

Indian Constitution

Introduction to Constitution

The Constitution means:

1. A set of laws governing a country
2. Body of fundamental principles by which a state or other body is governed.
3. System laws and principles according to which union and state is governed (is controlled and administrated). the constitution has a written constitution. given by Bharat Ratna Dr B.R Ambedkar, as a chairman of the drafting committee in 1947 to 1950.

- The term constitution is a historical word and is derived from Latin word (constitution) “constitutio” meaning is to establish, to form to regulate or to order i.e., used for regulation and orders.
- Therefore, constitution refers to the “Establishing or formation of the fundamental laws that determine the basic structure of the political system of the state under which its people are to be governed.”

Introduction to Constitution of India The Constitution of country establish the basic structure of political system (say Indian polity, British polity, Canadian polity etc..) under which its people (citizens of the country) are being governed.

The Constitution:

The constitution is defined as “A fundamental body of rules that govern a State or a Nation” .

Constitution provides necessary guidelines for good governance of the state. The constitution is called as rule of the state or fundamental law of the state without which a state cannot exist. Because constitution provides necessary guidelines for good governance of the state. The importance of constitution is that it plays a vital role in the social, economical, political and administrative structure, the government and its functions, organs of the state and their relationships with the government etc.

The constitution establishes 3-main organs of the state

- **The Legislature** → The legislative refers to the branch of government, or the body within it, responsible for making laws.
- **The Executive** → **an executive is a high-level person in a company or government who makes important decisions, sets strategies, and manages operations to make things happen and ensure goals are met, essentially "carrying out" plans**
- **The Judiciary** → The judiciary's role is to interpret laws, resolve disputes, and uphold the Constitution, acting as a guardian of rights by ensuring laws are applied fairly and checking the powers of the legislative and executive branches, thereby maintaining rule of law, protecting individual freedoms, and ensuring a balanced government



Judiciary

Formation and Composition of the Constituent Assembly

For framing of the Indian Constitution. Before 1947 August 15th, India was under British ruling for more than two centuries.

In the late 1920s and mid of 1930s decade-the Congress and other national parties like Muslim League increased their severity of demand for a Constituent Assembly of Indians to frame the Constitution of India. British cabinet mission headed by secretary of state Pethick Lawrence, the president of the board of trade Sir Stafford Cripps the first lord of admiral A.V. Alexander was in India from march 1946 to may 1946 to discuss the independence to India, which suggested to have election of members to the proposed constitution making body called as Constituent Assembly.

- ♣ This strong demand for constituent assembly was accepted, for the first time by British Government in its August offer of 1940.
- ♣ This Constitution Assembly was regulated by British Cabinet Mission Plan of 1946.
- ♣ Indian political parties in 1946 decided to elect the Constituent Assembly which should be elected by the members of recently elected to the legislative assemblies of the provinces. The Constituent Assembly came into existence in November 1946. After passing of the Independence Act 1947, The Constituent Assembly become an independent body.
- ♣ The Constituent assembly had an initial total strength of 389 members. Out of which 296 representatives were from British India and remaining 93 representatives were from the princely states in India.
- ♣ During election held in 1946 for British provinces the congress won 208 seats and Muslim League won 73 seats.
- ♣ The first Constituent Assembly thus formed had its first sitting session on 9th December 1946. Dr. Sachidanada Sinha was elected as the interim president of the Constituent Assembly.
- ♣ But on 11th December 1946 Dr. Rajendra Prasad was elected as President of Constituent Assembly on permanent basis.
- ♣ On 13th December 1946 Jawaharlal Nehru moved the historic Objectives Resolution in the Constituent Assembly and was adopted by the Constituent Assembly on 22nd January 1947, There after this objectives resolution become the guiding principles and philosophy in making of the INDIAN CONSTITUTION.

Preamble History of the Preamble to Indian Constitution

- A preamble is an introductory statement in a document that explains the document's **philosophy and objectives**.

- In a Constitution, it presents the **intention of its framers**, the **history behind its creation**, and the **core values** and **principles of the nation**.
- The preamble basically gives idea of the following things/objects:
 - **Source of the Constitution**
 - **Nature of Indian State**
 - **Statement of its objectives**
 - **Date of its adoption**

History of the Preamble to Indian Constitution

- The ideals behind the Preamble to India's Constitution were laid down by **Jawaharlal Nehru's Objectives Resolution**, adopted by the Constituent Assembly on January 22, 1947.
- Although not enforceable in court, the Preamble states the objectives of the Constitution, and acts as an aid during the interpretation of Articles when language is found ambiguous.

Components of Preamble

- It is indicated by the Preamble that the **source of authority** of the Constitution lies with the **people of India**.
- Preamble declares India to be a **sovereign, socialist, secular and democratic republic**.
- The objectives stated by the Preamble are to **secure justice, liberty, equality to all citizens and promote fraternity to maintain unity and integrity of the nation**.
- The date is mentioned in the preamble when it was adopted i.e. **November 26, 1949**.

THE CONSTITUTION OF INDIA



Preamble.

