



INDIAN CONSTITUTION



Topics :

- Origin and Importance of Constitution
- Preamble and Salient Features of the Constitution
- Fundamental Rights :
 1. Right to Equality
 2. Right to Education
 3. Right against Exploitation.
 4. Right to freedom of Religion,
 5. Cultural and Educational Rights
 6. Right to Constitutional Remedies
- Fundamental Duties
- Directive Principles of State Policy.



Constitution - Origin & Importance

Origin :

The term constitution comes through **French** from the **Latin word constitutio**, used for regulations and orders, such as the imperial enactments.

Importance :

It provides the basis for Governance in a country, which is essential to making sure that everyone's interests and needs are addressed. It determines how laws are made, and details the process by which the Government rules.



People's Need for Constitution

- It provides a set of basic rules that allow for minimal co-ordination amongst members of a society.
- Specifies who has the power to make decision in a society it decides how the Government will be constituted.
- It limits Government on what it can impose on its citizens. These limits are fundamental in the sense that government may never trespass them.
- Enables the Government to fulfil the aspiration of a society and create conditions for a just society.
- Provides fundamental identity to the people.



Through the History of Constitution

- The British sent a group of officials known as Cabinet Mission.
- The cabinet mission formed the constituent assembly in Dec 1946.
- There was a dispute among the Indian national leaders and the partition took place.
- After the partition the constituent assembly took up the work of framing the constitution.

Indian Constitution for drafting


- The Constitution was drafted by the Constituent Assembly, which was elected by the elected members of the provincial assemblies.
- Dr B.R. Ambedkar, Sanjay Phakey, Jawaharlal Nehru, C. Rajagopalachari, Rajendra Prasad, Sardar Vallabhbhai Patel, Maulana Abul Kalam Azad were some important figures in the Assembly.
- The members of the Constituent Assembly met for the first time on 9 December 1946
- On 29 August 1947, the Drafting Committee was appointed, with Dr B. R. Ambedkar as the Chairman along with six other members assisted by a constitutional advisor.
- The members studied the constitution of various countries and took the good features from every constitution and included them in Indian constitution.
- The draft was prepared by February 1948
- After the draft was ready it was published in all newspapers
- This was done to enable the people to read the draft and give their views on it.

Framing of Constitution

- India was governed in accordance with the Government of India Act 1935, till the constitution was made.
- The Assembly met in sessions open to the public for the period of 2 years, 11 months and 18 days before adopting the Constitution.
- It was finally passed and accepted on Nov 26, 1949.
- After many deliberations and modifications over plenary sessions, the members of the Assembly signed two copies (Final) of the document (one each in Hindi and English) on 24 January 1950
- Same day the Assembly unanimously elected Dr, Rajendra Prasad as the President of India. which came into effect on Jan 26, 1950, known and celebrated as the Republic Day of India.

Structure of Indian Constitution

- Federal Structure: The Constitution of India is based on a federal structure. That it is to say there exists both State and Central forms of Governments. But though it has federal structure, it is also has some unitary features. That is the Central Government is the Supreme Law making authority in the country.
- Supremacy of the Constitution: All the authorities derive their powers, rights, duties and obligations from the Constitution.

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- Distribution of Powers: The distribution of power for running the country effectively has been done on the Principle of ‘Doctrine of Separation of Power’.


1. Legislature – to make / enact the laws
2. Executive – to implement the laws
3. Judiciary – to interpret / enforce the laws


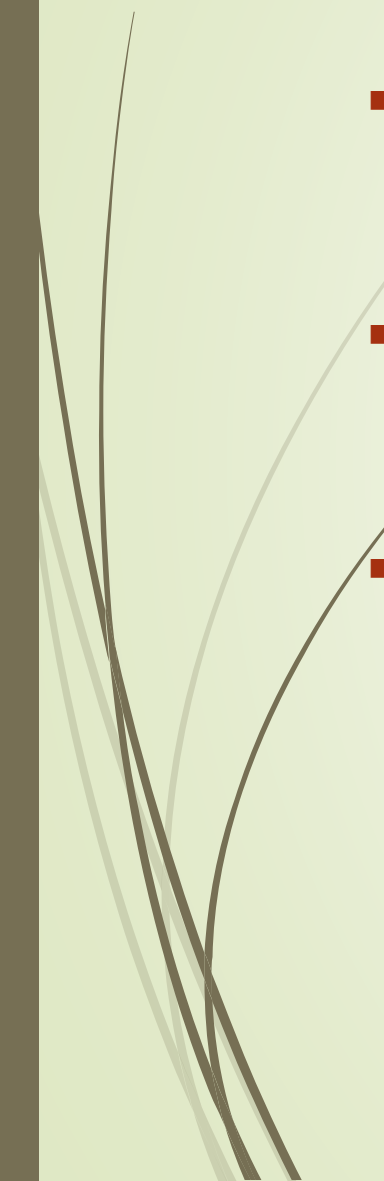
- The Indian Constitution had 395 Articles, 22 Parts, and 8 Schedules in the year 1950.
- Presently, the Indian Constitution is made up of 448 Articles, 25 Parts, and 12 Schedules. Schedules consist of additional details that are absent in a particular Article or Part


(Whenever a new Article or a Part is introduced in the Indian Constitution, the same is carried out alphabetically (for example Article 21 A) so that the arrangement of the Constitution is not affected)

Salient Features of Constitution

- It is written one and is also the lengthiest in the world.
- **Preamble** : At the beginning, there is a Preamble, which is important in several aspects. It narrates the ideals (Justice, Equality, Individual Dignity, Fraternity and National Unity) and aspirations of the Indian people.
- **Republic**: As a Republic, people have a right to form their own government and to elect the head of the government.
- **Government of the People**: It upholds a form of government which is of the people, by the people and for the people. People have the right to elect their own rulers.

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- **Fundamental Rights and Duties:** It has given SIX Fundamental Rights to the citizens TEN + ONE Fundamental Duties to be performed by the citizens. The government cannot take away any of these rights. When these rights are violated, the Judiciary would come to the rescue of the citizens.
 - **Secularism:** As per the principle of secularism, the government must be impartial towards all the religions followed by its citizens The government guarantees freedom of faith and worship to all citizens. However, the government has the right to restrict religious freedom when it disturbs public peace, as well as law and order.
 - **Independent and Impartial Judiciary:** Under the democratic system, all citizens are equal before the law. There cannot be different sets of laws for the different groups of people. The judiciary is expected to provide justice to all the sections of the society. Therefore, the Judiciary is given adequate powers. The Supreme Court acts as a guardian of the Constitution in place of the Privy Council.

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- **Universal Adult Franchise:** The system of election of representatives by all the adults of a country is called as Universal Adult Franchise. In India, an adult means one who is above the age of eighteen.
 - **Equal Rights to Women:** Here, both men and women have been given equal rights. The exploitation of women is considered an offence. Both get equal pay for equal work.
 - **Eradication of Untouchability:** It has prohibited the practice of untouchability in the country. The practice is deemed a crime and offenders can be punished.
 - **A Welfare State:** A State which aims at providing social and economic security to all its citizens is known as a Welfare State. Social Security must be provided to the citizens so that they would live a peaceful life. It protects the weaker sections from exploitation, and provides equal social, economic and political opportunities to all citizens.

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- It is federal in form but unitary in spirit.
 - It is neither too rigid (as some provisions can be amended by a simple majority) nor flexible (as some provisions require special majority for amendment).
 - The President of the Union is the Constitutional Head, the Council of Ministers or the Union Cabinet is the Real Executive and is responsible to the Lok Sabha

Sources of Indian Constitution

	<i>Sources</i>	<i>Features Borrowed</i>
1.	Government of India Act of 1935	Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details.
2.	British Constitution	Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism.
3.	US Constitution	Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice-president.
4.	Irish Constitution	Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of president.
5.	Canadian Constitution	Federation with a strong Centre, vesting of residuary powers in the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.


