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**DAY 01: CONSTITUTION
OF INDIA - I**

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THE CONSTITUTION OF INDIA



Learning Objectives

- To know about the Constitution of India
- To recognise the formation of our Constitution
- To know the salient features of our Constitution
- To know the fundamental rights and duties of the citizen of India



Pathway

The Lesson speaks about the formation of the constitution of India. It gives guidelines to govern the country, while ensuring the fundamental rights and duties of the citizens and how it protects them.

Yazhinian and Sudaroli are brothers. Yazh is student of standard six and Sudar is in standard four. Yazh was preparing for his class test. Sudar after completing his home assignments was watching an animated series on television. Sudar was watching it but the noise level disturbed Yazh. Sudar was totally engrossed in the series and laughed and clapped loudly. Yazh could not concentrate on his lessons.

So he asked Sudar to reduce the volume. But Sudar was not ready to adhere to his

elder brother's advice. In spite of Yazh's continuous request Sudar did not reduce the volume.

Yazh complained to his father that Sudar did not decrease the volume of the television in spite of requesting him several times. Yazh made it clear that he had a class test the following day.

"Isn't your brother preparing for his class test? Weren't you wrong in troubling him?" continued his father.



"I was watching the TV. Yazh kept disturbing and stopped me from watching it." said Sudar.

"Studying for the test and watching television are not the same" said his father.

But Sudar was not ready to accept the fact. Sudar was consistent that he had all rights to watch a film as much as Yazh had the right to study.

His father admitted that both had equal rights. But one must not hinder another's freedom. Sudar didn't realise the fact that he was very stubborn.

"Look Sudar. You have all rights to watch the film" said his father.

"Yes dad".

"Similarly, Yazh also has the right to listen to his favourite song on TV Couldn't he?"

"How can that happen? When I watch the television he cannot do that."

"When you can watch a film by increasing its volume, Yazh can also hear music loudly." said father.

"How will I watch the movie?"

"How will Yazh study?" .

"Oh! I didn't think of it. Okay dad, I will

not watch the movie while Yazh studies." .

"No my child. You can watch the movie without causing trouble to anyone," .

"Don't be angry Yazh. You study and I promise I will not disturb you."

Yazh smiled and patted Sudar's back and left the place.

Sudar's mother was watching everything silently. She said," Even to run a small family don't we need to follow so many rules and regulations? How much more of that will we need to administer a country?" she exclaimed.

"It is an ocean Deepa. In order to administer people who follow different religions, speak different languages and belong to different castes and culture and treat everyone equally, we need to have a good code of laws and guidelines which we call as 'The Constitution of India.'

The next day Sudar and Yazh went to school. It was the Republic Day also.

The celebration was a jubilant. The students and teachers were standing in line around the flag post. Immediately after the hoisting of the flag, a discussion was held with the chief guest for the day, Mr. Arumugam, an expert in social sciences.

"Wish you a happy Republic Day!" wished Mr. Arumugam.

"Wish you the same Sir."

"Do you know why do we celebrate the Republic Day?"

"Our Constitution was framed and came into existence from 26th January 1950. That is why every year we observe this day as the Republic Day." said the history teacher Malarmathi.





"Yes, it is true. There are other reasons why this constitution came into existence on 26th January 1950. When the Congress met at Lahore in 1929, the members of the Congress unofficially declared the same day as the Day of Poorna Swaraj or the Day of complete self governance. The next year, 26th January 1930 was celebrated as the Independence Day. That day has been observed as our Republic Day."

"What do you mean by the "Constitution of India" asked Nathar.

"Before that, let me ask a few questions. You answer me. Then I will explain in detail about the constitution of India."

"All right sir."

(The students were prepared to answer the questions)

"Are you following any rules and regulation at home?"

"Yes sir"

"Are you following any rules at school?"

"Yes sir"

"Are both of them the same or different?"

"Mostly, they are different"

"Is it necessary to follow certain rules in public places?"

"Yes, Sir"

"Why is it necessary?"

"We should not disturb anybody in public" said Tamilselvi.

"It's true. Also no one should disturb us"said Selva

"Yes, I do accept it. But what if someone compels you to follow some rules? How would you feel?"

"It would be difficult to do so."

"How do you feel when you are asked to make your own rules?"

"We would be proud and pleased to obey our own rules."

(Everyone agreed and nodded their heads)



"The Constitution is an authentic document containing the basic ideas, principles and laws of a country. It also defines the rights and duties of citizens. The laws governing a country originate from the constitution. Every country is ruled on the basis of its constitution"

"What are the things that make the constitution of India?" asked Deepika.

"The constitution of India is the ultimate law. We have to abide by it. It explains the fundamental concepts of structure, methods,



powers and the duties of Government bodies. It also lists the fundamental rights and duties of the citizens. Directive Principles are also mentioned in the constitution. So it is holistic in nature."

"When did they begin to frame the constitution?" asked Christopher.



