

## Indian Polity Notes Part 2 in English

### 2] Indian Constitution

- Every state must have a constitution. Without a constitution it is difficult to govern a state.
- History tells that since the origin of the state there had been some kinds of rules in some form to maintain the **order and harmony** in the state.
- In every state be it a democratic or despotic it is essential that such rules must be accepted which would decide the role and organization of political institutions in order to save the society from anarchy.
- In modern states these rules find expression in the form of a constitution.
- **August 15, 1947** is a great day in the long and eventful history of our motherland, for it was on that day, the two hundred year old British rule over India was terminated and political authority was transferred to the representatives of the Indian people.
- In the process of Constitutional development of India, the **Cabinet Mission of 1946** had recommended for setting up of a Constituent Assembly to draft a new constitution for India.
- The Constituent Assembly had its first session on December – 9, 1946.
- **Dr. sachidananda Sinha**, the then President of the Constituent Assembly presided over the first meeting.
- After Dr. Sinha, **Dr. Rajendra Prasad** became the President of the Constituent Assembly. After Independence he also became the first President of the Indian Republic.
- The work of drafting the Constitution was given to the **Drafting Committee** by the Constituent Assembly. The Drafting Committee was constituted on **29<sup>th</sup> August 1947** under the Chairmanship of **Dr. B. R. Ambedkar**.
- He was a brilliant Constitutional expert and the **chief architect of Indian Constitution**.
- The Drafting Committee studied the Constitution of more than 60 countries such as U.K, USA, Ireland, erstwhile U.S.S.R, France, Switzerland, etc. and adopted some of its meritorious features.
- The final session of the Constituent Assembly was held on **24<sup>th</sup> January 1950**, The Constitution was inaugurated on **26<sup>th</sup> January 1950**. Hence we celebrate the **Republic day** on 26<sup>th</sup> January of every year.

### **The Legal experts of the Drafting Committee**

- Dr. B. R. Ambedkar (Chairman)
- N.Gopalaswami Ayyangar
- Alladi Krishnaswamy Ayyar
- Dr.K.M. Munshi
- Syed Mohammad Sadullah
- B. L. Mitter
- N. Madhava Rao
- T.T. Krishnamachari
- D. P. Khaitan

### **The Constitution**

- The Constitution comprises of the basic principles of the political system by which the people of the Nation are to be governed.

### **26<sup>th</sup> January**

- On 26<sup>th</sup> January 1930 the “Purna Swaraj” day was celebrated, following the resolution of the **Lahore session of Indian National Congress in 1929.**
- So, the date 26<sup>th</sup> January was chosen to implement the Constitution in 1950.
- The Indian Constitution contains **XXII Parts, 449 Articles and 12 Schedules.**

### **Some of the Salient Features of the Indian Constitution are**

- Preamble
- The Popular Sovereignty
- Secularism
- Parliamentary Democratic Government
- Fundamental Rights and Duties.
- Directive Principles of State Policy.
- Universal Adult Franchise etc.

### **The Preamble**

- The Preamble is a **preface or an introduction to the Constitution**.
- The Preamble says that the Constitution derives its authority from the people of India.
- It declares India as a **Sovereign, Socialist, Secular, Democratic Republic**.
- According to the Preamble **Justice, Liberty, Equality and Fraternity** are the objectives of the Constitution.

### **The popular Sovereignty**

- The Constitution gives complete authority to the people of India.
- The Popular sovereignty or complete authority of the people is reaffirmed in several places in the Constitution, particularly in the chapter **"Election"**.
- The Central and State Governments derive their authority from the people.
- The people elect their representatives to the Parliament and the State Legislature at regular intervals.
- Those who hold the executive powers of the government are responsible to the Legislature.
- They are ultimately responsible to the people through the Legislature. Hence, people are sovereign. This is the principle of popular sovereignty.

### **Secularism**

- Secularism is one of the important national goals.
- In a Secular state, the people are not discriminated on the basis of religion.
- All citizens enjoy freedom of worship and possess equal civil and political rights, irrespective of their religious beliefs.
- The State does not have a religion of its own.
- All religions in our country have the same status and support from the State.

