

CONSTITUTION OF INDIA AND ITS SALIENT FEATURES

For Classes 8th
and above



सत्यमेव जयते

Constituent Assembly, 1946,

- The Constituent Assembly was a temporary group of 308 members. It was elected by the elected members of the Provincial Assemblies. It had 5 prominent women members, 30 Scheduled Caste members, 1 member from Anglo Indian community and 1 from Parsi community.
- The five women members were Sarojini Naidu, Hansa Mehta, Durgabai Deshmukh, Rajkumari Amrit Kaur, and Vijayalakshmi Pandit.

Constituent Assembly, 1946,

- Its only work was to draft, debate, and adopt the Constitution of India.
- First meeting was on 9th December, 1946.
- Last meeting was for adopting the Constitution on 26th November, 1949. The final copy was signed by each member of the Assembly on this day.
- The Constitution of India came in to effect from 26th January, 1950.



THE REPUBLIC OF INDIA

26th January 1950

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 DO HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR 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 and integrity of the Nation;

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

India has a
Bicameral
Legislature,
meaning that its
Parliament has
Two houses



India has adopted
The Parliamentary
Form of Democracy

Rajya Sabha



President of India



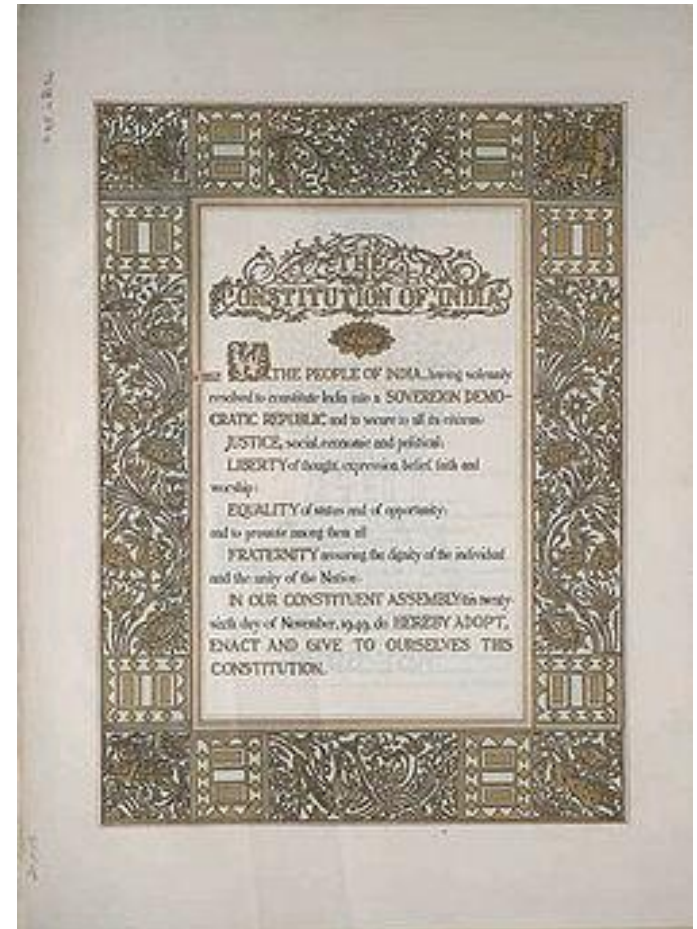
Together make the
Parliament of India

Lok Sabha



- **Introduces** the hopes and aspirations, ideals and principles, and the purpose of enactment of the Constitution of India.
- 1. The Constitution derives its authority from the **people of India**.
- 2. Justice, Liberty, Equality, Fraternity are the **objectives**.

PREAMBLE



- a) **Democratic** government is elected by all citizens, based on adult franchise.
- b) **Republic** = power of decision is with elected representatives.
- c) **Sovereign** = fully independent of all external controls
- d) **Socialist** = an economic form in which State resources are held by the people's cooperatives
- e) **Secular** = the State of India does not declare any one religion to be the 'State religion', but keeps equal distance from all religions

PREAMBLE

3. **Declares India to be** a Sovereign , Socialist , Secular, Democratic Republic.