"In 1946, nearly 389 members of the constituent Assembly who belonged to different parties from different places came together to frame the Constitution of India. The Chairman of the committee was Mr. Rajendra Prasad."

"Who were the other significant members in the Constituent Assembly?"

"Jawaharlal Nehru, Sardar Vallabai Patel, Moulana Azad, S. Radhakrishnan, Vijalakshmi Pandit and Sarojini Naidu were the members in the Constituent Assembly"



"How many women members were there in the Constituent Assembly?"

"15 women members were in the Constituent Assembly"



'The Father of the Constitution of India' is Dr.B.R. Ambedkar.

"The Drafting committee was formed with eight members and its Chairman was B.R. Ambedkar; B.N.Rao was appointed as an advisor. The committee met for the first time on 9th December 1946. On the same day, the drafting of constitution of India started."

"How did they form the Indian constitution?"

"The constitutions of nearly 60 countries including the UK, USA, former USSR, France, Switzerland etc., were thoroughly examined and their best features have been adopted by our constitution."

"Did they draft it in a short span of time?"

"No, nearly 2000 amendments were made before the draft was finalised"

"When did they complete this work?"

"It took a period of 2 years, 11 months, and 17 days. It was completed on 26th November 1949".

"The constitution was accepted by the Constituent Assembly. So, 26th November is celebrated as the Day of the Constitution. isn't it?" said Karthikeyan

"Yes" said Mr. Arumugam





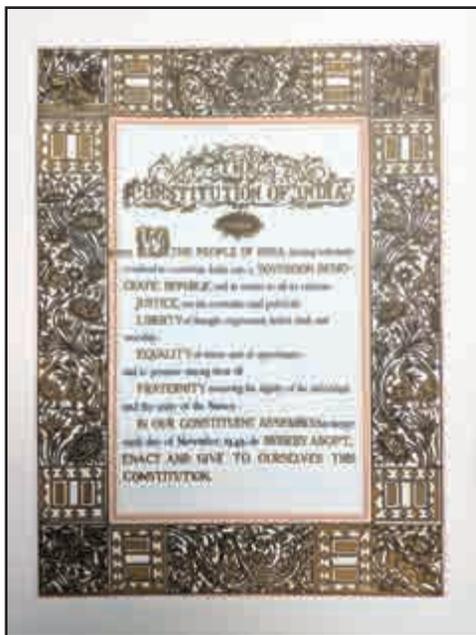
“How much was spent to frame the constitution of India?” asked Nathar.

“They spent almost 64 lakhs”.

“What are the objectives of the Constitution?”

“The Preamble of our constitution stresses on the justice, liberty, equality and fraternity.”

“What is a Preamble?”



“The preface of the constitution is the Preamble. According to it, India is a Sovereign, socialist, Secular democratic republic.”

“What does it mean by ‘Sovereign?’”

“The constitution has granted the people

the right to rule. The members of the parliament and the legislative assembly are elected by the people. The right to decide is only in the hands of the representatives. Sovereignty refers to the ultimate power of the country.”

“What is the meaning of “Secular?”

“Law allows all the citizens of a country, the right to follow different faith and religious beliefs. All citizens enjoy the freedom of worship. The country does not have a religion of its own. All the religions in our country hold the same status.”

“The Government of India rules through the Parliament, doesn’t it?”

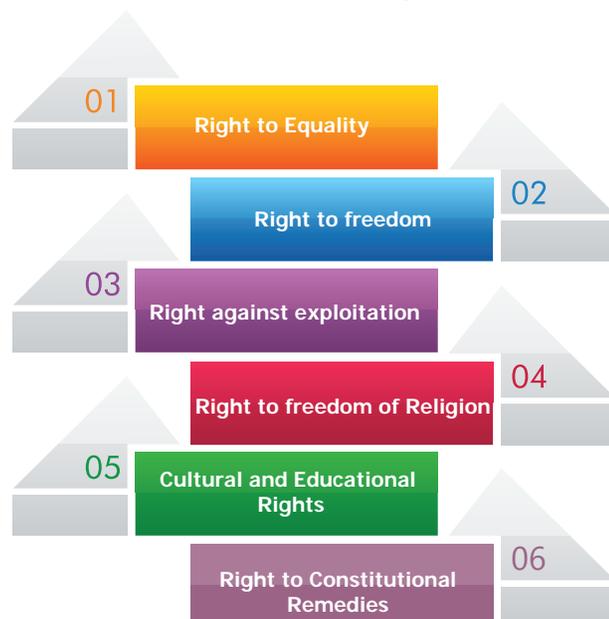
“Yes, the Constitution of India provides a Parliamentary form of Government, both at the centre and the state. In a Parliamentary System, the Executive is collectively responsible to the Legislature. The party which has the majority forms the government.”

“What are fundamental rights?”

“Fundamental rights are the basic human rights of all citizens.”

“What are they?”

