

## 12th Political Science Lesson 1 Notes in English

### 1] Constitution of India

#### Meaning, Functions and Significance of the Constitution

- Nationalism during the colonial period strived not only for political independence but also for **territorial integration, constitutionalism and democratization**.
- India is a culturally diverse country, yet united as a political state.
- Indians are dependent upon each other in many ways, and they cooperate in many ways.
- There is a felt need to have specific agreed basic **rules** and **regulations** which could facilitate the people of this country to live together.
- The absence of the basic rules and regulations may imperil the very statehood of India also make the people feel insecure.
- **Colonial rule** was based on **Charters, councils Acts** and **government of India Acts**.
- **The leaders and political movements** of the newly emerging Indian nation to based on a definite written constitution.



- **The central legislative body** was converted into a constituent Assembly (i.e. a constitution making body).
- The proposed constitution was meant to bind different shatter and different categories of society into one state, **facilitating a union of states and co-operation and co-ordination** between various segments that constitute the federal narrow.
- The most critical function of a constitution is to provide a set of basic rules that allow for **optimal coordination** amongst members of the state.
- **A constitution is a body of necessary codes** according to which a state is constituted and governed.
- **The constitution specifies the necessary allocation of power** between the various segments of the state.

- Indian diversities necessitated a Union of states, and the freedom movements favoured a democratic form of government.
- For example, Accordingly the **Parliament in India** decides laws and policies.
- **Constitution empowers** the government to fulfill the aspirations of a society and create conditions for a just society.
- **The part four of the Indian Constitution** has provisions for the government to make laws to address many problems prevalent in Indian society.
- The constitution expresses the fundamental identity of the people in a country.
- **People in a community** may have many similar ethnic identities that exist before the enactment of the constitution.
- The people of a country will have a political identity after the promulgation of the structure by accepting the **fundamental laws of the state** put forth by the constitution.
- The individual's objectives, aspirations, and freedoms should comply with the **constitutional regulations of a country**.
- The constitution puts forth specific fundamental laws which cannot be violated by its citizens.
- It also protects certain **fundamental rights of the people** living in a country.
- **The constitution of a country** defines who are **all the citizens of a nation**.
- It also sets the framework that illustrates the relationship between the states or parts of a country with each other and even with the central government.
- Most of the constitutions in the world are **written documents** that comprise many articles and schedules.
- There are still a few constitutions like that of the United Kingdom which do not have one single document, which could be called as a **district constitution**.
- **The United Kingdom**, instead has a series of customs, conventions and historical precedents which are collectively referred to as its **constitutional components**.

### Formulation

- Formulation refers to how a **constitution comes into being**, who crafted it and their authority.
- Indian Constitution like the **United States** was drafted after a successful national movement.
- **The Constitution of India** has the legitimacy since it has been drafted by a constituent assembly consisting of people's representations.
- The Constitution of India reflected the consensus of most of the sections of people in India during Independence.
- There are instances where some countries have subjected their constitution to a full-fledged referendum.

### Referendum

- A **referendum** is a method of referring a question or set of questions to the electorate directly rather than allowing them to be settled by the people's representatives in the legislature.

- The referendum is also often used to determine **issues of morality** which divide a **government of party** and to settle **local matters** which it is thought are best left to individual areas to decide.
- The referendum is seen as conferring legitimacy and popular approval on an individual and sanctions absolute authority.
- Neither **Indian Constitution nor the amendments** made later were subjected to a referendum which could also be seen as a setback in **Indian democracy** perhaps the conditions prevailing at that time were not conducive to a referendum.
- In this regard may be useful to study the working of referendum in **Switzerland**.

### Provisions of a Constitution

- **An ideal constitution** should accommodate the aspirations of all sections of people in society.
- Constitutions that are discriminative based on **religion, caste and language** may not get the overwhelming acceptance from all in the nation.
- **The fundamental laws of the structure** would reveal the nature of a constitution.
- Any constitution could be successful only when it preserves the freedom and equality of all its citizens.

### Secularism in India

- **The 42nd Amendment** enlarged the **Preamble of the Indian Constitution** from "**Sovereign Democratic Republic**" to a "**Sovereign, Socialist Secular Democratic Republic,**" and also changed the words "**unity of the nation**" to "**unity and integrity of the nation.**"
- Former Prime Minister **Indira Gandhi** enacted the **42nd Amendment in 1976**, during the Emergency, obviously to emphasise the latent secular and socialist ideals as inalienable spirit of the constitution.
- Well-drafted constitution does not concentrate all powers in a single person or a **single institution** as it may lead to abuse of power by few or one institution.
- One method that may be incorporated to address this issue is to divide powers among different organs in a balanced way.
- The Indian Constitution separates the power horizontally amongst institutions like the **legislature, executive and judiciary** that prevents any of the organs from subverting the Constitution and enhances its success and durability.
- Indian Constitution is **not too rigid and not too flexible**, which is evident from the restrictions and flexibility in the name of the basic structure of constitution and amending provisions respectively.
- **A well- drafted constitution** will maintain the core values and also adapt itself to changing environment.
- The Indian Constitution balanced the possibility to not only change the provisions but also limits on such changes.

- **The framers of the Indian Constitution** had ensured that it would survive during the test of times.

### Making of Indian Constitution

- **The members of Constituent Assembly** drafted the Indian Constitution.
- The Constituent Assembly held its first meeting on 9 December 1946 and reassembled after partition of **Pakistan as Constituent Assembly** for the remaining India on **14th August 1947**.
- The members of the **Provincial Legislative Assemblies** indirectly elected the members of the **Constituent Assembly**.
- The Constituent Assembly was composed of members along the lines suggested by the plan proposed by **the Committee of the British Cabinet**, also known as the **Cabinet Mission**.