### **Parliamentary form of Government**

- The Constitution of India provides a Parliamentary form of Government.
- In a Parliamentary system, the Executive is collectively responsible to the Legislature.
- The Parliamentary form of Government is also known as **Responsible Government or Cabinet Government**.

## **Fundamental Rights**

- Fundamental Rights are Natural Rights.
- These are essential rights which help in realising true democracy and ensure equality of all citizens. These Rights are guaranteed and protected by the Constitution.
- These Rights are also essential for the all-round development of the individual.
- If the rights are violated, **the person can approach the Supreme Court or the High Court** to claim his or her rights.

**The fundamental Rights are classified into six groups.**

### **1. Right to equality**

- All are equal before Law.

### **2. Right to Freedom**

- Freedom of speech and expression, Right to life, personal liberty etc. ,

### **3. Right against exploitation**

- It prohibits all forms of forced Labour, child labour and trafficking in human beings.

### **4. Right to freedom of Religion**

- It guarantees the citizens freedom to follow any religion.

### **5. Cultural and educational Rights**

- It gives rights to all citizens to preserve their language, script and Culture.
- It gives rights to minorities to establish Educational Institutions.

### **6. Right to Constitutional Remedies**

- This enables the citizen to approach when there is violation of Fundamental Rights.

## **Directive Principles of State Policy**

- Directive Principles of State Policy is in the form of directions or instruction given to the State by the Constitution while formulating policies or making any law.
- It is the duty of the State to apply these directions while making any law. It aims at the establishment of a welfare state in our country.
- The Directive Principles may be grouped into the following categories such as
  - Socialist Principles
  - Gandhian Principles
  - International Principles
  - Miscellaneous Principles.

### Socialist Principles

- It reflect the ideology of socialism such as adequate means of livelihood for all citizens, equal pay for work for men and women, to minimize inequalities in income, etc.

### Gandhian Principles

- They are based on Gandhian ideology, such as, organisation of Village Panchayats, promotion of cottage industries, promotion of Educational and Economic Status of Scheduled Caste, Scheduled Tribes and other weaker sections of the society, etc.

### International Principles

- It promote **International Peace and security**.

### Miscellaneous Principles

- They are equal justice and free legal aid, to make **uniform civil code** for the citizens throughout the country, etc.

### Universal Adult Franchise

- The Constitution of India has introduced Universal Adult Franchise.
- All the citizens above the age of 18 years irrespective of their caste, colour, religion, sex, literacy, wealth, etc are entitled to participate in elections.

## **Fundamental Duties**

- The Indian Constitution contains certain duties to be performed by all the citizens of India.
- These duties are called as Fundamental Duties.

## **The Fundamental Duties**

- To abide by the Constitution and its ideals, to respect the National flag, the National Anthem etc. ,
- 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 services when called upon to do so.
- To promote harmony and the spirit of common brotherhood.
- To value and preserve the rich heritage of our culture.
- To protect and improve the natural resources such as forests, lakes, rivers and wildlife etc.
- To develop the scientific temper , humanism and spirit of inquiry.
- To safeguard the public property and to avoid violence.
- To strive towards excellence in all spheres.
- To provide opportunities for the education of his/her child or ward between the age of six and fourteen.
- The meticulously prepared Indian Constitution serves as an instrument of social change.
- It aims at making everyone equal and empowers every citizen to rise up his/her optimum level.

