of (article 15) discrimination
⇒ ③ equal opportunity (16)
⇒ ④ Abolition / Removal of (17) Untouchability
⇒ ⑤ Abolition / Removal of (18) title (Raja / Maharaja)

② Right to freedom ⇒ ① Freedom of speech & expression
(19-22) ⇒ ② Form unions (Students / workers, clubs (Men / sports) Political party
article 19 ⇒ ③ Assemble (public meetings no its tonuts) peacefully
⇒ ④ Travel anywhere in country
⇒ ⑤ Reside anywhere
⇒ ⑥ choose any occupation

article 20, 21, 22 → for prisoner

article 21 - prison, 22 - for Asylum

③ Right against exploitation (23, 24)
article 23 — human trafficking / forced labour
article 24 — not allow kids to work in hour

④ Right to Freedom of Religion (25, 27)
→ Freedom of conscious & religion → connection with god.
→ Freedom of religious affairs
→ Freedom from paying tax on donation for religious promotion.
→ Freedom to buy & maintain movable & immovable property.
→ Freedom from attending religious instruction

⑤ Cultural & Educational Rights → 29 & 30
⑥ Right to constitutional Remedy 32 - 35
- heart & soul of constitution
all rights are protected by this rights.

31 - Right to P.P.

Fundamental Duties

Swarn Singh committee -

chapter on citizens duties → Russia → Sovi

1976 and am — F. Duty Inspection.

S.I.A

→ Swarn Singh Committee

↓ recommended

Fundamental Duty

↓

42nd Amendment 1976

↓

Part IV A

↓

Source - Soviet constitution (Russia)

↓

chapter on citizen's Duties

Directive Principles of State Policy

* The inclusion of directive principles of state policy in our constitution is a unique feature of a constitution

Source -

It is based on the principles of social policy given in the constitution of Ireland for the inspiration for the inclusion of directive principles of state policy came from the concept of welfare state.

* The directive principle of state policy are included in Part IV of a constitution

* This include total 16 articles that is articles 36 to 51

8th chapter

1. 42nd amendment → secular
2. aims & objectives of constitution are included → Preamble
3. Fundamental right – III
4. Union of states – constitutional
5. 12 schedule – present, 395 article

characteristics of fundament right → right to property – 44 amm

(characteristics of fundament right) → fundament

citizen ship act – 1955

right to property

not property is not a fundamental right.

single citizenship – India.

Fraternity → spirit of brotherhood.

→ which of the following objectives does the preamble does not have, not predat

Meaning of Directive principles of state Policy

The directive principles of state policy contain in our constitution are the aims and objectives to be the achieve by the central and state government to the governaly the country

Nature of directive principles of state policy

* The directive principles are the ideals objectives which framers of constitution which to be implemented by the future govt of the country
* They are the positive directions or instructions to be followed for running the govt and form making law.
* They aim that establishing social and economical democracy
* They are the foundation of the welfare state
* As they are the ideals they cannot be implements at on state they have to be implemented the one stage

* They are not justiciable this is they are not legally enforceable. Failure of govt the govt cannot be compelled by the courts to implement them.

Objectives behind directive principles of state Policy

* To spell out the direction or instruction to be implemented by the state to bring out economic democracy
* To set standards of achievements before the legislature and the executive by which they are successes or failure can be judged.
* To see that the failure to implement the directive principles gives the govt a rude shock at the elections

Significance of Directive principles of state Policy

* They serve as standing reminder to the union and state govt to make law and formulate policy in a accordance with the spirit of directive principle
* They clearly laid down that of ideals goal is achieving economic democracy
* The possible conflict b/w the rights of the individually and the needs of the community or society here is sought to be resolved by place in restrictions on the fundamental rights themselves on the one hand and by incorporated the directive principles in the constitution on the other
* Directive principles are not rigid
* article 37 of our constitution declares that the directive principles are fundamental in the governance of the country and it is the duty of the state to apply the directive principle of making law that means the directive principles are not just moral percept but a positively true of minded.

