

INTRODUCTION TO POLITY AND POLITICS

Difference between Politics and Polity

- Politics is Subject
- Polity is Application
- Indian Politics means Political structure in India.
- Indian Polity means how they are working in India.

Political Science

- Meaning
- Nature and Scope of Political Science
- Importance of Study of Political Science

Meaning

- Political Science is the study of the STATE
- The word Polity means - Form of Government.
- The word is derived from Greek word - 'POLIS' which means 'City State' or 'the state'
- Deals with-
 - i, State and Government
 - ii, How people are to be ruled.
 - iii, Problems of the state.

Nature and Scope of Political Science

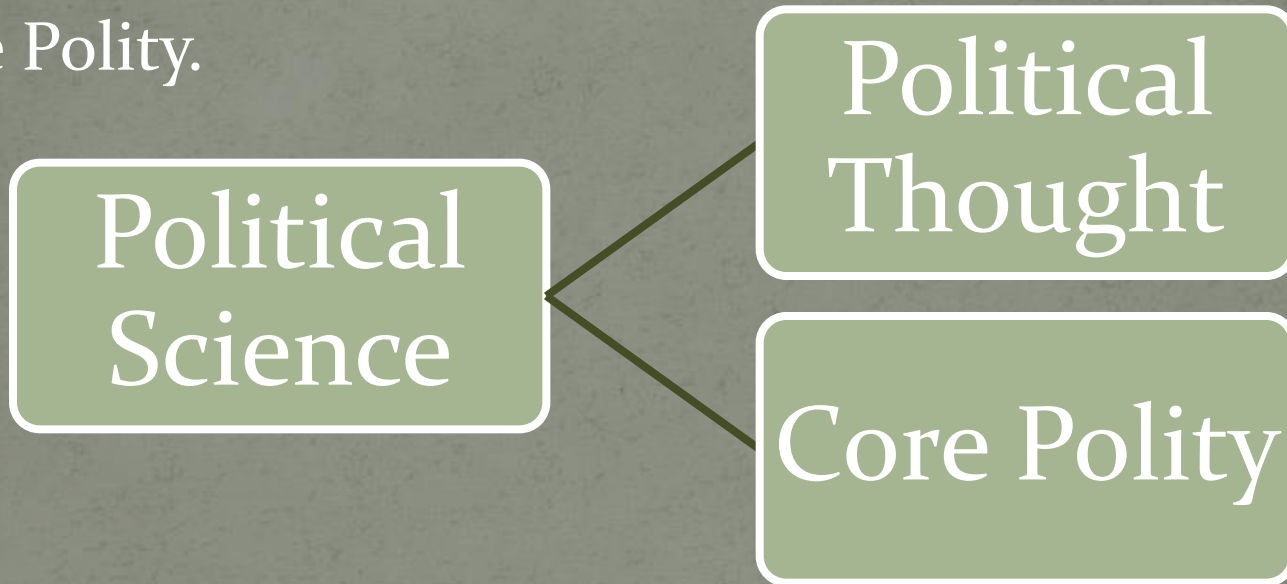
- The organisation of the Government
- A study of Man as a Citizen
- Study of Associations and Institutions
- Study of National and International Problems
- New Ideals and Principles
- Concept of power.

Why to study Political Science?

- The Study of Political Science can evolve individuals into rulers, leaders, social reformers and philosophers.
- Marks in exams.

Political Science

- Political Thought.
- Core Polity.



Political Thought deals with theories

- Greek/European Political Thought
- Indian Political Thought

Greek/European Political Thought

- Socrates - Greek Philosopher.
- Plato (427- 347 BC) - The Republic, The Statesmen, The Laws.
- Aristotle (384 - 322 BC) - Politics, Athens Constitution, Wealth of Nations.
- St. Thomas Aquinas - (1227 - 1274) - Christianized Aristotle –
Classification of Laws: External Law, Natural Law, Human Law, Divine Law
- Machiavelli (1469-1527) - The Prince
- Thomas Hobbes(1588 - 1679) - Leviathan.
- John Locke(1632 - 1704) - Two Treaties on Civil Government,
Glorious Revolution(1690)
- J.J. Rousseau (1712 - 1755) – General Will
- Bentham - Theory of Utilitarianism
- John Stuart Mill - Concept of Liberty, Representative Government.
- Friedrich Hegel - Theory of Dialectic
- Karl Marx - Communist Manifesto(1848), Das Capital(1867)
- Antonio Gramsci - Concept of Cultural Hegemony

Indian Political Thought

Vedic Literature:

-Shruti Literature :

Vedas,
Brahmanas
Aranyakas
Upanishads

-Smriti Literature:

Vedanga
Shatdarshana(Nyaya, Vaisheshika,
Samkhya, Yoga, Mimansa, Vedanta)
Epics (Mahabharatha, Ramayana)
Puranas

Indian Political Thought

- Others: Raja Shastra, Dandaneethi, Neetishsasthra, Raja Dharma, Varna Dharma,
- Artha Sastra - Kautilya (Saptanga Theory - Swamy, Bala, Janapada, Durga, Kosa, Mitra, Danda)
- Nitivakyamrutha - Somadevasuri
- Sukraniti - Sage Sukra
- Tirukkaral - Thiruvalluvar
- Silappadikaram - Ilangovadigal
- Abhiashitha Chintamani, Mansollasa - Chalukyan king Someswara
- Amukthamalyada - Sri Krishna Deva Raya
- Raja Neethi Ratnakara - Chandeswara
- Raja Neethi Kalpatharuvu - Devana Bhatta
- Raja Neethi Prakasha - Mitramisra
- Neethi Majuka - Neela kanta

Indian Political Thought

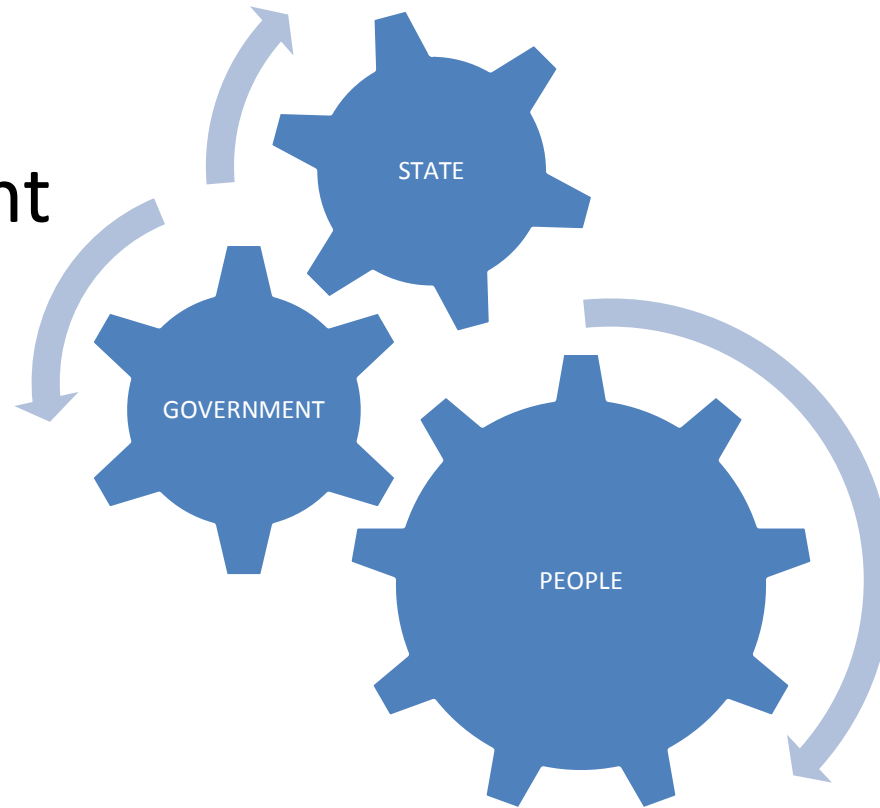
- Megasthenese Indica - Megasthenese
- Sarvodaya Concept – M. K. Gandhi
- Nehru Ideas
- Ambedkar Ideas
- Radical Humanism - M.N. Roy



Fundamentals of Political Science

Key Players

- State
- Government
- People



Players



EDUCATION



HEALTH



SHELTER



STATE

- State is a Political organisation.
- State is Abstract not visible.
- State is Permanent.
- State is Sovereign.
- There can be no rights against the state.
- People living in State are called Citizens.

Government

- Government is the agent through which the will of the state is expressed.
- Government is concrete. It is visible.
- Government is temporary.
- Government is not sovereign. It derives its powers from the state.
- Government is one of the four elements of the state.
- There can be rights against the government

Elements of State

1. Population
2. Territory
3. Government
4. Sovereignty
5. International Recognition

Elements of the State

- Population
 - People living within the state.



Elements of the State

- Territory
 - Demarcated area that rightly belongs to the population.



Elements of the State

- Government
 - The agent through which the welfare is reached to population.

2014 Lok Sabha Elections: Modi Emerges Victorious

This remarkable journey of the grassroots leader reached a watershed moment when his party registered its finest performance in the **Lok Sabha elections**

winning **282 seats** formed the **NDA government**

Modi, as anticipated, won from both the seats he contested

Unanimously elected as the **15th Prime Minister of India**

The infographic features a portrait of Narendra Modi on the left, gesturing with his hand. The background is orange with a green triangle at the bottom right. The text is in white and brown, highlighting the election results and Modi's role as Prime Minister. The BJP lotus logo is in the bottom right corner.

Elements of the State

- Sovereignty
 - The supreme power of the state to command and enforce obedience to its will from the people within its jurisdiction and have freedom from foreign control.



Elements of the State

- International Recognition
 - The state should be recognized by other international states.



Origin of State

- Divine Origin Theory
- Force Theory
- Social Contract Theory
- Patriarchal Theory
- Matriarchal Theory
- Evolutionary Theory

ORGANS OF GOVERNMENT

ORGANS OF INDIAN GOVERNMENT

- Legislature - 1st Estate
- Executive - 2nd Estate
- Judiciary - 3rd Estate
- Press & Media - 4th Estate

