Constitution of India

(Brief and simplified)



Devendra Foundation

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Indian Constitution

Abridged Version

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With the objective that the Constitution of India, the only guiding principle of all Indians, Central and state Governments should be accessible and understood by all, the Former Minister, Ex- Parliament member Sri Devender Goud is presenting it in a simple and readable format.

Sri Devender Goud with his vast political experience as ZP chairman of Ranga Reddy district, convener of ZPs Association in united AP, MLA for three terms, Cabinet minister for 10 years and Rajya Sabha member for 6 years has conceived this publication highlighting the significance and focus on the basic agenda to promote equality and opportunity for all to grow socially, economically and politically.

It also focused on the lapses ad acts of vested interest which endangered the fundamental spirit of the constitution and also dangerous features which got accumulated over decades and their evil impact on the society.

At the same time the emphasis is also on the huge strides in technology, massive pool of human resources which could blossom with wonderful economic, social and community welfare if the spirit and basic tenets of the Indian Constitution were implemented in toto.

Indian Constitution Soul and lifeline of Democracy

By T. Devender Goud

an is primarily a social being. That is why all veteran political scientists contend that by co-existing in peaceful environment alone, people could live freely in a democratic system and achieve better quality livelihoods.

They underscored the evolution of human race in several formats of social management which took shape across the world. Finally they conclude that collective approach to people's issues and the path of resolving them over consensus and debate was more prevalent and feasible only in the democratic system only. Many countries are following this democratic path and harvested fruitful returns.

The debate on choice of an amicable administrative system for India had begun even during the struggle for independence. For centuries, the country with divergent cultures and traditions had been ruled by entities which had no direct link with the people .

India has hosted an anomalous nation beset with factional races, cultures and land locked by three oceans and Himalayan ranges .But all of them co-existed with tolerance, mutual respect, coordination, nationalistic approach. This became the hallmark of the choice of parliament democracy after independence and deliverace from British rule on August 15,1947. A committee led by Dr. B.R, Ambedkar was mandated to conceive and draft the constitution of India .

This is what the architect of Constitution Dr Ambedkar said on 1949 November 26 while he submitted the draft copy in Parliament."

"We are entering a phase of conflicts - equality in political arena but sharp dissimilarities in economic spheres wherein the urgent need is to disband the economic differences between people. If not the democratic political palace built with all sacrifices will be destroyed by those elements surviving on these inequalities".

With the above mandate the constitution, had prescribed that economic resources therefore should be handled by state and central governments and not in the hands of any group of individuals. It also decreed that all administrative systems should function within the ambit of spirit of the constitution. All the official goals and targets were embedded in the 'Introduction' of the constitution.

To achieve the goals the constitution also made the three wings - Legislature, Executive and the Judiciary- as interdependent, though the Judiciary had autonomous stature. Along with above three, the Constitution had given shape to the Information system, Media as fourth pillar of the Indian democracy. Though over a period the Indian democracy has emerged as the largest democratic system in the world. But the Constitution had not succeeded in its core agenda of providing declared equal partnership to majority people in administration It is sad and tragic that the Legislature, Executive and

Don't depend on God or others .Fight yourself to end your slavery -Dr BR Ambedkar.

Judiciary are still not within the reach of the common man.

Legislative system(Legislature)

It was anticipated after independence that the people's representatives elected as per ratio of their communities and regions helped in framing rules and policies for resolving the burning problems of respective groups they represented. But unfortunately such elements which were backbone and middlemen of the British, got elected and usurped power by adopting desi-traditions and perpetuating their hegemony over innocents, illiterate and voiceless people.

The same vested interests have made the democratic weapon of elections, a laughing stock, by flooding money and spreading regional and caste notions to keep their vice grip on power and administration. Internal democracy is blank in political parties, said to be vanguards of democracy, and even a torch light search could trace it.

With the profound target of assuming power, political parties chose candidates on criteria of caste, creed and money power. Elections have become a costly affair with tickets given to the rich candidates only. As a result all candidates have to spend in crores to get elected as MLAs and MPs. Thus the elected representatives become the yardsticks of corruption and black money in society.

It would be a travesty of justice to expect the legislators to overhaul the corrupt system while they themselves hit the trail of undemocratic routes and corrupt short cuts to retain power.

The elected bodies significance and their functioning was degenerating day by day with the people without commitment and moral values being elected in large numbers. In our representative democratic system, since people per se, can't be accommodated, they are repre-

Protectors of Dharma alone can protect the nation:--Dr .BR Ambedkar.

sented for five years at a stretch by their chosen members. But these members instead behave like Emperors and not representatives of people. The guiding principle of constitution that the democracy as a rule by people and for people is nowhere evident now a days. The elected representatives have forgotten that besides certain powers, privileges they also had to render responsibilities and duties to society.

As a result of above delinquent environment for over three decades a single party remained in power both at center and also in many states in the country . In any democracy there would be no people friendly administration without a strong opposition party. Contemporary history of India shows that groupism and dissidence in ruling parties had threatened or slowed down development and constructive activities thereby destroying economic and social health of the country. An independent analysis of political parties including the regional parties has revealed that they had just become limited companies .

Executive (administrative system)

It is the responsibility of the Executive to implement the policies and programs of the party in power in a corruption free, transparent and effective manner. Governance should not be limited to Secretariat alone but spread to all regions and particularly up to village level with Gramasachivalayas.

Mahatma Gandhi's dream of achieving Gram Swarajya was possible only with the Gram Sachivalay system. Such a system helped in resolving locally all local problems. It is an administrative tool for realizing the people's needs. But today the Executive has centralized all powers and made all others to run up to them. On the other hand those in power were utilizing the administration for their per-

Policy of pitting one caste on another is a dangerous trend -Dr BR Ambedkar.

sonal growth. They are also opposing the decentralization of power and instead promoted policies for concentration of powers in their hands.

As a result the Executive, the key administrative arm of a democratic society had lost its existence and has become a puppet in whosesoever was in power. It is high time that the Executive should be cleaned up and made to follow the constitutional functions and rule of law.

In our country all new rulers change the policies and programs of predecessors to put their own stamp in administration .This is not a correct policy. The executive and the Government is a continuous process. As a custodian of public money it is the responsibility of all those in Government to stop misuse of powers and funds .

