



Lecture -1

On

Constitution of India

For B.Tech (Vth Semester)

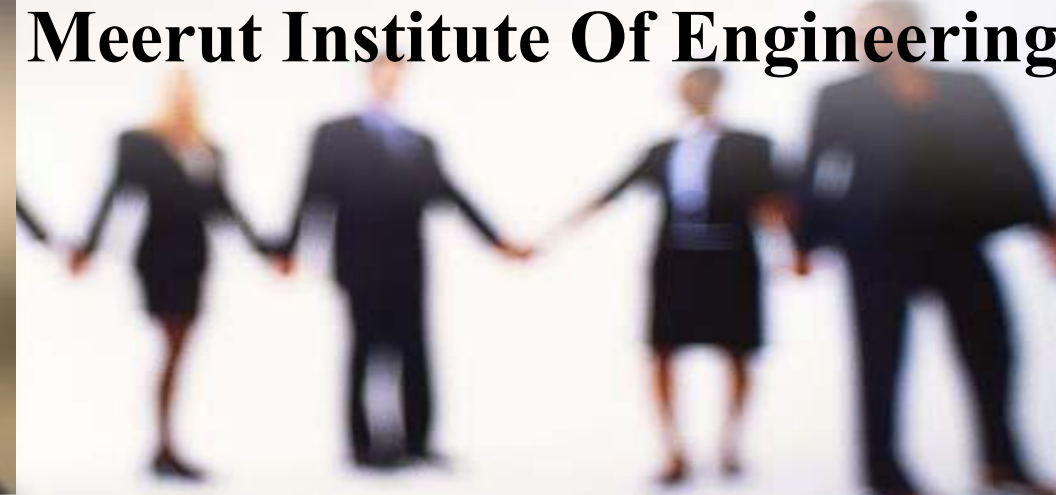


By:

Ms. Samridhi Singhal

Assistant Professor

Meerut Institute Of Engineering



CONSTITUTION OF INDIA



Evaluation Scheme

Meerut Institute of Engineering & Technology						
Department of CSE						
Internal Scheme for Evaluation Marks						
Evaluation	Syllabus Coverage	Mode	Weightage	Subdivision of Weightage		
I Sessional	40%	Written	60%(CT)			
		Oral				
II Sessional	40%	Written				
		Oral				
PUT	100%	Written				
		Oral				
TA	Assignment	Timely Submit	20%	10%	100%	
		Late Submit(One Day)			70%	
		Not Submitted			0%	
	Additional Test				10%	
	AT	Physical Presence		20%	5%	
Quiz		15%				



Objective Of The Course

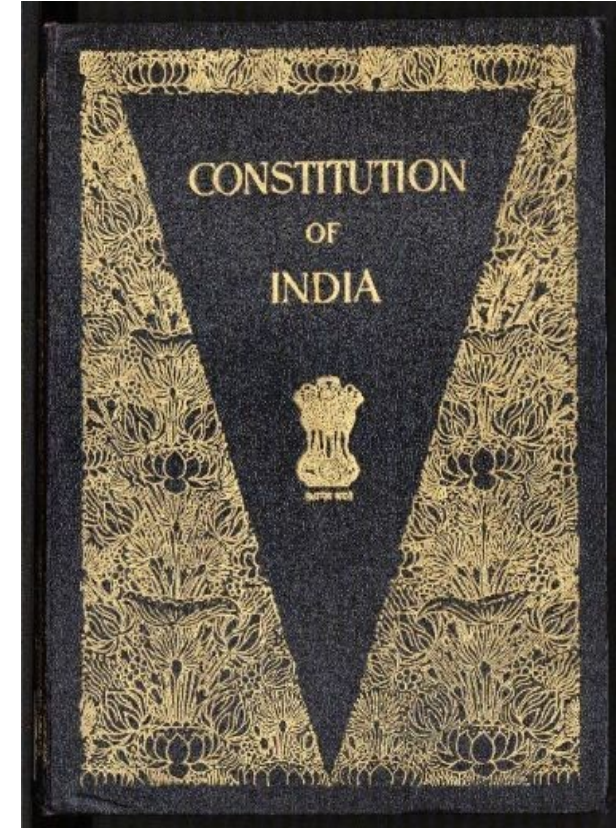
- The objective of the course is how to deal and adjust in the society under government regulations. Constitution is the highest law of the land and every department owes its origin to its laws. To make governance better an engineer must conduce to **E-governance** through computers and knowledge of **cyber laws**. An engineer must know the limits of state action and regulations by acquainting himself with the laws that applied by the bureaucrats. Since an engineer works at different places and sights, he must have the basic knowledge of **centre – state relations** with reference to policy of financing the key projects. **The knowledge of Constitution is necessary for him in order to ensure that the rules and regulations under which public and private sector works, do not violate the provisions of the Constitution. Knowledge of corporate culture is necessary for him.** He must understand the compulsions of the **public private partnership** and philosophy of state ownership of key industries.





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-  1.What Is Constitution Anyway?
-  2.Why Do We Need Constitution?
-  3.The History of Constitution of India.
-  4.The Framing of Constitution of India.
-  5.The Preamble to Constitution of India.
-  6.What Is The constitution of India?
-  7.Main Characteristics of Constitution of India
-  8.Conclusion



The First Book of Constitution Located at Parliament Library Building, New Delhi





What is Constitution Anyway?

Almost everything we do is governed by some **set of rules**. There are rules for games (like- soccer), for social clubs and for adults in the workplace. There are also rules imposed by morality and custom that play an important role in telling us what we should and should not do.

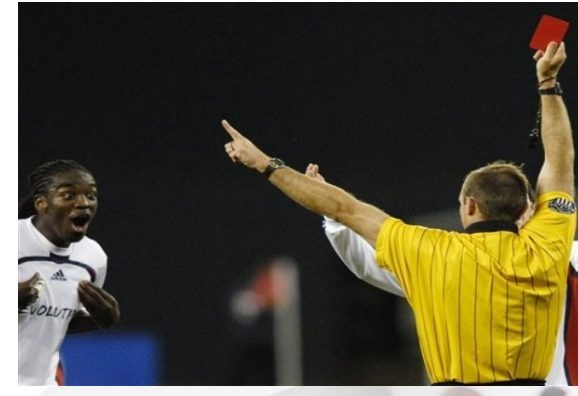
For example- In the game of soccer, a **referee** has "full authority to enforce the **Rules or Law of the Game** on the Players", when a player do something against the Rules referee takes action like send-off a player, as shown in images below.



should



Should not



Red-card



What Is Constitution Anyway?

Some rules that are made by the **legislatures** (also known as Lok sabha/Rajya Sabha in India), for their own country, are called “**Law**”.

We need **Laws in Society** so our society can regulate and work properly. They are designed to protect us and our property and to ensure that everyone in society behaves the way that the community expects them to.

Laws tell us what to expect as a **consequence** of our actions. Laws have been the glue that has kept society together. Without laws there would be complete **anarchy**.





