

Vivekanand College, Kolhapur (Autonomous)
Compulsory Civic Course (CCC) (for all Semester V students)
Notes on Constitution of India
Year: 2021-22

Historical Background of the Indian Constitution

Indian Council's Act 1909

The Indian Councils Act 1909 was an act of the British Parliament that introduced a few reforms in the legislative councils and increased the involvement of Indians (limited) in the governance of British India. It was more commonly called the Morley-Minto Reforms after the Secretary of State for India John Morley and the Viceroy of India, the 4th Earl of Minto.

Major provisions of the Morley-Minto reforms

- The legislative councils at the Centre and the provinces increased in size.
 - Central Legislative Council – from 16 to 60 members
 - Legislative Councils of Bengal, Madras, Bombay and United Provinces – 50 members each
 - Legislative Councils of Punjab, Burma and Assam – 30 members each
- The legislative councils at the Centre and the provinces were to have four categories of members as follows:
 - Ex officio members: Governor-General and members of the executive council.
 - Nominated official members: Government officials who were nominated by the Governor-General.
 - Nominated non-official members: nominated by the Governor-General but were not government officials.
 - Elected members: elected by different categories of Indians.
- The elected members were elected indirectly. The local bodies elected an electoral college who would elect members of the provincial legislative councils. These members would, in turn, elect the members of the Central legislative council.
- The elected members were from the local bodies, the chambers of commerce, landlords, universities, traders' communities and Muslims.

- In the provincial councils, non-official members were in the majority. However, since some of the non-official members were nominated, in total, a non-elected majority was there.
- Indians were given membership to the Imperial Legislative Council for the first time.
- It introduced separate electorates for the Muslims. Some constituencies were earmarked for Muslims and only Muslims could vote their representatives.
- The members could discuss the budget and move resolutions. They could also discuss matters of public interest.
- They could also ask supplementary questions.
- No discussions on foreign policy or on relations with the princely states were permitted.
- Lord Minto appointed (on much persuasion by Morley) Satyendra P Sinha as the first Indian member of the Viceroy's Executive Council.
- Two Indians were nominated to the Council of the Secretary of State for Indian affairs.

The Government of India Act 1919 was an act of the British Parliament that sought to increase the participation of Indians in the administration of their country. The act was based on the recommendations of a report by Edwin Montagu, the then Secretary of State for India, and Lord Chelmsford, India's Viceroy between 1916 and 1921. Hence the constitutional reforms set forth by this act are known as **Montagu-Chelmsford reforms** or Montford reforms.

Principle Features of Government of India Act 1919

Provincial Government

- Executive:
 - Dyarchy was introduced, i.e., there were two classes of administrators – Executive councillors and ministers.
 - The Governor was the executive head of the province.
 - The subjects were divided into two lists – reserved and transferred.
 - The governor was in charge of the reserved list along with his executive councillors. The subjects under this list were law and order, irrigation, finance, land revenue, etc.

- The ministers were in charge of subjects under the transferred list. The subjects included were education, local government, health, excise, industry, public works, religious endowments, etc.
- The ministers were responsible to the people who elected them through the legislature.
- These ministers were nominated from among the elected members of the legislative council.
- The executive councillors were not responsible to the legislature, unlike the ministers.
- The Secretary of State and the Governor-General could interfere in matters under the reserved list but this interference was restricted for the transferred list.
- Legislature:
 - The size of the provincial legislative assemblies was increased. Now about 70% of the members were elected.
 - There were communal and class electorates.
 - Some women could also vote.
 - The governor's assent was required to pass any bill. He also had veto power and could issue ordinances also.

To know more about the [legislation passed in British India](#), click on the linked article.

Central government

- Executive:
 - The chief executive authority was the Governor-General.
 - There were two lists for administration – central and provincial.
 - The provincial list was under the provinces while the centre took care of the central list.
 - Out of the 8 members of the Viceroy's executive council, 3 were to be Indian members.
 - The governor-general could issue ordinances.
 - He could also certify bills that were rejected by the central legislature.
- Legislature:
 - A bicameral legislature was set up with two houses – Legislative Assembly (forerunner of the Lok Sabha) and the Council of State (forerunner of the Rajya Sabha).

