

CONSTITUTION  
OF  
INDIA



# GROUP MEMBERS

1. Introduction – Jyothis
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# INTRODUCTION

## CONSTITUTION:

A **constitution** is a set of fundamental principles or established precedents according to which a state or other organization is governed.



# NEED OF A CONSTITUTION

- It generates trust that is necessary for different kinds of people to live together.
- It specifies how the government will be constituted which means who will have the power and what decisions will they be responsible for.
- It lays down limitations on the powers of the government and makes the citizens aware of their rights.
- It expresses the aspirations of people for building a good society.
- It defines the nature of political system of a country.
- It provides a set of rules that allow the minimal coordination amongst members of society.
- It enable the govt. to fullfill the separation of a society and create conditions for just society.

# Characteristics of Indian Constitution

The Constitution of India has some distinct and unique features as compared to other constitutions to the world. Dr. Ambedkar, the Chairman of Drafting Committee puts it, the framers had tried to accumulate and accommodate the best features of other constitutions, keeping in view the peculiar problems and needs of our country.

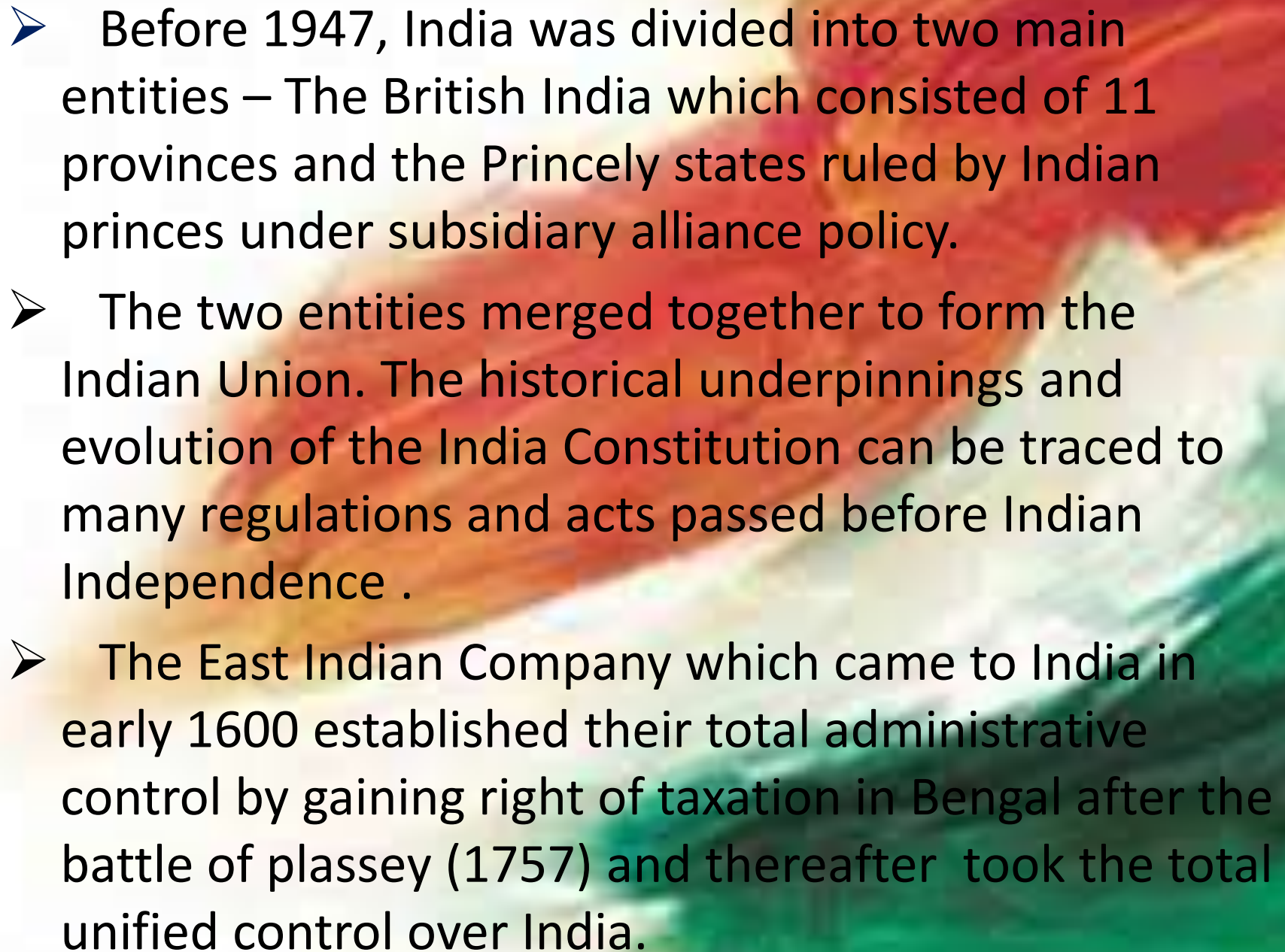


The main characteristics are:

- Longest written constitution
- Partly rigid and flexible
- Democratic Republic
- Parliamentary System of Govt.
- A Federation
- Fundamental Rights
- Directive Principles of State Policy
- Fundamental Duties
- Secular States
- An independent Judiciary
- Single Citizenship

# A BRIEF HISTORY OF INDIAN CONSTITUTION

- ❖ Emperor Ashoka Maurya was the first to introduce and establish the constitutional principles, engraved them in major rocks , pillars and minor rocks for public to take reference. Which is known as edicts of Ashoka.

