

Preamble

Statements

Identity card of the constitution
NA Preamble

The preamble to our Constitution express what we had thought or dreamt so long:

Sir Alladi Krishnaswami Aiyer

The horoscope of the constitution
Dr. K M Munshi.

It is the soul of the Constitution.

It is a key to the Constitution
Pandit Thakur das Bhargava

Key-note of the Constitution

Sir Ernest Baker

The Concept of preamble is taken from USA

The language of preamble is taken from Australia

America is the first country to add preamble

Directive Principle of State Policy (1951 द्वारा प्रवर्तित करा)

DPSP are validity of law.

Part 4th

Art 36-51

Irland (→ Spain)

Non - Justiciable

38, 39, 41, 42

40, 43, 43(b)

44, 45, 46, 48 (A)

46, 47, 48

49, 50, 51

* DPSP's are the novel feature of Indian constitution

- Dr. B. R. Ambedkar

• Definition of state is same on the state defined in part III article 12

* The DPSP are like a cheque on a

bank payable at convenience of the

Article 37

- K.T. Shah

• DPSP are not enforced by any court of law.

* They are an "instruments of instructions"

↳ Govt. of India Act
1935

Article 38

* Conscience of constitution — Granville Austin

• Justice : Social, economical, political

* Positive in nature.

[Reservation]

• To minimize inequalities in income



Article 39

- Equal pay for equal work for men & women.
- Prevention of concentration of wealth [रिस, फे परेन औ सारी जिम्मेदारी भरता]

• Equitable distribution of resources among all

- State policy must secure "adequate means of livelihood" → [Job Creation]

* * * Article 39 (a)

- added by 42nd Amend. 1976

- Equal Justice and free legal aid.

Article 42

- Right to work.

- 2. Right to education
- 3. for old age peoples, sick & disabled
- Unemployment

Article 42

- For securing just and humane condition of work.

- Maternity Benefits Act, 1961.

- For Organised sector.

Article 43

- Secure all workers a living wage and a decent standard of life

* * * Article 40.

- Organisation of village panchayats.

- Promote cottage industries.

Article 41

- State makes effective provision for

Securing

- To secure the participation of workers in

Article 43-a

- 42nd A. 1976

Article 45.

- early childhood care & education for all children until they complete the age of six years.

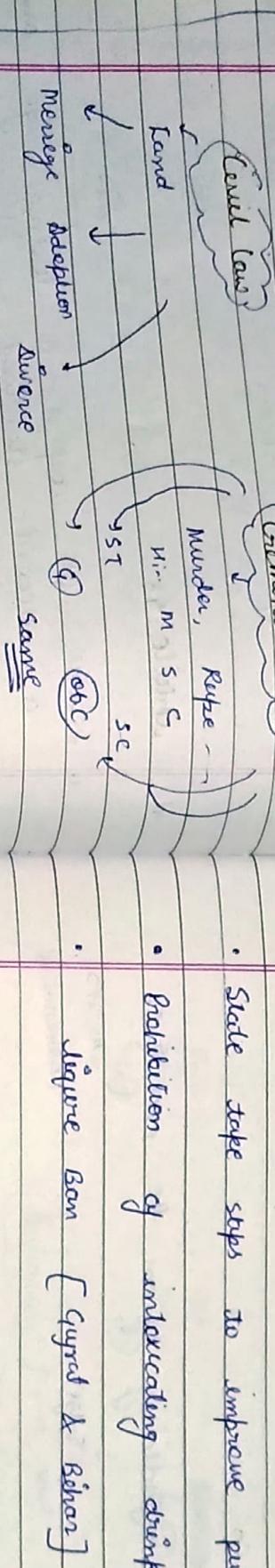
Article 46

Article 46

Article 47

- State take steps to improve public health.
- Prohibition of intoxicating drinks and drugs.

Article 48



Article 49

Article 49

- Uniform civil code [संवत्त विवरण संवेदन]

Article 50

- Organise agriculture and animal husbandry on modern & scientific lines.
- Laws to prohibit the slaughter of cows.

Article 48(a)

- 42nd CAA 1976
- Protection & improvement of wild life & forests.
- Forest Conservation Act 1980
- Water act.

Article 49

- State shall protect every monument or place of artistic or historic interest.

* Article 50

Separate Judiciary from the executive.

Judge.
IAS, IPS
(Administrative)

Article 51

- Promotion of international peace & security

Foreign policy

- respect international laws & Treaty.

Champakam Dorairajan Case 1951

Fund. Rgs. >> DPSP.

Gopalkrishna Case 1967

F.R. const. be amended for implementation of DPSP's.

* Parliament of India

Article 79

Parliament

Lok Sabha

Rajya Sabha

(80)

(81)

(52)

President

Parliament → Law
Amendment

Policy

Union legislature

Parliamentary F. → (Westminster model)
of Govt.

