

Salient Features of the Indian Constitution

- Before making the present Constitution, the framers examined Constitutions of various countries of the world and also the working of the Government of India Act, 1935.
- They liberally borrowed appropriate provisions from Constitutions of many countries of the world.

The Constitution so adopted has the following salient features-

1. The lengthiest Constitution in the world

- Constitutions are classified into written, like the American Constitution, & unwritten, like the British Constitution.
- The Constitution of India is the lengthiest of all the written Constitutions of the world. It is a very comprehensive, elaborate and detailed document.
- The Indian Constitution originally consisted of 395 articles divided into 22 Parts and 9 Schedules. Presently, it consists of a Preamble, about 450 articles divided into 24 Parts and 12 Schedules.
- The Comprehensive nature of the Indian Constitution is evident in its elaborate detail. Each article and schedule of the Indian Constitution is meticulously crafted to address specific legal, social, and political issues, ensuring clarity and precision in its provisions.
- The detailed nature of the Constitution allows for thorough regulation of governmental powers and responsibilities, as well as the protection of fundamental rights and freedoms.
- Additionally, the historical context in which the Indian Constitution was drafted contributed to its lengthiness.
- The Constituent Assembly, comprising eminent leaders from diverse backgrounds, engaged in extensive debates and discussions to ensure that the Constitution reflected the aspirations and concerns of the Indian people.

→ Drawing upon various sources, including the constitutions of other countries, legal principles, and indigenous traditions, the constitution makers created a document that would serve as a guiding light for the nation's future.

2. Parliamentary form of Government

→ The Constitution of India has opted for the British Parliamentary system of Government rather than American Presidential System of Government.

→ The Parliamentary system is based on the principle of co-operation and coordination between the legislative and executive organs while the Presidential system is based on the doctrine of separation of powers between the two organs.

→ The choice of the parliamentary form of government in India reflects the country's historical and socio-political context. India, as a former British colony, inherited many aspects of the British constitutional system, including the parliamentary model of governance.

→ The parliamentary system emphasizes collective responsibility and accountability, with the executive branch (the Council of Ministers) being drawn from and accountable to the legislature (Parliament).

→ This system fosters closer ties between the legislative and executive branches, facilitating smoother decision-making and governance.

→ Additionally, the parliamentary system allows for a more flexible and responsive government, as the Prime Minister and the Council of Ministers can be replaced through a vote of no confidence in Parliament, ensuring accountability of the elected representative of the people.

3. Unique Blend of Rigidity and Flexibility

- The Constitution of India is neither rigid nor flexible but a synthesis of both. A rigid Constitution is one that can be amended in the same manner as ordinary laws are made.
- The unique blend of rigidity and flexibility in the Indian Constitution reflects the framers' intention to balance stability with the need for adaptation to changing circumstances.
- On one hand, certain provisions of the Constitution, such as those related to fundamental rights, the basic structure of the Constitution, and federal principles, are considered rigid and can only be amended through a special procedure requiring the consent of a majority of states or the Parliament with a special majority.
- This rigidity ensures the protection of core values and principles enshrined in the Constitution, safeguarding the rights and liberties of the citizens.
- On the other hand, the Constitution also includes provisions that can be amended through a relatively simpler procedure, akin to the enactment of ordinary laws.
- This flexibility allows for the accommodation of evolving societal norms, technological advancements, and emergent needs without compromising the integrity of the Constitution.

→ The balance between rigidity and flexibility in the Indian Constitution contributes to its resilience and relevance in a dynamic and diverse society like India.

4. Fundamental Rights

→ Part III of the Indian Constitution guarantees nine fundamental rights to all the citizens

- <a> Right to Equality (Articles 14-18)
- Right to Freedom (Articles 19-22)
- <c> Right against Exploitation (Articles 23-24)
- <d> Right to Freedom of Religion (Articles 25-28)
- <e> Cultural and Educational Rights (Articles 29-30)
- <f> Right to Constitutional Remedies (Article 32)

→ The fundamental Rights are meant for promoting the idea of political democracy. They operate as limitations on the tyranny of the executive and arbitrary laws of the legislature.