GOVERNMENT OF INDIA



सत्यमेव जयते
Government of India

Legislature

- The Parliament
Loksabha
Rajyasabha

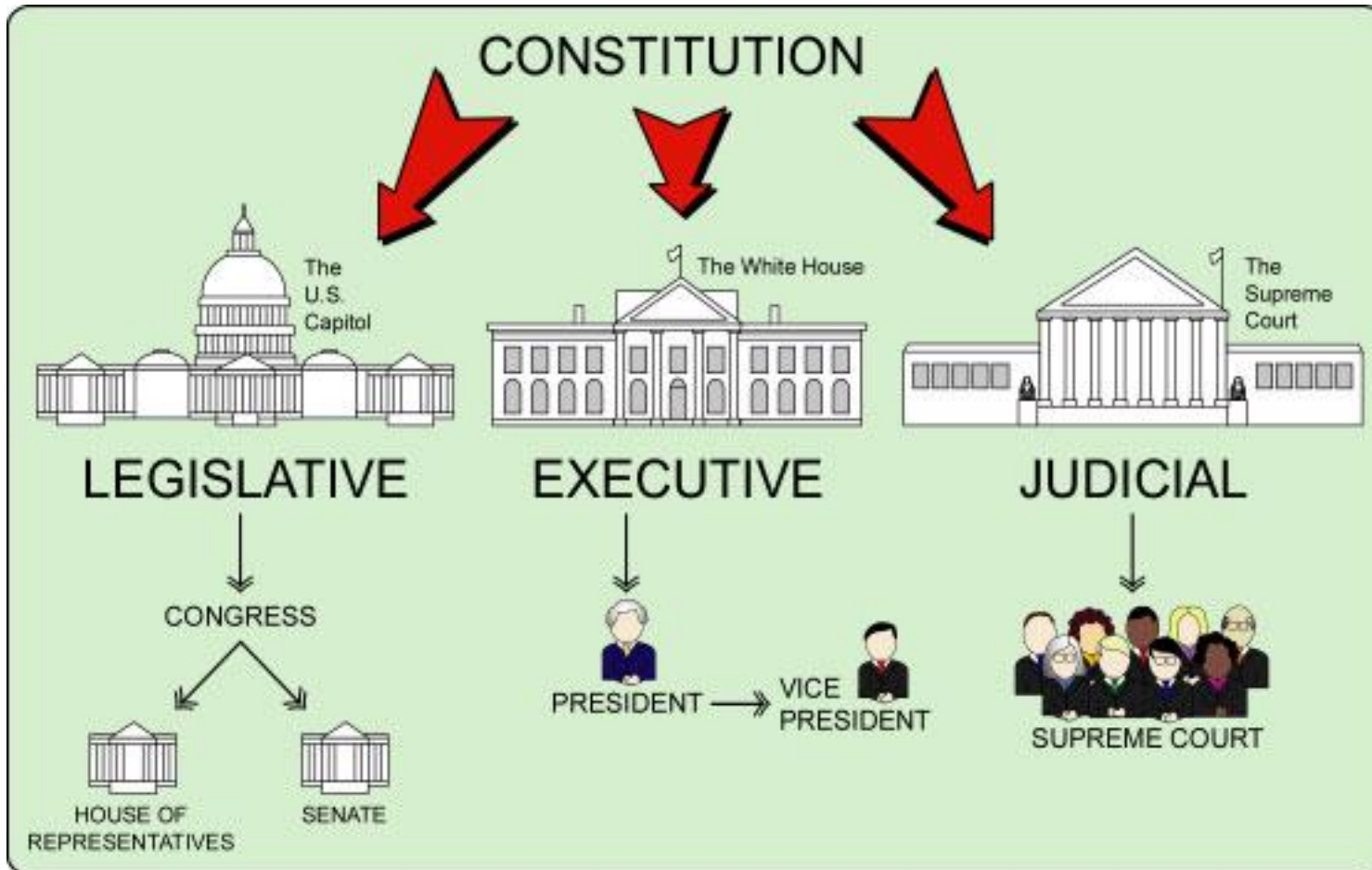
Executive

- President
- Vice-president
- Prime Minister
and Council of
Ministers

Judiciary

- Supreme Court
- High Court and
sub-ordinate
courts

GOVERNMENT OF USA



Types of Governments

- Define the different types of governments (i.e., democracy, autocracy, oligarchy, monarchy, and dictatorship).



VOTE



Democracy



- In a democracy, the government is elected by the people. Everyone who is eligible to vote has a chance to have their say over who runs the country. It is distinct from governments controlled by a particular social class or group (aristocracy; oligarchy) or by a single person (despotism; dictatorship; monarchy).
- A democracy is determined either directly or through elected representatives.

Autocracy

- Government by a single person having unlimited power; despotism (domination through threat of punishment and violence) .



Oligarchy

- A government in which a few people such as a dominant clan or clique have power.





Monarchy

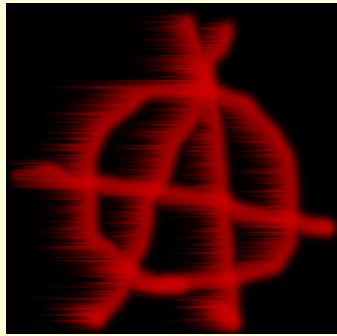


- A monarchy has a king, queen, emperor or empress.
- The ruling position can be passed on to the ruler's heirs.
- In some traditional monarchies, the monarch has absolute power.
- But a constitutional monarchy, like the UK, also has a democratic government that limits the monarch's control.

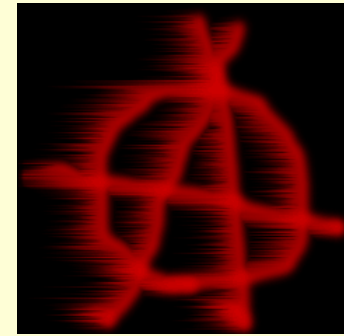
Dictatorship

- A country ruled by a single leader. The leader has not been elected and may use force to keep control.
- In a military dictatorship, the army is in control.





Anarchy



- Anarchy is a situation where there is no government. This can happen after a civil war in a country, when a government has been destroyed and rival groups are fighting to take its place.
- Anarchists are people who believe that government is a bad thing in that it stops people organizing their own lives.



Capitalist



- In a capitalist or free-market country, people can own their own businesses and property. People can also buy services for private use, such as healthcare.
- But most capitalist governments also provide their own education, health and welfare services.



Communist



- In a communist country, the government owns property such as businesses and farms.
- It provides its people's healthcare, education and welfare.



Republic

- A republic is a country that has no monarch.
- The head of the country is usually an elected president.



Revolutionary

- If a government is overthrown by force, the new ruling group is sometimes called a revolutionary government.



Totalitarian

- This is a country with only one political party.
- People are forced to do what the government tells them and may also be prevented from leaving the country.





QUIZ TIME



1



This form of government is elected by the people and everyone is eligible to vote.

1



Democracy

Home

2



A government ruled by a king, queen, emperor or empress.

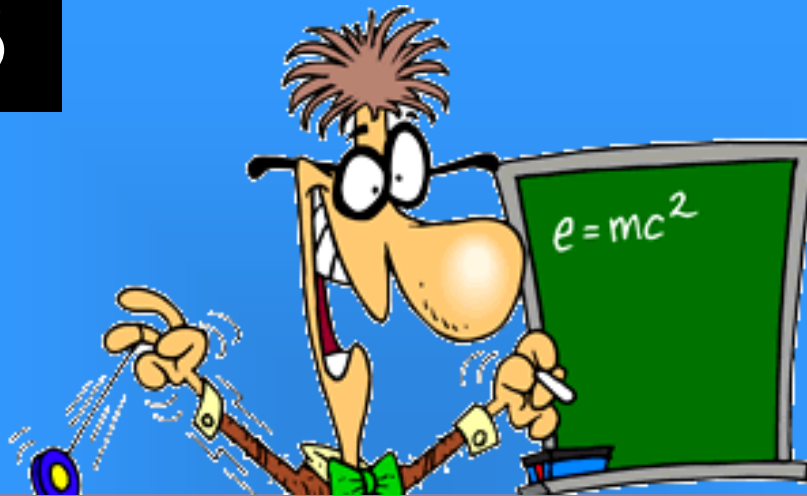
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Monarchy

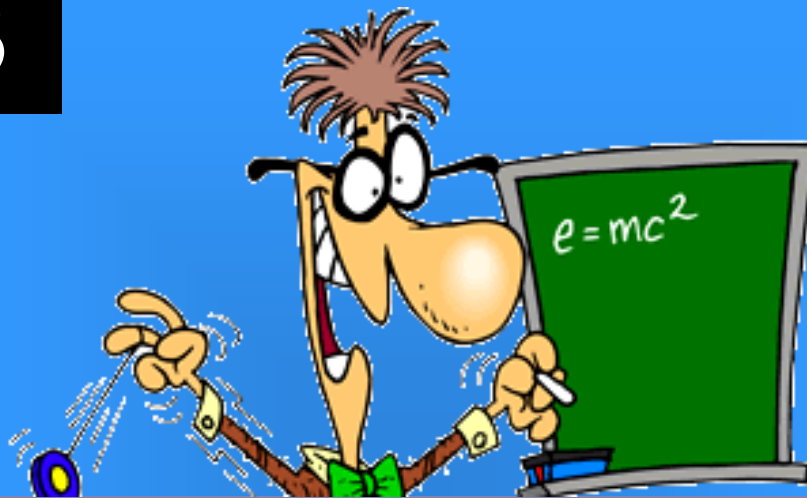
Home

3



A country ruled by a single leader. The leader has not been elected and may use force to keep control.

3



Dictatorship

Home

4



Government by a single person having unlimited power; despotism (domination through threat of punishment and violence).

4



Autocracy

Home

5



The government owns property such as businesses and farms and provides its people's healthcare, education and welfare.

5



Communism

Home



A situation where there is no government.



Anarchy

Home

7



The ruling group that forms when a government is overthrown by force.

7



Revolutionary

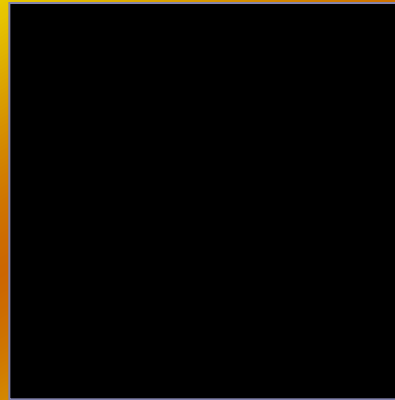
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8



A government in which a few people such as a dominant clan or clique have power.

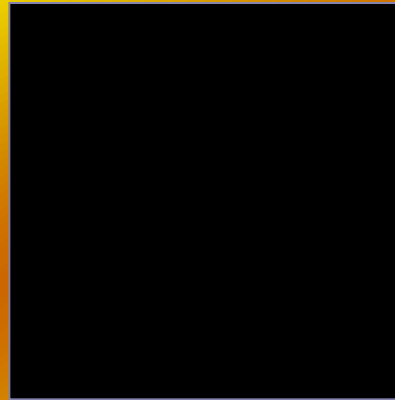
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Oligarchy

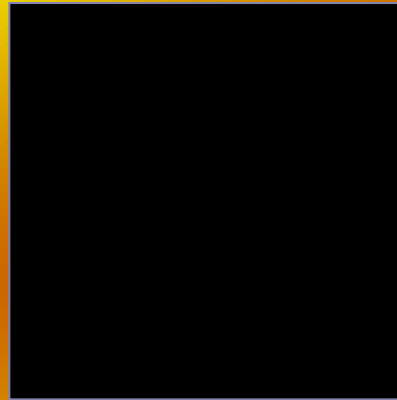
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9



A country that has no monarch, but is headed by an elected president or official is a _____.

9



Republic

Home

X

X

X

X

CONGRATULATIONS!

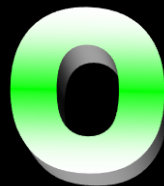
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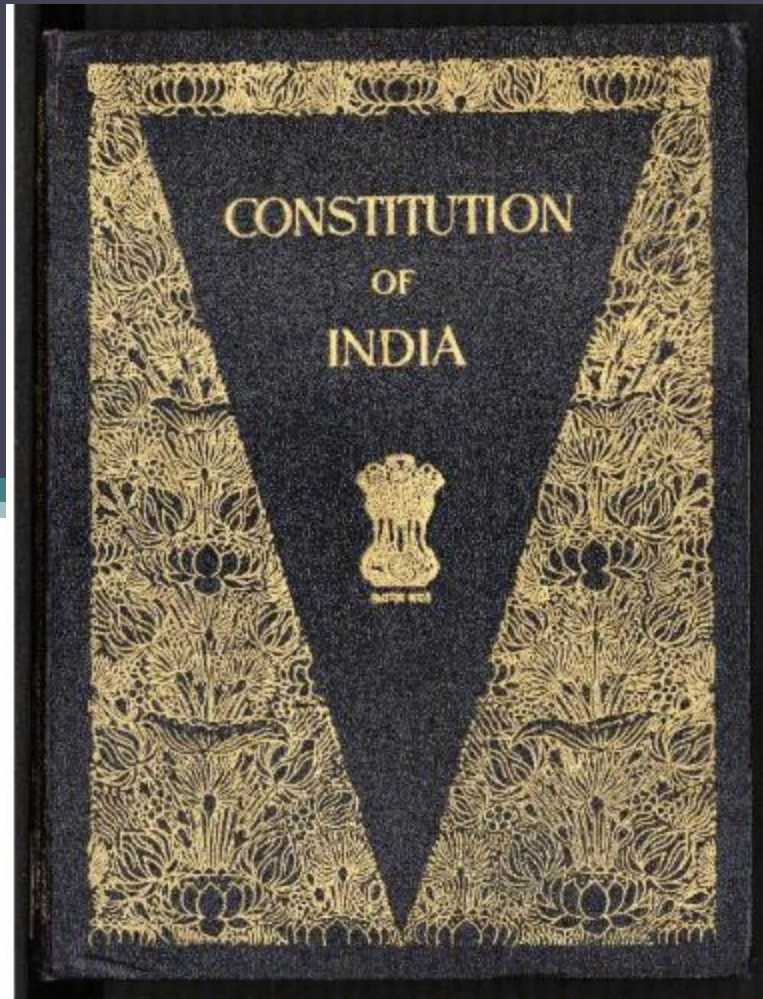
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CONGRATULATIONS!