1. What Is Constitution Anyway?

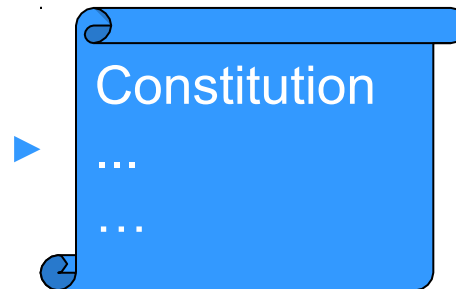
I) In General-

The Constitution is the supreme law of the land. All other laws have to conform to the Constitution. The constitution contains laws concerning the government and its relations with the people.

A constitution is concerned with 2 main aspects:-

- a) The relation between the different levels of government and
- b) Between the government and the citizens.

Government



The People





1. What Is Constitution Anyway?

Role of Constitution in relationship between Government and its people:-

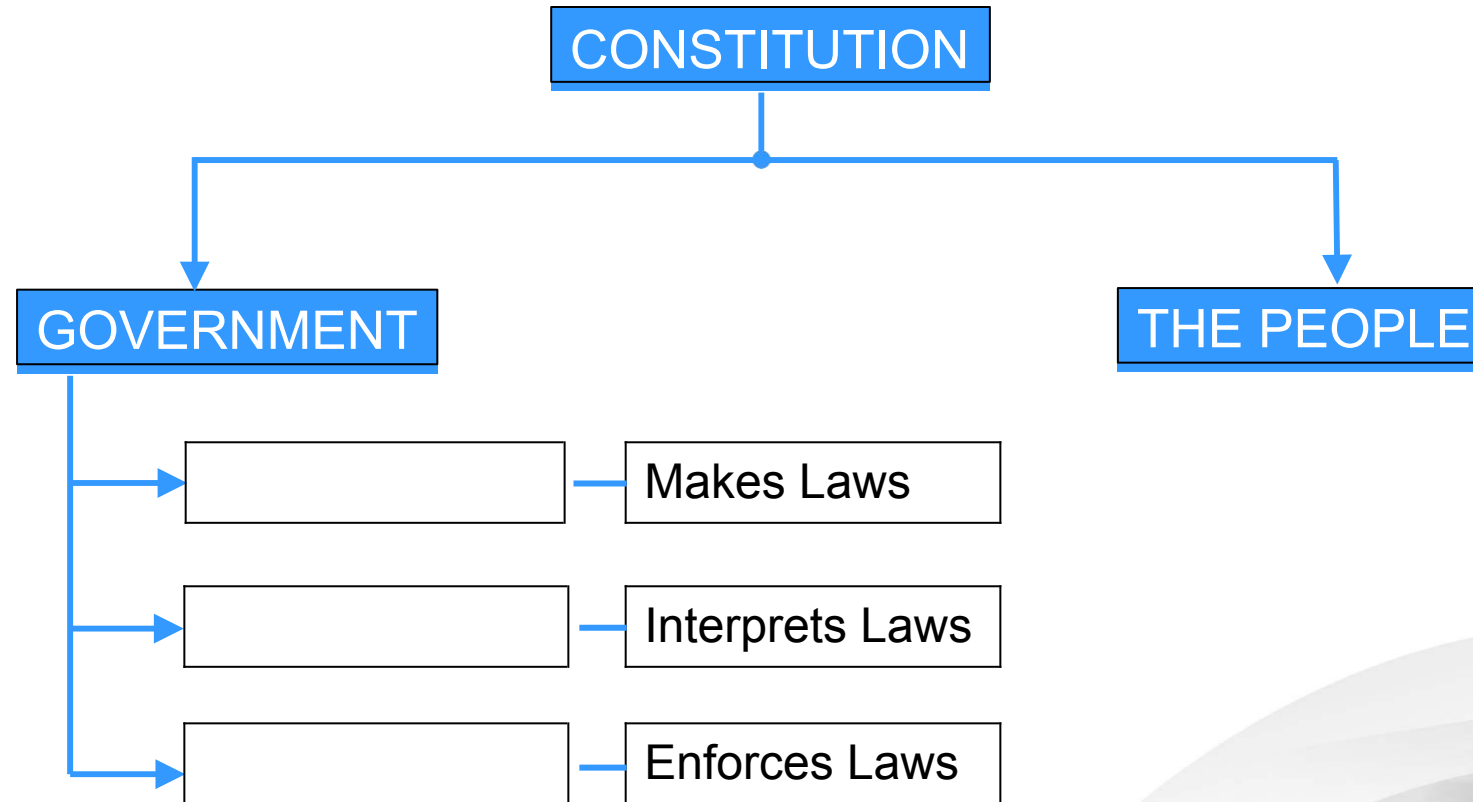
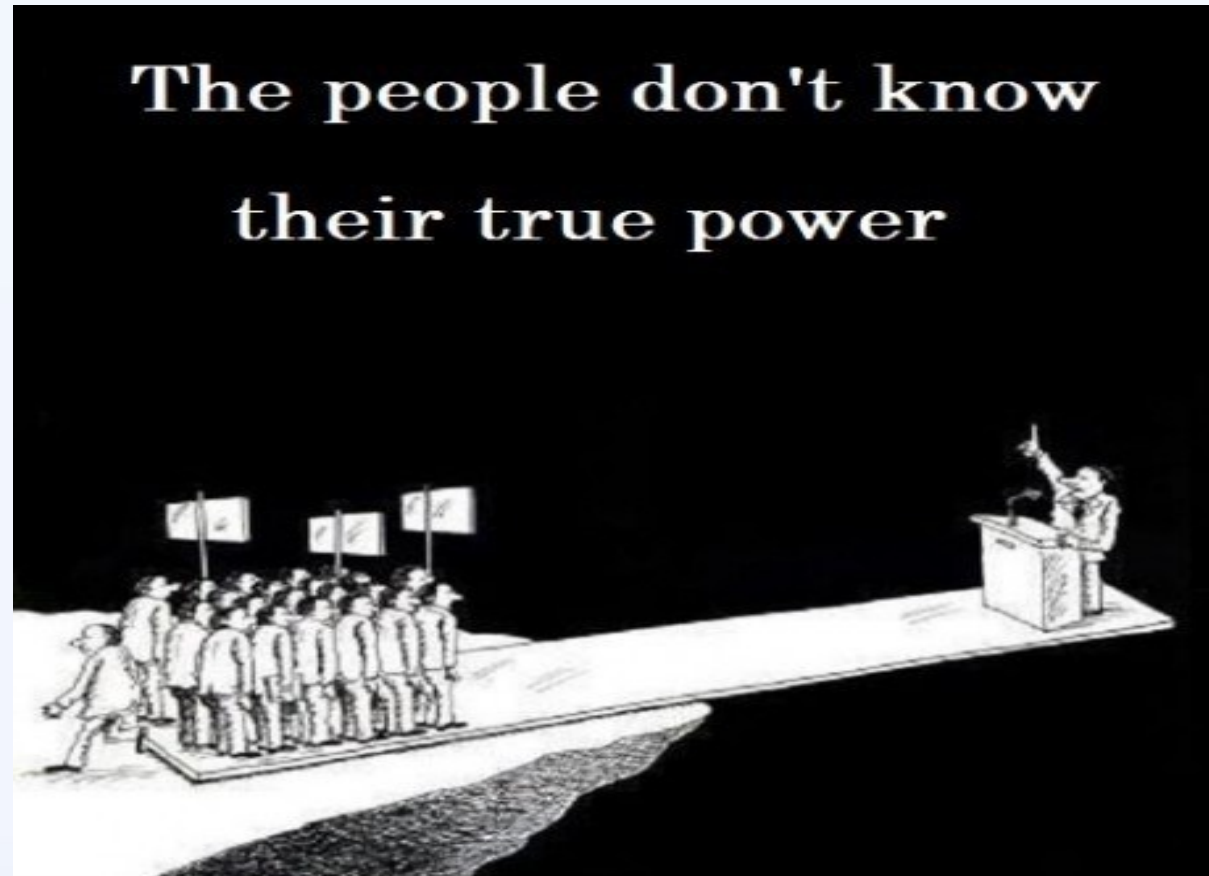