- Legislative Assembly (Lower House)
- Governor-General
 - The governor-general's assent was required for any bill to become law even if both houses have passed it.
 - He could also enact a bill without the legislature's consent.
 - He could prevent a bill from becoming law if he deems it as detrimental to the peace of the country.
 - He could disallow any question, adjournment motion or debate in the house.

Merits of the Government of India Act 1919

- Dyarchy introduced the concept of responsible government.
- It introduced the concept of federal structure with a unitary bias.
- There was the increased participation of Indians in the administration. They held some portfolios like labour, health, etc.
- For the first time, elections were known to the people and it created political consciousness among the people.
- Some Indian women also had the right to vote for the first time.

Limitations of the Government of India Act 1919

- This act extended consolidated and communal representation.
- The franchise was very limited. It did not extend to the common man.
- The governor-general and the governors had a lot of power to undermine the legislatures at the centre and the provinces respectively.
- Allocation of the seats for the central legislature was not based on population but the 'importance' of the province in the eyes of the British.
- The Rowlatt Acts were passed in 1919 which severely restricted press and movement. Despite the unanimous opposition of Indian members of the legislative council, those bills were passed. Several Indian members resigned in protest.

The Government of India Act 1935

The Government of India Act was passed by the British Parliament in August 1935. It was the longest act enacted by the British Parliament at that time. It was divided into two separate acts namely, the Government of India Act 1935 and the Government of Burma Act 1935.

Creation of an All India Federation

1. This federation was to consist of British India and the princely states.
2. The provinces in British India would have to join the federation but this was not compulsory for the princely states.
3. This federation never materialised because of the lack of support from the required number of princely states.

How Government of India Act 1935 divided powers?

1. This Act divided powers between the centre and the provinces.
2. There were three lists which gave the subjects under each government.
 - Federal List (Centre)
 - Provincial List (Provinces)
 - Concurrent List (Both)
3. The Viceroy was vested with residual powers.

Provincial autonomy

1. The Act gave more autonomy to the provinces.
2. Diarchy was abolished at the provincial levels.
3. The Governor was the head of the executive.
4. There was a Council of Ministers to advise him. The ministers were responsible to the provincial legislatures who controlled them. The legislature could also remove the ministers.
5. However, the governors still retained special reserve powers.
6. The British authorities could still suspend a provincial government.

Diarchy at the centre

1. The subjects under the Federal List were divided into two: Reserved and Transferred.
2. The reserved subjects were controlled by the Governor-General who administered them with the help of three counsellors appointed by him. They were not responsible to the legislature. These subjects included defence, ecclesiastical affairs (church-

related), external affairs, press, police, taxation, justice, power resources and tribal affairs.

3. The transferred subjects were administered by the Governor-General with his Council of Ministers (not more than 10). The Council had to act in confidence with the legislature. The subjects in this list included local government, forests, education, health, etc.
4. However, the Governor-General had 'special powers' to interfere in the transferred subjects also.

Bicameral Legislature

1. A bicameral federal legislature would be established.
2. The two houses were the Federal Assembly (lower house) and the Council of States (upper house).
3. The federal assembly had a term of five years.
4. Both houses had representatives from the princely states also. The representatives of the princely states were to be nominated by the rulers and not elected. The representatives of British India were to be elected. Some were to be nominated by the Governor-General.
5. Bicameral legislatures were introduced in some provinces also like Bengal, Madras, Bombay, Bihar, Assam and the United Provinces.

Federal Court

1. A federal court was established at Delhi for the resolution of disputes between provinces and also between the centre and the provinces.
2. It was to have 1 Chief Justice and not more than 6 judges.

Indian Council

1. The Indian Council was abolished.
2. The Secretary of State for India would instead have a team of advisors.

Franchise

1. This Act introduced direct elections in India for the first time.

Reorganisation

1. Sindh was carved out of Bombay Presidency.

2. Bihar and Orissa were split.
3. Burma was severed off from India.
4. Aden was also separated from India and made into a Crown colony.

