

- Constitution of India is the World's Longest written constitution of any sovereign Country in the world . Constitution of India contains 448 Articles in 25 Parts, 12 Schedules and 101 Amendments till date.
- The Temporary Chairman of the first meeting of the Constituent Assembly held on 9 December 1946 is Sachchidananda Sinha
- The Oldest constitution in the world known today is the constitution of United States of America
- The Idea of Indian Constitution of was given by Dr B R Ambedkar who was the Chairman of the Draft Commission set up by the constituent assembly in 1947 to prepare the draft of the constitution. The Drafting Commission constituted a panel of 7 Members
 - - Krishnaswamy Ayyar
 - - N. Gopalaswamy Ayyangar, Alladi
 - - Mohd. Saadullah
 - - N.Madhava Rao (replaced B.L. Mitter),
 - - T.T. Krishnamachari (replaced Dr. D.P. Khaitan after his Death)
 - - K.M. Munshi



- The Constitution of India is adopted by the Constituent assembly on 26th November, 1949 and the Constitution of India came into force on 26th January, 1950
- The Cabinet Mission to India in 1946 headed by Lord Pethick Lawrence was aimed to discuss the transfer of power from the British government to the Indian leadership and granting it independence.
- The Constitution of India which was framed by the Constituent assembly which was set up in 1946
- "Samvidhan Divas" or constitution day is observed every year in India on 26 November to commemorate the adoption of constitution on 26 November 1949
- Supreme Court acts as guardian of constitution by exercising Writs Jurisdiction, Appellate Jurisdiction and Power of Judicial Review
- Pingali Venkayya designed the present day National Flag and adopted during the constituent assembly meeting on 22 July 194

- **Jawaharlal Nehru**

- Union Constitution Committee
- Union Powers Committee
- States Committee

- **Dr Rajendra Prasad**

- Steering Committee
- Finance and Staff Committee
- Adhoc Committee on National Flag
- Committee on Rules of Procedure

05/11



- Sardar Vallabhbhai Patel
- Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas
- JB Kripalani
- Fundamental Rights Sub-Committee
- GV Mavalankar
- Committee on the Functions of the Constituent Assembly
- सरदार वल्लभभाई पटेल
- मौलिक अधिकारों पर सलाहकार समिति,
- अल्पसंख्यक और जनजातीय और बहिष्कृत क्षेत्र
- जेबी कृपलानी
- मौलिक अधिकार उप समिति
- जीवी मावलंकर
- संविधान सभा के कार्यों पर समिति



- For the first time in India, Indian Councils Act 1909 has legitimized the elections of Indians to the various legislative councils in India
- Government of India Act, 1935 has given the representation to Indians for the first time in Legislation
- The first session of the constituent assembly was held in the "Constitution Hall" –presently "The Central Hall of the Parliament House" in New Delhi on December 9th 1946
- In June, 1948 - Clement Attlee the Prime Minister of England in 1948 announced the transfer of Power to Indians
- Preamble was called the Soul of the Indian Constitution by Thakurdas Bhargav



The Preamble to the Constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document is Proposed by Jawaharlal Nehru before the Drafting Committee of the Constitution on 13 December 1946

- Preamble was called the Political Horoscope of the Indian Constitution by K M Munshi
- The strength of the constituent Assembly at the time of adoption of the constitution of India was 299
- The members of the constituent assembly were elected Indirectly by Legislatures of Provincial Assemblies and nominated by the rulers of the Princely states
- The Constituent Assembly itself became the Parliament of India.
- Government of India Act is the last constitution of the British India which lasted till 1947
- The First General Elections of Independent India were held in the Year 1952
- Beohar Rammanohar Sinha and Nandalal Bose are the one of the prominent Artists from Shantiniketan who had Hand Written the Constitution of India

- **First President of Independent India** -Dr Rajendra Prasad
- **First Prime Minister of Independent India**- Jawaharlal Nehru
- **First Education Minister of Independent India** -Maulana Abdul Kalam Azad
- **First Home of Independent India** -Sardar Vallabhbhai Patel
- **First Foreign Minister of Independent India**- Jawaharlal Nehru
- **First Commerce and Industry Minister of Independent India**
----Syama Prasad Mukherjee
- **First Finance Minister of Independent India**---- Shanmukham Chetty
- **First Health Minister of Independent India**--- Amrit Kaur
- **First Indian Governor General of Independent India**-----C Rajagopalachari