The Constitution of India



The Constitution of India

- Introduction
- Salient Features.
- Historical Background
- Making of the Constitution
- The Indian Constitution

Introduction

- Constitution is code of conduct
- To meet the aspirations, goals and aims of citizens
- A constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed.

Salient Features

- 1. Longest Written Constitution
- 2. Drawn from Various Sources
- 3. Blend of Rigidity and Flexibility
- 4. Federal System with Unitary Bias
- 5. Parliamentary form of Government
- 6. Synthesis of Parliamentary sovereignty and Judicial Supremacy
- 7. Integrated and Independent Judiciary
- 8. Fundamental Rights
- 9. Directive Principle of State Policy
- 10. Fundamental Duties
- 11. Secular State
- 12. Universal Adult Franchise
- 13. Single Citizenship
- 14. Independent Bodies
- 15. Emergency Provisions
- 16. Three – Tier Government

1. Longest Written Constitution

- Very comprehensive, detailed and elaborated document.
- Originally (1949), it has 395 Articles, 22 Parts and 8 Schedules.
- Presently, it has 465 Articles, 25 Parts and 12 Schedules.
- Factors:
 - Geographical Factors: Vastness of Country
 - Historical Factors : Influence of GOI Act, 1935
 - Single Constitution for both India and States except J&K
 - Dominance of Legal Luminaries in Constituent Assembly.

2. Drawn from Various Sources

- GOI Act, 1935
- British Constitution
- US Constitution
- Irish Constitution
- Canadian Constitution
- Australian Constitution
- Weimar(Germany) Constitution
- Soviet Constitution
- French Constitution
- South African Constitution
- Japanese Constitution

3. Blend of Rigidity and Flexibility

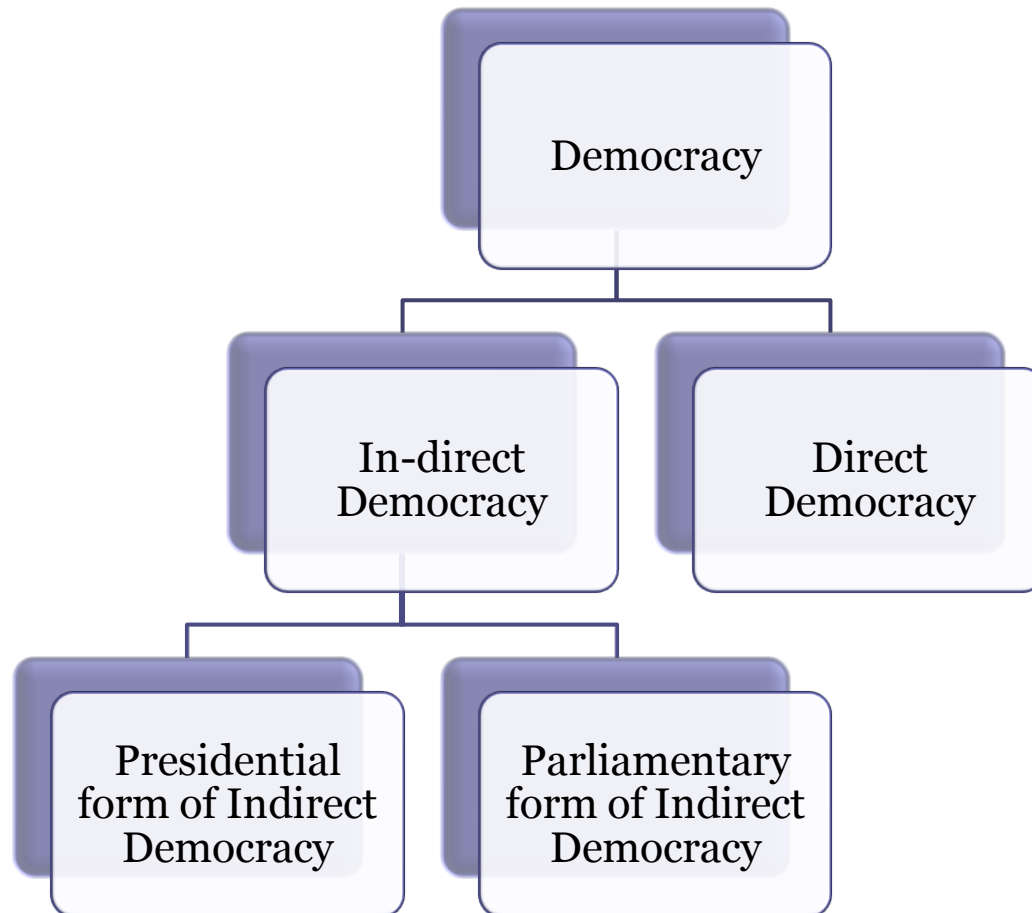
- Amendment of Constitution – Article 368
 - Simple Majority
 - Special Majority
 - Special Majority with ratification of states

4. Federal System with Unitary Bias

States -> Units -> Sub-units.

- Unitary
- Federal
- Quasi-Federal

5. Parliamentary form of Government



6. Synthesis of Parliamentary sovereignty and Judicial Supremacy

- Parliament concept – Britain



- Judiciary – USA



7. Integrated and Independent Judiciary

- Integrated Judiciary
 - Supreme Court
 - High Courts
 - Sub-ordinate Courts
- Independent Judiciary
 - Judges tenure
 - Fixed service conditions
 - Expenses of S.C – Consolidated Fund of India
 - Discussion of Conduct of Judges in Parliament
 - Ban on practice after retirement
 - Separation of Judiciary
 - Contempt of Court

8. Fundamental Rights

- Promotion of
 - Political Democracy
 - Limitations of tyranny of Executive
 - Arbitrary Laws of Legislature
 - Justifiable by nature

9. Directive Principle of State Policy

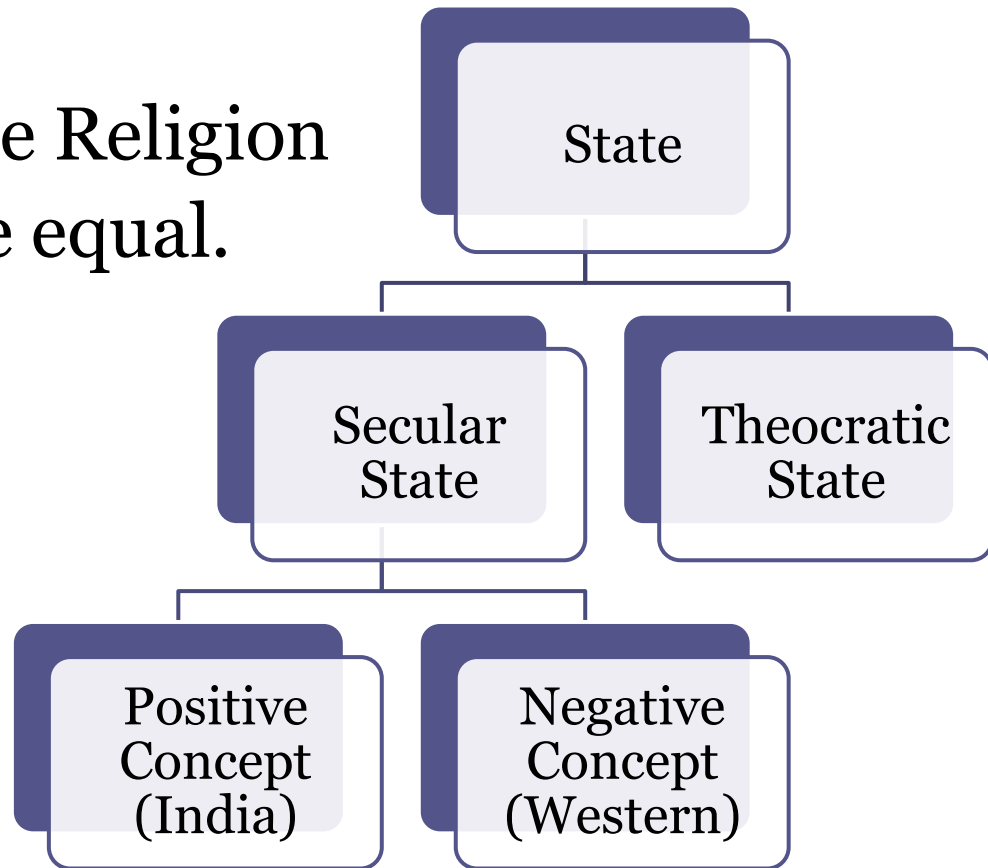
- Promotion of
 - Social and Economic Democracy
 - Welfare State
 - >Non-Justiciable in nature
 - >Moral Obligation on State authorities

10. Fundamental Duties

- 42nd Amendment, 1976
- Swaran Singh Committee recommendations
- Reminder to citizens that while enjoying their rights, they have also to be quite conscious of duties they owe to their country, their society and to their fellow-citizens.
- Non-Justiciable in nature

11. Secular State

- No Official State Religion
- All religions are equal.



12. Universal Adult Franchise

- Elections to Lok Sabha and State Legislative elections.
- Every citizen not less than 18 years of age has right to vote without any discrimination of caste, race, religion, sex, literacy, wealth and so on..
- Voting age was reduced from 21 to 18 years in 1989 by 61st Amendment act of 1988.
- Promotes
 - Democracy broad based
 - Enhances Self respect and prestige of common man
 - Upholds principle of equality
 - Enables minorities to protect their interests
 - Opens new hopes for weaker section.

13. Single Citizenship

- Common political and civil rights to all Indians.
- Only one citizenship – Indian Citizenship
- USA provides Dual Citizenship (Country and State)
- Promotes Fraternity (Brotherhood)
- No discrimination is made except Tribal areas and J&K

14. Independent Bodies

- Election Commission
- Comptroller and Auditor General
- Union Public Service Commission
- State Public Service Commission

Independence in:

- Security of Tenure
- Fixed service conditions
- Expenses being charges from CFI and so on...

15. Emergency Provisions

Types:

- National Emergency – Article 352
- State Emergency/Presidential Rule – 356, 365
- Financial Emergency – Article - 360

To Safeguard

- Sovereignty
- Unity
- Integrity
- Security of Country
- Political Democracy
- The Constitution

16. Three - Tier Government

- Centre Government
- State Government
- Local Self Government
 - Panchayats (73rd)
 - Municipalities (74th)



