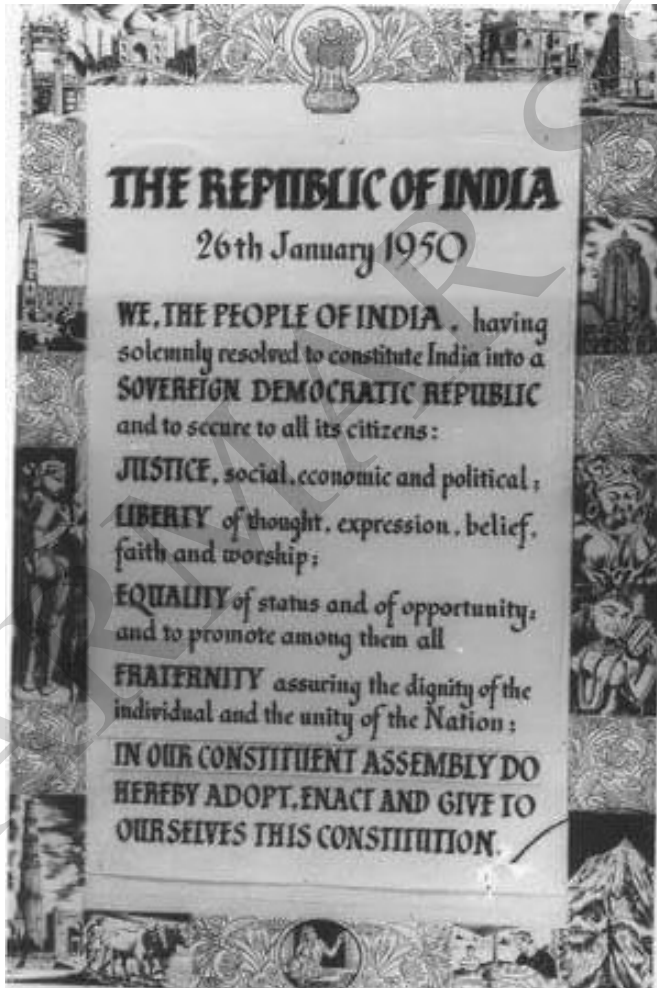


# PREAMBLE



- **Preamble:** Prastavna "We the people of India....."

↓  
Inspired by USA

- **Nehru:** objective resolution → 13 December 1946

↓  
**First sitting:** 9 December 1946

Modified form

- **Came into effect:** 26 Jan 1950

↓  
**Preamble:** adopted on 26 November 1949

\* Preamble was made after the completion of constitution

- **Justice:** Nyaan (ghar ki daat se nyaan secure karna chahte hain)
- **Liberty:** Azaadi
- **Equality:** Doston and Samaj main samanta
- **Fraternity:** Bhaichara (friends banana)

Borrowed from:

- USA (concept)
- Australia (language)

Extras

Statements passed

- **ID. Card of Constitution:** N A Palkhivala
- **Horoscope of the Constitution:** K M Munshi
- **Keynote of the Constitution:** Ernst Barker

Ingredients

- **Source authority of Constitution:** People of India (derives its authority from)
- **Nature:** Sovereign, Socialist, Secular, Democratic, Republic

→ Direct  
→ Indirect

→ Head of the country is elected

Directly participate in lawmaking

- **Objective:** Justice, Liberty, Equality, Fraternity



- **Date of adoption:** 26 November 1949
  - **Date of enforcement:** 26 January 1950
- } Preamble

**Justice:** 3 types

1. **Social:** no discrimination in caste/creed/gender/religion
2. **Economic:** no discrimination in economical status
3. **Political:** equal rights for constitutional position

→ **Liberty:** 5 types

1. Thought
  2. Expression
  3. Worship
  4. Belief
  5. Faith
- Absence of restraint
  - Opportunity to develop oneself

→ **Equality:** 2 types

1. Status
  2. Opportunity
- Absence of special privilege
  - Exception: MPs/MLAs/President/Governors

→ **Fraternity:** 1 type

Fraternity (common brotherhood)

→ **Sovereign:** no authority over India (no country can rule us/over us)