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- Before 1947, India was divided into two main entities – The British India which consisted of 11 provinces and the Princely states ruled by Indian princes under subsidiary alliance policy.
  - The two entities merged together to form the Indian Union. The historical underpinnings and evolution of the India Constitution can be traced to many regulations and acts passed before Indian Independence .
  - The East Indian Company which came to India in early 1600 established their total administrative control by gaining right of taxation in Bengal after the battle of Plassey (1757) and thereafter took the total unified control over India.



# MAJOR PREDECESSORS

## 1.The Charter Act (1813,1833,1853):

### Charter Act of 1813

The Company's monopoly over Indian trade terminated; Trade with India open to all British subjects.

### 2.Charter Act of 1833

**Governor-General (of Bengal)** became as the Governor-General of India.

First Governor-General of India was Lord William Bentick

This was the final step towards centralization in the British India.

Beginning of a Central legislature for India as the act also took away legislative powers of Bombay and Madras provinces.

The Act ended the activities of the East India Company as a commercial body and it became a pure administrative body.

### ❖ Charter Act of 1853

**The legislative and executive functions of the Governor-General's Council were separated.**

6 members in Central legislative council. Four out of six members were appointed by the provisional governments of Madras, Bombay, Bengal and Agra.

It introduced a system of open competition as the basis for the recruitment of civil servants of the Company (Indian Civil Service opened for all)

## 2. **Indian Councils Act (1892,1909):**

### **India Council Act of 1892**

Introduced indirect elections (nomination).

Enlarged the size of the legislative councils.

Enlarged the functions of the Legislative Councils and gave them the power of discussing the Budget and addressing questions to the Executive.

### ❖ **Indian Councils Act of 1909**

This Act is also known as the Morley- Minto Reforms.

Direct elections to legislative councils; first attempt at introducing a representative and popular element.

The member of Central Legislative Council was increased to 60 from 16.

Introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'.

**Indians for the first time in Viceroy's executive council.** (Satyendra Prasad Sinha, as the law member).

### 3 . **Government Of India Act (1919, 1935):**

#### **Government of India Act of 1919**

This Act is also known as the Montague-Chelmsford Reforms.

The Central subjects were demarcated and separated from those of the Provincial subjects.

The scheme of dual governance, 'Dyarchy', was introduced in the Provincial subjects.

Under dyarchy system, the provincial subjects were divided into two parts – **transferred and reserved**. On reserved subjects Governor was not responsible to the Legislative council.

The Act introduced, for the first time, **bicameralism at center**.

