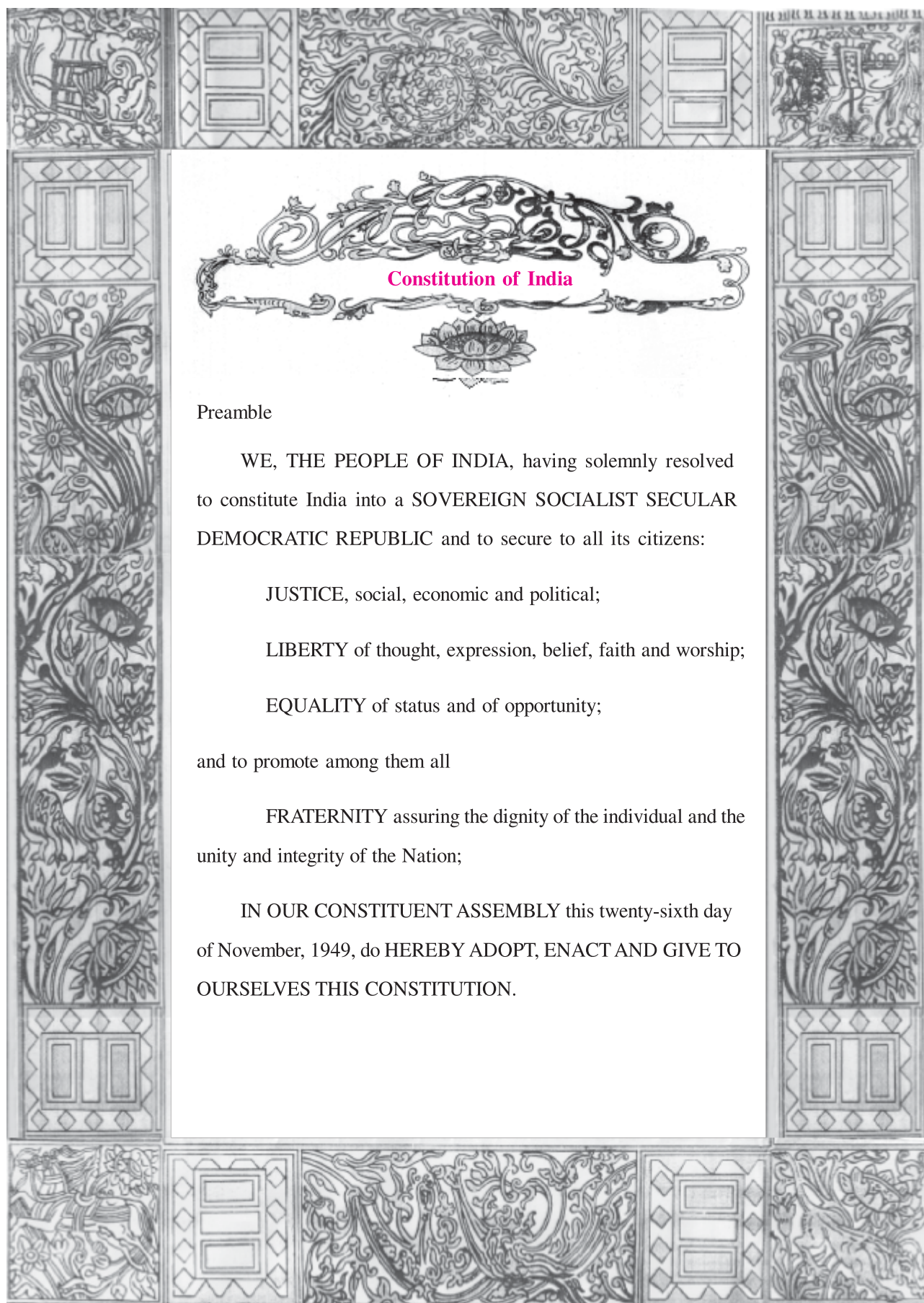


The words inscribed in the Preamble are given below :



The Preamble remained unchanged till 1976. In 1976, the words 'Socialist', 'Secular', 'Unity' and 'Integrity of the Nation' were added.

The Preamble verbalise the fundamental objectives of the Constiitution, aims, ideas and principles. Therefore the Preamble straightway gives a clear insight of the 'Rule of Welfare'. The Preamble reflects Constitution framers' psyche.

Importance of Preamble

The Preamble as a soul of the Constitution is also an important necessity. To understand the framing of any law or its interpretation, Preamble gives proper guidance. To understand the policy behind the framing of any law, Preamble plays an important role. The Preamble is a useful tool to avoid the trouble in the interpretation of the Constitution.

When any ambiguity or obscure details in law arises, Preamble helps in understanding and interpreting the law. Thus, Preamble serves as a compass to understand the provisions of Constitutional law.

Preamble is nation's unity, integrity and is the standard crust of brotherhood among citizens who are having noble sentiments and ideals. Preamble is backed by high ideals and goals.

Pillars of the Preamble

The words inscribed in the Preamble are : We, the people of India SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC, JUSTICE, LIBERTY, FRATERNITY AND EQUALITY. Here we will study the following three main pillars of the Preamble.

(1) Democracy : The ultimate sovereignty of power is with the people according to Indian constitution. There is no particular regime of any one particular person instead it is with the people.

Democracy, the word, is derived from Greek word 'Demos' means people and 'Kratos' means power. Country's power is not within a group of people instead it is within the people of the country. Democratic State administration is such an arrangement in which there is equal justice for people to social, economical and political and having equal rights of participation.

In democratic India people elect their leaders through their choice by casting vote to represent those leaders in the Parliament and thereafter assuming the post of Prime Minister and his/her Cabinet. Executives do not have absolute power. They are given specific time-limit. Similarly, the voters elect State and Local level Government. Hence, Democracy means by the people, for the people and of the people. Cabinet consists members of Parliament. Cabinet of Ministers is responsible to the Parliament. Any citizen of India who possess required Constitutional Eligibility can contest the election. Ministerial positions are not acquired hereditary. Each elected Government has 5 years of tenure. This Government works under the principles of Constitution and therefore it is known as 'Responsible Government'. The democratic Government is based on liberty, equality and feeling of fraternity and continuously work to achieve these goals. The Constitution

disseminates the power to people to cast their vote according to their free will and thereby instills confidence in the Constitution.

The Constitution of Democratic India renders Fundamental Rights, Principles for Political directions, Parliament, Member of Assembly, Independent and impartial justice and election commission are those provisions which make our country democratic in every means.