- The British Monarch and president of India have the same constitutional authority.
- The Real Powers of the state in a Parliamentary form of Government lies with the Council of Ministers headed by the Prime Minister of the Country
- It took 2 Year 11 Months and 18 Days to Finalize the constitution from the date of Planning a Drafting Committee
- The Directive Principles of State Policy mentioned in the Indian Constitution are important Principles Government has to keep in mind while formulating a new policy
- The Parliament of India is a Bicameral Legislature with two legislatures: Rajya Sabha and Lok Sabha
- **Seven States in India have Bicameral Legislatures, they are**
 - - Andhra Pradesh
 - - Telangana
 - - Bihar
 - - Jammu-Kashmir
 - - Karnataka
 - - Maharashtra
 - - Uttar Pradesh

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Handwritten notes in red ink:

- Four circles containing the numbers 1, 2, 3, and 4.
- A circle containing the text "FR - 10/11/21".



- The two State Legislatures are Legislative Assembly and Legislative Council
- The Indian Constitution has been best described as the "Lawyer's Paradise" by the British Lawyer "Ivor Jennings"
- Idea of Preamble has been borrowed by the Indian Constitution from the Constitution of USA
- Government of India Act – 1935 which is the last constitution of British India which lasted till 1947. All Acts before this act are called as – East India Company Acts



- The Total members of the constituent assembly were 385, after Independence the number came down to 299.
- The Comptroller Auditor General of India controls the entire financial system of the Union as well as the States, though he is appointed by the President, the Comptroller and Auditor-General can be removed only on an address from both Houses of Parliament on the ground of proved misbehavior or incapacity.
- Comptroller Auditor General is mentioned in the Article 148-151 of the Constitution of India



- The Original copy of the book of Constitution of India is preserved in a Helium Filled Case of the Library of the Parliament of India
- The President is elected by the members of an electoral college consisting of the elected members of both the Houses of Parliament and the elected members of the Legislative Assemblies of States and the Union Territories of Delhi and Pondicherry
- The President may also be removed before the expiry of the term through impeachment for violating the Constitution of India by the Parliament of India. The process may start in either of the two houses of the Parliament. The house initiates the process by levelling the charges against the President.

- The Vice-President is elected by an Electoral College, which consists of the members of the Lok Sabha and Rajya Sabha
- It is mentioned in the constitution of India that the Vice-President of India can be removed by a resolution of the Rajya Sabha passed by an absolute majority (more than 50% of total membership) and agreed to by a simple majority (50% of present and voting members) of the Lok Sabha
- The Constitution of India was majorly derived from Government of India Act 1935
- However, certain MAJOR features were borrowed from many Constitutions of the World



- However, certain MAJOR features were borrowed from many Constitutions of the World
- **Constitution of USA**-- Fundamental Rights
- Judicial Review
- Preamble
- **Constitution of Britain** --Single Citizenship
- Bicameral Parliamentary Procedure
- **Constitution of Germany** --Provisions related to Suspension of Fundamental Rights of Citizens during, Emergency
- **Constitution of Ireland** ---Directive Principles of State Policy
- Presidential Election procedure
- **Constitution of Canada**-- Supreme Court's advisory Jurisdiction



- The preamble to the Constitution of India is a brief introductory statement that sets out the guiding purpose, principles and philosophy of the constitution. Preamble gives idea about the following : (1) the source of the constitution, (2) nature of Indian state (3) a statement of its objectives and (4) the date of its adoption.
- WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:
- **JUSTICE**, social, economic and political;
- **LIBERTY** of thought, expression, belief, faith and worship;
- **EQUALITY** of status and of opportunity;
- and to promote among them all
- **FRATERNITY** assuring the dignity of the individual and the unity and integrity of the Nation;
- IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, DO HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.



PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens :

JUSTICE, social, economic and political ;

LIBERTY of thought, expression, belief, faith and worship ;

EQUALITY of ~~status~~ and of ~~opportunity~~ ;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation ;

IN OUR CONSTITUENT ASSEMBLY this twenty - sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE

- **Source of the Constitution**

- We the people of India.

- The phrase “We the people of India” emphasises that the constitution is made by and for the Indian people and not given to them by any outside power. It also emphasizes the concept of popular sovereignty as laid down by Rousseau: All the power emanates from the people and the political system will be accountable and responsible to the people.

foreign power and interference, and makes laws that govern the people. No external power can dictate the government of India.