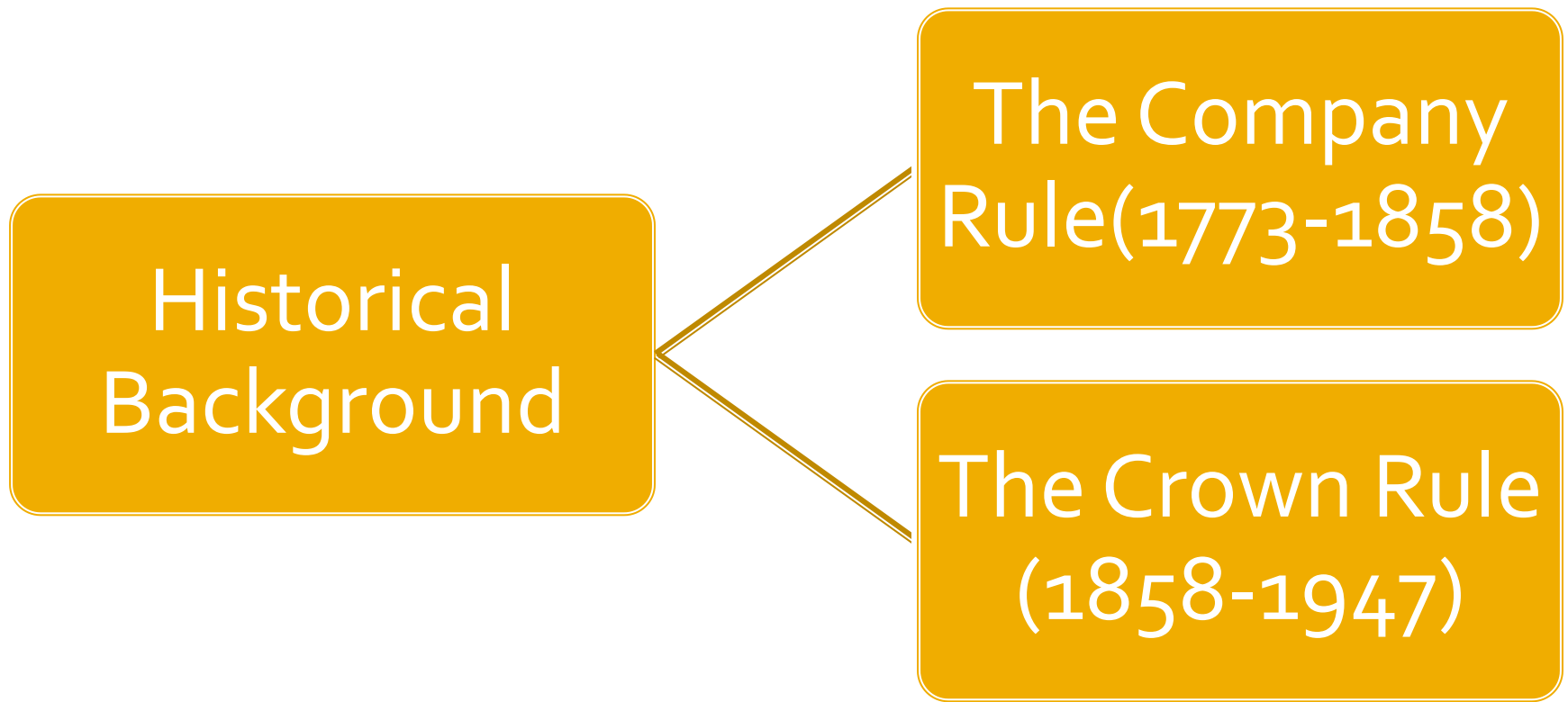
Centre

State

Local Self

Historical Background of Indian Constitution

Historical Background



Overview on British India

- British came to India in 1600 as traders, in the form of 'East India Company' under Charter granted by Elizabeth-II
- Battle of Plassey, 1757
 - between Siraj-Ud-Dawla vs E.I.C (Robert Clive) on 23rd June, 1757
- Battle of Buxar
 - Between Mir Khasim, Shah-Alam II (Mughal), Shuja –ud-daula vs E.I.C (Major Mundrow) on 22nd October, 1764 .

British Acts in India

- The Company Rule (1773-1858)
 - Regulating Act, 1773
 - Pitt's India Act, 1784
 - Charter Act, 1793
 - Charter Act, 1813
 - Charter Act, 1833
 - Charter Act, 1853
- The Crown Rule (1858 -1947)
 - GOI Act, 1858
 - Indian Councils Act, 1861
 - Indian Councils Act, 1892
 - Indian Councils Act, 1909 (Morley-Minto Reforms)
 - GOI Act, 1919 (Montague-Chelmsford Reforms)
 - GOI Act, 1935

Regulating Act, 1773

- Importance:
 - Regulate EIC in India
 - Laid foundation of Central Administration
 - Recognised Political and Administrative powers of EIC
- Features
 - Designated 'Governor' of Bengal as 'Governor-General' of Bengal – Warren Hastings
 - Executive Council of 4 members to assist him.
 - Made Governors of Madras and Bombay as sub-ordinates to Governor General
 - Supreme Court was established – 1774 at Calcutta – Sir Elijah Impey, the Chief Justice

Pitt's India Act, 1784

- Importance:
 - To rectify defects in Regulating Act, 1773
- Features
 - The Executive Council was reduced to 3 from 4
 - Concept of Dual Government started
 - Commercial Rights – Court of Directors
 - Political Rights – Board of Control

Charter Act, 1793

- Features:
 - Started paying Salaries to Company Officials from Indian Treasury.
 - Allowed to rule for another 20 years but not to interfere in state.
 - The Commander-in-Chief not to be member in Executive Council.

Charter Act, 1813

- Features:
 - Monopoly of trade of EIC was abolished except Tea trade with China.
 - Church was established from Indian Revenue.
 - Granted permission for English men to settle and hold land in India
 - Missionaries were introduced with system of license.
 - One lakh grant for improvement of Education.

Charter Act, 1833

- Importance:
 - Final Step of Centralisation
- Features:
 - Made Governor General of Bengal to Gov General of India – William Bentick
 - Deprived legislative powers of Governors of Bengal and Madras
 - EIC became purely an administrative body from Commercial Body
 - Attempted to introduce Open Competition for selection of Civil Servants.
 - Executive Council increased from 3 to 4 (Law Member – Lord MacAulay)

Charter Act, 1853

- Features:
 - Separated Legislative and Executive functions of Executive council.
 - 'Indian Legislative Council' with 6 members
 - Introduced local representation in ILC (4 governors from Madras, Bengal, Bombay and Agra)
 - 'Open Competition System' of selection and recruitment of Civil servants. MacAulay Committee in 1854.
 - Extended Company's Rule but didn't specify any time period

GOI Act, 1858

- Importance:
 - Act for Good Government of India
- Features:
 - India was to be governed by British Crown and abolished EIC
 - Made 'Governor General of India' to 'Viceroy of India' - Lord Canning
 - Ended Board of Control and Court of Directors (Dual Government)
 - Created new office 'Secretary of State' for India, member of British Cabinet – Charles Wood
 - Provided 15 member 'Council of India' to assist SOS

Indian Council Act, 1861

- Features:
 - Included Indians as non-official members of Indian Legislative Council
 - Raja of Benaras
 - Sir Dinakar Rao
 - Maharaja of Patiala
 - Restored legislative powers to Bombay and Madras Governors
 - Established of new legislative councils for
 - Bengal – 1862
 - NWFP – 1866
 - Punjab – 1897
 - Portfolio System – The member of Viceroy's Executive Council was made in-charge of one or more depts to issue final orders.
 - Empowered Viceroy to issue Ordinances valid for 6 months.
 - Added fifth member in Executive Council – an expert in Finance and Law

Indian Council Act, 1892

- Importance:
 - INC, 1885 pressured British to expand ILC
 - Right to participate in Budget. (1860)
- Features:
 - ILC was expanded to 10-16
 - Indirect Elections for Provincial Legislature, Municipalities, District Boards, Universities, CoC
 - Member could ask questions on Budget (6 day notice)

Indian Council Act, 1909 (Morley-Minto Reforms)

- Features:
 - Increased Indian Legislative Council 16-68
 - An Indian, Satyendra Sinha became member of Governor General's Executive Council – Law member
 - Two Indians were included in Council of India at London
 - K.C. Gupta
 - Sayyid Hussain Bilgrami
 - Vote on Budget, some issues. Ask supplementary notice had to be given 15 days
 - Introduced Direct Elections
 - Introduced concept of 'Separate Electorate' for Indian Muslims, presidency corporation, Chamber of Commerce, Universities and Zamindars.
 - Father of Communal Electorate – Lord Minto

GOI, 1919 (Montagu-Chelmsford Reforms)

- Importance:
 - On 20th August, 1917 declared objective was Responsible Government
 - Came into force in 1921
- Features:
 - Introduced Subject List- Central List, State List and Concurrent List (Residual powers – Gov General)
 - Introduced 'Dyarchy' concept. Divided Provincial Subjects into two parts
 - Transferred Powers
 - Reserved Powers
 - Concept of Bicameralism in ILC
 - Upper House (Council of State)
 - Lower House (Legislative Assembly)
 - 3/6 members of Executive Council should be Indians (Except Commander in Chief)
 - Extended Separate Electorate to Sikhs, Indian Christians, Anglo-Indians and Europeans
 - Created office of High Commissioner for India in London and transferred some powers from SOS
 - Establishment of a Public Service Commission. Central Public Service Commission, 1926 for recruiting Civil Servants
 - Separated Provincial Budgets from Central Budget
 - Introduced Post of Auditor General
 - Establishment of Statutory Commission after 10 years to review the working of act (Simon Commission, 1927)

GOI, 1935

- Features:
 - Establishment of **All Indian Federation** consisting of Provinces and Princely states
 - Federal List – 59 items
 - Provincial List – 54 items
 - Concurrent List – 36 items
 - **Dyarchy at Centre(Transferred Powers and Reserved Powers)**
 - Bicameralism in 6/11 provinces(Bengal, Bihar, Bombay, Agra, Madras, United Province)
 - Complete Provincial Autonomy for Provinces.
 - Extended Separate Electorate for Depressed Classes(Scheduled Castes, Women and Workers.
 - Abolished Council of India and gave team of advisors to SOS(due to agitations)
 - Extended Franchise (Education, Tax Payers, Zamindars)
 - Establishment of Federal Public Service Commission, Provincial Service Commission and Joint Public Service Commission.
 - Establishment of Reserve Bank of India (Hilton-Young Report)
 - Federal Court, 1937 but Final court is Privy Council.
 - Advocate General

Making of the Constitution

Making of the Constitution

- Background of Constituent Assembly
- Composition of the Constituent Assembly
- Working of the Constituent Assembly
- Other Functions
- Committees – Major, Minor
- Enactment of the Constitution
- Enforcement of the Constitution
- Criticism

Background

- 1914 – Gopalakrishna Gokhale asked British for Constitution.
- 1922- M.K. Gandhi opined Constitution of India should be made by Indians only.
- 1928 – Nehru Report
- 1934 – M.N. Roy put forward the idea of Constituent Assembly.
- 1935 – INC, officially, first time demanded Constituent Assembly to frame Indian Constitution.
- 1938 – Nehru, on behalf of INC, declared that ‘the Constiution of free India must be framed, without outside interference by elected Constituent Assembly with Adult Franchise.
- 1940 – August Offer – Constitution of India can be formed also by Indians(British included)
- 1942 – Cripps Mission- Muslim League demanded for separate Pakistan.
- 1946 – Cabinet Mission – Constituent Assembly formed.

Composition of the CA

- CA was constituted in November, 1946
 1. Total Strength was 389.
 - 296 seats to British India.
 - 292 from Eleven Governors' Province
 - 4 from Chief Commissioners' Province
 - 93 seats to Princely States.
 2. Seats were allotted on population representation. Roughly, one seat for 10 lakh population
 3. British India Seats are filled from Muslims, Sikhs, General
 4. Indirect Elections were conducted for member of CA.
 5. Representatives of Princely states were nominated by heads of princely states.

Election Results: - 296 seats

- INC won 208 seats
- Muslim League won 73 seats
- Independents won 15 seats
- Princely states stayed away from elections.

Working of the CA

- CA held first met on 9th December, 1946 (ML Boycotted)
- Temporary President- Dr. Sachchida anada Sinha.
- On 11th Dec, 1946(Internal Elections)
 - President – Dr. Rajendra Prasad
 - Vice-President – H.C Mukherjee
 - Constitutional Advisor – Sir B N Rau
 - Secretary – H.B. Iyengar
- Objectives Resolution
 - On 13th Dec, 1946, Nehru moved a historic ‘Objectives Resolution’ in Assembly finally became as ‘Preamble’.
 - Unanimously adopted by Assembly on 22nd Jan, 1947.

Other Functions

- It ratified India's membership of Commonwealth in May, 1949
- Adopted National Flag on 22nd July, 1947
- On 24th Jan, 1950
 - Adopted National Anthem
 - Adopted National Song
 - Elected Dr, Rajendra Prasad as first president of India

Committees – Major, Minor

- Major Committees - 8
 - Union Powers Committee – Nehru
 - States Committee – Nehru
 - Union Constitution Committee – Nehru
 - Provincial Constitution Committee – S. Patel
 - Advisory Committee on F.Rights and Minorites – S.Patel
 - Fundamental Rights Sub Committee – J.B Kriplani
 - Minorities Sub-committee – H.C Mukherjee
 - Drafting Committee – B.R. Ambedkar (Aug, 1947 – Oct, 1948)
 - Alladi Krishna Swamy Ayyar
 - Dr. K.M. Munshi
 - N Madhav Rau (B L Mitter)
 - T.T Krishnamachari (Khaitan)
 - N Gopala Swamy Ayyangar
 - Syed Mohmmad Saadullah
 - Rules of Procedure Committee – Dr. Rajendra Prasad
 - Steering Committee – Dr. Rajendra Prasad

Enactment of the Constitution

- First Reading- General Discussion- 4th Nov, 1948
- Second Reading – 15th Nov, 1948 – Oct, 1949
- Third Reading – 14th Nov, 1949
- The Constitution as adopted on 26th November, 1949 contained a Preamble, 395 Articles, 22 Parts & 8 Schedules.
- Ambedkar is considered as ‘Modern Manu’ & ‘Father of Indian Constitution’.