Adult Suffrage means the citizen above 18 years of age can cast his/her vote to one's choice of leaders without discriminating caste, creed, religion, language, gender, education, and income or birth place. But it is essential that the citizens are enlisted in the Electoral list.

(2) Socialistic : In the year 1976 by 42nd Indian Constitution Amendment, Constitution of India added in the 42nd amendment, the word 'Socialist'. Most of the provisions in the Constitution of India directly or indirectly show 'Social Revolution' which brought social and economic equality and furthered the aim of 'Welfare State'.

The principle of socialistic pattern directs social, economic and political equality for citizens as given in the Preamble. It is now regarded as a prime feature of the State. It reflects the fact that India is committed to secure social, economic and political justice for all its people. India stands for abolishing all forms of exploitation as well as for securing equitable distribution of income, resources and wealth. Any one particular person should not have power over all assets instead everyone should have equal opportunity by getting facilities and provisions from society and thereby eliminating the discrimination of rich and poor. Therefore we can say that, Constitution of India is a socialistic document.

(3) Secularism : In the year 1976 by 42nd Indian Constitution Amendment the word 'Secular' was inserted. India is a secular country. India can never become one particular religious country as per the provisions of the Constitution. India does not follow any particular religion. So the country never promotes any religious activity. The country cannot involve any secular activity with religious activity. The citizen of the country has a freedom to choose his /her religion . The country can not discriminate a citizen on religious basis. Equal job opportunities and political rights to the citizens are given without any religious discrimination. In this way, Secularism is the basic foundation and mandatory feature of the Constitution.

'Sarv Dharm Samdristi' and 'Sarv Dharm Sambhav' are the principles incorporated in the Constitution. So no particular religion would be encouraged in any states. There is no prohibition on any citizen to propagate his/her religious belief, trust and faith.

Basic Features Of the Constitution

The Constitution which came into force on 26th January, 1950 is considered as the largest, extensive and detailed written document : Given below is the basic and salient features of it:

(1) Written document : Except Britain and Israel, India alongwith other nations of the world have their Constitution in written form. Considering the social, geographical diversified circumstances and pre-historical notions the Constituent Assembly has kept the drafted Constitution in written form.

(2) Size of the Constitution : Indian Constitution is divided in 22 sections comprising 395 articles and 8 appendices (now 12) .The Constitution comprises provisions for State Administration and States' inter relations, fundamental rights, principles for political policies, judiciary, election commission, government institutions, minorities, scheduled caste and deprived groups. Therefore our Constitution of India is the largest, extensive and detailed written document, compared to other Constitutions.

(3) Single Citizenship : In America dual citizenship is given ; one for United States of America and another for State citizenship. But in India there is only single citizenship irrespective of any region or State of the country. Only citizens of Jammu-Kashmir have dual citizenship; one for India and another for the state of Jammu-Kashmir.

(4) The Centre with strong Federal Structure : India is a Union of States. There is nowhere any reference of the word 'Federal' in the Constitution. 'Union of States' is the sentence used for India. By the use of word , 'Union' , a permanent and irreversible relationship between Union and its Component States is indicated. India is a Union of States and no State has right to secede it .Thus India is a Union of States yet it has some elements of Federal Government. In Indian Federation, there are two sets of Governments; the Union Government and the State Governments. The Constitution has clearly marked areas of functioning for both the kinds of governments.

The Constitution demarcates the powers of the Central and the State governments into different Lists of Subjects.

(i) Union List : Union List comprises 97 Subjects. Subjects of national importance like defence, foreign affairs, atomic energy, banking, railway, communication, post and telegraph are included in the Union list.

(ii) State List : The State List comprises of 66 subjects. The State List comprises of those important subjects on which the State Legislature House can pass Laws. Subjects like law and order, State government institutions, agriculture and irrigation, health, land, inter-state trade and commerce are included. If there is a failure of the law and order in the State ,the Union Government with consent or against the will of the State can send Reserved Police Force.

(iii) Concurrent List : In addition to this, the Constitution provides for a third list that is called the Concurrent List. which consist of subjects of common concern, both to the Centre and the State Governments. The Central and State Government can pass laws on these Subjects. The Concurrent List has 47 subjects. This List includes subjects like criminal and civil procedure, marriage and divorce, education, economic planning, trade union etc.

Residuary Powers

The subjects which are not specifically allotted to Union or State are included in 'Residuary Powers'. Matters that are not included in the division of powers are known as residuary powers. The Central Government is given the power to legislate on these 'residuary' subjects.

The financial distribution of resources is done between Union Government and State Governments. excise and custom, export-import, income tax all these major taxes are decided by Central Government while sales tax, revenue tax, entertainment tax, educational tax which are having meagre financial resources are decided by State Government.

(5) Unified Arrangement during crisis : There are three provisions for Emergencies in Constitution of India.

(i) National emergency can be declared at the time of war, external attack, or armed rebellion.

(ii) Due to law and order breakdown, the State cannot function according to the Constitution, so Constitutional Emergency is declared.

(iii) Due to increase in prices there is monetary value erosion at that, financial emergency is declared.

The Central government has been given more powers to deal with these emergencies. At the time of emergency, India is almost turned into a unitary system.

(6) Parliamentary System : India has a parliamentary system of Governance. In a parliamentary system, the Parliament is a supreme authority representing people. The Legislature at the Union is the Parliament. The Parliament is bicameral means it has two houses: Upper House and Lower House. Upper House is called RajyaSabha. Lower House is known as Lok Sabha. Though the Government is carried on in the name of the President at the Union and the Governor in the States, actual administration is carried by the Council of Ministers headed by the Prime Minister at the Union and the Chief Minister in the States. The Council of Ministers is responsible to the Legislature that comprises representatives of the people. The President selects 12 people who are experts and experienced from various fields for RajyaSabha. RajyaSabha is permanent house in which one-third members retire every two years the same number of member for election. Thus each member has six years of tenure in RajyaSabha (Council of States). The powers of RajyaSabha are less compared to the Lok Sabha which is special, superior and decisive. Rajyasabha cannot be completely dissolved.

(7) Independent and Impartial Judiciary : The Constitution has provided for the establishment of an independent and impartial judiciary. There is Supreme Court at the top, then there are High courts at states and under its jurisdiction are the District Courts at district level and at the taluka level there are Local and Special courts. The Judgements of Supreme Court are binding to all the sub-ordinate Courts of the Nations. In case of conflict between the Union and State Governments, matters relating to Constitution and interpretation of Statutes, the final decision is vested with Supreme Court. The Supreme Court is the protector and guardian of the Constitution.