* Directive principles constitute an operative part of the constitution in the sense that it is through the directive principles that the constitution tries to achieve the ideal of a democratic welfare state set out in the preamble of constitution
* Even the judiciary falls back upon the directive principle by interpreting the law as the directive principles aim at common welfare and laid down the basic objectives for which the state exist
* The directive principles are relevant to consider what are the reasonable restrictions under [article-19] on fundamental rights
* The importance of directive principle increase greatly after some amendments were made in our constitution in [1971] and [1976] they clearly indicate the intention of the legislature to give weightage to these directives over the fundamental rights

Difference between fundamental Rights & Directive principles of state policy (DPSP)

1. Fundamental Rights are justiciable that is legally enforcable whereas dpsp are not justiciable.
2. Fundamental Rights are self enforcable but DPSP can be implemented only if there is a legislation to carry out the DPS.
3. Fundamental Rights are concerned with the rights of the people and they are limitation upon state action that is they restrict right the state from interfearing with the lives of law abiding citizen where as DPSP are instructions to the state to do certain things and achieve certain goals
4. Fundamental Rights are mainly concerned with civil liberties where as DPSP aims at the establishment of social Justice.
5. Fundamental Right provide political freedom and aims at political democracy eg. whereas DPSP aims at establishing socioeconomic democracy and economic development.

(6) Fundamental Rights are Finite but DPSP are not finite.

(7) The DPSP have to perform to run as subsidary to the fundamental rights

(8) spoke of fundamental right is limited while as the spoke of DPSP is wide.

(9) In the case of any conflict (fight) b/w fundamental rights & DPSP the fundamental rights would prevail.

(10) For the implementation of DPSP it may become necessary to respect certain fundamental rights of the Individual

ex: nationalisation of banks & reforms removal of right to property etc.

The Judiciary also upheld such actions of the state. again since the very idea of DPSP is welfare of the people The DPSP have supremacy over fundamental rights

(11) various DPSP's are

Various DPSP's are

(1) Definition of state in connection with DPSP

(2) obligation or promise of the state to apply DPSP in making law

(3) obligation to provide livelihood

(4) equal justice and prelegal aid to economically weaker classes

(5) Organisation of village Panchayat

(6) Employment, education & public assistance to all citizens

(7) Just and human condition of work and maternity relief for women workers

(8) Living wage for workers (salary for daily workers)

(9) participation of workers in management of Industry

(10) Uniform civil code

(11) free & compulsory education for children

(12) Promotion of educational, economic intrest of weakers sections

(13) Rising the level of nutrition & standard of living & improvement of Public health

(14) organisation of agriculture and animal husbandry on modern & scientific lines
(15) Protection & improvement of environment & safe guarding of forest and wild life
(16) Protection of monuments & places and places & objects of national importance
(17) Seperation of Judiciary from executive
(18) Promotion of International Peace & Security

(1) Directive Principle of Santate Policy (DPSP)

main aim → welfare state.

Ireland → Spain

avg

Part IV → Article 36 to 51 → social economic

(2) F. Rights → Part III → Art 12-35 → political dimension

(3) F. Duty → Part IV A → Art 51 A.

Healthy social order + employment + equal opportunity

R.V.Q

(1) The final interpreter of the Indian Constitution
a) President
b) State
c) Parliament
d) Supreme court ✓

(2) The Constituent Assembly was setup according to
a) Wavell plan
b) Cabinet mission plan ✓
c) Cripps mission plan
d) Simon commission
b) Cabinet mission

(3) Who was the constitutional Advisor to the Constituent Assembly
a) T.T Krishnamachary
b) B.N. Rao ✓
c) M.N. Roy
d) K.M. Munshi
b) B.N Rao (also prepared first draft

(4) Which is the historic date in the constitutional History of India
a) 26th Jan 1950 ✓
b) 26th Nov 1949
c) 15th Aug 1947
d) 8 aug 1942

(5) F. Rights can be suspended
a) By the Parliament
b) By the supreme court
c) Prime minister
d) President during national emergency
d) P

(6) Untouchability is associated with inequality
a) Political
b) Economic
c) Religious
d) Social ✓
d) Social.