**Legislative Assembly** with 140 members and **Legislative council** with 60 members.

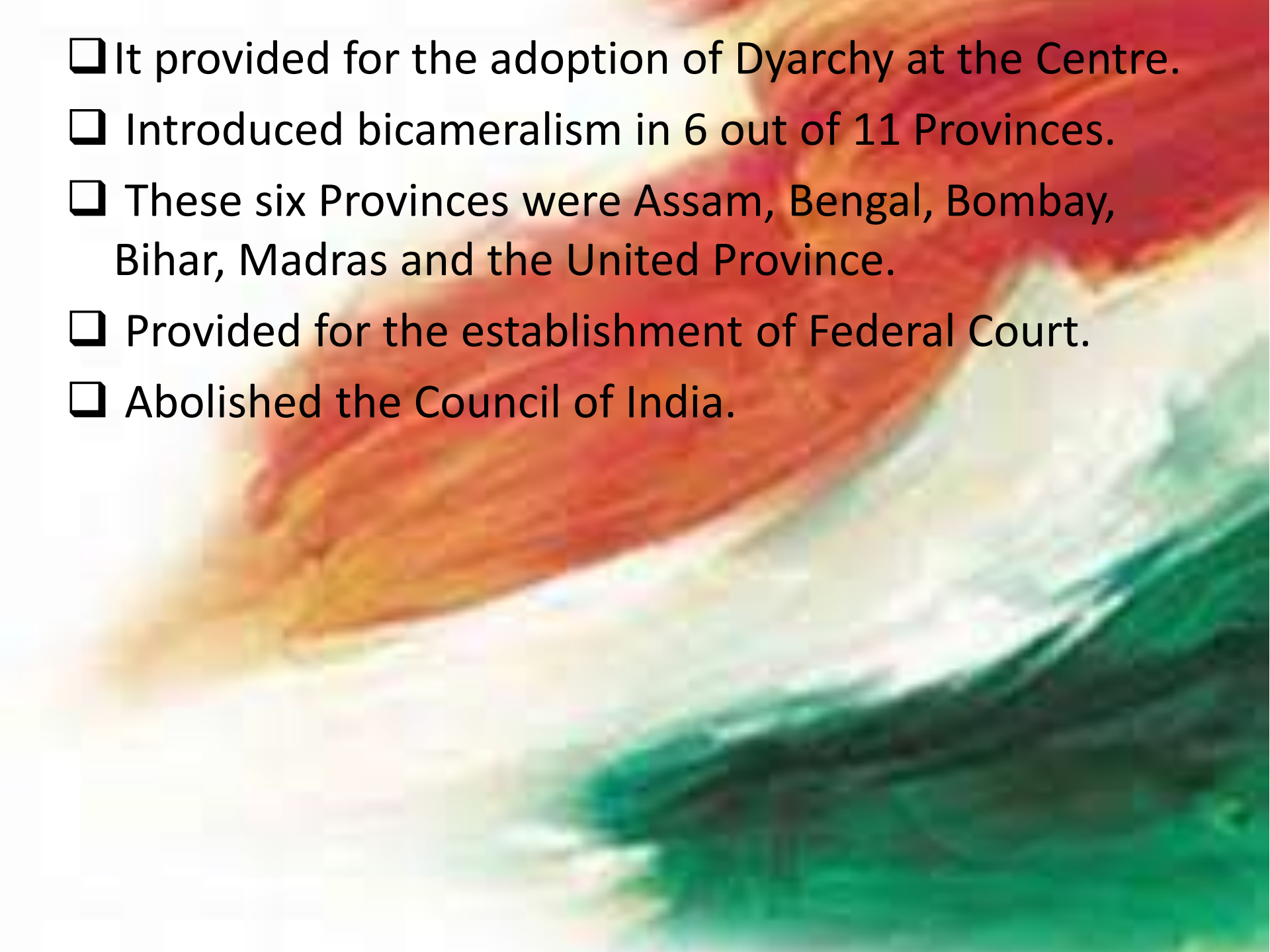
### **Direct elections**

The Act also required that the three of the six members of the Viceroy's Executive Council (other than Commander-in-Chief) were to be Indians.

Provided for the establishment of Public Service Commission.

# Government of India Act of 1935

- The Act provided for the establishment of an All-India Federation consisting of the Provinces and the Princely States as units, though the envisaged federation never came into being
- Three Lists : The Act divided the powers between the Centre and the units in items of three lists, namely the Federal List, the Provincial List and the Concurrent List.
- The Federal List for the Centre consisted of 59 items, the Provincial List for the provinces consisted of 54 items and the Concurrent List for both consisted of 36 items
- The residuary powers were vested with the Governor-General.
- The Act abolished the Dyarchy in the Provinces and introduced 'Provincial Autonomy'.

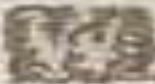
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- The background of the slide is a blurred image of the Indian national flag, showing the saffron, white, and green horizontal stripes with the navy blue Ashoka Chakra in the center.
- ❑ It provided for the adoption of Dyarchy at the Centre.
  - ❑ Introduced bicameralism in 6 out of 11 Provinces.
  - ❑ These six Provinces were Assam, Bengal, Bombay, Bihar, Madras and the United Province.
  - ❑ Provided for the establishment of Federal Court.
  - ❑ Abolished the Council of India.

# Indian Independence Act of 1947

- It declared India as an **Independent and Sovereign State**.
- Established responsible Governments at both the Centre and the Provinces.
- Designated the Viceroy of India and the provincial Governors as the Constitutional (normal heads).
- It assigned dual functions (Constituent and Legislative) to the Constituent Assembly and declared this dominion legislature as a sovereign body.



# THE CONSTITUTION OF INDIA

 THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

- JUSTICE, social, economic and political;
- LIBERTY of thought, expression, belief, faith and worship;
- EQUALITY of status and of opportunity;

and to promote among them all

- FRATERNITY assuring the dignity of the individual and the unity of the Nation;

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

# **PREAMBLE TO CONSTITUTION OF INDIA**

**The preamble can be referred to as the preface which highlights the essence of the entire Constitution. It was adopted on 26 November 1949 by the Constituent Assembly and came into effect from 26th January, 1950. The 'preamble' to the Constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document.**

## Meaning :

- ❖ The 1<sup>st</sup> words of the preamble – “ **We The People** ” – signifies that the power is ultimately vested in the hands of the people of India . So far the preamble has been amended only once in 1976 by 42<sup>nd</sup> amendment (change) which inserted the words **Socialism , Secularism and Integrity**. A brief description of these concepts is given in the following slides.

## ❖ Sovereign

The word sovereign means supreme or independence. India is internally and externally sovereign - externally free from the control of any foreign power and internally, it has a free government which is directly elected by the people and makes laws that govern the people.

## ❖ Socialist

Even before the term was added by the 42nd Amendment in 1976, the Constitution had a socialist content in the form of certain Directive Principles of State Policy. The term socialist here means democratic socialism i.e. achievement of socialistic goals through democratic, evolutionary and non-violent means.

## ❖ **Secular**

Secular means the relationship between the government and the people which is determined according to constitution and law. By the 42nd Amendment, the term "Secular" was also incorporated in the Preamble. Secularism is the basic structure of the Indian constitution. The Government respects all religions.