## **Salient Features of Indian Constitution:**

- Preamble
- Longest written constitution
- Drawn from various sources
- Blend of Rigidity and flexibility
- Federal system with unitary bias
- A Secular state
- Parliamentary form of government

- Fundamental rights
- Directive Principles of state policy
- Fundamental duties
- Synthesis of Parliamentary Sovereignty and Judicial Supremacy
- Integrated and Independent Judiciary
- Universal Adult Franchise
- Single Citizenship
- Independent Bodies
- Emergency provisions
- Three-Tier Government

Provisions of the constitution and their source Major part of the our constitution has taken from Government of India act , 1935

#### Borrowed from Other Countries:

SI.No	Features Borrowed	Sources
1	<ul style="list-style-type: none"> <li>• Federal Scheme office of governor</li> <li>• Judiciary</li> <li>• Public Service Commission</li> <li>• Emergency Provisions</li> <li>• Administrative Details</li> </ul>	<ul style="list-style-type: none"> <li>• GOI Act 1935</li> </ul>
2	<ul style="list-style-type: none"> <li>• Independence of Judiciary</li> <li>• Judicial Review</li> <li>• President as the Executive Head</li> <li>• President as the supreme commander of the Armed Forces</li> <li>• The Vice president as the ex-officio chairman of the council of states</li> <li>• Fundamental Rights</li> <li>• Preamble</li> </ul>	<ul style="list-style-type: none"> <li>• USA constitution</li> </ul>

	<ul style="list-style-type: none"> <li>• Removal of Supreme court and high court judge</li> </ul>	
3	<ul style="list-style-type: none"> <li>• Law making procedures</li> <li>• Rule of Law</li> <li>• System of single citizenship</li> <li>• Parliamentary system with ministerial Responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• UK constitution</li> </ul>
4	<ul style="list-style-type: none"> <li>• Federation with ministerial responsibility</li> <li>• Distribution of powers between the union and the states and placing residuary powers with the centres</li> <li>• Appointment of the state governors by the centre</li> </ul>	<ul style="list-style-type: none"> <li>• Canadian constitution</li> </ul>
5	<ul style="list-style-type: none"> <li>• Directive principles of state policy</li> <li>• Method of election of the president</li> <li>• Nomination of members to the Rajya sabha by the president</li> </ul>	<ul style="list-style-type: none"> <li>• Irish constitution</li> </ul>
6	<ul style="list-style-type: none"> <li>• Emergency and its effect on Fundamental Rights</li> </ul>	<ul style="list-style-type: none"> <li>• Weimar constitution of Germany</li> </ul>
7	<ul style="list-style-type: none"> <li>• Concurrent List</li> <li>• Provision regarding trade</li> <li>• Commerce and intercourse</li> <li>• Joint sitting of two houses of Parliament</li> </ul>	<ul style="list-style-type: none"> <li>• Australian constitution</li> </ul>
8	<ul style="list-style-type: none"> <li>• Constitutional Amendments</li> </ul>	<ul style="list-style-type: none"> <li>• South African Constitution</li> </ul>
9	<ul style="list-style-type: none"> <li>• Fundamental Duties</li> <li>• The ideal of Justice (Social, Economic, and Political) in the preamble</li> </ul>	<ul style="list-style-type: none"> <li>• Russian Constitution</li> </ul>

10	<ul style="list-style-type: none"> <li>• Republic, Liberty, Equality, Fraternity</li> </ul>	<ul style="list-style-type: none"> <li>• French Constitution</li> </ul>
11	<ul style="list-style-type: none"> <li>• Procedure established by Law</li> </ul>	<ul style="list-style-type: none"> <li>• Japanese constitution</li> </ul>

**Major Committees :**

- Union Powers Committee – Jawaharlal Nehru
- Union Constitution Committee – Jawaharlal Nehru
- Provincial Constitution Committee – Sardar Patel
- Drafting Committee – Dr. B. R. Ambedkar
- Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas – Sardar Patel.

**This committee had the following five sub-committees:**

- Fundamental Rights Sub-Committee – J.B. Kripalani
- Minorities Sub-Committee – H.C. Mukherjee
- North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee – Gopinath Bardoloi
- Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee – A. V. Thakkar
- North-West Frontier Tribal Areas Sub-Committee
- Rules of Procedure Committee – Dr. Rajendra Prasad
- States Committee (Committee for Negotiating with States) – Jawaharlal Nehru
- Steering Committee – Dr. Rajendra Prasad