Other points

1. The British Parliament retained its supremacy over the Indian legislatures both provincial and federal.
2. A Federal Railway Authority was set up to control Indian railways.
3. The act provided for the establishment of Reserve Bank of India.
4. The Act also provided for the establishment of federal, provincial and joint Public Service Commissions.
5. The Act was a milestone in the development of a responsible constitutional government in India.
6. The Government of India Act 1935 was replaced by the Constitution of India after independence.
7. The Indian leaders were not enthusiastic about the Act since despite granting provincial autonomy the governors and the viceroy had considerable 'special powers'.

Source: <https://byjus.com/free-ias-prep>

THE CONSTITUENT ASSEMBLY

The Constituent Assembly met for the first time in New Delhi on 9 December, 1946 in the Constitution Hall which is now known as the Central Hall of Parliament House. Decorated elegantly for the occasion, the Chamber wore a new look on that day with a constellation of bright lamps hanging from the high ceilings and also from the brackets on its walls.

Overwhelmed and jubilant as they were, the hon'ble members sat in semi-circular rows facing the Presidential dias. The desks which could be warmed electrically were placed on sloping green-carpeted terraces. Those who adorned the front row were Pandit Jawaharlal Nehru, Maulana Abul Kalam Azad, Sardar Vallabhbhai Patel, Acharya J.B. Kripalani, Dr. Rajendra Prasad, Smt. Sarojini Naidu, Shri Hare-Krushna Mahatab, Pandit Govind Ballabh Pant, Dr. B.R. Ambedkar, Shri Sarat Chandra Bose, Shri C. Rajagopalachari and Shri M.

Asaf Ali. Two hundred and seven representatives, including nine women were present.

The inaugural session began at 11 a.m. with the introduction of Dr. Sachchidananda Sinha, the temporary Chairman of the Assembly, by Acharya Kripalani. While welcoming Dr. Sinha and others, Acharyaji said: "As we begin every work with Divine blessings, we request Dr. Sinha to invoke these blessings so that our work may proceed smoothly. Now, I once more, on your behalf, call upon Dr. Sinha to take the Chair."

Occupying the Chair amidst acclamation, Dr. Sinha read out the goodwill messages received from different countries. After the Chairman's inaugural address and the nomination of a Deputy Chairman, the members were formally requested to present their credentials. The First Day's proceedings ended after all the 207 members present submitted their credentials and signed the Register. Seated in the galleries, some thirty feet above the floor of the Chamber, the representatives of the Press and the visitors witnessed this memorable event. The All India Radio, Delhi broadcast a composite sound picture of the entire proceedings.

SOME FACTS

The Constituent Assembly took almost three years (two years, eleven months and seventeen days to be precise) to complete its historic task of drafting the Constitution for Independent India. During this period, it held eleven sessions covering a total of 165 days. Of these, 114 days were spent on the consideration of the Draft Constitution. As to its composition, members were chosen by indirect election by the members of the Provincial Legislative Assemblies, according to the scheme recommended by the Cabinet Mission. The arrangement was: (i) 292 members were elected through the Provincial Legislative Assemblies; (ii) 93 members represented the Indian Princely States; and (iii) 4 members represented the Chief Commissioners' Provinces. The total membership of the Assembly thus was to be 389. However, as a result of the partition under the Mountbatten Plan of 3 June, 1947, a separate Constituent Assembly was set up for Pakistan and representatives of some Provinces ceased to be members of the Assembly. As a result, the membership of the Assembly was reduced to 299. On 13 December, 1946, Pandit Jawaharlal Nehru moved the Objectives Resolution

This Resolution was unanimously adopted by the Constituent Assembly on 22 January 1947.

Late in the evening of 14 August, 1947 the Assembly met in the Constitution Hall and at the stroke of midnight, took over as the Legislative Assembly of an Independent India.

On 29 August, 1947, the Constituent Assembly set up a Drafting Committee under the Chairmanship of Dr. B.R. Ambedkar to prepare a Draft Constitution for India. While deliberating upon the draft Constitution, the Assembly moved, discussed and disposed of as many as 2,473 amendments out of a total of 7,635 tabled.

