

Method of election in FPPS

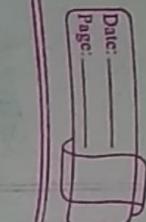
* Breamble

- Introduction / introductory statement of our Constitution
- modern form of the objective resolution.
- Philosophy of the constitution
- > Source of authority
- The people of India
- > Nature of Indian State
- Sovereign, Socialist, Secular, Democratic & Republic
- > Objective of Constitution
- Justice, Liberty, Equality, Fraternity
- > Date of Adoption
- 26 Nov 1949.

Sovereign (संप्रभुता)

Internally Externally

Take decision own without consulting other country



* Republic

Head of the state

- added in preamble by 42nd Constitution A. 1976
- mixed economy
- Gov. Pres. Conf.

mixed economy

Monarch

Republic
(elected by people directly or indirectly)

* Secular

- added 42nd Con. 1976.

Types of state

Secular

Justice

Concept taken from Russian Revolution (1917)

Social

Economical

Political

Secular

Theocratic

Secular

Theocratic

India
One Religion
All equal in front of god.

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* Democracy

Indirect

Representative of

people vote

directly for people make policy

any new law

Liberty

Indirect

Representative of

people vote

directly for people make policy

any new law

Liberty

Thoughts

Expression

Belief

Faith

Worship



Equality

- Sense of brotherhood.

Integrity → 42nd am. 1976

→ It is non-justiciable.

Bembañ Union Case 1960

- It's imp. but not the part of Indian constitution.

Kesavanand Bharti vs State of Kerala 1973

it is integral part of Indian Constitution

- > Preamble can be amended by article 368
but can't change basic structure

• 41st amend. 1976 (socialist, secular, Integrity)

- Only once

→ UC case of India 1995

- Preamble is the integral part of constitution

- Rights are claimed by the citizens against the state.

- Not absolute but qualified

The Preamble is neither a source of power to the legislature

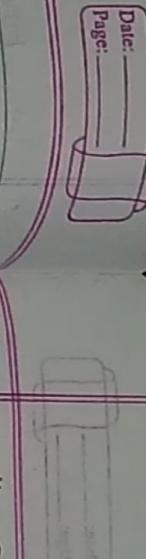
local self government → Rural - Panchayat
management of local issues by nature
peoples.

Balwant

→ Fundamental Rights

Democracy

Fundamental Constitutional Statutory
Rights Rights Rights



44th Constitutional Amendment 1978

- Negative in nature / character

SAPRU Committee Report 1945

Right to property (Article 31)

↓
Justiciable Rights

Non-Justiciable Rights

↓
DPSR

Fundamental Rights

* Legal Right Not a fundamental Right

Article 12.

* Part III

* USA (concept taken)

Article - 6

Article - 3 - 35.

Fundamental Rights

Article - 14 - 18

1. Definition of STATE

2. Central govt. and Parliament

3. State govt. and State legislature

→ Right to equality

Article - 19 - 22

4. Local authority

→ Right to freedom

Article - 23 - 24

5. Other govt. authority — ONGC
PSU

→ Right against exploitation

Article - 23

6. Right to freedom of religion

Article - 25 - 28

7. Cultural and educational rights

Article - 29 - 30

8. Right to constitutional remedies.

Article - 32

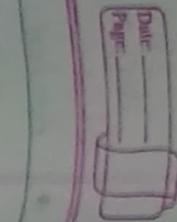
9. Null & void

10. Decline



Right to Equality (14-18)

- * President, governor not answerable to any court for performing their duties.
- # Article 14
 - Equality before the law or Equal protection of law.
 - # Article 15
 - Prohibition of discrimination.
 - * No criminal proceeding during the term of office.
 - * No arrest during the term.
 - Equality of opportunity in matters of public employment.
- # Article 17
 - Abolishment of undivisibility
- # Article 18
 - Abolishment of titles
 - Article 15.
- Article 14.
 - Equality before law
 - (equal protection of law)
 - ↳ idea taken from Boethius - USA
 - Negative concept
 - State can make special provision for the advancement of any socially and educationally backward class of citizens



93rd amendment 2005
→ Reservation in private institution.

* EWS → 10% → 103rd Amendment 2019

→ Article 16
Equality of opportunity in matters of public employment

Religion, Race, caste, place of birth, Residencet, sex

* Balaji Raghavan vs. Union of India 1996
→ rewards □
→ demands can't use as title

* clear reservation ✓ [Article 16 clause 4]

Right to freedom [Article 19 - 22]

Article - 19

→ Article 17
• abolition of untouchability
• No exception

• Untouchability offence Act 1955

→ Article 18

* all citizens shall have the right

(a) Freedom of speech & expression

(b) assemble peacefully and without arms;

(c) form association or unions

• Abolishment of Titles

• Raja School • Devaraj Salwad • Rai Bahadur

• Educational titles, Military titles ✓

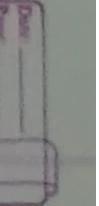
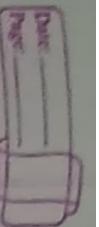
(d) move freely throughout the territory of India
(e) reside & settle in any part of India

No citizen of India shall except any title from any foreign state

* No person holding any office of profit or trust under the state shall without the consent of the president,

Balaji Raghavan vs. Union of India 1996





These six rights are prelected

against only state action and not private individuals. Only for [Not foreigners and legal entities]

- State can impose reasonable restriction

Article 19 can be suspended only on the grounds of war or external aggression.