Fig.- Role of Constitution in relationship between Government and its people



2. Why Do We Need Constitution?





2. Why Do We Need Constitution?




To perform following Functions we need Constitution-

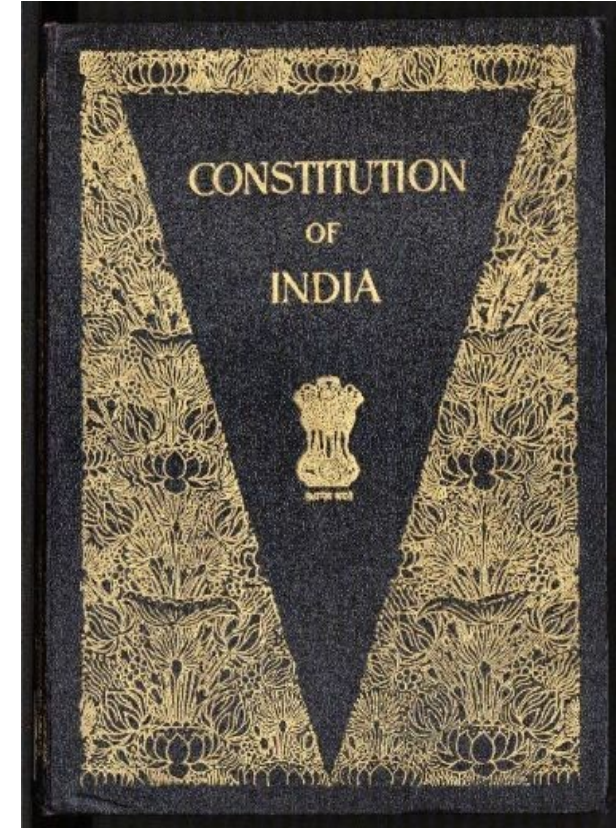
- I. **The first function** of a constitution is to provide a set of basic rules that allow for maximal coordination amongst members of a society.
- II. **The second function** of a constitution is to specify who has the power to make decisions in a society. It decides how the government will be constituted.
- III. **The third function** of a constitution is to set some limits on what a government can impose on its citizens. These limits are fundamental in the sense that government may ever trespass them.
- IV. **The fourth function** of a constitution is to enable the government to fulfill the separations of a society and create conditions for **a just society**.





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The First Book of Constitution of India is Located at Parliament Library Building, New Delhi, India.

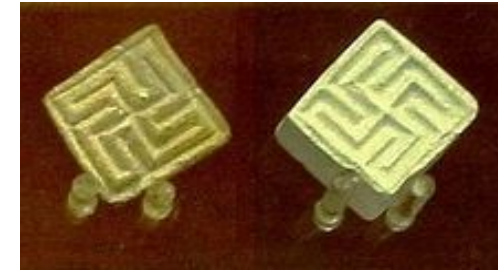




The History of Constitution of India.

A Look at Ancient India-

India is a home of ancient “**Indus valley civilization**” which goes back to 3300– 1300 BC (mature period 2600–1900 BC). India is a world famous for its ancient history and culture.



Shiva Pashupati & Swastika Seals from the Indus Valley

The time Before 500 AD is widely accepted as era of Ancient India. The earliest anatomically modern human remains found in South Asia date from approximately 30,000 years ago.

But regarding to *Constitutional History*, India goes back to only 3rd Century BC(269 BC to 231 BC) in the time of the **Emperor “Ashoka The Great.”**





The History of Constitution of India.

Indian Constitutional History

1. 324 BC - 185 BC

Emperor Ashoka Maurya established constitutional principles, Engraved them in major rocks, pillar and on minor rocks for public to take reference. Also known as **Edicts of Ashoka**.

2. 1599AD-1765AD

East India Company takes **total administrative control** by gaining right of taxation in Bengal after Battle of Plassey (1757).

3. 1765AD-1858AD

East India Company takes **total unified control** over the whole of India from a single center in Calcutta. But its rule ended with the Revolt of 1857.

4. 1858AD-1947AD

This period of the **British Raj** was the time when the **Constitution of India** took shape.

5. 1950AD

Finally **Constitution of India**, created in **independent India** by its own free people, was adopted on 26 November 1949 and came into effect on 26 January 1950. As we know it and use it today.





The History of Constitution of India.

1) The Edicts of Ashoka (324 BC - 185 BC) established constitutional principles for the 3rd century BC Maurya king's rule in Ancient India.

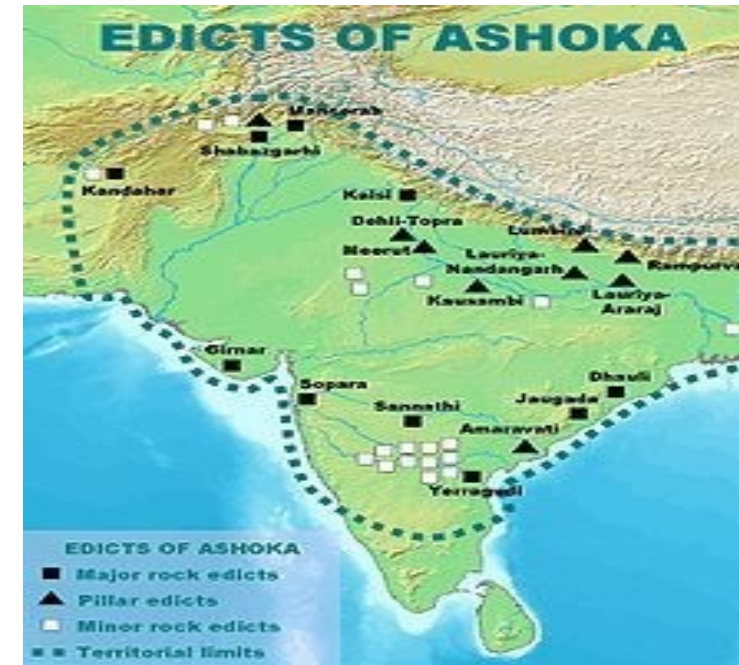
The Edicts of Ashoka are a collection of 33 inscriptions on the Pillars of Ashoka, as well as boulders and cave walls, made by the Emperor Ashoka of the Mauryan dynasty.