- (February 1948: some members of the Drafting Committee of the Constituent Assembly of India: (seated from left) N. Madhava Rao, Saiyid Muhammad Saadulla, Dr. B. R. Ambedkar, Sir Alladi Krishnaswamy Ayyar and Sir B. N. Rao. Also in the Picture are (Standing from Left) S.N. Mukherjee, Jugal Kishore Khanna and Kewal Krishnan)

### According to this Plan

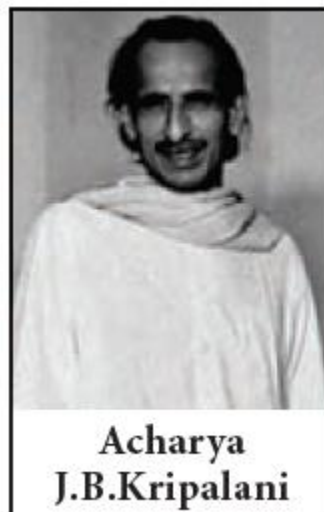
- **Provinces and princely states** or **group of states** were allotted seats proportional to their respective population roughly in the ratio of 1:1 million.
- The provinces were to elect **292 members** while the princely states were to send a minimum of 93 seats.
- **The seats of each province** were distributed among three main communities, namely, the Hindus, Muslims, and Sikhs, in proportion to their respective populations in their province.



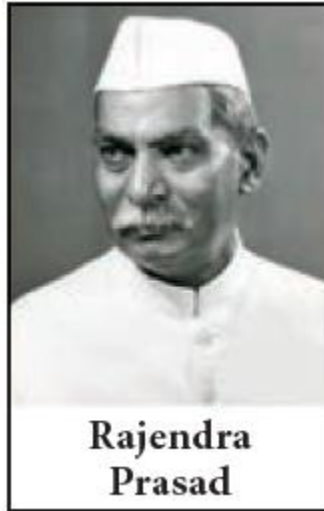
- **Members of each community** in the Provisional Legislative Assembly elected their representatives by the method of proportional representation with a single transferable vote.
- The method of selection of representatives of **Princely States** was to be determined by the princely states themselves.

#### The Composition of the Constituent Assembly

- **Two hundred eighty-four members** were present on 26 November 1949 and appended their **signature to the Constitution** as finally passed.
- The 1st meeting of the **Constituent Assembly** took place in Constitution Hall, New Delhi, on Monday, the 9th December 1946, at Eleven of the Clock.



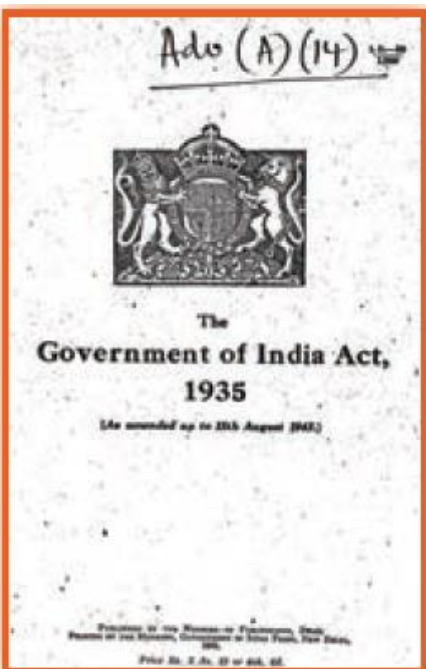
- The title of the first debate was **“Election of Temporary Chairman,”** Acharya J. B. Kripalani (United Provinces: General) requesting Dr. Sachchidananda Sinha to take the Chair as temporary Chairman. (Constituent Assembly Debates)



- **The Final meeting** held on 24.01.1950 with the title of “**Signing of the Constitution**” and Dr. **Rajendra Prasad** is the Chairman of the debate.
- The Constituent assembly debate consists of 12 Volume and it held between 9th December 1946 to 24th January 1950

#### **Sources of Indian Constitution**

- The Primary Sources of the Indian Constitution are as follows:
- **The framers of the Constitution adopted the features of the Indian Constitution** from several sources.
- **The primary sources** that inspired the framers of the Indian Constitution are:
  1. Volume I (9th December to 23rd December 1946)
  2. Volume II (20th January to 25th January 1947)
  3. Volume III (28th April to 2nd May 1947)
  4. Volume IV (14th July to 31nd July 1947)
  5. Volume V (14th August to 30nd August 1947)
  6. Volume VI (27th January 1948)
  7. Volume VII (4th November 1948 to 8th January 1949)
  8. Volume VIII (16th May to 16th June 1949)
  9. Volume IX (30th July to 18th September 1949)
  10. Volume X (6th October to 17th October 1949)
  11. Volume XI (14th November to 26th November 1949)
  12. Volume XI (24th January, 1950)



### Sources of Indian Constitution

<b>The Government of India Act, 1935:</b>	
Federal provisions, office of Governor, judiciary, public service commissions, emergency provisions, and administrative details were adopted from the Government of India Act, 1935.	
<b>Country</b>	<b>Constitution</b>
<b>Britain</b>	Parliamentary government, single citizenship, rule of law, cabinet system, legislative procedure, prerogative writs were adopted from the Britain.
<b>US Constitution</b>	Fundamental Rights, Judicial Review, Independence of Judiciary, Impeachment of the President, removal of Supreme Court Judges, High Court Judges and Vice-President were adopted from the US Constitution.
<b>Irish Constitution</b>	The Directive Principles of State Policy, were adopted from the Irish Constitution.
<b>Canadian Constitution</b>	Federation with a strong centre, residuary powers with the centre, concurrent list, the appointment of state governors by the centre and advisory jurisdiction of the Supreme Court were adopted from the Canadian constitution.

<b>Australian Constitution</b>	Freedom of trade, commerce, and the joint sitting of the two Houses of Parliament were inspired by the Australian Constitution.
<b>Weimar Constitution (Germany)</b>	The Weimar constitution influenced the constitutional provision for the suspension of Fundamental Rights during Emergency.
<b>Soviet Constitution</b>	Fundamental duties, the ideal of justice (social, economic and political) in the Preamble, were on the model of the constitution of the USSR. (Fundamental duties were asserted through 42 <sup>nd</sup> amendment in 1976)
<b>French Constitution</b>	Republic and the ideals of liberty, equality, and fraternity in the Preamble, were adopted from the French constitution.
<b>South African Constitution</b>	Procedure for amendment to the Constitution, and election of the members of Rajya Sabha, were on South African model. The final and amended draft was adopted on 20th November 1949.