(7) Which of the following rights abolish discrimination
a) Right to equality ✓
b) Right against exploitation
c) Freedom of religion
d) cultural & Educational Rights
a) Right to equality

(8) DPSP are the direction to people of
a) People of India
b) State ✓
c) President
d) Prime minister
e) State

(9) DPSP are
a) Justiciable
b) Sometimes Justiciable
c) Non-Justiciable ✓
d) All of the above
e) Non Jus

(10) Implementation of DPSP depends on
a) Resources of the state
b) will of the state ✓
c) ~~population~~ population of people
d) Judicial decision
b) will of state

(11) Promotion of international peace & security is
a) Fundament Duty
b) DPSP ✓
c) objective of Preamble
d) function of govt
b) DPSP.

(12) Which one of the following DPSP is based on Gandhian Ideology
a) Compulsory education for all children up to the age of 14 years
b) Prohibition of consumption of Intoxicating drinks (alcohol)
c) Establishment of village Panchayat ✓
d) Development of weaker section
e) Establishment of village

(13) Which article of the constitution guarantee the right to life & personal liberty
a) article 20
b) article 19
c) article 21 ✓
d) article 22
e) article 21

(14) Constitution determines
a) nature & form of state.
b) Organisation of powers & function of the 3 organs of govt
c) Fgt R. & Duties of citizens
d) All of the above ✓

(17) The rule which governs the state is constitution who said ?

a) Aristotle
b) K.C. Where
c) Mac Iver ✓
d) Fraer
e) Mac Iver

(18) How many committee are set up by the constituent assembly?

a) 13
b) 22 ✓
c) 20
d) 19
e) ~~22~~ 22

(19) The constitution of India currently consist of — schedule

a) 9
b) 12 ✓
c) 14
d) 15
e) 12

(20) Who was the provisional chairman of constituent assembly (temporary chairman)

a) Nighatma Gandhi
b) Dr. Br. Ambedkar
c) Sachidanand Sinhah ✓
d) K.M. Munshi
e) Sachidanand Sinah.

(21) Who describe the Preamble of the constitution as Political horoscope ?

a) M.V. Kamath
b) Br. Br. Ambedkar
c) K.M. Munshi ✓
d) Dr. Rajendra Prasad
e) K.M. Munshi

(22) Article 1 of the Indian constitution dictates that

a) India shall be union of state ✓
b) Federal state
c) Unitary state
d) Quasy (partially) Federal state
e) India shall be union of state
(i.e. or can other way with same art)

(23) The constitution declare India as

a) Hindustan
b) Bharat
c) Union of states ✓
d) All of the above

(24) Which article of the Indian constitution deals with the procedure of amending the constitution

a) article 368 ✓
b) article 365
c) article 352
d) article 368

(33) Constitution of India is largely from.
a) USA constitution
b) Canada constitution
c) govt of India act of 1935 ✓
d) Ireland constitution

(34) In which year the first ammandment of the constitution of India was made
a) 1950
b) 1976
c) 1951 ✓
d) 1962

(35) Equal Pay for equal work is
a) F. Right
b) DPSP ✓
c) Preamble
d) none of the above

(36) which of the following is not a DPSP
a) Prohibition of ~~state~~ slaughter (killing of cow)
b) Equal justice free legal
c) Equal pay for equal work for both men & women
d) Removal of untouchability ✓
F. Rights

(37) In which year constituent assembly convened (started)
1940
1946 ✓
1947
1950

(38) First session of constituent assembly was held on
a) Dec 11 1946
b) Dec 9 1946 ✓
c) Aug 19 1947
c) Oct 26 1946

(39) Cabinet mission plan
a) 1946 ✓
b) 1947
c) 1935
d) 1937

(40) In which year secular word was added to the Preamble of constitution
a) 1970
b) 1976 ✓
c) 1978
d) 1981

(41) Who was the chairman of drafting committee?
a) Nehru
b) Gandhiji
c) Patel
d) Ambedkar ✓

(32) objectives of the constitutions can be seen in

a) Preamble ✓ b) emergency powers
c) legislature d) DPSP

(33) Article 14 of the Indian constitution deals with

a) Equality before law ✓ b) ban of Practice of untouchability
c) ban of awards d) Equal opportunity

(34) which article of the constitution bans the practice of untouchability

a) article 14 b) article 15
c) article 16 d) article 17 ✓

(35) which article of the constitution bans the abonding titles

a) article 16 b) 17
c) article 18 ✓ d) 19

(36) (32) which article of the constitution deals with fundamental liberty

a) 18 b) 19 ✓
c) 20 d) 21

(37) (33) Article --- deals with life and individual liberty

a) 19 b) 20
c) 21 ✓ d) 22

(38) (34) who is the guardian of F. Rights.