Fragment of the 6th Pillar, in Brahmi, sandstones. British Museum.



View of the Ashokan Pillar at Vaishali.





The History of Constitution of India

2) **East India Company (1599AD-1765AD)**-In 1600, the East India Company came to India as a trading company from Britain. In 1765, it became an administrative power after gaining the **Right of Taxation** in Bengal after defeating the Nawab of Bengal at the Battle of Plassey (1757).



Established in 1600 by Queen Elizabeth



View of East India House





The History of Constitution of India.

3) **East India Company (1765AD-1858AD)**- During this period, the company established a **unified control over the whole of India** from a single center in Calcutta. Different Acts and Laws were forced by company during this period just so company could remain in power and authority. But the company came under increasing control by parliament of Britain and its rule ended with the Revolt of 1857.



Different battles all over the India.



The History of Constitution of India.

4) **British Raj(1858AD-1947AD)**- This period of the British Raj was the time when the Constitution of India took shape. The main stages of its evolution were:

- I. **The Act for the Better Government of India (1858)**- This put India directly under the control of the British government. It set up the office of the Secretary of State, member of the British parliament, who would be in charge of Indian government. In India, the Governor-General, working under the Secretary of State, led the administration.



Flag of British India (Known as star of India)

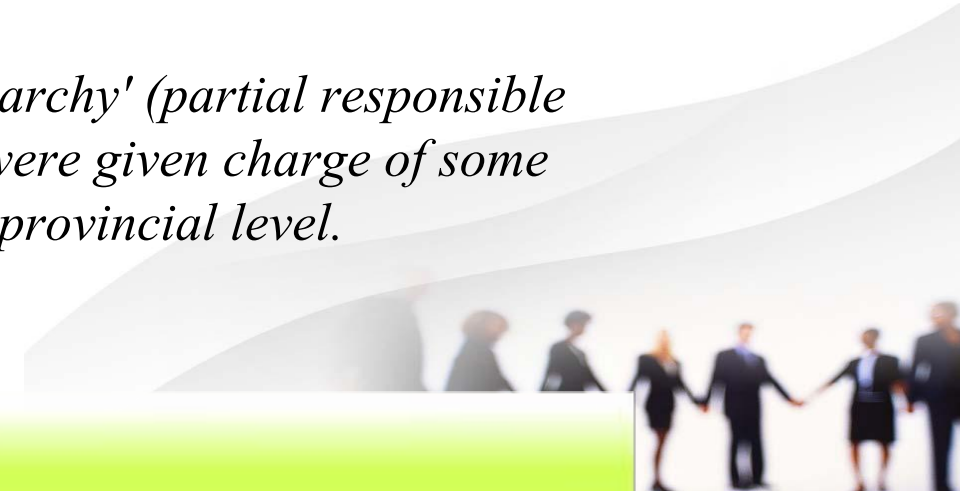


Left Hunting of Indian Tigers, Right Famines and epidemics in the British Raj



The History of Constitution of India.

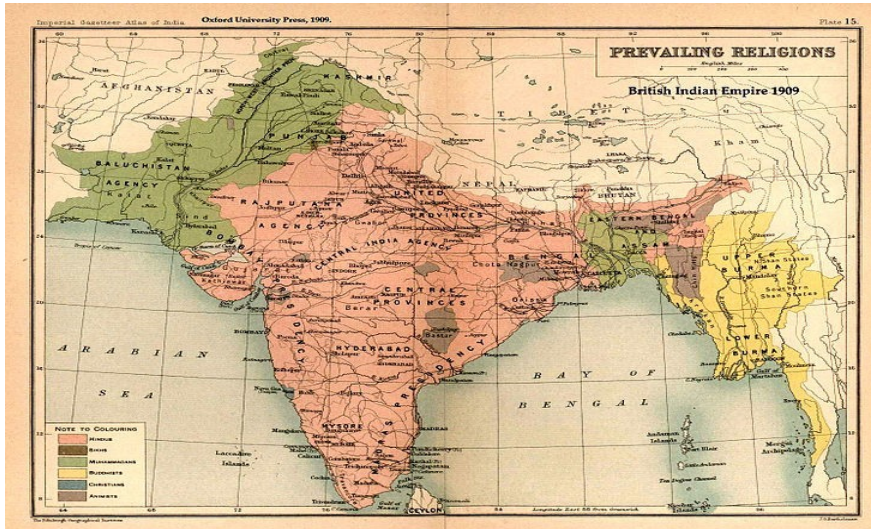
- II. **Indian Councils Act (1861)**- A separate legislative council was set up to assist the Governor- General in making laws. Indians could be appointed to the council, but only on the discretion of the Governor-General.
- III. **Indian Councils Act (1892)**- As a result of Indian demands, the sizes of the executive and legislative councils were increased. More Indians were appointed to these Councils, and the **principle of election was introduced.**
- IV. **Indian Councils Act (1909)**- This act increased the sizes of the councils again, and also gave the legislative council the power to discuss certain matters and to ask questions. More people were elected to the councils.
- V. **Government of India Act (1919)**- *This introduced 'diarchy' (partial responsible government) at the provincial level. Elected Indians were given charge of some areas of government (e.g., industry, education) at the provincial level.*





The History of Constitution of India.

- VI. **Government of India Act (1935)**- This introduced '**provincial autonomy**': responsible government at the provinces with elected Indians in charge of the administration, and responsible to the elected legislatures. A federal government was proposed, though it did not come into effect. **At the centre, 'diarchy' was introduced.**
- VII. **Indian Independence Act (1947)**- The British gave up control of the Government of India to two dominions - India and Pakistan. **For the time being till the constitution was made, both of them would be governed in accordance with the Government of India act**



The Partition of British India was based on the prevailing religions, broadly as shown in this map of 1909.