→ Over the years, several amendments have been made to the provisions related to fundamental rights to address emerging challenges and uphold the principles of justice and equality.

→ Notable amendments include the 44th Amendment Act, 1978, which restored the primacy of fundamental rights over parliamentary legislation by nullifying certain provisions of the 42nd Amendment Act 1976, which had diluted the scope of fundamental rights.

- Additionally, the 86th Amendment Act, 2002 inserted Article 21A guaranteeing the right to free and compulsory education for children between the ages of 6 and 14, thereby recognizing education as a fundamental right essential for the realization of other rights.
- Furthermore, the 97th Amendment Act 2011, inserted Article 43B, which mandates the state to provide legal aid to economically weaker sections of society, ensuring access to justice as a fundamental right.
- These amendments reflect the dynamic nature of the Indian Constitution and its commitment to ensuring the protection and promotion of fundamental rights in a rapidly changing socio-economic and political landscape.

5. Directive Principles of state policy

- The Directive Principles of State Policy contained in part of the Constitution set out the aims and objectives to be taken by the state in the governance of the country.
- According to B.R. Ambedkar "The Directive principles of state policy is a novel feature of the Indian Constitution. They can be classified into three broad categories, Socialist, Gandhian and Liberal-intellectual."
- The Directive Principles serve as a guiding framework for the government to formulate policies and legislation that promote social justice, economic welfare and the overall well-being of the citizens.
- Over the years several amendments have been made to strengthen and expand the scope of the Directive Principles, reflecting the evolving socio-economic priorities of the nation.
- For instance, the 42nd Amendment Act 1976, added new Directive Principles aimed at promoting social justice and equality, such as Article 39A, which mandates equal justice and free legal aid, and Article 46, which directs the state to promote the educational and economic interests of weaker sections of society, particularly scheduled Castes and scheduled tribes.
- Additionally, the 86th Amendment Act, 2002, inserted Article 21A, which makes it a fundamental right to free and compulsory education for children between the ages of 6 and 14 a fundamental right, thereby aligning it with the Directive Principles aimed at promoting universal education and social welfare.

→ These amendments underscore the significance of the Directive Principles in shaping policy decisions and legislative actions that contribute to the holistic development and welfare of the Indian society.

6. Fundamental Duties

- By Forty-second Amendment Act, Part IV A has been added to the Constitution which enumerates certain fundamental duties of the citizens.
- Originally, ten duties were enlisted in clause (a) to (j) of article 51A. clause (k), which imposes duty on parents/wards has been added by the Constitution (86th Amendment) Act 2002.
- The inclusion of fundamental duties in the Indian Constitution reflects the importance of fostering a sense of civic responsibility and patriotism among citizens.
- These duties complement the fundamental rights and serve as a reminder of the reciprocal relationship between rights and duties in a democratic society. Over time, the fundamental duties have been reinforced and expanded through Constitutional amendments to address emerging societal challenges and promote national unity and integrity.
- For example, the 86th Amendment Act 2002, added clause (k) to Article 51A, which imposes a duty on parents or guardians to provide opportunities for education to their children between the ages of 6 and 14.

- This amendment underscores the nation-building and emphasizes the collective responsibility of society towards ensuring the holistic development of future generations.
- Additionally, the fundamental duties have been interpreted and reinforced by the judiciary through various landmark judgments, highlighting their significance in fostering a culture of respect for the Constitution and the values enshrined therein.
- These amendments and judicial interpretations underscore the evolving nature of fundamental duties and their importance in shaping the civic consciousness and moral fabric of Indian society.

7. A Federation with Strong Centralizing Tendency

- The term 'Federation' has nowhere been used in the Constitution. Article 1 describes that India "is a Union of states" which implies two things:
 - Firstly Indian federation is not the result of an agreement by the states;
 - Secondly no state has the right to secede from the federation.
- The Constitution of India establishes a federal system of Government. It contains all the usual features of a federation viz., two governments, division of powers, written Constitution, supremacy of the Constitution, rigidity of Constitution, independent judiciary and bicameralism.