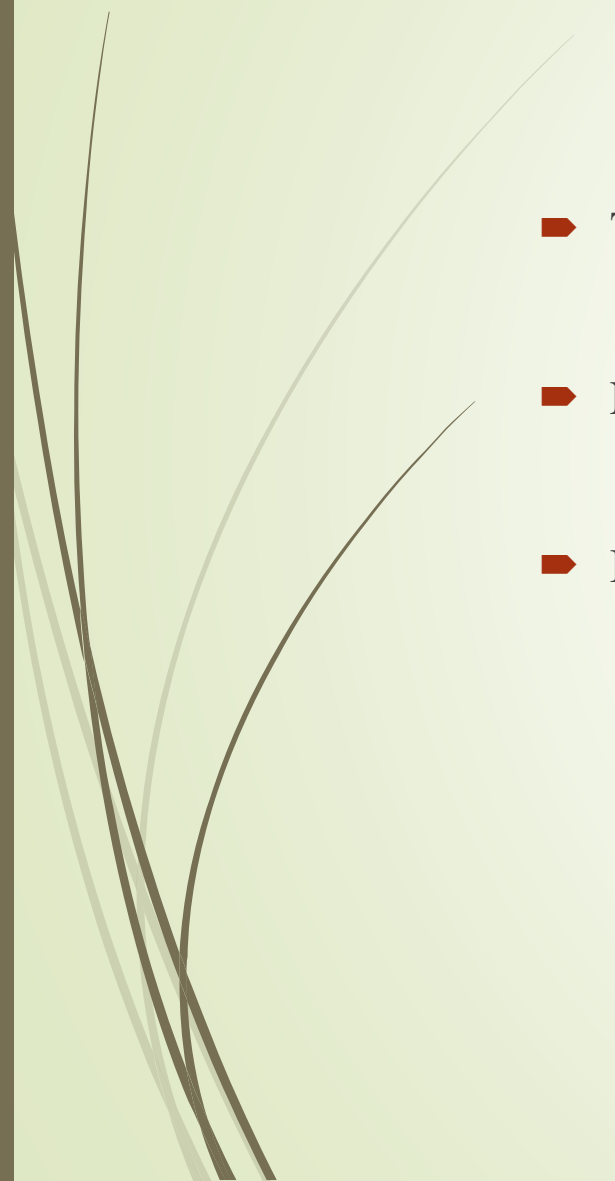


6.	Australian Constitution	Concurrent List, freedom of trade, commerce and intercourse, and joint sitting of the two Houses of Parliament.
7.	Weimar Constitution of Germany	Suspension of Fundamental Rights during Emergency.
8.	Soviet Constitution (USSR, now Russia)	Fundamental duties and the ideal of justice (social, economic and political) in the Preamble.
9.	French Constitution	Republic and the ideals of liberty, equality and fraternity in the Preamble.
10.	South African Constitution	Procedure for amendment of the Constitution and election of members of Rajya Sabha.
11.	Japanese Constitution	Procedure established by Law.



THE PREAMBLE

- The preamble is like an introduction or preface of a book
- It explains the Purpose and Objective with which the document has been written
- It provides guidelines to the constitution
- Constitution of America was the first constitution in the world to begin with preamble(it is the shortest & oldest written constitution)
- Idea of preamble was borrowed from USA

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- The Preamble of Indian constitution is based on “Objective Resolution” of Nehru
 - Nehru introduced objective resolution on **December 13, 1946**
 - It was adopted by constituent assembly on **22 January 1947**



सत्यमेव जयते

CONSTITUTION OF INDIA

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, economics 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 unit and integrity of the Nation

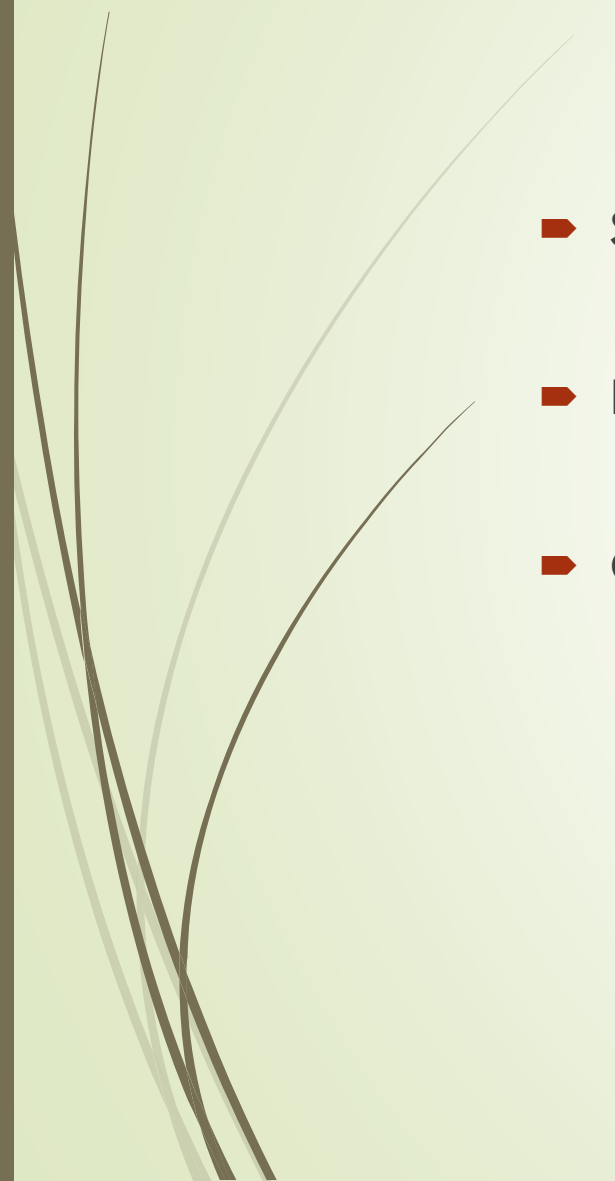
IN OUR CONSTITUENT ASSEMBLY

this twenty-sixth day of November, 1949, do

HEREBY ADOPT, ENACT AND GIVE TO
OURSELVES THIS CONSTITUTION



PREAMBLE CAN BE CLASSIFIED INTO 3

- **SOURCE OF THE CONSTITUTION**
 - **NATURE OF THE CONSTITUTION**
 - **OBJECTIVE OF THE CONSTITUTION**
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SOURCE OF THE CONSTITUTION


➤ WE THE PEOPLE OF INDIA , having solemnly resolved to constitute India
ie; for the people of India

India is a republican state, it shall have no hereditary ruler and the people shall elect the
government



NATURE OF THE CONSTITUTION

- **SOVEREIGN:** means absolute independence, i.e, a government is not controlled by any other power
 - **SOCIALIST:** means commitment to attain ideals like removal of inequalities, provision for basic needs, equal pay for equal work
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- **SECULARISM:** it is said that India is neither religious nor irreligious nor anti-religious, i.e; the state will not support any particular religion out of public fund . This has 2 implications (i) every individual is free to believe and practice any religion. (ii) state will not discriminate any individual on the basis of religion.
 - **DEMOCRATIC REPUBLIC:** The democratic principles are highlighted with the provision of universal adult franchise, elections, and responsible government

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

OBJECTIVES OF THE CONSTITUTION



- **JUSTICE:** The term justice in the preamble embraces three distinct forms: social economic and political, secured through various provisions of the fundamental and directive principles.

