

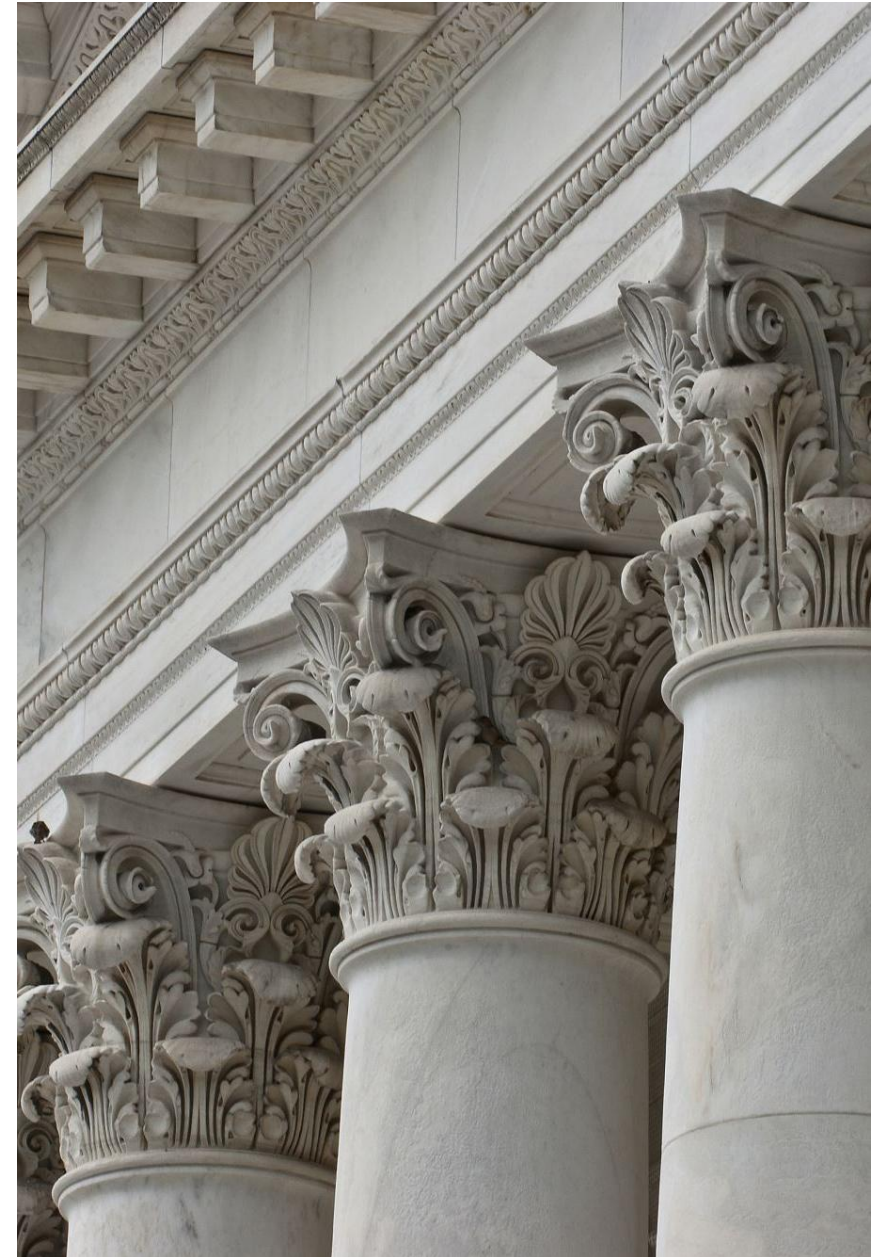
# Constitutional Law

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Vishwa. B

PGT Legal Studies

Shraddha Children's Academy





# Introduction

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- Reading constitution as a document very important for day-to-day life
- Fundamental of the citizen existence
- Not a law subject, a life subject



# Agenda

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- Introduction
- Definition of the word constitution
- Why you must know your constitution – Fali. S. Nariman
- Constituent Assembly
- Sources
- History of Constitution
- Salient Features (12 Features)
- Preamble
- Fundamental Rights, DPSP and Fundamental Duties
- Organs of the Government as mentioned in the constitution

# Definition of the Word Constitution



Aristotle – Way of life which the state has chosen for itself



Georg Jellinek – Absence of a constitution may lead to anarchy



Wade and Philips - "The Constitution of a country is a set of important rules that creates the main parts of the government, explains how they are formed, what powers they have, what they do, how they work with each other, and how they connect with the people — especially in politics."

