

Constitution of India

S4 KTU

COMMON TO ALL BRANCHES

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Syllabus

- **Module – 1 > Constitution of India**
- **Module – 2 > DPSP, Fund. Rights & Duties**
- **Module – 3 > Union Govt**
- **Module – 4 > State Govt**
- **Module – 5 > Federal System**

Other Facts

- **It is mandatory non – credit paper (MNC)**
- **150 Marks paper – 100 ESE exam and 50 Marks Internal assessment**

Module – 1

Constitution of India

Definition of Constitution

A constitution is the basic design of the structure and powers of the government and the rights and duties of its citizens.

- There can be no nation without a constitution.**
- Constitution need not to be written in nature**
- Based on amendment nature, constitution has divided into 2 > Rigid and Flexible constitution.**

Historical Background of Indian Constitution

- As early as in Dec 1918, in the 33rd session of the Indian National Congress held in Delhi, a resolution was unanimously adopted demanding for free will and right for India.
- In 1928, Jawaharlal Nehru presented a draft for the constitution of India.
- It was in 1934 that the idea of a Constituent Assembly for India was put forward for the first time by M.N. Roy, a pioneer of communist movement in India.
- In 1942, Sir Stafford Cripps, a Member of the Cabinet, came to India with a draft proposal of the British Government on the framing of an independent Constitution to be adopted after the World War II.

- **The Cripps Proposals were rejected by the Muslim League, which wanted India to be divided into two autonomous states with two separate Constituent Assemblies.**
- **9th Dec 1946, The constituent assembly meeting held to frame constitution under the temporary chairmanship of Dr. Sachidanand Sinha.**
- **Later, Dr. Rajendra Prasad elected as the permanent chairman of constituent assembly.**

- **After 15th AUG 1947, the constituent assembly became independent to take decisions as India got independence from British rule.**
- **Dr. B.R. Ambedkar was appointed as the chairman of the Drafting committee which submitted their draft report to constituent assembly on 1948.**
- **On 26th Nov, 1949 , the constitution of India was adopted and was signed by Dr.Rajendra Prasad – Chairman of constituent assembly.**

- In 1950, final session of constituent assembly unanimously elected Dr. Rajendra Prasad as the first president of Independent India after which constitution of India became operational.
- ✓ 1. The constituent assembly ratified the India's membership of the Commonwealth in May 1949.
- ✓ 2. It adopted the national flag on July 22, 1947.
- ✓ 3. It adopted the national anthem on January 24, 1950. 4. It adopted the national song on January 24, 1950.
- ✓ 5. It elected Dr. Rajendra Prasad as the first President of India on January 24, 1950.
- In brief, it took constituent assembly 2 years, 11 months and 17 days to finalize the constitution of India.
- Originally (1949), the Constitution contained a Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules

Salient Features of Indian Constitution

1. Longthiest Written Constitution

- ✓ **Longthiest of all the written Constitutions of the world**
- ✓ **Presently (2019), it consists of a Preamble, about 470 Articles (divided into 25 Parts) and 12 Schedules**
- ✓ **Written, like the American Constitution, or unwritten, like the British Constitution.**

2. Sovereign, Democratic, Secular, Socialist & Republic

3. Parliamentary form of government

- ✓ **The parliamentary system is based on the principle of co-operation and co-ordination between the legislative and executive organs (British Parliamentary System of Government)**

4. Combination of Flexibility and Rigidity

- ✓ (Art 368) deals with amendment provision

5. Single Citizenship

- ✓ In India, all citizens irrespective of the state in which they are born or reside enjoy the same political and civil rights of citizenship

6. Bi – Cameral Union government

- ✓ Upper House and Lower House

7. Independent Federal Judiciary

- ✓ Integrated as well as independent judicial system
- ✓ The Supreme Court stands at the top of the integrated judicial system in the country

8. Fundamental Rights and Duties

- ✓ **Part III of the Indian Constitution guarantees six fundamental rights to all the citizens**
- ✓ **The Part IV-A of the Constitution specifies the eleven Fundamental Duties**

9. Directive Principles of State Policy (DPSP)

- ✓ **The Directive Principles are meant for promoting the idea of social and economic democracy (Welfare state)**

10. Single Election Commission

11. State Languages

12. Emergency Provisions

- ✓ **Emergency provisions to enable the President to meet any extraordinary situation effectively. (Art 352. 356. 360)**

Preamble of the Constitution

- The constitution of India begins with a preamble which specifies the nature of the Indian state.
- Preamble is an introduction or preface to the constitution
- Acc to N.A. Palkhivala – “Preamble is an identity card of the constitution”
- Every constitution begins with a preamble
- It is the soul and key of every constitution
- Preamble defines the basic structure of constitution
- Preamble was adopted by constituent assembly on 26th Nov 1949. (Later amendments made)

Preamble of the Constitution

“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, 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 *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”.