a) Supreme court ✓ b) Parliament
c) governer d) President

(39) (35) who said article 32 is the soul of Indian constitution

a) Nehru b) Gandhiji
c) Ambedkar ✓ d) none of the above

(40) (36) F. Rights are borrowed from which const

a) China b) Bhutan
c) Ireland d) America ✓

(37) which article deals with right to constitutional remedy

a) 32 ✓ b) 42
c) 44 d) 51

(38) which article deals with right to freedom of religion

a) 19-22 b) 14-18
c) 23-24 d) 25-28 ✓

(39) in which year 86th ammendment was implemented?

a) 1945 c) 1919
b) 2002 ✓ d) 2020

(40) In 86th ammendment was implemented related to

a) Free & compulsory education ✓
b) state govt
c) central government
d) none of the above

(41) who is the head of state

a) Speaker b) Prime minister
c) President ✓ d) Min min

(42) which article deals with ammendment of the Indian constitution?

a) 350 b) 360
c) 300 d) 368 ✓

(43) How many F. Duties are noted in the constitution?

a) 10 b) 11 ✓
c) 14 d) 15

(43) The word socialist was added in our Preamble by ___ ammendment

a) 44 b) 46
c) 42 ✓ d) 61

(43) who is the first citizen of India?

a) speaker b) governor
c) President ✓ d) vice president

(46) constitution means
b) F. law of the nation ✓
c) F. law of govt
c) E-to Judiciary
d) government

(45) Modern states are generally considered
a) Police state
b) welfare state ✓
c) dictatorial state
d) none of these

(46) how much time the constituent assembly took to finalise Indian Constitution
a) 1 year 8 month 14 days
b) 2 years
c) 2 year 11 months 18 days ✓
d) 2 year

(47) The Constitution declared India as
a) Federal
b) unitary
c) union of states ✓
d) all of above

(48) The preamble of Indian Cons has been ammended
a) once ✓
b) twice
c) thrice
d) Four

(49) Republic means
a) Reduction
b) sovereignty
c) Public opinion
d) The head of the state must be an elected ✓

(50) F. Rights are called
a) justiciable rights ✓
b) non-justiciable
c) legal rights
d) moral rights

(51) Aim of DPSP
a) capitalist society
b) welfare state ✓
c) Protect rights of citizen
d) communist state

(52) Part IV of the Indian constitution deals with
a) citizenship
b) F. Rights
c) DPSP ✓
d) central state relations

(53) Under whose leadership the interim government was formed
a) Jawaharlal Nehru ✓
b) Sardar Patel
c) Rajendra Prasad
d) Rajgopalchari

(54) From the constitution of Ireland we have borrowed the scheme of
a) DPSP ✓ b) F. Rights
c) Supreme court d) F. Duties

(55) Drug as refers to
a) Prohibition drinks
b) Primary education
c) village Panchayat
d) common civil code ✓

(56) Right to religion is one of the
a) labour rights b) economic rights
c) political rights d) F. Rights ✓

(57) Parliament can amend the constitution with ___ majority
a) Simple majority b) 3/4th majority
c) 2/3 majority ✓ d) all of above

(58) Who has right to amend constitution
Parliament

(59) The Parliamentary system of government in India is based on the pattern of
a) America b) France
c) England ✓ (British) d) Canada

(60) Who was the temporary chairman of the constituent assembly? (Provisional chairman)
a) Dr. Br. Ambedkar b) Jawaharlal Nehru
c) Sachidanand Sinha ✓ d) Babu Rajendra Prasad

(61) Article 32 of the constitution of India is described as
a) Crown b) Soul ✓
c) Brain d) Pillar

(62) Where the sovereignty provides in India
a) supreme court Parliament
President ~~speaker~~ people ✓

(63) Article ___ is defined as the guardian of F. Rights of the citizens of India
a) Article 52 b) Article 32 ✓
c) Article 42 d) Article 22

