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Note to Readers

This material is specially prepared for students who could not attend college regularly and wish to study in an easy and simple way. It is exclusively meant for those who aim to understand the basics and secure minimum marks to pass the subject.

I have prepared this only to help you gain minimum knowledge and confidence in the subject. However, I strongly recommend that you also refer to your college materials and learn from your teachers for a deeper understanding.

Thank you.

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*I provide explained law subjects in a **clear and easy-to-understand language**, suitable even for beginners, with strong focus on concepts, exams, and real-time application.*

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- Focus on exam writing, legal understanding, and practical application

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- Simple and practical examples
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- Real-time legal tips and practical insights
- Section-wise case studies
- Competitive exam-oriented questions
- Historical background of each section
- Practical application of the section
- Important drafting points for legal practice

Unit-I

Casual introduction

A long time ago, India was ruled by kings, queens, and local leaders. They had their own rules, some based on old scriptures like the **Manusmriti** and **Arthashastra**, while others were based on traditions. Life went on like this for centuries until a new ruler arrived—the **British**.

At first, the British East India Company came as traders, but slowly, they started taking control of India's many rooms. In 1773, they introduced the **Regulating Act**, like a new rulebook, to keep things in order. As time passed, they made more laws, like the **Charter Acts** and **Government of India Acts**, each giving Indians tiny roles in decision-making but keeping the big powers with the British.

The people of India, however, wanted to rule their own house. They kept asking for more freedom. In 1857, they even fought a big battle, the **First War of Independence**, but the British took complete control. Still, Indians did not give up. They kept demanding self-rule, and over time, laws changed slightly—like the **Government of India Act, 1919**, which allowed Indians to participate more in governance, and the **Government of India Act, 1935**, which set the foundation for federal rule.

Finally, after many protests, movements, and sacrifices, **India gained independence in 1947**. But the house still needed a proper foundation, a rulebook that everyone could follow. So, a group of wise leaders, called the **Constituent Assembly**, came together to write a **new constitution**. They studied ideas from other countries, like **democracy from Britain, fundamental rights from the USA, and directive principles from Ireland**.

Under the leadership of **Dr. B.R. Ambedkar**, the team worked hard for three years. Finally, on **26 January 1950**, India's very own Constitution was born! The British-made rules were thrown out, and India became a **sovereign, socialist, secular, and democratic republic**.

And so, the house of India was rebuilt—this time, by its own people, with rules made **for the people, by the people, and of the people**.

A **Constitution** is the **supreme law of a country**. It acts as a **rule book** that defines how the government is formed, how powers are shared among its organs (legislature, executive, judiciary), and what rights and duties citizens have.

The Constitution is important because it **limits the power of the government**, protects the **rights of individuals**, and provides a framework for **justice, equality, and democracy**. It also reflects the **values and aspirations of the people** and serves as a unifying force for the nation.

20 Rare & Unique Facts about the Constitution of India

1. World's Longest Written Constitution

- India's Constitution originally had **395 Articles, 22 Parts, and 8 Schedules** — now over **470 Articles, 25 Parts, and 12 Schedules**.
- It's the **largest written Constitution** in the world.

2. Drafted in Just 2 Years, 11 Months, and 18 Days

- The Constituent Assembly took **2 years, 11 months, 18 days** (from **Dec 9, 1946 to Nov 26, 1949**).
- **Dr. B. R. Ambedkar** called it a "*labour of love*."

3. Handwritten, Not Typed!

- The Constitution was **entirely handwritten in English and Hindi**, not printed or typed.
- Calligrapher: **Prem Behari Narain Raizada** — used no fee, only asked to sign his name on each page. ✍️

4. Ink Made from Gold and Silver Dust

- The ink used in the original handwritten Constitution was made from **gold and silver dust** mixed with **special ink** for durability.

5. The Original Copies Are Preserved in a Helium Case

- The original English and Hindi copies are kept in **helium-filled glass cases** in the **Library of Parliament House, New Delhi**, to prevent damage.

6. Borrowed from 10+ Countries

- The Constitution is a **blend of global best features**:
 - Parliamentary system – UK GB
 - Fundamental Rights – USA us
 - Directive Principles – Ireland IE
 - Federal structure – Canada CA
 - Emergency powers – Germany DE
 - Judiciary independence – USA us
 - Concurrent List – Australia AU

7. Adopted on 26 November, Enforced on 26 January

- Adopted on **26 November 1949**, but came into force on **26 January 1950** — chosen to honor the **1930 Purna Swaraj Declaration**.

8. India Became a Republic on 26 Jan 1950

- On this day, **Dr. Rajendra Prasad** became **India's first President**.
 - India's status changed from **Dominion to Republic**.
-

9. Preamble Was Added Last

- Although it appears at the beginning, the **Preamble was written last**, after all other provisions were finalized.
-

10. The Constitution Has Had 106 Amendments (as of 2025)

- The **First Amendment (1951)** introduced restrictions on freedom of speech and added land reform laws to the Ninth Schedule.
 - The **latest (106th)** relates to **reservation for women in Parliament (2023)**.
-

11. Inspired by the Government of India Act, 1935

- Nearly **60% of its framework** (like federal structure, public service, and provincial powers) came from this Act.
-

12. Constituent Assembly Members Were Not Elected by People

- They were **indirectly elected by Provincial Assemblies** and nominated by Princely States.
-

13. Original Cost: ₹64 Lakh in 1950

- The total cost to prepare the Constitution was around **₹64 lakh**, a huge sum at that time.
-

14. Calligraphy Took Six Months

- It took **six months** for Prem Behari Narain Raizada to handwrite the entire Constitution in beautiful calligraphy.
-

15. Illustrated by Nandalal Bose

- Each part of the Constitution is decorated with **hand-drawn art** by **Nandalal Bose** and artists from **Shantiniketan**, showing India's cultural heritage.
-

16. Constitution Is Both Rigid and Flexible

- Some provisions need **simple majority**, others require **special majority + state ratification** — a unique hybrid model.
-

17. Contains the Longest Article

- **Article 370** (before abrogation) was among the longest; now **Article 243** (on Panchayats) is one of the most detailed.
-

18. Preamble Words Added by 42nd Amendment (1976)

- Added **“Socialist”, “Secular”, and “Integrity”** to the Preamble during Indira Gandhi’s period.
-

19. Only One Amendment Added a Fundamental Duty

- The **86th Amendment (2002)** added the **11th duty** — parents must send children (6–14 yrs) to school.
-

20. Has Been Translated into Over 20 Indian Languages

- The Constitution has official versions in **Hindi** and **English**, and translations in all **22 Scheduled Languages** for wider accessibility.

[Syllabus starts from here](#)

Constitution-Meaning

1□ Definition

A **Constitution** is the **highest law** of a country.

- It tells **how the government is made**.
 - It sets rules for the **powers of government**.
 - It shows the **rights and duties of citizens**.
 - It guides the **State–citizen relationship**.
-

2□ Nature of Constitution

- **Supreme Law** → No rule or law can go against it.
- **Written or Unwritten** →
 - *Written*: India, USA.
 - *Unwritten*: UK (based on customs, court decisions, and traditions).

- **Living Document** → Can change with time by amendments or court rulings.
-

3 Functions of Constitution

- ✓ **Forms the Government** → Explains how legislature, executive, and judiciary are set up.
 - ✓ **Divides Powers** → Shares powers among organs of government, and in federal states, between Centre and States.
 - ✓ **Gives Rights & Duties** → Protects Fundamental Rights and tells duties of citizens.
 - ✓ **Shows Values** → Justice, Liberty, Equality, Fraternity (India's Preamble).
 - ✓ **Prevents Misuse of Power** → Through separation of powers & judicial review.
-

4 Purpose of Constitution

- Ensures **Rule of Law** → Everyone, even government, must follow it.
 - **Protects Citizens** → Safeguards freedoms and rights.
 - **Maintains Stability** → Gives fixed rules for governance.
 - **Promotes Unity** → Brings together people of different groups under common ideals.
-

5 Quick Comparison: India vs UK Constitution

- **India** → Written, detailed, single document.
- **UK** → Unwritten, based on customs, conventions, court judgments, statutes.
- **India** → Supreme law, Parliament can't go against it.
- **UK** → Parliament is supreme (no single written Constitution).