The Constitution of India was adopted on 26 November, 1949 and the hon'ble members appended their signatures to it on 24 January, 1950. In all, 284 members actually signed the Constitution. On that day when the Constitution was being signed, it was drizzling outside and it was interpreted as a sign of a good omen.

The Constitution of India came into force on 26 January, 1950. On that day, the Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952

Sessions of the Constituent Assembly

First Session:	9-23 December, 1946
Second Session:	20-25 January, 1947
Third Session:	28 April - 2 May, 1947
Fourth Session:	14-31 July, 1947
Fifth Session:	14-30 August, 1947
Sixth Session:	27 January, 1948
Seventh Session:	4 November, 1948 - 8 January, 1949
Eighth Session:	16 May - 16 June, 1949
Ninth Session:	30 July - 18 September, 1949
Tenth Session:	6-17 October, 1949
Eleventh Session:	14-26 November, 1949

8. [The Assembly met once again on 24 January, 1950, when the members appended their signatures to the Constitution of India]

9. IMPORTANT COMMITTEES OF THE CONSTITUENT ASSEMBLY AND THEIR CHAIRMEN

Name of the Committee	Chairman
Committee on the Rules of Procedure	Rajendra Prasad
Steering Committee	Rajendra Prasad
Finance and Staff Committee	Rajendra Prasad
Credential Committee	Alladi Krishnaswami Ayyar
House Committee	B. Pattabhi Sitaramayya
Order of Business Committee	K.M. Munsi
Ad hoc Committee on the National Flag	Rajendra Prasad
Committee on the Functions of the Constituent Assembly	G.V. Mavalankar
States Committee	Jawaharlal Nehru
Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Vallabhbhai Patel
Minorities Sub-Committee	H.C. Mookherjee
Fundamental Rights Sub-Committee	J.B. Kripalani
North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi
Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee	A.V. Thakkar
Union Powers Committee	Jawaharlal Nehru
Union Constitution Committee	Jawaharlal Nehru
Drafting Committee	B.R. Ambedkar

Source: <http://164.100.47.194/loksabha/constituent/facts.html>

Introduction

The Constitution of India is a very dynamic creation of our lawmakers. The Constitution of India as we all know is a supreme law of the country and every citizen of our country has to abide by the constitution.

The Longest Constitution of the World

The Indian Constitution is one of the longest constitutions in the world and it is also very detailed. There are 12 schedules and 448 articles in our Constitution. The Indian Constitution has incorporated various articles by taking inspiration from the various constitutions around the world. As we all know, India is a very diverse country and it was necessary to draft a long Constitution incorporating various provisions in order to accommodate various differences. The parent document for drafting the Indian Constitution was the Government of India Act 1935, and that document itself was very lengthy. The Constitution makers found it necessary to incorporate various provisions to provide special attention to States like Assam, Mizoram, and Nagaland. Various provisions were also incorporated to uplift the Scheduled Castes and Scheduled Tribes.

Establishment of a Sovereign, Socialist, Secular, Democratic Republic

The Preamble of our Constitution provides India to be a Sovereign, Socialist, Secular, Democratic and Republic Country. There are also various other terms in the Preamble which ensure equality and protect people. The various other terms are Justice, Liberty, Equality, and Fraternity.

SOVEREIGNTY

The term Sovereignty was incorporated in the Preamble to provide supreme power to the Government. The term Sovereignty is the backbone of our Indian Constitution that protects the authority of the people. Sovereignty is an essential factor of every State. The term “sovereignty” as applied to states implies ‘Supreme, absolute, and uncontrollable power by which any state is governed, and which resides within itself, whether residing in a single individual or a number of individuals, or in the whole body of the people’. The Sovereignty in India is of two types:

- Internal Sovereignty- The States have the power to govern themselves and make laws in certain matters.

- External Sovereignty- The Government is the supreme authority and can acquire or cede any part of the territory for proper reasons.

SECULARISM

It is mandatory to incorporate this term to promote peace between various communities in our country. Secularism promotes the development and unity of various religions. The term “Secular” was added by the 42nd amendment in the Preamble. In the case of [*S.R Bommai v Union Of India*](#), it was held that “in matters of State, religion has no place” and also said that secularism is one of the basic features of the Constitution. In the famous case of [*Indira Nehru Gandhi vs Shri Raj Narain & Anr*](#), held that the State shall not discriminate against any citizen on the grounds of religion.

