





# Philosophy of Indian constitution

## Preamble of the Indian Constitution

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;

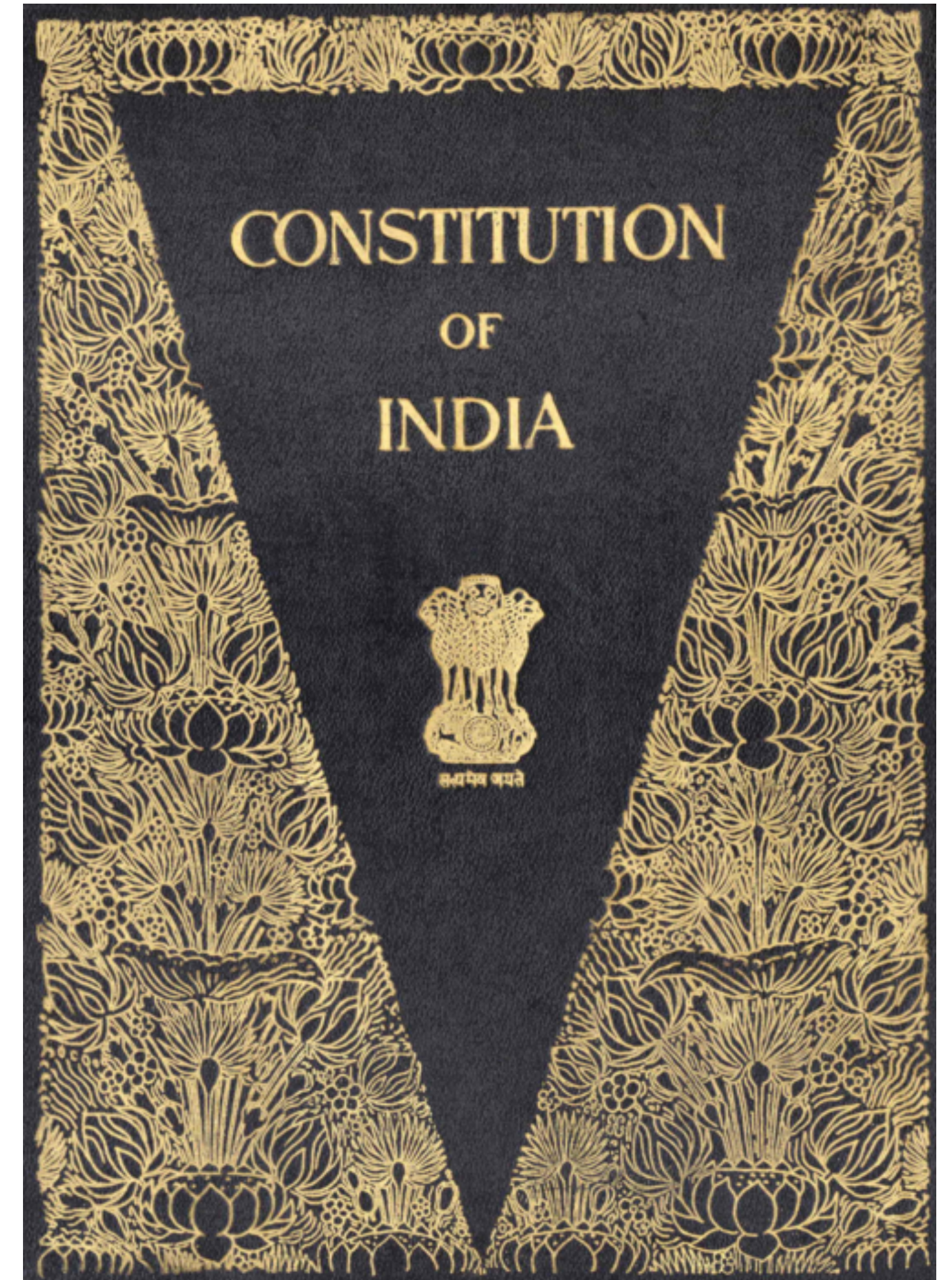
LIBERTY of thought, expression, belief, faith and worship;

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.





# Features of Indian Constitution

Written Constitution	Fundamental Rights
Drawn from Various Sources	Fundamental Duties
Blend of Rigidity and Flexibility	Directive Principles of State Policy
Parliamentary Form of Democracy	Secularism with Indian Characteristics
Integrated and Independent Judiciary	Single Citizenship
Rule of Law	Universal Adult Franchise
Federal System with Unitary Bias	Autonomous Constitutional Bodies
Division of Power	Three-tier Government
Balance of Power	Co-operative Societies

# Fundamental Rights

**Article 14-** Equality before Law

**Article 15-** Right against Discrimination

**Article 16-** Equality of Opportunity

**Article 17-** Abolition of Untouchability

**Article 18-** Abolition of Titles

**Article 19- All citizens shall have the right—**

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India;
- (g) to practise any profession, or to carry on any occupation, trade or business.