### Salient Features of Indian Constitution

#### Longest Written Constitution:

- The Indian Constitution is considered to be the **longest written constitution** in the world.
- It contains different provisions for **states and centre** and their interrelationship.
- **The framers of the Constitution** have borrowed provisions from several sources and several other constitutions of the world.
- The Indian Constitution contains the detailed list of individual rights as fundamental rights, **directive principles of state policy** and details of administrative procedures.

#### A unique blend of rigidity and flexibility:

- **Indian Constitution** may be called **rigid** as well as flexible based on its amending procedure.

#### Sovereign, Socialist, Secular, Democratic and Republic:

- Its people govern India through their representatives elected by the universal adult franchise.
- India as a sovereign country means it manages its internal and external affairs freely without the interference of **any external factors**.
- The term socialist was added to the Indian Constitution through **the 42nd Amendment in 1976**.
- **Socialism in Indian context** means achievement of socialist goals through democratic, evolutionary and non-violent means.
- In India, we follow the mixed model of the **socialist and capitalist economy**.



- **Secularism** in Indian context means that it recognizes all religions equally without having any state religion.
- **Republic in Indian context** means the head of the state in India is **elected** and **not the monarch**.



#### Parliamentary System of Government:

- Parliament controls the functioning of the **Council of Ministers**, and hence it is called **the Parliamentary system**.
- In a parliamentary system of government, (i.e.) the executive is responsible to the legislature and remains in power only when it enjoys the confidence of the majority legislators.
- The President of India, remaining in office for **a five-year duration**, is the nominal, titular or constitutional head, and the executive head.
- However, **the Prime Minister in India** is the real executive and head of the Council of Ministers who are collectively responsible to the Lok Sabha.

#### Single Citizenship:

- Indian Constitution has the provision for **single citizenship** provided by the union and recognized by all the **states across India**.

#### Universal Adult Franchise:

- **The Constitution of India** establishes political equality in India through the method of the **universal adult franchise** which operates with the principle of 'one person one vote.'
- All Indians who are **eighteen years of age or above** is entitled to vote in the elections.
- There is no discrimination in **voting rights for the citizens** of India based on caste, religion, gender, race or status.

#### Independent and Integrated Judicial System:

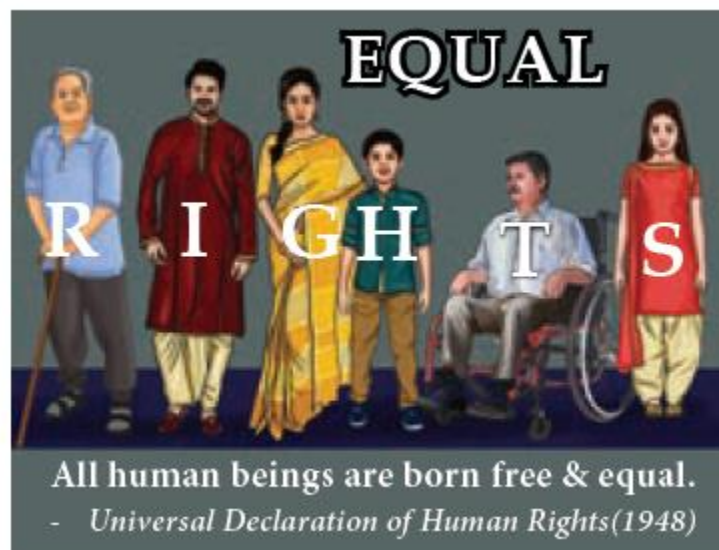
- In India, **the judicial system** is an **autonomous organ** kept free from the influence and intervention of the executive and the legislature in exercising its functions.
- **The integrated Indian judicial system** has the **Supreme Court** at the apex, the high courts and lower courts are subordinate to it.

### Fundamental Rights:

- Fundamental Rights are significant provisions of the Indian Constitution and are **inviolable and normal times**.



- Fundamental Rights in India can be suspended during **emergencies**; and can be amended by **extra ordinary means**.
- The provisions of Fundamental Rights are enforceable in **the court of law** when it is violated.



### “Right to Education -

- **The Indian Constitution (Eighty - Sixth Amendment) Act, 2002** inserted **Article 21-A** in the Constitution of India to provide free and compulsory education to all children in the age group

of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine.

- **The Right of Children to Free and Compulsory Education (RTE) Act, 2009**, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full-time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.”

#### Directive Principles of State Policy:

- **Fourth part of the Indian Constitution** titled the **Directive Principles of State Policies** provides the guidelines to be followed by the states regarding governance and are not enforceable in the court of law.

#### Fundamental Duties:

- The Fundamental Duties were added to the Indian Constitution through **the 42nd Amendment**.
- **Fundamental duties** provided in **part IVA Article 51A** are moral conscience which ought to be followed by the Indian Citizens.

#### Federal or Unitary:

- India is an **indestructible Union** with destructible states which means it acquires a unitary character during the **time of emergency**.
- **The Union** is not strictly a federal polity but a quasi-federal polity with some vital **elements of unitariness**.
- Though federal in form, the Indian Constitution, unlike other federal Constitutions, is both unitary as well as federal according to the requirements of the times and the circumstances.

#### Balancing Parliamentary Supremacy with Judicial Review:

- The Constitution recognizes the need to provide for the review of the **judgment or the order of the Supreme Court** by itself.
- Subject to the provisions of any law made by Parliament or any rules made by the **Supreme Court under Artical.145**, the Supreme Court has the power to review any judgment pronounced or made by it.
- The independent judiciary in India with **the power of judicial review** is a prominent feature of our constitution.
- The harmonization which our Constitution has effected between **Parliamentary Sovereignty** and a **written Constitution** with a provision for **Judicial Review** is a remarkable achievement of the framers of our Constitution.

#### Indian Citizenship

- Citizenship identifies those who are the lawful members of a country.