DEMOCRACY

Democracy is an ancient concept that is followed by many south Indian rulers from time immemorial. Democracy provides people with the power to govern. The representative form of the Government is suitable for governing our country due to the huge population. In the case of [*Mohan Lal Tripathi vs District Magistrate*](#), the meaning of the term “Democracy” was discussed and according to the case it was held that “Democracy is a concept, a political philosophy an ideal which is practised by many nations that is culturally advanced and politically mature via resorting to governance by representatives of the people elected directly or indirectly”. The main reason for incorporating democracy is to provide freedom to the people to choose their own representatives and to save them from the tyrant leaders.

SOCIALIST

The system of socialism promotes equality among people and ensures the welfare of people. The term “Socialist” was incorporated by the 42nd amendment. The term Socialist was discussed in the case of [*Samantha v State of Andhra Pradesh*](#), and according to the case,” the term socialist is used to lessen the inequalities in income and status and to provide equality of opportunity and facilities”. Many leaders were interested in the concept of socialism, especially Jawaharlal Nehru was very much interested in this concept as he was inspired by the Russian Revolution. There were also other famous leaders like Jay Prakash Narayan who helped in the development of this concept. The concept of Socialism expels capitalism which is considered a threat to the economy. There were developments in economic policies to promote the concepts of Socialism.

REPUBLIC

The concept of “Republic” was borrowed from the Constitution of France. The term republic provides the people power to elect their own representatives. The term republic is the basis of our constitution as it ensures there would be no hereditary rulers and also ensures that the election would be happening in our country. The President of India is an elected head of the State for a fixed tenure.

JUSTICE

The Preamble of the Constitution of India guarantees three types of justice to its citizens like:

- **Social Justice-** The concept of social justice promotes equal treatment of citizens and promotes the rule of law. This term ensures that there would be no discrimination among the citizens on different grounds. The fundamental rights also provided in Part 3 of our Constitution also ensures social justice.
- **Economic Justice-** The concept of economic justice avoids discrimination between genders, provides equal opportunity to work, and ensures the equal distribution of wealth.
- **Political Justice-** This term provides all citizens to participate in the political proceedings.

LIBERTY AND FRATERNITY

The term Liberty and Fraternity is provided in the Preamble of the Indian Constitution. The term liberty and fraternity was used in the French revolution.

Parliamentary form of Government

The Bicameral Legislature system is followed in our country. The Unicameral legislature system is followed in countries like Norway. The law making procedure is easy in the unicameral legislature but the bicameral legislature is effective as there would be a lot of discussions and deliberations before making legislation. Articles 74 and Article 75 is concerned with the Parliamentary system at the centre and [Article 163](#) and [Article 164](#) is concerned with the Parliamentary system at the states. [Article 74](#) of the Indian Constitution provides that there should be a Council of Ministers with the Prime Minister and Council of Minister can aid and advise the President. [Article 75](#) of the Indian Constitution deals with the other provisions relating to the appointment of Ministers.

Parliamentary v. Presidential System

The Presidential form of Government is followed in countries like the United States of America. The President is the head of the State in the Presidential System of Government. The Parliamentary system is preferred over the Presidential system as it ensures the equal distribution of power and also power is not within the hands of a single person. The drafters of our constitution did not prefer the presidential system as the executive and legislatures would become independent of each other. The makers felt that this would be an issue afterwards.

A unique blend of rigidity and flexibility

The Indian Constitution is neither rigid nor flexible, this is also one of the reasons for its length. The famous example of the rigid constitution is the Constitution of the U.S., and it is known as a rigid constitution as the amendment process is very difficult. The Indian Constitution is not very difficult to amend, as the Constitution of The U.S.A. It has gone through 103 amendments so far but there are certain steps to be satisfied before bringing in the amendment. Thus the Indian Constitution is a unique blend of rigidity and flexibility.