Fundamental rights



"They are Right to Equality. Right to freedom, Right against exploitation, Right to freedom of Religion, Cultural and Educational Rights and Right to Constitutional Remedies."

"You mentioned about Directive Principles. What do you mean by that?"

"There are certain guidelines to be followed while the governments frame law. Though these are not mandatory, they should be taken into account."

"What is Universal Adult Franchise?"

"Every Indian citizen has the right to vote when they attain 18 years of age, irrespective of any caste, religion, gender or economic status."

"Like fundamental rights, every citizen will have duties too, won't they?"

"Yes, There are duties respecting the National flag and National Anthem, respect and protect the Constitution, follow our great leaders who fought for our freedom, to protect our country, readiness to serve our country if necessary, treating everyone as brothers irrespective of their castes, religions, languages, races etc., to conserve our ancient heritage, and conserve natural elements like forests, rivers and lakes and fauna, to develop science, humanity and feelings of reformation to avoid non-violence and protect government property, parents or guardians providing educational opportunities to children between 6-14 years etc., have been added as our duties" Mr.Arumugam concluded his discussion.



The original copies of the Constitution of India (Hindi, English) are preserved in special Helium filled cases in the Library of the Parliament of India.

FACTS

- Dr. B.R. Ambedkar, N. Gopalasamy, K.M.Munshi, Syed Ahmed sadullah, P.L. Mitter, N.Madhava Rao, T.T.K, T.P. Khaitan were the legal experts of the Drafting Committee.
- The Chairman of the Drafting Committee Dr. B.R. Ambedkar was considered the Chief architect.
- When the Cons titution was drafted, there were 395 articles in 22 parts and 8 schedules. At present our Indian Cons titution contains 448 articles in 25 parts and 12 schedules.
- 101 amendments were made till 16.09.2016.

HOTS

Prepare a list of your immediate duties?



1. Democracy - a type of government in which representatives are elected by the people of that country.
2. Drafting Committee - a Committee set up to prepare the draft of the Constitution
3. Preamble - an introduction to a book or a written document.
4. Republic - a country with an elected head of state
5. Secular - a state which does not discriminate anyone on religious grounds

2. INDIAN 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 29th 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 24th January 1950, The Constitution was inaugurated on 26th January 1950. Hence we celebrate the Republic day on 26th 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.



Dr. Rajendra Prasad

Making of the Constitution

The Constituent Assembly took 2 years 11 months and 18 days to accomplish the task of making the Constitution. It held 11 plenary sessions. Discussions were held for 114 days.



Dr. B.R Ambedkar

26th January

On 26th January 1930 the “Purna Swaraj” day was celebrated, following the resolution of the Lahore session of Indian National Congress in 1929. So, the date 26th 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

- 1) Preamble
- 2) The Popular Sovereignty
- 3) Secularism
- 4) Parliamentary Democratic Government.

- 5) Fundamental Rights and Duties.
- 6) Directive Principles of State Policy.
- 7) 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