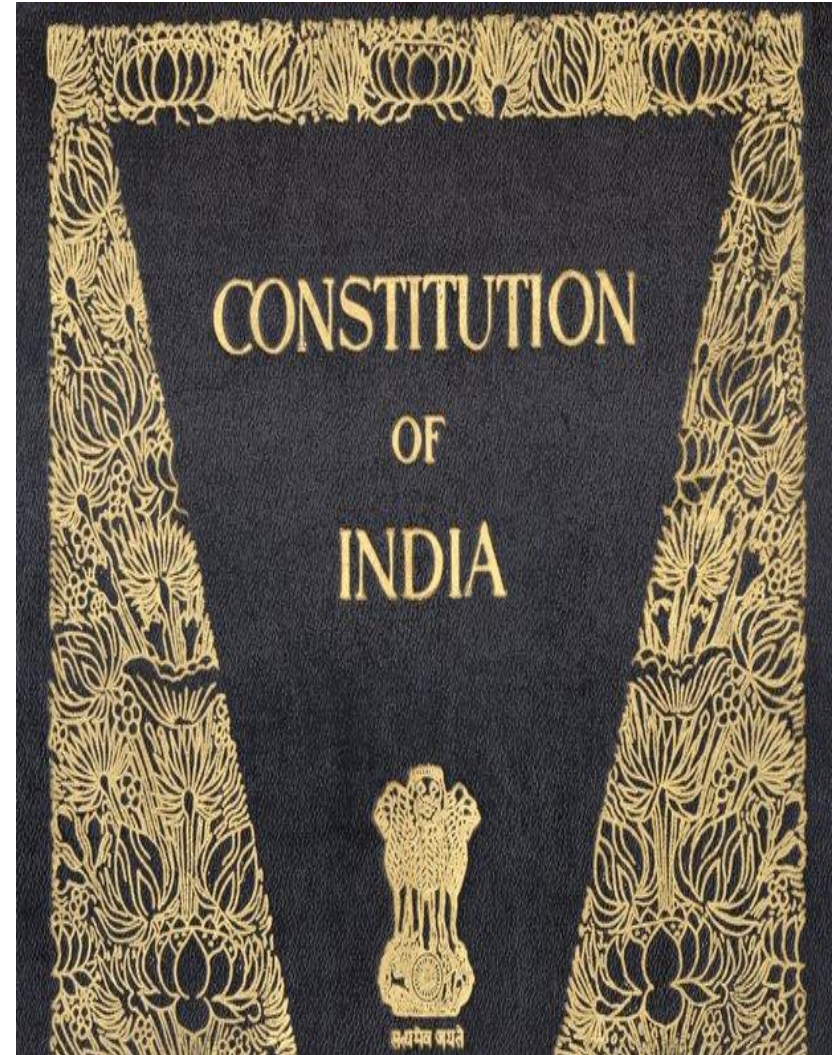
4. **Declares the date** of adoption of the Constitution to be 26th November, 1949.

The 'Institution of the State' called the 'Union of India' is a member of the International Community – the UN.

- The Indian State, is an invisible concept of the geographical entity called 'India'.
- The State draws all its powers from the Constitution of India. The Constitution has created the three institutions of
 - the Parliament,
 - the Judiciary and
 - the Executive and the Civil Services

The Constitution of India – the Supreme Law of India

- Longest written Constitution of any sovereign country, in the world. – 25 Parts, 395 Articles, 12 Schedules, 5 Appendices
- Is a living document – makes the system of the State of India , work



Salient features : India is a Democratic Republic

- **Parliamentary System** – executive accountable to the Parliament
- Federal in nature, but unitary in spirit – **Quasi Federal**:
- **Federal includes** :
 - (a) Supremacy of the written constitution
 - (b) Separation of power
 - (c) An independent judiciary
 - (d) Judicial Review of laws passed by Parliament
 - (e) President is the Executive Head and the Supreme Commander of Indian Armed Forces.
 - (f) Vice President is the ex-officio head and the Chairman of Rajya Sabha

Unitary due to

- (a) single citizenship
 - (b) Fundamental Rights guaranteed to all citizens
 - (c) Universal Franchise
 - (e) stronger centre with emergency powers
 - (f) All India Services
- **Rule of law**

What makes India a Federal 'Nation State'

- A **three tier system** of government:
 - 1) The Union or Central Government
 - 2) The State Governments
 - 3) The Panchayati Raj Institutions or Local government. (74th Amendment in 1993)
- Basic structure of Constitution is **sharing of power** between the three tiers of government
- **Multiple languages** of which 22 are declared as nationally recognized languages as per the Eight Schedule.

