

Political Concepts & Constitution of India (PCCI)

TOPIC: INTRODUCTION TO THE
CONSTITUTION OF INDIA

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Objective

- A brief study on the historical background of the making of the Constitution.
- Understand the significance of the Constitution as the fundamental law of the land.
- Identify the basic principles of Preamble and their reflection on the constitutional provisions
- Identify the main features of the Constitution of India
- Distinguish between a written and an unwritten, as well as a rigid and a flexible constitution
- Analyze the nature of the Indian Constitution.

Introduction

- The Constitution of India is one of the finest-crafted Constitutions in the World. This Constitution is made by the Constituent Assembly under the Cabinet Mission plan.
- The Constitution of India is very dynamic creation of our lawmakers.
- Indian constitution, one of the utmost admired constitutions in the world was enacted after ‘ransacking’ all the known constitutions of the world at that time.
- This constitution that we have enacted has stood the test of times
- The Constitution of India as we all know is a supreme law of the country and every citizen of our country has to abide by the constitution.
- It took 2 years, 11 months and 18 days to complete our Constitution.
- This Constitution was enforced from 26 January 1950

A Brief Historical Background To The Making of the Constitution

- Causes for the birth of Indian National Movement.
- Phases of Indian National Movement
 - Moderates Phase 1885-1905
 - Extremists Phase 1906-1919
 - Gandhian Phase 1920-1947
- Various Reforms and Acts:
 - Minto Morley Reforms Act 1909
 - Montague Chelmsford Reforms 1919
 - Government of India Act 1935
- Independence Act 1947
- Constituent Assembly and Drafting Committee.

PREAMBLE

THE CONSTITUTION OF INDIA

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **SOVEREIGN 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 of the Nation ;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

THE ORIGINAL



सत्यमेव जयते

CONSTITUTION OF INDIA

Preamble

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, economics and political:

LIBERTY

of thought, expression, brief, faith and worship

EQUALITY

of status and of oppertunity; and to promote among them all

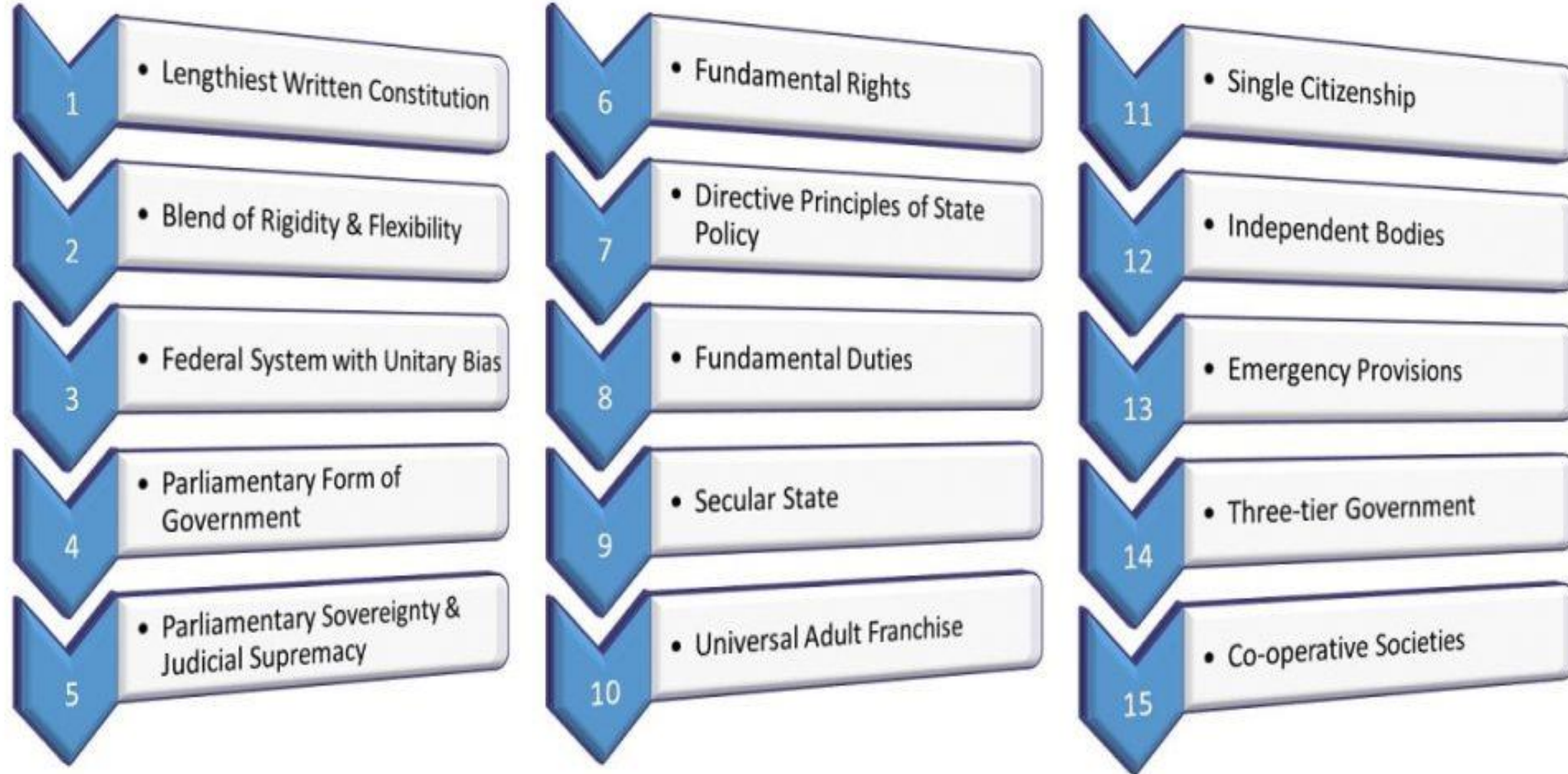
FRATERNITY

assuring the dignity of the individual and the unit and integrity of the Nation

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THUS CONSTITUTION**

THE LATER

Salient Features of the Indian Constitution



Longest Written Constitution in the World

- The Constitution of India is the longest written Constitution in the World.
- It is because not only the essential rights are given under it but detailed administrative instructions are also mentioned.
- Our constitution has given the place to various organizations like Civil services (under Article 308- 323).
- One of the other reasons why this Constitution is so huge is because there is a single Constitution for the entire India.
- Originally, it had 395 Articles divided into 22 Parts and 8 Schedules.
- At present it has 448 Articles, 25 Parts and 12 Schedules.
- There were 25 Parts till last year when Supreme Court in Rajesh Shah judgement outlawed Part 9(B) dealing with cooperatives.

Framed From Different Sources.

- The basic structure of the constitution is taken from the Government of India Act 1935.
- The provision of Fundamental rights is taken from the American Constitution.
- Directive Principles are taken from the Irish Constitution.
- Cabinet form of Government is sourced from British Constitution. Apart from these, there are many provisions added to the constitution of Canada, Germany, France, and the USSR.
- The Indian Constitution is considered unique because it is sourced from major constitutions in the world and consolidated as one with some modifications to suit Indian needs and requirements.

Federal System with Unitary Features

- The Indian constitution comprises of federal features like two government systems - Central and State governments, powers are divided between three organs - Legislative, executive, and Independent judiciary etc.
- Besides this, the Indian Constitution is also unique as it organizes All India services.
- If we read Article 1 of the Indian Constitution, it is clearly mentioned that India is a "Union of states" and is not a federation of states.
- Also from Article 3 of the Indian Constitution, it is clear that Parliament is the only authority that can make separate states.
- The Governors of the State are appointed by the Central Government.
- Single Constitution for all the States.

Independent as Well As Integrated Judicial System

- In India, there is a single integrated system of judiciary where the Supreme Court is the supreme authority to make decisions.
- The other salient features of the Indian Judiciary are -
 - i) In India judges of the Supreme Court and High Court are appointed through the collegium system.
 - ii) If there is a need to remove any judge, the procedure of impeachment has to be followed.
 - iii) Salaries and pensions of Supreme Court judges are paid from the Consolidated Fund of India.
 - iv) After retirement Supreme Court judges are banned from practice.

Directive Principles of State Policy

- Part IV of the Indian Constitution deals with the Directive Principles of State Policy.
- It is the duty of every State to apply these principles while making any new legislation.
- The Directive Principles of State Policy is similar to the 'Instrument of Instructions' that is in the Government of India Act 1935.
- They are basic instructions to the legislature and executive that have to be followed while framing new legislation by the State.

Parliamentary Form of Government

- Executive forms a part of the legislative system.
- A democracy where the political party with majority seat rules.
- Cabinet form of government.
- Prime Minister at the Centre and Chief Minister at the state level are the heads of the government at respective levels.
- Council of ministers are collectively responsible to the lower house.
- The lower house is subject to Dissolution.