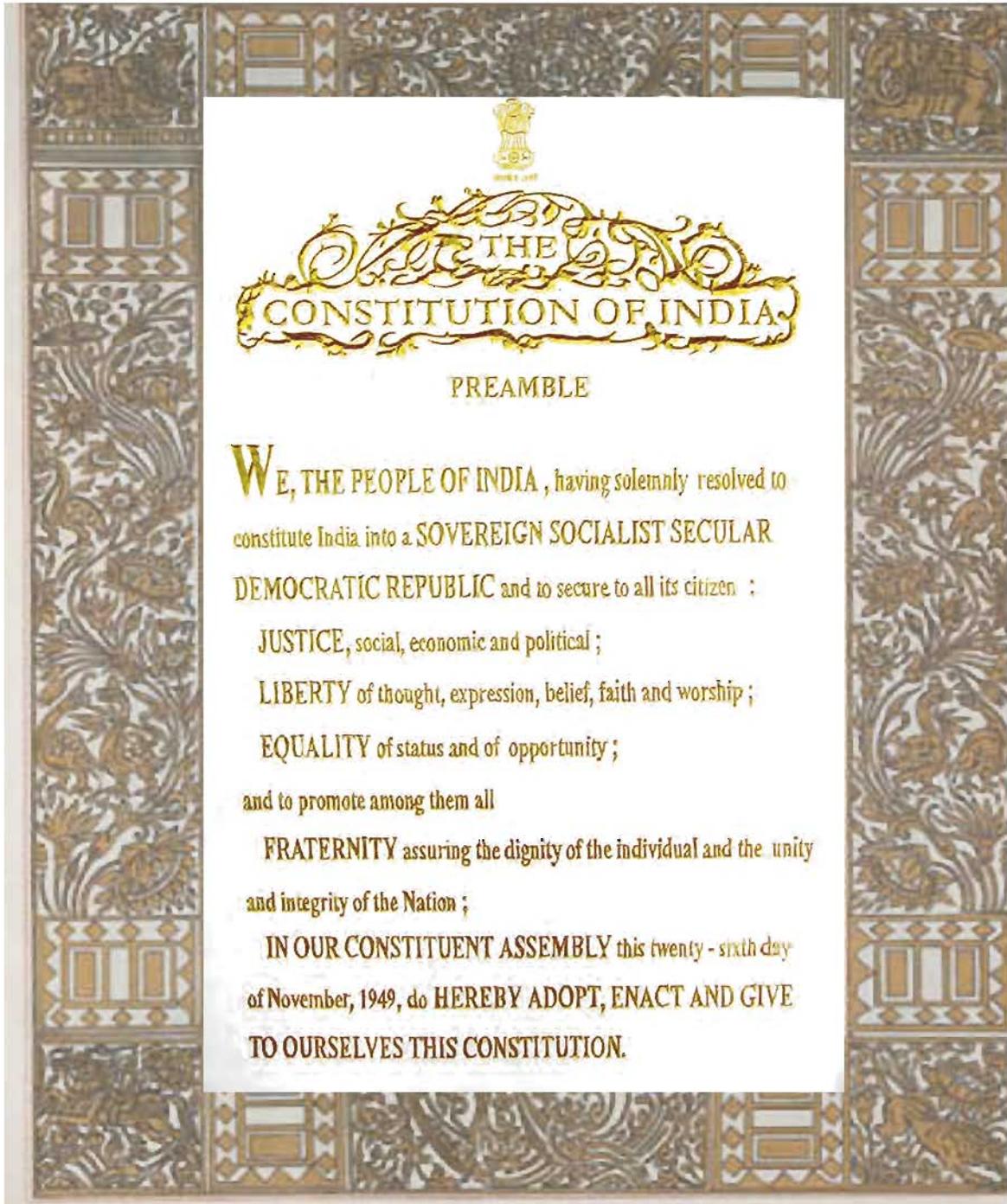
The Constitution gives complete authority to the people of India. The Popular sovereignty or complete authority of the people is reaffirmed in several places in the Constitution, particularly in the chapter “Election”. The Central and State Governments derive their authority from the people. The people 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 realizing 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/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 the Supreme Court directly 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 (1) Socialist Principles, (2) Gandhian Principles, (3) International Principles and (4) Miscellaneous Principles.

1) **Socialist Principles** 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.

2) **Gandhian Principles** 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.

3) International Principles promote International Peace and security.

4) Miscellaneous Principles such as, 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

1. To abide by the Constitution and its ideals, to respect the National flag, the National Anthem etc.,

2. To cherish and follow the noble ideals which inspired our national struggle for freedom.

3. To uphold and protect the sovereignty, unity and integrity of India.

4. To defend the country and render national services when called upon to do so.

5. To promote harmony and the spirit of common brotherhood.

6. To value and preserve the rich heritage of our culture.

7. To protect and improve the natural resources such as forests, lakes, rivers, wildlife etc.

8. To develop the scientific temper, humanism and spirit of inquiry.

9. To safeguard the public property and to avoid violence.

10. To strive towards excellence in all spheres.

11. 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 to his/her optimum level.

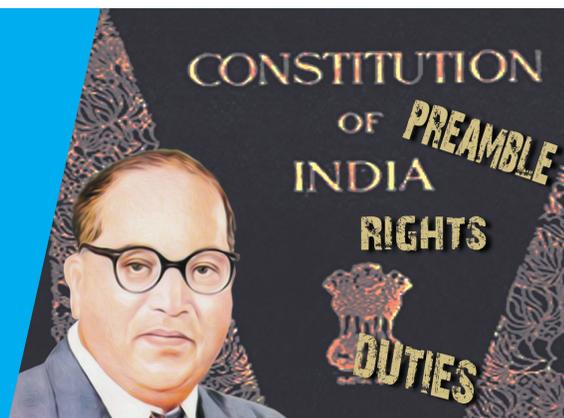
EXERCISE

I) Choose the best answer.

- The first session of the Constituent Assembly was presided over by
a) Dr. Rajendra Prasad b) Dr. S.P. Sinha c) Dr. B.R. Ambedkar
- Our Constitution came into existence on _____.
a) 26th March 1950 b) 26th January 1950 c) 15th August 1947

Unit - 1

Indian Constitution



Learning Objectives

- To know about the making of Indian Constitution
- To know the Salient features of Indian Constitution
- To understand the Fundamental Rights and Duties
- To know the Directive Principles of State Policy
- To understand the Centre-State relations and the Emergency Provisions



Introduction

The Constitution is the fundamental law of a country which reflects the fundamental principles on which the government of that country is based. It is the vehicle of a Nation's progress. More particularly, it is concerned with institutional fabric and the framework of the distribution of powers between the various organs of the government and between the Union and the States. The concept of constitution was first originated in U.S.A.