Social justice: constitution wants to create a more equitable society based on equal social status

Economic justice: means equitable distribution of wealth among members of the society

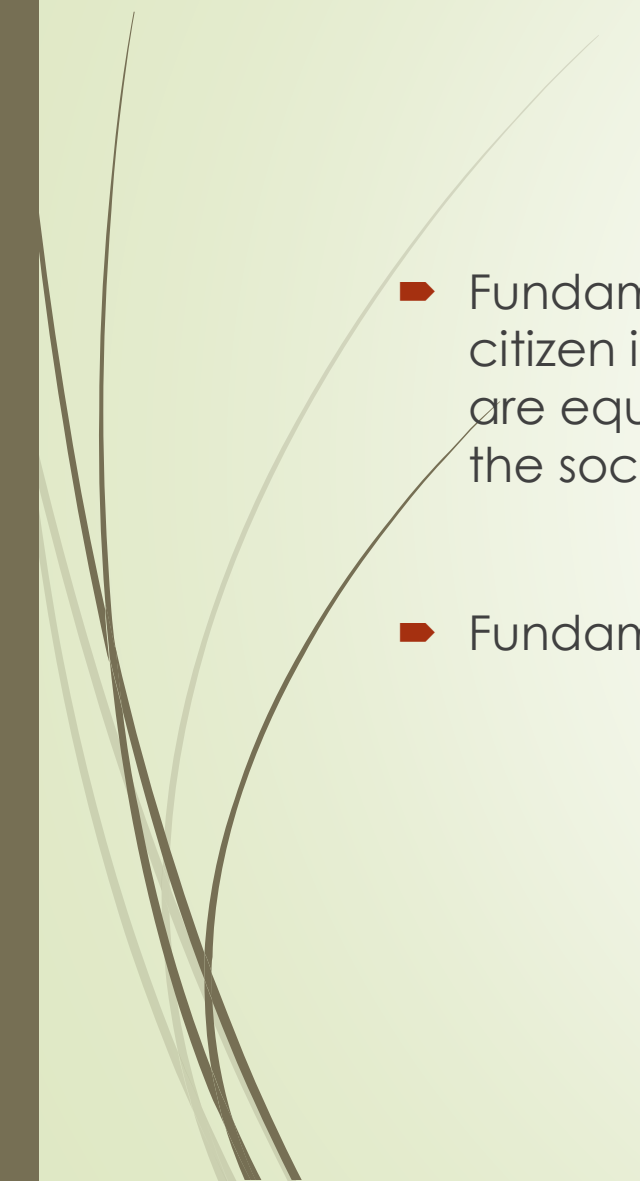
Political justice: all the individual have equal rights in political participation, Indian constitution provides for universal adult suffrage and equal value for each vote.

ADULT SUFFRAGE: gives the right to vote to all adult citizen regardless of discriminations.

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- **LIBERTY:** The preamble also mentions about liberty of thought and expression. These freedoms have been guaranteed in the constitution through fundamental rights.
 - **EQUALITY:** means absence of privileges or discrimination against any section of the society. The preamble provides for equality of status and opportunity to all people of the country.
 - **FRATERNITY:** means feeling of brotherhood. The preamble seeks to promote fraternity among the people assuring dignity of the individual and the unity and integrity of the nation.

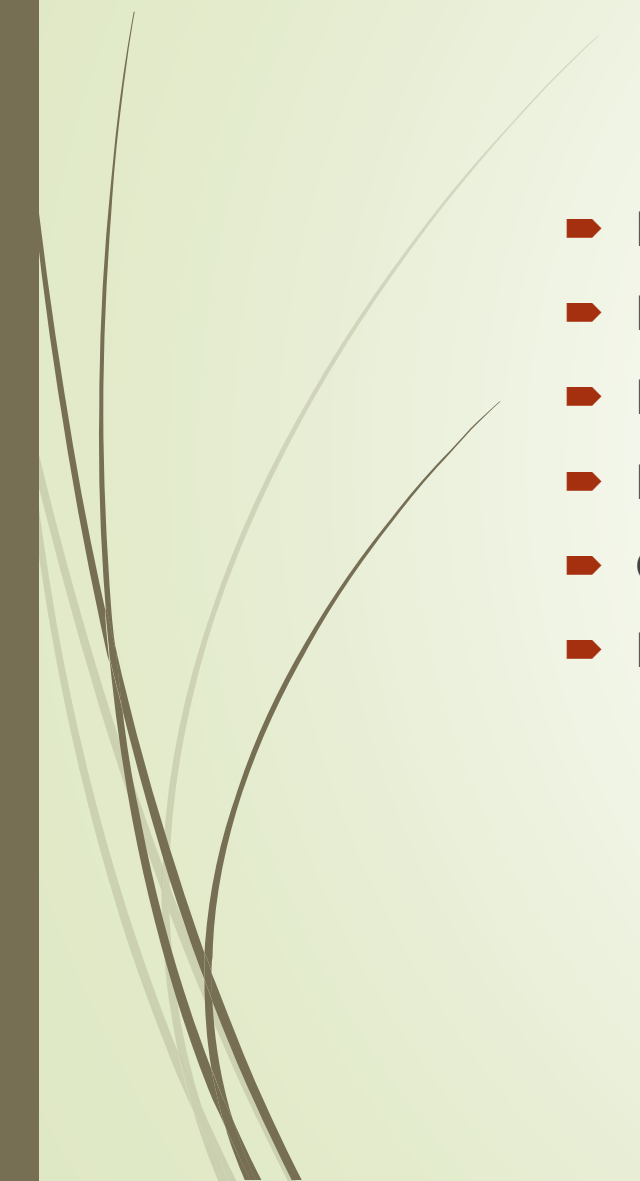


FUNDAMENTAL RIGHTS

- Fundamental Rights are essential human rights that are offered to every citizen irrespective of caste, race, place of birth, religion or gender. These are equal to freedoms and these rights are essential for personal good and the society at large.
 - Fundamental Rights are incorporated in Part III of the constitution
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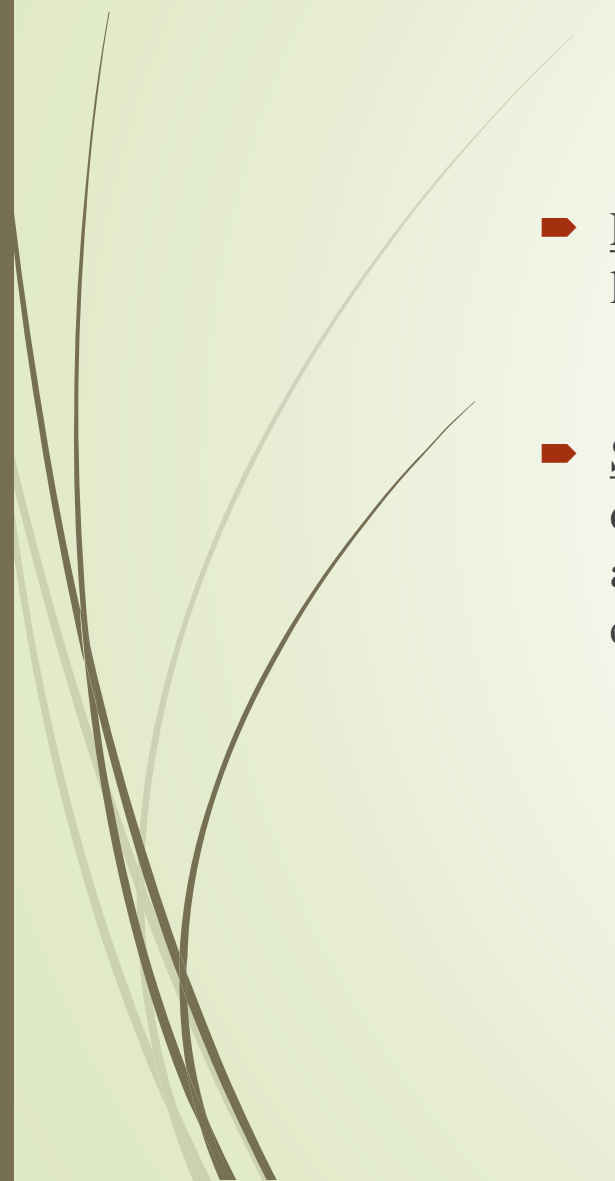
The Fundamental Rights are:


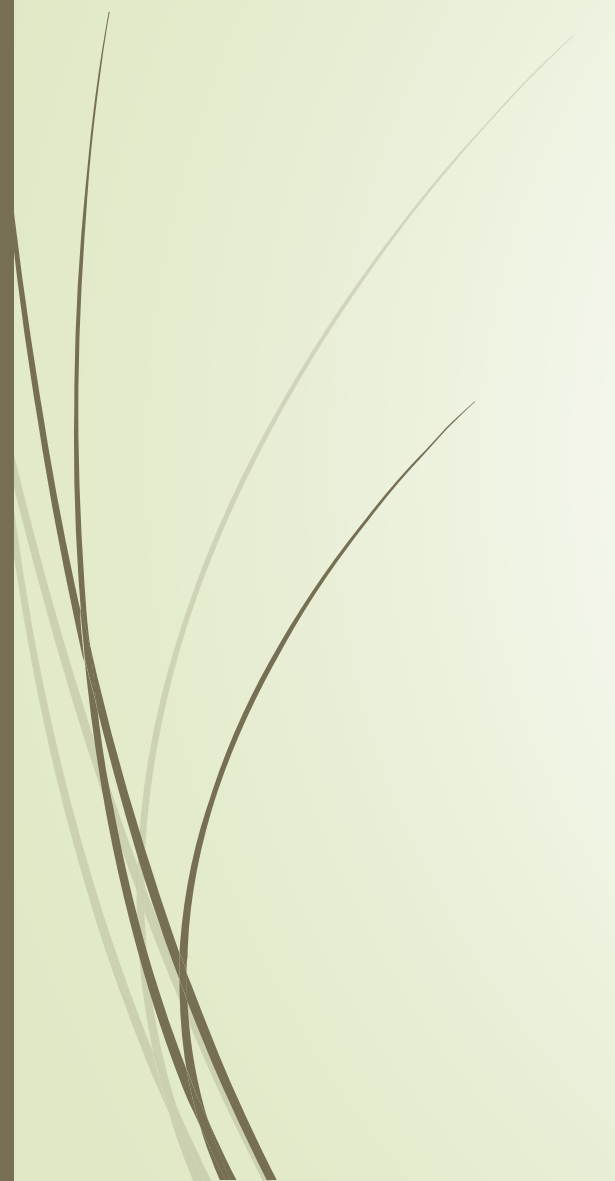
- RIGHT TO EQUALITY (ARTICLE 14-18)
 - RIGHT TO FREEDOM (ARTICLE 19-22)
 - RIGHT AGAINST EXPLOITATION (ARTICLE 23-24)
 - RIGHT TO FREEDOM OF RELIGION (ARTICLE 25-28)
 - CULTURAL & EDUCATIONAL RIGHTS (ARTICLE 29-30)
 - RIGHT TO CONSTITUTIONAL REMEDIES (ARTICLE 32)
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RIGHT TO EQUALITY

- It means that all citizens enjoy equal privileges and opportunities. It protect the citizens against any discriminations.
- Right to Equality includes five types of equalities.

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- EQUALITY BEFORE LAW: means that no person is above law and all are equal before law. All citizens shall be equally protected by the law of the country.{ARTICLE14}
 - SOCIAL EQUALITY AND EQUAL ACCESS TO PUBLIC AREAS: No person shall be discriminated on the basis of caste colour language etc.. Every person shall have equal access to public places, However the state may make special provision for women and children.[ARTICLE15]

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- EQUALITY IN MATTERS OF PUBLIC EMPLOYMENT: The constitution lays down that the state cannot discriminate against anyone in the matters of employment. All citizens can apply for government jobs.[**ARTICLE16**]
 - ABOLITION OF UNTOUCHABILITY: **Article 17** of the constitution abolishes the practice of untouchability. Practice of untouchability is an offense and anyone doing so is punishable by law
 - ABOLITION OF TITLES: **Article 18** of the constitution prohibits the state from conferring any titles. Citizens of India cannot accept titles from a foreign state.



RIGHT TO FREEDOM

- Right to freedom is the most important of all rights it is known as the soul of fundamental rights.
- Six Fundamental Freedoms:
 1. Freedom of speech & expression
 2. Freedom to assemble peacefully without arms
 3. Freedoms to form associations or 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 practise any profession/occupation/trade/business



RIGHT TO FREEDOM

- (i) **Freedom of Speech and expression**, which enable an individual to participate in public activities. The phrase, "freedom of press" has not been used in Article 19, but freedom of expression includes freedom of press.
- (ii) **Freedom to assemble peacefully without arms**, on which the State can impose reasonable restrictions in the interest of public order and the sovereignty and integrity of India.
- (iii) **Freedom to form associations or unions** on which the State can impose reasonable restrictions on this freedom in the interest of public order, morality and the sovereignty and integrity



RIGHT TO FREEDOM

- (iv) **Freedom to move freely throughout the territory of India** though reasonable restrictions can be imposed on this right in the interest of the general public, for example, restrictions may be imposed on movement and travelling, so as to control epidemics.
- (v) **Freedom to reside and settle in any part of the territory of India** which is also subject to reasonable restrictions by the State in the interest of the general public or for the protection of the schedule tribes because certain safeguards as are envisaged here seem to be justified to protect indigenous and tribal peoples from exploitation and coercion.



RIGHT TO FREEDOM

- (vi) **Freedom to practice any profession or to carry on any occupation, trade or business** on which the State may impose reasonable restrictions in the interest of the general public. Thus, there is no right to carry on a business which is dangerous or immoral.

RIGHT AGAINST EXPLOITATION

- Article 23 prohibits traffic(*selling and buying of persons like goods*) in human beings, the beggar (forced labour), and other similar types of forced labour and any contravention of this provision have an offense that is punishable by law.
- This right is accessible to both citizens and non-citizens. Article 23 protects Individual from both against the state and also against the private persons.
- **Article 24** prohibits the **employment of children under the age of 14 years** in any factory, mines, or other hazardous activities like construction work or in the railway. But, in any harmless(**safe**) or innocent(**reliable**) work, it does not prohibit their employment.



RIGHT TO FREEDOM OF RELIGION

According to the Constitution, all religions are equal before the State and no religion shall be given preference over the other. Citizens are free to preach, practice and propagate any religion of their choice.

- i. Religious communities can set up charitable institutions of their own.
- ii. Activities in such institutions which are not religious are performed according to the laws laid down by the government
- iii. No person shall be compelled to pay taxes for the promotion of a particular religion.
- iv. A State run institution cannot impart education that is pro-religion





CULTURAL & EDUCATIONAL RIGHTS

- ARTICLES 29 & 30
- Any community which has a language and a script of its own has the right to conserve and develop it.
- All minorities, religious or linguistic, can set up their own educational institutions to preserve and develop their own culture.