- **The Citizenship Act, 1955** regulates the determination and acquisition of citizenship after the adoption of the Indian Constitution.
- **The Indian Constitution** provides for citizenship by birth, descent, registration, naturalization and by incorporation of territory.
- The Constitution also provides for renunciation and termination of citizenship under certain circumstances.
- The Constitution contains provisions regarding registration of Overseas Citizens of India and their rights.
- **The Citizenship (Amendment) Bill, 2015** was introduced in Lok Sabha by the Minister of State, **Ministry of Home Affairs**, on February 27, 2015 that amends the Citizenship Act, 1955.
- The Act allows a person to apply for citizenship by registration or naturalization if they fulfill specific qualifications.
- A person may apply for a certificate of naturalization if they have resided in India or have served the Government in India for twelve months immediately preceding the date of application.
- **The Bill** allows the **Central Government** to relax the requirement of twelve months stay or service if extraordinary circumstances exist.

#### Fundamental Rights:

- The Constitution of India asserts the **basic principle** that every individual is entitled to enjoy certain essential rights.
- The provisions for **Fundamental Rights** are mentioned in **Part III of the Indian Constitution**.
- Fundamental Rights as categorized into **six heads**, firstly Right to **Equality**, secondly Right to **Freedom**, thirdly Right against **Exploitation**, fourthly Right to Freedom of **Religion**, fifthly **Cultural and Educational Rights** and lastly Right to **Constitutional Remedies**.
- Initially there was a provision for **Right to Property under Article-31** which was also a Fundamental Right.
- **The 44th Amendment Act, 1978** had omitted Right to Property from the Fundamental Rights Part and added it as **Article 300A** therefore considered as a legal right.
- Fundamental rights provided in **Part III of the Indian Constitution** are judicially enforceable, thereby the individual can move the judiciary, if there is a violation on any of these rights.
- The right to move straight to the **Supreme Court** for the enforcement of fundamental rights has been guaranteed under **Article 32** that is named as **Right to Constitutional Remedies**.
- Fundamental rights in India are however not absolute and rational restrictions can be imposed keeping in view of the security requirements of the state.
- It ensures **political justice** for the people.

#### Freedom of Expression and Cyber Challenge

- 'Mumbai shuts down due to fear, not respect' Two young women were arrested on charges of "promoting enmity between classes" and "sending offensive messages through [a] communication service," after one posted, and the other 'liked,' a message on **Facebook**.



- The young girl questioning the **Mumbai bandh** that followed death of the prominent leader.
- Both of them were released on bail by a **local court immediately**.
- "With all respect, every day, thousands of people die, but still the world moves on," read the message posted by 21-year old college student and 'liked' by her friend from **Palghar** in the neighbouring Thane district..
- **The post continued:** "Just due to one politician died a natural death, everyone just goes bonkers.
- They should know, we are resilient by force, not by choice.
- When was the last time, did anyone showed some respect or even a two-minute silence for **Shaheed Bhagat Singh, Azad, Sukhdev** or any of the people because of whom we are free-living Indians?
- Respect is earned, given, and definitely not forced. Today, Mumbai shuts down due to fear, not due to respect."

#### Directive Principles of State Policy:

- One of the unique provisions of the Indian Constitution is the chapter on **Directive Principles of State Policy**.
- These principles are like directives to the government to implement them for establishing **social and economic justice in India**.
- It comprises significant provisions for **equal pay** for both men and women, free and compulsory primary education, and right to work.
- **Part IV of the Indian Constitution** also has provision for public assistance in case of old age, unemployment, sickness and disablement, the organisation of village Panchayats, adequate

means to livelihood, special privilege to the economically backward sections of the people and distribution of wealth.

- Most of these principles could help in making India a welfare state.
- Though the provisions given in the **Directive Principles of State Policy** is not justifiable, these principles are considered very significant in the governance of the country.

#### Panchayati Raj: Gandhi Vs Ambedkar:

- **Gandhi** wanted the central government to have **minimal power**, and he wanted the villages to rule themselves traditionally with village chiefs and councilors.
- According to **Ambedkar**, village possessed a cruel reality of communalism and caste system; thus it will lead to the cornering of minorities.
- Gandhi through his social and political initiatives facilitated the country to realize that the power of people which could be facilitated only through effective local self-government.
- "I shall work for an India in which the poorest shall feel that it is their country, in whose making they have an effective voice."
- Gandhi time and again emphasized need for power in the hands of the people in India through the **Panchayat Raj model**.
- Gandhi said, "**The greater the power of the people, the better for the people.**"
- My idea of **Gram Swaraj** is that it is a complete republic, independent of its neighbours for its own vital wants and yet interdependent for many others in which dependence is necessary. - **Mahatma Gandhi**

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- Mahatma Gandhi



- For Ambedkar, those villages were nothing "but a sink of **localism**, a den of ignorance and **communalism**."



- The dominant and influential communities would make villages their monopoly and that would render other communities voiceless.
- The result was that the Constitution that was drafted under his **Chairmanship** did not mention a word about **Panchayati Raj**.
- Many **Gandhians** persuaded the committee to have a provision for the village panchayats in Part IV of the Indian Constitution titled Directive Principle of State Policy vesting the responsibility in State legislatures.
- **Article 40 states** that the State shall take steps to organize village panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self government.