## ❖ **Democratic**

The first part of the preamble "We, the people of India" and, its last part "give to ourselves this Constitution" clearly indicate the democratic spirit involved even in the Constitution. India is a democracy. The people of India elect their governments at all levels (Union, State and local) by a system popularly known as "one man one vote".

## ❖ Republic

As opposed to a monarchy, in which the head of state is appointed on hereditary basis for a lifetime or until he abdicates from the throne, a democratic republic is an entity in which the head of state is elected, directly or indirectly, for a fixed tenure. . The leader of the state is elected by the people.

## ❖ Justice

The term 'justice' in the preamble refers to three varying aspects - Political, Social and Economic which are secured through different provisions of Fundamental Rights & Directive Principles of State Policy.

## ❖ Liberty

The ideal of Liberty refers to the freedom on the activities of Indian nationals. All the citizens are secured with liberty of thought, expression, belief, faith & worship through the Fundamental Rights . However, liberty does not mean freedom to do anything, and it must be exercised within the constitutional limits.

## ❖ Equality

This envisages that no section of the society enjoys special privileges and individuals are provided with adequate opportunities without any discrimination. Again, there are three dimensions of Equality - Political, Economic & Civic.



## ❖ Fraternity

This refers to a feeling of brotherhood & a sense of belonging with the country among its people.



The background of the slide is a close-up, slightly blurred image of the Indian national flag, showing the saffron, white, and green horizontal stripes with the Ashoka Chakra in the center. The text is overlaid on this background.

# **FRAMING OF CONSTITUTION OF INDIA**



First Constituent Assembly of India

# OBJECTIVES

- **To set up a Union of India comprising British India and the princely states.**
- **To set up federal form of govt. with separate state and central govts.**
- **To set up a democracy in which all power is derived from the people.**
- **To protect the integrity of India and her sovereign rights over land, sea and air.**
- **To help India attain its rightful place in the world and work for peace and welfare.**

# Makers of Indian Constitution

*Framing of the Indian Constitution and  
Biographies of the Constitution Makers*

KESHAV DAYAL





**Dr. Sachchidananda Sinha was the first president(temporary) of the constituent assembly when it met on December 9, 1946.**



**Dr. Rajendra Prasad then became  
the president of the constituent  
assembly**

# FATHER OF OUR CONSTITUTION



- Dr. Bhimrao Ambedkar became the Chairman of its Drafting Committee on December 11 , 1946.

# Borrowed features of Constitution of India





# FROM U.K.

- President, Prime minister, Parliamentary type of govt.
- Lower house more powerful
- Council of ministers responsible for lower house
- Provision of Speaker in Lok Sabha

# FROM USA

- Written constitution, fundamental rights, Supreme Court
- Appointment of Vice President, Head of the state known as President
- Provision of states, Judicial review

## **FROM AUSTRALIA**

- Concurrent list, Central-State relationship, Language of the Preamble

## **FROM USSR**

- Fundamental duties, Five year plans

## **FROM GERMANY**

- Emergency provisions

## **FROM JAPAN**

- Law on which the Supreme Court functions

## **FROM CANADA**

- Federal system and residuary powers

## **FROM SOUTH AFRICA**

- Procedure of constitutional amendment

## **FROM IRELAND**

- Concept of Directive Principles of State Policy

- **The Constituent Assembly which came into existence on 11th of December 1946, this duration, the constituent assembly had 145 meetings and framed a draft constitution. During these discussions, the various laws proposed by the British Government in 1909, 1919 and 1935, the British Parliamentary System, the American Bill of Rights, the Social Directive Policies of Ireland were studied and some laws of those were written in the Constitution.**
- **Finally, the Indian Constitution was approved on 26th of November, 1949 and came into existence on 26th of January, 1950. This day (January 26) is celebrated as 'Republic Day' in India.**

**For the time being the Constitution was made, India would be governed in accordance with the Govt. Of India Act, 1935.**

- The Assembly met in sessions open to the public, for 166 days, spread over a period of 2 years, 11 months and 18 days before adopting the constitution. It was finally passed and accepted on Nov 26, 1949. In all the 284 members of the assembly signed the official copies of the Indian Constitution.**

After many deliberations and some modifications 111 plenary sessions in 114 days, the 308 members of the assembly signed 2 copies of the document(both in English and Hindi) on 24 Jan 1950.

Same day the assembly unanimously elected Dr, Rajendra Prasad as the President of India which came into effect on **Jan 26, 1950** and celebrated as the “**Republic Day of India**”.

Freedom in Mind,

Faith in Words,

Pride in our Heart,

Memories in our Souls.

Lets Salute the Nation on

REPUBLIC DAY.





