

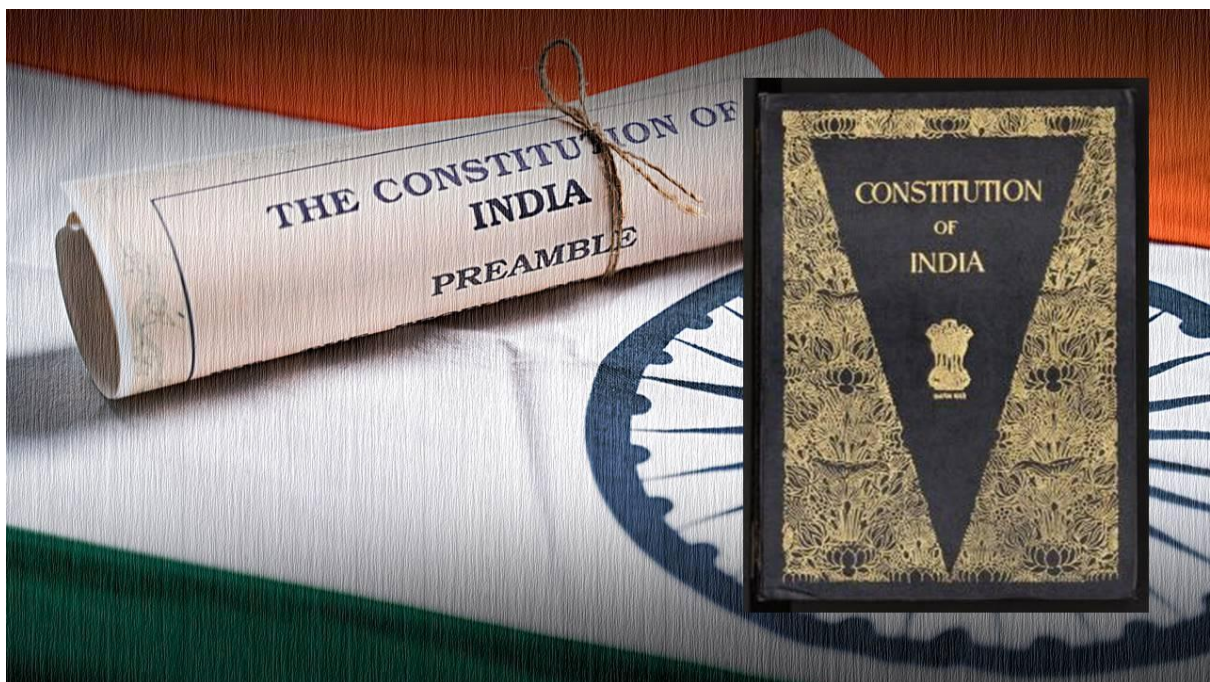
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## **1. Explain Indian Constitution in detail.**

### **An Introduction to the Constitution of India**

The Indian Constitution is considered the supreme Indian law. This frames the fundamental principles of politics, practices, procedures, powers, rights, and government duties. Every person must have a good introduction to the Constitution of India as it imparts Constitutional supremacy instead of parliamentary supremacy. The Constituent Assembly and not the Parliament has created the Constitution of India. This gets adopted by the Indian citizens, and the Parliament can't override it. According to the Constitution, India is a secular, socialist, sovereign, and democratic republic, and it assures its citizens' various things, like liberty, equality, and justice.



### **Preamble**

The 'Objectives Resolution' given by Jawaharlal Nehru became the Preamble to the Constitution of India. It was unanimously adopted by the Assembly. It has been modified by the 42nd Amendment Act which currently becomes the Preamble.

The Preamble is a preface or introduction to the Constitution. The idea of the preamble was borrowed from the Constitution of the USA and its language was borrowed from Australia.

The words 'SOCIALIST', 'SECULAR', and 'INTEGRITY' were added to the preamble by the 42nd Amendment in 1976 while the original version contains the words 'SOVEREIGN', 'DEMOCRATIC', and 'REPUBLIC'.