(70) is described as the mirror of the constitution of India

a) 1909 act
b) 1919 act
c) 1935 government of India act ✓
d) 1944 govn of India act

(71) In which year 11th fundamental duty added & implemented into the constitution of India

a) 2000
b) 2002 ✓ 86th amendment
c) 2004
d) 2005

(72) Which part of the constitution contain Gandhian Principle (DPSP)

a) Part I
b) Part II
c) Part III
d) Part IV ✓

(73) Which is the writ issued to produce the detailed person before the court

a) mandamus
b) Habeas corpus ✓
c) Prohibition
d) C. Warianto

(74) Promotion of International peace & security is

a) F. right
b) F duty
c) directive principle ✓
d) None of these

(75) The constitution of India provides for the ____ system of government

a) military
b) Presidential
c) Parliamentary ✓
d) None of these

(76) The concept of the Panchayat Raj was advocated by

a) Jawaharlal Nehru
b) Sardar Patel
c) Indira Gandhi
d) Gandhiji ✓

(77) Who among the following was not a member of constituent assembly

a) Mahatma Gandhi ✓
b) N. Gopalswami
c) Sardar Patel
d) all of the above

(78) The opening word of the Preamble is

a) We the members
b) We the president
c) We the people ✓
d) none of these

(78) which right abolish trafficking human bingi & force labour
a) Right to equality b) Right for religion
c) Right against exploitation ✓ d) Right to religion

(79) which of the following right is not regard as fundamental right
a) Right of liberty b) Right to equality
c) Right to state ✓ d) Right to religion

(80) the rule which govern the state is constitution, who said it
a) Plato b) Aristotle
c) Mac Iver ✓ d) Lord Brice

(81) which of the following has the power of judicial review
a) District court b) High court
c) supreme court ✓ d) none of that

(82) who was named as the architect of indian constitution
Gandhi Rajendra Prasad
Nehru Dr. Ambedkar ✓

(83) constitution is the "soul of the state" who said it
a) Plato ✓ b) Aristotle
c) Socrates d) Hobbes

(84) The constituent assembly was set up in 1946 according to the ___ mission
a) Cripps b) Simon commission
c) Cabinet mission ✓ d) Nehru report

(85) Originally how many parts are there in indian constitution
a) 20 parts b) 22 parts ✓
c) 21 parts d) 23 parts

(86) How many articles are there in the beginning of our constitution
360 370
385 395 ✓

(87) constituent determines
a) nature & form of state b) organisation, powers & functions of the 3 organs of govt
c) Rights & duties of citizen d) all of the above ✓

(89) The constitution of India consist of — schedules

a) 4 b) 12 ✓
c) 14 d) 50

(90) The President of India is — head.

a) legal b) ceremonial ✓
c) autometing d) nonautometing

(91) In which year 1st ammendment to the constitution of India was made?

a) 1950 b) 1976
c) 1951 ✓ d) 1962

(92) The diarchy system was introduced by British government under — act

a) 1909 b) 1919 ✓
c) 1935 d) 1947

(93) Important feature of Federal system is

a) strong center b) centralisation of power
c) decentralisation of power b/w state & central ✓ d) none of the above

(94) which part of IOC deals with citizenship

a) part I b) part II ✓
c) part III d) part IV

(95) The power of judicial review vested with the

a) Supreme court ✓ b) Parliament
c) high court d) none of these

Quick Recap of all 3 units (last minute preparation)

Unit 1

Meaning of constitution

- fundamental law
- supreme law of land
- to form or establishment of govt
- foundation of political system
- defining powers of central & state govt
- regulate relationship b/w state & people by defining rights & duties of citizens

Nature

- constitution established main organs of state legislative, executive & judiciary

Syntactically documented constitution

- Longest written constitution in a world
  present 470 articles 12 schedules 25 parts
  past 395 arti 9, 22 parts
- supreme law of land
- Democratic
- partly rigid & partly flexible
- Federal/unitary
- Parliamentary → Prime minister
- F.R. & DUTIES
- DPSP

Importance of constitution

- written constitution means of constitution that is recorded in a single document

Indian constitutional development

1857 — 1st Time indians against british

↓

1858 Government of India act →
- end of east India company power to british crown
- they appointed
- viceroy (governor general of India)
- secretary of india along with council

↓

Indian council act of 1861 →
- indians entered as non official members for first time in legislative council
- legislative council established in provinces & center

↓

Indian council act of 1892 →
- Indirect election
- choosen by british
- power to ask q^ns & debate on budget.