# THE INDIAN CONSTITUTION

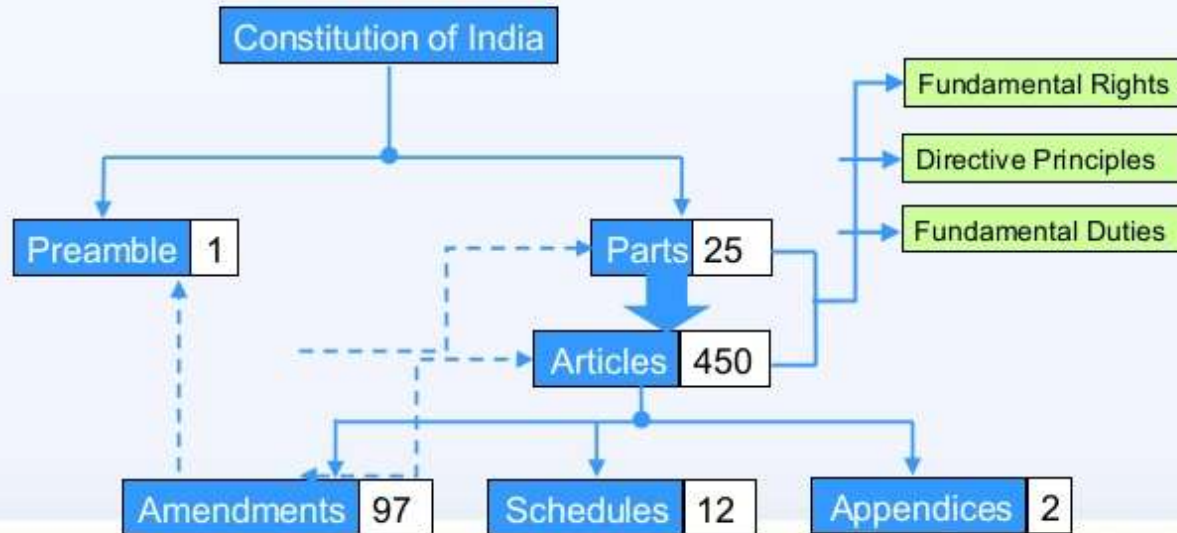
- The **Constitution of India** is the major law in India. The constitution is the framework for political principles, procedures, powers of government officials, etc. It's also the longest constitution in the world. It establish the rights ,duties and directive principles of citizens and the procedures and policies of govt.
- The Indian Constitution shows quasi-federal system.

# STRUCTURE OF INDIAN CONSTITUTION



## 6. What Is The constitution of India?


(ii) Structure of Constitution of India:- The Constitution, in its current form (March 2011), consists of 1 preamble, 25 parts containing 450 articles, 12 schedules, 2 appendices and 97 amendments to date. Although it is federal in nature it also has a strong unitary bias.



- The individual Articles of the Constitution are grouped together into the following Parts:

## **PARTS**

- **Part I** – Union and its Territory
- **Part II** – Citizenship.
- **Part III** – Fundamental Rights
- **Part IV** – Directive Principles of State Policy
- **Part IVA** – Fundamental Duties
- **Part V** – The Union
- **Part VI** – The States
- **Part VII** – States in the B part of the First schedule (*repealed*)

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- **Part VIII** – The Union Territories
  - **Part IX** – The Panchayats
  - **Part IXA** – The Municipalities
  - **Part IXB** – The Co-operative Societies.
  - **Part X** – The scheduled and Tribal Areas
  - **Part XI**– Relations between the Union and the States
  - **Part XII** – Finance, Property, Contracts and Suits
  - **Part XIII** – Trade and Commerce within the territory of India
  - **Part XIV** – Services Under the Union, the States
  - **Part XIVA** – Tribunals
  - **Part XV** – Elections

- **Part XVI** – Special Provisions Relating to certain Classes
- **Part XVII** – Languages
- **Part XVIII** – Emergency Provisions
- **Part XIX** – Miscellaneous
- **Part XX** – Amendment of the Constitution
- **Part XXI** – Temporary, Transitional and Special Provisions
- **Part XXII** – Short title, date of commencement, Authoritative text in Hindi and Repeals

## **SCHEDULES**

- Schedules are lists in the Constitution that categorize and tabulate bureaucratic activity and policy of the Government.
- **First Schedule** (Articles 1 and 4) - This lists the states and territories of India, lists any changes to their borders and the laws used to make that change.

- **Second Schedule** (Articles 59(3), 65(3), 75(6), 97, 125, 148(3), 158(3), 164(5), 186 and 221)
  - This lists the salaries of officials holding public office, judges, and Comptroller and Auditor General of India.
- **Third Schedule** (Articles 75(4), 99, 124(6), 148(2), 164(3), 188 and 219) :Forms of Oaths
  - This lists the oaths of offices for elected officials and judges.
- **Fourth Schedule** (Articles 4(1) and 80(2))
  - This details the allocation of seats in the *Rajya Sabha* (the upper house of Parliament) per State or Union Territory.
- **Fifth Schedule** (Article 244(1))
  - This provides for the administration and control of Scheduled Areas and Scheduled Tribes (areas and tribes needing special protection due to disadvantageous conditions).
- **Sixth Schedule** (Articles 244(2) and 275(1))
  - Provisions made for the administration of tribal areas in Assam, Meghalaya, Tripura, and Mizoram.

- **Seventh Schedule** (Article 246)

→ The union (central government), state, and concurrent lists of responsibilities.

- **Eighth Schedule** (Articles 344(1) and 351)

→ The official languages.

- **Ninth Schedule** (Article 31-B)

→ Validation of certain Acts and Regulations.