Judicial system (Judiciary)

As per tenants of ancient Indian culture, Judiciary is accorded a high pedestal of Nyaya Devata (Goddess of Justice). In spite of such high public trust and confidence, the system has failed to live up to their estimation and failed to render justice.

Vexed common man now considers Judiciary as a system endowed to protect the corrupt, guilty and managed by middle men. They also feel that serious crimes and hard core criminals are let off easily without punishment. The number of cases pending in courts is also crossing the mark of lakhs and crores,

There is also inordinate delay in rendering of justice to common man. Growing social tensions caused by political, white collar and communal crimes have adding more burden on the judiciary. There is no sanctity to a democracy where there is no minimal justice to common man.

A local self government is essential to build morally bound society -Dr B R Ambedkar.

The need of the hour is not only speeding up justice but also decentralization of judicial powers to village level administrative and other systems of the society. Judiciary can earn the respect and confidence of the common man only when justice is transparent, direct and is extended upto village level with Judicial officers in villages. An environment be created where any one, with minimum cost could approach courts and resolve their problems. Such a system will help in resolving local problems locally and also avert running around to police stations, lower courts, high courts and give relief to people from the tiring and painful punishment of such endless journeys.

Any criticism of the system with threat of 'contempt of court 'is also helping in shadowing and hushing up the lapses in the judicial system. It is unfair that the insiders of the system are not showing concern to correct the anomalies themselves. It is also time to utilize technological advances in communication to speed up the pace of justice. The learned echelons of the system should strive to protect the autonomy and also the reputation of judiciary. They should pave way for judicial reforms and also appointment of people with reputation as judges. To achieve the above objectives the judicial administration in the country badly needs decentralization , improvised infrastructure and adaptation of technology etc .

Fourth Estate (Media)

Although not guaranteed by the constitution, the fourth estate or Media has its own status and autonomy with press freedom. The fundamental rights of the constitution have become the bullet proof cover for the world of Journalism. For correct decisions, the Citizen should be provided correct and unadulterated information .

Unfortunately the media has now come a tool in the hands of the

Truth is greater than God - Mahatma Gandhi

rich and powerful and the goal of the corporate sector dominating the sector is only to influence the people.

Promote apolitical Constitutional institutions

In a democratic system the constitutionally appointed office of Governor in a state aims at keeping a check and balance (harmony) with his own powers and also responsibilities. As he is expected to remain above politics he should not hold membership of any political party.

Similarly the constitutional posts of President, Supreme Court CJI, other judges, CAG, and CEC, Vigilance commissioner etc are also should not be members of any party. They also should not participate in activities of any political party during the tenure in office or after retirement.

Election Commission

The election commission is one of the critical constitutionally created organizations which has been successfully conducting general elections etc for last seven decades, Except for stray incidents both the conduction of elections and transfer of power thereafter has been smoothly conducted after every polls.

However in the recent past, the Election Commission is on verge of losing its basic elements of being independent ,impartial and function free from any pressure. It is a big question mark as to how and why the Election Commission is unable to put a check on indiscriminate spending spree of some political parties during elections. How it is failing to take action on personalities and political parties who had made laughing stock of election process and com-

You should become the conduit of all changes needed to transform the society - Mahatma Gandhi .

mitting irregularities. People have openly found fault with the Election Commission on several counts .

The Election commission is also being questioned on not focusing on anti-social elements and candidates with criminal activities of the political parties contesting elections and their blind eye towards their election funding etc. It is plain now that political parties lacked apostles of democratic values as policy makers and are dominated and commandeered by money bags,

It is sad that election commission was blind to the totally apolitical conduct of political parties and the election process, a crucial weapon of common man is, conducted as a routine and stereotyped activity. The political parties are no more worried about the strong arm of the Election Commission or its stringent actions.

Need of the hour is that the Election commission should infuse confidence in voters from the inception of election process, fool proof EVMS and to its transparent, independent and effective functioning.

It has now become a very common feature that all political parties make un-implementable poll promises during election campaign and later on forget them after come into power. The election commission should seriously review all poll manifestos and poll promises and take stringent action on parties which make such impossible poll promises. It should be noted that the concept of givers and takers, rulers and ruled are all alien to democratic system

It is also the obligation of the Election commission to ensure that political parties should not become Pvt Ltd companies and they should form governments with complete people's partnership.

Constitution is the light house of Democracy..

Dr. B.R. Ambedkar

As part of promoting the above agenda, Election Commission should make it mandatory that anyone can hold the Party President post for two terms only and legislators with criminal background should be disqualified from legislatures, and guidelines be issued that Assembly Speakers should follow a specific time frame in MLAs disqualification petitions .

The commission also should make regulations to empower a third party to review the action taken on the disqualification petitions. It should take every measure needed to earn the confidence of the people and strengthen the democratic system

Effective law on Land reforms

Every Government program and regulations should have people orientation as main goal. It is essential to review and upgrade existing regulations and policies in the best interest of public welfare. Outdated and absolute regulations should be upgraded. There should be some sun-set regulations as well. Since all land are not productive the government should regulate their public utility, with a land utilisation policy for the welfare of the landless and poor. Forest land utilization laws als should be amended with focus only betterment of villagers living in forests. No scope should be left open for misuse of lapses and loopholes in land law.

Education

It is unfortunate that in our country the Macaulay education policy imposed during Pre-independence days is still implemented with few minor changes. Students are transformed into machines by tutoring within four walls without any stress on growth of mental health. Sadly, the present education system is not amenable either the

Greed drives power of perspectives- DG

family or societal good and today's students can be bracketed under four color system like corporate schooling, private education ,government schooling and totally school less. How can there be equality in opportunity and knowledge balance among such four wide spectrum of schooling .

The private educational institutions - from LKG to engineering and medical courses- have emerged as Black money breeding centers. Promoters of such corporate institutions have diverted their black earnings to politics and become MLAs or even ministers. There after they transform into syndicates and keep government and policy framing for poor in their vice grip.

In other words, the people's representatives responsible for correcting the lapses and loopholes in the education system have emerged as conspirers and perpetuators for continuation of bad laws and hindering public welfare. This sort of political scenario should change. If the government can provide free education from primary level, many burning social issues would be resolved and promote equality in education cutting across all caste, creed and color differences among students. If there was any need for private partnership in education, government should invite only service organizations and not corporate companies. No one should be denied education for lack of money.