↓

Indian council act of 1909 or Morley Minto reforms →
- direct elections by legislative council
- legislative council name → superior legislative council
- communal representation
- 1st time mixed executive council of vice Roy

→ Satyendra Prasad Sinha

Government of India act 1919 or Montagu Chelmsford reforms →
- Bicameralism introduced
- Dyarch (Dual govn) out of 6 member → 3 Indians
- Public service commission established for first time

transfer → agri, health, culture
reserve → defence, foreign affairs

↓

Government of India act of 1935 →
- last constitutional measure introduced by British
- result of multiple round table conferences
- and report by Simon commission
- out of it, Bicameralism introduced in 6
- Powers divided into federal list, provincial list, concurrent list
- Removal diarchy → Provincial autonomy introduced
- establishment of federal court, reserve bank of India.

(1) federal structure
- union
- Govt of India

(2) separate electorate for muslim

(3) Friendly diary India

(4) Burma separation (myanmar)

approved by congress & muslim league

Cripps mission 1942 →
- Dominion status to India after world war 2
- no parties rejected

Cabinet mission 1946 →
- Indian state & British provinces combine to form union of India
- constituent assembly with 389 members
- 14 members from major political parties form interim government
- until constitution formed
- India under government of India act of 1935

Mount batten plan / Indian independence act of 1947 → British India partition into India & Pak on 1947 aug 15

Mount batten became first governor general of India

Cabinet Mission – 1946

- Indian state & British provinces combine to form union of india
- The plan rejected the demand for Independent Pakistan,
- After analysed war British army & the number, to lose independence,
- Cabinet mission – scheme of ministers
- Objective – speedy state power of constitution
- Until constitution have India under act of govt of India act of 1935

direct election

Member of provincial legislative assembly (6.4)

Indirect election

Constituent Assembly 9th Dec 1946
- composed for drafting & keeping constitution
- chosen by indirect election by P.L.A

total membership **389** — 292 – P.L.A, 93 – Princely state

389 original membership

First meeting → 9th Dec 1946

Chairman – Dr. B. R. Ambedkar

President → Dr. Rajendra Prasad

389 membership

↓

partition → under plan of June 3 1947

↓

Fresh election

↓

membership reduced to 299

↓

Drafting committe 29th August 1947 → had 7 members including chairman & President

↓

First draft prepared by B.N Rau Feb 1948

↓

2 years 11 months 18 days ← discuss draft and took

↓

26th Nov 1949 ← completed, adopted

↓

284 members actually present on 26th Nov 1949 → gave their signature

↓

26th January 1950 → Sworn declaration, full effect / come into existence, constitution adopted, date of commencement of Indian constitution

significant of 26th Jan → Indian national congress declared

originally had
- 22 parts
- 395 articles
- 9 schedules

current
- 25 parts
- 470 articles
- 12 schedules

Dr. Br. Ambedkar
appointed as chairman → August 29 1947.

(2) champion of F. Rights

(3) Part-3 of Indian constitution guarantee F. Rights

(4) quality in society → Parliamentary system

(5) Preamble highlight → principle of parliamentary democracy

(6) real contribution → protective discrimination reservation policy

(7) part 3 & part 4 → condition of SC, ST & OBC.

CONSTITUTIONAL PHYLOSOPHY AND ITS VALUES

Unit 2

Preamble → starting page of constitution / summary starts with 'we the people of India'

Purpose:
- Indirectly - source of the constitution
- Starts - basic objectives sought to be achieved by constitution
- Indirectly - nature of state constitution seek to establish
  aims & objectives of constitution
- Indirectly - content of constitution
  India should be sovereign ... fraternity

IN OUR CONSTITUTIONAL ASSEMBLY
26 day of November 1949 DO HERE BY ADOPT ~~and~~ INACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Elements of Preamble

9 Elements
1. Sovereign
2. Socialist
3. Secular
4. Democratic
5. Republic
6. Justice
7. Liberty
8. Equality
9. Fraternity

(1) SOVEREIGN :- No body control us / independent / absolute independence / not control by any other internal or external / India emerge Independent state / an formation of internal & external policy India guided by national interest not by external pressure real independence.