- **Tenth Schedule** (Articles 102(2) and 191(2))

→ "Anti-defection" provisions for Members of Parliament and Members of the State Legislatures.

- **Eleventh Schedule** (Article 243-D)

→ *Panchayat Raj* (rural local government),

# Fundamental Rights

The *Fundamental Rights* are defined as the basic human rights of all citizens. These rights, defined in Part III of the Constitution, apply irrespective of race, place of birth, religion, caste, creed or sex.

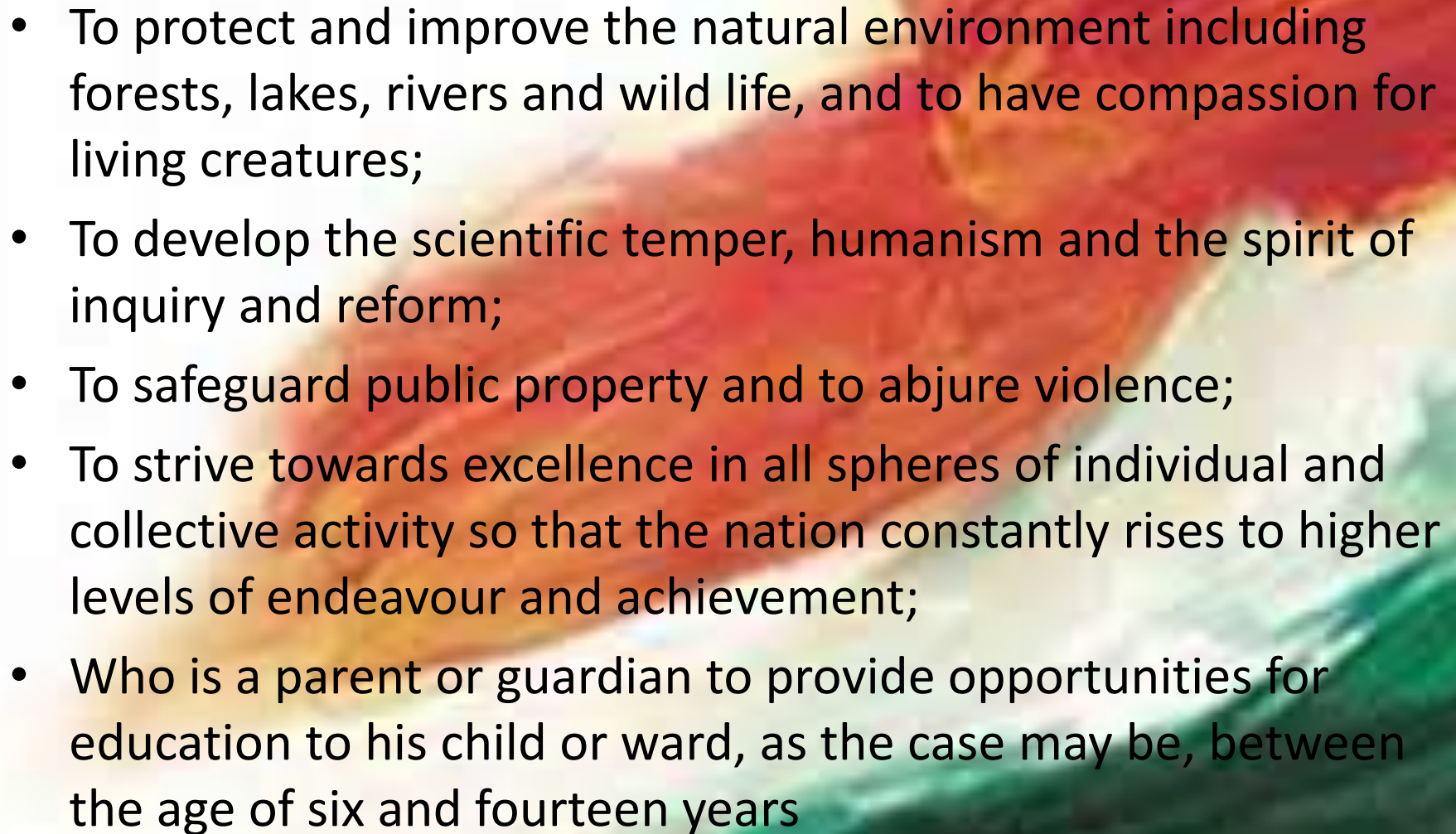


## Fundamental Rights :

- ❖ Right to equality ( Art. 14 -18).
  - ❖ Right to freedom (Art.19 -22).
  - ❖ Right against exploitation.(Art. 23 -24).
  - ❖ Right to freedom of religion.( Art. 25 -28).
  - ❖ Cultural and Educational rights ( Art. 29 -30).
  - ❖ Right to Constitutional Remedies (Art. 31- 32).
  - ❖ Right To Life.
  - ❖ Right to Education .(Art. 21A)
- } NEW RIGHTS

# Fundamental Duties

- To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- To cherish and follow the noble ideals which inspired our national struggle for freedom;
- To uphold and protect the sovereignty, unity and integrity of India;
- To defend the country and render national service when called upon to do so;
- To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- To value and preserve the rich heritage of our composite culture;