To know more about what is the Constitution and historical background of the Indian Constitution in brief, please refer to the video below:

Source: <https://blog.ipleaders.in/salient-features-of-the-indian-constitution/>

Fundamental Rights in the Indian Constitution

Articles 12-35 of Indian Constitution deal with Fundamental Rights. These human rights are conferred upon the citizens of India for the Constitution tells that these rights are inviolable. Right to Life, Right to Dignity, Right to Education etc. all come under one of the six main fundamental rights.

What are the Fundamental Rights?

Fundamental rights are the basic human rights enshrined in the [Constitution of India](#) which are guaranteed to all citizens. They are applied without discrimination on the basis of race, religion, gender, etc. Significantly, **fundamental rights are enforceable by the courts**, subject to certain conditions.

Why are they called Fundamental Rights?

These rights are called fundamental rights because of two reasons:

1. They are enshrined in the Constitution which guarantees them

2. They are justiciable (enforceable by courts). In case of a violation, a person can approach a court of law.

List of Fundamental Rights

There are six fundamental rights of Indian Constitution along with the constitutional articles related to them are mentioned below:

1. Right to Equality (Article 14-18)
2. Right to Freedom (Article 19-22)
3. Right against Exploitation (Article 23-24)
4. Right to Freedom of Religion (Article 25-28)
5. Cultural and Educational Rights (Article 29-30)
6. Right to Constitutional Remedies (Article 32)

Introduction to Six Fundamental Rights (Articles 12 to 35)

Under this section, we list the fundamental rights in India and briefly describe each of them.

1. Right to Equality (Articles 14 – 18)

Right to equality guarantees equal rights for everyone, irrespective of religion, gender, caste, race or place of birth. It ensures equal employment opportunities in the government and insures against discrimination by the State in matters of employment on the basis of caste, religion, etc. This right also includes the abolition of titles as well as untouchability.

Aspirants can read more about [Right to Equality](#) in the linked article.

2. Right to Freedom (Articles 19 – 22)

Freedom is one of the most important ideals cherished by any democratic society. The Indian Constitution guarantees freedom to citizens. The freedom right includes many rights such as:

- Freedom of speech
- Freedom of expression
- Freedom of assembly without arms
- Freedom of association
- Freedom to practise any profession
- Freedom to reside in any part of the country

Read more on the [Right to Freedom](#) in the linked article.

Some of these rights are subject to certain conditions of state security, public morality and decency and friendly relations with foreign countries. This means that the State has the right to impose reasonable restrictions on them.

Aspirants can find the details on [Right to Life \(Article 21\)](#), in the linked article.

3. Right against Exploitation (Articles 23 – 24)

This right implies the prohibition of traffic in human beings, *begar*, and other forms of forced labour. It also implies the prohibition of children in factories, etc. The Constitution prohibits the employment of children under 14 years in hazardous conditions.

Read more on the [Right against Exploitation](#) in the linked article.

4. Right to Freedom of Religion (Articles 25 – 28)

This indicates the secular nature of Indian polity. There is equal respect given to all religions. There is freedom of conscience, profession, practice and propagation of religion. The State has no official religion. Every person has the right to freely practice his or her faith, establish and maintain religious and charitable institutions.

Read more on the [Right to Freedom of Religion](#) in the linked article.

5. Cultural and Educational Rights (Articles 29 – 30)

These rights protect the rights of religious, cultural and linguistic minorities, by facilitating them to preserve their heritage and culture. Educational rights are for ensuring education for everyone without any discrimination.

Read more on [Cultural and Educational Rights](#) in the linked article.

6. Right to Constitutional Remedies (32 – 35)

The Constitution guarantees remedies if citizens' fundamental rights are violated. The government cannot infringe upon or curb anyone's rights. When these rights are violated, the aggrieved party can approach the courts. Citizens can even go directly to the [Supreme Court](#) which can issue writs for enforcing fundamental rights.

Read more on [Right to Constitutional Remedies \(Article 32\)](#) in the linked article.