- Despite being founded on federal principles, the Indian federation exhibits a strong centralizing tendency, influenced by historical, political and administrative factors.
- Over the years, various constitutional amendments and judicial interpretations have reinforced the centralizing trend, thereby altering the balance between the central and state governments.
- For instance, the 42nd Amendment Act 1976, introduced significant changes to the distribution of powers between the center and states, expanding the concurrent list and enhancing the concurrent list and enhancing the powers of the central government in areas such as taxation, emergency provisions, and constitutional amendments.
- Similarly, the establishment of centrally sponsored schemes and institutions, coupled with the concurrent jurisdiction of the center over critical subjects such as national security and economic planning, has further strengthened the centralizing tendency of the Indian federation.
- Additionally, judicial decisions, such as those affirming the doctrine of parliamentary sovereignty and the primacy of central laws in case of conflict with state laws, have contributed to the concentration of power at the center.
- Despite these centralizing trends, the federal nature of the Indian Constitution remains intact, providing a framework for cooperative federalism and shared governance between the center and states.

8. Adult Suffrage

- In India every person, male or female, who has obtained the age of 18 years, is entitled to vote in elections to Parliament or state legislatures.
- Originally this age limit was 21 years but after the 61st Amendment Act, 1988 it was reduced to 18 years.

9. An Independent Judiciary

- Independence of judiciary is essential for impartial adjudication of disputes between individuals, between Union and state, between ~~Union/State and individuals~~ or between states ~~inter se.~~
- The Supreme Court stands at the top of the integrated judicial system in the country. Below it, there are High Courts at the state level.
- This single system of courts enforces both the Central laws as well as the state laws. The Supreme Court of India is a federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and the guardian of the Constitution.

10. A Secular State

- The Constitution of India stands for a secular state. Hence, it does not uphold any particular religion as the official religion of the Indian state.
- The term 'Secular' was added to the preamble of the Indian Constitution by the 42nd Amendment Act, 1976. Article 25-28 of the Constitution give concrete shape to this concept of secularism.