- 
- To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
  - To develop the scientific temper, humanism and the spirit of inquiry and reform;
  - To safeguard public property and to abjure violence;
  - To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;
  - Who is a parent or guardian to provide opportunities for education to his child or ward, as the case may be, between the age of six and fourteen years

# Directive Principles of State Policy

- Article 36 to Article 51 of the Constitution (Part IV) deal with the Directive Principles of State Policy. The Directive Principles are the guiding principles for governance but are not enforceable by any court.
- That does not change the fact that they are nevertheless fundamental to the governance of this country. These principles provide the social and economic guidance for Indian Democracy and pave the way for the establishment of a true welfare State.
- As the name indicates, these principles command the State and its instrumentalities to follow certain fundamental principles while formulating and pursuing policies.

- These principles are the guiding light for the attainment of the objectives that our Constitution aspires for. These principles chalk the path for the State to follow in order to secure the greatest good for the greatest number in the way consistent with our Constitutional philosophy and vision.
- The Directive Principles envision for all citizens the equality of opportunity and adequate means of livelihood, avoiding concentration of wealth in few hands. In short, the Directive Principles envisage equality, liberty and freedom.

# WRITS OF INDIAN CONSTITUTION

TYPES OF WRITS	MEANING OF THE WORD	PURPOSE OF ISSUE
HABEAS CORPUS	You may have the body	To realise a person who has been detained unlawfully whether in prison or in private custody.
MANDAMUS	We Command	To secure the performance of public duties by lower court , tribunal or public authority.
CERITORARI	To be certified	To quash the order already passed by an inferior court ,tribunal or quasi judicial authority.
PROHIBITION	Stay Order	To prohibit an inferior court from continuing the proceedings in a particular case or it has no jurisdiction to try
QUO WARRANTO	What is the authority?	To restrain a person from holding a public office which is not entitled.

# AMENDMENTS OF INDIAN CONSTITUTION

- As of August 2015, there have been 100 amendments to the Constitution of India since it was first enacted in 1950.
- There are two types of amendments to the constitution which are governed by article 368.
- The first type includes amendments that can be effected by Parliament of India by a prescribed 'special majority'.
- The second type of amendments includes those that require, in addition to such "special majority", ratification by at least one half of the State Legislatures. The second type amendments made to the constitution are amendments 3, 6, 7, 8, 13, 14, 15, 16, 22, 23, 24, 25, 28, 30, 31, 32, 35, 36, 38, 39, 42, 43, 44, 45, 46, 51, 54, 61, 62, 70, 73, 74, 75, 79, 84, 88, 95 and 99.

# SOME OF THE MAIN AMENDMENTS

- **The Constitution (24th Amendment) Act, 1971** : It affirmed the power of the Parliament to amend any part of the Constitution. After this amendment, the President is bound to assent to Constitution Amendment Bill. Education was transferred to the Concurrent List by this amendment.
- **The Constitution (40th Amendment) Act, 1976**: This Amendment has a three-fold objective:
  - (1) It places beyond challenge in courts some major Central laws
  - (2) It gives similar protection to several State enactments, mostly relating to land legislation, by including them in the Ninth Schedule of the Constitution.
  - (3) It provides that the limits of the territorial waters, the Continental Shelf, the Exclusive Economic Zone and the maritime zones of India shall be specified from time to time by law made by Parliament.