(External Emergency) not on the ground of armed rebellion [Internal Emergency]

→ No ex-post facto-law

If any person do

The crime in

past but in past

There is no rules are

for that crime so the

person is not arrest for that

crime in future after making

rules for this type of crime

→ Article 20

Protection against arbitrary and excessive punishment to an accused person - Civil or foreigner or legal person like a company or a corporation

Protection in case of conviction for offence

Article 20 :- all other rights

get suspended automatically

during national Emergency (Article 352)

No double Jeopardy

No person shall be prosecuted and punished for the same offence more than once.

No Slay - Incrimination.

Freedom of hosting the national flag (2004)

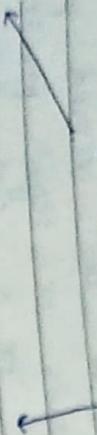
No double Jeopardy

No person shall be prosecuted and punished for the same offence more than once.



* Article 21

- Protection of life and personal liberty.



- # Right to freedom of Travel outside the country

exception

- Due process of law

laws are not violates the constitution and basic rights of people

- *Maneka Gandhi vs Union of India (1978)*

→ within 24 hours
in front of
magistrate
(Travel time X)

- # Right to Privacy.

- # Right against exploitation [23-24]

- * Article 21(a).

- # 86th Amendment 2002

- Prohibition of traffic in human beings and forced labour

- # Right to education

[6 - 14 year]

* Article 22

Protection against arrest and detention in certain cases

Detention

Punitive
sentence

Breach of law
detention

Right to personal
liberty

Right to freedom of travel outside the country

Right to privacy

Right to information X

Right to privacy X
arrest warrant
legal practitioner
of his choice

Right to privacy X
within 24 hours
in front of
magistrate
(Travel time X)

Right to privacy X
not exceed
three months

Right to privacy X
against exploitation

Right to privacy X
prohibition of traffic in human beings
and forced labour

Article 23



Article 24

Brackbill's theory of employment of children

* Right to freedom (25-28)

Right in
of Religion

Article 25

- Right to profess w.r.t. freedom of conscience
 - Right to practise
 - Right to propagate

Hindus :- Sekh, Jain, Buddhist

٢٣٦

Freedom to manage Religious affairs.

Article 27.

Freedom as to payment of taxes for promotion of any particular religion

Protection of interest of minorities

Article 29

Cultural and educational Rights (29-30)

Permitted

established
trust

Decreased by state

← ↗

Institute

Freedom as to attendance of religious instruction or religious worship in certain education institution.

Article 28.

fees ✓

prohibition only buy if a few and not a lot

Minority

Religion
language

Article 30

Right of Minorities to establish and administer educational institution

writs

Habeas Corpus, Mandamus, Prohibition

Certiorari, Writ - Warrant

Habeas Corpus :-

- To have the body of (in case of death)
- Unlawful detention

- Only Indian citizens
- 15, 16, 19, 22, 30
- Citizens & Foreigners
- 14, 20, 21(a), 22, 23

→ Article 32

Mandamus :-

- Issued by person himself, parents, wife, brother
- Against both private and public authorities

→ " Writ of Mandamus "

- Public official who has failed to perform his duty

Writs issues → High Court

S.C

Art 32

Fund. R.

fund. rights ✓

Legal Right ✓

Con. Right ✓



- against chief Justice of India

Conditions

MP ~~more~~ High
Court

Qua - Warranto

- "By what authority"
- Can't issue against the individual or private officials.
- Can be issued against administrative authorities also.

Prohibition

- To FORBID (रोका)

- against Judicial & Quasi-Judicial Bodies
- if these bodies work outside their jurisdiction

Fundamental Duties

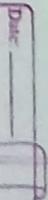
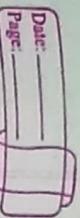
- Part 4th A
- Article 31A
- 10 → Originally 10 → Originally
- 11 → Currently

MP High Court SC - Issue

- UP case (उत्तर प्रदेश कानून) → Prohibition units
- # Only for citizens (प्राचीन विधि)

- 42nd Amendment 1976 → added in Con.

- Taken from USSR (Russia)



Swaran Singh Committee Recommendations
(1976)

4th duty

- Suggested 8 Fundamental Duties
- Justiciable
- Paying taxes and voting in election

5IA - D

- To defend the country and render National services when called upon
- To do so.

1st Duty

5th duty

5IA - E

- article 5IA - a
- Respect Constitution and — National Flag, Anthem

- Dignity of women, motherhood

2nd Duty

6th duty

5IA - F

- To cherish & follow the noble ideals which inspired our nation struggle for freedom

- To value and preserve the rich heritage of our composite culture.

3rd Duty

7th duty

5IA - G

- Protect the nature & wild animals, wildlife

5IA - H

- To protect the sovereignty, unity integrity of India

• Develop the scientific temper, spirit of inquiry

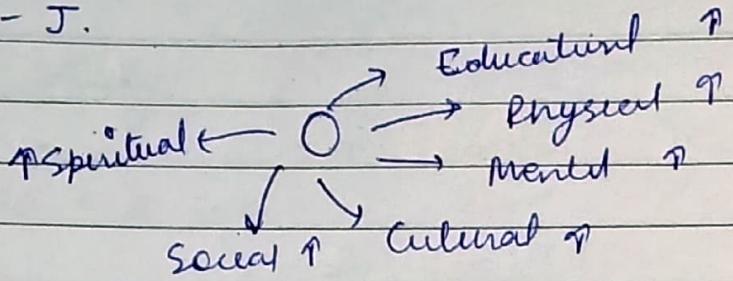
9th duty

• 51A-I.

• To safeguard public property and do abjure violence

10th duty

• 51A-J.



14th duty

• by 86th Amendment 2002

• 6-14 years → Duty of parents to provide elementary education.