→ **Socialist**

**Economy**

**Capitalist**

- No govt. interference
- Privatisation

**Mixed**

- Democratic socialism
- ex: India

**Socialist**

- Govt. owned/controlled
- Communist socialism
- ex: China, Russia

### → Secular

- No single religion in India
  - All religions share equal status
    - Negative: No interference from the state
    - Positive: Government interference
- ex: India

### → Democratic

Of the people  
By the people  
For the people

→ By Abraham Lincoln

- **Direct**: people directly participate in lawmaking  
ex: Switzerland (as population is less)
- **Indirect**: people do not directly participate in lawmaking  
ex: India

Bill → Lok Sabha/Rajya Sabha → President

### → Republic

Head of country is elected

- **India**: President (indirectly elected)
- **USA**: President (directly elected)
- **UK**: Is not Republic → King/Queen (no voting)

Can preamble be amended?

Preamble is non justiciable (no justice provided)

Is preamble a part of Constitution?

Answer to both questions is "Yes"

Preamble has been amended only once:

- **42nd CA, 1976**
- Also known as mini Constitution of India
- It added terms like: Integrity, Socialist, Secular

- **Berubari Union Case: 1960** → no, according to above questions
- **Keshavnanda Bharti Case: 1973** → Yes according to above question
- **LIC Case: confirmed Keshavnanda Bharti Case**

Supreme Court or High Court can reverse the decision

- Requires more bench of judges
- In this case: **13 judges were present** (highest till now)

7: Yes

6: No

- \* Preamble is neither a source to power of government, nor a prohibition on the powers of government

# SCHEDULES OF INDIAN CONSTITUTION



## SCHEDULES OF INDIAN CONSTITUTION

SCHEDULE	DETAIL
FIRST	The list of states and union territories with territorial demarcations
SECOND	Provisions of the President, Governors of States, Speaker and the Deputy Speaker of the House of the People and the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the Legislative Assembly and the Chairman and the Deputy Chairman of the Legislative Council of a State, the Judges of the Supreme Court and of the High Courts and the Comptroller and Auditor-General of India.
THIRD	The Forms of Oaths or Affirmations.
FOURTH	Provisions as to the allocation of seats in the Council of States.
FIFTH	Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes.
SIXTH	Provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram.
SEVENTH	The Union list, State list and the concurrent list.
EIGHTH	The list of recognized languages.
NINTH	Provisions as to validation of certain Acts & Regulations.
TENTH	Provisions as to disqualification on ground of defection.
ELEVENTH	The powers, authority and responsibilities of Panchayats.
TWELTH	The powers, authority and responsibilities of Municipalities





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## Schedules

- Originally: 8
- At present: 12

## TRICK

1. **T**: territorial extent and jurisdiction (States and UTs)
2. **E**: emoluments of President, V. P, Judge, Speaker, Governor, CAG, Chairman, Deputy Chairman, Deputy Speaker
3. **A**: affirmation and oath of judges and ministers (Union + State) → MLAs, MPs, CAG



4. **R:** Rajya Sabha seat allocation
5. **S:** administration of Scheduled areas and Scheduled Tribes (NE, Chattisgarh, etc)
6. **O:** other Scheduled area (tribal areas) → Assam, Meghalaya, Mizoram, Tripura
7. **F:** federal provisions → Union, State, and Concurrent list
8. **O:** Official languages → Originally: 14, at present: 22
- 9: **L:** Land reforms → 1st CA → Zamindari system, Judicial review on new law
- 10: **D:** disqualification due to defection → 1985 (52nd CA)
- 11: **P:** Panchayats → 1992 (73rd CA, 29 subjects)
- 12: **M:** Municipalities → 1992 (74th CA, 18 subjects)

\* During 73rd and 74th CA → Prime Minister was PV Narasimha Rao

#### 8 Schedule: Official languages

- Originally: 14
- At present: 22
- **21st CA:** Sindhi added
- **71st CA:** Konkani, Manipuri, Nepali
- **92nd CA:** Bodo, Dongri, Maithili, Santhali
- **96th CA:** Odia → This CA changed the spelling of "Oriya" to "Odia" language

