

Influence of other constitutions

British Constitution

- Parliamentary form of government
- Idea of single citizenship
- Idea of **rule of law**
- Institution of Speaker and his/her role
- Lawmaking procedure
- Procedure established by law

US Constitution

- US Bill of rights
- Federal Structure of government
- Electoral College
- Independence of the judiciary and separation of powers among the three branches of government
- Judicial Review
- President as **supreme commander of armed forces**
- Equal Protection under law

Irish Constitution

- Directive principles of state policy

Australian Constitution

- Freedom of trade and commerce within the country and between the states
- Power of the national legislature to make laws for implementing treaties, even on matters outside normal federal jurisdiction
- Concurrent list
- Terminology for the **preamble**

French Constitution

- Ideals of **liberty, equality and fraternity**

Canadian Constitution

- A quasi-federal form of government
 - a federal system with a strong central government
- Distribution of powers between central government and state governments

Constitution of the Soviet Union

- Fundamental Duties u/a 51-A
- A constitutionally mandated planning commission to oversee the development of the economy

Other Constitutions

- Germany
 - Emergency Provision
- South Africa
 - Amendment of Constitution
- Japan
 - Due procedure of law

Important Articles

Article	Deals With
1	Name and Territory of Union
2	New States Formation, Alteration of Boundaries etc.
13	Laws inconsistent with or in derogation of Fundamental Rights
14	Right to Equality
15	Prohibition of Discrimination
16	Equality in case of Public Employment
17	Abolition of Untouchability
18	Abolition of Titles
19	Right to Freedom
19A	Freedom of Speech & Expression
19D	Right to move freely in India
19G	Freedom to practise any profession
21	Right to Life and Personal Liberty
21A	Right to Education
23	Prohibition of human trafficking and forced labour
24	Prohibition of child labour
25	Freedom to practise & propagate religion freely
29	Prohibition of Interests of Minorities
32	Remedies for enforcement of Fundamental Rights
44	Uniform Civil Code
50	Seperation of Judiciary from Executive
51A	Fundamental Duties

Article	Deals With
72	Powers of President to Grant Pardons etc.
76	Attorney-General of India
78	Duties of PM
85	Sessions of Parliament, Prorogation & Dissolution
100	Voting in Houses
105	Powers and Privilege of MPs
106	Salaries and Allowances of MPs
109	Money Bills
112	Budget
148	Comptroller and Auditor-General of India
280	Finance Commission
312	All India Services
335	SCs and STs claim to Services and Posts
343	Official Language
352	National Emergency
356	President's Rule
360	Financial Emergency
368	Amendment of Constitution

Schedules

List in the Constitution that categorise and tabulate bureaucratic activity and policy of the government

Schedule 1

- **Article 1 and 4**
- List the states and territories of india
- Lists any change to their borders and the laws used to make that change

Schedule 2

- Lists the salaries of officials holding public offices, judges and CAG

Schedule 3

- Forms of Oath

- Lists the oath of offices for elected officials and judges

Schedule 4

- Details the allocation of seats in Rajya Sabha per state or ut

Schedule 5

- Provides for administration and control of scheduled areas and schduled tribes
- These areas and tribes need special protection due to disadvantageous conditions

Schedule 6

- Provisions made for administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram

Schedule 7

- **Article 246**
- The union, state and concurrent lists of responsibilities

Schedule 8

- **Article 344(1) and 351**
- The official languages

Schedule 9

- Validation of certains acts and regulations

Schedule 10

- **Anti-defection** provisions for **MP** and **Members of state legislatures**

Schedule 11

- Panchayat Raj
- rural local government

Schedule 12

- Municipalities
- urban local government

Writs

Power to issue writs is primarily a provision made to make available the Right to Constitutional Remedies to every citizen .

Habeas Corpus

- **You must have the body****
- Bring the detained person before the court so as to enable the court to decide the validity, jurisdiction or justification for such detention
- **Gopalan vs Gol**

Quo Warranto

- **What is your authority****
- Used to judicially control executive action in the matter of making appointments to public offices under relevant statutory provisions

Mandamus

- Command issued by a court directing an authority to perform a public duty imposed upon it by law
- **Bombay Municipality vs Advance Builders**

Certiorari

- **inform****
- issued by Supreme Court (Art. 32)
- issued by High Court (Art. 226)
- direct inferior courts, tribunals or authorities
- transmit to the court the record of proceedings disposed of or pending therein for scrutiny, and, if necessary, for quashing the same
- **But can not be called for an act or ordinance**

Prohibition

- issued when inferior court or tribunal
 - proceeds to act without jurisdiction or in excess of jurisdiction
 - proceeds to act in violation of rules of natural justice
 - proceeds to act under a law which is itself ultra vires or unconstitutional
 - proceeds to act in contravention of fundamental rights

FR, FD, DPSP

Fundamental Rights

- **Part III (Article 12-35)**

Article	Deals With
12	Definition of Fundamental Rights
13	Laws inconsistent with or in derogation of Fundamental Rights
14	Equality before law
15	Prohibition of Discrimination

Article	Deals With
16	Equality in case of Public Employment
17	Abolition of Untouchability
18	Abolition of Titles
19	Right to Freedom
19A	Freedom of Speech & Expression
19B	Freedom to assemble peacefully and without arms
19C	Freedom to form associations or unions
19D	Right to move freely in India
19E	Freedom to reside and settle in any part of the territory of India
19F	Freedom to practice any profession, or to carry on any occupation, trade or business
19G	Freedom to practise any profession
20	Protection in respect of conviction for offenses
21	Right to Life and Personal Liberty
21A	Right to Education
22	Protection against arrest and detention in certain cases
23	Prohibition of human trafficking and forced labour
24	Prohibition of child labour
25	Freedom to practise & propagate religion freely
26	Freedom to manage religious affairs
27	Freedom as to payment of taxes for promotion of any particular region
28	Freedom as to attendance at religious instruction or worship in certain educational institutions
29	Protection of Interests of Minorities
30	Right of minorities to establish and administer educational institutions
31	Compulsory acquisition of property
32	Remedies for enforcement of Fundamental Rights