# Fundamental Rights

**Article 20-** Protection with respect to conviction for offences

**Article 21-** Protection of Life and Personal Liberty

**Article 22-** Protection against Arrest and Detention

**Article 23-** Protection of Human Trafficking and Forced Labour

**Article 24-** Prohibition of Child Labour

**Article 25-** Freedom of Conscience, Profession, Practice and Propagation

**Article 26-** Freedom to Manage Religious Affairs

**Article 27-** Freedom from Taxation for Promotion of a Religion

**Article 28-** Freedom from Attending Religious Instruction

**Article 29-** Protection of Interests of Minorities

**Article 30-** Right of Minorities to Establish and Administer Educational Institutions

**Article 32-** Right to Constitutional Remedies

# President of India

- **Head of the state**
- **Appointment-** Proportional Representation with means of a single transferable vote and secret ballot system
- **Qualification-**
  - He should be an Indian Citizen
  - His age should be a minimum of 35 years
  - He should qualify the conditions to be elected as a member of the Lok Sabha
  - He should not hold any office of profit under the central government, state government, or any public authority
- **Impeachment-** For violation of Constitution

# President of India

## Powers and Duties

- Executive
- Legislative
- Judicial
- Financial
- Military
- Diplomatic
- Emergency

# The Union Executive

## Council of Ministers

- There is a Council of Ministers headed by the Prime Minister to aid and advise the President in exercise of his functions. The Prime Minister is appointed by the President, who also appoints other ministers on the advice of Prime Minister.
- It is the duty of the Prime Minister to communicate to the President all decisions of Council of Ministers relating to administration of affairs of the Union and proposals for legislation and information relating to them.
- **Principle of Collective Responsibility**
- **Principle of Secrecy**
- The total number of ministers, including the Prime Minister, in the COM shall not exceed 15% of the total strength of the Lok Sabha.
- The advice tendered by Ministers to the President shall not be inquired into in any court.
- A minister who is not a member of the Parliament (either house) for any period of six consecutive months shall cease to be a minister.



# The Union Executive

## Prime Minister

- Article 74(1)- There shall be Counsel of Ministers with the Prime Minister as the head to aid and advise the President.
- The Prime Minister is appointed by the President. The President has to invite the leader of majority party in the Lok Sabha to become the Prime Minister.
- Qualification-
  - A citizen of India
  - Member of either Rajya Sabha or Lok Sabha



# The Union Executive

## Prime Minister- Powers and Functions

- Formation of Council of Ministers
- Portfolio allocation and reshuffling
- Chairman of the Cabinet
- Co-ordination of Administration
- Chief Adviser to the President
- Executive Powers
- Conduct of International Relations
- Head of Nuclear Command Authority, NITI Aayog, Appointments Committee of the Cabinet etc



# Parliament of India

## Rajyasabha

- **Upper House**, represents the states and union territories of the Indian Union
- **Strength**- 229 members represent the states, 4 members represent the UTs and 12 are nominated by the President
- **Presiding Officer**- Vice-President
- **Tenure of members**- 6 years
- **Quorum**- one tenth members of the total strength
- **Qualification of members**- Citizen of India, minimum 30 years of age
- **Privileges and Immunities of the members**- Freedom of expression in the House, he can not be tried in any court of law for any speech made by him on the floor of the House. Beside this immunity, he cannot also be arrested in any criminal case 40 days before the beginning of session and 40 days after the last sitting of House.



# Parliament of India

## Loksabha

- **Lower House**, represents the people of India
- **Strength-** 545 (530 from states, 13 from UT, 2 nominated from Anglo-Indian community)
- **Tenure-** 5 years
- **Elections-** Universal Adult Franchise, First Past the Post System
- **Presiding Officer-** Speaker
- **Quorum-** one tenth members of the total strength
- **Special Powers-** Money Bills, No-Confidence Motion



# Parliament of India

## Powers and Functions

- Legislative Powers
- Control over the Finance
- Control over Executive



# Supreme Court of India

**Jurisdiction-** Original, Advisory, Appellate

**Guardian of the Constitution**

**Judicial Review-** Review of Legislative Actions, Administrative Actions and Judicial Decisions

**Court of Record-** Article 129 of the Constitution of India declares Supreme Court to be a court of record. The judgment, proceedings, and act of supreme court are recorded for permanent memory and testimony and these records can be produced before any court because they have evidentiary value and they cannot be questioned.

**Judicial Activism**

**Public Interest Litigation**