Significance of Constitution

1 Supreme Law of the Land

The Constitution is the **highest and final law** of the country.

- All other laws (made by Parliament, State legislatures, or government authorities) must agree with it.
 - If any law goes against the Constitution, the courts have the power to **cancel or strike down** that law.
 - ☞ This makes sure that no law or action can destroy the basic values of the nation.
-

2 Framework for Government

The Constitution clearly explains **how the government is formed and how it works**.

It divides government into **three main organs**:

- **Legislature** → Makes laws (Parliament and State Legislatures).
- **Executive** → Implements and enforces laws (President, Prime Minister, Council of Ministers, etc.).
- **Judiciary** → Interprets laws and protects justice (Supreme Court, High Courts, etc.).

It also tells how these organs should **share power** and **cooperate** so that the system runs smoothly without clashes.

3 □ Protection of Rights

The Constitution provides **Fundamental Rights** to every citizen.

Examples:

- **Right to Equality** → No discrimination on caste, gender, religion, etc.
- **Right to Freedom** → Freedom of speech, movement, and profession.
- **Right to Religion** → Freedom to follow any religion.

☞ These rights **protect citizens from unfair treatment or misuse of power** by the government. They also ensure that every person is treated with **respect and dignity**.

4 □ Limitation on Government (Rule of Law)

The Constitution fixes **clear limits** on what the government can and cannot do.

- No organ of the government (Legislature, Executive, Judiciary) can act **beyond its powers**.
- Even the **President, Prime Minister, or Parliament** must follow the Constitution.

This is called the **Rule of Law**, which means that **everyone is equal before the law** and **nobody is above the law**.

5 □ Social Justice

One of the main goals of the Constitution is to build a **fair and just society**.

It does this by:

- Guaranteeing **equality before law** for all citizens.
- Providing **special protection and welfare measures** for weaker sections like SCs, STs, women, and minorities.
- Giving **equal opportunities** in education, jobs, and social life.

☞ This helps remove discrimination, reduce inequality, and promote fairness so that all citizens can live with dignity.

6 ☐ Checks and Balances

It prevents any one organ from becoming too powerful. For example:

- Parliament makes laws but Judiciary can strike them down if unconstitutional.
- Executive implements laws but must answer to Legislature.
This balance of power saves democracy from dictatorship.

7 ☐ Unity in Diversity

India has many languages, religions, and cultures. The Constitution provides a **common framework** so that all citizens feel united despite differences. It promotes national integration while allowing diversity to flourish.

8 ☐ Guiding Philosophy (Preamble)

The Preamble of the Constitution declares the core ideals:

- **Justice** (social, economic, political),
- **Liberty** (freedom of thought, expression, belief),
- **Equality** (equal rights for all),
- **Fraternity** (brotherhood and unity).
These ideals guide the working of the State.

9 ☐ Adaptability

Society keeps changing, so the Constitution must also change. Through **amendments**, it can be updated to meet new social, political, and economic needs. This makes it a **living document**.

10 ☐ Nation's Identity

The Constitution reflects the **vision, values, and spirit** of the nation. It shows what the country stands for, what goals it wants to achieve, and provides a unifying identity to all citizens.

Evolution of Modern Constitutions

1 ☐ Ancient Origins

- Early governance rules existed in ancient societies (e.g., Greek city-states, Roman Republic).
- **Magna Carta (1215, England)** → Limited king's powers, recognized citizens' rights.
- First step towards **constitutionalism**.

2 American Constitution (1787)

- First **modern written constitution**.
- Introduced **separation of powers, checks and balances, federalism, judicial review**.
- Became a **model for democracies worldwide**.

3 French Revolution (1789)

- Gave rise to **liberty, equality, fraternity**.
- Popular sovereignty and **fundamental rights** became the core of constitutions.

4 Growth of Parliamentary Democracy

- British system (unwritten constitution based on conventions, statutes, precedents).
- Focused on **parliamentary supremacy** and **responsible government**.
- Influenced Commonwealth countries.

5 Socialist & Revolutionary Constitutions (20th Century)

- **Soviet Union (1917)** → introduced socialist principles, collective rights, central planning.
- Inspired countries like China, Cuba, etc.
- Added the idea of **social and economic rights** to constitutions.

6 Post-Colonial Constitutions (After WWII)

- Newly independent nations in Asia & Africa (e.g., India 1950, Ghana 1957, Kenya 1963).
- Constitutions balanced **democracy, social justice, development goals**.
- Many were influenced by **American, British, and French models**.

7 International Human Rights Influence

- **UN Charter (1945)** and **Universal Declaration of Human Rights (1948)** shaped modern constitutions.
- Human rights, equality, dignity, and minority protection became global standards.

8 Modern Trends (21st Century)

- Constitutions now include:
 - **Environmental duties** (e.g., right to clean environment).
 - **Gender equality & LGBTQ+ rights**.
 - **Digital rights & data privacy**.
 - **Independent institutions** (election commissions, human rights bodies).
- More emphasis on **judicial activism** and **constitutional courts**.

9 □ Globalization and Constitutional Convergence

- Modern constitutions borrow ideas from many countries — globalization has made constitutional values universal.
 - Concepts like **rule of law**, **independent judiciary**, and **fundamental rights** are now seen worldwide.
 - Countries often adapt international treaties (like ICCPR, CEDAW) into their constitutions.
-

10 □ Role of Judicial Review and Constitutional Courts

- Modern constitutions give courts the power to strike down laws violating the constitution.
 - Examples: U.S. Supreme Court (since *Marbury v. Madison*, 1803); Indian Supreme Court (Article 13).
 - Ensures **checks and balances** and **protection of citizens' rights**.
-

11. Participatory and Inclusive Constitution-Making

- Modern constitution-making involves **public participation**, not just elites.
 - Examples: South Africa (1996), Nepal (2015), Kenya (2010) – people were directly involved in drafting.
 - Promotes legitimacy, equality, and representation.
-

12. Constitutional Reforms and Amendments

- Constitutions evolve through amendments to meet changing social, political, and technological needs.
 - Examples:
 - **U.S.** – Civil rights & voting amendments.
 - **India** – 42nd Amendment (1976) added socialism, secularism, fundamental duties.
 - **European nations** – digital and environmental rights added recently.
-

13. Role of Technology and Digital Governance

- Modern constitutions now recognize **digital privacy**, **cyber freedom**, and **data protection**.
 - India: Right to Privacy (2017, *Puttaswamy case*) recognized as a fundamental right.
 - Many countries include **e-governance** and **AI regulation principles**.
-


14. Constitutionalism Beyond the State

- Regional organizations (like the **European Union**) have quasi-constitutional rules ensuring democracy and rights across member states.
- Shows how constitutional principles extend **beyond national borders**.


Classification of Constitutions

A **Constitution** is like a rulebook for a country. It defines how the government works, what rights people have, and how laws are made. Constitutions can be classified in different ways based on their nature, structure, and flexibility.

1. Written vs. Unwritten Constitution

 **Written Constitution** – A single document that clearly states all the rules and laws of a country.

- Example: **India, USA**
- Like a rulebook that everyone can read and follow.

 **Unwritten Constitution** – Not in a single document; based on traditions, customs, and various legal documents.

- Example: **United Kingdom**
 - Like a set of unwritten but well-understood rules passed down over time.
-

2. Rigid vs. Flexible Constitution


 **Rigid Constitution** – Hard to change; requires a long legal process to make amendments.

- Example: **USA**
- Like a house built with strong bricks—it takes effort to modify it.


Flexible Constitution – Easy to change; amendments can be made with simple legal steps.

- Example: **UK**
 - Like a tent—it can be adjusted quickly as needed.
-

3. Federal vs. Unitary Constitution

 **Federal Constitution** – Power is divided between the central and state governments.

- Example: **India, USA**
- Like a shared family home where both parents and children have their own decision-making powers.