1.1 The Need for a Constitution

All Democratic countries have a constitution that governs them. A constitution puts down certain principles that form the basis of any kind of a state that we as citizens, desire to live in. A constitution tells us the fundamental nature of our society. A country is usually made up of different communities of people who have different beliefs; it will be helpful in fulfilling the beliefs of different segments of citizens.

1.2 Making of Indian Constitution

The Constitution of India was framed by a Constituent Assembly setup under the Cabinet Mission Plan, 1946. The Assembly consisted of 389 members representing Provinces (292), States (93), the Chief Commissioner's provinces (3) and Baluchistan (1). The Assembly held its first meeting on December 9, 1946. Dr. Sachchidananda Sinha, the oldest member, was elected as the temporary President of the Assembly. While the work was in progress, Dr. Sahchidananda Sinha died. Dr. Rajendra Prasad was elected as the President of the Assembly. Similarly, both H.C. Mukherjee and V.T. Krishnamachari were elected as the Vice-Presidents of the Assembly. The Assembly met for 11 sessions along with 166 days of meetings. During the discussion, 2473 amendments were presented. Some of them were accepted. The Assembly worked through various committees and the draft of the Constitution was prepared by the Drafting Committee under the chairmanship of Dr. B.R. Ambedkar. He is recognised as the 'Father of the Constitution of India'.



Dr. B.R. Ambedkar

After the draft had been discussed by the people, the press, provincial assemblies and others, the Constitution was finally adopted on November 26, 1949, contained a Preamble, 22 parts, 395 Articles and 8 Schedules. The drafted Constitution came into force on 26th January, 1950. This day is known as the Republic Day. It is being observed every year.



Prem Behari Narain Raizada was the calligrapher of the Indian Constitution. The original constitution was handwritten by him in a flowing italic style.

1.3 Salient features of Indian Constitution

- It is the lengthiest of all the written constitutions of the world.
- It has borrowed most of its provisions from the constitutions of various countries.
- It is partly rigid and partly flexible.
- It establishes a federal system of government.
- It establishes the parliamentary system not only at the Centre but also in the states.
- It makes India as a secular state.
- It provides an independent judiciary.

- It introduces Universal Adult Franchise and accords the right to vote to all citizens above 18 years of age without any discrimination.
- It provides single citizenship.
- It makes special provisions for minorities, Scheduled Castes, Scheduled Tribes, etc.

1.4 Preamble

The term 'preamble' refers to the introduction or preface to the Constitution. It consists of the ideals, objectives and basic principles of the Constitution. It contains the summary or essence of the Constitution. It has great value and has been described as the 'key to the Constitution'. The Preamble to the Indian Constitution is based on the 'Objective Resolution', drafted by Jawaharlal Nehru, which was adopted by the Constituent Assembly on January 22, 1947. It has been amended once by the 42nd Constitutional Amendment Act of 1976, which added three new words - socialist, secular and integrity. The Preamble begins with the phrase 'We, the People of India'. This clearly implies that the Constitution derives its authority from the People of India. Thus, we can say that the people of India are the source of our Constitution. The Preamble of our Constitution states that India is a **Sovereign Socialist Secular Democratic Republic**. Its aim is to secure to all Indian citizens Social, economic and political justice. The Constitution guarantees **Liberty** of thought, expression, belief, faith and worship to all. It gives **Equality** of status and of opportunity to all. It wants to promote **Fraternity** among all Indians.



Liberty, Equality and Fraternity were the important slogans during the French Revolution in 1789. They are given importance in the Preamble of our Constitution.



1.5 Citizenship

The word 'Citizen' is derived from the Latin term 'Civis'. It means resident of a City State. The Constitution of India provides for a single and uniform citizenship for the whole of India. Articles 5 to 11 under part II of the Constitution deals with the citizenship.

1.5.1 Citizenship Act of 1955

The Citizenship Act of 1955 provides for acquisition and loss of citizenship after the commencement of the Constitution. This Act has been amended so far eight times. Originally, the Citizenship Act (1955) also provided for the commonwealth Citizenship. But, this provision was repealed by the Citizenship (Amendment) Act, 2003.

1.5.2 Acquisition of Citizenship

The Citizenship Act of 1955 prescribes five ways of acquiring citizenship, viz, birth, descent, registration, naturalisation and incorporation of territory:

According to the Citizenship Act, 1955, the citizenship could be acquired through any of the following methods.

1. **By Birth:** All persons born in India on or after January 26, 1950 are treated as citizens by birth.
2. **By Descent:** A person born outside India on or after January 26, 1950 shall be a citizen of India by descent, if his father is a citizen of India at the time of his birth.
3. **By Registration:** A person can acquire citizenship of India by registration with appropriate authority.
4. **By Naturalisation:** A foreigners can acquire Indian citizenship, on application for naturalization to the Government of India.
5. **By Incorporation of Territory:** In the event of a certain territory being added to the territory of India, the Government of India shall specify the persons of that territory who shall be citizen of India.

