

20.11.20

Committees of the Constituent Assembly

Constituent Assembly was a heterogeneous body. There are various differences amongst the members in terms of parties, language, region, religion, ideology etc. So for accommodating various interests of the members & to arrive at Consensus regarding some particular aspects various committees & sub-committees were formed. Members were assigned special task & they arrived at a consensus on important subjects. The important committees ~~&~~ ^{members} with chairman ~~&~~ are as follows —

→ "Def. the PPT"

Impt : Drafting Committee

& others mentioned in the PPT with members.

Enactment of the Constitution

Bills
in Parliament

It is a proposal for legislation
if passed, it becomes an Act.

- Ordinary Bill. — It can originate in either house
- Constitutional Amendment Bill. — provision of joint sitting
- ↓
- It can originate in either house
- No provision of joint sitting
- Both the house has to pass separately.
- Money Bill : only in Lok Sabha.
- special privilege of Lok Sabha
- No joint sitting.

Ordinary Bill → Introduced in any house

1st Reading → Mover (concerned minister)

- Aims & Objectives of the Bill

1st Reading → introduction of the Bill

2nd Reading — clause by clause discussion & voting. → "Final Shape of the Bill."

3rd Reading → Minister concerned

put the Bill for final vote } No more discussion

Ref. PPT for the enactment of the Constitution

Enforcement of the Constitution

Provisions & Sources

Criticism of the Constituent Assembly

Ref. the
PPT

2000 → "Constitution Review Commission"

On the eve of the 50th ~~ann~~ anniversary of the making of Constitution, the then President of India, K. Venkataraman said that "Constitution never failed the people who managed it, perhaps they failed."

Salient Features of the Constitution

Ref. PPT
for explanation

- 1) Lengthiest Written Constitution
- 2) Drawn from various sources

→ Dr. B. R. Ambedkar

When we ~~are~~ assigned task to draft a new constitution for India, at that point of time, we could not start afresh.

We had to select the best available in the world & then make it tailor-made for Indian circumstances.

Yes, it is a patchwork but it is a beautiful patchwork.

iii) Mix of Rigidity & Flexibility

iv) Federal system with a Unitary Bias

<u>Federal System</u>	<u>Unitary system</u>
<u>Centrifugal System</u>	<u>Centripetal system</u>
<div>Responsibility ←</div> <ul style="list-style-type: none">• Centre has the power → to protect the unity & integrity of India & to uphold sovereignty• Direct the States• States has to comply with the directions of Centre.• Written Constitution• Division of Powers• Independent Judiciary	<ul style="list-style-type: none">• Centre appoints the Governors in States• Centre appoints All India Service Officers• Emergency Provisions• Single Citizenship.

K. C. Wheare "India is a "Quasi Federal"

India is Federal in normal times,
& it turns unitary during
emergency times.

v) Parliamentary Form of Govt

<u>Parliamentary System</u>	<u>Presidential System</u>
<ul style="list-style-type: none">• More Responsibility• Less Stability• (PM & COM) Responsible to Lok Sabha or House of the People.• Provision of No-Confidence Motion led to fall of Govt.	<ul style="list-style-type: none">• More Stability• Less Responsibility• No responsibility to Parliament.• Strict separation of Power• Only impeachment of President with rigid provisions
<ul style="list-style-type: none">• Coordination & cooperation	Strict separation

(Ref. PPT)

General Election - 5 years → Lok Sabha
→ Vidhan Sabha
← Assembly Election.

Mid-term Election → After the fall of Govt
due to No-Confidence Motion.

Bye-Election → Due to vacation of seats
in due to death, resignation
or removal.

• Some fundamental Differences between India
& British System :-

Ref. PPT

Synthesis of Parliamentary Sovereignty & Judicial
Supremacy.

Parliament

Sovereign
can make any
law

Judiciary

Supreme
can Review all laws of
parliament
if laws are inconsistent
with constitution, it can
declare them unconstitutional
& null & void

Integrated & Independent Judiciary

Integrated



Supreme Court
↑
High Courts
↑
Sub-ordinate
Courts

Ref. PPT

Independent

Judiciary — protector
of Constitution

- ① Judges can't easily be removed.
only by a complex process of impeachment they ~~can't~~ can be removed.
- ② Salaries can't be reduced
Expenditure of Supreme Court is charged upon Consolidated fund of India

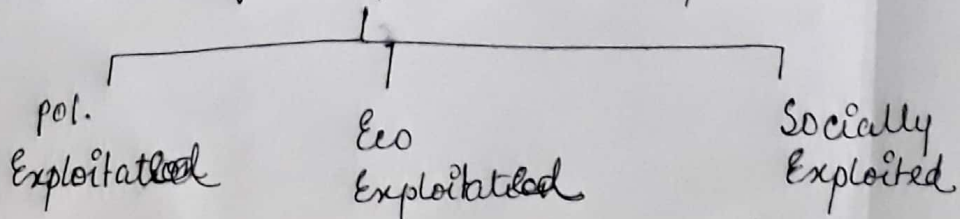
Ref. PPT

Fundamental Rights

it will
be taught
separately.