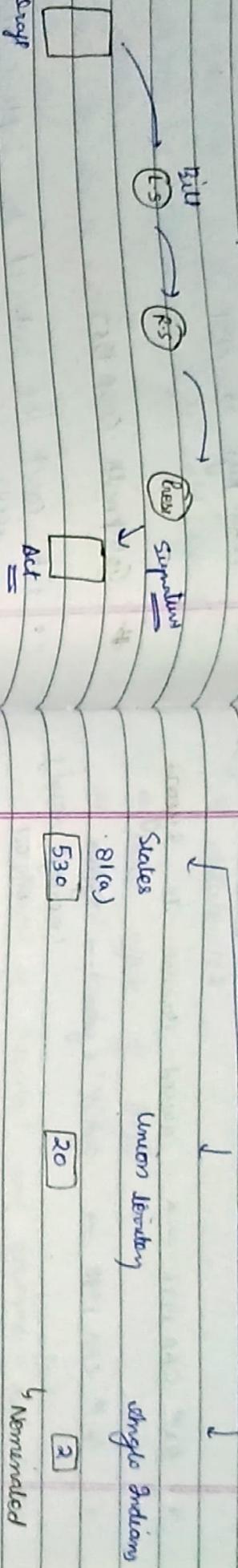
Parl. form ← Part V
of Govt.

79 to 122 in
Union

Legislature → group of people who have the power to make & change law.

1

Maximum No. of seats in Lok Sabha
EE,



* Hindi names Rajya Sabha and Lok Sabha were

cyclized in 1954.

Lok Sabha

House of people, lower house

- The Lok Sabha was duly constituted for the first time on 17 April 1952
- Direct Election

2024 → 543 Seats

* Duration of look Sathra → Article 83

W

Based on the population
~ 10 Lakh + 2 Sead

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Talks about single Indian representation in UK Sabha.

104m CAA 2019 → single Indian reservation X removed

Elections

diner

* UNIVERSAL ADULT FRANCHISES (Article 326)

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Duration of Utkal Sabha → Article

by present
Remained

If emergency is declared → maximum
6 months - (6 months) - (6 months)

Disqualification

- Article 102
- Holds office of profit
- Unsound mind. (भूमिका)
- * * Post of President and Governor ^{Post} met comes in the office of profit

Qualification

- Article 84
- Must be citizen of India
- 25 years.
- Oath by the president or appointed.
- SC/ST Reservation ✓ (L.S)
- (L.S) → X
- ** disqualification on ground of defection.
 - If the votes or abstains from voting in the house contrary to any direction given by political party (WHY?)
- Reservation of seats.
 - Article 330
 - SC : 84 131 → Seats reservation.
 - ST : 47
- If any independently elected Team any political party.



→ If nominated member joins any political party after six months.

* In the case of anti-defection law who has the power of removal / disqualification has Presiding officer.

Chairman → R.S
Speaker → L.S

* Comes under Judicial Review.

* Comes under Representation of people act 1951

Disqualifications laid down by Representation of people act 1951

- or corrupt practices in the elections
- or improvement for two or more years

↳ Failed to lodge an account of his election

Resignation / death :- To the Presiding officer of the house

Article 104 :- Penalty for sitting and voting before taking oath & affirmation

Sect X

Salaries → Consolidated fund of India

Double membership

* Elected to both houses, then must inform within 10 day else by default Rajya Sabha become vacant

* Sitting members elected to another house seat in the first house become vacant

* Elected to two seats should opt one else both become vacant

* A person can not be a member of both Parliament and state legislature else his parliament seat become vacant if not resign in the state within 14 days



Power & Function.

- * Leader of the house 92/- (PM)
- * Leader of the opposition
- * Party → $\frac{1}{4}$ thm of seats of L.S. → opposition leader
- # Quorum :-
- * Constitution has fixed $\frac{1}{4}$ thm strength as a quorum for both Lok Sabha & Rajya Sabha
- * Article 100
- # Speaker of Lok Sabha [Article 93]
 - 1. Maintain order & decorum in the house
 - 2. Enforce interpretation of the provisions of :-
 1. the constitution of India
 2. Rules & procedure & conduct of business of Lok Sabha.
 - 3. The parliamentary proceedings
- # Joint sitting (108)
- * # Casting vote (100)
- * # Money bill (110)
- # Speaker is the chairman of the :-
- Originated in India in 1921 under Govt of India act 1919
 1. Business Advisory Committee
 2. Rules Committee
 3. general purpose committee
- Speaker → elected → (among its members)
 - date of election → fixed by President.
 - giving 14 days advance notice
- 5 years
- Speaker gives his resign to Deputy speaker

* Deputy Speaker (93)

- Elected
- Normal vote
- selection date → by Speaker
- 11th Lok Sabha → Deputy Speaker (main office)
Rayya Sabha

First come or in practice.

- Whenever he is appointed as a member of parliamentary committee, he automatically becomes its chairperson.

- # Article 95 → (Deputy Sp) → as a Speaker
- he has all powers of Speaker.

- # Article 6 → citizenship of people who migrated from Lok
- elected by state assemblies.

- # Article 9 - Termination

- Single transferable voting system.

- # Article 11 → Parliament has the power to make laws regarding the

Citizenship

* Pro-Tem Speaker

- Article 94
- Temporary Speaker
- Appointed by President.