(8) Amendments in Constitution : Compared to other countries' Constitution, Constitution of India is dynamic. Constitution can be amended as and when required. Constitutional provisions can be amended three ways :

(i) Amendments can be made by a simple majority of members present and voting in the Parliament.

(ii) Certain amendments require a special majority, that is $\frac{2}{3}$ (two-third) majority of members present and voting.

(iii) Concerning the Union-State relations, the special majority that is $\frac{2}{3}$ (two-third) and the concurrence not less than 50% of the State Legislature is required.

If there is any amendment to be made in the inter-relations between Union, State structure or in supreme judiciary, then half of the States from the total States have to give consent. Judgement of Court can also bring amendment by the Parliament. There will be no change in the basic structure of the Constitution. Simple majority in Parliament can bring change in the amendments of the Constitution, that's why the Constitution is known as the most inconstant and flexible document but at certain cases it is not amendable by simple majority. Without the majority consent of states its not amendable .. Then too the mixture of both makes the Constitution.

(9) Universal Adult Suffrage : In India, we have a system of Adult Suffrage which is flexible. According to that any citizen who is above 18 years of age and above possesses right to vote in the elections of Parliament, Legislative Assemblies or Local Self-Government Bodies, without any discrimination of education, property and economic standard.

(10) Secularism : We have discussed earlier about secularism in the Preamble. In the Constitution India has been declared as a secular state. People of different religions reside in India. Therefore the State cannot discriminate any citizen on the basis of religion. No citizen can be given special rights or cannot be deprived with certain rights. The State has to be absolutely impartial and neutral in respect of religion. Only secular state can offer proper or equal treatment towards all citizens. Secularism means that the state doesn't interfere in matters of religion, or is biased to any specific religion. The State has to be secular and indifferent. Followers of every religion are free to follow and practice their religion of choice.

(11) Judicial review : Judicial review is the chief characteristic of the Constitution. Judicial review administers the working of Union and State within jurisdiction. Without disrespecting the powers of Parliament, the Constitution has made an effort to harmonize the principles of judicial review. Parliamentary amendments, external orders, ordinances, and judicial judgement are given for Judicial Review. If the court finds any indiscrepancy in the external orders, ordinances or judicial judgements it can stopped by declaring them unconstitutional.

(12) Fundamental Rights and Duties : Fundamental rights are conferred to the people of India by the Constitution to live a dignified life. The most valuable capital of our country is in the overall development of nation which further lies in the Fundamental Duties and Rights. Right to Constitutional Remedies and for the children 6 to 14 yerars of age Right to Educate are also made available.

(13) Directive Principles of State Policy : Protection of people, security and welfare should be carried out by the States. These principles provide directions for State governances and policy making, so they are called as Directive Principle.

(14) Provision for Backward sections and Tribes : To uplift and include backward sections and tribes and deprived class in the main stream, there are specific provisions in the Constitution. Reserve seats are allocated in Legislature and Local Self Governing Bodies election to provide representation. Reservation Quota has been provided for admission in educational institutes and government jobs in proportion to their population to provide equal opportunity. Children of backward sections and tribes are given scholarships, basic amenities and waived fees which come under 'optimistic policies' and 'shielding policies' as per provision in the Constitution.

Self Study

1. Answer the following questions in brief :

- (1) Which ideals are stated in the Preamble of Indian Constitution ?
- (2) What is Adult Suffrage ?
- (3) Indian Constitution is federal –discuss.
- (4) State the characteristics of Parliamentary Government.
- (5) What is Unified Judicial System ?
- (6) Explain the provisions for Constitutional Amendments.
- (7) Political equality is incomplete without social and economic equality.

2. Explain the statements :

- (1) Preamble is an extract of Indian Constitution.
- (2) Preamble is the key to understanding of the amendments of the Constitution.
- (3) Preamble serves as compass.
- (4) Indian Constitution is the inclusion of federal unitary.
- (5) India is secular country.
- (6) India is a democratic republic country.
- (7) India is integral and indivisible federation.
- (8) Constitution of India is the most extensive and detailed written document in the world.

3. Explain the below given terminology of words :

- (1) Dual Citizenship (2) Parliamentary System (3) Responsible Government (4) Union List
- (5) State List (6) Concurrent List (7) Residuary Power (8) Socialist
- (9) Judicial Review (10) Democracy

4. Choose the correct option from the given below options :

- (1) When was the Indian constitution framework completed ?
(A) In the year 1948 (b) In the year 1949 (C) In the year 1950 (D) In the year 1947
- (2) How many subjects are there in Central List ?
(A) 66 (B) 47 (C) 97 (D) 87
- (3) How many Articles and Appendices are there in Indian Constitution ?
(A) 285-11 (B) 395-12 (C) 495-13 (D) 345-8
- (4) Who was the Chairman of Constitutional Framework Committee ?
(A) Kaniyalal Munshi (B) Rajendra Prasad (C) Shyama Prasad (D) Sardar Patel
- (5) When Indian Constition came into existence ?
(A) 26th Nov, 1949 (B) 26th Jan, 1950 (C) 15th August, 1947 (D) 9th Dec, 1946
- (6) How many members were there in the Formation of Constitutional Committee ?
(A) 389 (B) 545 (C) 250 (D) 166
- (7) India is a republic country because...
(A) it is a sovereign country (B) It is a democratic country
(C) Prime Minister is elected for certain tenure (D) People have religious freedom

5. Write a detailed note on salient features of Constitution, parliamentary method, federal and sole planning, federal and free Judiciary, constitutional provisions, judicial review.

Activity

- Gather photocopy of Constitution of India for supportive referential chapter for understanding Indian Constitution directly.(get a photocopy from well-known library)
- Prepare points of comparison related to Constitution of countries like America, India and Britain
- Prepare project on latest amendments in Indian Constitution.
- Arrange a talk on the topic Constitution and Fundamental Rights and Duties by Eminent Advocate or Expert Parent or Professor of a Law College.
- Prepare a pictorial wall poster on Framers of the Constitution.
- Arrange a mock election for class committee, class representatives and general secretary at school level. Provide training for counting of votes.



Introduction

In the previous chapter we have studied Indian Constitution, Preamble and Important Pillars as well as the specific characteristics. In this Chapter, we will study about other important characteristics of Constitution that is Fundamental Rights, Fundamental Duties and Directive Principles of State Policy.