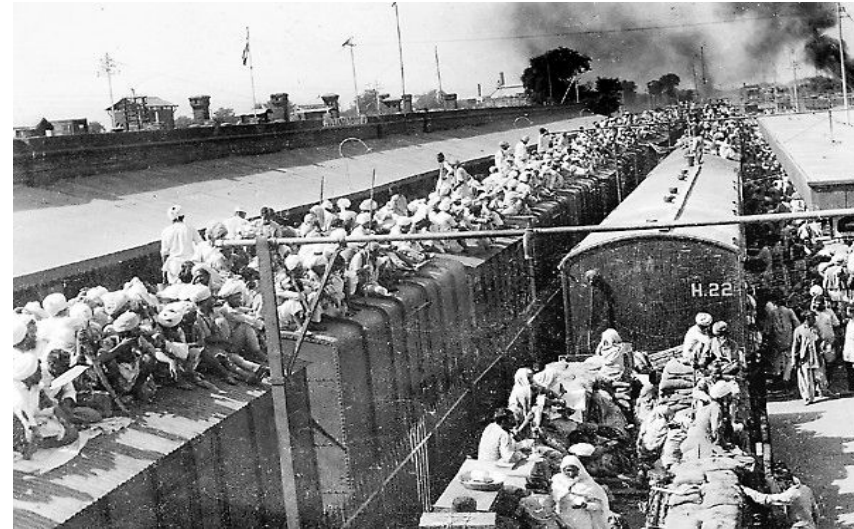


Photo of Refugees at railway station in Punjab



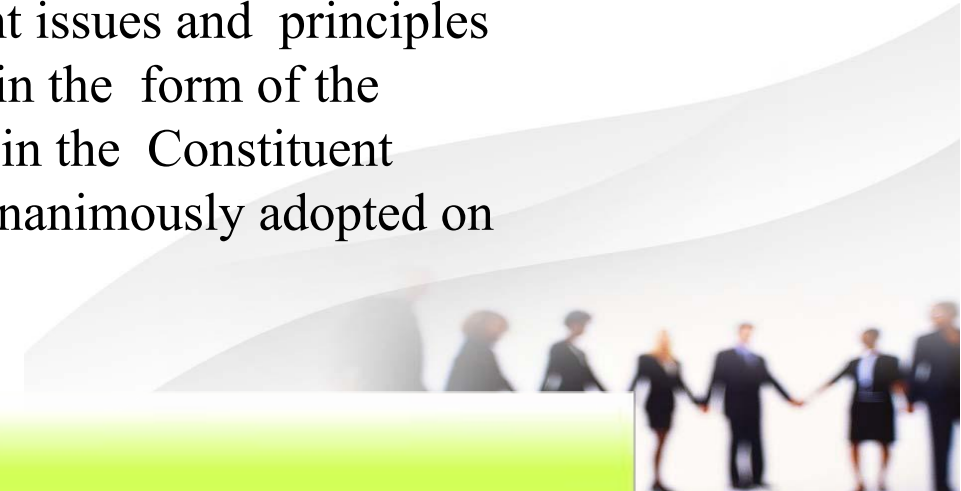


The History of Constitution of India.

5) Constitution of India(1950AD)- The Constitution was enacted by the Constituent Assembly on 26 November 1949, and came into effect on 26 January 1950.

The date 26 January was chosen to commemorate the Purna Swaraj declaration of independence of 1930. With its adoption, the Union of India officially became the modern and contemporary Republic of India and it replaced the Government of India Act 1935 as the country's fundamental governing document.

Conscious efforts were made to have consensus on different issues and principles and thereby avoid disagreement. The consensus came in the form of the 'Objectives Resolution' moved by Jawahar Lal Nehru in the Constituent Assembly on December 17, 1946 which was almost unanimously adopted on January 22, 1947.





3.The History of Constitution of India.

In the light of these 'Objectives' the Assembly completed its task by November 26, 1949. The constitution was enforced with effect from January 26, 1950. From that day India became Republic of India.



Dr. Rajendra Prasad signing the new constitution





The Framing of Constitution of India.

Dr. Sachchidananda Sinha was the first president (temporary) of the Constituent Assembly when it met on December 9, 1946. Later, Dr. Rajendra Prasad became the President of the Constituent Assembly and **Dr. Bhimrao Ambedkar became the Chairman of its drafting committee on December 11, 1946 .**



First president (temporary) Dr. Sachchidananda Sinha (Left) on December 9, 1946. Dr. Rajendra Prasad (Middle) the President of the Constituent Assembly and Dr. Bhimrao Ambedkar (Right) the Chairman of its drafting committee as on December 11, 1946





4. The Framing of Constitution of India.

The Constituent Assembly consisted of 385 members, of which 292 were elected by the elected members of the Provincial Legislative Assemblies while 93 members were nominated by the Princely States. To these were to be added a representative each from the four Chief Commissioners Provinces of Delhi, Ajmer- Marwar, Coorg and British Baluchistan.



First day (December 9, 1946) of the Constituent Assembly. From right: B. G. Kher and Sardar Vallabhai Patel; K. M. Munshi is seated behind Patel.



THE FRAMING OF THE NEW CONSTITUTION

1947 - 1950

- ◉ *The struggle for independence was thus over by 15th August 1947. But the attainment of independence was not an end itself.*
- ◉ *The 1st tasks undertaken by independent India was framing of New Constitution.*
- ◉ *The 1st meeting of the assembly was held on 9th Dec 1946 as the **sovereign** Constituent Assembly for India. On 11th Dec , Dr. Rajendra Prasad was elected as permanent Chairman.*
- ◉ *The Draft constitution was published in Jan, 1948. The people of India were given 8 months to discuss the Draft & propose amendments.*
- ◉ *The Draft constitution was considered for 114 days.*
- ◉ *The New Constitution of India was adopted by the constituent assembly on 26th Nov 1949 & signed by the President Dr. Rajendra Prasad.*
- ◉ *Some of new provisions of constitution, which came into force on 26th Jan*



4. The Framing of Constitution of India.

For the time being till the constitution was made, India would be governed in accordance with the Government of India act 1935.

The Assembly met in sessions open to the public, for 166 days, spread over a period of 2 years, 11 months and 18 days before adopting the Constitution. It was finally passed and accepted on Nov 26, 1949. In all the 284 members of the Assembly signed the official copies (Original) of the Indian Constitution.

After many deliberations and some modifications over 111 plenary sessions in 114 days, the 308 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**.





4.The Framing of Constitution of India.



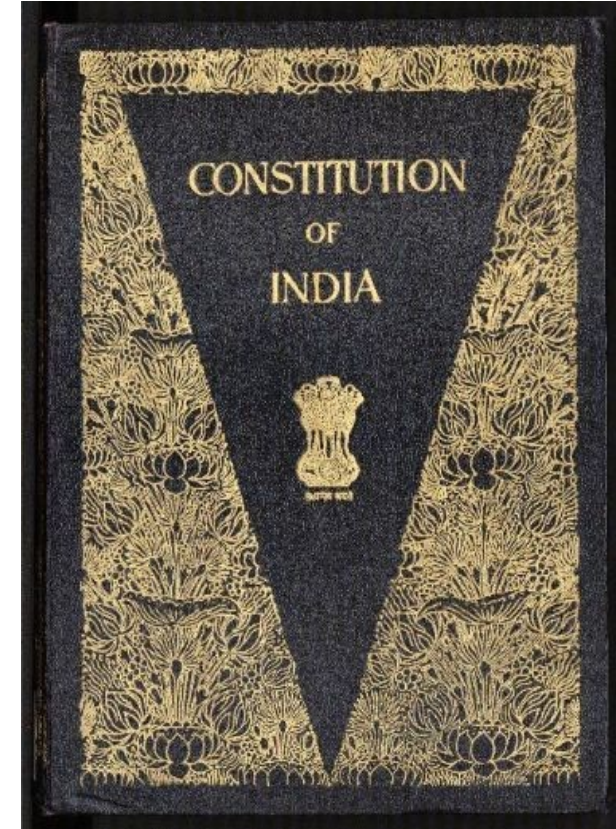
The 63rd Republic Day Celebrations on 26th January 2012 at New Delhi, India





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The Preamble to Constitution of India.