 **Unitary Constitution** – All power is with the central government; states or provinces follow its rules.

- Example: **France, UK**
 - Like a home where only one person makes all the decisions.
-

4. Monarchical vs. Republican Constitution

👑 **Monarchical Constitution** – A king or queen is the head of the country, even if they have limited power.

- Example: **UK, Saudi Arabia**
- Like a family business passed down through generations.

🗳️ **Republican Constitution** – The head of state is elected by the people (like a President).

- Example: **India, USA**
 - Like a company where the CEO is chosen through voting.
-

5. Presidential vs. Parliamentary Constitution

🏛️ **Presidential Constitution** – The President is the head of the country and government.

- Example: **USA**
- Like a school where the principal makes all major decisions.

🏛️ **Parliamentary Constitution** – The Prime Minister leads the government, and the President or Monarch has limited power.

- Example: **India, UK**
 - Like a school where teachers (ministers) and students (MPs) make decisions together.
-

Conclusion

Every country designs its **Constitution** based on its needs. India, for example, has a **written, rigid yet flexible, federal, republican, and parliamentary** Constitution, ensuring both stability and adaptability.

Indian Constitution – Historical Perspectives

1 **Ancient & Medieval Roots**

India had **early forms of governance and law**, long before British rule.

◆ **Ancient India**

- Villages and republics had small councils called **sabhas, samitis, and gana-sanghas**.
- **Sabha** → Council of elders advising kings or handling village matters.
- **Samiti** → General assembly of people, sometimes for electing rulers.
- **Gana-sanghas** → Small republics, decisions made collectively by voting or discussion.

Example: Lichchhavi Republic in Bihar (6th century BCE) was one of the earliest known republics in the world.

✓ **Takeaway:** India had **people's participation in decision-making** even in ancient times.

◆ **Mauryan & Gupta Empires**

- **Mauryan Empire (321–185 BCE)** → Emperor Ashoka centralized power but **ruled according to laws** (Edicts of Ashoka).
- **Gupta Empire (4th–6th century CE)** → More decentralized; local officials managed revenue, justice, and administration.

✓ **Takeaway:** Law-based governance and administrative systems were already in practice — kings were **not completely arbitrary**.

◆ **Medieval India**

- During the **Islamic & Mughal periods**, administration and justice were influenced by:
 - **Islamic Law (Shariat)** → Personal law for Muslims (marriage, inheritance).
 - **Mughal administration** → Strong bureaucracy, record-keeping, tax collection, local governance (Qazis, Subedars).

✓ **Takeaway:** India's governance became a **mix of centralized authority + local administration**, laying foundations for modern bureaucracy and legal systems.

2 □ **British Colonial Impact**

When the British came, they **shaped the legal and constitutional framework** for modern India.

◆ **Key Contributions**

1. **Rule of Law** → Everyone, including rulers, must follow the law.
2. **Codified laws** → Systematic law codes like:
 - Indian Penal Code (IPC, 1860)
 - Civil and Criminal Procedure Codes
3. **Judiciary** → Courts became independent institutions.
4. **Civil Services** → Structured administration to run the country efficiently.

✓ **Takeaway:**

Many modern Indian institutions like **Parliamentary democracy, federal system, and citizens' rights** trace back to **British colonial legislation**.

3 □ **Regulating Act, 1773**

This was **the first major law passed by the British Parliament** to control the East India Company.

◆ Key Facts

- East India Company was **mismanaging Bengal**, collecting revenue unfairly, and involved in corruption.
- Act created **Governor-General of Bengal** → First was **Warren Hastings**.
- Set up **Supreme Court at Calcutta** → to check company officials' misuse of power.

✓ **Purpose:** Stop corruption and make the Company accountable to Britain.

4 □ Pitt's India Act, 1784

- Company was still too powerful → Britain needed **more control**.
- **Dual control** system:
 - **British Parliament** → supervised political matters.
 - **East India Company** → continued commercial and administrative work.
- Governor-General's powers increased → step toward **centralized administration**.

✓ **Takeaway:** Britain started running India in a **more organized and controlled way**.

5 □ Charter Acts (1813, 1833, 1853)

The Charter Acts gradually shifted focus from **trade to governance and law-making**.

Year	Key Features	Purpose
1813	Ended Company monopoly except tea & China trade	Allowed British and Indians to trade freely
1833	Governor-General became Governor-General of India	Centralized administration; introduced law-making powers
1853	Opened civil services to exams , separated legislative and executive powers	Improved bureaucracy; more professional administration

◆ Indian Law Commission

- Created during **Charter Act of 1833**.
- **Thomas Macaulay** drafted **Indian Penal Code (IPC, 1860)**.
- This codified criminal law for all of India.

✓ **Takeaway:** These acts **modernized administration, codified laws, and laid the foundation for governance** in India.

Perfect! Let's **explain these in a simple, easy-to-remember way**, step by step.

6 Government of India Act, 1858

Story:

- After the **1857 Revolt**, British realized the **East India Company failed** to rule India properly.
- India came **under direct British Crown control**.

★ Key Features:

- Secretary of State for India (Britain) → supervised Indian administration.
- Governor-General became **Viceroy** → represented the Crown in India.
- India was now officially a **colony of Britain**.

✓ **Purpose:** Ensure **direct, controlled, and stable governance** after revolt.

7 Indian Councils Acts (1861, 1892, 1909)

Story:

- British wanted to **include Indians in governance** but in a limited way.

★ Key Features:

- **1861 Act:** Legislative councils created → small advisory role for Indians.
- **1892 Act:** Council members could **ask questions and discuss policies**.
- **1909 Act (Morley-Minto Reforms):**
 - Introduced **communal representation** → separate electorates for Muslims.
 - Early step toward **representative government**.

✓ **Purpose:** Give **limited participation to Indians**, maintain British control, and **divide communities politically**.

8 Government of India Act, 1919 (Montagu-Chelmsford Reforms)

Story:

- After **World War I**, British promised reforms for Indian loyalty.

★ Key Features:

- Introduced **Dyarchy** in provinces:
 - **Transferred subjects** → Indians could manage (education, health).
 - **Reserved subjects** → British officials controlled (police, revenue).
- **Bicameral legislature at Centre** → two houses: Council of State + Legislative Assembly.

✓ **Purpose:** Give **partial self-rule** to Indians; a **step toward democracy**.

9 □ Government of India Act, 1935

□ Story:

- British wanted a **major plan for Indian self-governance**.

★ Key Features:

- Introduced **provincial autonomy** → provinces could govern themselves.
- Planned **federal system** → Centre + provinces + princely states (never fully implemented).
- **Bicameral legislature at Centre** → two houses.
- **Basis for Indian Constitution** → many concepts borrowed (federalism, autonomy, elections).

✓ **Purpose: Blueprint for modern Indian Constitution.**

10 □ Demand for Swaraj & Constituent Assembly

□ Story:

- Indians wanted **full independence**, not just reforms.

★ Key Events:

1. **Nehru Report, 1928** → First Indian attempt to draft a Constitution.
2. **Karachi Resolution, 1931** → Proposed **Fundamental Rights** & socio-economic justice.
3. **Cabinet Mission Plan, 1946** → Set up **Constituent Assembly** → tasked to draft India's Constitution.

✓ **Purpose: Prepare India for full self-rule and democratic governance.**

11 □ Indian Independence Act, 1947

□ Story:

- After decades of struggle, **Britain decided to leave India**.
- Passed the **Indian Independence Act** on **15 August 1947**.

★ Key Points:

1. **Partition of India:** Created **India and Pakistan** as two separate countries.
2. **Sovereignty:** Both countries became **independent dominions**.
3. **Constituent Assembly:** Empowered to **draft their own Constitution**.
4. **End of British rule:** The British Crown no longer had authority in India or Pakistan.

✓ **Takeaway:** This law officially **ended colonial rule** and **laid the foundation** for self-governance.

12 □ Drafting of the Indian Constitution

□ Story:

- After independence, India needed a **full Constitution** to become a **sovereign republic**.

