

Framing of the Constitution

- The Constitution of India was framed by a Constituent Assembly which was set up under the Cabinet mission plan (1946). (Lord Pethick Lawrence, Stafford Cripps, A V Alexander are the members)
- 2 years, 11 months, and 18 days to complete its historic task of drafting the constitution

Sources of our Constitution

1. **Government of India Act of 1935** - Federal Scheme, Office of Governor, Judiciary, Public Service Commission, Emergency provisions and administrative details.
2. **British Constitution** – Parliamentary System, Rule of law, Legislative Procedure, Single Citizenship, Cabinet System, Prerogative Writs, Parliamentary Privileges and Bicameralism.
3. **US Constitution** – Fundamental rights, independence of judiciary, judicial review, impeachment of president, removal of Supreme court and high court judges and post of vice president.
4. **Irish Constitution**- Directive Principles of State Policy, nomination of members of Rajya Sabha and method of election of president
5. **Canadian Constitution**- Federation with a strong centre, vesting of residuary power in the centre, appointment of state Governor by the centre and advisory jurisdiction of Supreme Court.
6. **Australian Constitution**- Concurrent list, joint sitting of two houses of Parliament.
7. **Constitution of Germany**- Suspension of fundamental rights during emergency.
8. **French Constitution**- Republic and ideals of liberty, equality and fraternity in the Preamble.
9. **South African Constitution**- Procedure for amendment of the constitution and election of members of Rajya Sabha.
10. **Japanese Constitution**- Procedure established by Law.
11. **Constitution of former USSR**: Procedure of five-year plan, fundamental duties, ideals of justice in Preamble. at present there are, 448 **articles** in 25 parts, 12 schedules . it had 395 **articles** in 22 parts and 8 schedules at the time of commencement.

Preamble to the Constitution

The objective resolution proposed by Pt. Nehru ultimately became the preamble. It has been amended by the 42nd Constitutional Amendment Act (1976), which added three new words— socialist, secular and integrity.

Fundamental Rights

- They can be suspended during the operation of a National Emergency except the rights guaranteed by **Articles 20 and 21**. More, the six rights guaranteed by Article 19 can be suspended only when emergency is declared on the grounds of war or external aggression.

- The 'right to property' was deleted from the list of fundamental rights by the **44th Constitutional Amendment Act, 1978**. It has been made a legal right under **Article 300- A**

FUNDAMENTAL DUTIES

- A list of ten fundamental duties was included in the Indian **Constitution by the 42nd Amendment Act, 1976 in the form of Article 51 A**.
- For this a new part was created in the Constitution in the form of Part IV-A.
- Duties was recommended by the **Swam Singh Committee**
- **11th duty has been added by Constitution (86th Amendment) Act, 2002 in the form of 51 A (k)**. "It shall be the duty of every citizen of India "who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years."

CITIZENSHIP

These five ways are

Citizenship by Birth

Citizenship by Descent

Citizenship by Registration

Citizenship by Naturalization

Citizenship by incorporation of Territory

The President

Article 52 – There shall be a President of India.

Article 53 – The executive power of the Union shall be vested in the President.

Article 54 – **Election of the President**

The Electoral College consists of:

The elected members of both houses of Parliament (nominated members are not the members of electoral college)

The elected members of the Legislative Assemblies of the States (including National Capital Territory of Delhi and the Union Territory of Pondicherry)

Manner of Election of the President-Article 55

the system of proportional representation by means of single transferable vote.

Qualification for election as President

- (a) He must be a citizen of India.
- (b) He must have completed the age of 35 years.
- (c) He must be qualified for election as a Member of the House of the People.
- (d) He must not hold any office of Profit under the Govt. of India

Eligibility for re-election

A person, who holds or who has held office as President shall be eligible for reelection to that office.

Impeachment of the President [Article 61]

- a) The elected members of the legislative assemblies of States have no role in the impeachment proceedings, while they elect the President.
- (b) The nominated members of the Parliament have the right to deliberate and vote when the resolution of impeachment is under consideration while they have no vote in the election of the President.

PARLIAMENT OF INDIA

The House of the People (Lok Sabha)

- In the Constitution, the strength of the Lok Sabha is provisioned under Art. 81 to be not more than 552 (530 from the States, 20 from the Union Territories and 2 may be nominated from the Anglo-Indian community)
- Recently again, the Govt. has extended this freeze in the Lok Sabha seats till the year 2026 by Constitution (84th Amendment Act, 2001).

Special Powers of the Lok Sabha

- Money and Financial Bills can only originate in the Lok Sabha.
- In case of a Money Bill, the Rajya Sabha has only the right to make recommendation and the Lok Sabha may or may not accept the recommendation
- Also, a Money Bill must be passed by the Upper House within a period of 14 days. Otherwise, the Bill shall be automatically deemed to be passed by the House
- The Council of Ministers are responsible only to the Lok Sabha and hence the Confidence and No-confidence motions can be introduced in this House only.

Tenure of the Lok Sabha

The normal tenure of the Lok Sabha is five years. But the House can be dissolved by the President even before the end of the normal tenure.

Qualifications for the membership of Lok Sabha

To become a member of the Lok Sabha, the person must:

1. be a citizen of India.
2. be not less than 25 years of age.
3. be a registered voter in any of the Parliamentary constituencies in India.
4. should not hold any office of profit
5. Should not be insolvent
6. Should not be mentally unsound.

Speaker and Deputy Speaker of Lok Sabha

The Speaker is the

- 1) Chief presiding officer of the Lok Sabha.
- 2) The Speaker presides over the meetings of the House
- 3) The Speaker and Deputy Speaker may be removed from their offices by a resolution passed by the House by an effective majority of the House after a prior notice of 14 days to them.
- 4) The Speaker, to maintain impartiality of his office, votes only in case of a tie i.e to remove a deadlock and this is known as the Casting Vote.

Special powers of the Speaker

- Whether a Bill is Money Bill or not is certified only by the Speaker
- The Speaker, or in his absence, the Deputy Speaker, presides over the joint-sittings of the parliament.
- The Speaker of the last Lok Sabha vacates his office immediately before the first meeting of the newly elected Lok Sabha.
- Therefore, the President appoints a member of the Lok Sabha as the *Pro tem* Speaker. Usually, the seniormost member is selected for this. The President himself administers oath to the *Pro tem* Speaker.
- The *Pro tem* Speaker has all the powers of the Speaker. He presides over the first sitting of the newly elected Lok Sabha. His main duty is to administer oath to the new members.

RAJYA SABHA

- The Rajya Sabha (RS) or Council of States is the upper house of the Parliament of India. Membership is limited to 250 members.
- 12 of whom are nominated by the President of India for their contributions to art, literature, science, and social services.
- Members sit for six-year terms, with one third of the members retiring every two years.
- The Vice President of India (currently, Vengaiya Naidu) is the ex-officio Chairman of the Rajya Sabha,