The Preamble to the Constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document.

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;

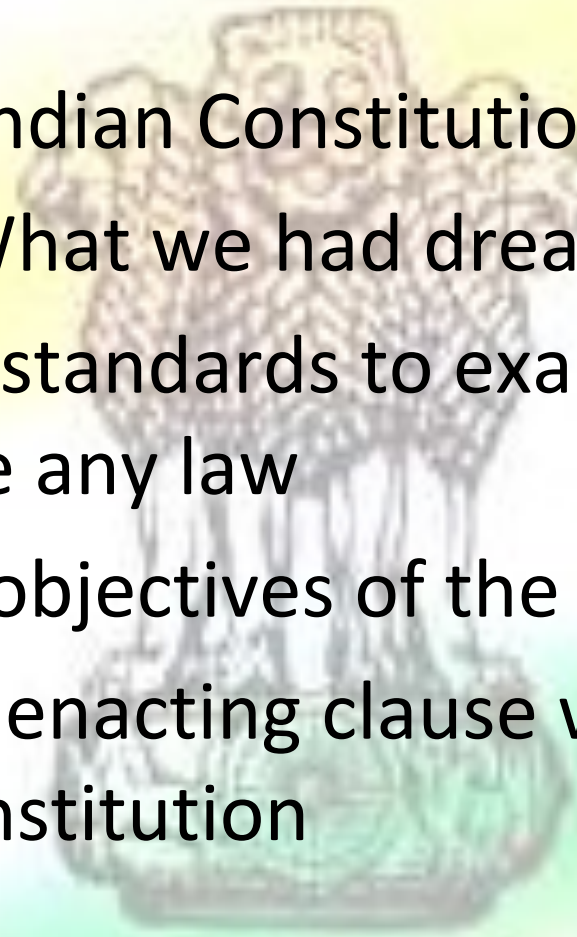
IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**





IMPORTANCE

- Soul of the Indian Constitution
- Expresses “What we had dreamt so long”
- Provides the standards to examine and evaluate any law
- Explains the objectives of the Constitution
- Contains the enacting clause which brings into force the Constitution





5. The Preamble to Constitution of India.

The first words of the Preamble - "**We, the people**" - signifies that power is ultimately vested in the hands of the People of India. So far the Preamble has been amended only once in 1976 by 42nd amendment (change) which inserted the words Socialism, Secularism and Integrity. **A brief description of these concepts are as follows** (in the order they come in Preamble)-

1. **Sovereign-** It means free to follow internal and external Policies.
2. **Secular-** It means no particular Religion is preferred.
3. **Socialist-** It means no concentration of Power and Money.
4. **Democratic-** It means rule by elected representative of the People of India.
5. **Republic-** It means no room for hereditary ruler or monarch.



WE, THE PEOPLE OF INDIA...

- Signifies the Democratic Principles
- “People”- Not of states..but of India
- Factual correctness of Constitution can't be challenged



SOVEREIGN

- “A State is sovereign when there resides within itself a supreme and absolute power, acknowledging no superior.”
 - Sovereign ...externally and internally
 - No external power can dictate
- The Constitution of India



SOCIALIST

- Inserted in Preamble by Constitution(42nd ammendment),1976
- To secure “a better life for the people”
- Aims at “Economic and Social equality”
- Inspired by the philosophy of Mahatma Gandhi and Jawaharlal Nehru



SECULAR

- Inserted in Preamble by Constitution(42nd ammendment),1976
- Guarantees equal freedom to all Religion
- Equidistance and neutral for all the Religions
- Basic feature, beyond amending power of parliament





SECULAR

A secular State treats **all religions equally**, with equal respect and can not discriminate between them.

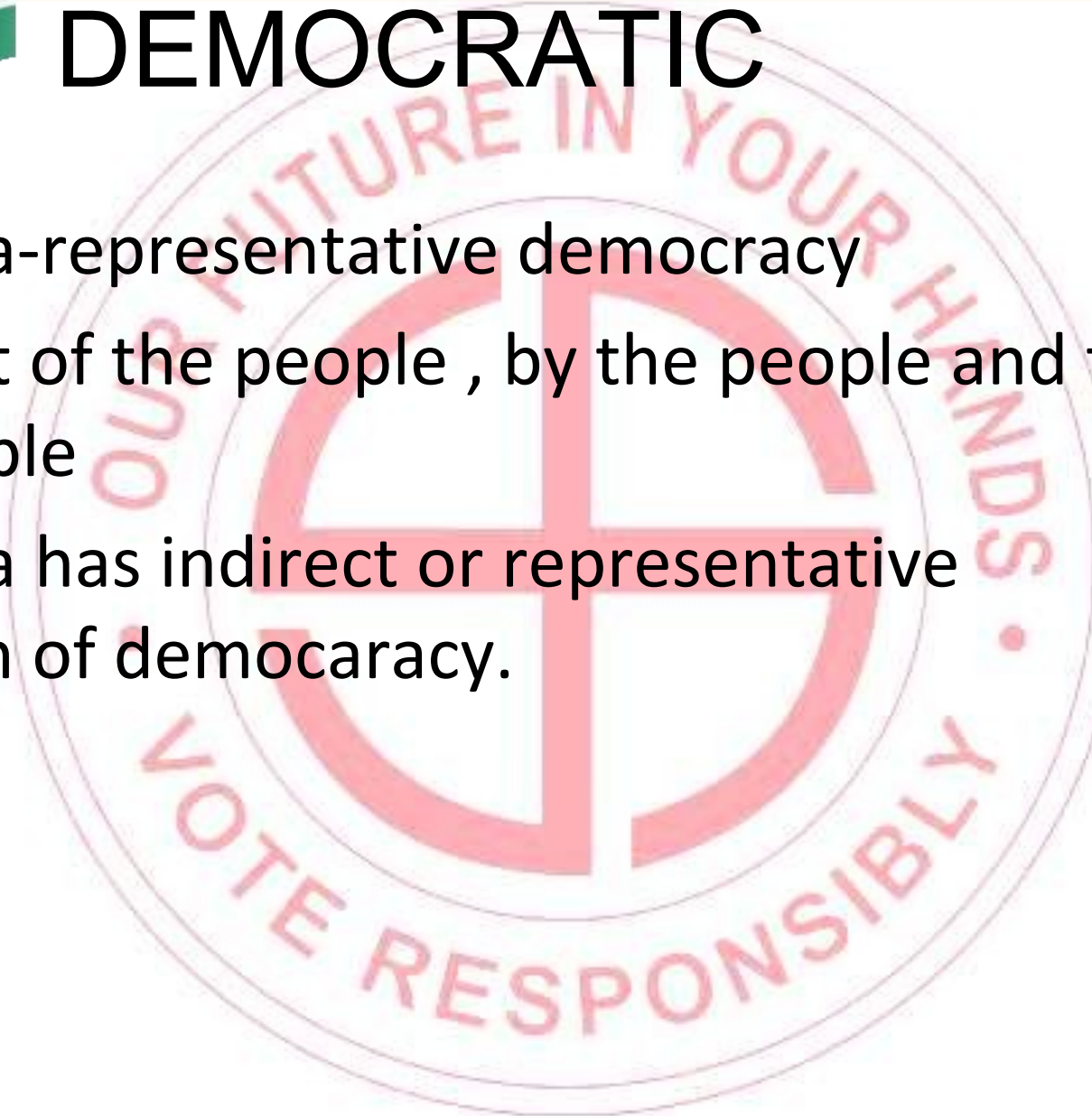
Non-secular States have a prescribed State Religion that the particular State bears faith too. For example, **Sri Lanka is a non-secular State with Buddhism** as its State religion. Similarly, **Pakistan, Afghanistan, Bangladesh,**