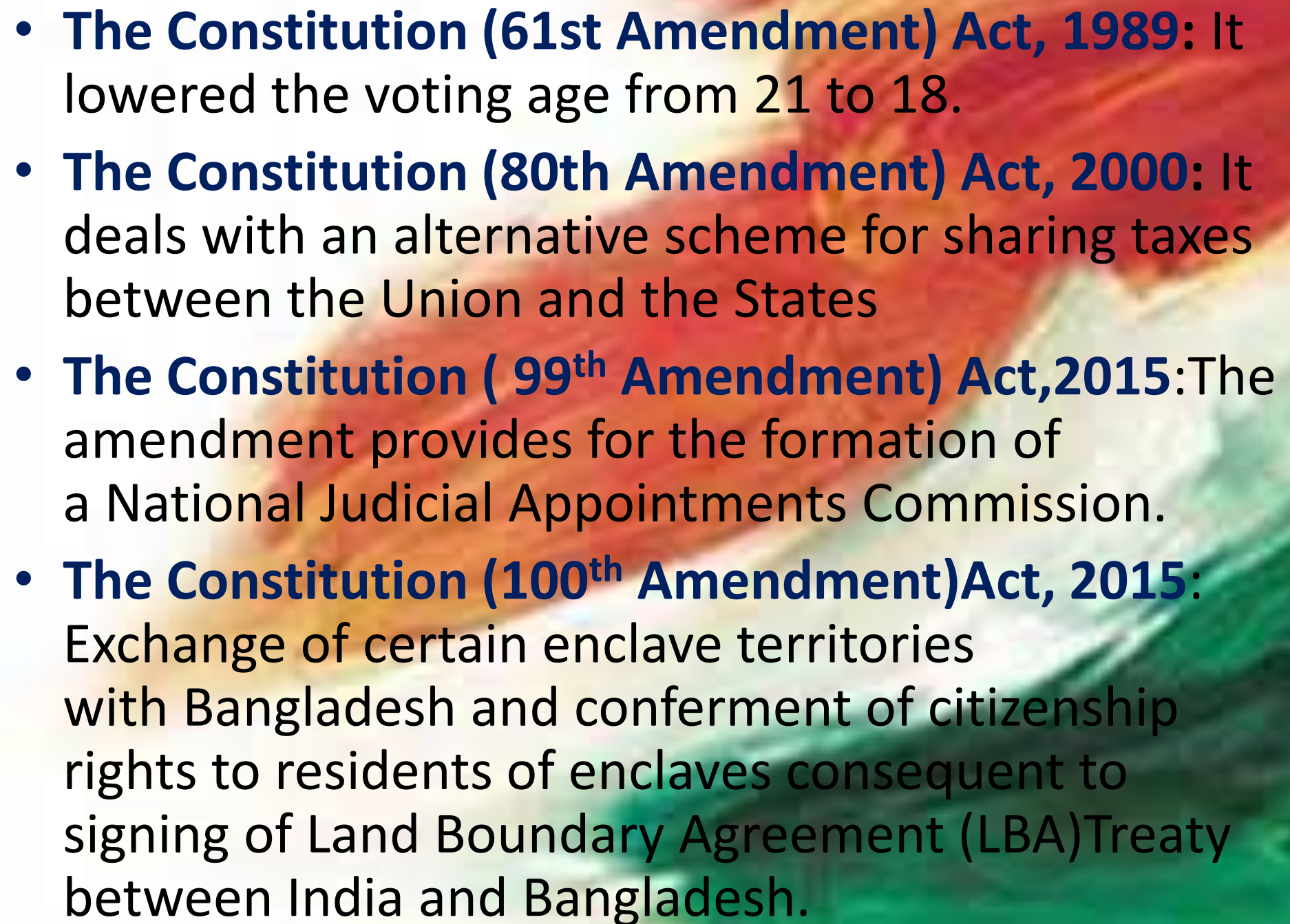


**The Constitution (42nd Amendment) Act, 1976:** It was enacted during the period of internal emergency.

1. Gave the Directive Principles precedence over the Fundamental Rights.
2. It further imposed limits on the power and jurisdiction of the judiciary; raised the term of the Lok Sabha and the Vidhan Sabha from five to six years.
3. Authorised the use of Central armed forces in any State to deal with law and order problems, made the President bound by the advice of the Council of Ministers.
4. The Act also clearly laid down that no Constitutional Amendment could be questioned in any court of law.

## • **The Constitution (44th Amendment) Act, 1978**

1. The duration of the Lok Sabha and State Legislative Assemblies has been reduced from six to five years
2. The Right to Property ceases to be a Fundamental Right and becomes only a legal right according to the Constitution 44th Amendment.
3. An important feature of the Act is that any proclamation of Emergency need henceforward, be issued by the President only after receiving the advice of the Cabinet as a whole in writing.
4. The 44th Amendment provides safeguards against future subversion of the Constitution for establishing an authoritarian regime. It contains provisions which are designed to make it impossible to impose the kind of emergency the country had experienced for 19 months.

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- **The Constitution (61st Amendment) Act, 1989:** It lowered the voting age from 21 to 18.
  - **The Constitution (80th Amendment) Act, 2000:** It deals with an alternative scheme for sharing taxes between the Union and the States
  - **The Constitution ( 99<sup>th</sup> Amendment) Act, 2015:** The amendment provides for the formation of a National Judicial Appointments Commission.
  - **The Constitution (100<sup>th</sup> Amendment) Act, 2015:** Exchange of certain enclave territories with Bangladesh and conferment of citizenship rights to residents of enclaves consequent to signing of Land Boundary Agreement (LBA) Treaty between India and Bangladesh.

# Conclusion

The constitution of India has several distinctive features:

- It's the lengthiest constitution in the world.
- It's a combination of rigidity & flexibility.
- It's a Quasi-Federal system of government.
- It is very clear and precise. It is free from doubts and ambiguity.

# Conclusion:

- The Indian constitution lays emphasis on rule of law.
- The Indian constitution is indispensable to federalism. It properly distributes powers between the centre and federal units - states or provinces.
- The Indian constitution protects the fundamental rights of the individual, fundamental rights are very essential for the liberty of the individual. It will be unconstitutional to deprive individual of any of these rights.
- The Indian constitution protects the interests of minorities.
- As a Indian constitution is clear, the ruler (government) cannot exercise powers arbitrarily. A Indian constitution prevents arbitrary and whimsical

- Indian constitution cannot easily cope with the changes taking place of time. With the passage of time changes take place in the condition of a country. The constitution needs revision or modification to deal with such changes, a written constitution, being rigid, is not easily amenable to necessary modification or revision.
- When a Indian constitution fails to cope with the march of time and consequent changes in the condition of the country, the people, being angry, revolt against the government.
- As Indian constitution gives more importance to written laws, the importance of public opinion decreases.



THANK YOU