Human Rights

Human Rights are those rights which not only give a person his/her basic existence but also overall development in which society helps to construct an environment which enables him/her to grow. In every democratic country, the citizens are conferred with basic rights. A person is not discriminated on the basis of caste, can experience the basic rights, the protection of these rights are assured by society and nation as well. The person by his birth, owns rights, which are his /her basic rights which are known as Human Rights.

United Nations General Assembly has declared Human Rights on 10th of December, 1948 and 10th December is celebrated as 'Human Rights Day'. From the global announcement of Human Rights, certain basic and important Human rights are added in the Constitution of India and thereby these rights are protected in a dignified way. Thus, those Human Rights which are included by Constitution of India are known as Fundamental Rights.

These Human rights proclaim the human beings to live in a dignified way. For the existence of human being the basic needs (Food, Clothes, Shelter, Education and Health) should be received in a dignified and respectable way. Democratic country allows its citizens to enjoy equal rights for multifaceted development. The State guarantees such a conducive environment wherein one has protection of Fundamental Rights, a true identity of democratic system.

Fundamental Rights

The nation's stability, protection of citizen's freedom and democracy are protected through fundamental rights :

(1) Right to Equality (2) Right to Freedom (3) Right against Exploitation (4) Right to Freedom of Religion (5) Cultural and Educational Rights (6) Right to Constitutional Remedies.

(1) Right to Equality : 'Equality before Law' and 'Equal protection of Law' are included in Right to Equality. This fundamental right is the major foundation of all other rights and privileges guaranteed to Indian citizens. It is one of the chief guarantees of the Constitution of India. Thus, it is imperative that every citizen of India has easy access to the courts to exercise his/her Right to Equality. According to this Right, no person shall be shown favouritism on the basis of colour, caste, creed, language, etc. Law is equal to all, i.e., from the peon to the Prime Minister if they act against Law, they are treated equally and are bound to the general court of Law. However, the President and Governors have certain privileges..

In each and every circumstance the Law should prevail equally. There should be no discrimination or specific favouritism shown to any particular person or class. Every Law should be equally disseminated. Every person shall have equal admittance to public places like shops, restaurants, hotels, public entertainment places, have equal access to roads and lakes and use of public wells and bathing ghats. However, the State has the right to make any special arrangement for women and children or for the development of any socially or educationally backward class or scheduled castes or scheduled tribes. No citizen shall be discriminated on the basis of race, caste, religion, creed, descent or place of birth in respect of any Government services and higher education under the State. In matters of state public services equal opportunities have to be offered to all the citizens. However, the state is given permission to make decision regarding/ required qualifications for said services.

As a guarantee to social justice and personal dignity, untouchability is abolished and its practice in any form is prohibited and a punishable offence.

Titles and epithets which create artificial discriminations in the society have been removed. The adjectives used before names like Sir, Diwanji, Raibhadur are removed. After independence the Government in order to felicitate special contributions and achievements of individuals in various fields gives special awards like Bharatratna, Padmavibushan, Padmabhushan, Padmashree. 'Paramveer Chatra' is awarded in military services. Adjectives like General, Major, Chief Marshall, Field Marshall are added before names in military services which is not considered as a violation of Right to Equality. The aim of this Right is to form an equitable society and thereby establish 'Rule of Law' in India.

To provide specific services to different types of groups or classes, there can be different types of provisions under law for examples, there are different laws for Advocates, Doctors, Teachers, Insurance Agencies, Women, Juveniles. The principle of 'Equal Pay for Equal work' is also a part of this article.

(2) Right to Freedom : The Constitution of India provides the citizens of India, six types of Freedom which are as under : (1) Freedom of Speech and Expression (2) to assemble peacefully without Arms (3) to form associations or unions (4) to move freely throughout the territory of India (5) to reside and settle in any part of the territory of India (6) to practise any profession, or to carry on any occupation, trade or business.

These rights are of utmost importance for the overall development of personality and expressions of Indian Citizens, for harmonious working of democracy, and a healthy life-style. Any individual cannot exercise these freedom autonomously or irresponsibly. The State can control and limit this right to freedom if they go against the welfare, peace and security of the society. This has been clearly mentioned in the Constitution. It has been stated in the Constitution how the rights are exercised.

Indian citizens have been given the Freedom of Speech and Expression. This can be expressed either orally, verbally and through gestures. But that does not provide for exercising these rights in unlimited and unrestrained manner. Certain necessary control and limitation have been stated in the Constitution. The State can put required control through law and order for maintaining the unity and integrity of India, safety of the state, for amicable relation with foreign nations, public management and public peace, compromise and safety, morality, discipline, contempt of court defamation and provoking violence for crime. It is the authority of the Judiciary whether these many limitations are appropriate or inappropriate. The purpose behind the freedom of Press through which ideas and opinions put forth for public welfare has not been separately mentioned. It can be included in the Right to Expression.

The latest amendment of 2009 in Constitution of India confers Free and Compulsory Primary Education for the children between 6 to 14 years. If a person is not convicted for a crime, then he cannot be sentenced to punishment or more punishment than the one prescribed by the law, cannot be given the punishment more than once, cannot be given to the same convicted person. No individual can be deprived of his life and liberty except by the procedure of law. No one can be arrested without being told the ground for such arrest. If arrested, the person has the right to defend himself/herself by a lawyer of his/her choice. An arrested person has to be brought before the nearest magistrate within 24 hours. Without the permission no individual can be kept

in custody. As per the Prohibition Act, the person under arrest will not be applicable to the aforesaid matters.

Preventive Detention: If the State anticipates any criminal deed or activity from any person then as a precautionary measure that person can be detained by the State under an Preventive Detention Act. . The purpose of this Act is not to punish a convict, but to stop him from doing any criminal activity against State, Society or any individual. Under this Act, a person can be detained not more than 3 months. The Detention or order can be cancelled based on the opinion of the Judges of Supreme Court or Members of the Advisory Board. The State can decide the term of detention.

(3) Right Against Exploitation : The main objective of the Constitution is to see any person does not suffer exploitation at the hands of other person and exploitation free society is established. That is objective of the Constitution through this Right. Human Trafficking, drudgery, slavery and forced labour are banned. The violation of this Right is a punishable offence. Illegal trade of children and women, forced labour or imposed slavery, work without pay and the old drudgery system has to be ended through this right. To take work from any person without paying them or paying them less than minimum wages, forced or imposed labour is a punishable act.