Only the educated sections can promote national wealth by multiplying the talented pool of human resources in the country.

Indian scholars have successfully brought out innovations in many fields thereby infusing world class inventions for good of humanity. Information Technology and scientific R & D sector has thrown up massive windows of opportunity. Hence our education policy and system should promote benefits and opportunities for all

Higher goals in society possible only through Education -Dr Sarvepalli Radha krishna.

sections of society.

Our education policy also should be conducive to promote traditional avocations and skills. It also should strengthen the village and cottage industry by promoting marketing and improvised mechanical tools to involve local youth in economically productive avocations.

Medicare

It is a bitter truth that quality medicare is still a distant cry for the common man. People, though, are not in position to afford corporate hospitals still they are going to them, as the government hospitals lacked adequate equipments and speciality medicare. It is an open secret that poor and middle classes are caught in a vortex of costly private medicare and government hospitals which lacked good testing equipment's, lifesaving medicines leading endless agonies and suffering.

Many unfortunate youth and women die in harness with minor ailments. The current scenario necessitated the rejuvenation of government hospitals with specialty testing, qualified doctors, lifesaving medicines in addition to insurance facility for every citizen.

All governments should provide sufficient budgetary allocations for health sector, make life saving drugs accessible to common man. They should also implement people friendly and advance medical and health policies of developed countries.

Local governance - Cooperative sector

Decentralization of power is the key to development. Where ever local administrations functioned effectively, nearly 80% of the problems were resolved locally. Local governance with people partici-

Constitution spirit should be prevailed in every institution..Babu Rajendra Prasad

pation yielded good results in view of procuring central share of funds and transparent transfer of funds to the last beneficiary. It also promoted success and able leadership at the ground level and present magnificent social transformations.

The cooperative sector promoted as an alternative to state and central governance has however did not deliver expected outcome in the country—due to perhaps governmental interference in their affairs. There is an urgent need to grant self - governance or autonomy to the cooperative sector to exploit the natural talent and resources at the village level. All partners in the realm of socio- economic development of villages—should strengthen the cooperative sector—as advocated by the experts committees—in the past.

Reservations

Certain communities have been distanced from education and jobs for generations in our country on the pretext of traditions and customs. The concept of reservations was endorsed in the constitution in order to provide level playing field to such communities. Initially the reservations were meant for only ten years. However they are continued and extended even after 7 decades of independence.

The quota raj has not successfully enhanced the life style or livelihood options of those communities. The concept has ended up only as vote banks strategy for all political parties Now the situation has worsened so much that almost every caste and community have been demanding quotas to gain undue political advantage. Only the eligible and deserving genuine persons should get the benefits of reservations .

Any task will remain impossible till making sincere attempt - Nelson Mandela.

Liquor issue, a revenue gathering tool

It is the goal of the constitution to promote total prohibition in the country. It has specified that Alcohol and gambling should not be promoted as revenue generation avenues. However all parties and governments are keen to promote policies and programs that drove the citizens onto laps of alcohol and gambling and become salves. Excessive Drinking of liquor has led to several social disparities and tensions and particularly the younger generation have become addicts to liquor and drugs. All these have led to spiraling of domestic violence, gender atrocities on women and social crimes.

It is imperative that the government should enforce liquor control and also stop exploiting the liquor sales as a revenue generation tool.

Are Certain communities born to Rule?

In an unprecedented manner and for thousands of years certain communities have become the Ruling factions in India and posing several problems even in the democratic system. As a result the dominating community has transformed the state administration on caste system. Now the living conditions of the bottom line communities is disastrous. Without education and representation in most of development arena the weaker sections of society and the nation are driven to huge loss in HRD. For generations such castes and communities are dependent on agriculture and allies sectors for livelihood.

They are looked down in the caste politics though they are talented artisans in many traditional avocations. Such neglect and sidelining has led to eclipsing of traditional and folk skills which had been hallmarks of country's rich cultural heritage. Campaign that certain

Righteousness and sanctity are the real source of power and not Wealth - Swami Vivekananda.

higher castes were born to rule and certain low castes were born to be bonded slaves has led social tensions frequently.

The wise words of social reformers that all are equal before law and virtues but not caste is more important has not yielded good popular response .Some castes have with their money power succeeded in keeping political power in their vice grip.

The constitutional provisions that power should be shared by the majority sections of society with the minority as well has not earned any following.

The democratic spirit that power was not a monopoly of any community and that all should get proportionate representation in governance. Similarly traditional avocations also should be strengthened with technological adaptations and improvised tool kits and financial and welfare benefits from the Government.

Women empowerment and partnership in development.

Developed nations are surging ahead after providing partnership and empowerment of the women. However in India for generations and centuries, women rights were trampled, Women were distanced from political and social representation in the name of traditions and customs.

The women empowerment must happen in true sense and they need promotion and protection for self-growth in all sectors development and nation building. They also should be given the right and freedom to wear the dress of their choice and no false notion of religious customs should be imposed on their path of growth, It should be endeavor of the government and society to promote women empowerment in all spectrum and it provide equal opportunities for growth to them .

Human beings should collectively grow above caste and creed. -D G.

Caste

Caste is a subjective notion of people. It has greatest influence in the evolution of human beings, though humanity is the basic tenet of every religious preaching.

All religions also sermonize that as a social animal man should live in peace, with tolerance and hamony cum love with others. However local environment and circumstances led to conception of traditions and customs.

Nature has also created regions with cold, tropical heat, dense rainfall, deserts, perennial rivers, mountains, oceans as evolutionary formations. The culture, sartorial preferences and food habits have all sprouted as part of the needs of the regions they live in. No doubt everyone has to show mutual respect towards such divergent practices.

But a few vested interests have been exploiting such regional arrangements for their personal aggrandizements. They have distorted customs and traditions of religious practices into hindrances for social development. History is a abundant with such happenings where battles were fought, millions killed for a misinterpreted belligerent religious and social cause. Though religion per se promoted co-existence, the purporters of religious campaigns spread ruours, animosity and threat to humanity.

What is needed is that religion should be used only for societal good, peace communal harmony and not disturbances and endless violence. Only when Sanatana dharma becomes the epicenter of social development that tepeace, harmony and development of society will become a reality. The government religious institutions and Pontiffs of all religions should make coordinated efforts in that direction.