Enforcement of the Constitution

- On 26th Nov, 1949, the Provisions like
 - Citizenship
 - Elections
 - Provisional Parliament
 - Temporary and Transitional provisions
 - Short Title
- On 26th Jan, 1950, the Major Part came into force to Poorna Swaraj Day, 1930(Lahore Session)

Criticism

- Not a Representative Body
- Not a Sovereign Body.
- Time Consuming.
- Dominated by Congress Men
- Lawyer-politician Domination
- Dominated by Hindus

The Indian Constitution

At a Glance

Overview

- Preamble
- Articles – 1, 2, 3, 4....465
- Parts – I, II, III, IV..... XXII
- Schedules – I, II, III, IV..... XII

Numerical Data of Constitution

	GOI Act, 1935	Draft	Enforcement	Present
ARTICLES	321	315	395	465
PARTS	20	21	22	25
SCHEDULES	10	9	8	12

COI at a Glance - Parts

PARTS	SUBJECT MATTER	ARTICLES COVERED
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II	CITIZENSHIP	5-11
III	FUNDAMENTAL RIGHTS	12-35
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PARTS	SUBJECT MATTER	ARTICLES COVERED
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COI at a Glance - Schedules

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First	Name of the States and its territories
Second	Emoluments, allowances, privileges
Third	Forms of Oaths and Affirmations
Fourth	Allocation of seats of Rajya Sabha
Fifth	Admin and control of Scheduled Areas and Tribes-(10)
Sixth	Admin of Tribal Areas (4) – Assam, Mizoram, Meghalaya, Tripura
Seventh	Union, State and Concurrent Lists
Eighth	Official Language(22)
Ninth	Acts and Regulations not under Judicial Review
Tenth	Anti-Defection Law
Eleventh	Powers, Authorities & Responsibilities-PANCHAYATS
Twelfth	Powers, Authorities & Responsibilities-Municipalities

Some other Data

- 1st Biggest Part – Part V (Union)
- 2nd Biggest Part – Part VI (State)
- Smallest Part – Part IVA, X, XX
- Part deals with J&K – Part VI
- Temporary Provisions – Part XXI
- New Parts – IVA, IX, IXA, IXB, XIVA
- Removed Part - VII

The Preamble of the Constitution

The Preamble

- Background
- Text
- Keywords
- Significance
- Amendment

Background

- Preamble means 'Introduction' or 'Preface'.
- American Constitution was first to begin with a Preamble.
- The Preamble to the Indian Constitution is based on 'Objectives Resolution' passed by J.Nehru on 13th December, 1946.
- N A Palkhivala, an eminent jurist described Preamble as the 'identity card of the Indian Constitution'.



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, belief, faith and worship

EQUALITY

of status and of opportunity: and to
promote among them all

FRATERNITY

Source, Nature, Vision, Date

42nd Amendment – SOCIALIST , SECULAR, INTEGRITY

Keywords

- Sovereign
- Socialist
- Secular
- Democratic
- Republic
- Justice – Liberty, Equality, Fraternity

Sovereign

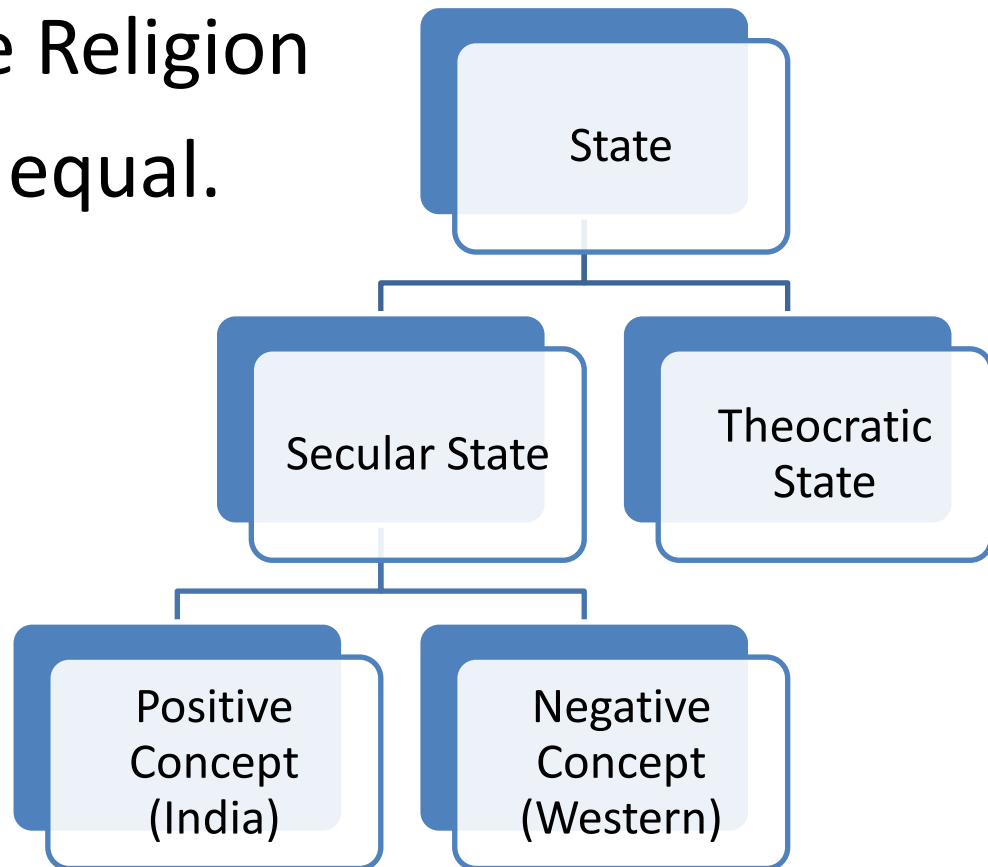
- The word 'Sovereign' means that India is an independent state.
- There is no authority above it.
- It is free to conduct its own affairs without any external or internal pressure.

Socialist

- The 42nd CAA, 1976 introduced -Socialism means
- ‘Production, Distribution and Consumption by State which mean ‘State Ownership’
- Indian Socialism =Gandhian + Marxian
- Socialism is
 - Democratic Socialism-Mixed Economy
 - Communistic Socialism – Complete ban of private ownership

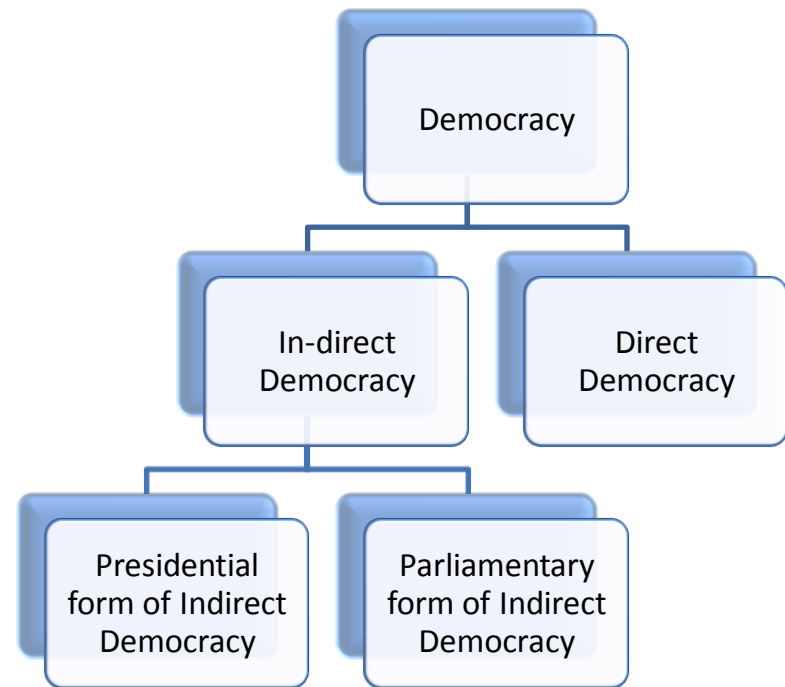
Secular

- The 42nd CAA, 1976 introduced.
- No Official State Religion
- All religions are equal.



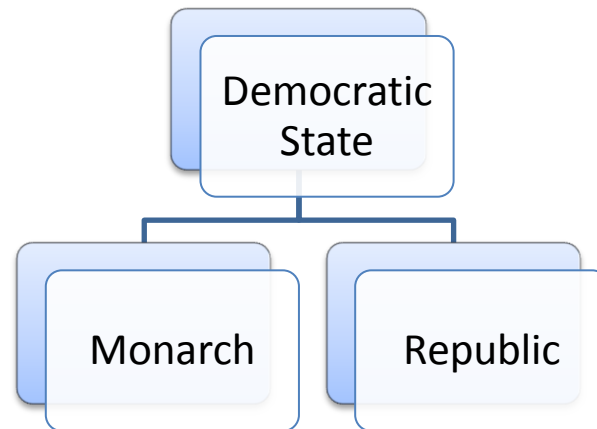
Democratic

- Democracy means ‘By the People, for the People, of the People’.
- Direct Democracy
 - Referendum
 - Initiative
 - Recall
 - Plebiscite.
- Indirect Democracy
 - Representative Democracy.



Republic

- Feature of Democratic Polity.
- Republic means
 - Political Sovereignty with people
 - All public offices are open to all citizens.



Justice

- Justice of three types
 - Social
 - Economic
 - Political
- Social Justice – Equal Treatment(No social distinction)
- Economic Justice – No distinction in economic factors
- Political Justice – Equal Political rights, access to all political offices, equal voice of government.
- Justice – Social, Political and Economic is taken from Russian Revolution(1917)
- *Social Justice + Economic Justice = Distributive Justice*

Liberty

- Absence of restraints on the activities of individuals
- Providing opportunities for the development of individual personalities.
- ‘Liberty of thought, expression, belief, faith and worship’ achieved through Fundamental Rights.
- Concepts of Liberty, Equality, Fraternity is taken from ‘French Revolution’(1789-99)

Equality

- Absence of special privileges to any section of the society
- Provision of adequate opportunities for all individuals without any discrimination.
- Three dimensions
 - Civic: Articles-14, 15, 16, 17, 18.
 - Political: Articles- 325, 326.
 - Economic: Articles: 39a, 39d (DPSP)

Fraternity

- Means sense of brotherhood
- C.O.I promotes brotherhood sense through Single Citizenship, Fundamental Duties(51A.e)
- Fraternity assures:
 - The dignity of individual
 - Unity and **integrity**.

Significance of the Preamble

- Embodies basic philosophy
- Fundamental values: Political, Moral, religious
- Reflects grand and noble vision of C.A
- Reflects dreams and aspirations of founding fathers of the constitution.
- However, two things should be noted
 - Preamble is not a source of power to legislature
 - Preamble is not a prohibition upon legislature power.
 - It is non-justiciable.

Amendments

- Berubari Union Case, 1960 – Not a part
- Kesavananda bharati case, 1973 - Part
- LIC of India Case, 1995 – Integral part
- Finally, SC allowed Parliament to amend the Preamble without disturbing the ‘Basic Structure’ of the under Article 368.

Sources of Indian Constitution

Overview

- The Constitution refers to the fundamental laws and principles which prescribe the nature, functions and the limits of a government. It reflects the aspirations of the people it belongs to.
- In India, the Constituent Assembly was constituted in November 1946, under the scheme formulated by the Cabinet Mission Plan. The Constituent Assembly was to be a partly elected and partly nominated body. The members were to be indirectly elected by the members of the provincial assemblies, who themselves were elected on a limited franchise. It comprised of representatives of all sections of Indian society.
- The Constitution framers adopted from several sources, features which are present in the Indian Constitution. The main sources may be identified as

Sources

- GOI Act, 1935
- British Constitution
- US Constitution
- Irish Constitution
- Canadian Constitution
- Australian Constitution
- Weimar(Germany) Constitution
- Soviet Constitution
- French Constitution
- South African Constitution
- Japanese Constitution

Government of India Act, 1935

- Federal Scheme
- Office of Governor
- Judiciary
- Public Service Commissions
- Emergency provisions
- Administrative details.

British Constitution

- Parliamentary government
- Rule of Law
- Legislative procedure
- Single citizenship
- Cabinet System
- Prerogative Writs.

US Constitution

- Fundamental Rights,
- Independence of Judiciary,
- Judicial Review,
- Impeachment of the President,
- Removal of Supreme Court and High Court judges,
- post of Vice-President.