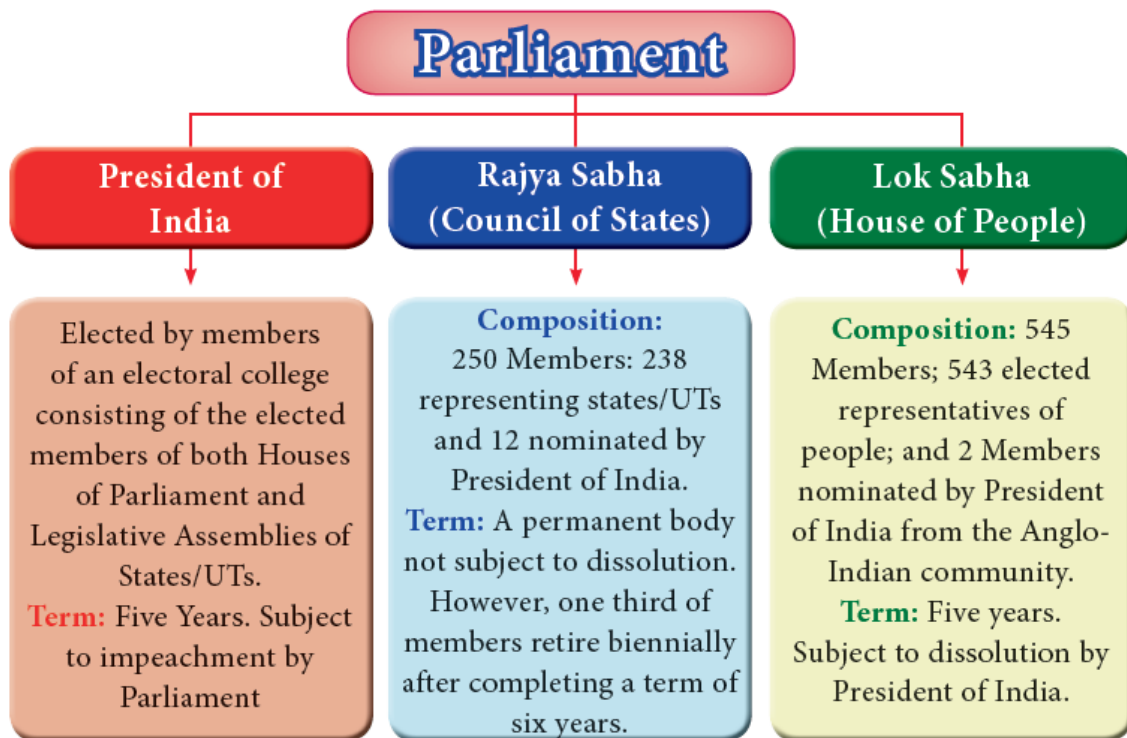
### Fundamental Duties

- **Part IVA** of Indian Constitution defines as Fundamental duties.
- (51A) - It shall be the **duty of every citizen** of India –
- (a) To abide by the **Constitution** and **respect its ideals and institutions**, the **National Flag and the National Anthem**;
- (b) To **cherish** and follow the **noble ideals** which inspired our national struggle for freedom;
- (c) To **uphold** and **protect the sovereignty, unity, and integrity of India**;
- (d) To **defend the country** and render national service when called upon to do so;
- (e) To **promote harmony** and the **spirit of universal brotherhood** amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) To **value** and **preserve** the rich **heritage** of our composite culture;
- (g) To **protect** and **improve the natural environment** including forests, lakes, rivers, and wildlife, and to have compassion for living creatures;
- (h) to develop the **scientific temper, humanism** and the spirit of inquiry and reform;
- (i) To **safeguard public property** and to abjure violence;
- (j) 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;

- (k) Who is a **parent or guardian** to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

**Parliamentary Democracy in India.**

- Under **Article 79**, the Parliament of the Union consists of the President and two Houses known respectively as the **Council of States** (Rajya Sabha) and the **House of the People** (Lok Sabha).
- **The Union Legislature** is bicameral, and the need for a bicameral system of the legislature in a federation is admitted: **the Upper House** represents the units, the **Lower House** represents the people; the two Houses respectively at once functioning to preserve the integrity of the units and to secure the integration of the Union.
- **The Rajya Sabha consists of 250 members**, where the President nominates twelve in the manner provided.
- The remaining 238 members will be the representatives of the States and the Union territories.
- **The Lok Sabha** consists of **543 members** chosen by direct election from territorial constituencies in the States and not more than twenty-five members to represent **the Union territories** selected in such manner as Parliament may by law provide.



**Relevance of Rajya Sabha**

- The **'Council of States'** which is also known as Rajya Sabha, a nomenclature that was announced by the **Chair on 23rd of August 1954** as its distinguishable feature.
- It is **the second chamber** of the Parliament.
- The origin of the **second Chamber** can be traced to the **Montague-Chelmsford Report**.



- **The Government of India Act, 1919** provided for the creation of a 'Council of State' as a second chamber of the then legislature with a restricted franchise which came into existence in 1921.
- **The Governor-General** was the **ex-officio President** of the then Council of State.
- The Government of India Act, 1935, hardly made any changes in its composition.
- An extensive debate took place in **the Constituent Assembly** regarding Second Chamber and decided to have a bicameral legislature due to a vast country with immense diversities.
- Rajya Sabha is a federal chamber where **238 members** are elected by the elected **members of Assemblies of the States and Union Territories**.
- Apart from elected, the President can nominate 12 members to Rajya Sabha, thus making a total of 250.
- The Vice-President acts as the Chairman of Rajya Sabha. In his absence, the deputy chairman takes the place of the chairman who is elected by the members of Rajya Sabha.
- The 1st sitting of Rajya Sabha was held on 13th May 1952, unlike Lok Sabha, Rajya Sabha can never be dissolved.
- The Rules of Procedure and Conduct of Business in Rajya Sabha is the booklet that provides explicit conduct of its members.
- There are various discussions namely: half an hour discussion, short duration discussion and motions of matters in public interests.

#### C. N. Annadurai's Speech in Rajya Sabha

- **The official Languages Bill, 1963**, was introduced, because **Article 343** of the Constitution stated categorically that the **Official Language of the Union** shall be **Hindi after 1963**.



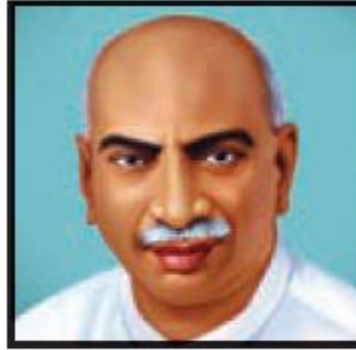
**C. N. Annadurai**

- **C. N. Annadurai** said "very many arguments have been advanced to say that India has got to have a common language and if that base is accepted, one of the Indian languages alone can become the common language.
- Nobody doubts it. If India is a unitary State, this argument is logical.
- India is a **federal State**.