★ Key Points:

1. **Constituent Assembly started work:** 9 December 1946.
2. **Drafting Committee:** Chaired by **Dr. B.R. Ambedkar**.
3. **Adoption:** Assembly **adopted the Constitution** on 26 November 1949.
4. **Enforcement:** Constitution came into effect on **26 January 1950** → India became a **Republic**.

✓ Takeaway:

- **15 August 1947** → India got independence.
 - **26 January 1950** → India became a **fully sovereign Republic** with its own Constitution.
-

Summary:

The Indian Constitution did not emerge suddenly—it evolved through **ancient traditions, colonial laws, reform movements, and freedom struggle**. The **Government of India Act, 1935** was its immediate foundation, but the **freedom struggle ideals** gave it its democratic soul.

Government of India Act, 1919 (Montagu–Chelmsford Reforms)

1 □ Background

- British promised “**gradual development of self-governing institutions**” (Montagu’s August Declaration, 1917).
 - Act passed in **1919** to implement these reforms.
 - Also called **Montagu–Chelmsford Reforms** (after Secretary of State Montagu & Viceroy Lord Chelmsford).
-

2 □ Main Features

A. Dyarchy in Provinces

- Introduced **dual government** in provinces.
- **Transferred subjects** → Indian ministers, responsible to legislative councils
 - Examples: education, health, local government, agriculture.
- **Reserved subjects** → British governors & executive council, not responsible to councils

- Examples: finance, police, revenue, law & order.
- **Significance:** First experiment of responsible government in provinces.

B. Bicameralism at the Centre

- Central legislature became **bicameral**:
 - **Council of State (Upper House)**
 - **Legislative Assembly (Lower House)**
- Introduced **direct elections** for the first time (limited franchise).

C. Communal Representation Expanded

- Separate electorates extended to: Sikhs, Europeans, Anglo-Indians, Indian Christians
- Earlier, separate electorates existed only for Muslims (since 1909).

D. Central & Provincial Relations

- Provinces got **more autonomy**, but still **subordinate to the centre**.
- Governor-General retained **overriding powers**.

E. Public Service Commission

- Established **Central Public Service Commission (1926)** → later became **UPSC**.

3□ Defects / Limitations

- **Dyarchy failed** → Governors often misused “reserved powers”.
- **Limited franchise** → only ~10% of population could vote.
- **Ministers had little real power** → responsible government not fully achieved.
- **Central government remained firmly under British control**.

4□ Historical Importance

- First attempt to **introduce responsible government** in provinces.
- Laid foundation for **federal structure** in India.
- Expanded **Indian participation in administration**.
- Dissatisfaction with limitations → led to **Non-Cooperation Movement (1920s)**.

5□ Additional Features

A. Division of Subjects

- Subjects were divided between **Central and Provincial governments** — the beginning of a **federal**

tendency in India.

- Still, the **Central Government** had power to override the provinces.

B. Secretary of State for India

- Continued to control Indian affairs from London.
- Assisted by a **Council of India**, but had supreme authority.

C. Provincial Legislatures Enlarged

- Number of Indian members increased both at the Centre and Provinces.
- Introduced **direct election of Indian representatives** for the first time (though limited).

D. Governor-General's Powers

- Could **override legislative councils, veto bills, and issue ordinances**.
- Governors in provinces had "**reserved powers**" to control key areas like finance and police.

E. Central Budget Division

- First time, the **budget was divided** into two parts —
 - *Voted items* (approved by legislature)
 - *Non-voted items* (controlled by the executive)

F. Extension of Franchise

- Introduced limited voting rights based on property, income, or education.
 - Only a small percentage of Indians could vote — around **1 out of every 10 adults**.
-

6□ Significance

- First step towards **constitutional devolution of power** to Indians.
 - Created a **sense of political responsibility** among Indian ministers.
 - Prepared the ground for **Provincial Autonomy** (later achieved in the 1935 Act).
 - Exposed flaws of dyarchy → helped India demand **complete self-government**.
-

7□ Outcome & Criticism

- **Simon Commission (1927)** was later appointed to review the working of this Act.
- Indians opposed it because **no Indian member** was included.
- This discontent strengthened **nationalist movements** like the **Non-Cooperation** and **Civil Disobedience Movements**.

Framing of the Indian Constitution

Introduction

After independence, India needed its own **set of rules (Constitution)** to govern the country. The British laws were not enough for free India. So, a **Constituent Assembly** was formed to frame a new Constitution that would give rights, duties, and a democratic system to the people.

After **India became independent** in 1947, the country needed a **new set of laws** to govern itself. The **Constitution of India** was created to provide a fair and just system. Here's how it happened:

1. Formation of the Constituent Assembly

- In **1946**, a special group called the **Constituent Assembly** was formed. This group was made up of **representatives** from different parts of India who would create the new constitution.

2. Important People Involved

- The **President of the Assembly** was **Dr. Rajendra Prasad**.
- The **chief architect of the Constitution** was **Dr. B.R. Ambedkar**, who led the **Drafting Committee**.
- Other important leaders like **Jawaharlal Nehru**, **Sardar Patel**, and **Maulana Abul Kalam Azad** also played key roles.

3. Time Taken to Frame the Constitution

- The Constituent Assembly worked from **December 1946** to **November 1949**—a total of about **3 years**.
- It had **11 meetings**, where they discussed what laws, rights, and systems India should have.

4. Sources of Inspiration

- The **Indian Constitution** was influenced by ideas from other countries, such as:
 - The **British system** of democracy.
 - The **U.S. Constitution** for **fundamental rights**.
 - The **Irish Constitution** for **social welfare** laws.

5. Key Decisions Made

- The Assembly decided that India would have a **democratic government** and that the **people's rights** would be protected.
- There were discussions on whether India should be governed by a **single central government** or have **power shared between central and state governments**.

6. Adoption of the Constitution

- After many months of discussion, the **Indian Constitution** was **adopted on 26th November 1949**.
- It officially came into effect on **26th January 1950**, which is now celebrated as **Republic Day**.

7. Composition of the Constituent Assembly

- Total Members: **389** (later 299 after Partition in 1947).
- Members chosen by **Provincial Legislative Assemblies** (not direct election).
- Included representatives from **provinces, princely states, and minorities**.
- After Partition, members from Pakistan left the Assembly.

8 Working of the Assembly

- The first meeting was held on **9th December 1946** (Presided by Dr. Sachchidananda Sinha as temporary President).
- Dr. Rajendra Prasad became **permanent President** on 11th December 1946.
- The **Objectives Resolution** was moved by **Pandit Jawaharlal Nehru** (later became the Preamble).
- Total **11 sessions** held between 1946–1949.
- Spent **2 years, 11 months, 18 days** in total.
- Examined each clause **line by line**, ensuring full debate and consensus.

9 Drafting Committee (Formed on 29 August 1947)

- Headed by **Dr. B.R. Ambedkar** (Chairman).
- Other members: N. Gopalaswami Ayyangar, K.M. Munshi, Alladi Krishnaswami Ayyar, Mohammad Saadullah, B.L. Mitter, D.P. Khaitan (later replaced by T.T. Krishnamachari).
- Produced the **first draft** in February 1948 and the **final draft** in November 1949.

10 Cost & Language

- The making of the Constitution cost about **₹6.4 million (₹64 lakhs)**.
- It was written in **English**, but the official Hindi translation was also prepared.
- The final Constitution had **395 Articles, 8 Schedules, and a Preamble** (originally).

11. Signature & Enactment

- Signed by **284 members** of the Assembly on **24 January 1950**.
- Came into effect on **26 January 1950** → chosen to honour the **Purna Swaraj Declaration of 1930**.

12. Significance

- Made India a **Sovereign, Democratic Republic** (later *Socialist* and *Secular* added in 1976).
- Gave citizens **Fundamental Rights** and **Directive Principles** for social justice.
- Ensured **unity in diversity** through federal structure and fundamental duties.