Irish Constitution

- Directive Principles of State Policy,
- nomination of members to Rajya Sabha,
- method of election of President

Canadian Constitution

- Federation with a strong centre,
- Residuary powers with the centre,
- Appointment of state governors by the centre and advisory jurisdiction of the Supreme Court.

Australian Constitution

- Concurrent List,
- Freedom of trade, commerce and intercourse
- Joint sitting of the two Houses of Parliament.

Weimar Constitution

- Suspension of Fundamental Rights during Emergency.

Soviet Constitution

- Fundamental duties,
- The ideal of justice (social, economic and political) in the Preamble.

French Constitution

- Republic,
- The ideals of
 - Liberty
 - Equality,
 - Fraternity in the Preamble.

South African Constitution

- Procedure for amendment,
- The Constitution and election of the members of Rajya Sabha.

Japanese Constitution

- Procedure established by law.
- Right to life(Article -21)

Self Made

- Panchayat Raj Institutions
- Quasi-Federal
- All India Services
- Single Citizenship
- Special Provisions to Minorities
- Finance Commission
- Linguistic Commission

PART - I

**UNION AND ITS
TERRITORY**

UNION AND ITS TERRITORY

- ◉ Articles.
- ◉ Parliament's Power to Reorganise the States.
- ◉ Evolution of States and Union Territories.

ARTICLE 1

- Article 1 describes India, that is, Bharat as a ‘Union of States’ rather than a ‘Federation of States’. -Name ,Polity
- According to Article 1, the territory of India can be classified into three categories
 - Territories of the states
 - Union Territories
 - Territories that may be acquired by the G.O.I anytime.

ARTICLE - 2

- ◉ Admission or establishment of new states on such terms and conditions as it thinks fit.
 - The parliament is empowered to admit or establishment of new states that are not part of the union of India.
- ◉ Article- 2A - Sikkim to be associated with the Union - Repealed (35th CAA, 1975 removed 2A and tenth schedule)

PARLIAMENT'S POWER TO REORGANISE THE STATES.

- Article 3 authorises the Parliament-
Formation of new states and alternation of areas, boundaries or names of existing states.
 - a. Form a new state by separation of territory from any state or uniting two or more states or parts of states or by uniting any territory to a part of any state.
 - b. Increase the area of any state.
 - c. Diminish the area of any state.
 - d. Alter the boundaries of any state.
 - e. Alter the name of any state.

FOUR-STEP PROCEDURE

- ◉ Article 3 provides the following procedure:
- ◉ Presidential reference is sent to State Assembly.
- ◉ After presidential reference, a resolution is tabled and passed in Assembly.
- ◉ Assembly has to pass a Bill creating the new State/States.
- ◉ A separate Bill has to be ratified by Parliament with simple majority.(not falling under Art 368)

ARTICLE - 4

- ⦿ Laws made under Article 2 and 3 to provide for the amendment of the *first* and *fourth schedules* and supplemental, incidental and consequential matters.

EVOLUTION OF STATES AND UNION TERRITORIES

- ◉ At the time of independence, India had 2 types of political units, namely, the British Provinces and the Princely States. Later on, the Indian Independence Act of 1947 led to the formation of two independent and separate dominions, namely, India and Pakistan. Three options were available to the Princely States :

1. Joining India
2. Joining Pakistan
3. Remaining Independent

Total Number of Princely states were 552

Total Princely States that joined India were 549.

- ◉ Princely states of Hyderabad, Junagarh and Kashmir refused to join India. But later on, Hyderabad was integrated to India by means of police actions, Junagarh by means of referendum and Kashmir by the Instrument of Accession.

GROUPING OF STATES, 1950 - 1956

- When the Indian Constitution came into force, it contained a fourfold classification of the States of the Indian Union :

Parts	Consists of
Part A	9 erstwhile Governor's Provinces of British India
Part B	9 erstwhile Princely States with Legislatures
Part C	Erstwhile Chief Commissioner's Provinces of British - India and some of the erstwhile Princely States, total 10 in numbers
Part D	The Andaman and Nicobar Islands were kept as the Solitary State

NEW STATES AND UT'S AFTER 1956

◉ Committees on States Reorganisation

- Dhar Commission, 1948
- JVP Committee, 1949
- Fazl Ali Committee, 1953
- States Reorganisation Act, 1956 made 7th CAA. This deleted Part VII of Indian Constitution. As a result, 14 states and 6 union territories were created on November 1, 1956.

COMMITTEES

- **Dhar Commission, JVP Committee and Fazl Ali Commission**

- **Dhar Commission**

There was a demand from different regions, mainly South India, for reorganization of States on linguistic basis. Consequently, in June 1948, the Government of India appointed the Linguistic Provinces Commission under the chairmanship of S.K.Dhar to study the feasibility of organizing states on Linguistic basis.

The Commission, later on, rejected the linguistic basis of reorganization of States and recommended the reorganization of States on the basis of following criterias :

1. Geographical contiguity
2. Financial self-reliance
3. Administrative viability
4. Potential for development

JVP Committee (Jawaharlal Nehru, Vallabhbai Patel, Pattabhi Sitaramayya)

The report submitted by Dhar commission led to much resentment among the people. As a result, in the Jaipur session of 1948, Congress appointed a three member committee to consider the recommendations of Dhar Commission. This committee also rejected the linguistic factor of reorganization of the states. This committee recommended the reorganization of States on the basis of security, unity and economic prosperity of the nation.

However, the Indian Government was forced by the death of Potti Sriramulu to create the first linguistic state, known as Andhra State, by separating the Telugu speaking areas from the Madras State. Potti Sriramulu became famous for undertaking the hunger strike in support of the formation of an Indian state for the Telugu-speaking population of Madras Presidency; he lost his life in the process. His death sparked public rioting, and Indian prime minister Jawaharlal Nehru declared the intent to form Andhra State three days following.

Fazl Ali Commission

Chairman : Fazl Ali

Members : Hridaynath Kunzru and K.M.Panikkar

After the formation of Andhra Pradesh on the basis of linguistic factor, all hell break loose. The other regions also started demanding for creation of separate states on the basis of linguistic factor. The intense pressure forced the Indian Government to form a new commission to visit the whole question of whether the linguistic basis of separation of states can be considered or not. It led to the formation of Fazl Ali Commission in December 1953.

The commission submitted its report on September 1955 and acknowledged 4 major factors to be taken into account in any scheme of reorganization of states :

1. Linguistic and Cultural homogeneity
2. Preservation and strengthening of the unity and security of the nation.
3. Financial, Economic and Administrative considerations.
4. Planning and promotion of the welfare of the people in each state as well as of the Nation as a whole.

It suggested the reorganization of 27 states of various categories into 16 states and 3 Union Territories. The recommendations of the Fazl Ali Commission was accepted by the Indian Government with minor modifications. As a result, the State Reorganization Act of 1956 was passed by the Parliament to give effect to the recommendation of the commission. It led to the formation of 14 states and 6 Union Territories on 1st November, 1956.

NEW STATES AND UNION TERRITORIES CREATED AFTER 1956

- Even after the large-scale reorganisation of the states in 1956, the political map of India underwent continuous change due to the pressure of popular agitations and political conditions. The demand for the creation of some more states on the basis of language or cultural homogeneity resulted in the bifurcation of existing states.

Maharashtra and Gujarat

In 1960, the bilingual state of Bombay was divided into two separate states—Maharashtra for Marathising people and Gujarat for Gujaratispeaking people. Gujarat was established as the 15th state of the Indian Union.

Dadra and Nagar Haveli

The Portuguese ruled this territory until its liberation in 1954. Subsequently, the administration was carried on till 1961 by an administrator chosen by the people themselves. It was converted into a union territory of India by the 10th Constitutional Amendment Act, 1961.

Goa, Daman and Diu

India acquired these three territories from the Portuguese by means of a police action in 1961. They were constituted as a union territory by the 12th Constitutional Amendment Act, 1962. Later, in 1987, Goa was conferred a statehood. Consequently, Daman and Diu was made a separate union territory.

Puducherry

The territory of Puducherry comprises the former French establishments in India known as Puducherry, Karaikal, Mahe and Yanam. The French handed over this territory to India in 1954. Subsequently, it was administered as an 'acquired territory', till 1962 when it was made a union territory by the 14th Constitutional Amendment Act.

Nagaland

In 1963, the State of Nagaland was formed by taking the Naga Hills and Tuensang area out of the state of Assam. This was done to satisfy the movement of the hostile Nagas. However, before giving Nagaland the status of the 16th state of the Indian Union, it was placed under the control of governor of Assam in 1961.

Haryana, Chandigarh and Himachal Pradesh

In 1966, the State of Punjab was bifurcated to create Haryana, the 17th state of the Indian Union, and the union territory of Chandigarh. This followed the demand for a separate 'Sikh Homeland' (Punjabi Sabha) raised by the Mali Dal under the leadership of Master Tara Singh. On the recommendation of the Shah Commission (1966), the punjabising areas were constituted into the unilingual state of Punjab, the Hindi-speaking areas were constituted into the State of Haryana and the hill areas were merged with the adjoining union territory of Himachal Pradesh. In 1971, the union territory of Himachal Pradesh was elevated to the status of a state (18th state of the Indian Union).

Manipur, Tripura and Meghalaya

In 1972, the political map of Northeast India underwent a major change. Thus, the two Union Territories of Manipur and Tripura and the Sub-State of Meghalaya got statehood and the two union territories of Mizoram and Arunachal Pradesh (originally known as North-East Frontier Agency—NEFA) came into being. With this, the number of states of the Indian Union increased to 21 (Manipur 19th, Tripura 20th and Meghalaya 21st). Initially, the 22nd Constitutional Amendment Act (1969) created Meghalaya as an 'autonomous state' or 'sub-state' within the state of Assam with its own legislature and council of ministers. However, this did not satisfy the aspirations of the people of Meghalaya. The union territories of Mizoram and Arunachal Pradesh were also formed out of the territories of Assam.

Sikkim

Till 1947, Sikkim was an Indian princely state ruled by Chogyal. In 1947, after the lapse of British paramountcy, Sikkim became a 'protectorate' of India, whereby the Indian Government assumed responsibility for the defence, external affairs and communications of Sikkim. In 1974, Sikkim expressed its desire for greater association with India. Accordingly, the 35th Constitutional Amendment Act (1974) was enacted by the parliament. This amendment introduced a new class of statehood under the constitution by conferring on Sikkim the status of an 'associate state' of the Indian Union. For this purpose, a new Article 2A and a new schedule (Tenth Schedule conserving the terms and conditions of association) were inserted in the Constitution. This experiment, however, did not last long as it could not fully satisfy the aspirations of the people of Sikkim. In a referendum held in 1975, they voted for the abolition of the institution of Chogyal and Sikkim becoming an integral part of India. Consequently, the 36th Constitutional Amendment Act (1975) was enacted to make Sikkim a full-fledged state of the Indian Union (the 22nd state). This amendment amended the First and the Fourth Schedules to the Constitution and added a new Article 371-F to provide for certain special provisions with respect to the administration of Sikkim. It also repealed Article 2A and the Tenth Schedule that were added by the 35th Amendment Act of 1974.

- ◉ **Mizoram, Arunachal Pradesh and Goa**

In 1987, three new States of Mizoram, Arunachal Pradesh and Goa came into being as the 23rd, 24th and 25th states of the Indian Union respectively. The Union Territory of Mizoram was conferred the status of a full state as a sequel to the signing of a memorandum of settlement (Mizoram Peace Accord) in 1986 between the Central government and the Mizo National Front, ending the two-decade-old insurgency. Arunachal Pradesh had also been a union territory from 1972. The State of Goa was created by separating the territory of Goa from the Union Territory of Goa, Daman and Diu.

Chhattisgarh, Uttarakhand and Jharkhand

In 2000, three more new States of Chhattisgarh, Uttarakhand and Jharkhand were created out of the territories of Madhya Pradesh, Uttar Pradesh and Bihar respectively. These became the 26th, 27th and 28th states of the Indian Union respectively.

Thus, the number of states and union territories increased from 14 and 6 in 1956 to 28 and 7 in 2000 respectively.