Avoid gender differences i = of Men and Women in any field of development - D G.

Constitution be implemented in right direction

Any constitution cannot provide a complete and permanent solution to any of the ailments of a society or nation. In the words of Dr B R Ambedkar "However good is the constitution, it depends on those on who implement it It will breed bad outcome if it is badly executed and right results if it is rightly enforced" he said in parliament. Indirectly he said that the moral conduct of the ruling party etc determined the fate(future) of the country in spite of the checks and balances of embedded in the Articles, direct principles, fundamental rights of the constitution.

Hopeful future

Human resources are a critical and most abundant wealth of India which had a population of 1/6th of world's total people. Today there is no need to remain helpless and hapless in spite of the numerous burning issues and loopholes in the current systems in the country. In fact every individual citizen has an option to raise his specific issues at any of the forums.

Social transformation of the country is on fast track and transparency has become the basic tenant of every sector. The leapfrog developments in the Information Technology sector has generated a revolution in administration. Employment prospects for youth, women and talented persons is also on the rise in view of the decade long investments in infrastructure paying dividends now and promoting income levels of the common man. Poverty levels which triumphed once are slowly but gradually downsizing.

The environment is also ripe for free and independent decision making by the citizens. It is now in the hands of the citizens to

Traditions and religion should become harbingers of social development and not deerrants- D G.

improvise the administrative systems, modernize them and also ensure that benefits reached the genuine beneficiaries.

However caste politics still dominated the political and though democratically empowered constitutional systems of the country. Parties allocate election tickets on caste basis. Winning horses of dominant castes are given preference grant of party tickets. There is gradual but steady slump in recognition of capacity and merit of the candidates. Caste orientation is the basic principle and yardstick in cabinet formation and also transfer of officials.

The caste orientation is however a matter of disgust among the educated classes. The caste politics has also alienated the weaker sections from education, resource promotion and skill development. Therefore the trend should change and merit should be promoted instead of Caste .

The IT revolution

The IT revolution has transformed the entire world into a global village. Hundreds of years ago India was depicted as a deserted land beyond Jumbo island and majority of poor and lower classes were denied education and self promotion causing huge losses to HR development in the country. However, now in the backdrop of IT revolution, Indian youth are an equal or a better competitors globally in the job market.

Our talented and English educated Youth are a major asset. What is needed is sharpening their skills and support their global endeavors to roll out the country on a new phase of development.

Since religious practices and traditions varied with climatic and geographical conditions of each region people should be allowed to

Time to welcome Change and not oppose it - DG

practice faith or customs of their choice.

One more basic requirement were proper and judicious utilisation of Solar power, wind power and water resources with focus on the needs of the future generation and avoid fruitless wastage of all above resources.

Change is a natural phenomenon and it should be welcome as a continuous process and not oppose and disturb the ongoing special transformation. The citizen also inculcate a hard work culture laced with tolerance, patience. They also transform their life style to democratic and constitutional norms. Only then a democratic system will be fruitful in meeting the demands of people and fulfill their needs. Who else can find solutions to burning issues? It is the people only.

It is also responsibility of the people to ensure that constitution is properly executed . Who else but people alone can make the democracy strong and effective in fulfilling the assurances and privileges granted in the Constitution.

Democracy is a Government by the people, for the people and of the people - Abraham Lincoln.

There were quite a few historical phases in the formulation of the Constitution of India, which is the landmark of India's hoary past, love for independence and self rule. The constitution drafting committee was first set up by the Constituent Assembly, the predecessor of Parliament with Dr B R Ambedkar as its chairman.

Our compilation has categorized all the aspects of the constitution like Preamble, Directive principles, Fundamental Rights and all the various schedules in brief and easy readable format. The history of respective phases of the drafting till it's endorsement in Parliament is also briefly appended for overall benefit of readers.

Historical phases of drafting Indian Constitution

1935 Government of India Act

- In 1915 eminent freedom fighter Gopalakrishna Gokhale proposed the need for a Constitution for India and was seconded by others which put pressure on British Rulers.
- ◆ The mahasabha of the Indian National Congress in 1935 passed a resolution demanding it.
- ♦ In the same year, Government of India Act was conceived .

Swarajya System

- ♦ In 1940, the British Government took initiative to set up a Constituent Assembly .
- ◆ On September 1945, then Governor-General of India, Lord Wavell declared on All India Radio) that Constituent Assembly

would be set up after the general elections to the State assemblies in all states.

Elections to Constituent Assembly

◆ The first elections to the Constituent assembly was conducted as per the Cabinet Mission Plan in 1946.

Voters

- ♦ Since there was no voting procedure as per Age and demography basis, only 10% of the population were allowed to vote.
- ◆ In all states, the rich ,powerful and influential people, some educated and tax payers only voted.
- ◆ As per population of these regions, Hindus, Muslims and sikhs also voted.
- ◆ The college of Constituent Assembly comprised of 292 from State assemblies, 93 from Princely states and Four members from Chief Commissioner of Provinces totaling to 389.
- ♦ However during the Lord Mountbatten plan for bifurcation of India, the number reduced to 299 with separation of East and West Pakistan.

Prominent Elected Members of constituent assembly

◆ Jawaharlal Nehru, Maulana Abdul Kalam Azad. Rajaji, Sardar Vallabhai Patel, Dr. Rajendra Prasad, Dr. BR Ambedkar, Sarojini Naidu, Acharya J B Kripalani, Mohammed Ali Jinnah, Babu Jagjivan Ram, Shyam Prasad Mukherji, M R Jaykar, Sarvepalli Radhakrishnan, Tangaturu Prakasham Pantulu, Neelam Sanjiva Reddy, Pattabhi Seetharamaiah, Durga Bhai Deshmukh, Kala Venkat Rao, KalluruSubba Rao, Moturu Satyanarayana, N G Ranga, Bobbili Ramakrishna Ranga Rao, and others.