Flexible As Well As Rigid

- The Indian constitution is best known in the entire world for keeping the perfect balance between rigidity and flexibility.
- The Indian constitution provides the amendment provision in its article 368.
- Article 368 states that -
- Some amendments can be made only by securing a simple majority of both the houses of parliament.
- By special majority, it means 2/3rd majority of the total members of each house.
- There are some more provisions that can be amended with the special majority of members of parliament along with the ratification of at least 50% of the total states.

Fundamental Rights

- Part-III Articles 12 to 35 deals with the Fundamental Rights of the Indian Citizens.
- Originally ,Seven Fundamental Rights were listed.
- After 44th Amendment Act ,1978 only Six Fundamental Rights are guaranteed .
- The are:
 - Right to Equality (Article 14-18)
 - Right to Freedom (Article 19-22)
 - Right against Exploitation (Article 23-24)
 - Right to Freedom of Religion (Article 25-28)
 - Cultural and Educational Rights (Article 29-30)
 - Right to Constitutional Remedies (Article 32)

Fundamental Duties

- The Swarna Singh Committee of 1976 added a list of 10 Fundamental Duties in the constitution by adding a new Part-IVA and Article-51A in the constitution is inspired by the Constitution of Russia.
- The 11th fundamental duty which was added to this list is:
To provide opportunities for education to children between 6-14 years of age, and duty as parents to ensure that such opportunities are being provided to their child.
- The 11 fundamental duties look at the crisis in Indian society and become a tool for straightening it out.
- They serve as a source of protection for the liberty of the people.

Secularism

- The Constitution of India stands for a secular state, i.e. it gives equal importance to all religions.
- It also does not uphold any particular religion as the official state religion.
- The Western concept of secularism connotes a complete separation between religion and the State.
- This concept is inapplicable in the Indian situation where the society is multireligious.
- Hence, the Indian Constitution embodies the positive concept of secularism, i.e. giving equal respect to all religions and protecting all religions equally.

Universal Adult Franchise

- The concept of Universal Adult Franchise/Adult suffrage allows every citizen of India who is above eighteen years the right to vote in democratic elections.
- Any adult who is eligible to vote should not be discriminated against on the basis of gender, caste and religion.
- This provision was added in the 61st amendment which is also known as the Constitution Act, 1988, which changed the voting age from 21 to 18.
- Article 326 of the Indian Constitution guarantees this right.

Single Citizenship

- In India, Article 5 to 11 of Part II of the Constitution states certain rules about citizenship.
- However, it does not contain any provisions in detail.
- It seeks to identify people who became Indian citizens on the starting date of the constitution (26 January 1950).
- Additionally, the Citizenship Act, of 1955 contains the provisions and conditions for citizenship.
- Citizenship in India can be acquired by:
 - Birth
 - Registration
 - Descent
 - Naturalisation
 - Incorporation of a territory