1.5.3 Loss of Citizenship

The Citizenship Act of 1955 prescribes three ways of losing citizenship whether acquired under the Act or prior to it under the Constitution, viz, renunciation, termination and deprivation.

1. It can be voluntarily renounced by a citizen.
2. It can be terminated if a person acquires the citizenship of some other country.
3. The central government can deprive a naturalized citizen, if it satisfied that the citizenship was acquired by fraud, false representation or concealment of material facts or indulges in trade with enemy countries or if the person has been sentenced to imprisonment for a period of 2 years.

1.6 Fundamental Rights

The Fundamental Rights are enshrined in Part III of the Constitution from Articles 12 to 35. In this regard, the framers of the Constitution derived inspiration from the Constitution of USA. Originally, the Constitution provided for seven Fundamental Rights. At present, there are only six Fundamental Rights. Part III of the Constitution is rightly described as the Magna Carta of India. While Fundamental Rights are available to all persons, certain Fundamental Rights are available only to Indian Citizens.



'Magna Carta' is the Charter of Rights issued by King John of England in 1215 under pressure from the barons. This is the first written document relating to the Fundamental Rights of citizens.

Right to constitutional remedies (Articles 32)

A writ is an order or command issued by a court in writing under its seal. It is in the nature of a command or prohibition from performing certain acts that are specified in

I. RIGHT TO EQUALITY



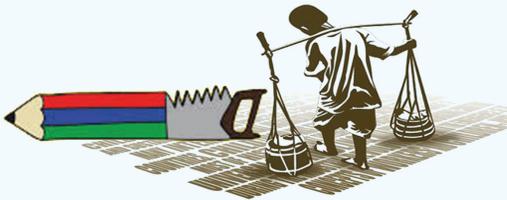
- Art. 14 - Equality before law.
- Art. 15 - Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
- Art. 16 - Equality of opportunity in matters of public employment.
- Art. 17 - Abolition of Untouchability.
- Art. 18 - Abolition of titles except military and academic.

II. RIGHT TO FREEDOM



- Art. 19 - Freedom of speech and expression, assembly, association, movement, residence and profession.
- Art. 20 - Protection in respect of conviction for offences.
- Art. 21 - Protection of life and personal liberty.
- Art. 21A - Right to elementary education.
- Art. 22 - Protection against arrest and detention in certain cases.

III. RIGHT AGAINST EXPLOITATION



- Art. 23 - Prohibition of traffic in human beings and forced labour.
- Art. 24 - Prohibition of employment of children in factories, etc.

IV. RIGHT TO RELIGION



- Art. 25 - Freedom of conscience and free profession, practice and propagation of religion.
- Art. 26 - Freedom to manage religious affairs.
- Art. 27 - Freedom from payment of taxes for promotion of any religion.
- Art. 28 - Freedom from attending religious instruction or worship in certain educational institutions.

V. CULTURAL & EDUCATIONAL RIGHTS



- Art. 29 - Protection of language, script and culture of minorities.
- Art. 30 - Right of minorities to establish and administer educational institutions.

VI. RIGHT TO CONSTITUTIONAL REMEDIES



- Art. 32 - It allows individuals to seek redressal for the violation of their fundamental rights.



Right to Property (Art. 31) was deleted from the list of Fundamental Rights by the 44th Amendment Act, 1978. It is made a legal right under Article 300-A in Part XII of the Constitution.



Violation of which Fundamental right is associated with the theme depicted in the stamps?

the orders of the court. Both the Supreme Court and the High Courts are empowered to issue five kinds of writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari. That is why the Supreme Court is called the “Guardian of the Constitution”. According to Dr. Ambedkar, Article 32 is “the heart and soul of the Constitution”.

- (a) **Habeas Corpus:** Safeguards people from illegal arrests.
- (b) **Mandamus:** It protects the petitioner who requires legal help to get his work done by respective public authorities.
- (c) **Prohibition:** It prohibits a subordinate court from acting beyond its jurisdiction.
- (d) **Certiorari:** It quashes an order issued by a subordinate court by overstepping its jurisdiction.
- (e) **Quo Warranto:** It prevents usurpation of public office through illegal manner.

Suspension of Fundamental Rights

When the President makes a Proclamation of Emergency under Article 352, the freedoms guaranteed under Article 19 are automatically suspended. The President can suspend other fundamental rights through specific orders. These orders must be approved by the Parliament. But he cannot suspend the freedoms given under Arts. 20 and 21 (protection in respect of conviction for offences and protection of life and personal liberty respectively) in any circumstances.

1.7 Directive Principles of State Policy

The Directive Principles of State Policy are enumerated in Part IV of the Constitution from Articles 36 to 51. The Constitution does not contain any classification of Directive Principles. However, on the basis of their content and direction, they can be classified into three broad categories, viz, socialistic, Gandhian and liberal-intellectual. These principles are not enforceable by the courts.