#### Classical languages: 6

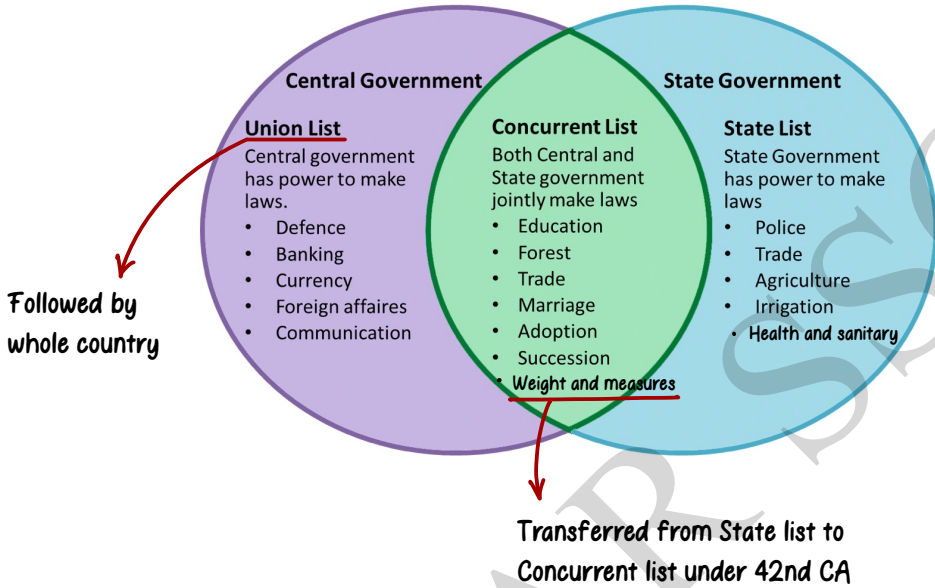
##### TRICK

- **Tu:** Tamil
  - **Shuru:** Sanskrit
  - **Toh:** Telugu
  - **Kar:** Kannada
  - **Main:** Malayalam
  - **Aariya:** Odia
- Subject of livestock and animal husbandry: State List

#### Residuary List

- Union/State/Concurrent ✗
- Parliament has lawmaking power





## SOURCES OF INDIAN CONSTITUTION



### Government of India Act 1935

→ Mostly influenced the Indian constitution

- Emergency provision
- Supreme Court establishment
- PCS
- Officer of Governor
- Federal scheme

Independence of Supreme Court taken from the USA

### United Kingdom

- Parliamentary form of government
- Parliamentary privileges
- Single citizenship
- Rule of law
- Writs
- Legislative procedure
- Bicameral Parliament

#### Polity

- **Legislature:** law maker (LS, RS)
- **Executive:** execution of law (ex: traffic, police, government)
- **Judiciary:** checks the correctness of law (SC/HC)

### United States of America

- Fundamental Rights
- Preamble
- Separation of Power
- Supremacy of Constitution
- Independence of judiciary (removal procedure of SC and HC)
- Judicial review
- Equal protection of law
- Head of the State (President)
- Impeachment of President → Removal
- Post of Vice President

\* Integrated judiciary is not taken from USA (HS/SC)

### Canada

- Federalism
- Centre appoints Governor of State
- Residuary power → only to Centre

Centre more powerful

Unitary

President takes advice of Supreme Court

- Advisory jurisdiction of Supreme Court

## Australia

- Concurrent List
- Division of powers between Centre and State
- Freedom of trade and commerce
- Joint sitting of two houses → Lok Sabha and Rajya Sabha



## Ireland

DPSP

Nomination of members → Rajya Sabha

Election of President

TRICK: IRELAND

RED

- Indirect election of Rajya Sabha
- Amending Constitution

} Taken from South Africa

## Germany (Weimar's Constitution)

- President's power → Emergency
- Suspension of Fundamental Rights → during emergency

## USSR (Russia)

- Fundamental Duties
- Ideals of Social, Economic and Political justice
- Five Year Plans

## France

- Liberty, equality, fraternity
- Republic system



Japan

• Procedure established by law

→ Article 21: rights cannot be snatched by Parliament except procedure established by law

PARMAR SSC