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# Why You Must know your Constitution

- Reading Time



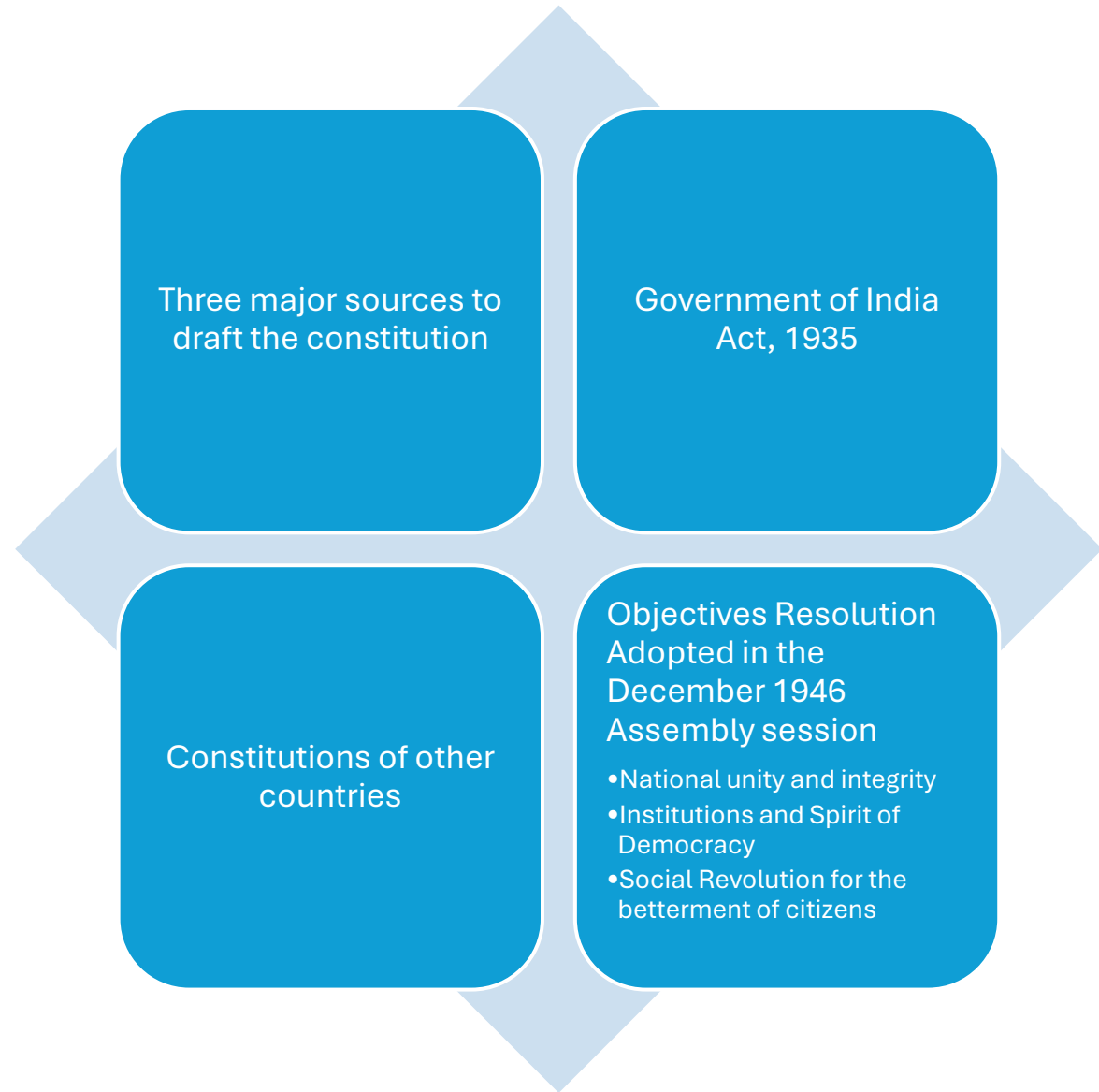
# Constituent Assembly

Dr. B.R. Ambedkar – Modern Manu – Architect of the Indian Constitution – Chairman of the drafting committee

Had members mostly from the congress party and a few communists/independents

Two Roles to Play – Framing of Constitution and Framing of the Constitution.