Directive Principles of State Policy :-

When India became independent (1947) after about 200 years of colonial exploitation



Political Arena Justice	Economic Justice + Social Justice
<ul style="list-style-type: none"> Freedom of Speech & Expression } <u>F. Rights</u> immediately ensured & justiciable Part III of the Constitution 	<ul style="list-style-type: none"> Poverty Equality Welfare Directives are given in the chapter of DPSPs to fulfil the future aspirations & they are not justiciable Part IV of the constitution.

Significance of DPSPs —

Dr. Ambedkar —

"Implementation of the Directive Principles of State Policy will be the touch-stone to evaluate the performance of the Govt."

Ref. PPT

'Where in the Constitution of India, one can trace the roots of the idea of good governance.'

→ Part IV → DPSPs

Fundamental Duties (IV A)

These are non-justiciable But there are several ways & means to ensure their compliance & to punish for their violation.

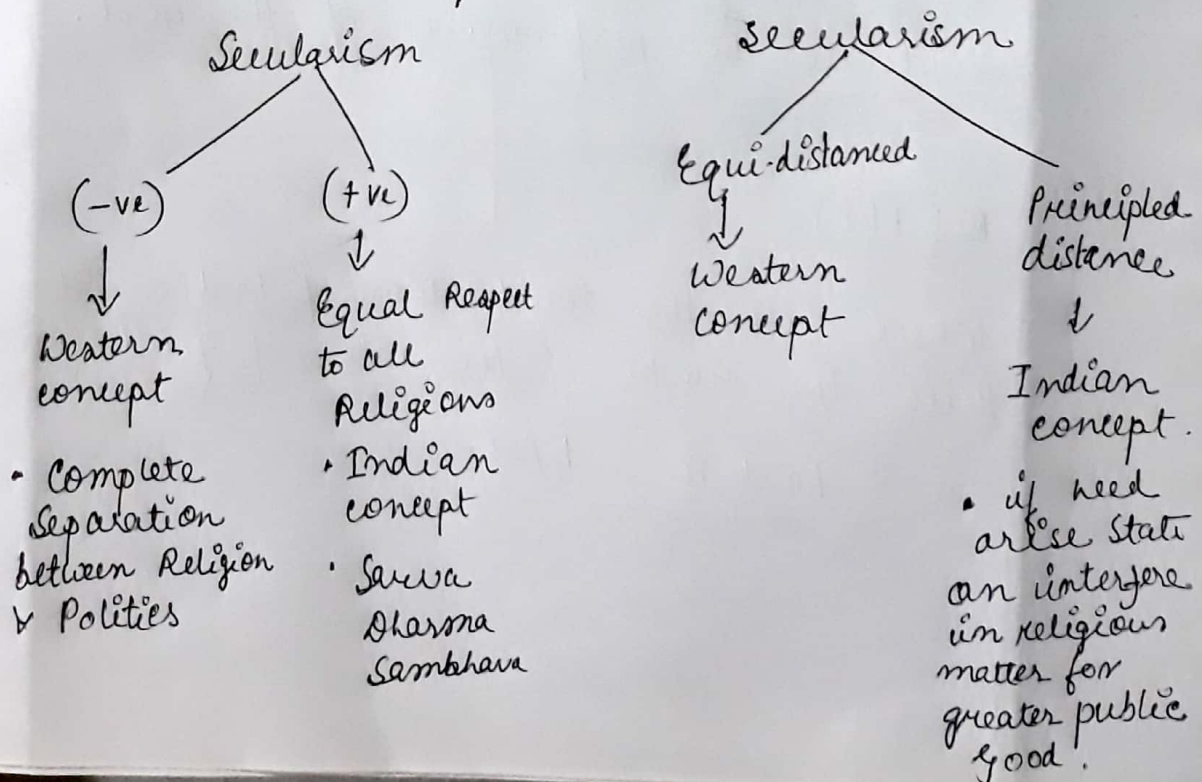
They are not directly but indirectly justiciable.

e.g. To protect Environment
illegal cutting trees burning stubble.

• Respect the Dignity of Women.

B. Secular State

In India, there is no State Religion.



Ref. PPT

Ref. PPT
for
Explanation {

- Universal Adult Franchise
- Single Citizenship .