Any child under the age of 14 cannot be made to work in a factory, mine, or any dangerous profession, garage, hotel or cannot be employed as a house-hold servant.

Under the Prohibition of Child Labour Act, all these are punishable offences.

Mandatory services can be sort, from any person for the purpose of public welfare of the State Military Services in any fields irrespective of religion, gender, caste or class with or without remuneration.

(4) Right to Freedom of Religion : Any Citizen of India can follow any religion of choice, can promote and propagate the same is mentioned in the provision of the Constitution of India.

But this right is to be enjoyed within permissible limits so that it does not affect the freedom of public Administration, Morality and Health of the society. The religious gatherings, offerings or prayers are not included in this.

The State of India does not have any religion of its own or the Indian State is not run as per the principles of any religion or sect. The State cannot interfere in the religious matters or religious beliefs of any group. The religious groups have been given the freedom to establish any religious organisation and can manage and administer them for religious and philanthropic aims. The State cannot use the funds collected through public taxes or public fund for the benefit and development of any specific religious and sect. The Educational Institution running on Government Grant cannot impart religious education or compel the students to participate in any religious education or attend any religious meet.

(5) Cultural and Educational Rights : People of various religions ,various languages and cultures live in India. The people of India have a right to preserve their language, script, cultural identity and ethnicity. Any educational institution which rely on the Government Grant cannot deny admission on the grounds of religion, caste, creed, language or any other reason.

If any individual appeals to vote on the grounds of religion, caste or language then it is considered as a malpractise as per Act 123 (3). Any of the State can frame a law and provide the right to its citizen to form and manage any of the educational institute based on cultural or linguistic minority. The State shall not discriminate in giving Educational Grants or Educational Scholarship from the State Fund to any of the linguistic or religious minority institutions. If the State desires to take over or confiscate the property of minority

institutions then it can do so only after giving proper returns. In this way, important provisions in context of Education Institution have been made in the Constitution.

(6) Right to Constitutional Remedies : No matter, how many laws are framed or how many provisions are made for the Fundamental Rights if these are not implemented well, then there remains no meaning of such freedom or right. Therefore, a provision has been made in the Constitution for the implementation of these rights and under it, a writ in the Supreme Court can be made for the violation of the Fundamental Right. This Right has been accepted as the Right to Constitutional Remedies. The Supreme Court plays an important role in protecting the Fundamental Rights. And for this, if the Court finds it necessary then it can give orders, instruction or decree. The Apex Court is vested with the powers given by the Constitution. Nobody can oppose it, if any person puts a complain against any State for the violation of any Fundamental Right then the Supreme Court can exercise its right.

Dr. Babasaheb Ambedkar has considered this right as 'Soul of the Constitution'. The Parliament can hand over the powers of giving such an order to any of the court. If the State Legislative Assembly frames any Law which violates the Fundamental Rights or not in Congruence of it then the Supreme Court can stop the State. Thus, this Right provides an opportunity to any of the citizen to approach court for the violation of Fundamental Rights.

The Constitution provides the Fundamental Rights to the Indian Citizens. These Rights are given against the Governments. (Centre And State). The Fundamental Rights are applicable to all these citizens at all the times, but can be suspended during the time of Emergency. Any State cannot form any laws which take away the Fundamental Rights of these citizens.

Fundamental Duties

The people of India were more aware of their Rights and Duties since ancient times. Just as the citizens are given various Fundamental Rights, various Fundamental Duties were incorporated by Constitutional amendment in 1976. The Fundamental Duty aims to inculcate love for nation, national integrity, various high ideals and value awareness among its citizens. Thereby helping in developing the nation. Every citizen of India should contribute towards the protection of Nation's unity, integrity and sovereignty, so that there remains peace, security, communal harmony and accord. The Fundamental Duties are given on the first page of Textbook.

(1) to abide by the Constitution and respect its ideals and institutions, the National Flag and National Anthem;

(2) to cherish and follow the noble ideals which inspired our national struggle for freedom;

(3) to uphold and protect the sovereignty, unity and integrity of India;

(4) to defend the country and render national service when called upon to do so.

(5) to promote harmony and the spirit of common brotherhood amongst all people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.

(6) to value and preserve the rich heritage of our composite culture;

(7) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(8) to develop the scientific temper, humanism and the spirit of inquiry and reform;

(9) to safeguard public property and to abjure violence;

(10) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;

(11) 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.

6th January is celebrated as 'Fundamental Duties Day' in India. Of all these Duties, some Duty are backed by the law. The person violating it, can be sentenced. A teacher should make efforts so that the students follow the Duties and they become aware and conscientious. It is our Duty and Responsibility as a citizen to see that various social evils and customs prevailing in the society should be eradicated like untouchability, drudgery, child-labour, women exploitation, dowry, female-foeticide, ill-customs, superstition. These Duties are directive in conveying us that what as a sensible and aware citizen must do. If citizen propogates the importance and utilization of Fundamental Duties then future citizens develop the feeling of national responsibility, international brotherhood, just and exploitation free society.

Directive Principles of State Policy

Directive Principles of the State have been incorporated in the Chapter-IV of the Constitution. The objective of the Directive Principles of State Policy is to guide the present and future, Centre and State Governments in the Policy-making in various policy related field. These Principles are Directive. The State is not bound to fulfill them. But its the moral responsibility of the State to keep these principles in the Centre for framing any policy. The main objective of this principle is to see that any political, social and economic justice should be available to all, Such a social structure should be established. For the fulfillment of the objectives and aims of the State, the Principle serve as a guideline. There is no provision in the Constitution to implement these Principles of law. These Fundamental Principles do not provide any legal support or legal right. Then also the framing and administering the laws of the States these are Fundamentals. Dr. Babasaheb Ambedkar, "To rule the regime these principles are the foundations." It means an attempt to establish political democracy in our Constitution. Political Democracy is incomplete without social and economical democracy.

The Indian Constitution has included Directive Principles of State Policy in the four sections of the Amendment. The kind of country that we want to create, the kind of society we want to construct, that vision is reflected in these Directive Policies. The Directive principles are actually directions given by the Constitution to the Union and State governments to adopt such policies that would help to establish an unbiased society in our country.

The primary aim of these principles is to establish a social system based on social, economic and political justice. These Principles are about the implementation of the objectives and ideals presented in the Preamble. These principles are not included in the Constitution of India. These Principles do not serve legal rights or legal backing or legal utilization. For proper administration of the State, these principles are channelized. These principles incorporate such rights as are required for the overall development of mankind.