RIGHT TO CONSTITUTIONAL REMEDIES

- Right to constitutional remedies empowers the citizen to move a court of law in case of any denial of fundamental rights.
- This procedure of asking the court to preserve or safeguard the citizens fundamental rights can be done in various ways i.e issue of various kinds of writs.
- 1) HABEAS CORPUS: An order by the court to the state to produce the person physically before it justifies or release of person.
- 2) MANDAMUS: It is a command or order from a superior court to a subordinate court or tribunal or public authority to perform its duty in case it is not doing it.

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- 3) PROHIBITION: It is an order issued by a superior court to forbid a subordinate court from proceeding a case which is beyond its jurisdiction.
 - 4) QUO WARRANTO: This writ is issued to restrain a person from acting in a public office to which he/ she is not entitled.
 - 5) CERTIORARI: Means “to be informed of what is going”




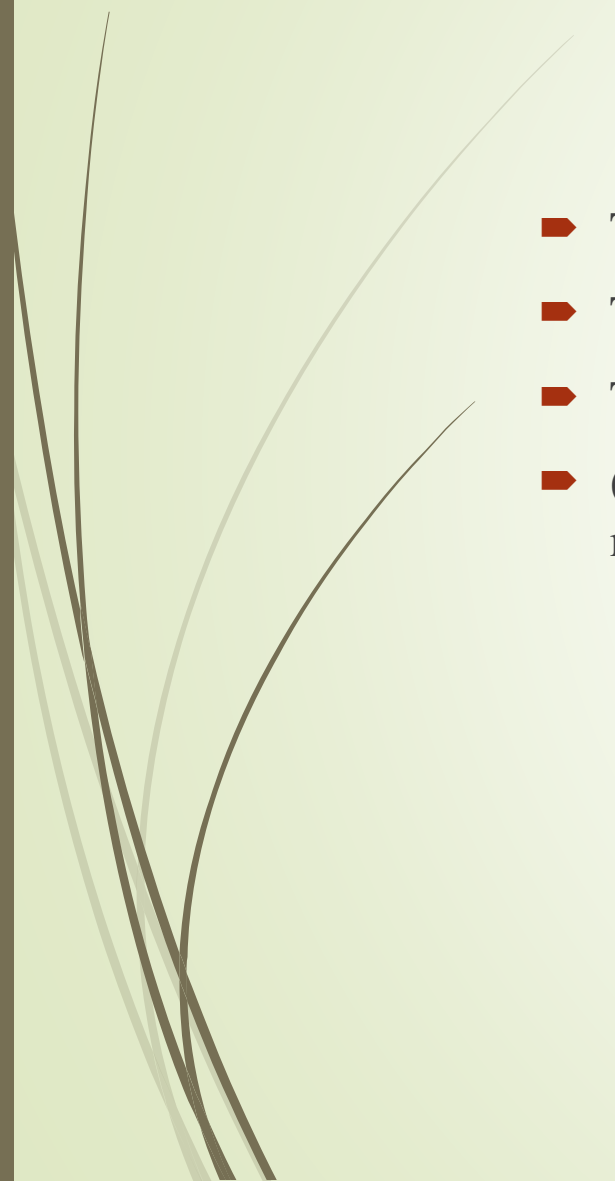
FUNDAMENTAL DUTIES

- Fundamental Duties are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India.
- These duties set in part IV-A of the constitution
- The fundamental duties were included in the constitution by the 42nd amendment 1976
- Originally 10 in numbers, the fundamental duties were increased to 11 by the 86th amendment in 2002
- It was adopted based on the recommendation of SWARAN SIGH Committee.
- Fundamental duties are non justiciable.



DUTIES ENLISTED

- To abide by the constitution and respect our National Flag & Anthem.
- To follow the noble ideals that inspired our national freedom movement.
- To protect the unity and integrity of India.
- To defend the country when the need arises.
- To promote harmony and brotherhood among all sections of the people and to respect the dignity of women.
- To preserve our rich heritage and composite culture.
- To protect and improve our natural environment including forest, rivers, lakes, and wildlife.

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- To develop scientific outlook and humanism.
 - To protect public property and not to use violence.
 - To strive for excellence in all sphere of individual and collective activity.
 - (xi) A parent/ guardian to provide opportunities for education of his child or as the case may be between the age of 6-14years.

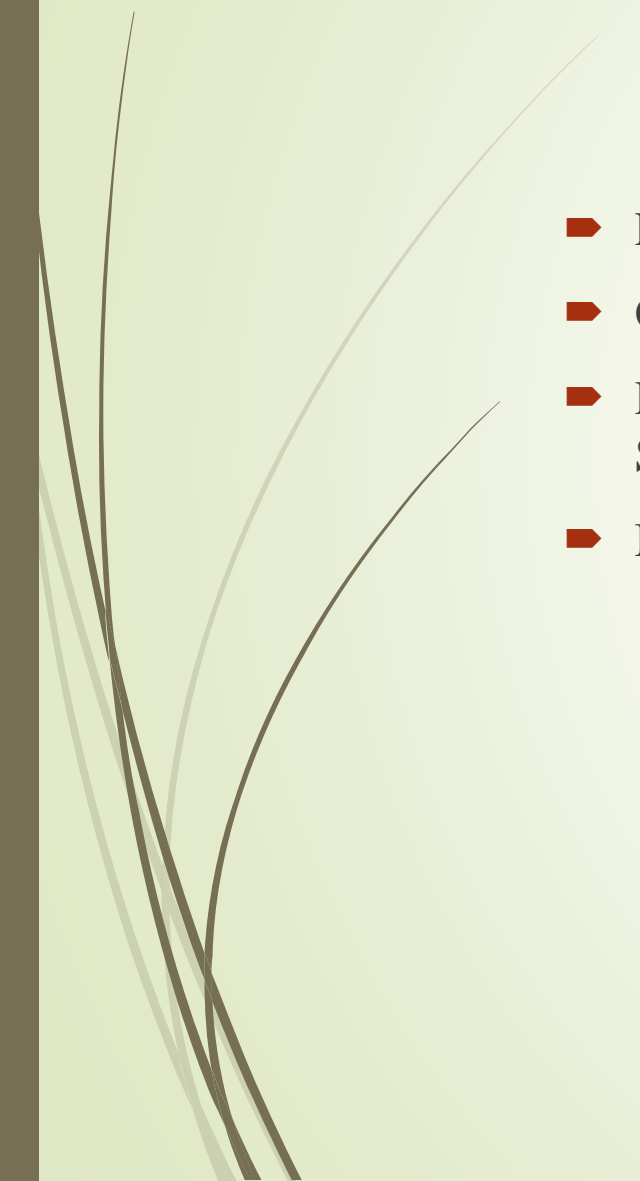


DIRECTIVE PRINCIPLES OF STATE POLICY

- DPSP were incorporated in our constitution in order to provide economic justice and to avoid concentration of wealth in few hands.
- DPSP are in the form of instructions/guidelines to the government at the centre as well as states
- These provisions are contained in the part IV of the constitution.
- Though these principles are non justiciable, they are fundamental in the governance of the country
- The idea of DPSP has been taken from the Irish Republic.



Classification of Directive Principles

- ECONOMIC & SOCIAL PRINCIPLES
 - GANDHIAN PRINCIPLES
 - PRINCIPLES & POLICIES RELATING TO INTERNATIONAL PEACE AND SECURITY
 - MISCELLANEOUS
- 

ORGANS OF GOVERNMENT.

1.Legislature



Makes the Law.

2.Executive



Implements Law

3.Judiciary



Interprets Law.