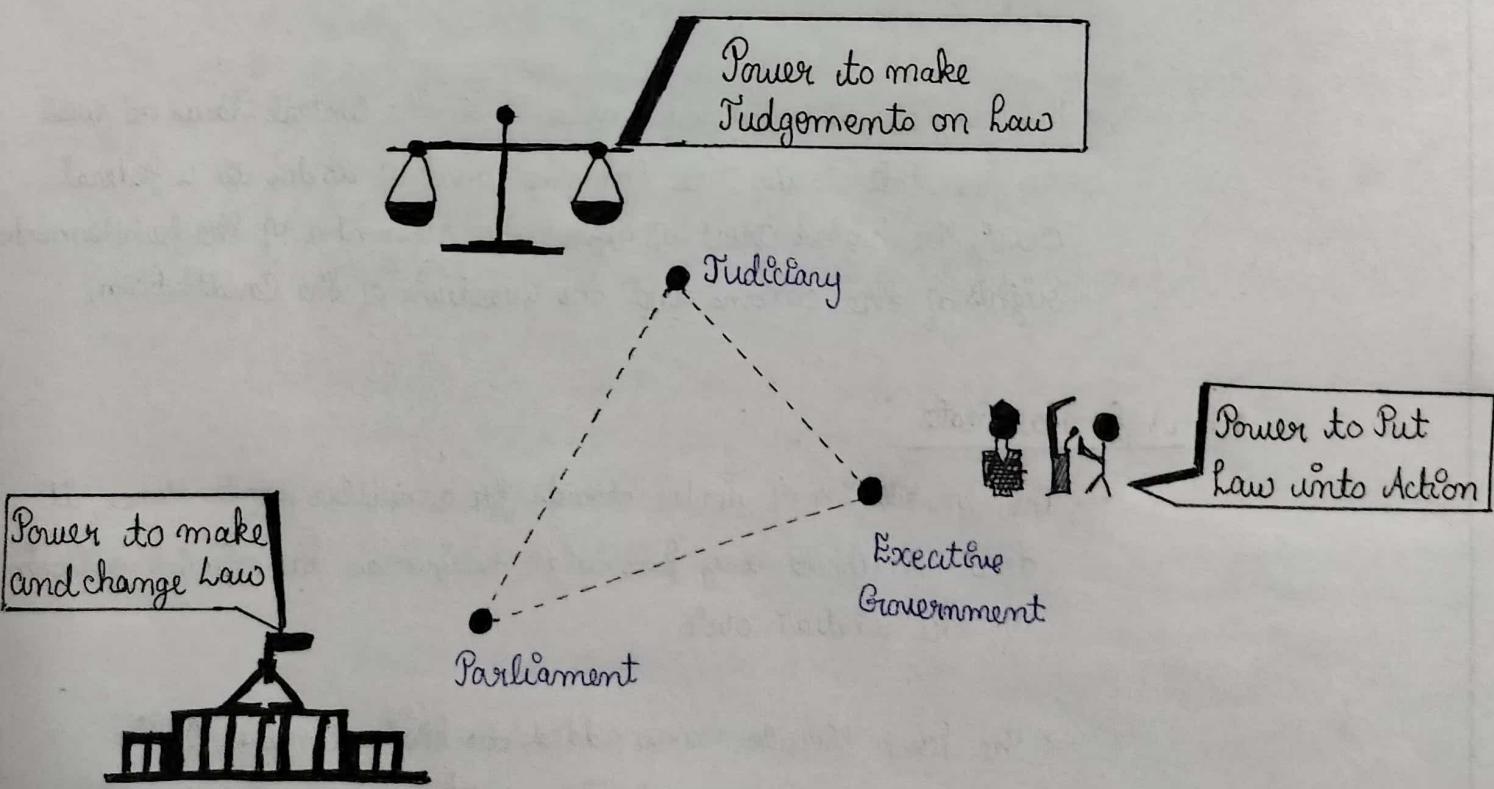
11. Single Citizenship

→ In most of the Federation, people have double citizenship, citizenship of one of the several states which form the Union. Every citizen is the citizen of India and enjoys the same rights of citizenship no matter in which state he resides.

12. Separation of Powers

→ This doctrine was for the first time properly formulated by the famous Jean-Jacques Rousseau in his *Essay on the Social Contract* and exercised great influence on the French legal system.

→ Doctrine of separation of powers implies that powers of the three organs of the government viz., Legislative, Executive and Judiciary should be kept separate from each other.