2) Constitution is a proof of Sovereignty of country

elements of Preamble

(2) SOCIALIST

- reducing gap b/w rich and poor (minimize)
- (2) 1976, 42 ammendment incorporated socialist & secular
- (3) removal of inequality providing basic necessity
- (4) removal of socio economic imbalance providing massive justice.
- (5) Equal pay for equal work

(3) SECULAR

- (1) No national religion/ no support to any religion/ neither religious nor irreligious not support any particular religion out of public fund
- freedom of liberty of faith & worship

1976, 42nd ammendment

(4) DEMOCRATIC

- (1) By the people of the people for the people
- (2) The last line of Preamble says WE HERE BY ADOPT INACT AND GIVE TO OURSELVES THIS CONSTITUTION
- (3). According to this line democracy known as → Government of the people by the people for the people.
- (4) Power comes from People.
- (5) Introduce Universal Adult Franchise (right to vote)

(5) REPUBLIC

- (1) No heridatary ruler. /king/queen
- (2) Preamble declares India as Republic
- (3) main Head of the state is president constitution made India as republic.

JUSTICE

Political

1. One man one vote
2. Every 5 year member of legislature of the union elected by vote of entire adult population

Economical

1. no discrimination on the basis of income status blw men & women
2. Equitable distribution of wealth
3. end of monopolistic control over means of production & distribution
4. decentralisation of economic resources
5. securing adequate opportunities to all.

Social

1. No discrimination on the basis of caste religion place of birth
2. Means absence of socially privileged class
3. eliminating all forms of exploitation from society

LIBERTY

1. Kind of freedom / no unwarranted restriction in thought, faith, worship
2. Progress of individual

EQUALITY

1. all are equal
2. equality status & opportunity
3. enforcement of right

FRATERNITY

1. all religions together with the feeling of brotherhood
2. children of the same soil and the same motherland.

eliminate of preamble

II Citizenship

1. legal relationship between Person & state where the person gives loyalty & accordingly gives protection

Single citizenship → e.g. India

Dual citizenship → USA & Switzerland.

- **Federal Citizenship** [citizenship by birth]
- **State citizenship** [citizenship state]

2. Citizenship signifies power & membership.
3. Provides → Right to vote
   → Right to contest in election
   → Fundamental Rights

citizenship at commencement of constitution

→ (1) born in territory of India
(2) either of whose parents first born in territory of India.
(3) residents of territory of India for not less than 5 years after commencement

citizenship act of 1955

The act made provision for acquisition & termination of citizenship

acquisition of citizenship

→ (1) by birth
→ (2) descent
→ (3) Registration
→ (4) naturalisation
→ (5) Incorporation of territory

Termination of citizenship

→ (1) giving up citizenship
→ (2) acquisition of citizenship of other country
→ (3) women by marrying foreigner
→ (4) by order of government
→ (5) absence for long period in nation

Features of Indian constitution

(1) Longest written constitution

→ avoid misunderstanding
→ 395 articles, 12 schedules, 87 ammendments

Reason for long constitution
→ (1) administrative details along with fundamental principle
→ (2) rules for both center & state
→ (3) SC, ST → discussed problem

(2) Preamble

(3) sovereign, socialist secular, Democratic Republic

(4) Establishment of federal polity

→ Article 1 – Says 'India that is Bharat shall be union of states'

distribution of power → central, state } dispute solved by supreme court

Federal → central, state

unitary → supreme court, public service commission, emergency

supreme law of land → constitution

Unit -3 CONSTITUTIONAL RIGHTS & DUTIES

Fundamental Rights

12 - 35 article

Part III

US constitution Bill of rights

- → basic rights, to lead dignified & respectable life, helpful development of human personality
- → control unwanted actions
- → life of people meaningful
- → removal of opposed people
- → proper functioning of democracy (political democracy)

classification of F. Rights 12 - 35

12 - 45 article

Nowadays 7 rights Now 6

7th right → Right to property 31 article removed - 44 amman 1976

- → (1) Right to equality (14 - 18 article)
- → (2) Right to freedom (19 - 22)
- → (3) Right against exploitation (23 - 24)
- → (4) Right of freedom of religion (25 - 28)
- → (5) cultural & educational (29 - 30) rights
- → (6) Right to constitutional (33 - 35) remedy