UNION GOVERNMENT

THE BODY OF PEOPLES REPRESENTATIVES WHICH FORMS THE LAW OF A DEMOCRATIC COUNTRY.

OR

THE LAW MAKING BODY AT THE CENTRE GOVERNMENT IS CALLED UNION PARLIAMENT

Union legislative comprise of;

- *President

- *The house of people (Lok Sabha)

- *The council of state (Rajya Sabha)

Since it has two houses it is known as Bicameral legislature

LOK SABHA

- ❑ The members of lok sabha are elected directly by the peoples of India. They are called MP
- ❑ It is called the popular house or lower house
- ❑ The maximum permissible membership of loksabha is 552 out of which 530 are elected from the state
- ❑ 20 members are elected from Union Territories
- ❑ 2 members nominated by president from Anglo-Indian community
- ❑ Present loksabha consists of 545 members

QUALIFICATIONS

- ❑ He/ She must be a citizen of India
- ❑ He/ she should not be less than 25 years of age
- ❑ He/she shouldn't hold any office of profit under government of India
- ❑ He/she should be of sound mind
- ❑ He/she shouldn't be a proclaimed criminal

Term of lok sabha

- ▶ The term of lok sabha is 5years, however it can be dissolved by the president on the advice of PM.
- ▶ The term of lok sabha can be extended during proclamation of national emergency.
- ▶ It can be extended for a period of 1 year at a time

POWERS /FUNCTIONS OF PARLIAMENT

- ▶ Legislative powers
- ▶ Executive powers
- ▶ Financial powers
- ▶ Constituent powers
- ▶ Judicial powers
- ▶ Electoral powers
- ▶ Miscellaneous powers

LEGISLATIVE POWERS

- ▶ Parliament is a law making body ,only parliament can make laws on the subject mentioned in the union list(97)
- ▶ Parliament makes law in all matters mentioned in concurrent list(47)
- ▶ Parliament makes law in all matters which are not mentioned in any of the 3 lists
- ▶ If there is a break down of constitutional machinery in the state the parliament becomes the state legislature and assumes all the powers

EXECUTIVE POWERS

- ▶ According to parliamentary form of government executive is responsible to the parliament for its acts and policies. Hence parliament exercises control by various measures like committees, question hour, zero hour etc. ministers are collectively responsible to the Parliament.
- ▶ The parliament can dislodge a ministry by passing a vote of non confidence

FINANCIAL POWERS

- ▶ It is the custodian of the public money
- ▶ No money can be spent without its approval, this approval may be taken before actual spending or in rare cases after spending.
- ▶ The budget is approved by the parliament

CONSTITUENT POWERS

- ▶ Most of the parts of constitution can be amended by the parliament by special majority
- ▶ However India being a federal state, the amending powers of parliament is limited

JUDICIAL POWERS

- ▶ Impeachment of President for violation of constitution
- ▶ Removal of judges of Supreme Court and High court
- ▶ Removal of Vice- President

ELECTORAL POWERS


- ▶ It has its participation in the election of President and **Vice-President**. The members of Lok Sabha elects speaker and deputy speaker from among its members. Similarly members of Rajya Sabha elects deputy chairman.

MISCELLANEOUS POWERS

- ▶ To discuss various issues of national and international importance
- ▶ Imposing emergency
- ▶ Increase or decrease area, change names, alter the boundary of the states
- ▶ Create or abolish state legislature & any powers can be added from time to time

RAJYA SABHA

- ▶ Is the upper house of the parliament is a permanent body as it cannot be dissolved
- ▶ The membership of the Rajya sabha cannot exceed 250, out of these President nominates 12 on the basis of excellence in literature, science, art and social service
- ▶ At present its total membership is 245

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- ▶ Rajya Sabha is the body representing states in Indian union
 - ▶ The elected members of state legislative assemblies elect the members of the Rajya Sabha on the basis of proportional representation through the single transferable vote system
 - ▶ All the state do not send equal numbers to the Rajya Sabha
 - ▶ Their representation is based on the population

QUALIFICATIONS

- ❑ He/ She must be a citizen of India
- ❑ He/ she should not be less than 30 years of age
- ❑ He/she shouldn't hold any office of profit under government of India
- ❑ He/she should be of sound mind
- ❑ He/she shouldn't be a proclaimed criminal

Parliamentary Procedures

Q.11. Who summons the sessions of both the Houses of Parliament?

Answer:

The President summons the sessions of both the Houses of Parliament.

Each house must meet at least twice a year.
(once in every 6months).

Normally ,there are Three Sessions in a year.

Budget

Monsoon

Winter

	Feb	March	April	May		July	Aug			Nov	Dec
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Q.12 What do you mean by the term Quorum?

Quorum means the **minimum number of members** required to be present in order to enable the House to do its business.



Q.13. What is the Quorum of Lok Sabha and Rajya Sabha?

The Quorum of Lok Sabha and Rajya Sabha is **one-tenth (1/10th)** of the total membership of each house.

In case if quorum isn't present, then the house can not carry out its proceedings, pass bills and resolutions.

Q.14. Explain the term
'Interpellation.'

The right of the members of the House to ask questions on matters of public interest to the Government is called as **Interpellation.**

Q.15 What do you mean by the term Question Hour?

The first hour on every working day of the House is reserved for asking questions, this is called as the **Question Hour**.

Speaker can decide to cancel it, if required.

10 days notice needs to be given by the member before asking questions.

Q.16 What are the types of questions asked during the Question Hour?

Three types of questions are asked during the Question Hour:

- a) **Starred Questions:** These are answered orally. Supplementary questions can be asked after getting the reply. 10 days notice needs to be given before asking these questions. These questions are indicated by asterisk mark. *
- b) **Unstarred Questions:** These are answered in written form. No Supplementary questions can be asked after getting the reply. 10 days notice needs to be given before asking these questions.
- c) **Short Notice Questions:** These questions are asked on urgent & important matters. These questions are asked with a notice shorter than 10 days. Minister is asked whether he can reply to the question at a short notice and its upto him to accept or not to accept short notice questions.

Q.18. Explain the term 'Motion.'

A formal proposal made by a member, asking the House, to take up a matter of public importance is termed as **Motion**.

Lok Sabha	Rajya Sabha
1. <u>Term</u> : 5 years (unless dissolved)	1. <u>Term</u> : 6 years
2. <u>Composition</u> : 552 (530+20+2)	2. <u>Composition</u> : 250 (238+12)
3. <u>Qualification</u> : 25 years, Indian, Not Solvent, Shouldn't held any Office of Profit, Name in Electoral rolls.	3. <u>Qualification</u> : 30 years, Indian, Not Solvent, Shouldn't held any Office of Profit, Name in Electoral rolls.
4. <u>Presided by</u> : Speaker.	4. <u>Presided by</u> : Ex-Officio Chairman of Rajya Sabha i.e. Vice President of India.
5. <u>Election</u> : Members are elected directly by the people.	5. <u>Election</u> : Members are elected directly by the elected representative of the State Legislative Assemblies.

Lok Sabha	Rajya Sabha
6. Money Bills are passed only in Lok Sabha	6. Money Bills cant be introduced in Rajya Sabha
7. Lok Sabha can be dissolved during National Emergency.	7. Rajya Sabha can't be dissolved. It's a permanent House. During National Emergecy it assumes all powers of Parliament.
8. Council of Ministers is more responsible to Lok Sabha.	8. Council of Ministers is less responsible to Rajya Sabha.
9. Lok Sabha has a upper hand on Rajya Sabha as it has more members; Example: in the cases of Election of President/Vice-President, Deadlock/Disagreement on Ordinary Bill	9. Rajya Sabha lacks in such matters because of less numbers of members as compared to Lok Sabha.
10. Lok Sabha can pass No Confidence Motion, Adjournment Motion against the Government.	10. Rajya Sabha can't pass No Confidence Motion, Adjournment Motion against the Government.