Federalism is a political structure in which provincial members are held together by a representative head of the Country

- Power is divided between the federal units and the Union.
- USA Russian federation
- India
- Switzerland
- Australia
- Canada
- France Brazil
- European Union South Africa

The visibility of power of Indian State

- The Supreme Court of India (**the Judiciary**) →
- The Parliament of India, (**the Legislature**) →
- The Ministries / Departments (**the Executive**) →
impart a **visible structure** and form, to the **invisible powers of the State**, given to it by the Constitution of India.



The Constitution of India

- The Constitution of India ' constitutes, and constitutes only, the Indian State (as a Union of states) and not Indian society or any other body of people.' (p. 352)
- **Article 1** : India is first and foremost a territorial state and gives special prominence to the issue of territorial integrity (and national unity)
- **The people of India** and the nation to be formed by them, is in **the Preamble**.
- The body of the Constitution speaks of the '**citizens**' who are contrasted with '**person**' (who may not be a citizen)

The President of India – all Executive Powers

- The Indian state is **constituted** primarily **as a government**, arranged as per the doctrine of separation of powers.
- **Article 52** pronounces: "There shall be a President of India," and
- **Article 53** vests **the executive power** of 'the Union' **in this single person**.



Importance of 'General adult suffrage'

- The underlying aim of the Constitution is not equality, but its marked hierarchical character, indicates that the aim is to replace the traditional social hierarchy with a new political hierarchy. (p 353)
- For this reason the principle of 'general adult suffrage' becomes all the more critical as it is the means for providing legitimacy to the new political hierarchical order established by the Constitution.
- France was first to provide universal male suffrage 1792, but women were denied the right to vote

'Liberty, Equality, Fraternity'

- The basis for developing the concept of 'one man, one vote', without any other qualification of education or property ownership.
- Earlier only those who had wealth and property had the right to vote.
- Women had not right to vote till 1919, when for the first time, women in England, were given the right to vote.
- India adopted this principle in 1950, while in the United States of America all citizens were allowed the right to vote only in 1961, after the Civil Rights Movement, led by Martin Luther King.