- Socialist : "Socialism" as an economic philosophy where means of production and distribution are owned by the State. India adopted Mixed Economy, where apart from state, there will be private production too. Socialism as a social philosophy stresses more on the societal equality.
- Secular : Features of secularism as envisaged in the Preamble is to mean that the state will have no religion of its own and all persons will be equally entitled to the freedom of conscience and the right freely to profess, practice and propagate the religion of their choice. (S R Bommai and Others v Union of India, AIR 1994 SC 1918)
- Democratic : Indicates that the Constitution has established a form of Government which gets its authority from the will of the people. The rulers are elected by the people and are responsible to them.
- Republic : As opposed to a monarchy, in which the head of state is appointed on hereditary basis for a lifetime or until he abdicates from the throne, a democratic republic is an entity in which the head of state is elected, directly or indirectly, for a fixed tenure. The President of India is elected by an electoral college for a term of five years. The post of the President Of India is not hereditary. Every citizen of India is eligible to become the President of the country.

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f Indian State

ial, Economic and Political.

f status and opportunity.

f thought, expression, belief, faith and worship

y (=Brotherhood) : assuring the dignity of the individual and
and integrity of the nation.

- **Date of its adoption**

- Date of adoption of the Constitution is 26th November, 1949. But most of the articles in Constitution came into force on January 26th, 1950. Those articles which came into existence on 26th November 1949 is given by Article 394.
- Article 394 states that this article (394) and articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393 shall come into force at once, and the remaining provisions of this Constitution shall come into force on the twenty-sixth day of January, 1950, which day is referred to in this Constitution as the commencement of this Constitution.
- 26 January was selected for this purpose because it was this day in 1930 when the Declaration of Indian Independence (Purna Swaraj) was proclaimed by the Indian National Congress.

- **Info Bits related to Preamble of Indian Constitution**

- The preamble-page, along with other pages of the original Constitution of India, was designed and decorated solely by renowned painter Beohar Rammanohar Sinha of Jabalpur.
- Supreme Court of India has, in the *Kesavananda* case, recognised that the preamble may be used to interpret ambiguous areas of the constitution where differing interpretations present themselves. (In the 1995 case of Union Government Vs LIC of India also the Supreme Court has once again held that Preamble is the integral part of the Constitution.
- As originally enacted the preamble described the state as a "sovereign democratic republic". In 1976 the Forty-second Amendment changed this by adding words *socialist* and *secular* to read "sovereign *socialist secular* democratic republic".



- **The Union and its Territory : Part I (Articles 1- 4)**
- **Article 1 : Name and territory of the Union**
- (1) India, that is Bharat, shall be a Union of States.
- (2) The States and the territories thereof shall be as specified in the First Schedule.
- (3) The territory of India shall comprise –
 - (a) the territories of the States;
 - (b) the Union territories specified in the First Schedule; and
 - (c) such other territories as may be acquired.



- **Article 2 : Admission or establishment of new States**-Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.
 - **Article 3 : Formation of new States and alteration of areas, boundaries or names of existing States**
 - Parliament may by law –
 - (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;
 - (b) increase the area of any State;
 - (c) diminish the area of any State;
 - (d) alter the boundaries of any State;
 - (e) alter the name of any State:
- Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.

- **Article 4 : Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedule and supplemental, incidental and consequential matters**
- अनुच्छेद 4: प्रथम और चौथी अनुसूची और पूरक, आकस्मिक और परिणामी मामलों के संशोधन के लिए लेख 2 और 3 के तहत किए गए कानून

- Part 2—
- Constitution Part II has the following articles:
- **Article 5.** Citizenship at the commencement of the Constitution.
- **Article 6.** Rights of citizenship of certain persons who have migrated to India from Pakistan.
- **Article 7.** Rights of citizenship of certain migrants to Pakistan.
- **Article 8.** Rights of citizenship of certain persons of Indian origin residing outside India.
- **Article 9.** Persons voluntarily acquiring citizenship of a foreign State not to be citizens.
- **Article 10.** Continuance of the rights of citizenship.
- **Article 11.**
Parliament to regulate the right of citizenship by law.

- **Article 5 : Citizenship at the commencement of the Constitution.**
- At the commencement of this Constitution, every person who has his domicile in the territory of India and-
- who was born in the territory of India; or
- either of whose parents was born in the territory of India; or
- who has been ordinarily resident in the territory of India **for not less than five years** immediately preceding such commencement, shall be a citizen of India.
- Article 5 refers to the Citizenship on January 26, 1950. This article provided that the *ordinary resident in the territory of India since or before January 26, 1945 were deemed to be Indian Citizens*. But what about the people who came from Pakistan after 1947 partition? This is clarified in Article 6.