✓ Quick Summary Table

Stage	Date	Key Person	Importance
Formation of Assembly	1946	British Plan (Cabinet Mission)	To draft the Constitution
First Meeting	9 Dec 1946	Dr. Sachchidananda Sinha	Temporary President
Permanent President	11 Dec 1946	Dr. Rajendra Prasad	Head of Assembly

Stage	Date	Key Person	Importance
Drafting Committee	29 Aug 1947	Dr. B.R. Ambedkar	Prepared the draft
Adoption	26 Nov 1949	—	Constitution adopted
Enforcement	26 Jan 1950	—	Became Republic Day

Conclusion

The **framing of the Indian Constitution** was a careful effort by many leaders and experts to create a fair and just system. It was designed to protect people's rights and ensure that India would be governed in a **democratic, free, and equal** manner.

Role of Drafting Committee of the Constituent Assembly

1 □ The Team (Formation & Chairman)

- Started work **right after independence**, on **29 August 1947**.
- **Leader:** Dr. B.R. Ambedkar, called the **Father of the Indian Constitution**.
- **Team:** 7 expert members with top legal and administrative knowledge.

2 □ Main Job (Big Task)

- **Write the Constitution:** Take all discussions and decisions of the Constituent Assembly and **turn them into a clear, legal draft**.
- **Organize & Structure:** Not just copying, but arranging **Parts, Articles, and Schedules** neatly and making language precise.

3 □ Borrowing the Best Ideas

- Looked at constitutions of **USA, UK, Canada, Ireland**, etc.
- Picked the **best features** (like Fundamental Rights from USA) and **adapted them for India**.

4 □ Balancing the Scales

- **Central vs State power:** Created a **federal system** with a strong Centre.
- **Freedom vs Security:** Balanced citizens' rights with government powers for order.
- **Equality vs Freedom:** Mixed **social justice** with individual liberty.

5 Final Product

- Multiple drafts prepared and revised after Assembly debates.
- **Adopted:** 26 November 1949.
- **Came into effect:** 26 January 1950 → **birth of the Republic of India.**

6 Members of Drafting Committee

Member	Contribution
Dr. B.R. Ambedkar	Chairman, chief draftsman, legal expert
N. Gopalaswami Ayyangar	Administration & federal structure
Alladi Krishnaswami Ayyar	Legal expert, judiciary provisions
K.M. Munshi	Fundamental Rights & Directive Principles
Mohammad Saadullah	Minority interests
B.L. Mitter / T.T. Krishnamachari	Legal & economic expert
D.P. Khaitan	Civil & commercial law provisions

7 Working & Methods

- Examined **reports of 13 committees** and Assembly debates.
- Met **141 times** from Oct 1947 – Nov 1949.
- Every clause **discussed, debated, and redrafted** for clarity and precision.

8 Key Contributions

- Organized **Constitution into Parts, Articles, Schedules.**
- Drafted **Preamble**, reflecting **Nehru's Objectives Resolution.**
- Included **Fundamental Rights & Directive Principles.**
- Established **independent judiciary with judicial review.**
- Created **federal system with Centre stronger.**
- Set up **Parliamentary democracy & universal adult voting.**

9 □ Challenges Faced

- Reconciling **differences on religion, language, minorities, and powers**.
 - Worked under **unstable political conditions** post-independence and Partition.
 - Still created a **balanced and lasting Constitution**.
-

10 □ Dr. Ambedkar's Leadership

- Ensured **equality, justice, and liberty** for all citizens.
 - Believed **Constitution works only if people follow it**.
 - Stressed **rule of law and constitutional morality**.
-

11 □ Final Outcome

- **Draft submitted:** 4 November 1948
 - **Adopted:** 26 November 1949
 - **Enforced:** 26 January 1950
 - **Constitution:** 395 Articles, 8 Schedules, and a Preamble
-

12 □ Importance

- One of the **longest and most detailed constitutions in the world**.
- Laid foundation for **democracy, secularism, equality, social justice**.
- **Stable but flexible** → strong yet adaptable to future changes.

Unit-II

Nature of the Indian Constitution

Introduction

The **Indian Constitution** is the **supreme law of the land**. It lays down the framework for political institutions, distribution of powers, fundamental rights and duties, and the relationship between the government and the citizens. Adopted on **26 November 1949** and enforced from **26 January 1950**, it is the **longest written Constitution** in the world. The Constitution reflects India's history, diversity, and aspirations, making it **unique in nature and features**.

Nature of the Indian Constitution

1. Written Constitution

- Unlike the unwritten Constitution of the UK, India has a **written Constitution**, running into over **465 Articles, 12 Schedules, and numerous Amendments**.
- It provides clarity, certainty, and stability in governance.

2. Combination of Rigidity and Flexibility

- Some provisions are **rigid** (need special majority + state ratification to amend, e.g., federal structure).
- Some are **flexible** (can be amended by a simple majority, e.g., Parliament rules).
- This balance ensures both stability and adaptability.

3. Federal in Form, Unitary in Spirit

- Constitution divides powers between **Centre and States** (federal feature).
- But in times of emergency or national interest, the **Centre becomes stronger** (unitary spirit).

4. Parliamentary Form of Government

- Based on the **Westminster model (UK)**.
- The executive (Prime Minister & Council of Ministers) is **responsible to the legislature**.

5. Secular Character

- India has **no official religion**.
- The State treats all religions equally, ensuring **freedom of religion** to all citizens.

6. Supreme Law of the Land

- The Constitution is the **highest law** in India.
- Every law made by Parliament, State Legislatures, or any authority must **conform to the Constitution**.
- If any law violates it, the **courts can declare it unconstitutional** (Doctrine of Judicial Review).

7. Fundamental Rights and Directive Principles

- It provides **Fundamental Rights** (Part III) to protect individual liberty and equality.
- It also lays down **Directive Principles of State Policy (Part IV)** to guide the government in achieving social and economic justice.
- Together, they aim to establish a **Welfare State**.

8. Independent Judiciary

- The Constitution establishes an **independent and impartial judiciary** headed by the **Supreme Court of India**.
- Judiciary acts as the **guardian of the Constitution** and protector of citizens' rights.
- It ensures **separation of powers** between legislature, executive, and judiciary.

9. Single Citizenship

- Unlike the USA (which has dual citizenship – national and state), India provides **single citizenship** for all Indians, promoting **unity and equality** across the nation.

10. Universal Adult Franchise

- Every citizen of India above **18 years** has the **right to vote**, regardless of caste, creed, gender, or religion.
- This ensures **democratic participation** and equality in political rights.

11. Blend of Indigenous and Foreign Elements

- The Indian Constitution is a **borrowed document** — it has adopted features from many countries:
 - **Parliamentary system** – from the UK
 - **Fundamental Rights & Judicial Review** – from the USA
 - **Directive Principles** – from Ireland
 - **Federal structure** – from Canada
 - **Emergency provisions** – from Germany
- Yet, it is **uniquely Indian** in spirit, reflecting the country's diversity and history.

12. Longest Constitution in the World

- With **465 Articles, 12 Schedules, and numerous Amendments**, it is the **most detailed written Constitution** globally.
- It covers not only government structure but also **citizen rights, duties, and state policies**.

13. Emphasis on Social, Economic, and Political Justice

- The **Preamble** and **Directive Principles** emphasize building a **socialist, secular, and democratic republic**.
 - The aim is to remove inequality and ensure **dignity and opportunity for all**.
-

Salient Features of the Indian Constitution

1 Longiest Written Constitution

- With detailed provisions covering every aspect of governance, it is the **largest written Constitution** in the world.
- It deals with Centre–State relations, administration of states, emergency provisions, citizenship, etc.

2 Drawn from Many Sources

- Borrowed features from **different countries** and adapted to Indian needs:
 - Fundamental Rights – USA
 - Parliamentary System – UK
 - Directive Principles – Ireland
 - Federal System – Canada
 - Judicial Review – USA
 - Emergency Provisions – Germany

3 Sovereign, Socialist, Secular, Democratic, Republic

- These words in the **Preamble** highlight the nature of the State:
 - **Sovereign** – India is free from external control.
 - **Socialist** – Aims at social and economic justice.
 - **Secular** – Equal respect for all religions.
 - **Democratic** – Government elected by the people.
 - **Republic** – Head of the State is elected, not hereditary.