The Preamble is non-justiciable in nature which means it cannot be enforced in a court of law. It has a very limited role to play although it declares that the people of India have enacted, adopted and provided the Constitution to themselves, therefore, sovereignty lies with the people ultimately.

### **Fundamental Rights**

The Constitution of India provides citizens with some Fundamental Rights which are enshrined in Part III of the Constitution from Articles 12 to 35. Originally there were seven fundamental rights. However, the Right to Property was deleted by the 44th Amendment Act, 1978. At present, there are six Fundamental Rights which are given as follows:

- Right to Equality (Articles 14-18)
- Right to Freedom (Articles 19-22)
- Right Against Exploitation (Articles 23-24)
- Right to Freedom of Religion (Articles 25-28)
- Cultural and Educational Rights (Articles 29-30)
- Right to Constitutional Remedies (Article 32)

### **Fundamental Duties**

The Constitution has provided us with Fundamental Rights to protect and safeguard our interests and freedom, therefore, we shall have some duties as well.

- Abide by and follow the Constitution, respect the National Flag and the National Anthem,
- Cherish and follow the noble deeds of our freedom fighters,
- Protect and preach the ideals of sovereignty, unity and integration among citizens of India

- Defend the security of the nation and render service to the nation when called upon us to do so at any given cost,
- Promote harmony regardless of caste, creed, race, religion, and gender,
- Preserve and protect the heritage, culture and monuments and buildings of the cultural importance of our country,
- Protect and improve our national environment
- Develop the spirit of scientific and humanitarian interest, enquiry and reforms.
- Safeguard public property
- Strive towards excellence
- Provide opportunities for education to every ward by the guardian.

### **Commencement of the Indian Constitution**

When the Indian Constitution came into existence, it had 395 articles, and they were split into eight schedules and 22 parts. Today, it has a preamble, 25 parts with 12 schedules, 101 amendments, 448 articles, and five appendices.

### **Earlier legislation of the Constitution of India**

The introduction to the Constitution of India has been drawn from various sources. Being mindful of the conditions and needs of India, its framers did borrow features from earlier legislation like the Govt. of India Act of 1858, The Indian Council Acts of 1892, 1861, and 1909, the Govt. of India Acts 1935 and 1919, and the Indian Independence Act of 1947. The latter resulted in the formation of two countries; India and Pakistan. It also split the earlier Constituent Assembly into two parts. Every new assembly possessed sovereign power for drafting as well as enacting a novice Constitution for distinct states.

### **The Offering of the Indian Constitution**

The Constitution of India provides many Fundamental rights to its Citizens. All the rights that the Constitution of India provides are justiciable, and people have every right to move the High Courts and the Supreme Court when their rights are encroached upon. Nonetheless, the Indian Fundamental Rights aren't absolute as reasonable restrictions can get imposed too. In the 42nd Amendment that was done in 1976, fundamental duties were included in the Constitution,

and their purpose was to remind people that besides enjoying their rights as citizens, they must also carry on their duties as duties and rights are correlative.

### **Facts of Indian Constitution**

There are some interesting facts about the Indian Constitution besides the details of a few sections and articles. Students who have been tossing with the idea of pursuing higher education in law should revise the overview of the Indian Constitution. These facts are the following:

- The Indian Constitution is the most voluminous and longest Constitution worldwide.
- The Preamble of the Constitution of India got inspiration from the Constitution and preamble of the USA.
- The actual copies of the Constitution of India weren't printed or typed. They were written by hand, and now they are kept in the Indian Parliament's library.
- Prem Bihari Narain Raizada wrote the actual copies of the Indian Constitution.
- The Indian Constitution recognizes some fundamental rights, and they were embraced from the American Constitution's fundamental rights.
- 283 members signed the original Indian Constitution, and they belonged to the Constituent Assembly.
- The Indian Constitution is regarded as one of the most honoured and best Constitutions worldwide.
- The idea of the 5-year plan was inspired by the USSR or Soviet Union's five planning commissions.
- There are nearly 2.18 crore unresolved cases in the distinct as well as Indian high courts.
- Originally, the Indian Constitution was written in Hindi and English.
- The English variety of the Constitution of India has 1,17,369 words.
- Various artists who hailed from Shantiniketan had decorated the pages of the Indian Constitution.
- On 9th December 1946, the first meeting of the Constituent Assembly took place.
- It took nearly three years to write and complete the Indian Constitution.
- Nearly 2000 amendments were made in the initial draft of the Indian Constitution.
- On 24th January 1950, the Indian Constitution was signed.
- On 26th January 1950, the Indian Constitution was enforced legally.
- The Constitution of India borrowed many things from the Constitutions of different nations, like the USA, the USSR, France, Germany, Japan, etc.