Local authorities its important and its functions

Concept of Local Bodies

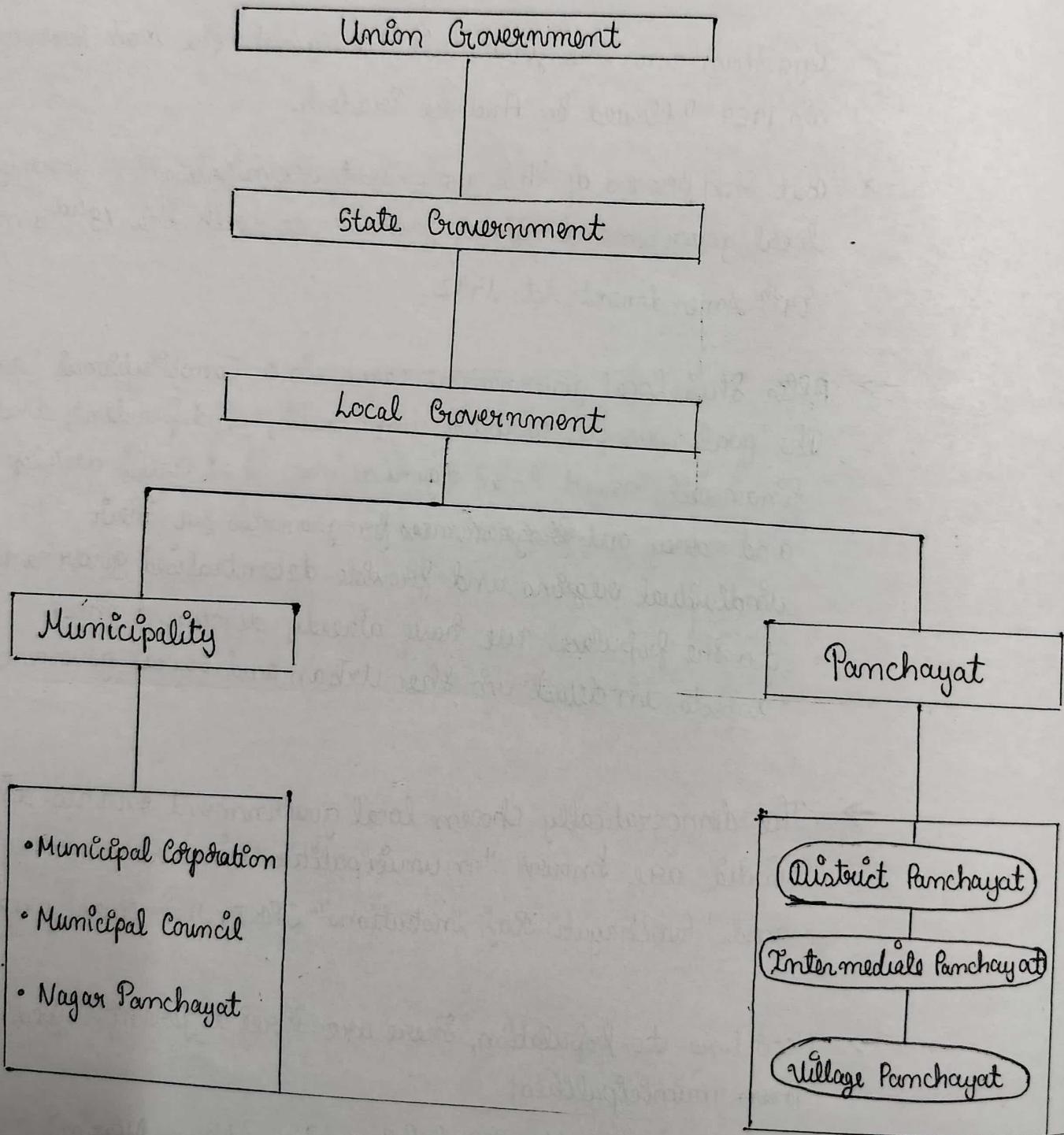
- Local governments function globally, regardless of the type of government system, known by various names such as local government areas, councils or authorities.
- Democratic governance nurtures self-fulfillment and pride, operating at grassroots level of society.
- Local self-governance emphasizes people's participation in daily functions and decision-making processes.
- Delegated functions at the local level include those closely related to citizen's everyday lives, allowing the central government to focus on broader issues.
- Local government is considered the third level of government, serving small areas like villages, cities or megacities.
- Essential characteristics include operation within a limited local area and statutory status formulated by laws.
- Local governments are independent bodies, exercising powers and functions in accordance with the law.
- Participation of local people in decision-making and administration is a key aspect.

- Local governments raise funds through levies and impositions, ensuring financial autonomy.
- They provide civic amenities and a welfare state at the grass roots level, fostering community participation in public affairs.
- Local governments serve as training academies for community thinking and resource allocation, addressing local problems comprehensively.
- This being the third tier of government, members of the community are aware of the issues that they face. It results in effective democratic decision making with citizens empowered to manage their own public affairs.
- It paves the way for overall public progress.

Local Bodies in India

- In India, local government is a state subject, figuring as Item 5 in List II of the VII Schedule to the Constitution of India.
- Rajasthan was the first state to legislate the local government in 1959, followed by Andhra Pradesh.
- But the process of this grass-root decentralisation through local government gained prominence with the 73rd and 74th Amendment Acts 1992.
- After this local government came in a constitutional form. The goal was to establish democratic, independent, and financially sound local organisations that could develop and carry out ~~programmes~~ programmes for their individual regions and provide decentralised governance to the populace. We have already discussed these aspects in detail in the urban and rural governance.
- The democratically chosen local government entities in India are known "municipalities" in urban areas and "Panchayati Raj Institutions" (PRIs) in rural areas.
- According to population, there are three different types of municipalities:
 - Municipal Corporations (Nagar Niwas)
 - Municipal Councils (Nagar Palika)
 - Municipal Committees (Nagar Panchayats)
- Gram panchayats are located at the village level, Mandal or block panchayats are located at the block level and zilla panchayats are located at the district level in PRIs.