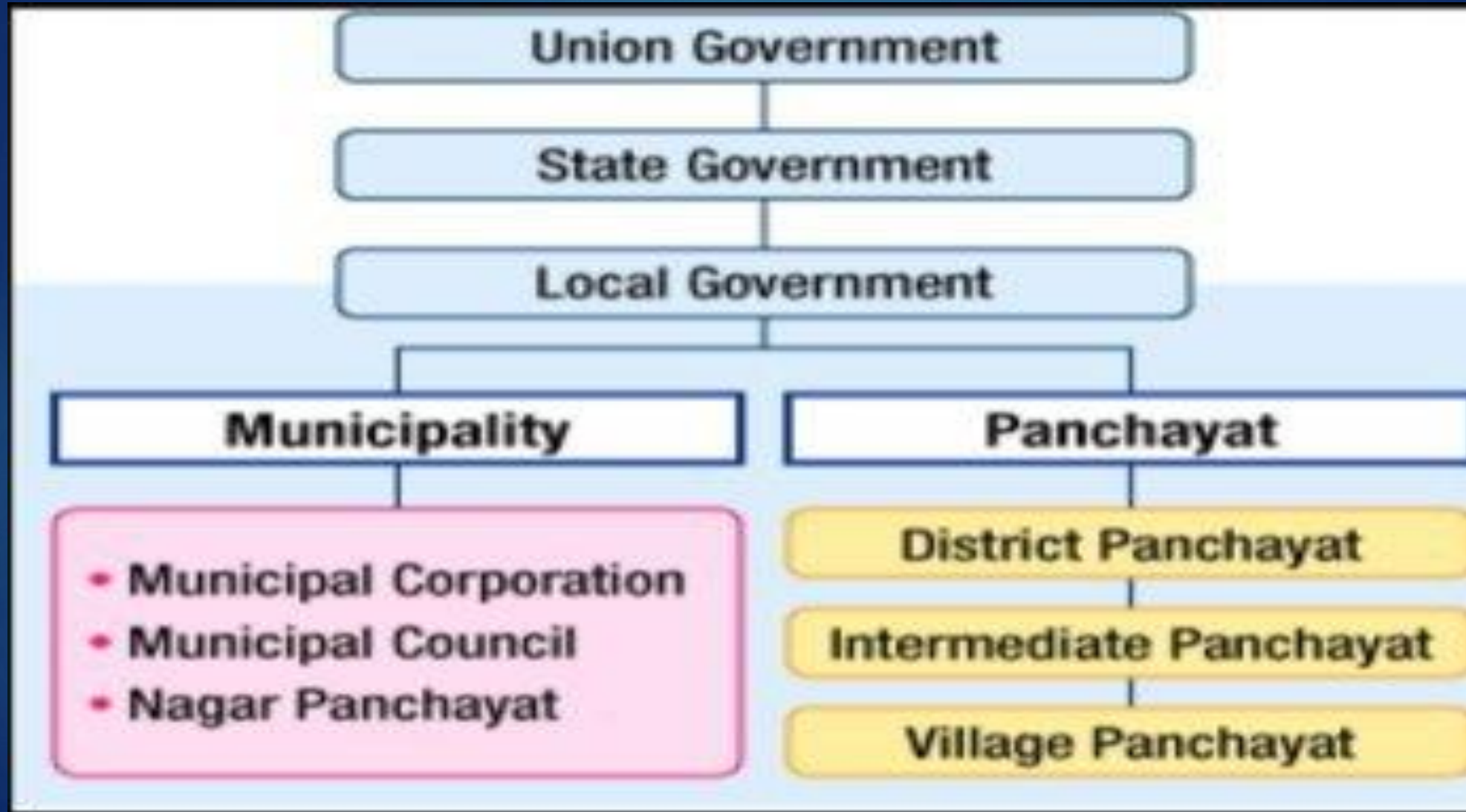
Independent Bodies

- An independent body is a group employed to give a view without bias. and are mainly employed to review public services.
- Constitutional bodies in India are established and mentioned by the Constitution of India.
- They get their authority and power from the Constitution itself.
- Any change in these bodies functioning and working mechanisms requires an amendment to the Constitution.
- In India, there are several independent bodies such as:
 - Election Commission.
 - Finance Commission.
 - Comptroller and Auditor General of India.
 - Supreme Court Of India.
 - Central Vigilance Commission.

Emergency Provisions

- A state of emergency in India refers to a period of governance that can be proclaimed by the President of India during certain crisis situations.
- The emergency provisions are contained in Part XVIII of the Constitution of India, from Article 352 to 360.
- The rationality behind the incorporation is to safeguard the sovereignty, unity, integrity and security of the country, the democratic political system and the Constitution.
- Borrowed from the Constitution of Germany.
- The Constitution stipulates three types of emergencies-
 - National Emergency Article 352
 - Constitutional Emergency Article 356
 - Financial Emergency Article 360

Three Tier Government



Constitutional Provisions for Co-operative Societies

- Cooperatives are organizations formed at the grassroots level by people to harness the power of collective bargaining in the marketplace.
- Cooperatives are a state subject under the Constitution.
- In the realm of cooperatives, a lot has changed since 2002. Cooperation was a division of the Ministry of Agriculture at the time. However, the government established a separate Ministry of Co-operation in July 2021.
- By way of the 97th Constitutional Amendment Act of 2011, Section IXB was added to the Constitution to provide constitutional status to co-operative societies.
- The ability to establish cooperative societies is a part of the right to freedom under the 97th Amendment ,Article 19(1).
- As one of the DPSPs, the promotion of cooperative societies was added (Article 43-B).
- Recently introduced Multi-State Co-operative Societies (Amendment) Bill 2022, aim at overhauling the Multi-State Co-operative Societies Act, 2002.