- ◉ **Telangana**

On 30 July 2013, the Congress Working Committee unanimously passed a resolution to recommend the formation of a separate Telangana state. After various stages the bill was placed in the Parliament in February 2014. In February 2014, Andhra Pradesh Reorganisation Act, 2014 bill was passed by the Parliament of India for the formation of Telangana state comprising ten districts from north-western Andhra Pradesh. The bill received the assent of the President and published in the Gazette on 1 March 2014.

- ◉ The state of Telangana was officially formed on 2 June 2014.
- ◉ Hyderabad will remain as the joint capital of both Telangana and Andhra Pradesh for a period of 10 years

FACTS ABOUT TELANGANA STATE

- **1953:** States Reorganization Committee advises against the immediate merger of Telangana with Andhra Pradesh.

November 25, 1955: Andhra assembly passes resolution to provide safeguards to Telangana.

November 1, 1956: Telangana merged with the Andhra state to form Andhra Pradesh.

1968-69: Massive revolt called Jai Telangana Movement launched by people in Telangana demanding a separate state.

January 1969: As conciliatory measure, the All-Party State Accord was signed. Indira Gandhi also announced packages for the region, styled an eight-point formula and a five-point formula. Court upholds the rule of job and educational quotas for Telangana. Then, the anti-Telangana stir was launched – the Jai Andhra Movement. It is important to note here that, Venkaiah Naidu and Chandrababu Naidu were in the forefront of the Jai Andhra stir. The Centre, post the stir, yielded and nullified almost all the safeguards that had been put in place.

1969-2000: During this period, various protests were organized by agitators – both pro- and anti-Telangana – which often took a bloody turn.

2001: In this year, KCR picked up the statehood for Telangana demand. He also walked out of Telegu Desam Party and launched the Telangana Rashtra Samithi. Sonia Gandhi, during this period, had written to the NDA government at the Centre to push for the creation of the separate state of Telangana.

2004: Congress and TRS enter into a poll alliance.

2006: Congress and TRS part ways when the demand for the separate state of Telangana is not met.

December 2009: UPA-II's home minister, Sushilkumar Shinde hints at the fact that the Centre is serious about the recognition of Telangana as a separate state. In this regard, the Srikrishna Committee is set up which had submitted its report in 2010.

December 2012: Home minister Sushilkumar Shinde announces that the decision regarding Telangana will be taken in a month.

July 30, 2013: Congress announces the formation of the separate state of Telangana. It is all set to become India's 29th state.

February 18, 2014: Telangana Bill is passed by voice amid major disruptions by MPs from Seemandhra.

June 2, 2014: Telangana formally comes into existence. K Chandrasekhar Rao takes oath as the state's first chief minister.

PART - II

CITIZENSHIP

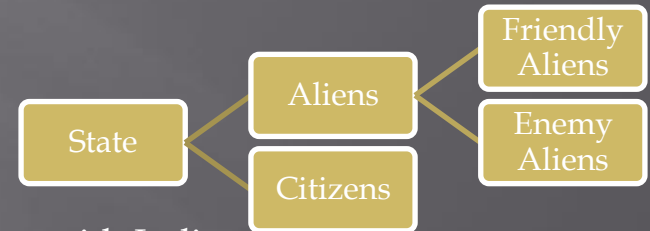
Citizenship

- ▣ Meaning and significance
- ▣ Constitutional Provisions
- ▣ Citizenship Act, 1955
- ▣ Acquisition of Citizenship
- ▣ Loss of Citizenship
- ▣ Single Citizenship

Meaning and significance

- The Constitutional recognition of an individual as citizen is called Citizenship(Status).

- Every country has two kinds of people
 - Citizens - enjoy all civil & political rights.
 - Aliens - don't enjoy all civil & political rights.
 - Friendly Aliens - Cordial relations with India
 - Enemy Aliens - people from country that is at war with India.



- The C.O.I provides special privileges to citizens
 - F. Rights
 - Article - 15, 16, 19, 29, 30
 - Right to vote in Loksabha and State Legislative Assembly elections.
 - Right to contest for membership of Parliament and state legislature.
 - Eligibility to hold certain public offices like President, Vice-president, Judges of S.C & H.C, Attorney General, Advocate General.. Etc
 - Citizens Duties
 - Paying Taxes
 - Respecting National Flag
 - National Anthem
 - Defending country.. etc

Constitutional Provisions

- ▣ Article 5- Citizenship at the commencement of the constitution
- ▣ Article 6- Rights of citizenship of certain persons who have migrated to India from Pakistan.
- ▣ Article 7- Rights of citizenship of certain migrants to Pakistan.
- ▣ **Article 8**- Rights of Citizenship of certain persons of Indian Origin residing outside India.
- ▣ Article 9- Persons voluntarily acquiring citizenship of a foreign state not be citizens
- ▣ Article 10- Continuance of the rights of citizenship
- ▣ Article 11- Parliament to regulate the right of citizenship by law.

Citizenship Act, 1955

- ▣ The citizenship Act, 1955 provides for acquisition and loss of citizenship after the commencement of the constitution. This has been amended many times
 - The Citizenship (Amendment) Act, 1986
 - The Citizenship (Amendment) Act, 1992
 - The Citizenship (Amendment) Act, 2003
 - The Citizenship (Amendment) Act, 2005

Acquisition of Citizenship - 5 ways

- ▣ By Birth
- ▣ By Descent
- ▣ By Registration
- ▣ By Naturalisation
- ▣ By Incorporation of Territory

Loss of Citizenship - 3 ways

- ▣ By Renunciation
- ▣ By Termination
- ▣ By Deprivation

Single Citizenship

- ▣ Citizens of India only allegiance to Union.
- ▣ All Citizens have same political and civil rights
- ▣ Some exceptions
 - Article 15 – Discrimination can be made under residence .
 - Article 16 – Public Employment(371D)
 - Article 19 – Freedom of movement and residence(Tribal Areas)
 - Article 370- J&K employment and residence
- ▣ Promotes Fraternity and Unity among people.

Part- III

Fundamental Rights

Fundamental Rights

Fundamental Rights are incorporated from Article 12 to 35 in the Third Part of the Indian Constitution. Rights are the basic facilities which we need for our growth. These are the claims of individual recognised by the society and enforced by the State. The existence of Democracy can't be imagined without Fundamental Rights in India because Rights are the pillars of Democracy.

Why do we call these Rights Fundamental?

- These Rights are incorporated in the third part of the Constitution of India.
- They afford a basis for the development of an Individual.
- The Citizens and Aliens(few rights) in India are ought to enjoy these rights.

Fundamental Rights

Article 12 {Definition}

In this Part, unless the context otherwise required, "the State" includes the Governmental and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

Article 13 {Laws inconsistent with or in derogation of the fundamental rights}

All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

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 extent of the contravention, be void.

In this article, unless the context otherwise required, -

"law" includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;

"laws in force" includes laws passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.

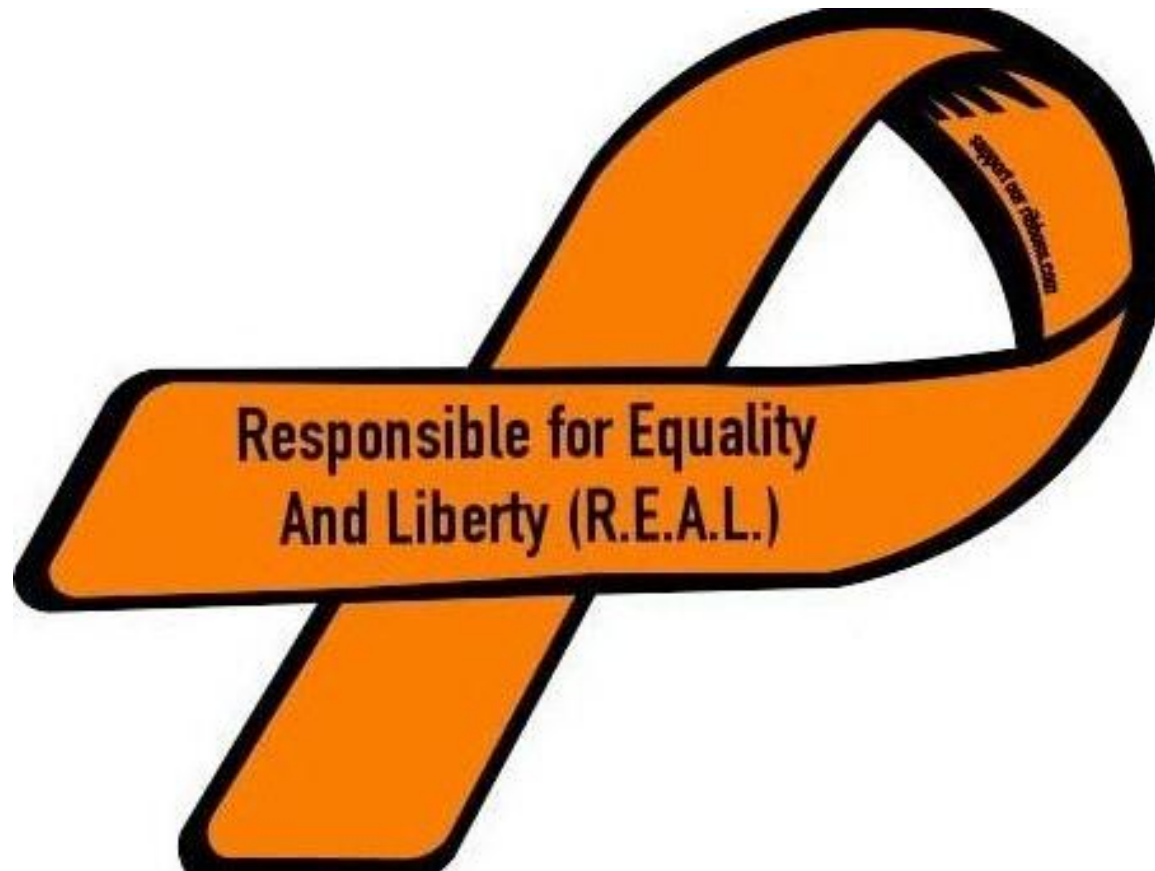
Nothing in this article shall apply to any amendment of this Constitution made under article 368.

Nature of Rights

- Fundamental rights are equal for all.
- Rights are justiciable – Article 32
- Fundamental rights are not absolute.
- They limit the authority of the central and state governments.
- Fundamental rights distinguish between citizens and foreign nationals.
- They can be suspended during emergency.
- Parliament can amend Fundamental rights.

F.Rights at a glance

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



Right To Equality

Article 14 to 18

Right to Equality, Article-14 to 18

- ❑ Equality before law Article-14 provides that «the state shall not deny to any person equality before law or the equal protection of law within the territory of India ».
- ❑ Prohibition of Discrimination, Article-15
- ❑ Equality of opportunity Article-16
- ❑ Abolition of untouchability Article-17
- ❑ Abolition of titles Article-18



Right to Freedom

Article 19 to 22

Right to Freedom

- **Freedom of speech and expression Article-19(a)**
 - Freedom of Press – Article-361 A has been inserted according to which the press has been given the power to publish an account of the proceedings of the Indian Parliament and states legislatures.
 - Right to information is linked to the freedom of speech and expression granted in Article 19 in the constitution.
 - ❑ Freedom to assemble peacefully without Arms – 19(b)
 - ❑ Freedom to form associations and unions - – 19(c)
 - ❑ Freedom to move freely throughout the territory of India – 19(d)
 - ❑ Freedom to reside and settle in any part of the territory of India – 19(e)
 - ❑ Freedom to practise any profession or to carry on any occupation,trade or business – 19(g)

- **Protection in respect of conviction of an offence Article-20**

- **Protection of life and personal liberty Article-21**

- **Right to education Article-21 A**

- **Protection against arrest and detention against certain cases Article-22**



Right against Exploitation

Article 23-24

Right against exploitation, Article-23-24

- Prohibition of traffic in human beings and forced labour Article 23: This article prohibits the traffic in human beings and forced labour.
- Prohibition of compulsory services Article-23 : under this article the state can force people to do compulsory service for public purposes.
- Prohibition of Child Labour Article-24: Children below the age of fourteen years will not be allowed to work in factories, mines or in other dangerous places so that their health is not adversely affected.