- **Article 6 : Rights of citizenship of certain persons who have migrated to India from Pakistan.**
- he or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and
- (i) in the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or
- (ii) in the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him there for to such officer before the commencement of this Constitution in the form and manner prescribed by that Government:
- Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.
- Article 6 deals with those persons who migrated to India from Pakistan. India as defined in the Government of India Act, 1935 means undivided India. These persons were divided into two categories.
- **Category 1:** Those who came before July 19, 1948
- **Category 2:** Those who came after July 19, 1948



- **Article 7: Rights of citizenship of certain migrants to Pakistan**
- Article 7: Rights of citizenship of certain migrants to Pakistan.
- Notwithstanding anything in articles 5 and 6, a person who has after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India:
- अनुच्छेद 7: पाकिस्तान में कुछ प्रवासियों की नागरिकता के अधिकार
- अनुच्छेद 7: पाकिस्तान में कुछ प्रवासियों की नागरिकता के अधिकार।
- लेख 5 और 6 में कुछ भी होने के बावजूद, एक व्यक्ति जो मार्च 1947 के पहले दिन के बाद है, भारत के क्षेत्र से अब क्षेत्र में स्थानांतरित होकर पाकिस्तान में शामिल क्षेत्र को भारत का नागरिक माना जाएगा:



- **Article 8: Rights of citizenship of certain persons of Indian origin residing outside India**
- Article 8: Rights of citizenship of certain persons of Indian origin residing outside India.
- Notwithstanding anything in article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefor to such diplomatic or consular representative, whether before or after the commencement of this Constitution, in the form and manner prescribed by the Government of the Dominion of India or the Government of India.

- **Article 9: Persons voluntarily acquiring citizenship of a foreign State not to be citizens.**
- No person shall be a citizen of India by virtue of article 5, or be deemed to be a citizen of India by virtue of article 6 or article 8, if he has voluntarily acquired the citizenship of any foreign State.
- Under article 9 of the constitution, any person who has voluntarily acquired the citizenship of a foreign country, even if qualified for Indian Citizenship under any of the provisions of the constitution will not be a Citizen of India.



- **Plenary Power to parliament: Article 10 & 11**
- **Article 10: Continuance of the rights of citizenship.**
- Every person who is or is deemed to be a citizen of India under any of the foregoing provisions of this Part shall, subject to the provisions of any law that may be made by Parliament, continue to be such citizen.
- **Article 11: Parliament to regulate the right of citizenship by law.**
- Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.

DLB



Art 5: Citizenship By DOMICILE

I. Should have a DOMICILE in India
AND

- ✓ He is BORN in India
- ✓ Any of his parents are born in India
- ✓ Residing in India for 5 years immediately before
26-1-1950

D.P. Joshi v State of Madhya Pradesh

ARTICLE 6

BEFORE
19-7-1948

AFTER
19-7-1948

PERMIT SYSTEM



ARTICLE 6

 **INDIAN CITIZEN** **BEFORE**
19-7-1948

1. HE/EITHER OF HIS PARENTS/ANY OF HIS GRAND-PARENTS WERE BORN IN INDIA
2. HE SHOULD HAVE RESIDED IN INDIA SINCE THE DATE OF HIS MIGRATION



ARTICLE 6

 INDIAN CITIZEN

AFTER
19-7-1948


1. He/either of his Parents/any of his grand-parents were born in India
2. He had returned to India under a Permit for Resettlement
3. He had resided in India after re-migration for at least 6 months
4. He had submitted an application for Registration to the Officer
5. He has been registered as a Citizen by such Officer



Pakistan ← India
after 1st March 1947

Pakistan ← India
after 1st March 1947

ARTICLE 7

- 1. He/either of his Parents/any of his grand-parents were born in India**
-  **2. He had returned to India under a Permit for Resettlement**
- 3. He had resided in India after re-migration for at least 6 months**
- 4. He had submitted an application for Registration to the Officer**
- 5. He has been registered as a Citizen by such Officer**



He/Parents/Grandparents
Born in undivided India

Regd. as a citizen of India

Diplomatic/Consular Representative of India

Art 9: Not deemed to be a Citizen

Voluntarily → Foreign Status → Citizenship

Before Commencement — 5/6/8

Art 10: Continuance of Citizenship

Indian
Citizenship ☒

Subject to
Laws passed
By Parliament

ment → after

26-1-1950

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Ranka

26-1-1950 →

Art II

Parliament



Citizenship Act, 1955