PRESIDENT

- ▶ President of India is a constitutional head
- ▶ He is the head of the state but he does not rule it.
- ▶ The elected president is the symbolic Head and the Chief Executive of the state
- ▶ Droupadi Murmu is the 15th and current president of India

QUALIFICATIONS

- ▶ A citizen of India
- ▶ 35 years of age
- ▶ Not holding any office of profit under the government of India.

POWERS AND FUNCTIONS

LEGISLATIVE POWERS

- The president has the power to summon and dissolve the lok sabha in consultation with prime minister.
- The president enjoys the right to address the parliament and send messages to it whenever required, President address both the houses of parliament at the first session each year.
- The president nominates 12 members to Rajya Sabha.
- All bills passed by the legislature require the President's assent to become a law.
- The most important legislative power of president is the power to issue ordinance.

EXECUTIVE POWER

- ▶ The president is the administrative head of the country. All orders are issued in his name alone.
- ▶ The president appoints the prime minister and on his advice appoints the other minister. He administers the oath of office to them. Important government appointments and dismissals are done by him.
- ▶ The President also enjoys the power to administer all union territories.

JUDICIAL POWERS

- ▶ The president appoints the judges of the Supreme court and the High court in consultation with the Chief Justice of India.
- ▶ Article 72 of the constitution gives the President the sole right to grant pardon based on mercy.
- ▶ The President enjoys certain judicial immunity like;
 - I. No criminal proceedings can be initiated against the President in any court of law during his term in office.
 - II. He is not answerable for the exercise of his duties.

FINANCIAL POWERS

- ▶ No money bill can be introduced in the Parliament unless recommended by the President.
- ▶ A money bill or a Budget cannot be introduced in Lok Sabha without prior approval of the President.
- ▶ The contingency Fund of India is placed at the disposal of the President and he can advance required sums of money for some unforeseen expenditure, especially when the parliament is not in session.

PRIME MINISTER

- ▶ Article 74(1) states that “there shall be a council of ministers with the prime minister at the head to aid and advice the president who shall, in the exercise of the functions, act accordance with such advice.

PRIME MINISTER AND THE PRESIDENT

- ▶ It is the duty of Prime Minister to communicate to the President all decisions of the Council of Ministers relating to the administration and legislation.
- ▶ All authority vested in the President is in reality exercised by the Prime Minister. The President on the advice of Prime Minister appoints as well as dismisses the council of ministers.
- ▶ The Prime Minister also advises the President when to summon and dissolve the two houses of Parliament.

PRIME MINISTER AND THE CABINET

- ▶ The Prime Minister allocates the different portfolios of the ministers and assigns the ranks of the ministers.
- ▶ No minister can continue in office if the Prime Minister requires him to be removed.
- ▶ It is the duty of the Prime Minister to see that the various ministers work in a coordinated manner to achieve the goals set by the government.

PRIME MINISTER AND THE LOK SABHA

- ▶ The president summons ,dissolves the Lok Sabha on the advice of the Prime Minister.
- ▶ The Prime Minister is the chief spokesman and defender of the government. He makes all important announcements of national policies on the floor of the house.

THE PRIME MINISTER AS LEADER OF THE NATION

- ▶ The Prime Minister keeps the growth of the nation in mind, while discussing issue at international forums.
- ▶ Being the chief spokesman for the nation, the Prime Minister decides on India's internal and foreign policies
- ▶ Prime Minister represents the country in international conferences
- ▶ The Prime Minister is also the ex-officio chairman of NITI AYOOG.

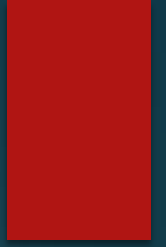
POWERS & FUNCTIONS OF SUPREME COURT

- ▶ Guardian of the constitution/writs
- ▶ Court of record
- ▶ Federal court
- ▶ Revisory jurisdiction
- ▶ Judicial review

Guardian of the constitution/writs

- ▶ As a protector of the constitution, the Supreme court has the power to issue writs for the enforcement of Fundamental Rights. The writs are in the form of:
 - a) Habeas Corpus
 - b) Mandamus
 - c) Prohibition
 - d) Certiorari
 - e) Quo Warranto

COURT OF RECORD



- ▶ The judgement of the supreme court are recorded as evidence and for the future testimony. They are not questioned when produced as precedents. The judgements are referred by the lower court as and when they needed.

FEDERAL COURT

- ▶ As the highest federal court, the supreme court has the power to settle any dispute regarding distribution of powers between the union and states.

REVISORY JURISDICTION

- ▶ Supreme Court is empowered to review any judgement or order made by it with a view of removing any mistake or error that might have crept in the judgement or order this power of supreme court is called revisory jurisdiction.

JUDICIAL REVIEW

- ▶ It is the power of the supreme court to examine the validity of the laws passed by the union and state. The constitution declares that any law contravenes any of the Fundamental Rights will be declared null and void.

STATE LEGISLATURE

INTRODUCTION

- Constitution has provided an uniform pattern of government for the states.
- For every state there shall be a legislature which consists of Governor, and Houses of legislature.
- The states of **Andhra Pradesh, Telangana, Utter Pradesh, Bihar, Maharashtra, Karnataka**, and **J&K** will have two houses(bicameral legislature)
- All other states will have only one House(unicameral legislature)
- Where there are two houses in the legislature of a state one shall be known as **Legislative Assembly** and other **Legislative Council**
- Where there is only one house it shall be known as **Legislative Assembly**

NOMINATION AND RESERVATION

- The governor has the power to nominate 1 member from Anglo-Indian community.
- A certain number of seats are also reserved in each Legislative Assembly for SC & ST to provide sufficient representation to them

LEGISLATIVE ASSEMBLY (VIDHAN SABHA)

- The members of the legislative assembly are chosen by direct election on the basis of universal adult franchise from territorial constituents.
- The no of members of the assembly shall not be more than 500 or less than 60
- The legislative assemblies of Mizoram and Goa have a special provision for 40 members each.
- The actual members of the house is revised from time to time on the basis of latest census.

TERM

- Legislative Assembly is elected for a term of 5 year.
- It may be dissolved earlier by the Governor on the advice of the Chief Minister. The state is then placed under Presidents Rule.
- When an emergency is on operation, the life of the house may be extended but this extension shall not be more than a year time.

SESSIONS

- The governor summons the sessions of the state legislature.
- There should be at least 2 sessions of the Legislative Assembly in a year.

QUORUM

- Either 10members or one-tenth of total members of the assembly, whichever is greater.

QUALIFICATION FOR A MEMBER

- A citizen of India
- Not less than 25 years of age
- Qualified as may be prescribed under any law made by the parliament.

A candidate shall not be elected to the assembly unless he is registered voter with any of the constituent assembly with in the state.

POWERS & FUNCTIONS OF LEGISLATURE

- Legislative powers
- Control over executive
- Financial powers
- Constituent powers
- Elective power

POWERS & FUNCTIONS

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graph TD; A[POWERS & FUNCTIONS] --> B([LEGISLATIVE POWERS]); A --> C[CONTROL OVER EXECUTIVE]; A --> D[FINANCIAL POWERS]; B --> B1[To make law]; B --> B2[To modify law]; B --> B3[To delete law]; B --> B4[To reject bill]; B --> B5[To debate bill]; C --> C1[To ask question]; C --> C2[To pass no confidence motion]; C --> C3[Debates and discussion]; D --> D1[To pass budget]; D --> D2[To debate and discussion on budget]; D --> D3[To form financial committee];
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LEGISLATIVE POWERS

- To make law
- To modify law
- To delete law
- To reject bill
- To debate bill

CONTROL OVER EXECUTIVE

- To ask question
- To pass no confidence motion
- Debates and discussion

FINANCIAL POWERS

- To pass budget
- To debate and discussion on budget
- To form financial committee

CONSTITUENT POWERS

- Certain amendments like the election of president or Union judiciary, These subjects have to be passed by the Union parliament by a two third majority and then ratified by at least one-half of the state legislature.