Rayya Sabha

House of the state / House of elder / upper house.

Article 80

Indirect

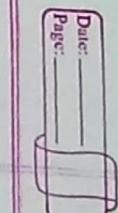
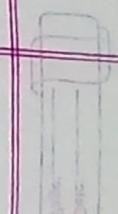
Maximum Seats in P.S.

250

State + U.T
238
Nominated (by President)
12.

Art, literature, science & social services

Present 245 seats.



* Session of Parliament [Article 85]

• Budget session & Feb to May 3

• Monsoon session & July to Sept 3

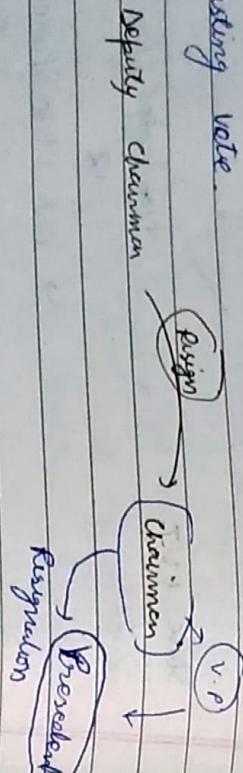
Chairman & Deputy chairman of R.S

or Article 89

The vice-president of India shall be ex officio chairman of the Council of States

• He is not the member of House.

• Casting vote.



• Lost lunch sitting → 2pm to 1pm.

• Maximum gap allowed 6 months.
each meeting has two sittings

• Morning → 11 am to 1 pm.

• Lost lunch sitting → 2pm to 6pm

• Recess of Parliament
→ The time gap between two sessions

Summoning

• Article 85.

• Presesident

• Process of calling all members of parliament to meet.

Prorogation

• Ends a session

• Only president.

* ARTICLE 74

- Government shall be setting of the house for a specific time.
- Terminate the setting of the house for adjournment.
- By presiding officer.

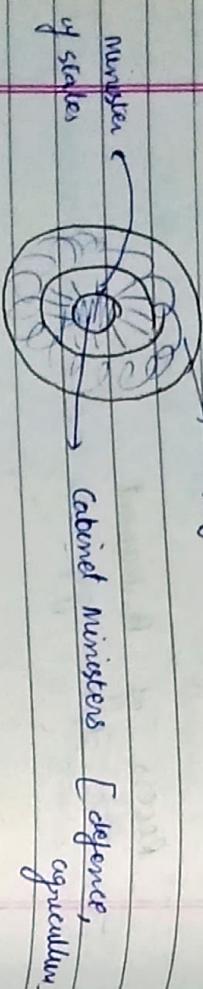
* Article 75

There shall be a council of ministers with the prime minister at the head to advise the president.

- Adjournment sine die.
- Terminate the setting of the house for a period of time.
- Presiding officer.

Council of Ministers

→ Deputy Ministers



HEAD → PM

91st CAA 2003

(P.M) → Resign → Vacant seat
↓
close down

- The council of ministers is collectively responsible to the House of the people.
- The P.M shall be appointed by the president and the other Ministers shall be appointed by the President on the advise of the P.M.
- The council of ministers in collectively responsible to the House of the people.
- 6 Months → without seat → Minister ✓
in L.S & R.S

Cabinet

- Article 352
- 44th CAA 1978
- No. of Council of Ministers → Should not be more than 15% of strength of L.S.
- No. of ministers in the state legislative includes CM in a state shall not be less than 12.

Ministers



Attorney General [Article 14]

Ordinary Bill

- Right of minister & attorney general of India have to speak & vote ~~part~~ in the House in the proceedings of both the Houses.
- but without vote

Types of Bills

प्रकार

Public Bill

- Introduce by ministers
- any member of parliament

Private Bill

- 1 month notice
- 7 days notice

Simple majority

300 → Total

200 → Present

101 ✓, 99x Bill Pass ✓.

Ordinary Bill

Money Bill

Amendment Bill

Bill

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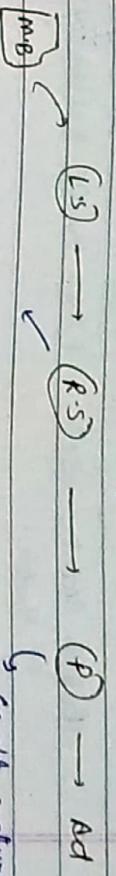
Joint setting (108)

1. If bill is rejected by another house

- 2. house disagreed on amendments
- 3. If more than six months have elapsed.

* Pass by simple majority

*



Can't returned for reconsideration

- Only accept
- Max 14 days detain
- Rejected can only accept or reject.

President has the power of Summoning Joint Setting

Financial Bill Article 117(1) & 117(3)

Revenue & expense. (yes)

Joint Setting

The bill that deals with Money issues like Tax, GST.

Financial Bill (I) Financial Bill (II)

Only in

- 1) only in L.S
- 2) either in LS or RS

* Only introduce in LS

* Can only by Ministers

President recommendation is needed.

Lok Sabha speaker decides whether it is a money bill or not.