These Directive Principles are divided into various sections.

(1) Principles related to Economic Policy : For the modification of Economic Policy, there are certain principles which are given below :

- (i) Equal distribution of wealth and resources among all classes for the welfare of the citizens.
- (ii) Assets and production of resources should not be distributed to certain group or section, this should be administered by the State
- (iii) Equal pay for equal work for both men and women
- (iv) Provision for good health for labourers working at places should be created. Because of financial constraints the men, women and young children working at unhygienic places or where health matters are retorted should not be allowed to happen.

- (v) State should promote co-operation in administration of industrial units by labourers.
- (vi) Protection of children, youth against exploitation and against moral and material abandonment and to live in a healthy and dignified environment, these principles should be developed by State.
- (vii) Relief and leave at the time of delivery should be provided to women. Worker's Insurance, Bonus, Maternity leave, Gratuity, and other legal rights should be included in the policy.
- (viii) To organize agricultural and animal husbandry on modern and scientific lines and to prohibit the slaughter of cows and other useful milk-producing cattle. A draft should be drawn for the livestock breed like donkeys, bullocks, cows for halting the slaughter.
- (ix) Equal legal rights to all. State should organize free legal services to the desired citizens who are financially feeble as well as incapable in getting so.

(2) Principles related to Social policy : Weaker sections of the society that is the Schedule Class, Schedule Tribe, and backward class, educational and economic rights to be conferred which should be taken in concern by the State. They should be protected against social exploitation and injustice.

Uniform Civil Code should be the concern for all the citizens of the country, thereby dispersing and administering justice to all which should be taken in concern by the State. Steps should be taken for social justice in matters of Marriage, divorces, adoptions, juvenile, assets and properties by the State.

The State should make provisions for the support and education in matters: right to employment, old age, illness or inauspicious situations, poverty etc.

(3) Principles related to the International and Political Policies :

- (i) Panchayati Raj should be established by the State. For which proper leadership, officers and financial aid should be provided to conduct the work in free way.
- (ii) The State should separate its services from corporate mindedness and it should be in liberty so that Judges can be impartial, fearless and courageous in rendering judgements.
- (iii) The State should make attempts to maintain international peace, security, to establish fair relation between nations and to increase respect of international law.

(4) Principles related to Education and Cultural Policies : Free and compulsory education for the children belonging to the age group between 6 to 14 years of age is mentioned in the Constitution and it was the fundamental right to education.

To preserve and protect state heritage, artefacts, monuments, cultural places, art and buildings. The State should protect these cultural heritage places from distortion, robbery, transitioning, disposal and deterioration. The State should have the aim of preserving the cultural and historical legacies.

(5) Principles related to Health Policies :

- (i) Public wellness and hygiene should be provided along with provision for better nutrition and health amenities for the people by the state.
- (ii) Prohibition on harmful drugs, harmful soft drinks and drugs should be done by the state. These should be further banned as it will create health hazard for the public.
- (iii) To preserve the environment with latest amendments, thereby taking care of the forest and vegetation should be the policy of the state.

- (iv) Hygienic environment should be maintained in the working areas of labourers. They should have social and cultural development at the time of leisure. Entertainment provision should be there to maintain mental health. These provisions should be kept in concern by the state.

Thus, these principles provide guidance to the state to take lead towards establishment of equal, just and social order without any exploitation. The Directive Principles envisage future society, they guide us to the directions that we should go and lead us to our destination. The upliftment of society and protection of society will be taken care by the State. Fundamental Rights limit the State leadership while Directive Principles extend state leadership. Fundamental rights make the existence of Democracy, while Directive Principles of society and finance imparts aims for inter-relation of democracy. There is no opposition between them. Both of them complete each other.

Self –Study

1. Answer the following questions given below :

- (1) Write in brief about Fundamental Rights being incorporated in the Constitution.
- (2) Describe the importance of Directive Principles of State Policy.
- (3) Explain the importance of Fundamental Rights.
- (4) What is reasonable control and limitation ?
- (5) Write about Preventive Detention.
- (6) Mention Fundamental duties as mentioned in the Constitution
- (7) Mention the rights under Minority Provision.

2. Write short notes on :

- (1) Right to Equality
- (2) Right to Constitutional Remedies
- (3) Right to freedom
- (4) Right against Exploitation
- (5) Directive Principles for Economic Policies
- (6) Directive Principles for Political and International Relations

3. Give reasons to the following statements :

- (1) One can go to the court of law to seek protection against violation of Fundamental right.
- (2) Right to Constitutional remedies is like the ‘Constitutional Soul’.
- (3) Freedom cannot be unlimited or absolute.
- (4) Directive Principles of Political Policies are the pre-conditions for the utilization of Fundamental Rights.
- (5) A formation of society without exploitation is the important aim of the Constitution.
- (6) Directive Principles and Fundamental rights are not against each other instead they complete each other.
- (7) Duties and Rights are the sides of the same coin.
- (8) Child labour is a punishable offence.
- (9) For the implementation of Directive Principles one cannot resort to court of Law.
- (10) Directive Principles are the foundation for the rule of a regime.

- (11) Without social and economic democracy, Political democracy cannot be achieved.
(12) Preservation of Cultural and Historical heritage is the Fundamental Duty of everyone.

4. Choose the Correct Options from the below given Options :

- (1) Which 'right' is considered as a 'Soul' by Dr. Ambedkar ?
(A) Right to freedom (B) Right to Equality
(C) Cultural and Educational Rights (D) Rights to Constitutional Remedies
- (2) According to Whom, Directive Principles of State policy are the principles foundation ?
(A) Narendra Modi (B) Jawaharlal Nehru
(C) Dr. Rajendra Prasad (D) Dr. Babasaheb Ambedkar
- (3) A Person detained under Preventive Detention can be kept in detention for how much time ?
(A) 24 hours (B) 6 months
(C) 3 months (D) life-long
- (4) Children under which age group have the Right of Free and Compulsory Education ?
(A) 6 to 14 years (B) Upto 3 years
(C) Above 14 years (D) 18 years of age
- (5) Children under which age group are restricted from dangerous profession ?
(A) Below 14 years of age (B) Below 18 years of age
(C) 6-14 years (D) Above 28 years of age
- (6) Which behaviour is considered as social stigma of society ?
(A) Untouchability (B) Child labour
(C) Dowry (D) Superstition

Activity

- Arrange a talk on the topic – Whether our Constitution is successful in protecting Fundamental rights. Plan a Mock Parliament.
- Celebrate Awareness for Voters and organize quiz.
- Conduct a panel discussion by inviting member of Parliament or the official of Human Rights Commission while celebrating Human Rights day.
- A Rally having slogans to make aware of the surrounding related to fundamental rights and directive principles on Ambedkar Jayanti or Gandhi Jayanti
- Which is more important Fundamental rights or Directive principles? – On Human rights Day arrange a children parliament for teachers and students.
- Make a survey in your area to know whether there is child labour in and around the area.
- Conduct rally, drawing competition and render application to the authorities on the prohibition of Child Labour on 14th of November 'Children's Day.
- Conduct a project or make handwritten points on the life-sketch of Dr. Ambedkar.