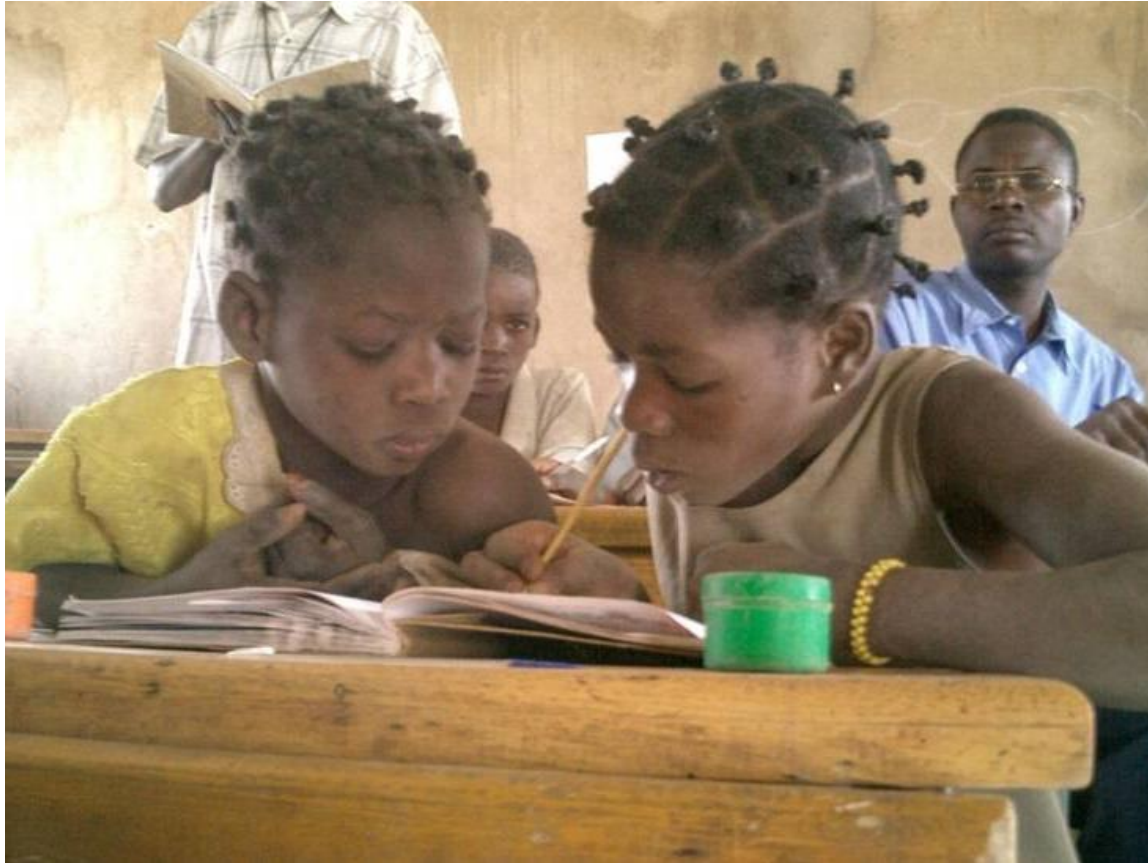


Right to Religious Freedom

Article 25 to 28

Right to religious freedom, Article-25 to 28

- Freedom to profess and propagate any religion, Article-25
- Freedom to manage religious affairs, Article-26
- No payment of taxes- Article-27
- No religious instructions in government educational institutions, Article-28



Cultural and educational rights

Article 29 to 30

Cultural and educational rights, Article 29 to 30

- Protection against interest of minorities, Article-29(1)
- Right to minorities to establish educational institutions, Article-30



Right to Constitutional Remedies.

Article-32

Right to constitutional remedies, Article-32

- HABEAS CORPUS – PRODUCE THE BODY
- MANDAMAS – WE COMMAND
- PROHIBITION – TO CANCEL, TO SQUASH
- CERORERIE – TO CERTIFY/TO TRANSFER
- QUO-WARRANTO – BY WHAT AUTHORITY



Critical Evaluation of Fundamental Rights

Public Opinion

Critical evaluation of fundamental rights

- No rights outside the constitution
- Too many limitations
- Preventive Detention and Fundamental rights
- Rights can be suspended during emergency
- Absence of Economic rights
- Vague and complex language
- Supremacy of Parliament over Fundamental Rights
- Special concessions for minorities and backward classes are against the Principle of Equality.

Importance of Human Rights

- Foundation of democracy
- Check on the arbitrariness of the Government
- Create proper conditions for the development of Men
- Foundation of Rule of law
- Establishment of Secular state
- Protection of the interests of the minorities
- Reconciliation between individual interests and social interests.

Fundamental Rights

Article 33. Power of Parliament to modify the rights conferred by this Part in their application to Forces, etc. - Parliament may, by law, determine to what extent any of the rights conferred by this Part shall, in their application to:-

(a) The members of the Armed Forces; or

(b) The members of the Forces charged with the maintenance of public order; or

(c) Persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter intelligence; or

(d) Persons employed in, or in connection with, the telecommunication systems set up for the purposes of any Force, bureau or organisation referred to in clauses (a) to (c), be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

Article 34. Restriction on rights conferred by this Part while martial law is in force in any area. - Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law indemnify any person in the service of the Union or of a State or any other person in respect of any act done by him in connection with the maintenance or restoration of order in any area within the territory of India where martial law was in force or validate any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area.

Article 35. Legislation to give effect to the provisions of this Part. - Notwithstanding anything in this Constitution, -

(a) Parliament shall have, and the Legislature of a State shall not have, power to make laws-

(i) with respect to any of the matters which under clause (3) of article 16, clause (3) of article 32, article 33 and article 34 may be provided for by law made by Parliament; and

(ii) for prescribing punishment for those acts which are declared to be offences under this Part; and Parliament shall, as soon as may be after the commencement of this Constitution, make laws for prescribing punishment for the acts referred to in sub-clause (ii)

(b) any law in force immediately before the commencement of this Constitution in the territory of India with respect to any of the matters referred to in sub-clause (i) of clause (a) or providing for punishment for any act referred to in sub-clause (ii) of that clause shall, subject to the terms thereof and to any adaptations and modifications that may be made therein under article 372, continue in force until altered or repealed or amended by Parliament.

PART- IV

DIRECTIVE PRINCIPLES OF STATE POLICY

DPSP

- Introduction
- Importance
- Articles (36-51)
- Classification
- Sanction behind DPSP
- Criticism
- Conflict between F.Rights and DPSP

INTRODUCTION

- Borrowed from Irish Constitution, 1937
- F.Rights and DPSP are 'Conscience of Indian Constitution' – Granville Austin
- Features:
 - Welfare State
 - Instrument of Instructions, GOI, 1935
 - **Non-justiciable** in nature.
 - Judicial Review – Null and void.
 - Directions given to the State(Art 36)

IMPORTANCE OF DPSP

1. These Principles are directives for the States
2. Lay down the foundation of Social & Economic Democracy
3. These are measuring scale of achievements of the Government
4. They establish welfare state
5. These are Fundamental in the Governance of the country.
6. These Principles supplement Fundamental rights
7. Guiding Principles for courts
8. They bring stability and continuity in State policies
9. Educative value of Directive Principles.

Articles

- Article 36 to 51 of the Constitution of India embodies the Directive Principles of State policy and for these we are indebted to the Constitution of Ireland. The objective is to establish a social and economic democracy in India
- Article 37 reveals that :
 1. The Directive Principles are not justiciable
 2. They are Fundamental in the governance of the country
 3. It shall be the duty of the State to apply these Directive Principles while formulating policies or making laws for the governance of the State

CLASSIFICATION

Directive Principles are classified under the following categories:

- Socialist Principles – (38, 39, 39A, 41, 42, 43, 43A, 47)-8
- Gandhian Principles – (40, 43, 43B, 46, 47, 48)-6
- Liberal Principles – (44, 45, 48, 48A, 49, 50, 51)-7

SOCIALIST PRINCIPLES

- Article 38 – To promote the welfare of the people by securing a social order permeated by **Justice: social, economic and political** and **to minimise inequalities in income, status, facilities and opportunities(42nd)**.
- Article 39: To secure
 - Article 39(a) – Adequate Livelihood.
 - Article 39(b) – Equitable distribution.
 - Article 39(c) – Prevention of Concentration of wealth.
 - Article 39(d)- Equal pay for equal work
 - Article 39(e)- Prevention of forcible abuse.
 - Article 39(f)- Healthy development of children(42nd)

- Article 39A – To promote equal justice and free legal aid to poor(42nd)
- Article 41 - Right to work, the right to education and public assistance in the event of
 - unemployment,
 - old age,
 - disease
 - disabilities.
- Article 42- make provisions for the creation of just and humane conditions of work and maternity relief.

- Article 43 – To secure a living wage for workers
 - Living wage
 - Fair wage
 - Minimum wage
- Article 43A – Participation of workers in management of industries(42nd)
- Article 47 – To raise level of nutrition and standard of living of people and improve public health

GANDHIAN PRINCIPLES

- Article 40 -organise Panchayats in villages and will endow them with such powers which enable them to act as units of self government.
- Article 43 – develop cottage industry in the rural areas
- Article 43B- Cooperatives Societies(97th, 2011)
- Article 46 –Promotion of educational and economic interests of SC, ST and other weaker sections.
- Article 47- intoxicating drinks and all such commodities which are considered injurious to health.
- Article 48 reveals that State will ban slaughtering of cows, calves and other milch cattle.

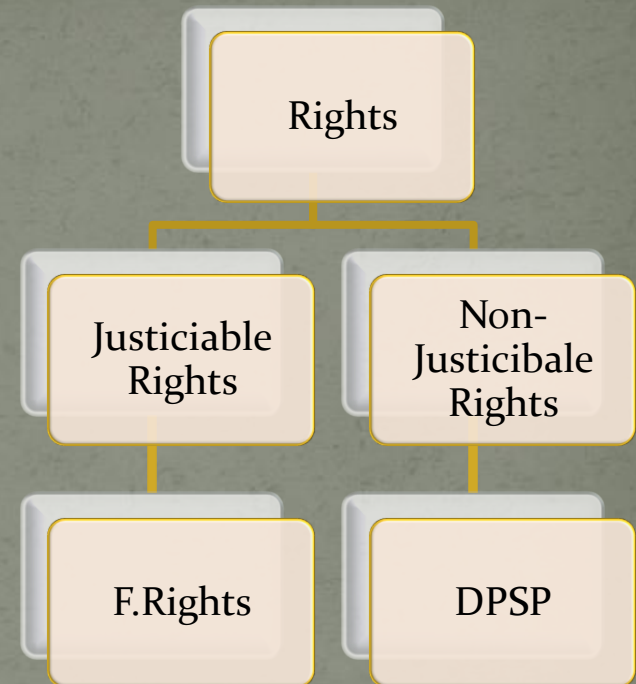
LIBERAL PRINCIPLES

- Article 44 - to formulate and implement a Uniform civil-code for all the people.
- Article 45 of the Indian Constitution the State shall endeavour to provide early childhood care and education for all the children until they complete the age of six years(86th, 2004)
- Article 48 - strive to organise agriculture and husbandary on modern and scientific lines. It will also try to maintain and improve upon the breed of the animals.
- Article 48A- Protect and improve the environment and to safeguard forests and wildlife(42nd)

- Article 49- To protect monuments , places and objects of artistic or historic interest which are declared to be national importance
- Article 50 - to separate the judiciary from the executive in the case of public service.
- Article 51 - to promote international peace and security.

SANCTIONS BEHIND DIRECTIVE PRINCIPLES

- Why Non-justiciable?
 - Sufficient Financial Resources
 - Diversity and backwardness
 - Newly born independent state



CRITISM

1. These are Non-justiciable
2. Not more than moral principles
3. No proper classification is done
4. Some Directive Principles are not practicable
5. These are foreign in nature
6. Against the principle of State Sovereignty
7. It is illogical to include these principles in the constitution
8. These are responsible for Constitutional conflicts
9. No mention of methods to implement these

Conflict between F.Rights & DPSP

- Champakam Dorirajan case-(1951) – F.Rights prevail.
 - 1st Amd, 1951
 - 4th Amd, 1955
 - 17th Amd, 1964
- Golaknath Case-(1967) – F.Rights prevail
 - 24th Amd, 1971
 - 25th Amd, 1971 – Article 31c
- The Present position is that the F.Rights enjoy supermacy over the DPSP