The 86th Amendment Act of 2002 changed the subject-matter of Article 45 and made elementary education a fundamental right under Article 21 A. The amended directive requires the State to provide early childhood care and education for all children until they complete the age of six years.

But they are fundamental for the governance of the country. The Government is duty bound to apply these principles while making laws. They aim at promoting the Social Welfare of the people. Dr. B.R. Ambedkar described these principles as ‘novel features’ of the Indian Constitution.

Differences between Fundamental Rights and Directive Principles of State Policy

Fundamental Rights	Directive Principles of State Policy
It was derived from the Constitution of the USA.	It was drawn on the model of the Constitution of Ireland.
Even the Government cannot take away or abridge these rights.	These are mere instructions to the Government.
These are enforceable by a court of law.	These are not enforceable in any court.
These have legal sanctions.	These have moral and political sanctions.
These rights strengthen political democracy in the country.	The implementation of these principles ensures social and economic democracy.
These are natural rights.	These lead to protect human rights.

1.8 Fundamental Duties

The Fundamental Duties in the Indian Constitution are inspired by the Constitution of former USSR. In 1976, the Congress party set up the Sardar Swaran Singh Committee to make recommendations on fundamental duties. The 42nd Amendment Act of 1976 added some responsibilities of citizens to our Constitution called the Fundamental Duties. This amendment added a new part, namely, Part IVA to the Constitution. This new part consists of only one Article that is Article 51A which for the first time specified a code of ten fundamental duties of the citizens.

1.8.1 List of Fundamental Duties

Article 51A declares it to 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 the 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 common brotherhood among 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 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) To provide opportunities for education to his child or ward between the age of six and fourteen years. (The 86th Constitutional Amendment Act, 2002 has also introduced the 11th Fundamental Duty under 51A(k) under which all citizens of India or parents shall provide opportunities for education to their children between age of 6 and 14 years)

1.9 Centre-State Relations

The Constitution of India, being federal in structure, divides all powers between the Centre and the States. The Centre-state relations can be studied under three heads:

1.9.1 Legislative relations

The Union Parliament has the power to legislate for the whole or any part of the territory of India, which includes not only the States but also the Union Territories or any other area for the time being, included in the territory of India. The Seventh Schedule of the Constitution embodies three lists namely, the Union List, State List and Concurrent List consisting of 97, 66 and 47 items respectively. The Parliament enjoys the exclusive power to legislate on subjects enumerated in the Union List. The State Legislature has exclusive right to



The Union List, State List and Concurrent List consisting at present 100, 61 and 52 items respectively. The 42nd Amendment Act of 1976 transferred five subjects to Concurrent List from State List, that is, education, forests, weights and measures, protection of wild animals and birds, and administration of justice; constitution and organisation of all courts excepts the Supreme Court and the high courts.



In 1969, the Tamil Nadu Government appointed a three-member committee under the chairmanship of Dr. P V Rajamannar to examine the entire question of Centre-state relations.

legislate on the State List. Both Parliament and State Legislatures have power to legislate on subjects contained in the Concurrent

List. But in case of conflict between the law of the State and the Union on a subject in the Concurrent List, the law of Parliament prevails.

1.9.2 Administrative relations

The Administrative power of a State extends only to its own territory and with respect to which it has legislative competence, whereas the Union has exclusive executive power over: (a) the matters with respect to which Parliament has exclusive power to make laws and (b) the exercise of its powers conferred by any treaty or agreement.

1.9.3 Financial relations

Article 268-293 in Part XII deal with the Financial relations between centre and the states. The Centre and States are empowered by the Constitution to impose various kinds of taxes. And certain taxes are imposed and collected by the centre and divided between centre and states based on the recommendation of the Finance Commission appointed by the President under Article 280 of the Constitution.

Late Prime Minister Indira Gandhi appointed the Sarkaria Commission in 1983 to make an enquiry into the Centre-State relations. The Central government has implemented 180 (out of 247) recommendations of the Commission. The most important is the establishment of the Inter-State Council in 1990.

1.10 Official Language

Part XVII of the Constitution deals with the official language in Articles 343 to 351. Its provisions are divided into four heads namely, Language of the Union, Regional languages,

Language of the judiciary and texts of laws and Special directives.

The First language committee was appointed in 1955. It submitted its report in 1956. As a follow up of the report, parliament enacted the Official Language Act, 1963. The act laid down that even after 15 year, English may continued to be used along with Hindi for all official purposes of the Union and also for transaction of business in parliament. Again through the Official Languages (Amendment) Act, 1967, it was provided that the use of English would continue indefinitely. The Constitution also permitted certain regional languages to be used for intra-state official transactions. Initially, the Constitution recognised 14 regional languages which were included in the Eighth Schedule. At present, 22 languages are recognised.

Activity

List out the recognised languages in the Eighth Schedule of the Constitution?