Dr Rajendra Prasad leads

- With Dr BabuRajendra Prasad as first permanent President of the Constituent Assembly, H C Mukherji and Krishnama Chari were Vice President and B N Rao (Benegal Narasinga Rao) was elected as Legal Advisor. Rao was the first ICS officer to be in Politics.
- ◆ After declaration of Independence of India a committee led by Dr B R Ambedkar was set up on August 29th ,1947 to draft the Indian constitution.
- ◆ Dr Ambedkar, though belonged to Maharashtra was elected to the Constituent assembly as a member of the SC Federation from West Bengal with support from Muslim league.
- On June 29 of 1946, the British rulers announced the formation of a temporary government.
- ◆ On August 24 of 1946, the British also announced names of an adhoc cabinet without Dr Ambedkars name.
- ◆ The congress party however announced the name of Babu Jagjivam Ram. The SC federation urged Babu Jagjivan Ram to not endorse the British list of Cabinet . But Jagjivan Ram did not support Federation demand .
- ◆ Dr Ambedkar went to London and appealed that injustice was done to SCs. But thereafter India was given independence in 1947 with bifurcation and formation of Pakistan.
- ♦ In this process the seat won by Ambedkar went over to East

Pakistan and he lost his membership in the Constituent Assembly.

- ♦ In the vacuum of bifurcation period, the Congress invited Dr Ambedkar and Shyam Prasad Mukheri of the Hindu Mahasabha to join the central cabinet.
- ♠ Ambedkar was once again made member of the Constituent Assembly.

19 Committees for Drafting Constitution

- ♦ 19 committees were set up for drafting the constitution of India .
- Dr Rajendra Prasad became chairman of the of steering committee, Staff-Finance Committee, National flag Adhoc committee, and Rules and Regulations committee.
- Dr Ambedkar was chairman for the Resolutions committee
- Sardar Vallabhai Patel chaired the Advisory association, fundamental rights committee. Minorities committee, and States committee.
- ◆ J B Kripalani was chairman of the sub committee on Fundamental rights
- ◆ Jawarhar Lal Nehru was chairman of the central committee, and federal powers committee .
- ♦ Varada Chari chaired the supreme court coordination committee.
- ♠ K M Munshi was chairman of the Business committee Gopinath Borde chaired the North Eastern states rights committee
- ♦ Bhogaraju Pattabhiramaiah chaired the House committee
- ♦ J V Maulanakar headed the Parliamentary rules and regulations committee

Time frame for drafting constitution

- Dr Ambedkar studied the constitution of sixty countries during drafting
- ◆ 2 years 11 months and 18 days was time frame given by the Constituent Assembly for submitting the draft of constitution.
- ♦ Constituent assembly was convened for 11 sessions and 165 days.
- ♦ It took 114 days for drafting the synopsis of the constitution.

Amendments and Proposals

- ◆ The Ambedkar committee introduced 7635 amendments, and 3473 proposals which were debated for 11days.
- ◆ The constitution of India was endorsed and ratified by the parliament on November 26 of 1949.
- ◆ The constitution came into being and implemented from January 26, 1950.

Schedules and sections

- ◆ At the time of introduction the constitution comprised of 22 chapters, 8 schedules and 395 sub clauses
- Presently it has 25 chapters, 12 schedules and 448 clauses.
- ◆ Indian constitution is the biggest and written constitution in the world.

Cost of Constitution drafting

◆ It cost nearly Rs.64 lakhs for study tours, visits, drafting, typing, salaries to sub-ordinates etc then.

- ◆ The original and first print of the constitution was typed in Italics font in English by Prem Behari Narayan Raisda without claiming any compensation. As a result, he was allowed to put his name and that of his grandfather in the first page.
- ◆ The Constitution was first published in Dehradun. All photos were provided by the Survey of India.
- ♦ In the first prints of English and Hindi copies of the constitution, only 284 of 299 members of the Constituent Assembly out their signatures. Of the remaining 15, one had died, another was suspended. 12 members had abstained on the last day of the last session of the Constituent assembly.

Interesting facts about the Constitution

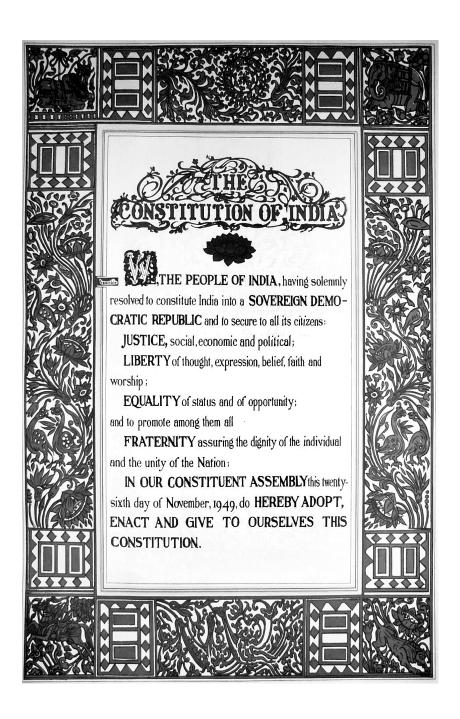
- ♦ There were nearly 1,17,369 words in the first English copy.
- ◆ There is no mention of the name of father of nation Mahatma Gandhi in the list of members of Constituent assembly which resolved to frame a constitution.
- Airavata, the hoary elephant of Indra is the emblem of the Constituent Assembly which is retained as the heritage animal of the country.
- ◆ The first English and Hindi original copies of the Constitution is kept in custody of Parliament library in Helium loaded boxes as it is said that Helium averted chemical reaction to protect the original copies for eternity.

Conceiving National Flag

- ♦ The Indian national flag has three colors -saffron, white and green.
- On the direction of Mahatma Gandhi, prominent freedom fighter

Pingali Venkaiah sketched the national flag.

- ◆ The tricolor flag was endorsed and ratified by the constituent assembly on July 22 of 1947.
- ♦ It has been declared as national flag since the emergence of Republic Day on January 26 of 1950.



Indian constitution Preamble

Objectives - mirror to its declared aspirations

- ◆ People are not only it's beneficiaries but also its creators and also roots of the constitution, reiterates the Preamble. It also highlights on the path for nation building and details the fundamental rights granted to people.
- ◆ The resolution presented by Pandit Jawahar Lal Nehru in the first session of the constituent assembly became the guiding principles in the drafting mod the constitution of India. The preamble thus is a mirror to the basic structure of the constitution.

Preamble

◆ We, the people of India on this day of November 26,1949 are presenting constitution of India to ourselves .

We, hereby, declare to constitute India into a Sovereign, Secular, socialist Democratic, Republic.