There are three organs of the government. The Legislature, the Executive and the Judiciary. We shall study in detail the formation of all these three organs of the Government, their powers, their functions and their interpersonal relations.

One of the main objectives of the nation is to maintain law and order and thereby achieve the welfare of the nation, and at the same time to nurture and to protect the freedom and fundamental rights of the citizens. For the progressive development of the state it is necessary that all the three organs of the Government viz the Legislature, the Executive and the Judiciary work in mutual unity, co-operation and co-ordination, so that the Government can run its administration effectively and efficiently. The Legislature frames the laws, the Executive implements the framed laws and the Judiciary maintains law and order by punishing the people who violate the law.

The Legislature as per the Constitution of India consists of a Parliament at the Centre and Legislative Assemblies at the State level. The Executive as per the Constitution of India consists of the President, the Prime Minister and Cabinet Minister and their administrative system at the centre and the Governor, the Chief Minister and his cabinet and administrative system at the State level. Whereas in the Judiciary the Supreme court is at the top, in the middle are the High courts of the States and at the bottom there are Subordinate courts, District courts and Special courts. Thus the Judiciary is a separate, independent and organized whole, which is completely apart from the Legislature and the Executive.

India is a Union of States. No State is completely independent and sovereign. The Indian parliamentary system has divided the powers according to the principle of division of powers between the Centre and the State such that the Legislature and the Executive is totally interdependent on each other. Whereas the Judiciary is separate, independent and impartial organ.

The Principle of Division of Power

The Government carries out the functions of the states and these are different from one another. The function of all the three organs of the government are different and all the functions require a certain expertise. All the three organs of the Government should be administered by different people and each organ should carry out its own functions. By division of powers misuse can be avoided. It is necessary to divide the powers between the three organs of the Government in order to make the function of the Government easy and efficient. For example, the Legislature has the power to formulate laws but some powers are so given to the Executive and the Judiciary that the Legislature cannot misuse its powers. Similarly the Executive is controlled by giving powers to the Legislature and the Judiciary and the Judiciary is controlled by giving powers to the Legislature and the Executive.

(1) Legislature : India is a republic having a parliamentary democracy. The representation of the people at the centre is seen at the Parliament and of the state is seen in the Legislative Assembly. The Parliament is an important and apex organization of the nation. The Indian Parliament consists of the President, the Vice-President, Rajyasabha and Lok Sabha. Legislature is of two types :

(A) Unicameral Legislature : When the legislature is consisting of one house, it is called Unicameral Legislature.

(B) Bicameral Legislature : When the legislature is consisting of two houses, it is called Bicameral Legislature.

At the Central level, the Upper House of the Legislature is called the Rajya Sabha and the Lower House is called the Lok Sabha. At the State level, the Legislature consists of the Legislative Assembly and the Legislative Council. Most of the States have only Legislative Assembly. States like Bihar, Uttar Pradesh and Maharashtra have Legislative Councils too.

(1) Legislature at the Central Level - Parliament - Lok Sabha : Lok Sabha is the Lower House of the Parliament. The members of the Lok Sabha are the representatives of the people who are elected through direct election. There are in all 545 Members of the Lok Sabha. Out of the 545 members, 2 members are selected by the President from the Anglo-Indian community.

President is a part of the Parliament (Lok Sabha and Rajyasabha). The President addresses the first meeting of the Parliament and the joint session of the Parliament. Besides these two occasions, the President never attends the Parliament. The President can summon both the Houses of the Parliament, can withhold the proceedings of both the Houses of the Parliament and can even dissolve the Parliament. A Bill which has passed through three readings in both the houses of the Parliament can become an Act only after the President signs it. Lok Sabha is not a Permanent House Its term is of five years. If it is not dissolved before the completion of the term.

Constitution of India is supreme and not the Parliament. Hence, the Parliament has to enjoy its power within the limits prescribed by the Constitution. If the laws framed by the Parliament violates the Constitution, they can be challenged in the court. If the court finds the framed laws against the provision of the Constitution the court can nullify the laws.

Qualification for membership of Lok Sabha : To be qualified as a candidate and to be elected as a member of Lok Sabha he/she must be a citizen of India, should be 25 years of age or more. He/she should not be having unsound mind or insolvent. He/she should not be an employee of the Central or the State Government. He must not be a proven criminal. There should be a period of six months between two sittings of the Parliament. A President can dissolve the Lok Sabha on the counsel of the Prime Minister. A member of any of the House of the Parliament can attend the proceeding of that House and can vote in the same House, but a member of the Cabinet Ministry can attend the proceedings of both the Houses of the Parliament even if he/she is not a member of the Lok Sabha, but if he/she is a member of the Upper House then he/she can vote in that House only. State of Gujarat has a representation of 26 members in the Lok Sabha. The term of Lok Sabha is of 5 years, but the President can dissolve it before that if needed. In case of national emergency the term of the Lok Sabha can be extended for 1 more year. If the President dissolves the Parliament it cannot be challenged in court.

Quorum : Quorum is the number of members present in the House of the Parliament. It is the number of members present and working in the House out of the total number of members of that House. The minimum quorum of the Lok Sabha should be $\frac{1}{10}$ th i.e. out of 545 members, 55 should be present similarly the minimum quorum of the Rajyasabha too should be $\frac{1}{10}$ th i.e. out of 250 members, 25 should be present.

(2) Rajyasabha : Rajyasabha is the Upper House of the Parliament. It is a representative house of all the states and Union territories of India. There are in all 250 members in the Rajyasabha. The members of the Rajyasabha are indirectly elected by the members of the Legislative Assemblies of the state and the Union territories through a method of equivalent representation. In all 238 members of the Rajyasabha are elected. Rest 12 members are nominated by the President of India. These nominated members should be having special knowledge or practical experience with respect to literature, science, arts, culture, sports and social service.