4 Fundamental Rights

- Guaranteed in **Part III** of the Constitution.
- Provide political, civil, and individual rights like equality, freedom, protection of life, etc.
- Can be enforced by courts.

5 Directive Principles of State Policy (DPSPs)

- Mentioned in **Part IV**.
- Guidelines for government to establish **social and economic democracy** (e.g., welfare state, equal pay, education, health).

- Non-justiciable but fundamental in governance.

6□ Fundamental Duties

- Added by the **42nd Amendment (1976)**.
- Citizens are expected to respect the Constitution, national symbols, environment, and promote harmony.

7□ Independent Judiciary with Judicial Review

- The Supreme Court and High Courts are **independent** from the executive and legislature.
- They can strike down unconstitutional laws through **judicial review**.

8□ Single Citizenship

- Unlike federal countries like the USA, Indians enjoy **only one citizenship** – Indian citizenship.
- This promotes unity and equality among all citizens.

9□ Universal Adult Franchise

- Every Indian citizen above 18 years has the right to vote **without discrimination**.
- This ensures **political equality**.

10□ Emergency Provisions

- Constitution provides for emergencies like:
 - **National Emergency (Art. 352)**
 - **State Emergency (Art. 356)**
 - **Financial Emergency (Art. 360)**
- During emergencies, Centre's powers increase to maintain unity.

11. Special Provisions for Minorities & Weaker Sections

- Reservation in legislatures, education, and jobs for SCs, STs, and OBCs.
- Safeguards for religious and linguistic minorities.

12. Blend of Rigidity and Flexibility

- Some parts can be changed easily, others need special majority and state approval.
- Example: Names of states can be changed by simple majority, but federal provisions need stricter procedure.

13. Blend of Federal and Unitary Features

- Federal: division of powers, written constitution, bicameralism.
- Unitary: single constitution, strong Centre, emergency powers.

Conclusion

The **Indian Constitution** is a remarkable blend of **different political philosophies** and **world practices** molded to suit Indian conditions. It is **federal yet unitary, rigid yet flexible, detailed yet adaptable**. Its **salient features** make it not only the foundation of Indian democracy but also a **living document**, continuously evolving through amendments to meet the needs of the time.

Preamble to the Indian Constitution

Introduction

The **Preamble** is the **introduction to the Constitution**. It states the ideals, philosophy, and objectives of the Indian Constitution. It reflects the **dreams and aspirations of the people of India** after independence. The Preamble is based on the **Objectives Resolution** drafted by **Pandit Jawaharlal Nehru** and adopted by the Constituent Assembly in **January 1947**.

The **Preamble was adopted on 26 November 1949**, along with the Constitution, and came into effect on **26 January 1950**. It was amended only once by the **42nd Amendment, 1976**, which added the words **“Socialist”** and **“Secular”** to its text.

Text of the Preamble

*“We, the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens:
Justice, social, economic and political;
Liberty of thought, expression, belief, faith and worship;
Equality of status and of opportunity; and to promote among them all;
Fraternity assuring the dignity of the individual and the unity and integrity of the Nation;
In our Constituent Assembly this 26th day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution.”*

Nature of the Preamble

1. **Introductory Statement** – It introduces the Constitution and highlights its philosophy.
 2. **Reflects Objectives** – It declares the goals and values which the Constitution seeks to achieve.
 3. **Part of the Constitution** – In **Kesavananda Bharati case (1973)**, the Supreme Court held that the Preamble is part of the Constitution, but it cannot override specific provisions.
 4. **Interpretative Value** – Courts use it to interpret ambiguous constitutional provisions.
-

Key Terms in the Preamble

1. **We, the People of India**
 - Shows that the Constitution derives its power from the people, not from any external authority (like British Parliament).

- Emphasizes the principle of **popular sovereignty**.
 - 2. **Sovereign**
 - India is **independent** in both internal and external matters.
 - Free to make its own laws, policies, and foreign relations.
 - 3. **Socialist** (added in 1976)
 - Aims at reducing inequality in wealth and status.
 - Promotes welfare state, social and economic justice.
 - 4. **Secular** (added in 1976)
 - No state religion in India.
 - The State treats all religions equally and provides freedom of faith.
 - 5. **Democratic**
 - People elect their representatives through **universal adult franchise** (every citizen above 18 can vote).
 - Ensures political equality and responsible government.
 - 6. **Republic**
 - The head of the State (President) is **elected**, not hereditary.
 - Ensures political equality and end of monarchy.
-

Objectives of the Preamble

The Preamble promises to secure for all citizens:

1. **Justice**
 - **Social Justice** → Removal of social inequalities, caste discrimination.
 - **Economic Justice** → Fair distribution of wealth, equal pay for equal work.
 - **Political Justice** → Equal participation in political process.
2. **Liberty**
 - Liberty of thought, expression, belief, faith, and worship.
 - Freedom is not absolute but subject to law to maintain public order and morality.
3. **Equality**
 - Equality of status (no discrimination in society).
 - Equality of opportunity (especially in jobs and education).
 - Prohibition of untouchability and equal rights to all citizens.

4. Fraternity

- Brotherhood among all citizens.
 - Promotes unity and integrity of the nation.
 - Ensures dignity of the individual.
-

Landmark Supreme Court Judgments

1. Berubari Union Case (1960)

- Court said Preamble is **not part of the Constitution**.

2. Kesavananda Bharati Case (1973)

- Overruled Berubari case.
- Declared that Preamble is **part of the Constitution** and can be used to interpret provisions.

3. LIC of India v. Manubhai D. Shah (1992)

- Court said Preamble is the **identity card of the Constitution**.
-

Conclusion

The **Preamble of the Indian Constitution** is the **soul and spirit** of the document. It summarizes the aims of justice, liberty, equality, and fraternity, while declaring India as a **Sovereign, Socialist, Secular, and Democratic Republic**. It is both a **philosophical foundation** and a **guiding star** for the functioning of Indian democracy.

Union and its Territories & Citizenship

Introduction

The Constitution of India begins with **Part I (Articles 1–4)** dealing with the **Union and its Territories**, followed by **Part II (Articles 5–11)** dealing with **Citizenship**.

- **Union and its Territories** lays down how India is described, its states, union territories, and provisions for changing their boundaries.
- **Citizenship** defines who is considered an Indian citizen, modes of acquiring and terminating citizenship, and empowers Parliament to make further laws.

Together, they establish the **geographical unity** and **political identity** of India and its people.

Part I – Union and its Territories (Articles 1–4)

1☐ Article 1 – Name and Territory of the Union

- India, that is **Bharat**, shall be a **Union of States**.
 - This emphasizes **unity of the nation** → States cannot secede from the Union.
 - Territory of India includes:
 1. States
 2. Union Territories
 3. Territories acquired by India
-

2☐ Article 2 – Admission or Establishment of New States

- Parliament has the power to admit new states into the Union (e.g., **Sikkim in 1975**).
 - It can also establish new states on terms it decides.
-

3☐ Article 3 – Formation of New States and Alteration of Areas, Boundaries or Names

- Parliament can:
 - Form a new state
 - Increase or decrease the area of any state
 - Alter boundaries or names of states
 - But before doing so, it must seek the **opinion of the concerned State Legislature** (though not binding).
 - Example: Creation of **Telangana in 2014**.
-

4☐ Article 4 – Laws under Articles 2 and 3

- Any law made under Articles 2 or 3 is not considered a **Constitutional Amendment**, even if it changes the First Schedule (names of states) or Fourth Schedule (Rajya Sabha seats).
 - This makes the process easier.
-

✦✦ Important Notes on Territories

- India started with **14 States and 6 Union Territories in 1950**.
 - Today (after the **Jammu & Kashmir Reorganisation Act, 2019**):
 - **28 States**
 - **8 Union Territories**
-

Part II – Citizenship (Articles 5–11)

The Constitution provided for **citizenship at the commencement (1950)** and gave Parliament the power to regulate it further.