# Sources of Indian Constitution



# Historical Perspective

Year	Event	Significance
1857	First War of Independence	Sparked demand for Indian self-rule.
1858	Government of India Act	Power shifted from East India Company to British Crown.
1861	Indian Councils Act	Indians included in law-making (limited role).
1892	Indian Councils Act	Slightly increased Indian participation.
1909	Morley-Minto Reforms	Separate electorates for Muslims introduced.
1919	Montagu-Chelmsford Reforms	Started dyarchy – shared rule in provinces.
1927	Simon Commission (arrived)	No Indian members; led to nationwide protest.
1929	Purna Swaraj Declaration	Congress demanded complete independence.

# History Contd.,

<b>1935</b>	Government of India Act	Blueprint for future Constitution; federal structure.
<b>1942</b>	Quit India Movement	Massive civil disobedience; pushed for British exit.
<b>1946</b>	Cabinet Mission Plan	Approved creation of Constituent Assembly.
<b>1946 (Dec 9)</b>	First Constituent Assembly Meet	Began Constitution drafting; Dr. Ambedkar led drafting committee.
<b>1947 (Aug 15)</b>	India's Independence	India becomes free; Dominion status begins.
<b>1949 (Nov 26)</b>	Constitution Adopted	Constitution completed and signed.
<b>1950 (Jan 26)</b>	Constitution Enforced	India becomes a Republic. Republic Day celebrated.

# Salient Features

## Modern Constitution

- Reflects modern democratic values like justice, liberty, equality, and secularism.
- Combines features from British, American, and other global constitutions.
- Adapts foreign ideas to suit Indian society and diversity.

## Longest Written Constitution

- Contains over 470 Articles, 25 Parts, and 12 Schedules.
- Deals with detailed governance rules for Centre and States.
- Necessary due to India's size, diversity, and complex needs.

## Preamble to the Constitution

- Introduces the spirit and purpose of the Constitution.
- Mentions India as Sovereign, Socialist, Secular, Democratic, Republic.
- Highlights goals: Justice, Liberty, Equality, and Fraternity.

## Fundamental Rights:

- Basic freedoms enforceable by law (Articles 12–35).

## DPSPs

- Guidelines for the government to promote social welfare (Part IV).

## Fundamental Duties

- Moral responsibilities of citizens (Part IVA, Article 51A).

## **Amendment of the Constitution**

Article 368 allows Parliament to amend the Constitution.

Three types: Simple, Special, and Special with State ratification.

Helps maintain flexibility while preserving core values.

## **Adult Suffrage**

Every Indian citizen 18 years and above can vote (Article 326).

Based on equality — no discrimination of caste, class, gender, or religion.

Ensures participation of all adults in democratic elections.

## Single Citizenship:

- All Indians are citizens of India only — not of individual states.
- Promotes unity and equal rights across the country.
- Unlike countries like the USA which have dual citizenship (federal + state).

## Independent Judiciary

- Judiciary is free from government influence or pressure.
- Ensures fair interpretation and enforcement of laws.
- Protects Fundamental Rights of citizens.

## Emergency Provisions

- Special powers during crisis (Articles 352, 356, 360).
- Types: National, State, and Financial Emergency.
- Centre assumes greater power during such periods.

## Federal in Form, Unitary in Character

- Power is divided between Centre and States.
- In emergencies, central government becomes dominant.
- Strong Centre ensures unity and integrity of the nation.

## Division of Powers – Centre–State Relations

- Powers split via Union List, State List, and Concurrent List (7th Schedule).
- Centre controls subjects like defense, foreign affairs.
- States handle police, public health; both share education, environment.

## Schedules to the Constitution

- Schedules list specific details not covered in the main articles.
- Example: Schedule 1 – Names of States/Uts
- Schedule 8 – 22 Official Languages
- Schedule 10 – Anti-Defection Law