No person can be a member of both the houses simultaneously.

Qualification for Membership of Rajyasabha : To be qualified as a candidate and to be elected as a member of the Rajyasabha he/she must be a citizen of India. He/She should be 30 years of age or more. He/she must not of unsound mind, insolvent or criminal. He/she should not be a Government employee taking salary or holding any office of profit. State of Gujarat has the representation of 11 seats in the Rajyasabha. Rajyasabha is the permanent House. It cannot be dissolved. But $\frac{1}{3}$ rd of its members retire every two years and the same number of members are elected. Thus the tenure of the member of the Rajyasabha is of 6 years. However, the members are eligible for re-election and re-nomination.

Generally both the Houses of the Parliament, meets for three times a year. These meetings are called sessions. That is the Budget Session, Monsoon Session and the Winter Session. The Vice President of India by virtue of his office, holds the office of Chairman of Rajyasabha. Whereas the Vice Chairman of the Rajyasabha is elected by the members of the Rajyasabha from among themselves only. The first Chairman of the Rajyasabha was Dr. Sarvapalli Radhakrishnan.

The speaker of Lok Sabha

The main function of the speaker is to see that the proceedings of the Lok Sabha gets organised in a prescribed form, to maintain discipline, order and dignity of the Houses are the top most functions of the Speaker. The members of the Lok Sabha elect their Speaker and Deputy Speaker from among themselves. The Speaker presides over the Session of the Lok Sabha and maintains and controls its functioning. The Speaker expects discipline from the members in the Lok Sabha. The Speaker is the protector of the dignity of the House. His decisions in the House are final and conclusive.

Speaker can belong to any of the political party or can even have a strong support of any political party; but after being appointed as the Speaker of the Lok Sabha it is expected that the Speaker carries out the proceedings of the Parliament in a firm and impartial manner. By gaining a majority of the members of the Lok Sabha on a resolution to remove the Speaker, with this a Speaker can be removed from his post by giving a 14 days notice period. All the speeches and criticism in the Lok Sabha is done by addressing the Speaker only. The working in both the Houses of the Parliament can be carried out in either Hindi or English. But a Speaker can permit any member of the Lok Sabha to speak in his own language in case he does not know English or Hindi. If any member of the Lok Sabha remains absent for a continuous period of 60 days without informing the Speaker then his seat is declared as vacant.

Casting Vote : During any proceedings of the house there arises any question, matter or problem, or discussion on any Bill or Act; and decision upon it is to be taken especially when the number of votes in favour or against the matter are equal in number then in such condition, the Speaker can give his deciding vote which is known as 'Casting vote'. Apart from such situations the speaker cannot vote. Shri Ganesh Vasudev Mavankar was the first speaker of Lok Sabha.

In the absence of the speaker, the proceedings are conducted out by the Deputy Speaker. In the absence of the Speaker and the Deputy Speaker, the proceedings of the Lok Sabha are conducted by a 'Speaker's Panel' consisting of senior, experienced and who are familiar with the proceedings of the Parliament experts from different political parties.

When can a Bill Become an Act ?

The Proposal is called a Bill

The Parliament does the important work of augmenting the old laws, framing new laws and nullifying obsolete laws. Any of the Bills either Ordinary Bill, Money Bill or the Bill to amend Constitution can become an Act by passing through the following process. Any Bill can be presented in either House of the Parliament. The Bill can be presented by a minister or any member of the Parliament. If any dispute arises between the two Houses of the Parliament regarding any Bill, the President can call a joint sitting of both the Houses of the Parliament. The proceedings of both the Houses of the Parliament in a joint sitting is chaired by the Speaker, wherein the Bill can be passed by majority. Then the Bill becomes an Act if it is passed by a Majority of the members of both the Houses.

(1) Procedure of an Act from Bill-Ordinary Bill (Non-Financial) : The procedure of presenting a Bill in the House of the Parliament by Minister is called first reading of the Bill, where in the title, objectives and the reasons of the Bill are described. Before presenting any Bill in the State Legislature Assembly the recommendation of the Chairman of the House and before presenting any Bill in the centre the recommendation of the President is required. In the first reading of the Bill the general information of the Bill is discussed upon. Objections must be with reasons and voting is done if necessary.

Section wise discussion is done for every point. Its objectives and its repercussions are examined. Amendments are done in it on the basis of public, groups, association, institutions or opinion of the opposition Party. Voting is carried out on that.

Sometimes due to the work load of the House a Bill cannot be discussed in detail. Therefore it is handed over to a committee comprising of subject experts and members having special knowledge to examine the Bill. Then keeping in view the public opinion they undergo necessary discussion and suggest required changes therein. The report of the committee is submitted to the House. Then the Bill is sent for the third reading.

The third reading is only formal. After presenting the logic in terms of acceptance or rejection of the changes in the Bill, voting is carried out. If it gains majority then the Bill is declared passed. The passed Bill is signed by the Chairman of the first House and then it is sent to the second House. The Bill goes through the same process in second House. If the Bill passes in the second House with its necessary amendments, it is sent to the President's signature and after receiving President's assent the Bill becomes an Act.

But if the Bill is not passed in the second House of the Parliament, it is again sent to the first House. If the second House keeps the Bill for more than six months, it is understood that Bill is rejected. If both the Houses disagree or have a dispute over a Bill, a joint session of both the Houses is summoned. In the joint session of the Parliament the disputes are tried to be resolved through gaining majority..

When a Bill is sent for President's signature, there are three options with the President :

- (1) He signs the Bill thereby approving it or
- (2) He keeps the Bill with him or
- (3) He sends the Bill back to the Parliament for reconsideration.

The Bill becomes an Act is published in Government gazette, then there is enforcement from the date given therein.

(B) When any Bill to amend the Constitution is presented in any of the House of Parliament it has to be passed by a majority number of the members of that house and by 2/3rd of the members present and voting. If a bill pertains to any matter related to the Centre or the State, it requires permission of more than half the Legislative Assemblies of the States. This bill also goes through the same process as the Ordinary Bill.

(C) Procedure Subject to Money Bill : Whether the Bill is Money Bill or not is decided by the Speaker of the Lok Sabha. A Bill containing the recommendations of the budget or financial matters is called a Money Bill. The budget of the Centre is presented around 28th February in the Lok Sabha mostly by the Finance