

CONSTITUTION OF INDIA

THE PEOPLES' POWER

SALIENT FEATURES

- 1. DRAWN FROM DIFFERENT SOURCES;**
- 2. LONGEST KNOWN CONSTITUTION:**
 - **Incorporates accumulated experience of different Constitutions;**
 - **Detailed Administrative Provisions included;**
 - **Peculiarity of the Problems to be solved;**

SALIENT FEATURES

- **Constitutions of the Units also included;**
- **Federal Relations elaborately dealt with;**
- **Deals with 'Justiciable' and 'Non-Justiciable' Rights.**

3. BALANCE BETWEEN FLEXIBILITY & RIGIDITY:

- **Legislations as Supplementing the Constitution.**

SALIENT FEATURES

4. **CONVENTIONS RETAINED;**

5. **JUDICIAL REVIEW:**

➤ **Compromise between Judicial Review & Parliamentary Supremacy;**

6. **SOCIAL EQUALITY GUARANTEED;**

7. **UNIVERSAL FRANCHISE WITHOUT COMMUNAL REPRESENTATION;**

SALIENT FEATURES

**8. PARLIAMENTARY SYSTEM
ADOPTED;**

9. FEDERAL SYSTEM-UNITARY BIAS:

➤ **Characteristics of Federal Systems:**

- **Written Constitution;**
- **Dual Governments;**
- **Distribution of Legislative Powers;**
- **Independent Judiciary.**

SALIENT FEATURES

Centre-State relations

- **Distribution of Legislative Powers**
 - **Union List;**
 - **State List;**
 - **Concurrent List.**
- **Parliamentary Law in State List:**
 - a. In national interest: [Art. 249]**
 - **Rajya Sabha Resolution – 2/3rd Majority;**
 - **Remain in force for one year unless extended by another resolution;**

SALIENT FEATURES

Centre-State relations

- b. During Emergency (Art. 250):**
 - **Valid during the period;**
 - **Ceases after 6 months of expiration of Emergency.**
- c. Parliament to Legislate for two or more States by consent (Art. 252)**
 - **Resolution by 2 or more State Legislative Assembly;**
 - **Adopted by other States;**
 - **Amendment or Repeal by Parliament.**

SALIENT FEATURES

Centre-State relations

d. Giving effect to International Treaty or Agreement or Convention (Art. 253)

➤ **Administrative Relations: Obligation of States & Union**

a. States to ensure compliance of laws made by Parliament;

b. Directions by the Union to States for this.

SALIENT FEATURES

Centre-State relations

- c. State executive power not to impede with executive power of the Union;**
- d. Directions by Union to States for:**
 - o Construction & maintenance of means of communication of national or military importance;**
 - o Measures to be taken by States for the protection of railways within the State.**

SALIENT FEATURES

Centre-State relations

- **Effect of failure to comply with, or give effect to directions of the Union:**
 - **Situation has arisen in which the govt. of the State cannot be carried on in accordance with the provisions of the Constitution;**
 - **Result – Imposition of President's Rule.**

SALIENT FEATURES

Centre-State relations

SETTLEMENT OF DISPUTES

- a. **Original jurisdiction of Supreme Court in any dispute:**
- **Govt. of India and one or more States;**
 - **Between above and any State or States;**
 - **Between two or more States;**

SALIENT FEATURES

Centre-State relations

- b. Adjudication of disputes relating to waters of Inter-State rivers or river valleys**
 - As per Parliamentary Law;**
 - Exclusion of jurisdiction of Courts.**

CO-ORDINATION BETWEEN STATES

- a. Inter-State Council;**
- b. Zonal Councils.**

PREAMBLE

We the people of India to constitute India into a sovereign, socialist, secular and 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 opportunity;

PREAMBLE

**AND to promote among them all
FRATERNITY assuring the dignity of the
individual and the unity and integrity of
the Nation;**

**In our constituent Assembly this twenty
sixth day of November, 1949, do hereby
Adopt, Enact and Give to ourselves this
Constitution.**

FUNDAMENTAL RIGHTS

STATE [ARTICLE 12] INCLUDES:

- **Government and Parliament of India;**
- **Government and Legislature of each of the States;**
- **All Local or other authorities:**
 - **Within the territory of India or**
 - **Under the control of the Government of India.**

FUNDAMENTAL RIGHTS

LAWS INCONSISTENT WITH OR IN DEROGATION OF FUND. RIGHTS

Art. 13 (2): The State shall not make any law which takes away or abridges the rights conferred by this part and any law made in contravention of this clause shall, to the contravention, be void.

13 (4) – Non-application to amendments.

FUNDAMENTAL RIGHTS

- **Right to Equality (14 – 18);**
- **Right to Freedom (19 – 22);**
- **Right against Exploitation (23 – 24);**
- **Right to Freedom of Religion (25 – 28);**
- **Cultural & Educational Rights (29 – 30);**
- **Right to Constitutional Remedies (32 – 35).**

RIGHT TO EQUALITY

EQUALITY BEFORE LAW:

ARTICLE 14 – The State shall not deny any *person* equality before the law or the equal protection of the laws within the territory of India.