→ The structure of local bodies can be understood from the following flow chart:



Importance of Local Bodies

- The types of tasks carried out by local bodies have changed in recent years. Local governments now have a variety of responsibilities when it comes to identifying and incorporating the social, economic and political demands of their area.
- Local government bodies operate across multiple spheres, serving in executive, judicial and legislative capacities to effectively address the multifaceted needs of their communities.
- Urban local bodies oversee responsibilities spanning 18 areas, while rural local governments manage 29 areas, including crucial aspects like socio-economic welfare, rural industries promotion, infrastructure development, and administrative tasks such as record keeping and maintenance.
- In rural areas, Panchayati Raj Institutions (PRIs) play a vital role in driving rural development initiatives. PRIs focus on enhancing socio-economic welfare by promoting rural industries, improving health care and education and advancing women's and children's welfare.
- ~~Naya~~ Nyaya Panchayats ensure justice at the local level by adjudicating minor civil and criminal disputes, thereby contributing to the overall well-being and prosperity of rural communities.

→ Urban municipal government roles can be categorised as:

- Obligatory Duties:

Those that they are required to carry out, such as maintaining public health and sanitation, offering public services such as water and electricity and providing education.

- Discretionary Duties:

Transportation, the development and upkeep of public places, among other things, fall under the category of discretionary functions, which are dependent on the availability of funding.

Social and Economic Development

→ The idea of self-governance & decentralisation has historically been regarded as a key democratic tenet. Decentralisation was based on the principle that social fairness and economic development should start at the local level.

→ Local institutions, local residents and the private sector collaborate to improve the local economy. They help in building the social, economic and political infrastructure of the local area.

Social cohesion and inclusive Governance:

→ Towns often grapple with class inequality and discrimination based on various factors like Caste, race, religion and gender.

- Local government organisations aim to gather local ideas, promote national integration and enhance the interests of underprivileged and action through inclusive government processes.

Economic Infrastructure Mobilization:

- Economic challenges such as economic instability, unemployment and poverty prevail in rural areas.
- Local bodies play a crucial role in mobilizing funds and resources to address these issues, contributing to economic development and well-being within the community.

Physical Overlays and Economic Growth:

- Local governments enhance administrative efficiency through direct oversight, maintaining public infrastructure.
- They receive funding from state governments to contribute to the regional economy by providing essential physical infrastructure such as energy, water supply, waste management and transportation networks.
- Encouraging local participation in community-driven socioeconomic growth and development.

→ Local Bodies have a wide range of powers, which help them to provide legislative, executive and judicial support to socio-economic development. It performs the following:

Legislative Role:

- The panchayats in rural areas have the power and authority to legislate on the 24 subjects in accordance with what is stated in the eleventh schedule.
- Similar to the eleventh schedule, the twelfth contains 18 areas that are governed by local laws.
- In order to maintain democratic principles

Executive functions:

- Local Bodies are required to carry out numerous policies and give their constituents access to fundamental civil amenities.
- In addition to educating the public about the centrally supported programmes, it carries out its required duties, including water supply, drainage and the advancement of women and children.

Judicial function:

- Administrative duties are based on the concepts of self-governance and autonomy at the local level.
- It implies that towns and panchayats must establish systems for justice that give communities practical answers to disputes.
- For instance, managing and overseeing civil, criminal and revenue justice are tasks assigned to municipal organisations.
- To ensure that residents abide by the law of the land, it regulates their subjects.

→ The role of local bodies in development can be understood as below:

- Better Approach to Multidimensional Issues
- Increasing Community Development Prospects
- Improved Public Facilities
- Greater Participation
- Cultivating future leaders
- Inclusive Development
- Greater Transparency in operations of the ~~the~~ Central government
- Access to Quality Infrastructure
- Increased Accountability and Responsibility
- Protecting each person's identity

→ Local Bodies challenges :

- Dearth of political will
- Inadequate Resources
- Lack of Accountability
- State Government's Attitude
- Lack of ~~Infrastructure~~ Infrastructure
- Prevalence of Multiple Bodies

Importance of Engineering professional ethics with respect to CS engineering .