ELECTIVE POWERS

- The president of India is elected by an electoral college comprising the elected members of both the Houses of parliament and the elected members of legislative assemblies of the state.

GOVERNOR

- Governor is the executive head of the state.
- Act as per aid and advice of chief minister.
- It is possible to appoint same person as the governor of 2 or more state if necessary.
- Representative of central government.

APPOINTMENT

- The governor of a state is not elected but is appointed by the president , on the advice of prime minister.
- The governor should not be a resident of concerned state.
- The governor should not be involved in local politics.

QUALIFICATION

- A citizen of India
- Not less than 35 years of age
- Qualified as may be prescribed under any law made by the parliament.
- Not holding any office of profit.

POWERS & FUNCTIONS

- EXECUTIVE POWERS
- LEGISLATIVE POWERS
- FINANCIAL POWERS
- JUDICAL POWERS
- DISCRETIONARY POWERS

EXECUTIVE POWERS

- Appointing the chief minister.
- Appointing other officials
- Asking for information

LEGISLATIVE POWERS

- Sessions of the state legislature
- The Governor's address
- Assent to bills
- Power to promulgate ordinance
- Nomination to state legislature.

FINANCIAL POWER

- MONEY BILLS
- THE BUDGET
- CONTINGENCY FUND

DISCRETIONARY POWERS

- SELECTION OF CHIEF MINISTER
- DISMISSAL OF THE COUNCIL
- STATE EMERGENCY
- BILL RESERVED FOR PRESIDENT
- ADMINISTRATION OF TRIBAL AREAS

POWERS AND FUNCTIONS OF THE CHIEF MINISTER

POWERS IN RELATION TO THE STATE LEGISLATURE

- As the leader of the Legislative Assembly ,all important announcements are made by him on the floor of the House.
- The sessions of the Assembly are summoned and prorogued by the Governor on the advice of the Chief Minister.
- The speaker decides the agenda of the House in Consultation with the Chief Minister .
- The Chief Minister is at the centre of all debate and discusssions. He intervenes when a discussion goes out of hand or when a particular minister unable to defend himself against criticism.

POWERS IN RELATION TO THE COUNCIL OF MINISTERS

- All members of the council of ministers are appointed by the governor on the recommendation of the Chief Minister.
- The Chief Minister also allocates portfolios to the ministers.
- All ministers are answerable to Chief Minister in the exercise of their duties.
- The Chief Minister chairs the cabinet meetings. The proposals at Cabinet meetings are accepted or rejected primarily by the Chief Minister. Decisions at these meetings cannot be taken without the Chief Minister's approval.

POWERS IN RELATION TO THE GOVERNOR

- *The Chief Minister is the link between the Council of Ministers and the Governor. He conveys all decisions of the Cabinet to the Governor and answers all queries by the Governor about the administration of the state.
- *All appointments made by the governor are on the basis of the advice given by the Chief Minister.
- *The process of summoning, and dissolving the House is also done by the Governor on the recommendation of Chief Minister.

POWERS AND FUNCTIONS OF HIGH COURT

JUDICIAL REVIEW

- Like the Supreme Court ,the High Court too has power of judicial review. If any law or ordinance, questions of Fundamental Rights or contravenes some provisions of the Constitutions , the High Court can declare the law as ‘null and void’. Thus the High Court acts as the guardian of the Constitution.

POWER TO ISSUE WRITS

- Like the Supreme Court, the High Courts too enjoy the power to issue writs against an individual or an official. These writs are issued for the enforcement of Fundamental Rights and to protect them from being violated.

Court of Record

- Like the Supreme Court , the High Court is also a Court of Record. The orders and judgements of the High Courts are preserved for future references. These can be produced in any court as precedents. These laws then become binding on the Subordinate Courts of that particular state.

Directive Principles of State Policy

The concept of DPSP emerged from **Article 45 of the Irish Constitution**.

- **Constitutional Provisions: Part IV** of the Constitution of India (**Article 36–51**) contains the **Directive Principles of State Policy (DPSP)**.
 - **Article 37** of the Indian Constitution States about the **application of the Directive Principles**.

These principles aim at ensuring **socioeconomic justice** to the people and establishing India as a Welfare State.

- **Classification of Principles:** The Directive Principles are classified on the basis of their ideological source and objectives. These are Directives based on:
 - **Socialist Principles**
 - **Gandhian Principles**
 - **Liberal and Intellectual Principles**

Directives based on Socialist Principles

- **Article 38:** The State shall strive to promote the welfare of the people by securing and protecting a social order by **ensuring social, economic and political justice** and by **minimising inequalities** in income, status, facilities and opportunities
- **Articles 39:** The State shall in particular, direct its policies towards securing:
 - Right to an **adequate means of livelihood** to all the citizens.
 - The **ownership and control of material resources** shall be organised in a manner to serve the common good.
 - The State shall **avoid concentration of wealth in a few hands**.
 - **Equal pay for equal work** for both men and women.
 - The protection of the strength and health of the workers.
 - Childhood and youth shall not be exploited.
- **Article 41:** To secure the **right to work, to education and to public assistance** in cases of unemployment, **old age, sickness and disability**.
- **Article 42:** The State shall make provisions for **securing just and humane conditions of work and for maternity relief**.

- **Article 43:** The State shall endeavour to **secure to all workers a living wage and a decent standard of life.**
 - **Article 43A:** The State shall take steps to secure the participation of workers in the management of industries.
- **Article 47:** To **raise the level of nutrition** and the **standard of living** of people and to improve public health.

Directives based on Gandhian Principles

- **Article 40:** The State shall take steps to **organise village panchayats** as units of Self Government
- **Article 43:** The State shall endeavour to **promote cottage industries** on an individual or cooperative basis in rural areas.
 - **Article 43B:** To promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies.
- **Article 46:** The State shall **promote educational and economic interests of the weaker sections** of the people particularly that of the **Scheduled Castes (SCs), Scheduled Tribes (STs)** and **other weaker sections.**
- **Article 47:** The State shall take steps to **improve public health** and prohibit consumption of intoxicating drinks and drugs that are injurious to health.
- **Article 48:** To **prohibit the slaughter of cows, calves and other milch** and draught cattle and to improve their breeds.

Directives based on Liberal-Intellectual Principles

- **Article 44:** The State shall endeavour to secure for the citizen a **Uniform Civil Code** through the territory of India.
- **Article 45:** To provide **early childhood care and education** for all children until they complete the **age of six years.**
- **Article 48:** To organise agriculture and animal husbandry on modern and scientific lines.
 - **Article 48A:** To protect and **improve the environment** and to safeguard the forests and wildlife of the country.
- **Article 49:** The State shall **protect every monument** or place of artistic or historic interest.
- **Article 50:** The State shall take steps to **separate judiciary from the executive** in the public services of the State.
- **Article 51:** It declares that to **establish international peace and security** the State shall endeavour to:

- Maintain just and honourable relations with the nations.
- Foster respect for international law and treaty obligations.
- Encourage settlement of international disputes by arbitration.