Basic Structure Doctrine

- The basic structure doctrine is an Indian judicial norm that the Constitution of India has certain basic features that cannot be changed or destroyed through amendments by the parliament.
- The basic features of the Constitution have not been openly defined by the Judiciary.
- At least, 20 features have been described as ‘basic’ or ‘essential’ by the Courts in numerous cases, and have been incorporated in the basic structure.
- In *Indira Gandhi v. Raj Narayan* case and also in the *Minerva Mills* case, it was witnessed that the claim of any particular feature of the Constitution to be a ‘basic’ feature would be determined by the Court in each case that comes before it.

Some Case Laws Relating to the Salient Features of the Indian Constitution

- In the case of State of UP v. Rehmatullah,(1971) it was held by the Court that the Central Government is authorized for taking any actions against the people who have residing in India despite having lost Indian citizenship by acquiring foreign citizenship.
- In the case of AIIMS Students Union v. AIIMS,(2001) it was held by the Supreme Court that the Fundamental Duties are as important as the Fundamental Rights and that they cannot be overlooked.
- In the case of Olga Tellis v. Bombay Municipal Corporation, (1985)it was held by the Supreme Court that the Directive Principles of State Policy are fundamental in the country's governance. Therefore, it should be given equal importance in understanding the Fundamental Rights Article 21.

- In the case of *Shayara Bano v. UOI*,(2017) it was held by the Supreme Court that Judicial Review has to be exercised in line with the social values and must be supplemental to the changing of social needs..
- *S.R. Bommai v. Union of India*-(1994) It was held that the Secularism is one of the basic features of the Indian Constitution and also mentioned that all religions are equal for the concept of Secularism.
- *Samantha v. State of Andhra Pradesh*-(1997) “The term “socialist” is used to reduce income and status inequality and to provide equality of opportunity and amenities.
- *St. Stephen’s College v. The University of Delhi*-(1991) The state should provide equal legal protection to all citizens and non-citizens in the territory and no one should be denied such protection.

Conclusion

- The Indian Constitution has many unique features which makes it special.
- The lawmakers have taken all the factors into consideration and have tried to accommodate all the differences in our Country.
- The Constitution and various rights provided in the Constitution acts as a guardian to our citizens.

THANK YOU

QUIZ

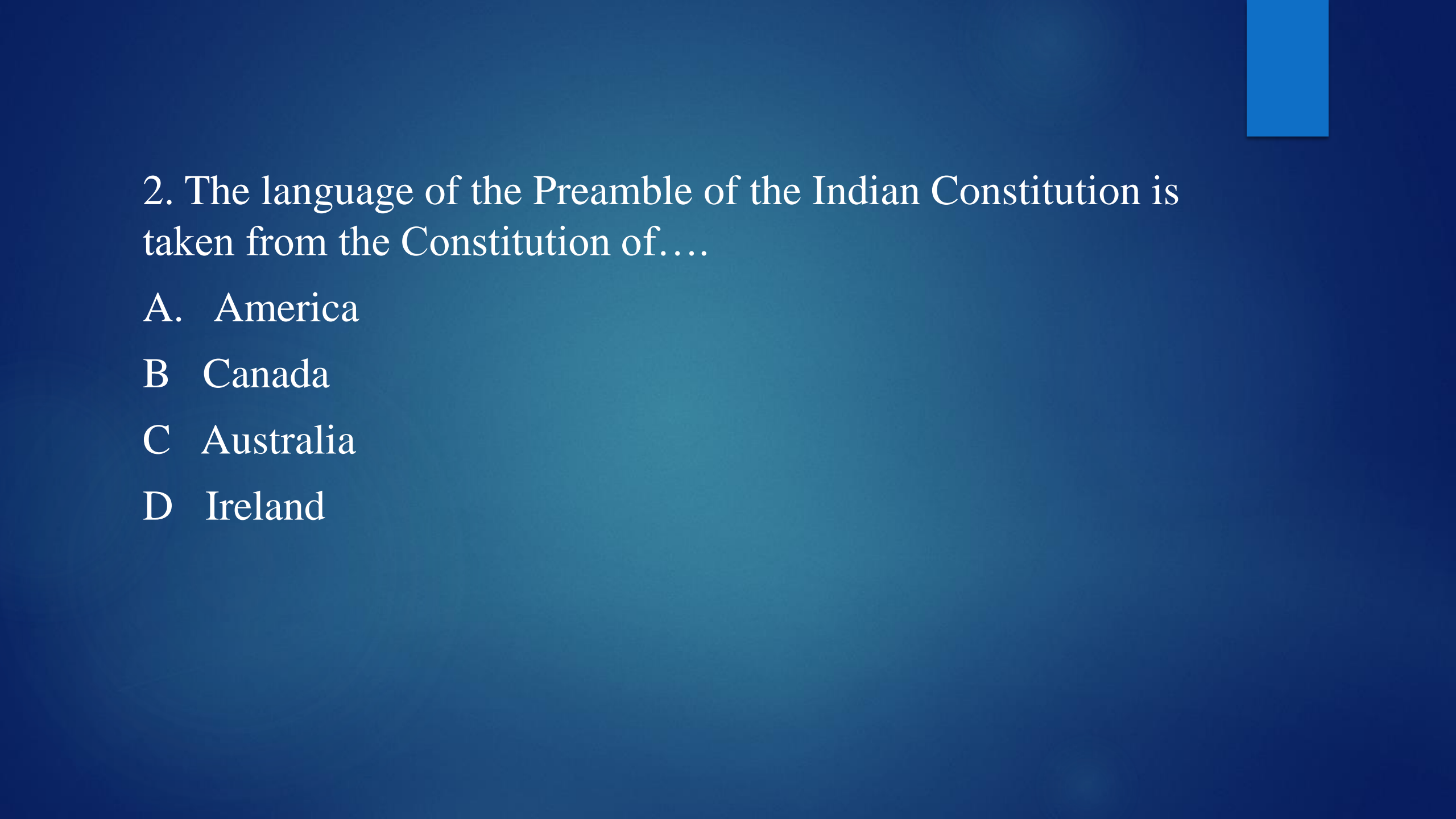
1. Who among the following said that the Preamble of the Indian Constitution is the “The Keynote of the Constitution”.