RIGHT TO EQUALITY

Article 15 (1) and (2) - No discrimination on grounds of religion, race, caste, sex, place of birth for the following:

A. Access to shops, public restaurants, hotels, places of public entertainment.

B. Use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated for the use of general public.

RIGHT TO EQUALITY

Art. 15 (3) – Special provision for women and children.

Art. 15 (4) – Special provision by State for advancement of any socially and educationally backward classes or for SC, ST.

Art. 15 (5) – Special provision for admission to educational institutions.

FUNDAMENTAL RIGHTS

Equal opportunity in matters of Public Employment

16 (1) – There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State;

FUNDAMENTAL RIGHTS

16 (2) – No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of any employment or office under the State.

16 (3) – Law requiring residence in a particular State or UT prior to employment.

FUNDAMENTAL RIGHTS

16 (4) – Nothing in this article shall prevent the state from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the state, is not adequately represented in the services under the state.

FUNDAMENTAL RIGHTS

16 (4A) – [77th Amendment, 17.6.1995]

Nothing in this article shall prevent the state from making any provision for reservation in matters of promotion, with consequential seniority*, to any class or classes of posts in the services under the state in favour of the scheduled castes and the scheduled tribes which, in the opinion of the state, are not adequately represented in the services under the state. [*85th Amendment Act, 2001 w. e. f. 17.6.1995]

FUNDAMENTAL RIGHTS

RIGHT TO FREEDOM

19 (1) (a) – Freedom of Speech and Expression.

19 (2) – Reasonable Restrictions in the interests of :

- **Sovereignty and Integrity;**
- **Security of the State;**
- **Friendly relations with foreign States;**

FUNDAMENTAL RIGHTS

- **Public Order;**
- **Decency and Morality;**
- **In relation to contempt of court;**
- **In relation to defamation;**
- **In relation to incitement to an offence.**

19 (1) (b) – To assemble peaceably and without arms.

FUNDAMENTAL RIGHTS

19 (3) – Reasonable restrictions in the interests of:

- **Sovereignty and integrity;**
- **Public Order.**

19 (1) (c) – Form associations or unions;

19 (4) – Reasonable restrictions:

- **Sovereignty & Integrity of India;**
- **Public Order or Morality.**

FUNDAMENTAL RIGHTS

19 (1) (d) – To move freely throughout the territory of India.

19 (1) (e) – To reside and settle in any part of the territory of India.

19 (5) – Reasonable restrictions in the interests of:

- **General public;**
- **Protection of the interests of scheduled tribes.**

FUNDAMENTAL RIGHTS

19 (1) (g) – To practice any profession, or to carry on any occupation, trade or profession.

19 (6) – Reasonable restrictions:

- **Prescribe professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business;**

FUNDAMENTAL RIGHTS

- **The carrying on by the State, or by a corporation owned by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.**

FUNDAMENTAL RIGHTS

Remedies for enforcement of rights conferred by Part III.

32 (1) – Right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this part is guaranteed.

32 (2) – Supreme Court has the powers to issue Writs in the Nature of:

FUNDAMENTAL RIGHTS

WRITS

- **Habeas Corpus;**
- **Mandamus;**
- **Prohibition;**
- **Certiorari.**
- **Quo Warranto;**

DIRECTIVE PRINCIPLES

Article 39: The State shall, in particular, direct its policy towards securing –

- (b) That the ownership and control of the material resources of the community are so distributed as best to subserve the common good;**
- (c) That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.**

DIRECTIVE PRINCIPLES

IN THE NATURE OF IDEALS:

- **Welfare of people, social, political and political justice;**
- **Minimise inequalities in income, status, facilities and opportunities;**
- **Just and human conditions, living wage, decent standard of living;**
- **Level of nutrition, improve public health;**

DIRECTIVE PRINCIPLES

- **Securing equitable distribution of material resources of the community and prevention of concentration of wealth and means of production. [39 (b) and (c);**
- **International peace and amity;**

DIRECTIVE PRINCIPLES

SHAPING THE POLICY OF THE STATE

- **Uniform civil code;**
- **Free & compulsory education;**
- **Development of cottage industries;**
- **Agriculture & animal husbandry on modern lines;**
- **Organise village panchayats;**
- **Protect & maintain places of historic or artistic interest;**

DIRECTIVE PRINCIPLES

NON-JUSTICIABLE RIGHTS

- Adequate means of livelihood;
- Equal pay for equal work for both sexes
- Free legal aid;
- Right to work;
- Humane conditions of work & maternity relief;
- Of workers in management of industries
- Free & compulsory education.

FUNDAMENTAL DUTIES

- **Abide by the Constitution, respect National Flag and Anthem;**
- **Cherish & follow noble ideals which inspired freedom struggle;**
- **Uphold & protect sovereignty, unity and integrity;**
- **Defend the country and render national service when called upon to do so;**

FUNDAMENTAL DUTIES

- **Promote harmony, common brotherhood.....renounce practices derogatory to the dignity of women;**
- **Value and preserve rich heritage of our composite culture;**
- **Protect and improve environment and have compassion for living creatures;**
- **Develop scientific temper, humanism & spirit of inquiry and reform;**

FUNDAMENTAL DUTIES

- **Safeguard public property;**
- **Strive towards excellence in all spheres of individual and collective activity;**
- **Parent and guardian to provide opportunities for education of the child between the age of six and fourteen years.**

**THANK
YOU**