## **2. Explain History of the Indian Constitution in detail.**

### **History**

It was the idea of an Indian Communist revolutionary and political activist Manabendra Nath Roy to have a Constituent Assembly for making of the Indian Constitution. He is considered to be the pioneer of the Communist Movement in India. In 1936, the Indian National Congress (INC) officially demanded a Constituent Assembly to frame the Constitution of India in its Lucknow session. The Drafting Committee bore the responsibility of drafting the Constitutional document. In this article, the history and the preamble of the Constitution as well as the rights provided to the citizen by the State and the duties of citizens towards the State will be discussed.

The first meeting of the Constituent Assembly for the formation of the Constitution of India took place on December 9, 1946, with Dr Sachidanand Sinha as its Interim President. Dr Rajendra Prasad was elected as the President of the Constituent Assembly and H.C. Mukherjee as the Vice President.

After eleven thorough sessions starting from February 1948 to November 1949, the draft was finally passed and accepted on November 26, 1949. All the members of the Assembly signed the official copy of the Indian Constitution which came into effect on January 26, 1950, which has been celebrated as Republic Day in India ever since. It originally contained a Preamble, 395 Articles and 8 Schedules. Some of the provisions such as those related to Citizenship, Elections, Provisional Parliament, etc. were given immediate effect.

There are various layers in the background of the Indian Constitution:

- Regulating Act 1773
- Pitt's India Act 1784
- Charter Act of 1813
- Charter Act of 1833
- Charter Act of 1853
- Government of India Act 1858
- Indian Councils Act 1861
- India Councils Act 1892
- Morley-Minto Reforms 1909

- Montague-Chelmsford Reforms 1919
- Government of India Act 1935
- Indian Independence Act 1947

These acts were in some way instrumental for the development of the Indian Constitution.

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### **History of Indian Constitution – Regulating Act 1773**

- First time the British Parliament resorted to regulating the affairs of the East India Company.
- The Governor of Bengal was made the Governor-General of Bengal ([Warren Hastings](#)).
- An Executive Council of the Governor-General was created with 4 members.
- Centralised the administration with the Presidencies of Madras and Bombay being made subordinate to the Bengal Presidency.
- Supreme Court was established at Calcutta as the Apex Court in 1774.
- Prohibited company officials from engaging in private trade and from accepting gifts from Indians.

Read more about [Regulating Act 1773](#) as an important act in the History of the Indian Constitution, at the linked article.

### **History of Indian Constitution – Pitt’s India Act 1784**

- Commercial and political functions of the company separated. The Court of Directors managed the commercial activities while the Board of Control managed political affairs.
- The company territories in India were called ‘British possession in India’.
- Governor’s Councils were set up in Madras and Bombay as well.

Read more about [Pitt’s India Act 1784](#) in the linked article.

### **History of Indian Constitution – Charter Act 1813**

- This act ended the East India Company’s monopoly over trade with India except in tea and opium. Trade with India was open to all British subjects.

Read more about the [Charter Act 1813](#) in the linked article.

### **History of Indian Constitution – Charter Act 1833**

- Governor-General of Bengal was designated the Governor-General of India ([Lord William Bentinck](#)).
- The legislative powers of the Bombay and Madras Presidencies were removed.
- This act ended the commercial activities of the company and it was transformed into an administrative body.