- Indian society is plural, our **political system** is composite and in a plural society and composite political system to plead for a **single common language** will, I think, create injustice unawares, create handicaps unawares to some section of the society.
- India is not a country.
- India consists of various ethnic groups, India consist of various language groups and India has been termed very correctly as a sub-continent and that is why we are not able to find out that common working medium as far as an official language is concerned.”
- “The government has accepted two national anthems, **Vande Mataram** and **Jana gana mana**.
- Neither of these two national anthems is in the Hindi language. They come from Bengali.
- It was stated **Hindi** has got the claim to become the **official language** because it was spoken by 42 percent of the population.
- If this 42 percent were to be scattered throughout the length and breadth of India, the argument would be logical and it would be ethical also but this 42 percent is concentrated in compact and contiguous areas.
- It is not spread over.
- Therefore if 42 percent is taken into consideration you are conferring a permanent, perennial advantage on a compact and contiguous area in India and conversely a permanent disadvantage to other areas.
- And therefore it is that this 42 percent cannot be taken into consideration.
- If Hindi were to be spoken throughout India even by 20 percent of the people, then we can say that of all the languages Hindi is known from **Cape Comorin** to the **Himalayas**.
- Twenty percent of our population do know Hindi and, therefore, let Hindi become the official language.
- I can understand it, though I cannot support it.
- I can understand the logic behind it. But what is the logic behind presenting this 42 percent, in a compact area of **U. P., Bihar, Rajasthan** and **Madhya Pradesh** as an argument”.

### **Constructive debates in Tamil Nadu State legislative Assemblies**

- The first Assembly (1952-1957) under the constitution of India discussed the scheme of elementary education launched by **the Rajaji Government** and criticized by many including a few in the Congress party that it would perpetuate caste-based social hierarchy.



**Kamaraj**

- After **Kamaraj** succeeded him, Education Minister **C. Subramaniam** in May 1954 informed the House that the scheme would be dropped.



**C. Subramaniam**

- The Rajaji days are remembered for landmark laws to protect tenants of farmlands and landless agriculturists.
- “**Premier of Madras Presidency, C. Rajaji** presenting his first budget in 1937 is Madras Legislative Assembly, Senate House, **Chepauk** Campus of Madras University Date 1937”



**C. Rajaji**

- In 1967, the **Dravida Munnetra Kazhagam** came to power with C.N. Annadurai as Chief Minister.

- **The Hindu Marriage Act** was amended to recognize “**self-respect marriages**” or those marriages free of religious rituals.
- His successor and **five-time Chief Minister, M. Karunanidhi**, piloted several Bills and moved numerous motions.
- In his last bill (2006-2011), laws for exclusive reservation for **Muslims and Christians** within the quota of **Backward Classes** and **Arundathiyars** within the reservation of **Scheduled Castes** were made.
- The **10-year-long rule** (1977- 1987) of **the Government**, headed by **M.G. Ramachandran** of the **All India Anna Dravida Munnetra Kazhagam**, was noted for various measures in the area of revenue administration.
- Notably, the system of hereditary village officers such as “**karnam**” was abolished at one stroke.
- He upgraded the mid-day meal scheme into **Nutritious Meal Scheme**.
- After the **Supreme Court** delivered the **Mandal Commission** judgment in November 1992 for reservation in education and employment at 50 percent, the Assembly responded through legislation aimed at safeguarding the existing 69 percent quota for Backward Classes, Most Backward Classes, Scheduled Castes, and Scheduled Tribes.

### Constitutional Amendments of India

- **The framers of the Indian Constitution** have given provisions to amend the Constitution according to the changing needs of society.
- The Constitution has not lost its ideals and basic premises though many such amendments have already taken place.
- **The Indian judiciary** has played a critical role in protecting the Constitution and also in interpreting the Constitution.
- The Indian Constitution like many other constitutions is a document that keeps evolving and responding to changing circumstances and political upheavals.
- The Indian Constitution continues to function as the primary framework within which the **Government of India** operates.
- The framers of the Constitution were very farsighted that they provided for many solutions for future situations.
- The Indian Constitution accepts and accommodates the necessity of modifications according to changing situations of the society.
- There has been enough flexibility in implementing the Constitution which has made the Indian Constitution a **living document** than a rigid rulebook.
- The framers of the Constitution sought a balance to ensure that it is **not a static and unalterable document** and also a sacred document where the basic structure is not altered.
- The framers of the Constitution desired it to be ‘**flexible**’ and at the same time ‘**rigid**’ and also to protect it from unnecessary and frequent changes.


- **Article 368** of the Indian Constitution has the provision through which Parliament may in the exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution by the procedure laid down in this article.
- Since the Constitution was framing a federal polity, **the basic rights and powers of the States** may not be changed without the consent of the States.
- Some features of the Constitution were so central to the spirit of it that the framers wanted to protect these from change and so made it uncompromising.
- These considerations by the **framers of the Constitution** led to different ways of amending the Constitution.

#### There are three types of Constitutional Amendments,

- They are; 1. A **simple majority** (requires addition)
- 2. Amendment can be made by a **special majority** of the two houses of the Parliament. (2/3 of members present and at least 50 percent of the total members)
- 3. The third method requires a **special majority of the Parliament** and consent of **half of the State legislatures**.
- All these types of amendments to the Constitution are initiated only in the Parliament.
- Based on the provisions given no referendum are required for ratification of the amendment.
- **The amendment bill** will be presented before the **President** for his assent.
- The President has no powers to send it back for **reconsideration** in these cases.
- The elected representatives of the people are empowered to consider and take final decisions of the question of amendments.

#### Private Member Bills:

- If any member **other than a minister** introduces a bill, it is called a **private member bill**.