Classification of Fundamental Rights

The fundamental rights are classified into the following six categories:

Classification of Fundamental Rights	Article	Deals With
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Right to Equality	14	Equality Before Law
	15	Prohibition of Discrimination
	16	Equality of Opportunity in Public Employment
	17	Abolition of Untouchability
	18	Abolition of Titles
Right to Freedom	19	<p>Protection of 6 Rights</p> <ul style="list-style-type: none"> • Right to freedom of speech and expression. • Right to assemble peaceably and without arms. • Right to form associations or unions or co-operative societies. • Right to move freely throughout the territory of India. • Right to reside and settle in any part of the territory of India. • Right to practice any profession or to carry on any occupation, trade or business.
	20	Protection in Respect of Conviction for Offences
	21	<u>Protection of Life and Personal Liberty</u>
	21-A	Right to Education
	22	Protection Against Arrest and Detention
Right Against Exploitation	23	Prohibition of Human Trafficking and Forced Labour
	24	Prohibition of Child Labour
Right to Freedom of Religion	25	Freedom of Conscience, Profession, Practice and Propagation
	26	Freedom to Manage Religious Affairs

	27	Freedom from Taxation for Promotion of a Religion
	28	Freedom from Attending Religious Instruction
Educational and Cultural Rights	29	Protection of Interests of Minorities
	30	Right of Minorities to Establish and Administer Educational Institutions
Right to Constitutional Remedies	32	<p>Right to remedies for the enforcement of the fundamental rights using five writs:</p> <ul style="list-style-type: none"> • Habeas Corpus - to direct the release of a person detained unlawfully. • Mandamus - to direct a public authority to do its duty. • Quo Warranto - to direct a person to vacate an office assumed wrongfully. • Prohibition - to prohibit a lower court from proceeding on a case. • Certiorari - the power of the higher court to remove a proceeding from a lower court and bring it before itself.
	33	Empowers the Parliament to restrict or abrogate the fundamental rights of the 'Members of the Armed Forces, paramilitary forces, police forces, intelligence agencies and analogous forces
	34	Provides for the restrictions on fundamental rights while martial law(military rule) is in force
	35	Empowers the Parliament to make laws on Fundamental Rights

Directive Principles of State Policy

Articles 36-51 under Part-IV of the Indian Constitution deal with Directive Principles of State Policy (DPSP). They are borrowed from the Constitution of Ireland, which had copied

it from the Spanish Constitution. This article will solely discuss the Directive Principles of State Policy, its importance in the Indian Constitution and the history of its conflict with Fundamental Rights. This topic is important for UPSC Mains GS-II and also for political science optional papers and aspirants can also download the DPSP notes.

What are the Directive Principles of State Policy?

The Sapru Committee in 1945 suggested two categories of individual rights. One being justiciable and the other being non-justiciable rights. The justiciable rights, as we know, are the Fundamental rights, whereas the non-justiciable ones are the Directive Principles of State Policy.

DPSP are ideals which are meant to be kept in mind by the state when it formulates policies and enacts laws. There are various definitions to Directive Principles of State which are given below:

- They are an ‘instrument of instructions’ which are enumerated in the [Government of India Act, 1935](#).
- They seek to establish economic and social democracy in the country.
- DPSPs are ideals which are not legally enforceable by the courts for their violation.

Directive Principles of State Policy – Classification

Indian Constitution has not originally classified DPSPs but on the basis of their content and direction, they are usually classified into three types-

- **Socialistic Principles,**
- **Gandhian Principles** and,
- **Liberal-Intellectual Principles.**

The details of the three types of DPSPs are given below:

DPSP – Socialistic Principles

Definition: They are the principles that aim at providing social and economic justice and set the path towards the welfare state. Under various articles, they direct the state to:

Article 38	Promote the welfare of the people by securing a social order through justice—social, economic and political—and to minimise inequalities in income, status, facilities and opportunities
Article 39	Secure citizens: <ul style="list-style-type: none"> • Right to adequate means of livelihood for all citizens • Equitable distribution of material resources of the community for the common good • Prevention of concentration of wealth and means of production • Equal pay for equal work for men and women • Preservation of the health and strength of workers and children against forcible abuse • Opportunities for the healthy development of children
Article 39A	Promote equal justice and free legal aid to the poor
Article 41	In cases of unemployment, old age, sickness and disablement, secure citizens: <ul style="list-style-type: none"> • Right to work • Right to education • Right to public assistance
Article 42	Make provision for just and humane conditions of work and maternity relief
Article 43	Secure a living wage, a decent standard of living and social and cultural opportunities for all workers
Article 43A	Take steps to secure the participation of workers in the management of industries
Article 47	Raise the level of nutrition and the standard of living of people and to improve public health