1☐ Article 5 – Citizenship at the Commencement

- Every person domiciled in India and who was:
 - Born in India, or
 - Either of whose parents was born in India, or
 - Ordinarily resident in India for at least 5 years before 26 January 1950
→ was considered an Indian citizen.
-

2☐ Article 6 – Citizenship of Persons Who Migrated from Pakistan

- Those who migrated from Pakistan to India before 19 July 1948 → automatically Indian citizens.
 - Those who came after 19 July 1948 → had to register themselves to get citizenship.
-

3☐ Article 7 – Citizenship of Persons Who Migrated to Pakistan but Returned

- If a person migrated to Pakistan but later returned to India, he could regain citizenship with permission of the Government of India.
-

4☐ Article 8 – Citizenship of Indians Abroad

- Persons of Indian origin residing outside India (e.g., in East Africa, Fiji) could register as citizens at Indian diplomatic/consular offices.
-

5☐ Article 9 – Voluntary Acquisition of Foreign Citizenship

- If any person voluntarily acquired foreign citizenship, he would lose Indian citizenship.
-

6☐ Article 10 – Continuance of Citizenship

- Every person who was a citizen at the commencement continues to be a citizen unless Parliament makes a law to the contrary.
-

7☐ Article 11 – Power of Parliament

- Parliament has the power to regulate **citizenship by law**.

- This led to the **Citizenship Act, 1955**.
-

Citizenship Act, 1955

The Citizenship Act, 1955 (with many amendments) provides ways of acquiring and losing Indian citizenship.

✓ **Acquisition of Citizenship**

1. **By Birth** – If born in India (with conditions based on year of birth).
2. **By Descent** – If born outside India but parents are Indian citizens.
3. **By Registration** – Persons of Indian origin or married to Indian citizens.
4. **By Naturalization** – Foreigners who reside in India for a specific period and fulfil conditions.
5. **By Incorporation of Territory** – If any territory becomes part of India, the people of that territory become Indian citizens (e.g., Goa in 1961).

✗ **Loss of Citizenship**

1. **Renunciation** – Voluntary giving up of citizenship.
 2. **Termination** – Automatically lost if a person acquires foreign citizenship.
 3. **Deprivation** – Government can deprive citizenship if obtained by fraud or disloyalty.
-

Recent Development – Citizenship Amendment Act (CAA), 2019

- Provided citizenship to **Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians** from **Pakistan, Bangladesh, and Afghanistan** who entered India before 31 Dec 2014.
 - It excluded Muslims → led to debates and protests.
-

Conclusion

The provisions relating to the **Union and its Territories** ensure India's **geographical unity** and empower Parliament to reorganize states when necessary. The **Citizenship provisions** establish **who belongs to India**, both at the commencement of the Constitution and later through law. Together, they form the **foundation of Indian nationality and unity**, ensuring that despite diversity, we remain **one sovereign nation**.

Article 13 – General Principles relating to Fundamental Rights

1. Meaning and Purpose of Article 13

Article 13 acts as the **guardian of Fundamental Rights**.

It ensures that **no law made by the State** can violate or take away the Fundamental Rights guaranteed in **Part III (Articles 12–35)** of the Constitution.

2. Text of Article 13

Article 13 has **four clauses**:

1. **Clause (1):**
All **pre-Constitution laws** (laws made before 26 January 1950) that are inconsistent with Fundamental Rights shall be **void** to the extent of inconsistency.
2. **Clause (2):**
The **State shall not make any law** that takes away or abridges Fundamental Rights. If such law is made, it is **void ab initio** (invalid from the beginning).
3. **Clause (3):**
Defines “**law**” and “**laws in force**”:
 - “Law” includes ordinances, orders, bye-laws, rules, regulations, notifications, customs or usages having the force of law.
 - “Laws in force” means existing laws before the Constitution came into effect.
4. **Clause (4):**
Added by the **24th Amendment, 1971** – It states that **Constitutional Amendments (Article 368)** cannot be challenged under Article 13.

3. Objective of Article 13

The main objective is to ensure that **no legislative or executive action** of the government violates or reduces Fundamental Rights.

It acts as a **check on State power** and maintains the **supremacy of the Constitution**.

4. Doctrine of Severability

If a law contains both **constitutional and unconstitutional provisions**, only the part inconsistent with Fundamental Rights is declared **void**, not the whole law.

✓ Example: *R.M.D.C. v. State of Bombay (1957)* – The Court applied severability to save valid parts of a law.

5. Doctrine of Eclipse

This doctrine applies to **pre-Constitution laws** that were valid before 1950 but became inconsistent after Fundamental Rights came into effect.

Such laws are **not dead** but are **eclipsed (shadowed)** and become **operative again** if the inconsistency is removed (e.g., by amendment).

✓ Example: *Bhikaji Narain Dhakras v. State of M.P. (1955)*

6. Judicial Review

Article 13 forms the **basis of judicial review** in India — the power of the courts to examine whether laws violate Fundamental Rights.

It empowers the **Supreme Court (Art. 32)** and **High Courts (Art. 226)** to strike down unconstitutional laws.

✓ Example: *Kesavananda Bharati v. State of Kerala (1973)* upheld judicial review as part of the **basic structure** of the Constitution.

7. Pre- and Post-Constitution Laws

- **Pre-Constitution laws** → Void only to the extent of inconsistency (Art. 13(1)).
- **Post-Constitution laws** → Entirely void if inconsistent (Art. 13(2)).

Thus, Article 13 operates **both retrospectively and prospectively**, ensuring protection of rights in all periods.

8. Key Case Laws

Case	Principle Laid Down
<i>A.K. Gopalan v. State of Madras (1950)</i>	First major case interpreting Art. 13 – focused on procedure established by law.
<i>Kesavananda Bharati v. State of Kerala (1973)</i>	Parliament cannot amend the Constitution to destroy its basic structure .
<i>I.C. Golaknath v. State of Punjab (1967)</i>	Parliament cannot amend Fundamental Rights (later modified by 24th Amendment).
<i>Minerva Mills v. Union of India (1980)</i>	Reaffirmed balance between Fundamental Rights and DPSPs .

✓ **In summary:**

Article 13 = Constitutional Watchdog that protects citizens from arbitrary laws and preserves the supremacy of Fundamental Rights.

Definition of “State”

1. Political Science meaning

“State” = A complete political organization that has:

1. **Population** – People living in it.

2. **Territory** – A fixed area of land.
3. **Government** – An organized authority that makes and enforces laws.
4. **Sovereignty** – Full power to govern itself, without control from any other country.

☑ Example: India is a *State* because it has all four.

2☐ Under the Indian Constitution (Article 12)

The word “**State**” has a *special meaning* only for **Fundamental Rights (Part III)**.

It includes:

1. **Government & Parliament of India** → Central Government
2. **Government & Legislature of each State** → State Governments
3. **Local authorities** → Municipalities, Panchayats, Zilla Parishads, etc.
4. **Other authorities** → Any organization under government control (even if not directly created by it).

📖 This means:

If any of these authorities violate your **Fundamental Rights**, you can go to court under **Article 32 or 226**.

3☐ Judicial Interpretation (Court’s Expansion)

Courts have **expanded** the meaning of “**State**” under Article 12 to include:

Type	Example	Reason
Statutory bodies	LIC, ONGC	Created by law → government control
Government companies	Air India (before privatization), BSNL	Owned or controlled by Govt
Universities / Boards	DU, JNTU, CBSE	Perform public functions
Other authorities	Even private bodies, <i>if</i> they perform public duties or receive govt. funding	

📖☐ Example:

If **LIC** denies someone equal treatment, that person can claim violation of **Article 14 (Right to Equality)** — because LIC is treated as a “**State**”.

So in short:

- ◆ Political Science → *State = Country (with people, area, govt, sovereignty).*
 - ◆ Constitution (Article 12) → *State = All govt and govt-controlled authorities (for Fundamental Rights).*
-

Doctrine of Judicial Review

Introduction

The **Doctrine of Judicial Review** is one of the most powerful principles of constitutional law. It means that the **courts have the power to examine the actions of the legislature, executive, and other authorities, and strike them down if they are unconstitutional or illegal.**

It acts as a **guardian of the Constitution** and ensures that **fundamental rights, rule of law, and separation of powers** are preserved. Judicial review is regarded as a **basic feature of the Indian Constitution** that cannot be taken away by amendment.