DEMOCRATIC

- India-representative democracy
- Govt of the people , by the people and for the people
- India has indirect or representative form of democracy.





REPUBLIC

- No hereditary monarch
- Ultimate power resides in body of the people
- President of India-elected by the people for term of 5 years





JUSTICE

- Social justice- Abolition of all inequalities of wealth, opportunities, race, caste
- Economic justice- Equal pay for equal work irrespective of caste and social status
- Political justice- Absence of any unreasonable distinction among all in political matters





LIBERTY

of

- Thought
- Expression
- Belief
- Faith
- Worship





Liberty

The term 'Liberty' means **freedom for the people to choose their way of life, have political views and behavior in society.**

It means **no unreasonable restrictions can be imposed on the citizens** in terms of their thoughts, feelings, and views.

The relevant provisions of the Constitution for guaranteeing Liberty has been set out in the **Fundamental Rights, specifically in Article 19 (Right to Freedom), Article 21 (Right to Life), Article 25-28 (Right to Religion).**





EQUALITY

- No discrimination among citizens
- To abolish untouchability , titles.
- To secure equality of opportunity in employment.





EQUALITY

Equality means the **absence of discrimination against any section of the society.**

The Preamble provides for **equality of status** – i.e. no section of the society enjoys special privileges.

The Preamble additionally provides for **equality of opportunity** - individuals are provided with adequate opportunities without any discrimination, i.e. all are equal before the land of law.

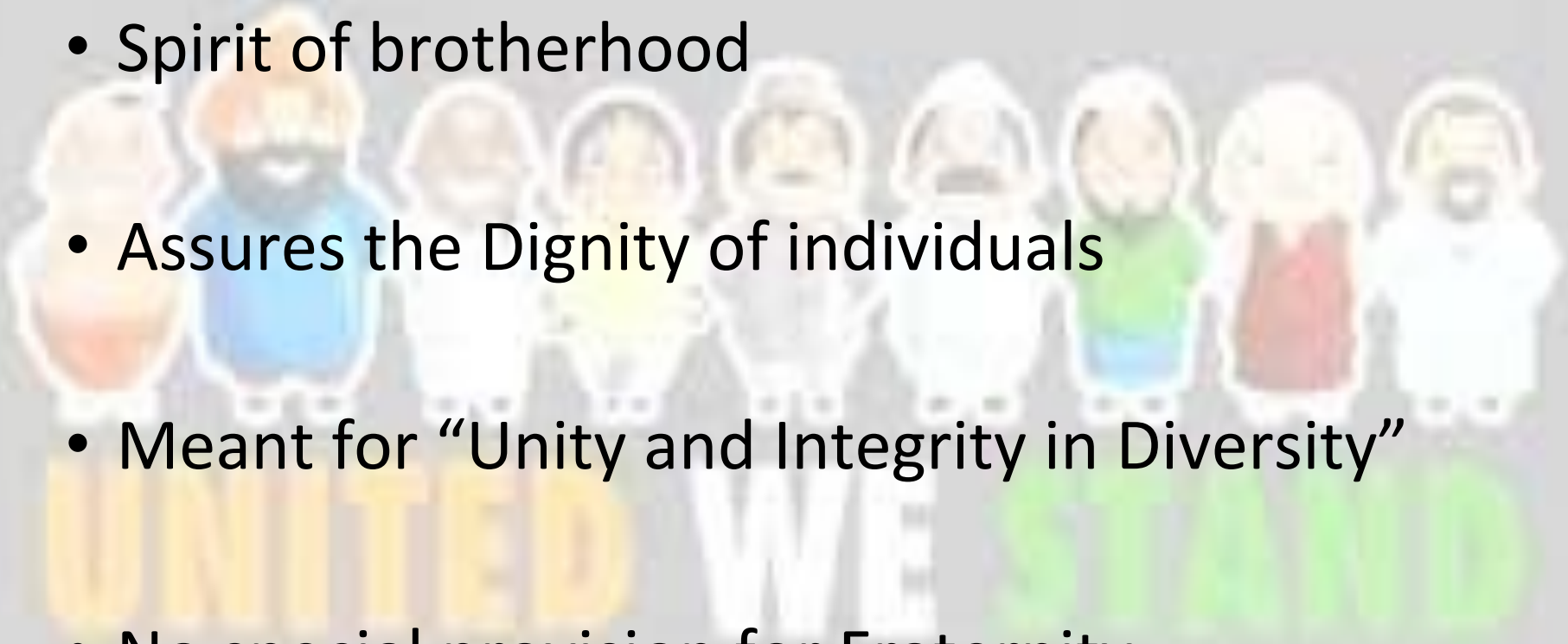
The necessary provisions of the Constitution for achieving Equality has been set out in the **Article 14(Right to Equality), Article 15(Prohibition of Discrimination)** and **Article 16 (Equality of opportunity in matters of public employment)**





FRATERNITY

- Spirit of brotherhood
- Assures the Dignity of individuals
- Meant for “Unity and Integrity in Diversity”
- No special provision for Fraternity but freedom generate the spirit.





5.The Preamble to Constitution of India

The preamble-page, along with other pages of the First and original **Book of Constitution of India**, was designed (Art) and decorated (Frames) solely by renowned painter Beohar shakha.



Hindi (Left) and English (Middle) versions of Preamble as available in the First book of Constitution of India (Right).



5.The Preamble to Constitution of India.