DPSP – Gandhian Principles

Definition: These principles are based on Gandhian ideology used to represent the programme of reconstruction enunciated by Gandhi during the national movement. Under various articles, they direct the state to:

Article 40	Organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government
Article 43	Promote cottage industries on an individual or co-operation basis in rural areas
Article 43B	Promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies
Article 46	Promote the educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation
Article 47	Prohibit the consumption of intoxicating drinks and drugs which are injurious to health
Article 48	Prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds

DPSP – Liberal-Intellectual Principles

Definition: These principles reflect the ideology of liberalism. Under various articles, they direct the state to:

Article 44	Secure for all citizens a uniform civil code throughout the country
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Article 45	Provide early childhood care and education for all children until they complete the age of fourteen years
Article 48	Organise agriculture and animal husbandry on modern and scientific lines
Article 49	Protect monuments, places and objects of artistic or historic interest which are declared to be of national importance
Article 50	Separate the judiciary from the executive in the public services of the State
Article 51	<ul style="list-style-type: none"> • Promote international peace and security and maintain just and honourable relations between nations • Foster respect for international law and treaty obligations • Encourage settlement of international disputes by arbitration

Source: <https://byjus.com/free-ias-prep/directive-principles-of-state-policy/>

Fundamental Duties of the Indian Constitution

Particulars	Fundamental Duties
Covered	Part IV A, Article 51 –A
Borrowed from	USSR
Amendment	42nd Amendment 1976, introduced Article 51 A in the constitution
Recommended by	Swaran Singh Committee.
Numbers	Originally -10 duties Now -11 duties (added by 86th Amendment ACT, 2002)
List of Fundamental Duties	<ol style="list-style-type: none"> 1. Abide by the Constitution and respect national flag & National Anthem 2. Follow ideals of the freedom struggle

Particulars	Fundamental Duties
	<ol style="list-style-type: none"> 3. Protect sovereignty & integrity of India 4. Defend the country and render national services when called upon 5. Sprit of common brotherhood 6. Preserve composite culture 7. Preserve natural environment 8. Develop scientific temper 9. Safeguard public property 10. Strive for excellence 11. Duty fo all parents/guardians to send their children in the age group of 6-14 years to school.

Defining Fundamental Duties

The Fundamental Duties were added in 1976, upon recommendation of the Swaran Singh Committee, that was constituted by Indira Gandhi just after the declaration of national emergency, to study and amend the constitution.

This committee was under the Chairmanship of Sardar Swaran Singh, India's longest-serving union cabinet minister. Based on his recommendations, the government incorporated several changes to the Constitution including the Preamble, through the 42nd Amendment, which included the fundamental duties under the Indian Constitution.

However, by the 86th Amendment in 2002, the original 10 duties were then increased to 11, under Article 51A, Part IV-A of the Constitution of India. The 10 fundamental duties are as follows:

- To oblige with the Indian Constitution and respect the National Anthem and Flag
- To cherish and follow the noble ideas that inspired the national struggle for freedom
- To protect the integrity, sovereignty, and unity of India
- To defend the country and perform national services if and when the country requires
- To promote the spirit of harmony and brotherhood amongst all the people of India and renounce any practices that are derogatory to women
- To cherish and preserve the rich national heritage of our composite culture
- To protect and improve the natural environment including lakes, wildlife, rivers, forests, etc.

- To develop scientific temper, humanism, and spirit of inquiry
- To safeguard all public property
- To strive towards excellence in all genres of individual and collective activities

The 11th fundamental duty which was added to this list is:

- To provide opportunities for education to children between 6-14 years of age, and duty as parents to ensure that such opportunities are being awarded to their child.

The 11 fundamental duties look at the crisis in Indian society and become a tool for straightening it out. They serve as a source of protection for the liberty of the people.

Source: <https://www.myadvo.in/blog/10-fundamental-duties-you-need-to-know-about/>