Objectives: To secure to all citizen

Social, economic and political justice.

- ♦ Liberty of thought, expression, beliefs, faith and worship,
- ◆ Equality of status, and of opportunity, and to promote among them all.
- Fraternity ensuring the dignity of individual and of the unity of Nation.

Terms used in Preamble and their significance

Sovereignty: Our country is totally independent and no foreign country, in spite of being member in various international forums has any power on our country.

Socialist : Equality in economic justice, equality before law and utilisation of all resources for societal good.

Secularism : No link to any religion, caste, Equal respect to all religions.

Republic: People or People's Representatives empowered. A government empowered by people.

Directive Principles of Indian constitution

- ◆ Directive Principles were embedded in the constitution to build a good welfare and role model state. The conceivers of constitution aimed to achieve a economic and social democracy .
- ◆ The execution of the directive principles was mandatory whichever party come into power with its own political program and agenda.
- ◆ These Directive Principles were included in the fifth schedule of the constitution. The 36-51 amendments to constitution highlighted the basics of these Directive Principles.

Significant Features of Directive Principles

- ♦ Function as Guidelines to state and central governments
- Goal is to install a welfare state
- ◆ They would strive to infuse socio-economic equality.
- ◆ They do not have direct legal sanctity as they cannot claim protection in courts .
- ◆ These Directive Principles cannot be directly implemented, and they are only advisory.

Rule 38

- ◆ To establish a welfare state, government has to strive and achieve social, economic and political justice in the country.
- ◆ In this Endeavour, people's representation Act of 1951, Untouchability prohibition Act of 1955, Civil Rights Act of 1976, Dowry prohibition Act of 1961 were enacted.

Rule 39

◆ The objective was for equal distribution of natural resources and its exploitation keeping in view of needs of future generations. Equal wages to men and women. Planning commission was set up in 1950 to promote wealth decentralization in the country. Land reforms act was enacted in 1951.

Rule 39(A)

◆ Free legal aid facility was provided for handicapped and poor through the Legal services Act of 1985

Rule 40

◆ Focus on Gram Swarajyam and integrated development of villages brought forth the Community development program in 1952, and national extension program in 1953.

Rule 41

For granting Right to work for all and unemployment allowance for handicapped, aged and destitute government introduced the old age pension scheme in 1957 and the Mahatma Gandhi rural employment guarantee scheme in 2006.

Rule 42

For promoting women welfare and setting up maternity Centres, the government introduced Women rights act in 1961 and right to work for Men act in 2007.

Rule 43

For Cottage industries development and promoting mental and physical health of workers National Khadi association and National handloom association were established.

Rule 43(b)

◆ The cooperative sector was given constitutional guarantee under 97th amendment in 2013.

Rule 44

Supreme Court has directed central government to introduce Integrated citizenship act by suspending separate family acts for Hindu and Muslims. So far only Goa State has implemented it.

Rule 45

Provision of nutritious food to all infants below six years .Setting up of Child welfare kendras .

Rule 46

Reservations for SC, ST and BC for their all round social, educational development.

Rule 47

Public health initiatives and campaign against infectious diseases and ban on liquor and smoking products. Gujarat has introduced Prohibition. Central government aims to phased prohibition.

Rule 48

Scientific conducting of agriculture and diary industry. Ban on killing of cattle and other livestock. Agriculture University set up for technology upgrading of agricultural operations.

Rule 48(a)

For protection of wild animals and environment, wildlife protection act in 1972. Forest protection act of 1980, and National forest policy in 1988 were introduced.

Rule 49

◆ For protection and preservation of Indian heritage, culture, traditions and historical locations, Historical buildings protection act 1958 was introduced.

Rule 50

◆ To retain the sanctity of Ministry of justice it needs to be separated from the Administration wing.

Rule 51

- India became a member of United Nations to highlight its goal to become a promoter of world peace and harmony and deliver from wars, violence etc.
- ♦ India championed the Non- aligned nations front in 1961.

Fundamental Rights

General

- ◆ Article 12 : Introduction
- ◆ Article 13 : Edits that guaranteed the fundamental rights of citizen
- ◆ Article 14: All are equal before Law
- ♦ Article 15: Nationally irrespective of caste, creed and gender issues
- ♦ Article 16: Equal opportunities in government employment
- ◆ Article 17: Deletion of untouchable traditions
- ◆ Article 18: Cancellation of titles

Right of freedom and liberty

- ◆ Article 19: Freedom of speech ,expression and protection against its violation
- ♦ Article 20: Protection from hoisting of crime and offended
- ◆ Article 21: Protection to individual life threats

- ◆ Article 21-a: Right to education
- ◆ Article 22 : Protection from arrest and detention in certain cases

Right to protection from looting and assault

- ◆ Article 23 : Protection from. Human trafficking and bonded labor
- ◆ Article 24: Ban on employment of minors in factories etc.

Right for religious practice

- ◆ Article25 : Right to follow any faith as per onces conscience.
- ◆ Article 26 : Freedom of practice of religion of choice.
- ◆ Article 27: Freedom to practice and pay taxes for support of any particular religion.
- ◆ Article 28: Freedom of religious practice in any educational institutions.

Cultural and educational rights

- ◆ Article 29: Protection of rights of minorities
- ◆ Article 30 : Freedom to set up and manage educational activities by minorities.
- ◆ Article 31: Right to enjoy property.

Exemptions for a few acts

- ◆ Article 31-a: Exemptions from Estate duties for certain sections.
- ◆ Article 31-b: To get legislative endorsement to few regulations and Acts.
- ◆ Article 31- c: Exemption for Acts for directive principles.

◆ Article 31-d: Cancellation of exemptions for Acts on anti-national activities.

Right for constitutional alternative regulations

- Article 32: Alternatives for rights denied under this section.
- ♠ Article 32-a: proceedings demanding legal status of state legislations.
- ◆ Article-33: Rights of Parliament to apply these regulations on armed forces.
- ◆ Article 34: Constraints on rights granted under this section during martial rule in any region.
- ◆ **Article 35:** Formulations of regulations for implementation of legislation endorsed under this right .

