

Roll No.

Class.

Subject.

Date.

Junior Supervisor

Indian Constitution

Meaning of the word 'Constitution'

English word "constitute" means "to form" or "to establish". It is the establishment of certain rules & regulations. Constitution is nothing but the "Fundamental Law"

Definitions - of the Country or state.

① Acc to Gilchrist - "The conⁿ of a state is that body of rules & laws, written or un-written which determines the organisation of the Govt. & the general principles on which these powers are to be exercised".

② Acc to K. C. Wheare - "A collection of legal rules, which governs the Govt. of the country & which have been embodied in a document".

③ Acc to Arel - "The system of fundamental political institution is the conⁿ. a conⁿ is the autobiography of a power relationship."

④ Acc to Lord Bryce - "It is an aggregate of laws & customs under which the life of the state goes on."

① "The Constitution of India is a single document which sets out the framework of the government and the rights of the citizens."

② "राष्ट्रिय संसदीय व्यवस्थापन आयोग - संसदीय व्यवस्थापन & संसदीय व्यवस्थापन आयोग" एडिटर.

③ "राष्ट्रीय संसदीय व्यवस्थापन & संसदीय व्यवस्थापन आयोग" एडिटर.

Making of the Constⁿ 1946-1950

On 9th Dec-1946 The Constituent Assembly met for the 1st time. It was historic occasion. Dr. R. Prasad was the 1st elected as a President of Constⁿ Assembly unanimously.

But this was not a fully sovereign body. Because it was brought by British Govt. & it could even abolish it. When the Constⁿ assembly was constituted. It was impracticable to constitute such a body by the general elections at that time. So the members of Constituent Assembly was elected by the Punjab & West Bengal Legislative assembly. Dr. B. R. Ambedkar who was selected as the Chairman of Drafting Committee of Indian Constitution, he entered to this by West Bengal supporter. Dr. Ambedkar is known as Architect of I/Constⁿ or Father of Indian Constitution. It was took the time 2 years-11 months-18 days. to create Indian Constⁿ. Constitution was existed on 26th Jan-1950.

Constituent assembly includes leading figures like

- 1) Dr. B.R. Ambedkar.
- 2) Dr. Rajendra Prasad
- 3) Krishnaswami Aiyar
- 4) N. Gopalaswami
- 5) K.M. Munshi
- 6) T.T. Krishnamachari
- 7) J. Nehru
- 8) Vallabhai Patel.
- 9) B.N. Rao
- 10) Moulana Azad, etc.

Importance of the Constitution

Constitution is the fundamental law of the country. The administration of the " " is directed by the Constitution. The administration of every country is depended upon the Constitution which is having. So every country must have its own Constitution. There is no country in the world without a Constitution. But every country is not having same constitution.

Constitutions are classified into (a) written (b) Un-written Constitution & (a) Rigid (b) Flexible Constitution.

Written Constitution - The principles of the govt. Nature of the country, The Fundamental Rights of the people, & The Powers & Functions of the governmental organisations are written

Ex-
India

Un-written Conⁿ - The principles of the govt, powers & functions of the organs of the govt are not reduced in to writing. The main base of the Conⁿ are Customs & Usages, ~~Dist~~ Decision of the Judiciary.

For ex - Constitution of England.

Rigid Conⁿ - "The method of Amendment of which conⁿ is difficult is called as Rigid conⁿ."

For Ex - Conⁿ of America is most rigid conⁿ in the world.

Flexible Conⁿ - "The method of Amendment of which conⁿ is easy that is called Flexible conⁿ."

For Ex - Conⁿ of England is most Flexible in the world because it is only one Unwritten conⁿ.

Indian Conⁿ is ~~most~~ biggest conⁿ in the world. and that of USA is smallest one.

The conⁿ decides 3 imp. Things with concern to the state. 1) Def of govt, 2) Def of govt's 3 main supporting departments.

i) The structure of the State or Country
 (i) is shown \rightarrow Unitary - 1 type
 Federal - 2 types.

ii) The fundamental Rb which are enjoyed by the Citizens
 (a) Rights of Liberty, (b) Equality, (c) Fraternity

iii) Organization, Pf functions of the organs of the Govt.
 Def of govt
 Leg - Exe - Judiciary
 2 - 1 - 1

Salient Features of Indian Constⁿ

Making of New Constⁿ - on 15th Aug - 1947 India became a free country. So India has to set up a new constⁿ. So it constitute a constituent assembly in 1946 into a full sovereign body free from all limitations.

I Chapter - J. C.
Leading figures like Nehru, Patel, Maulana
Azad. Dr. B. R. A. etc are in that committee
It was headed by Dr. B. R. A. Indian Constⁿ was
enforced on 26th Jan-1950. It is drafted
for 2 yrs - 11 months & 18 days. About 604
millions Rs. expended for it.

① A detailed document - अत्यन्त विस्तृत
It is the big constⁿ in the world. At 1st it
consists 395 Art. & 8 schedules. Now 446 Art.
& 12 schedules. So far it has been amended
for 104 times.

Every aspect of Constⁿ explained in detail.
There are separate chapters on Cstⁿ, P.R.Ts.
D.P.S.P, Relation betⁿ 3 organs of govt.
Relation betⁿ Centre & State.