In 2004, the Government of India decided to create new category of languages called as "classical languages". So far, the six languages are granted the classical language status namely Tamil (2004), Sanskrit (2005), Telugu (2008), Kannada (2008), Malayalam (2013) and Odia (2014).

1.11 Emergency Provisions

The Central Government has been vested with extraordinary powers to deal with conditions of emergency. Three types of emergencies are envisaged in the Constitution:

1.11.1 National Emergency (Article 352)

The President under Article 352 can declare emergency if he is satisfied that India's security is threatened due to war, external aggression or armed rebellion, or if there is an imminent danger

or threat. When a national emergency is declared on the ground of war or external aggression it is known as external emergency. On the other hand, when it is declared on the ground of armed rebellion it is known as internal emergency. This type of emergency has been declared three times so far: in 1962, 1971 and 1975.

1.11.2 State emergency (Article 356)

Under Article 356, the President can declare an emergency in a state if the Governor reports that a situation has arisen under which the government of a State cannot be carried on in accordance with the provisions of the Constitution. The continuance of such an emergency beyond one year is possible only if emergency under Art. 352 are in operation or the Election Commission certifies that there are difficulties in holding Assembly elections. Maximum duration of the emergency can be three years. In this kind of emergency, the States lose much of their autonomy in legislative and executive matters. After such an announcement state legislature is suspended and the State is governed by the Governor on behalf of the President. For the first time, the President's Rule was imposed in Punjab in 1951.

1.11.3 Financial emergency (Article 360)

Article 360 authorises the President to declare financial emergency if he is satisfied that the financial stability or credit of India or of any of its parts is in danger. In this type of emergency, salaries and allowances of any class of persons serving State or Union, including judges of the Supreme Court and High Court can be reduced by an order of the President. This type of emergency has not been declared in India so far.

1.12 Amendment of the Constitution

The term amendment denotes change, improvement and modification. Usually this term is associated with one or more changes

made in the Constitution of a country. Article 368 of the Constitution in Part XX, deals with the powers of Parliament to amend the Constitution and its procedure.

1.12.1 Procedure of Amendment

An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill. The constitution amendment can be brought about only by the Parliament. State legislatures cannot initiate for any amendment to the Constitution.

1.12.2 Types of Amendments

Article 368 provides for three ways of amendments, that is, by a special majority of Parliament and also through the ratification of half of the states by a simple majority. But, some other articles provide for the amendment of certain provisions of the Constitution by a simple majority of Parliament, that is, a majority of the members of each House present and voting (similar to the ordinary legislative process). Notably, these amendments are not deemed to be amendments of the Constitution for the purposes of Article 368. Therefore, the Constitution can be amended in three ways:

1. Amendment by simple majority of the Parliament
2. Amendment by special majority of the Parliament
3. Amendment by special majority of the Parliament and the ratification of half of the state legislatures.



42nd amendment of the Constitution is known as the mini Constitution.

1.13 Constitutional Reform Commissions

The National Commission to Review the Working of the Constitution was set up by a resolution of the Government of India in 2000 headed by M.N.Venkatachaliah. In April 2007,

a three member commission headed by the former Chief Justice of India M.M.Punchchi was set up by the then Government to take a fresh look at relative roles and responsibilities of various levels of Government and their inter-relations.

Recap

- The Constitution of India was framed by a Constituent Assembly set up under the Cabinet Mission Plan, 1946.
- The Preamble of our Constitution states that India is a **Sovereign Socialist Secular Democratic Republic**.
- The word 'Citizen' is derived from the Latin term 'Civis'. It means resident of a City State.
- According to Dr. Ambedkar, Article 32 is "the heart and soul of the whole Constitution".
- The Fundamental Duties in the Indian Constitution are inspired by the Constitution of former USSR.
- In 2004, the Government of India decided to create new category of languages called as "classical languages".
- Article 368 of the Constitution in Part XX, deals with the powers of Parliament to amend the Constitution and its procedure.

A-Z GLOSSARY

Preamble	the introduction to the constitution of India	முகப்புரை
Secular state	A state which protects all religions equally	சமயச் சார்பற்ற அரசு
Discrimination	unfair treatment of a person or group	பாகுபாடு
Writ	written command of court	நீதிப்பேராணை
Sovereignty	supreme power or authority	இறையாண்மை
Heritage	something handed down from one's ancestors	பாரம்பரியம்
Autonomy	independence in one's thoughts or actions	தன்னாட்சி
Imminent	coming up	உடனடி
Proclamation	an announcement	பிரகடனம்



EVALUATION

I Choose the Correct Answer.

1. Which of the following sequences in right regarding the Preamble?



- (a) Republic, democratic, secular, socialist, sovereign
- (b) Sovereign, socialist, secular, republic, democratic
- (c) Sovereign, republic, secular, socialist, democratic
- (d) Sovereign, socialist, secular, democratic, republic