- **Sovereign**: The word ‘sovereign’ implies that India is neither a dependency nor a dominion of any other nation, but an independent state
- **Socialist**: The Indian brand of socialism is a ‘democratic socialism’ and not a ‘communistic socialism’ (Mixed Economy)
- **Democratic**: The term ‘democratic’ is used in the Preamble in the broader sense embracing not only political democracy but also social and economic democracy.

- **Republic**: Therefore, the term ‘republic’ in our Preamble indicates that India has an elected head called the president. He is elected indirectly for a fixed period of five years.
- **Justice**: The term ‘justice’ in the Preamble embraces three distinct forms– social, economic and political
- **Liberty**: The term ‘liberty’ means the absence of restraints on the activities of individuals, and at the same time, providing opportunities for the development of individual personalities.

- **Equality**: The term 'equality' means the absence of special privileges to any section of the society, and the provision of adequate opportunities for all individuals without any discrimination.
- **Fraternity**: Fraternity means a sense of brotherhood. The Constitution promotes this feeling of fraternity by the system of single citizenship.

Union and its Territory

- **Articles 1 to 4 under Part-I of the Constitution deal with the Union and its territory.**
- **Article 1 describes India, that is, Bharat as a ‘Union of States’**
- **The Constituent Assembly had to adopt a mix of both (‘India, that is, Bharat’)**
- **The country is an integral whole and divided into different states only for the convenience of administration**

- According to Article 1, the territory of India can be classified into three categories:
 1. Territories of the states
 2. Union territories
 3. Territories that may be acquired by the Government of India at any time.
- At present, there are 28 states and 9 union territories. The states are the members of the federal system and share a distribution of powers with the Centre.

- **Article 2 grants two powers to the Parliament: (a) the power to admit into the Union of India new states; and (b) the power to establish new states.**
- **Article 3, on the other hand, relates to the formation of or changes in the existing states of the Union of India. In other words, Article 3 deals with the internal re-adjustment of the territories of the constituent states of the Union of India**
- **Article 3 authorizes the Parliament to: (a) form a new state by separation of territory from any state or by 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; and (e) alter the name of any state**

- **Moreover, the Constitution (Article 4) itself declares that laws made for admission or establishment of new states and formation of new states and alteration of areas, boundaries or names of existing states are not to be considered as amendments of the Constitution under Article 368. This means that such laws can be passed by a simple majority and by the ordinary legislative process.**

Citizenship

- **Citizenship is the status of a person recognized under the law of a country of belonging to thereof.**
- **Citizens are full members of the Indian State who enjoys all civil and political rights.**
- **The Constitution deals with the citizenship from Articles 5 to 11 under Part II**
- **Single citizenship: The citizens in India owe allegiance only to the Union. There is no separate state citizenship**

- **According to the Constitution, the following four categories of persons became the citizens of India at its commencement i.e., on January 26, 1950:**

(a) Persons domiciled in India

(b) Persons migrated from Pakistan

(c) Persons migrated to Pakistan but later returned

(d) Persons of Indian origin residing outside India.

CITIZENSHIP ACT, 1955

- The Citizenship Act (1955) provides for acquisition and loss of citizenship after the commencement of the Constitution.

Acquisition of Citizenship (Types)

1. Birth

- ✓ Citizenship by birth

2. Descent : A person born outside India

- ✓ A person born outside India shall not be a citizen of India by descent, unless his birth is registered at an Indian consulate within one year of the date of birth or with the permission of the Central Government, after the expiry of the said period

3. Registration

- ✓ **The Central Government may, on an application, register as a citizen of India any person**

4. Naturalisation

- ✓ **The Central Government may, on an application, grant a certificate of naturalisation to any person**

5. Incorporation of territory

- ✓ **If any foreign territory becomes a part of India, the Government of India specifies the persons who among the people of the territory shall be the citizens of India.**

Loss of Citizenship

1. By Renunciation

Any citizen of India of full age and capacity can make a declaration renouncing his Indian citizenship

2. By Termination

When an Indian citizen voluntarily acquires the citizenship of another country, his Indian citizenship automatically terminates.

3. By Deprivation

It is a compulsory termination of Indian citizenship by the Central government, if:

- (a) The citizen has obtained the citizenship by fraud:**
- (b) The citizen has shown disloyalty to the Constitution of India:**
- (c) The citizen has unlawfully traded or communicated with the enemy during a war;**
- (d) The citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years; and**
- (e) The citizen has been ordinarily resident out of India for seven years continuously**

Thank you