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

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship ;

EQUALITY of status and of opportunity;

and to promote among them all

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

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

Salient features of the Constitution

The salient features of the Indian Constitution are listed and briefed below:

- **Longest Written Constitution.**

1. Longest Written Constitution The Indian Constitution is a Longest and most detailed Constitution written document with 443 pages. It is also known as the longest written constitution in the world.
2. Our Indian constitution in its original contained 22 parts/chapters, spread over in 395 Articles and 8 schedules without any amendments.
3. But as on now with periodical amendments, our Indian constitution comprises: 444 Articles. 12 Schedules.
4. 94 Amendments

- **Written Constitution.** Indian constitution is Longest written Constitution. The documented text of Indian Constitution narrates every small detail of 3 organs of the state. All the provisions made inclusions increased the size of our Indian Constitution as lengthy and bulky.

- **Partly Rigid and Partly Flexible** the Constitution of India is neither wholly rigid nor wholly flexible. It is partly rigid and partly flexible. It is because of the fact that for the purpose of amendment, our constitution has been divided into three parts.

1. Certain provisions of the constitution can be amended by a simple majority in Parliament. (Flexible).
2. Certain provisions can be amended under Article 368 by a two-third majority in Parliament and ratified by at least 50 % of the state's Legislatures (Rigid).
3. The remaining provisions can be amended by Parliament by two-third majority. (Rigid)

* **Federalism:** A Federation with a strong Centralizing Tendency. The Indian Constitution provisions have provided us the existence of two governments:

1. State and 2. Central

Indian constitution has been described as Quasi-Federal. That is federal with a strong unitary or pro-centre bias, federal in structure but unitary in spirit, federal in normal times but with possibilities of being converted into a purely unitary one during emergency

- **Parliamentary form of government** The Indian constitution has provided us with parliamentary form of government both at centre as well as at states. Accordingly In centre The President is the Constitutional Head. but real power is given to the council of ministers with Prime minister as the Head. In the State The Governor is the Constitutional Head. But real power is given to the council of ministers with Prime minister as the Head. All get their democratic powers of execution from the legislative form of government

* **A secular state.** In India all religions are treated alike. Our Constitution guarantees to every person the freedom of conscience and the right to profess, practice and propagate religion and worship god according to their own conscience.

* **Single Citizenship.** Even though the constitution of India has dual polity (centre and state), The Indian constitution has introduced the principle of one constitution and one citizenship. So irrespective of place of stay across India in any state, everyone enjoys the single citizenship of Indian union. That is every Indian irrespective of in which state they live in and belong to have the same rights of citizenship throughout India.

* **Fundamental Rights.** These are distinguished features of our constitution established fundamental rights of Indian citizens. Fundamental rights are inseparable parts of civilized society, for the individuals self respect, dignity and honors to be preserved. Therefore fundamental rights are inviolable rights granted to the citizens of India.

- **Directive Principles of state policy.** An important feature of the constitution is the Directive Principles of State Policy incorporated in the Constitution. The directive principles ensure that the State shall strive to promote the welfare of the people by securing a social order in which social, economic and political justice is animated/informed in all institutions of life. These are the ideals that the State should keep in mind while formulating policies and enacting laws. Directive Principles of State Policy are asserted to be "fundamental in the governance of the country," they are not legally enforceable.

- **Establishment of welfare state.** Constitution has extensive provisions to ensure social and economic welfare of the people of India. In this regard The Preamble of our constitution and the Directive Principles of State Policy of our constitution aim to create social and economic conditions under which the citizens can lead a good life. They aim to establish "social and economic democracy through a welfare state"

- **Universal Adult Suffrage or Adult Franchise**

According to which all the adult citizens of India irrespective of caste, creed, religion language and gender vote to choose their Representatives. The parties that win majority support will form the government and the others will sit in opposition. The minimum eligible age of man or woman casting the votes was 21 years. But 61st constitutional amendment Act of 1989 has reduced or brought down the voting age from 21 years to 18 years.

- **Fundamental Duties** The 42nd constitutional amendment act of 1976 has added to our constitution 10 fundamental duties of a citizen of India. When fundamental rights are granted then there must some duties that are obligatory for citizens. To act in accordance with basic norms of democratic conduct and behaviour for the benefit of the society and welfare of the nation. To conclude fundamental right and fundamental duties complement each other to preserve citizenship authoritatively.
- **An Independent Judiciary** Our constitution has established a single unified impartial judicial system which functions independently from other two organs i.e., The Executive and the Legislature. That is judiciary maintains an Equal-distance from legislature and the executive in order to ensure judicial independence. The highest court of law in our country is the Supreme Court. The High Courts functions under the authority of Supreme Court. Our judiciary system protects fundamental rights of the people and safeguards the human rights of the citizens.
- **Official Language.** In our Constitution there are many languages, but our Constitution has declared the Hindi as the official language to bring all people on a common platform for all purpose .Besides every state is authorised to use their regional language and also English language can be allowed to use for official purposes.
- **Creation of All India Services.** Our constitution has provided for the Establishment of all India services like IAS(Indian Administrative Service),IFS(Indian Foreign Service),IPS(Indian Police Service),etc. These officials are appointed by Central government to all different states.

Special status to Jammu and Kashmir

After the independence the princely state of Jammu and Kashmir opted to remain independent and signed an accession agreement with India on 27 th October 1947, to grant a special status to Jammu and Kashmir. According to our constitution a separate constitution was drawn for Jammu and Kashmir. It came into effect from 26 th January 1957.This is mentioned in our Indian Constitution.

Preamble is a sort of an introductory part of a constitution or statute and many a time very helpful to understand the policy and legislative intent. It declares the aims and objective of the constitution.