A. Earnest Barker.

B. Jawahar Lal Nehru.

C. Dr. B. R. Ambedkar.

D . Nelson Mandela



2. The language of the Preamble of the Indian Constitution is taken from the Constitution of....

A. America

B. Canada

C. Australia

D. Ireland

3. Which of the following statement is not true-

A. The date of implementation of the Indian Constitution is Nov. 26, 1949.

B. The word Secular was added by the 42 Amendment Act.

C. The 42nd Amendment Act was done n 1976.

D. Social, Economic and Political Justice is taken from the Russian Revolution in the Indian Constitution.



4. Which case is not correct in the case of Sovereign India

A. India is not dependent on any other country.

B. India is not the colony of any other country.

C. India can give any part of the country to any other country.

D. India is obliged to obey the UN in internal affairs

5. K.M Munshi was related to.....

A. Constitution Drafting Committee

B. Preamble Committee.

C. Public Accounts Committee

D. None

6. Which year is related to Berubari Case?

A 1972

B. 1976

C 1970

D 1960

7. What is the meaning of Secular?

A. All religions are equal before the law.

B. Special importance to a religion related to the minorities.

C. One religion is promoted by the Government.

D. None

8. Which of the following words has not been written in the Preamble of the Indian Constitution

- A. Sovereign
- B. Socialist
- C. Democratic
- D. Indians

9. What is the meaning of Social Equality in the Indian Constitution.

A Lack of opportunities

B Lack of Equality

C Equal opportunities for all sections of societies

D None

10. Which of the following statements is true-

A. The Berubari Case of the Supreme Court held that the Preamble is not part of the Constitution.

B. The Keshav Nanda Bharathi Case, the Supreme Court held that the Preamble is part of the Constitution.

C. Preamble of the Indian Constitution is taken from the Constitution of Canada.

D. None

11. Who introduced 'Objective Resolution' in the Constituent Assembly?

- A. Mahatma Gandhi.
- B. Jawahar Lal Nehru.
- C. B. R Ambedkar
- D. Dr. Rajender Prasad.



12. Which of the following provisions is not borrowed from the Canadian Constitution?

A. Federal system with fortified centre.

B. Appointment of the State Governor by the Centre.

C. Advisory adjudication of the Supreme Court.

D. Nomination of the members of Rajya Sabha.

13. The concept of Five Year Plan is borrowed from the Constitution of_____ .

A. Russia.

B. England.

C. The United States.

D. Germany.

14. In the Indian Constitution the Section of Citizenship draws inspiration from which Constitution -----

A. France

B. U.S.A

C. Australia

D. United Kingdom



15. In which Schedule of the Constitution the List of States and Union Territories given -----

A. First Schedule

B. Second Schedule

C. Fourth Schedule

D. Sixth Schedule.