- Professional ethics in computer science (CS) engineering are paramount in ensuring the integrity, safety and responsible use of technology in society. With the rapid advancements in digital innovation and the increasing reliance on technology in various aspects of our lives, ethical considerations become ever more critical.
- At its core, professional ethics in CS engineering uphold principles of trust, integrity and accountability. Engineers in this field are entrusted with the development of complex systems, the management of sensitive data and the creation of software that impacts individuals and society as a whole. Upholding ethical standards ensures that this trust is not compromised and that technology is used for the betterment of humanity.
- Ethical guidelines also play a crucial role in promoting user safety and well-being. CS engineers must prioritize the design and implementation of secure systems that protect user privacy and prevent harm. This includes adhering to principles of data protection, encryption and cybersecurity to mitigate the risks of cyberattacks and data breaches.
- Responsible innovation is another key aspect of professional ethics in CS engineering. Engineers are tasked with developing new technologies and solutions that address societal needs and challenges.

- Ethical Considerations require them assess the potential impact of their creations on individuals, communities and the environment ensuring that technology is used for positive purpose and does not exacerbate existing inequalities or harm vulnerable populations.
- Transparency and accountability are fundamental principles in ethical CS engineering practices. Engineers must be honest and forthcoming about their work, disclose any conflicts of interest and take responsibility for the consequences of their actions. This includes being transparent about the limitations and risks associated with technology and advocating for greater accountability within the industry.
- Diversity and inclusion are also central to professional ethics in CS engineering. Engineers must recognize the importance of designing inclusive technologies that accommodate users of all backgrounds, abilities and perspectives. This requires considering diverse needs and preferences in the design process and actively working to address biases and discriminatory practices within the industry.
- Furthermore, ethical CS engineers adhere to laws and regulations governing their profession, including data protection law, intellectual property rights and industry standards. They prioritize continuous learning and professional development to stay updated on the latest ethical frameworks, technological advancements and industry best practices.

→ Intellectual Property Rights (IPR)

- Intellectual property rights (IPR) are the legal privileges granted to the inventor or creator to safeguard their intellectual work for a specific period of time.
- These legal rights grant the inventor or creator, or his assignee, the sole right to fully exploit their invention or creation for a specific amount of time.
- These intellectual property rights are outlined in article 27 of the Universal Declaration of Human Rights, which grants the right to gain protection for one's material and moral interests as a result of the authorship of works of science, literature or the arts.
- The significant body that oversees the global protection of IPRs is the World Intellectual Property Organisation (WIPO). It oversees the first international treaties to acknowledge the significance of intellectual property, which were the Paris Convention for the Protection of Industrial Property (1883) and the Berne Convention for the Protection of Literary and Artistic Works (1886).

→ Objectives

- Intellectual property rights are granted by considering the following objectives:
 - Allowing people to profit financially or gain popularity from their inventions and creations.
 - To promote an environment where creativity and innovation can thrive by striking a balance between the

interests of innovators and the larger public interest.

→ To protect traditional knowledge.

→ Types of Intellectual Property Rights

→ Traditionally, the two main categories of intellectual property rights are copyright and rights associated with copyright and industrial property.

→ Industrial property includes trademarks, geographical indications, industrial designs and trade secrets.

→ Patent in Intellectual Property Rights

- When an invention satisfies the requirements of general novelty, non-obviousness, and industrial or commercial application, a patent is granted.
- Products as well as processes are eligible for patent protection.
- A patent gives the owner the authority to decide whether & how others may use an invention.
- In exchange for this privilege, the holder of the patent publishes technical details about the invention in the patent document for public consumption.

→ Copyrights

- The legal term 'copyright' is defined as the ownership rights of authors and artists over their creative works.
- The works protected by copyright can include computer programs, databases, advertisements, maps and technical drawings in addition to books, music, paintings, sculptures and films.
- Copyright protects the author's right to literary and artistic works for at least 50 years after the owner's death.
- The rights of performers (such as actors, singers, and musicians), phonogram producers and broadcasting organisations are all safeguarded by copyright and related rights.

