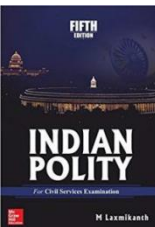


Salient Features of the Constitution

1. **Longhiest Written Constitution (Articles 465, 25 Parts, 12 Schedules) – Geography, History, both for centre and states, legal luminaries in the constituent assembly - The British Constitution can be found in a variety of documents .**
2. **Drawn from various sources – borrowed – H.WORK**
3. **Blend of Rigidity (Special procedure for Amendment) & Flexibility (ordinary)**



Salient Features of the Constitution

4. Federal System (1 + Many)with Unitary Bias (Many as 1)

Federal

Two governments, Division of power, Written Constitution, Supremacy of the Constitution, Rigidity of the Constitution, Independent Judiciary, Bicameralism

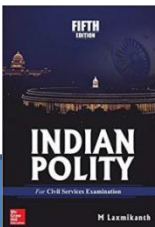
Unitary

Strong Centre, Single Constitution, Single citizenship, Flexibility, Integrated Judiciary, Appointment of Governor, All India Services, Emergency Provisions

Salient Features of the Constitution

- 5. Parliamentary form of Government/ Responsible/ Cabinet Government/ Westminster Model/ – Cooperation & Coordination between legislature and executive [Presidential – Separation of Powers]**
Parliamentary Form in India (Centre & States) – Parliament not sovereign

Nominal & real executives, Majority party rule, Collective responsibility of the executive to legislature, Membership of the ministers in the legislature, Leadership of P.M or C.M, Dissolution of the lower house



Salient Features of the Constitution

6. Synthesis of Parliamentary Sovereignty (UK) and Judicial Supremacy (US)

- ✓ Due process of Law - Maneka Gandhi case in 1978 [Judiciary Upper Hand, US] Vs Procedure established by Law- Article 21 [Legislature Upper Hand, Japan]

7. Integrated and Independent Judiciary



SUPREME COURT
HIGH COURTS
DISTRICT &
OTHER COURTS

Salient Features of the Constitution

8. Fundamental Rights – Not absolute & Not Sacrosanct

9. DPSP – Directive Principles of State Policy

10. Fundamental Duties

11. A. Secular

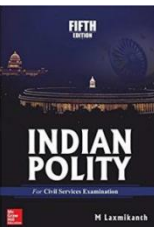
12. Universal Adult Franchise

13. Single Citizenship

14. Independent Bodies- Election Commission, Comptroller & Auditor General of India, UPSC & SPSCs – security of tenure, fixed service conditions, expenses charged on the Consolidated Fund of India...

15. Emergency Provisions

16. Three- tier government



Preamble – Introduction/Preface

- **Objective Resolution – Nehru**
- **Nature of Indian State:**
 - ✓ **Sovereign**
 - ✓ **Socialist [42nd AA in 1976, Democratic Socialism; blend of Marxism & Gandhism]**
 - ✓ **Secular [42nd AA in 1976, Positive Secularism]**
 - ✓ **Democratic : Doctrine of popular sovereignty [A referendum is a vote by all enrolled electors on a single political question question **ex** : On 2014 people in Scotland voted in a Referendum to remain in the United Kingdom, plebiscite The direct vote of all the members of an electorate on an important public question such as a change in the policy]**
 - ✓ **Republic : Elected Head of State /Political Sovereignty in the people – Up to 1956, Pakistan was British dominion.**



Preamble – Introduction/Preface

Objectives:

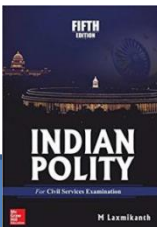
- ✓ **Justice: Social, Economic, Political – FRs, DPSP**
- ✓ **Liberty: Thought, Expression, Belief, Faith, Worship – FRs**
- ✓ **Equality : FRs, DPSP, Art. 325 & 326 [Elections]**
- ✓ **Fraternity: Single Citizenship, FDs, ‘Union of States’**

Preamble part or not of the Constitution?- Supreme Court

1960 – Berubari Union Case – **NOT**

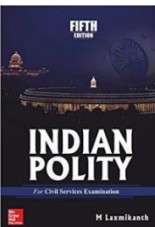
1973 – Kesavananda Bharathi Case – **Part, Amendable**

1995 – LIC of India case – **Part**



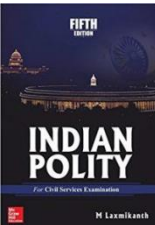
Union and its Territory

- **Art 1: India, that is Bharat – a Union of states**
 - **States: 29 states – 29th Telangana state was inaugurated formally on 2014 – J&K – Special Provisions to MH, GJ, NL, AS, MA, AP, SK, MI, ARP – 5th & 6th schedules tribal areas**
 - **UTs: 7**
 - **Art 3: Internal readjustment of states – two conditions & 1 Note**
 1. **Prior recommendation of president**
 2. **Concern of concerned state legislature but, Not binding**
- Note: Art 2 & 3 not consider as amendment except cession to foreign State**