Constitution of India Primary duties

There were 10 primary duties but since 2002, 11 are in force

- ◆ Article 51-a: All constitutional institutions to respect and honour the national flag and the objectives mentioned in the constitution.
- ◆ Article 51-b: Respect and honour the aspirations evinced by freedom fighters who participated in the freedom struggle.
- ◆ Article 51-c: Preserve and protect the sovereignty and integrity of the country.
- ◆ Article 51-d: Always be ready for national service and protect borders.
- ◆ Article 51-e: Strive for maintaining harmony between castes, creeds and communities and also honour women.
- ◆ Article 51-f: Protect and preserve the Indian culture and heritage.
- ◆ Article 31-g: Protect natural resources like rivers, forests, lakes and concern cum love for wild animals.
- ◆ Article 51-h: Promote and preserve scientific method, humanitarian approach and reforms.
- ◆ Article 51-j: Give up violence and protect Public assets.
- ◆ Article 51-j: Individually and collectively work for all round development.
- ◆ Article 51- k: All parents to send children to school to fulfill the constitutional obligation of education to 6-14 year children.

Constitution of India

(Schedules)
First schedule
Articles 1-4 of constitution

States and Union territories

Andhra Pradesh	Maharashtra	Nagaland	Mizoram
Assam	Karnataka	Haryana	Arunachal Pradesh
Bihar	Odisha	HimachalPradesh	Goa
Gujarat	Punjab	Manipur	Chhattisgarh
Kerala	Rajasthan	Tripura	Uttarakhand
Madhya Pradesh	UttarPradesh	Meghalaya	Jharkhand
TamilNadu	WestBengal	Sikkim	Telangana

Union Territories

Delhi	Dadra & Nagar Haveli	Jammu & Kashmir
Andaman&	Daman and Diu	Ladakh
Nicobar Islands	Puducherry	
Lakshadweep	Chandigarh	

Second Schedule

◆ Article 59(3), 65(3),75(6), 97,125,148(3)158(3),164(5), 186 & 221.

Section-a:

• Regulations concerning the President and State Governor.

Section-b:

 Constitutional amendment Act of 1956-section-29 and those cancelled by the schedule.

Section-c:

♠ Rules and Regulations regarding Lok sabha speaker, Deputy speaker, Rajya Sabha chairman, Deputy Chairman, State Assembly speaker, Deputy Speaker, Chairman of Legislative Council and Deputy Chairman.

Section-d:

♦ Regulations regarding Judges of Supreme Court and High courts.

Section-e:

• Regulations regarding Comptroller and Auditor General of India.

Schedule-3

◆ Articles74(4),99,124(6),148(2),164(3),188,219,and 84(a), and173(a).

Models of oath and pledges

- ◆ Certificate of oath as Central Minister
- Oath of secrecy as Central Minister
- ♦ Pledge or oath format for candidates of Parliament election.
- ♦ Models of Oath taking and pledges by a member of Parliament.
- ◆ Models of oath and pledges by judges of supreme. Court and Comptroller and Auditor General of India.
- Oath and pledge format for state Ministers.
- ◆ Oath of secrecy model for state Ministers
- ◆ Pledge or oath format for candidates of State legislative council election.
- ♦ Pledge or oath format for members of State legislative council .
- ♦ Models of oath and pledges by judges of High Court.

Fourth schedule

♦ Article 4(1) and 80(2) for allotment of seats in Rajya Sabha .

Fifth schedule

- ◆ Article 244 (1)
- Regulations and Acts concerning the administration of Scheduled regions and scheduled tribes.

Section-a

General subjects

- **♦** Interpretation
- Executive power of state governments in scheduled regions.
- Reporting to Governors and President of India.

Section-b

- Controls in administration mod scheduled regions and scheduled tribes.
- ◆ Advisory council for scheduled tribes.
- ♦ Acts applicable for scheduled regions.

Section-c

♦ Scheduled regions

Section- d

♦ Amendments to scheduled regions and related issues.

Sixth schedule

Article 244(2) and 275(1) regarding administration of tribal areas of north eastern states of Assam, Meghalaya, Tripura and Mizoram.

- ◆ Autonomous districts and autonomous regions.
- ◆ Setting up of district council and regional councils.
- Powers to district council and regional councils to make their own laws.
- ◆ Justice administration in Autonomous districts and autonomous regions.
- ♠ Extending powers under 1908 and 1973 criminal proceedings Acts to some officers, some courts besides district council and regional councils.
- ◆ Authorization to some district councils to establish primary schools.

District and Regional Funds

- Powers to assess, impose and collect land cess.
- ◆ Power to grant leases for exploration and marketing of mineral wealth of the region.
- Powers to district councils for regulation and control of private lending operations by Tribal adivasis.
- ◆ Publication of all Amendments of regulations rules and acts enacted under this schedule.
- ◆ Application of all Acts and legislation's of Indian Parliament, state councils in the autonomous districts and regions of Assam state.

- (a) Application of all Acts and legislations of Indian Parliament, state councils in the autonomous districts and regions of Meghalaya state.
- (a-a) Application of all Acts and legislations of Indian Parliament, state councils in the autonomous districts and regions of Tripura state.
- **(b)** Application of all Acts and legislations of Indian Parliament, state councils in the autonomous districts and regions of Mizoram state.
- Separate statements of revenue and expenditures of autonomous districts.
- Appointment of a commission to inspect and report to administration in scheduled regions and districts.
- Powers to suspend or cancellation of programs and resolutions of district and regional councils.
- Dissolution of any district or regional councils.
- Exemptions to districts and regional s in setting up constituencies
 I. Scheduled districts.
- ◆ Act of 1971
- Transitional regulations.
- Adivasi(tribal) regions.
 - (a) Abolition of Mizo district councils
- **(b)** Transitional regulation smog scheduled regions and scheduled districts.
 - (c) interpretations of Acts and regulations.
- Detail explanations

Seventh schedule

- ♦ Article 246
- ◆ Union list (List1)
- ♦ State list (List 2)
- ♦ Joint list (List 3)

Eighth schedule

◆ Articles344(1) and 351 of constitution

Languages

1.Assamese	7. Kannada
2. Bengali	8. Kashmiri
3. Bodo	9. Konkani
4. Dogri	10. Mythili
5. Gujarati	11. Malayalam
6. Hindi	12.Manipuri

Ninth schedule

Article 31- b, the first amendment to the constitution in the Constituent Assembly ,Act of 1951.

Tenth schedule

Article 102(2) and 191(2) amendments on the issue of disqualification of elected members for defecting to another party.