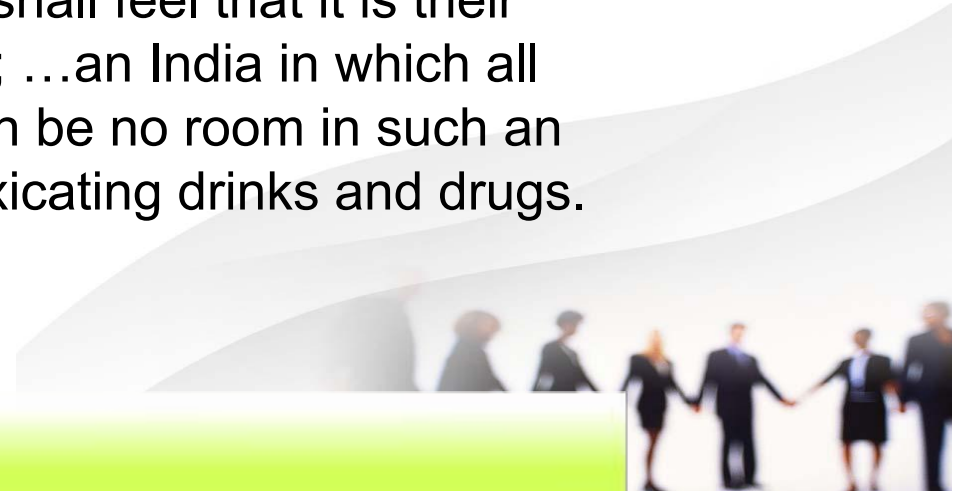
Purpose of Having a Preamble:

The Preamble to our Constitution serves two purposes: -

A) It indicates the source from which the Constitution derives its authority;

B)It also states the objectives, which the Constitution seeks to establish and promote.

The Preamble seeks to establish what Mahatma Gandhi described as The India of my Dreams, "...an India in which the poorest shall feel that it is their country in whose making they have an effective voice; ...an India in which all communities shall live in a perfect harmony. There can be no room in such an India for the curse of unsociability or the curse of Intoxicating drinks and drugs. Woman will enjoy as the same rights as man."





Purpose of the Preamble

The Preamble of India serves the following purposes :

It is a prelude to the Constitution

It indicates the **source from which the Constitution derives its sanctity** viz. from the People of India (past, present and future people of India)

It defines the nature of the Indian State, which is **Sovereign, Socialist, Republic, Secular, and Democratic**

It states the **objectives** of the Constitution of India, which are **justice, liberty, equality, and fraternity to maintain the integrity and unity of the nation as well as the citizens.**

It contains the enacting clause which brings into force the Constitution ^{ie.} **the date of adoption** of the Constitution being 26th November, 1949.





PREAMBLE

Preamble of the Constitution

Embodies the spirit of the constitution.

A key to the Constitution.

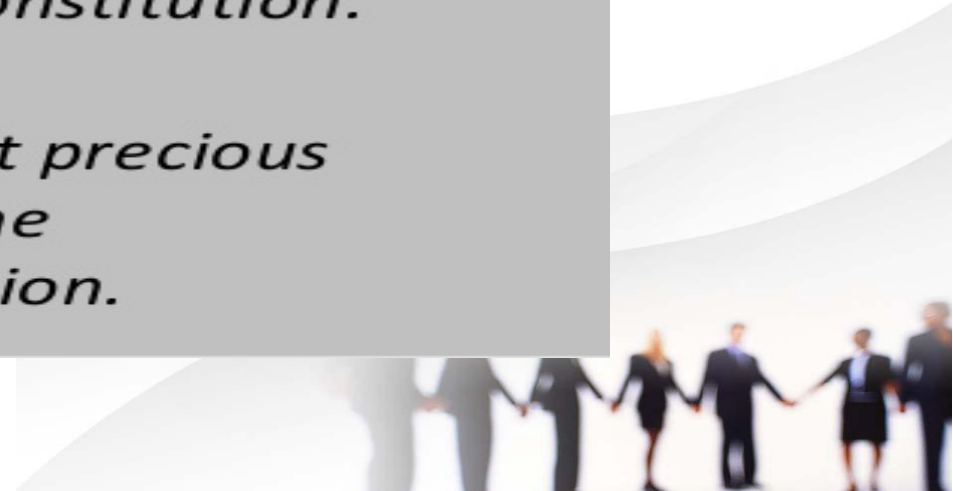
The soul of the Constitution.



In ideas and expression it is an unique one.

A jewel set in the Constitution.

The most precious part of the Constitution.



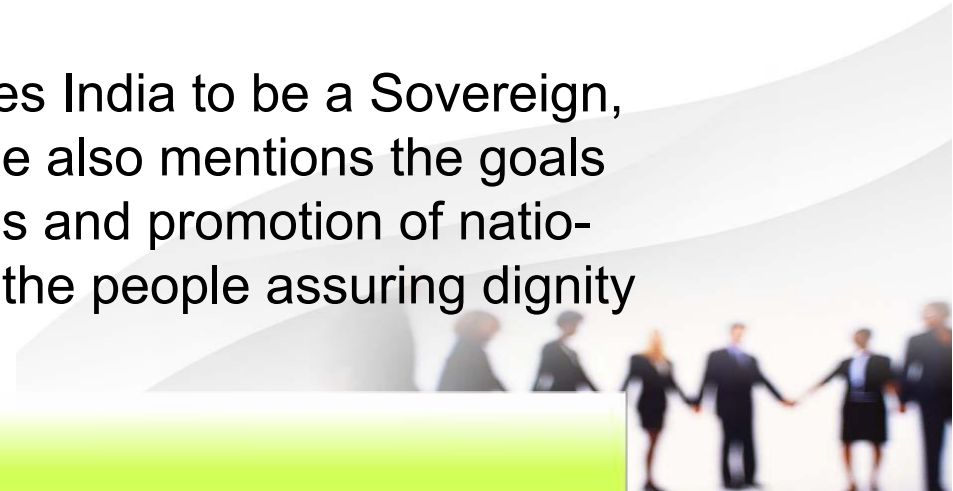


8. Conclusion

A Constitution symbolizes independence of a country. Framework and structure for the governance of a free country are provided in the Constitution. The Constituent Assembly prepared the draft of the Constitution by keeping the 'Objectives Resolution' as the backdrop which reflected the aspirations of the people of India.

The framing of the Constitution was completed on November 26, 1949 when the Constituent Assembly formally adopted the new Constitution. The Constitution came into force with effect from January 26, 1950.

The Constitution begins with a Preamble which declares India to be a Sovereign, Socialist, Secular, Democratic, Republic. The Preamble also mentions the goals of securing justice, liberty and equality for all its citizens and promotion of national unity and integrity on the basis of fraternity among the people assuring dignity of the individual.





Conclusion

The Constitution of India is considered to be the supreme law of India. B.R Ambedkar is known to be the chief person behind this longest written document.

He is the father of Indian Constitution. The Statue of Equality is a monument under construction dedicated to B.R. Ambedkar.