Read more about the [Charter Act 1833](#) in the linked article.

### **History of Indian Constitution – Charter Act 1853**

- The legislative and executive powers of the Governor-General's Council were separated.
- A Central Legislative Council was created of 6 members out of which 4 were appointed by the provisional governments of Madras, Bombay, Agra and Bengal.
- The Indian civil service was opened as a means to recruit officers for administration through open competition.

Read more about the [Charter Act 1853](#) in the linked article.

### **History of Indian Constitution – Government of India Act 1858**

- After the [1857 revolt](#), the rule of the company was ended and the British possessions in India came directly under the British Crown.
- The office of the Secretary of State for India was created. He was assisted by a 15-member Council of India.
- The Indian administration was under his authority and the Viceroy was his agent. The Governor-General was designated the Viceroy as well ([Lord Canning](#)).
- The Court of Directors and the Board of Control were abolished.

Read more about the [Government of India Act 1858](#) in the linked article.

### **History of Indian Constitution – Indian Councils Act 1861**

- Indians were given representation in the Viceroy's Councils. 3 Indians entered the Legislative Council.

- Provisions were made for the entry of Indians in the Viceroy's Executive council also as non-official members.
- Portfolio system was recognised.
- Decentralisation initiated with the presidencies of Madras and Bombay being restored their legislative powers.

Read more about the [Indian Councils Act 1861](#) in the linked article.

### **History of Indian Constitution – Indian Councils Act 1892**

- Indirect elections (nominations) were introduced.
- Legislative Councils expanded. Gave more functions to the legislative councils such as the discussion of budget and questioning the executive.

Read more about the [Indian Councils Act 1892](#) in the linked article.

### **History of Indian Constitution – Indian Councils Act 1909 (Morley-Minto Reforms)**

- Direct elections to the legislative councils were introduced for the first time.
- Central Legislative Council became the Imperial Legislative Council.
- The number of members of the legislative council was increased from 16 to 60.
- The concept of the separate communal electorate was accepted.
- For the first time, an Indian was made a member of the Viceroy's Executive Council. (Satyendra Prasad Sinha – Law Member).

Read more about [Indian Councils Act 1909](#) in the linked article.

### **History of Indian Constitution – Government of India Act 1919 (Montague-Chelmsford Reforms)**

- Central and provincial subjects were separated.
- Diarchy was introduced in the provincial governments with executive councillors being in charge of the reserved list and the ministers in charge of the transferred list of subjects.
- The ministers were nominated from among the elected members of the legislative council and were responsible to the legislature.



- A bicameral legislature was introduced for the first time at the centre. (Legislative council and legislative assembly later to become Rajya Sabha and [Lok Sabha](#) respectively).
- It mandated 3 members of the Viceroy's executive council to be Indians.
- This act provided for the first time, the establishment of a public service commission in India.
- This act extended the right to vote and with this, about 10% of the population acquired voting rights.

Read more about the [Government of India act 1919](#) in the linked article.

### **History of Indian Constitution – Government of India Act 1935**

- An all-India Federation was proposed which would consist of British India and the princely states. This never materialised though.
- Subjects were divided between the centre and the provinces. Centre was in charge of the Federal List, provinces in charge of the Provincial List and there was a Concurrent List which both catered to.
- Diarchy was abolished at the provincial level and introduced at the centre.
- More autonomy was accorded to the provinces and in 6 out of 11 provinces, the bicameral legislature was introduced.
- A federal court was established and the Indian Council abolished.
- Burma and Aden were severed off from India.
- This act provided for the establishment of the RBI.
- This Act continued until it was replaced by the new Indian Constitution.

Read more about the [Government of India Act 1935](#) in the linked article.

### **History of Indian Constitution – Indian Independence Act 1947**

- India was declared independent and sovereign.
- The Viceroy and the Governors were made constitutional (nominal) heads.
- Set up responsible governments at the centre and the provinces.
- Assigned both legislative and executive powers to the Constituent Assembly of India.