Private Member's Bills passed By parliament				Private member's bills introduced and discussed in last 3 LS												
Title	Mp's Name	House	Date of Assent													
1 The Muslim Wakfs Bill, 1952	Syed Muchammed Ahmed Kasmi	Lok Sabha	21.05.1954	<table border="1"> <thead> <tr> <th></th> <th>Introduced</th> <th>Discussed</th> </tr> </thead> <tbody> <tr> <td>13th LS</td> <td>343</td> <td>17</td> </tr> <tr> <td>14th LS</td> <td>328</td> <td>14</td> </tr> <tr> <td>15th LS</td> <td>372</td> <td>14</td> </tr> </tbody> </table>		Introduced	Discussed	13th LS	343	17	14th LS	328	14	15th LS	372	14
	Introduced	Discussed														
13th LS	343	17														
14th LS	328	14														
15th LS	372	14														
2 The Indian Registration (Amendment) Bill, 1955	S C Samanta	Lok Sabha	06.04.1956													
3 The Parliamentary proceedings (protection of Publication) Bill, 1956	Feroze Gandhi	Lok Sabha	26.05.1956													
4 The code of criminal Procedure (Amendment) Bill, 1953	Raghunath Singh	Lok Sabha	01.09.1956	<p>For the 16th LS till now, 206 private member's bills have been introduced; Only six have been discussed (not including today's)</p> 												
5 The Women's and Children's Institution (Licensing) Bill, 1954	Kamledu Mati Shah	Lok Sabha	30.12.1956													
6 The Code of Criminal Procedure (Amendment) Bill, 1964	Subhadra Joshi	Lok Sabha	26.12.1960													
7 The Salary and Allowances of Members of Parliament (Amendment Bill), 1957	Raghunath Singh	Lok Sabha	29.09.1964													
8 The Hindu Marriage (Amendment) Bill, 1968	Diwan Chand Sharma	Lok Sabha	20.12.1964													
9 The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1968	Anand Narian Mullah	Lok Sabha	09.08.1970													
10 The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Bill, 1954	Dr Raghunir Singh	Rajya Sabha	15.12.1956													
11 The Hindu Marriage (Amendment) Bill, 1956	Dr Seeta Parmanand	Rajya Sabha	20.12.1956													
12 The Orphanages and Other Charitable Homes (Supervision and Control) Bill, 1960	Kailash Bihari Lall	Rajya Sabha	09.04.1960													
13 The Marine Insurance Bill, 1960	MP Bhargava	Rajya Sabha	18.04.1963													
14 The Indian Penal Code (Amendment) Bill, 1963	Diwan Chaman Lall	Rajya Sabha	07.09.1969													

- The bill can be introduced by **both ruling and opposition** party MP's.
- Private member bill is a bill proposed by a member who is **not a member of the cabinet and executive.**
- The session for private member bill is held at **alternative Fridays** from 2 pm to 6 pm.
- This bill needs a month of notice; this has no impact on the health of the government when the private member bill gets rejected.
- Till date, parliament has passed **fourteen private member bills**; the last one was passed on 1970.
- Most of the bill passed by the private member is not even read or discussed and dismissed.
- **Private members bills** are accepted even those are constitutional amendment bills but not that those are money bills.

**Article 370:**

- The **article 370** in the Constitution is about **Jammu and Kashmir** region given the provision which grants special autonomous status.
- According to this law, except defence, foreign affairs, communication, and finance, the central government requires the **State Government's permission** for applying all other laws.
- The State and its residents have a separate set of laws relating citizenship, property right and fundamental right from other citizens of India.

# The History

**Article 370 of the Constitution is a law that grants special status to Jammu and Kashmir: It means:**

■ Except for defense, foreign affairs, finance and communication, all other laws passed by Indian Parliament need to be okayed by the state government before they are made applicable. This was specified in the Instrument of Accession signed by Maharaja Hari Singh (inset) when he agreed to join the Union of India in 1947 instead of going with Pakistan.

■ As a result of this, the citizens of Jammu and Kashmir are governed by state-specific laws which come under the Constitution of Jammu and Kashmir, instead of those for the rest of India, especially where citizenship, ownership of property and some fundamental rights are concerned.


■ The first Article of the Constitution of Jammu and Kashmir says that the state is and will remain an integral part of India.

■ This article, along with Article 5 that defines the contours of jurisdiction of Indian Parliament regarding law making for the state, cannot be amended.


■ This arrangement was further ratified by the 1974 agreement between the then Prime Minister Indira Gandhi and the then J&K Prime Minister Sheikh Abdullah (appointed by Hari Singh)


■ The 1952 Delhi Agreement also specified that the state should have its own flag in addition to the Union flag and they should have the same status.

■ It was agreed that head of state called Sadar-i-Riyasat (or the Prime Minister) was to be elected by the state legislature.



J&K





**Sheikh Abdullah with Pandit Jawaharlal Nehru (right).**

■ The agreement opposed imposition of Article 352, empowering the President to proclaim general emergency in the state.

■ The state legislature has a six year term, unlike other elected bodies, which have a five-year period, including Parliament.

## In A Nutshell

■ The Indian Supreme Court has no jurisdiction in J&K

■ Disrespecting the Tricolour and other national symbols is not a crime in the state

■ J&K residents enjoy dual citizenship. They will lose their J&K citizenship if they marry residents of other states

■ A Pakistani resident gains J&K citizenship if he marries a J&K citizen

■ RTE, RTI CAG and majority of Indian laws are not applicable in the state

■ Because of Article 370, no outsider can purchase land in J&K

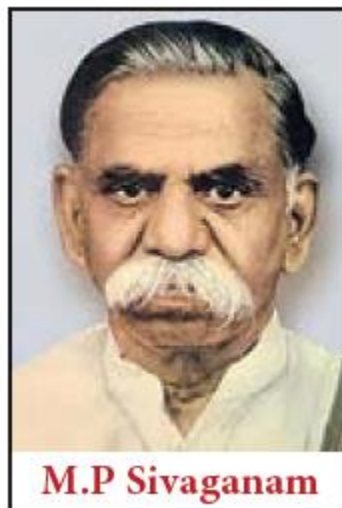
- **The centre has no power** to impose financial emergency through article 360 over the State.
- An **emergency is declared** only during the time of war and external aggression.
- Therefore the **central government cannot declare an emergency** for a case of internal disturbance or other dangers unless the state requests the centre.
- In 1949, the then **Prime Minister Jawaharlal Nehru** had directed **Kashmiri leader Sheikh Abdullah** to consult **Ambedkar** (then law minister) to prepare the draft of a suitable article to be included in the Constitution.
- Article 370 is drafted in **Amendment of the Constitution section**, in **Part XXI**, under **Temporary and Transitional Provisions**.
- Under Article 370 the Indian Parliament cannot increase or reduce the borders of the state

### Sankarlinganar

- **Sankarlinganar** is a **Tamil Indian Independence** activist and **Gandhian**.