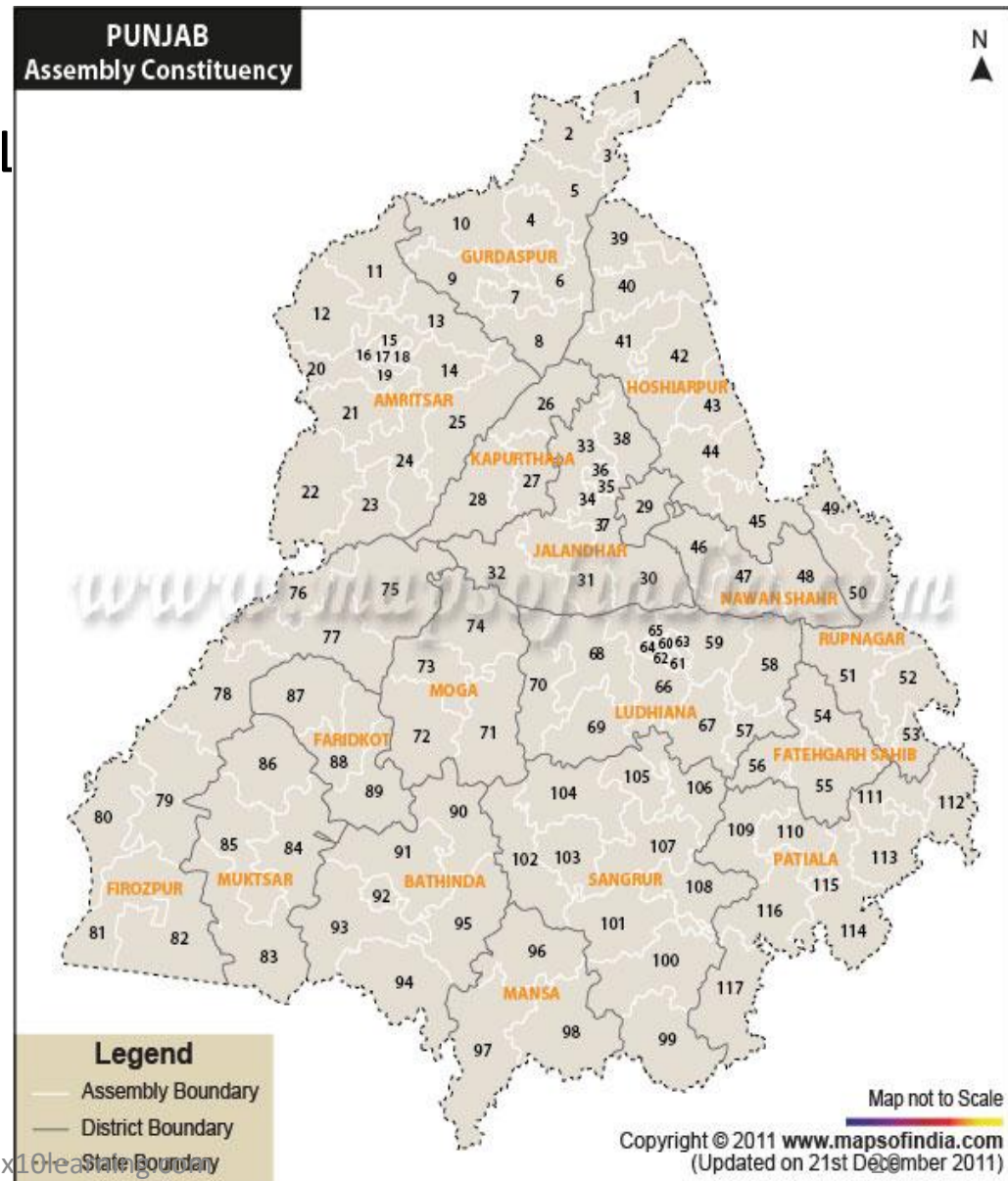
About States / UT / NCR

- 29 States
 - + 6 Union Territories (UTs)
 - + 1 National Capital Region of Delhi. = 36
- No elections are held in UT, as they are administered by the Centre, through an Administrator.
- Exceptions are (1) Delhi (2) Pondicherry – that have elected Legislative Assemblies.
- Delhi Assembly has 70 seats and Pondicherry Assembly has 30 seats.



Constituency ?

- A State is divided into constituencies as per the number of MLA in the Legislative Assembly. Each Constituency elects One ML
- Total number of constituencies in
- 29 States = 4020
Delhi + 70
Pondicherry + 30
Total = 4120
- **Representatives** are MLA elected to represent the people of a constituency a State Assembly.
- There are 4120 MLAs in all, India, as there are 4120 Assembly constituencies



Each State Constituency elects one Member of Legislative Assembly (MLA)

- Those who stand for elections to the State Assembly, are members of a Political Party, or they are Private candidates.
- If a majority of the MLA elected, belong to one Party, the leader of that Party becomes the Chief Minister.
- The Chief Minister selects a few MLAs to be Ministers in his Cabinet.

How many State Assemblies in India?

- The Constitution of India declares India to be a Federation of States. India has a total of 29 States, and each State has its own Legislative Assembly .
- These are located in the capital of each State
- The number of members in each State Assembly differs from State to State, because the population of each is different.
- Maximum limit for MLAs is 500, and Minimum is 40. Uttar Pradesh has 403, Goa has 40. Sikkim is an exception and has 32 members.

A few Assembly buildings in States

Kerala



Orissa



Uttar Pradesh



Tripura



Tamil Nadu



Karnataka



Andhra Pradesh



Assam



Parties having a majority in State Assemblies in May 2016

- The Bhartiya Janata Party (BJP) – in 15 States +JK
- The Indian National Congress (INC) – in 7states
- All India Trinamool Congress (TMC) in West Bengal
- Janata Dal United JD (U) in Bihar
- Biju Janata Dal (BJD) in Orissa
- Communist Party of India (Marxist) (CPI) (M) in Tripura and Kerala
- Peoples Democratic Party (PDP) + (BJP) in Jammu and Kashmir
- All India Anna Dravida Munnetra Kazhagam (AIADMK) – in Tamil Nadu
- Telegu Desam Party (TDP) In Andhra Pradesh
- Telangana Rashtra Samithi (TRS) In Telangana
- The Aam Adami Party (AAP)in Delhi
- Shiromani Akali Dal in Punjab



THANK YOU