Art 1 to 4: Union and its Territory

- Evolution of states & UTs
 - Integration of Princely States – Hyderabad (police action), Junagadh (referendum) & Kashmir (instrument of accession)
 - Demand for states on linguistic basis
- 1948 – GoI appointed SK Dhar – administrative convenience
1948 – Congress appointed JVP – reject language
Death of Potti Sriramalu on hunger strike – 1953 Andhra created
1953 – AKP – accepted linguistics states – States Re-organisation Act, 1956 –
14 states & 6 UT
1960 – Bombay – MH & GJ
1963 – NL
1966 – PJ & HY
1972 – MA, T, ME
1975 – SK – 36th AA
1987 – MI, ARP, GO
2000 – CH, UT, JH



Art : 5 to 11 :Citizenship-Single Citizenship

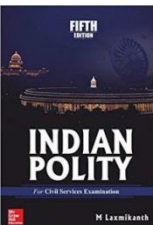
- **Citizens- Full members of Indian State and owe allegiance**
- **Constitutional provisions: Art 5 to 11, but not elaborate provisions**
- **Citizenship Act, 1955...Amended many times**
- **Indian Constitution **does not restrict** eligibility to the top constitutional offices of President and Vice-President to natural-born citizens. There is also no question of placing any such restriction on eligibility to become a Minister or Prime Minister or Chief Minister.**

•**Who is a refugee? A refugee is a person who has fled their own country because they have suffered human rights abuses or because of who they are or what they believe in. Their own government cannot or will not protect them and so they are forced to seek international protection.**

•**Who is an asylum seeker? An asylum-seeker is someone who has left their country in search of international protection, but is yet to be recognized as a refugee.**

Acquisition of Citizenship

- ✓ **By birth but not diplomats children**
- ✓ **By descent – born outside and either of parents Indian citizen but, registration with consulate/embassy**
- ✓ **By registration – to person like a person married to a citizen of India, resided in India for some years...Oath**
- ✓ **By naturalization – to any person with some conditions [the applicant is not a citizen of a country that denies citizenship for Indians, renounce his/her citizenship, adequate knowledge of a language specified in the Eighth Schedule of the Constitution] & distinguished person of science, philosophy, art, literature, world peace & human progress ...Oath**
- ✓ **By incorporation of territory**



Mrs. Sonia

- 1968, the year she married Rajiv Gandhi
- she surrendered her Italian passport on 1983 [thereby relinquishing her Italian citizenship]
- 1983 chose to acquire Indian citizenship – **for citizenship by registration** - only people of Indian origin, if they had resided in India for six months before the date of their application, qualified - So, **by naturalisation** as provided for under Section 6 of the Citizenship Act, 1955. Section 6 of the Citizenship Act, 1955: enables any person not born in India or having Indian parents to become an Indian citizen if he or she has resided in the country for at least (14 years) on the date of application
- 1986 when Section 5 (c) was inserted in the Citizenship Act, 1955, through an amendment - enables a foreign spouse marrying an Indian citizen to acquire Indian citizenship by registration

Loss of Citizenship

- **By Renunciation** – renounced one's child can resume citizenship
- **By Termination** – Voluntarily accept citizenship of another country
- **By Deprivation** – Compulsory termination – 7 years continuously out of country

Exceptions to non-discrimination

- ✓ For certain state/UT employment, education – residence
 - ✓ Interest of tribals
 - ✓ J&K -the state Govt

NRI - Indian citizens not residing in India - vote through electronic-ballots or through proxy

PIOs - Persons of Indian Origin

OCI - Overseas Citizenship of India

- The PIO-OCI merger comes close on the heels of promulgation of an ordinance on January 6 amending the Citizenship Act, 1955. The ordinance incorporated the eligibility and additional benefits of PIO card in OCI card and provided certain other relaxations to OCI card-holders. The relaxations include allowing breaks not exceeding 30 days in the one-year continuous stay required before applying for Indian citizenship and registration as an OCI by a minor born to Indian parents or by the spouse of an Indian citizen or OCI after two years of marriage.

Art 11: Parliament to regulate Citizenship

India grants asylum and provides direct assistance to some 200,000 refugees from neighbouring countries. As the country lacks a national legal framework for asylum, UNHCR conducts registration and refugee status determination (RSD)

The established position of New Delhi on refugees is that once normality returns in their respective home countries, such persons should go back.

India has not ratified the 1951 U.N. Convention and 1967 U.N. Protocol on Refugees

- **The Indian Penal code, in its basic form, is a document that lists all the cases and punishments that a person committing any crimes is liable to be charged with.**
- **A criminal code will contain offences which are recognised in the jurisdiction, penalties which might be imposed for these offences- It provides the machinery for the investigation of crime, apprehension of suspected criminals, collection of evidence, determination of guilt or innocence of the accused person and the determination of punishment of the guilty.**
- **poll tax: tax of a uniform amount levied on each individual, or “head.”**
- **You pay for your visit — a capitation tax of Rs 20.-Matheran**