- ♦ Disqualification on count of defection from one party to another.
- ◆ Portions omitted in the 91st amendment to constitution Act, of 2003, with effect from 1-1-2004.
- ◆ Applicable disqualification clauses on elected representatives I.The event of merger of political parties.
- **♦** Exemptions
- Decision on a political strife caused by party defections.

◆ Abolition of authorized judicial posts.

Eleventh schedule

Article 243 G of the Constitution

- ♦ Agriculture operations with agriculture extension activity
- ◆ Land development with soil testing, land stabilisation, and land reforms
- ♦ Minor irrigation, water management and watershed development.
- ◆ Animal husbandry, diary sector and poultry .
- Fish tank operations.
- Social forestry, development of forest belts in agricultural lands.
- Minor forest products.
- Small scale industry focusing on food processing.
- ♦ Khadi, village and cottage industry
- Rural Housing programs.
- Drinking water.
- ◆ Fuel and animal fodder
- ♠ Roads, minor bridges, Ferry, water routes and other transport means.
- Rural electrification and power supply to villages.
- ♦ Non-conventional fuel resources.
- Poverty elimination programs .

- Primary and secondary education.
- ◆ Technical education and handcrafts.
- ◆ Adult and distant education.
- ◆ Libraries.
- ◆ Cultural programs.
- Markets and Shandies.
- Health, sanitization, hospitals, primary health centres, dispensaries.
- ♦ Family welfare.
- ♦ Women and child welfare
- ♦ Social welfare, physically and mentally challenged persons welfare
- Weaker sections, particularly the scheduled caste and scheduled tribes welfare.
- ◆ Public distribution system.
- Protection community assets.

Twelfth schedule

Article 243- W

- Instituted by the 74th amendment Act of 1972.
- ♦ Town planning, city plans
- Regularization of land use and construction of buildings
- Roads and bridges

- Water supply for domestic, industrial and commercial needs.
- Public health, sanitation, drain and solid waste disposal.
- Fire service.
- Social forestry in towns, protection of environment greenery.
- Promotion of welfare activities of physical, mentally challenged persons and of weaker sections.
- Development activities in slums
- Poverty elimination programs in towns
- ♦ Social infrastructure, parks, playgrounds etc in Towns .
- Development of cultural, educational and recreational activities.
- Promoting cemetery, grave yards and electric cemeteries .
- ♦ Water holes for animals and abolition mod cruelty to animals.
- Census operations along with birth and death registrations.
- Improving public assets like street light, parking zones, bus stops and other public
- Regulation of slaughtering houses and skin curing centre's.

Significant amendments to Constitution

In the back drop of Changing political and social challenges, increasing administrative needs the constitution of India has been amended so far 103 times ,though without affecting the basic directions and spirit of democratic values.

Some of significant ones.

1st amendment,1951

◆ Land reforms and others provided legal sanctity. Freedom of speech restricted three times.

7th amendment ,1955

◆ Country divided on linguistic basis into 14 states and 6 Union Territories and under Article 350(a) teaching in mother tongue was made mandatory in Primary schools.

24th amendment,1971

◆ Lok Sabha empowered to amending any portion of the constitution. President has to ratify any amendment endorsed by both the Houses of Parliament.

42nd amendment,1976

The words socialist, secular and integrity were added to the preamble, besides primary duties of the citizens.

- ◆ Jurisdiction of the supreme and high court were slashed with regard to judicial review and writ petitions and constitutional amendments were removed from ambit of judicial review.
- ◆ National legal services institute created.

44th amendment, 1974

- ◆ In the section empowering the declaration of emergency, the word internal crisis was replaced with military revolt.
- ◆ The President of India can impose emergency only on a written resolution returns recommendation of the Central cabinet.
- Right to property removed from the list of fundamental rights.

73, 74 amendments, 1992

Constitutional status given to gram panchayats and local body institutions. A separate section of Municipalities created. Direct elections proposed for all local body institutions.

86th amendment, 2002

 Right to education added .Free and compulsory education for 6-14 year boys and girls proposed.

97th amendment, 2013

♦ Cooperative institutions get Constitutional status.

101th amendment,2016

◆ Article 269-(v)and 279 (v) added with the introduction of GST regime.

102 amendment, **2018**

 Establishment of National commission for Backward Classes, changes in BC list, Given responsibilities on assessment on new additions to the BC List.

103 amendment 2019,

◆ Ten percent reservation for communities which were financially and educationally backward.

Voting rights at 18 years

◆ During the Prime Minister ship of Rajiv Gandhi in 1988 the 61st amendment was brought to reduce the voting rights to 18 year old youth instead of existing 21 years.

Indian constitution

Major phases In its Conception

- ◆ Demands spiralled from 1930 itself for a independent constitution for the country.
- Viceroy Lord Wavel agreed for it after numerous skirmishes and debates in 1946.
- ◆ All sections of society were represented in the constituent assembly with Nine women members. Nearly 24 Americans also participated for seven days in the constitutional debate.
- ♦ Country faced communal riots and caste fights during the drafting of the constitution.
- ◆ As a result, the primary demands of equality, freedom, justice and brotherhood were added.
- ◆ The time taken for drafting the Constitution was from 1946 to 1949, that is, 2 years11 months and 18 days.
- ◆ The first copy of the constitution was hand written by eminent writer Prem Bihari Narayan .It took him 6 months. He did not take any remuneration.
- ◆ The Constitution borrowed freedom, equality, brotherhood terms from France. Primary duties, Five year plan from Russia.

Directive Principles from Ireland. From America, fundamental rights and functions of Supreme Court. Center-States federation from Canada, and finally parliamentary system of government, Cabinet and Prime Minister from UK.

- ◆ Though it was debated in several languages in the constituent assembly, it was written only in English and Hindi.
- ◆ The Rajya Sabha ratified the constitution on November 26,1949
- ◆ India emerged as Republic on January 26,1950 with the adoption of the Constitution.
- ◆ The original copies of the constitution is safely kept I. Helium chambers of the Parliament library.
- ◆ The constituent assembly met for 166 sessions to give a final shape for the constitution.
- ◆ During the debate of the 7635 amendments 2473 were rejected.
- ◆ The world's largest constitution has 25 parts, 12 schedules,448 articles and 5 annexures.