- He was born in Manmalai Medu in **Virudhunagar** District to Karuppasamy and Valliammal in 1895.
- He joined the **Indian National Congress** in 1917.
- He also participated in the **Salt March in 1930** along with Gandhi under Rajaji's influence.
- The consequence of **Potti Sreeramalu** fasted demanding for a separate state of **Telugu** from Madras state for Telugu speaking people and Madras city to be its capital in 1952 led to new agitation in Madras state in need to change its name.
- In 1956, Sankarlinganar started to fast on demand for **change in the name** of the state from **Madras to Tamil Nadu**.



- He started his **hunger strike** on 27th July on 1956 in **Virudhunagar** for **12 demands**.
- Despite the request of **C.N.Annadurai, M.P Sivaganam, and Jeevanardham**, he continued to **fast and died** on the 76th day on 13th October 1956.





### Select Committee

- The Select Committee is made up of a small number of parliamentary members appointed to deal with particular aspects originating in **the Westminster System of parliamentary democracy**.
- Under **Rule 125** of the Rajya Sabha Rules and Procedures, any member may move a bill which is referred to a select committee and, when the motion is admitted, the bill shall be referred to such a committee.
- **The quorum** needs to be one-third of the total number of members of the committee.
- In case of a tie on any matter, the **chairman** (or any other person presiding) will cast his **vote**.
- The select committee may appoint a **sub-committee** to examine any particular points connected with the bill.
- If any doubt arises on any aspect of the procedure the chairman may refer the point to the Rajya Sabha Chairman, whose decision will be final.
- Whenever a bill passed by one house is rejected by another house or any disagreement or more than six months has elapsed, the President of India may call a joint sitting of the two Houses to resolve the deadlock.
- The bill will be passed in both Houses by a **majority of the total number of members of both Houses present and voting**.
- There is no provision in the Indian Constitution for a joint sitting of both houses on a **money bill** or a **Constitution Amendment Bill**.

### MORE TO KNOW:

#### Theocratic State

- What is the opposite of **secular state**?
- Name any state that is **not secular**.

- A state which is not secular is a **Theocratic State**.
- Theocratic state has an **official religion** (State religion), and all the high posts of the country are reserved for the followers of the religion.
- **Pakistan, Vatican** etc., are some examples of a Theocratic State.

### Rajya Sabha

- The Rajya Sabha means "**Council of States**," and it is the upper house of the Parliament of India.
- The Rajya Sabha held its **first sitting (1st session) on 13th May 1952**, and recent sitting (246th session) held on 1st August 2018.
- Generally, during a year, three sessions of the Rajya Sabha are held, as follows:
- First Session (**Budget Session**) is held between mid or late February and mid-May.
- Second Session (**Monsoon Session**) is generally held in mid-July to end of August.
- Third Session (**Winter Session**) is held from the end of November to end of December. (Leaders of the House in the Rajya Sabha in 1952 to Till Date)

### Tamil Nadu Legislative Assembly

- Tamil Nadu Legislative Assembly consists of **234 elected Members from 189 General and 45 Reserved Constituencies**.
- The **First Madras Legislative Assembly** session was held on **3rd of May 1952**, constituted after the **General Elections in 1952**.
- Under **Article 333** of the Constitution of India, the Governor nominated one Member representing from **Anglo-Indian Community**.
- The **Fifteenth Tamil Nadu Legislative Assembly** was constituted on the **21st May 2016** after the general election to the Tamil Nadu Legislative Assembly on the 16th May 2016.



### Public Accounts Committee

- The Chairperson of the Public Accounts Committee is appointed by the Speaker from amongst its **Members of Lok Sabha**.

- **The Speaker**, for the first time, appointed a Member of the Opposition as the **Chairperson of the Committee for 1967-68**.
- Since the Committee became a **Parliamentary Committee** under the control of the Speaker from January 1950, it has presented 1596 Reports till April 2018.

### Constitution Amendment Bills

- Bills seeking to amend all other provisions of the Constitution including those enumerated in the provisions to **article 368(2)** are called by the title **Constitution Amendment Bills**'.
- These bills can be introduced in either **House of Parliament**.

### The Rights of Transgender Persons Bill, 2014

- In Lok Sabha, the last two and half hours of a sitting on every Friday, and in Rajya Sabha two and half hours, i.e., from 2.30 p.m. to 5.00 p.m. on every alternate Friday are allotted for transaction of **"Private Members' Business"**, i.e., Private Members' Bills and Private Members' Resolutions.
- The last time a private member's Bill was passed by both Houses was in 1970.
- Till Now, only Fourteen Private Member's bill have been passed by the Parliament.
- The Rights of Transgender Persons Bill, 2014: **The Rights of Transgender Persons Bill, 2014** is a private member bill introduced by **Trichy Shiva M.P. of Tamil Nadu**, which seeks to end the discrimination faced by transgender people in India.
- The Bill was passed by the **upper house Rajya Sabha** on 24 April 2015.
- It was introduced in the **lower house Lok Sabha** on 26 February 2016.
- The Bill is considered historic as for being the **first private member's bill** to be passed by any house in 36 years and by Rajya Sabha in 45 years.

### Article 370

- **Dr. BR Ambedkar**, the principal drafter of the Indian Constitution, had refused to draft Article 370.
- **Gopalaswami Ayyangar** eventually drafted article 370.

### Tamil Nadu

- M.P Sivaganam Jeevanardham
- **Thiyagi Sankaralinganar** observed Fasting 76 days from 27.07.1956 to 10.10.1956, for the name conversion of Chennai Presidency as **"Tamizhagam."**
- The State of Madras changed the name as **State of Tamil Nadu** by the **Madras State (Alteration Of Name) Act, 1968**.
- He was the person in India History to end his life by observing fast for many days in Gandhian Way. - **Potti Sriramulu**

### Important joint sittings

- 6 and 9 May 1961 on **Dowry Prohibition** Bill, 1959.
- 26 March 2002 on **Prevention of Terrorism** Bill, 2002.

### First Prime Minister of India

- "Each House has full authority to regulate its procedure within the limits of the Constitution.
- Neither House, by itself, constitutes Parliament. It is the two Houses together that are the Parliament of India.
- The successful working of our Constitution, as of any democratic structure, demands the closest cooperation between the two Houses." - **Pandit Jawaharlal Nehru**