② A Sovereign, Dem. Republi - सुवर्ण, डेमोक्रैटिक
state. It has partly dem. system of govt.
(4th Amendment includes socialists & secular)

③ Secular state - अधार्मिक

④ Rigidity and Flexibility - कठोरता व लचीलपन

⑤ Parliamentary Democracy - संसदीय डेमोक्रैटि

If the executive (Govt) is created by
the legislature (Parl^t) that system is called
Parliamentary Dem or govt. Here Leg & Execⁿ
are co-operative.

President is nominal head & PM & Council of
ministers are real head.

⑥ Federal character - संघीय - 2 types of
govts (Centre & state) There are distribution
of Admⁿ powers betⁿ 2 Govts by a written

② Secular state - The state which does not interfere in the religious matter of the individual that is called secular state. An individual has freedom to defend any religion he likes.

4) Rigidity & flexibility - The method of amendment of Indian Constitution is not so rigid as American Constitution & it is not so easy to amend as England Constitution. Some part of Indian Constitution is amended by difficult method & some part " " " " easy " "

7) Single citizenship - Indian Constitution has given single citizenship. He/she may reside in any part of India he/she is the citizen of India. There is no double citizenship.

8) Adult Franchise - India is a democratic country. The voting power is given to Indian citizens on the basis of age factor, this is called adult franchise. Ex After ~~18~~ 18 years Indian citizenry ~~are~~ has voting power without any discrimination.

9) Judicial Review - The power of the judiciary to abolish the Un-constitutional laws which are made by the legislature is called judicial review. " " must make the laws within the frame work of the Constitution.

10) Republic state - If the head of the state of country is an elected representative that is called Republic state. Ex - Indian President is indi-

The Preamble of the Indian Conⁿ हमारे संविधान का शुरुआत

Every Conⁿ in the world have its preamble in the 1st part of the Conⁿ. Preamble is nothing but the philosophy of the Conⁿ. Only by observing the preamble of a Conⁿ, one can know about the whole Conⁿ, or administration of the country.

Accg to "Objective Resolution" moved by J. Nehru, the Indian Conⁿ preamble based on it. The Preamble of the Indian Conⁿ reads as follows -

" We the people of India, having solemnly (heartly) resolved, to constitute India into a Sovereign, Socialist, Secular, Democratic, Republic" & to secure to all its citizens.

Justice - Social, Economic, Political
न्याय

Liberty - of thought & expression, belief, faith & worship
स्वतंत्रता

Equality - of status & of opportunity & to promote among them all
समता

Fraternity - assuring the dignity of the individual & the unity & the integrity of the nation. In our constituent assembly on 26-Nov-1949 do hereby adopt, enact & give ourselves this Conⁿ.
भ्रातृत्व

Lalghani
Ashwin - Lakshmi

II Amendment of the Indian Conⁿ

Federal conⁿ as a rule are regarded as most of them have extremely difficult & even complicated procedure of amendments. Amending a federal conⁿ like that of USA & Australia is complex. In contrast, the conⁿ of India presents a much simpler picture.

It must be known that a conⁿ is a dynamic document. It should be amended from time to time by changing ~~the~~ needs of the society. Because society changes day by day with society. The fundamental law i.e., conⁿ must change otherwise there is no proper adjustment betⁿ social life & laws. A conⁿ which does not allow for its change, it does not exist more time. Amendment method may be easy or difficult.

We propose to divide the various articles of the conⁿ into 3 categories.

In one category we have placed certain articles which would be open to amendment by parliament by simple majority (provisions such as establishment or abolition of 2nd house in the state)
(clipped) [Citizenship, etc.]

The second set of articles (for amendment) requires a $\frac{2}{3}$ majority of the Parliament [Ex - Part III & IV of the conⁿ which deals with F.R.H & DPSP belong to this category]

The 3rd category requires a $\frac{2}{3}$ rd majority of Par^{l^t} plus ratification by the states. The states are given an imp voice in the amendment of these provisions [Ex - Provision dealing with the division of legislative powers betⁿ the union & the states fall in this category] e.g. Impeachment of President, Election of President, Impeachment of Judges.

The procedure for amendment is detailed under Art - 368 of the conⁿ. Acc^g to this, an amendment may be initiated only by the introduction of a bill for the purpose in either house of parliament. When the bill is passed in each house by a majority of the total membership of that house & a majority of not less than $\frac{2}{3}$ rd of the members of that house present. It shall be presented to the President for his assent. When the President gives his assent the conⁿ stands amended in accordance with the terms of the Bill.

Ratification of the $\frac{1}{2}$ of the states must be necessary to send the bill for assent of the President. The following provisions of the conⁿ fall under this category

- 1) Art - 54 (Election of the President)
55 (method of election of the "
73 (extent of the executive powers of the union)
162 (Extent of the executive powers of states)
& 241 (High court for union territories)
- 2) Chapter IV of Part V (Union Judiciary)
Chapter V of part VI (High Courts in the states)
Chapter I of part XI (Legislative relⁿs betⁿ the union & the states)
- 3) Any of the in the VIIth schedule
- 4) The representation of states in the parliament
- 4) Provisions dealing with the amendment of the conⁿ