12 & 13 article for establishment of state & enforcement (court)

Right to equality 14 - 18

- → (1) equality before law - 14 article
- → (2) Prohibition discrimination - 15 article
- → (3) Equal opportunity - 16 article
- → (4) abolition of untouchability - 17 article
- → (5) abolition of titles - 18 article

Right to Freedom article 19 19 - 22 article

- (1) freedom of speech & expression
- (2) assemble peacefully without harm
- (3) form association & union
- (4) move freely throughout India
- (5) reside & settle throughout India.

article 20 → conviction for offence

21 → Protection of life, personal liberty

22 → Protection against arrest & detention

Right against exploitation 23 - 24

23 article → Human trafficking

24 article → Employment below age 14 in dangerous operation

Right to Constitutional remedy

Article 32 → right to move to High Court or Supreme Court for enforcement of Fundamental Rights

Supreme Court by Article 32

Article 32 → ① writ of Habeas

5 kinds of writs

by supreme court

article-32 → no one can be kept in custody without being produced before supreme court

article 31 → right to property → now removed from fundamental rights

Article 44 amend, 1978

Part of constitution

Part 3 of constitution

Article 25 → Freedom of religion

Article 26 → manage religious affairs

Article 27 → Payment of taxes, prohibition of any religion

Article 28 → Freedom as regards religious instruction provided in educational institutions by state funds

Article 29 → Protection of interests of minorities

Article 30 → Right of minorities to establish and administer educational institutions

Cultural & Educational rights

Article 29

29(1) → right to preserve language, script, culture

29(2) → no denial of admission on the basis of language, culture, religion, caste

Article 30

30(1) → Right to establish minority educational institution

30(2) → aid from the state fund for minority institution

Article 25 → Freedom of religion

Equal treatment to persons of all religions

no state religion

religious tax prohibition

manage religious affairs, (2) supply religious education

payment of tax for promotion of religion is not

FUNDAMENTAL DUTIES

40nd ammendment 1976

IV A

source → Russia, Soviet

(11) F. Duty

recommendation Swarn Singh committee

source → Chapter on the citizens duties

→ reminder for citizens

51 A article

→ (1) respect national flag & anthem

(2) Follow ideas of Freedom fighters

(3) protect India's sovereignity, unity & integrity

(4) Defend country

(5) Promote harmony & brotherhood

(6) Preserve our culture

(7) Protect environment

(8) develop scientific temper & spirit of inquiry

(9) Safeguard public property

(10) Strive for excellence

(11) Parents provide educations to their children bedous 14

11th F. Right added to 2002 86th ammend

reminder

warning against burning national flag

destroying public property

DPSP → non justiciable

PURPLE FISH DOES SCAM

P → Protection of cottage Industry

U → uniform civil code

R → Right to work & education

P → Promotion of workers in management of industries

L → To ensure Prohibition of liquor

E → Environment

F → Free legal & international peace of security

I → Social order

S → humane work condition

H → Equity state to promote health care.

O → organisation of village Panchayat

E → Equal pay for equal work.

S → SC/ST education & economic interest

S → Separation of legislature & executions

C → Child care & maternity

A → Agriculture & animal husbandry

M → Monuments

Article 32 - empowers the supreme court to issue 5 kinds of writs for the protection & enforcement of F. Rights

They are

① Writ of Habeas Corpus (To have a body)

→ The main objective is to give a quick and immediate relief to a person who is illegally arrested.

② Writ of Mandamus (we order)

→ It is generally issued against public authority who is bound to do a public duty but refuses to perform his duty

③ Writ of Prohibition

→ It is issued by the supreme court or the high court to a lower court not to do what is not within its jurisdiction

④ Writ of Certiorari (To be more fully informed of)

→ It is issued by a superior court (Higher court) to a inferior court (lower court) requiring the later to submit the record of a case pending before it. (Quasi Judicial)

⑤ Writ of quo warranto (By what authority)

→ The objective is to terminate a person from the office which he is not legally entitled to hold.