→ Trademarks

- A trademark can be defined as a symbol that can be used to separate the products or services of one company from those of another company.
- Trademarks have existed since the earliest days when artisans would sign or "mark" their creations.

→ Industrial Designs

- Industrial design represents the decorative or aesthetic component of an object.
- The designs can include two-dimensional elements like patterns, lines & colours and three-dimensional elements like the shape or surface of an object.

→ Geographical Indications

- Geographical indications and appellations of origin are labels applied to products that have a particular geographical origin and that have qualities, a reputation or other characteristics that can primarily be linked to that location of origin.
- The name of the location where the goods were made is most frequently included in a ~~geo~~ geographical indication.

→ Trade Secrets

- Trade secrets are intellectual property rights on private information about a product, like recipe) that can be licensed or sold.
- It is considered an unfair practice and a breach of trade secret protection when others obtain, use or disclose such a secret.

unauthorised
information without authorisation
in a way that is unconscionable
with honest commercial practices.

Intellectual Property Rights in India

→ Since the inception of intellectual property rights, India has been committed to their preservation in domestic as well as international frameworks.

KAPILA

- A systematic comprehensive effort called "KAPILA, Kalam Programme for IP Literacy and Awareness" addresses the current barriers in the innovation ecosystem, particularly in our HEIs.
- This programme will raise appropriate awareness among students and faculty of higher education institutions about the value of filing IP, the processes involved and the laws governing IP filing in India and worldwide.

International Membership

- Being a member of the World Trade Organisation, India is committed to the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS Agreement).

• India also a member of the WIPO.

associated with products.

→ Also there are certain guidelines related to patents, trademarks and geographical indications.

→ Advantages of Intellectual Property Rights

→ The main advantage of intellectual property rights (IPRs) is to encourage and protect the creation, distribution and offering of new goods and services that are based on the development and use of inventions, trademarks, designs, creative works and other intangible assets.

→ Economic Growth:

- Giving statutory expression to the creators' economic rights and fostering fair trade, intellectual property rights can support economic growth by fostering economic development.

- IPRs can generate income not only from direct marketing but also by licensing them to third parties.

→ Fostering of culture:

- Copyright allows authors, performers, producers, and other creators to receive an economic reward for their works that enrich cultural heritage, enhance cultural diversity and benefit society as a whole.

- These creative industries include publishing, music and film.

→ Technical information dissemination:

- Any member of the public, including researchers, can use patent information even when a company, university or research institution does not intend to use its own patented invention.

→ Incentive to fair competition:

- By allowing consumers to make informed decisions about various products and services, the protection of IPRs such as distinctive signs aims to encourage and ensure fair competition as well as to protect consumers.

→ Research and development:

- IPRs promote R and D activities due to the financial benefits indirectly provided to the creators.

- These R and D facilitate two things:

→ It facilitates the innovations and production of new technology, like a new formula of drugs against any life-threatening disease.

→ This new technology/formula, after the patent period, helps a large population (for example, through the developments of generics). Thus, it serves the social purpose of IPRs.

→ Code of Ethics

- The short version of the code summarizes aspirations at a high level of abstraction; the clauses that are included in the full guide encourage us to change the way we act as software engineering professionals.
- Software engineers shall commit themselves to making the analysis, specification, design, development, testing and maintenance of software a beneficial and respected profession.
- In accordance with their commitment to the health, safety and welfare of the public, software engineers shall adhere to the following Eight Principles:

1. Public

- Software engineers shall act consistently with the public interest.

2. Client and Employer

- Software engineers shall ensure that their products and related modifications meet the highest professional standards possible.

3. Product

- Software engineers shall ensure that their products and related modifications meet the highest professional standards possible.

4. JUDGMENT

→ Software engineers shall maintain integrity and independence in their professional judgment.

5. Management

→ Software engineers managers and leaders shall subscribe to and promote an ethical approach to the management of software development and maintenance.

6. Profession

→ Software engineers shall advance the integrity and reputation of the profession consistent with the public interest.

7. Colleagues

→ Software engineers shall be fair to and supportive of their colleagues.

8. Self

→ Software engineers shall participate in lifelong learning regarding the practice of their profession and shall promote

an ethical approach to the
practice of the profession.