Meaning of Judicial Review

- Judicial Review = **Power of the judiciary to examine the validity of laws and executive actions.**
 - If a law violates the Constitution → it is **declared void.**
 - If an action is arbitrary, unreasonable, or outside the powers given by law → it is **struck down.**
 - Purpose: to prevent **abuse of power** by legislature and executive.
-

Origin of Judicial Review

- Concept first developed in the **USA.**
 - Case: **Marbury v. Madison (1803)**, where Chief Justice John Marshall established the principle that **the Constitution is supreme and the courts can review laws inconsistent with it.**
 - This idea influenced many democracies, including India.
-

Judicial Review in the Indian Constitution

Although the term “Judicial Review” is not directly mentioned, it is **implicitly provided** in several articles:

1. **Article 13** – Declares that laws inconsistent with Fundamental Rights are void.
2. **Article 32** – Empowers Supreme Court to issue writs for enforcement of Fundamental Rights.

3. **Article 226** – High Courts' power to issue writs for Fundamental Rights and other purposes.
4. **Articles 136, 143, 227, 246** – Provide appellate, advisory, and supervisory jurisdiction which strengthen judicial review.

Thus, judicial review is **deeply embedded** in the Indian constitutional framework.

Scope of Judicial Review in India

Judicial review in India is **very wide** and covers:

1 □ Legislative Actions

- Laws passed by Parliament or State legislatures can be reviewed.
- If inconsistent with the Constitution, they are struck down.

2 □ Executive Actions

- Orders, policies, and administrative decisions can be challenged.
- Courts ensure they are not arbitrary, mala fide (bad faith), or ultra vires (beyond powers).

3 □ Judicial Decisions

- Even decisions of lower courts and tribunals can be reviewed by higher courts through writs and appeals.
-

Grounds of Judicial Review

Courts generally interfere if:

- **Violation of Fundamental Rights.**
 - **Lack of legislative competence** (Parliament or State has no authority to make that law).
 - **Contravention of constitutional provisions.**
 - **Arbitrariness or unreasonableness** in administrative action.
 - **Mala fide intention** or misuse of power.
 - **Violation of principles of natural justice.**
-

Landmark Judgments on Judicial Review

1. **Shankari Prasad v. Union of India (1951)**
 - First Amendment upheld; judicial review power limited.
2. **Golaknath v. State of Punjab (1967)**
 - Held that Fundamental Rights cannot be amended.
3. **Kesavananda Bharati v. State of Kerala (1973)**

- Judicial Review declared as a **basic feature** of the Constitution.
 - Parliament can amend Fundamental Rights but not destroy basic structure.
4. **Indira Gandhi v. Raj Narain (1975)**
 - Court struck down 39th Amendment that tried to bar judicial review of PM's election.
 5. **Minerva Mills v. Union of India (1980)**
 - Reaffirmed that judicial review is part of **Basic Structure Doctrine**.
 6. **L. Chandra Kumar v. Union of India (1997)**
 - Judicial review by High Courts and Supreme Court is part of **basic structure**. Tribunals cannot replace them.
-

Importance of Judicial Review

- Ensures **supremacy of the Constitution**.
 - Protects **Fundamental Rights of citizens**.
 - Prevents **misuse of power** by legislature/executive.
 - Maintains **rule of law**.
 - Balances separation of powers (checks and balances system).
 - Makes Constitution a **living document** by adapting to new challenges.
-

Criticisms of Judicial Review

- Seen as **undemocratic** because unelected judges can strike down laws made by elected representatives.
 - May lead to **judicial overreach** (judges interfering in policy-making).
 - Can cause conflict between **legislature, executive, and judiciary**.
 - Sometimes delays governance due to excessive litigation.
-

Conclusion

The Doctrine of Judicial Review is the **soul of constitutional democracy in India**. It ensures that the government functions **within constitutional limits**, prevents arbitrary rule, and protects citizens' rights. Despite criticisms, judicial review is a **basic feature** that upholds justice, liberty, equality, and fraternity.

As Dr. B. R. Ambedkar said, **without judicial review, Fundamental Rights would be a mere paper declaration**.

Unit-III

Right to Equality (Articles 14–18)

Introduction

The **Right to Equality** is a **fundamental right guaranteed under Part III (Articles 14–18)** of the Indian Constitution.

- It aims to remove **discrimination and inequality** in society.
 - Ensures **equal treatment** by the State before the law and in public life.
 - The Right to Equality is considered the **cornerstone of democracy** and promotes **social justice**.
 - Inspired by the **American Constitution** (Equal Protection Clause, 14th Amendment).
-

Scope of Right to Equality (Articles 14–18)

The **Right to Equality** is one of the most important **Fundamental Rights** guaranteed under **Articles 14 to 18** of the Indian Constitution.

It ensures that all citizens are treated equally before the law and prohibits discrimination, untouchability, and conferment of titles. It is the **foundation of democracy** and aims to create a just, fair, and egalitarian society.

Article 14 – Right to Equality

1□ Meaning

- **Equality Before Law** → Everyone is equal under the law; no one is above it, not even the government.
 - **Equal Protection of Laws** → The law should treat people in similar situations the same way.
-

2□ Key Points

1. **Rule of Law** → Law applies to everyone equally.
 2. **Reasonable Classification** → Government can make groups for laws, but:
 - There must be a **clear difference** between groups.
 - The difference must **relate to the law's purpose**.Xampl: Giving scholarships only to poor students — poor vs rich is a clear difference.
 3. **No Random Action** → State cannot act unfairly or arbitrarily.
-

3 ☐ Important Case

- **Maneka Gandhi v. Union of India (1978)** → Law must be **fair, reasonable, and not random**.
-

2. Article 15 – Prohibition of Discrimination

1 ☐ Meaning

- The government **cannot treat citizens unfairly** just because of:
Religion, Race, Caste, Sex, or Place of Birth.

✓ Example:

- A state cannot **refuse admission** to a school just because a student is from a particular religion or caste.
-

Exceptions (Allowed Positive Discrimination)

The law **allows special treatment** for certain groups to promote equality:

1. **Women and Children**
 - Example: **Reservation of seats for girls** in education or government jobs.
 2. **Socially and Educationally Backward Classes (SEBCs)**
 - Example: **Extra marks or quotas** in colleges for backward classes.
 3. **Scheduled Castes (SCs) and Scheduled Tribes (STs)**
 - Example: **Reservation of jobs and seats** in government schools and colleges.
-

✓ Easy Way to Remember

“No discrimination, but help those who need extra support.”

Important Cases

- **Navtej Singh Johar v. Union of India (2018)** → Decriminalized homosexuality; equality includes **sexual orientation**.
-

3. Article 16 – Equality of Opportunity in Public Employment

Meaning

All citizens must have **equal opportunity** in matters of public employment and appointment to any office under the State.

No discrimination based on: **Religion, Race, Caste, Sex, Descent, Place of Birth, or Residence.**

Exceptions

- Reservation for SCs, STs, OBCs.

- **10% reservation for Economically Weaker Sections (EWS)** (103rd Amendment, 2019).
- Residence requirements in certain cases.

Important Cases

- **M. Nagaraj v. Union of India (2006)** → Reservation in promotions valid only if the State proves backwardness and lack of adequate representation.
-

4. Article 17 – Abolition of Untouchability

Meaning

- **Untouchability is abolished** and its practice is forbidden.
- Treating people as “untouchables” is a **criminal offence**.

Enforcement

- **Protection of Civil Rights Act, 1955.**
- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.**

Important Case

- **State of Karnataka v. Marriya (2013)** → Strong enforcement of untouchability laws, ensuring dignity of marginalized communities.
-

Article 18 – Abolition of Titles

1 Meaning / What it Says

- The **State (Government)** cannot confer any titles on Indian citizens.
 - Examples of **prohibited titles**: Raja, Maharaja, Sir, Knight, etc.
 - Citizens **cannot accept titles from foreign countries** without government permission.
 - **Reason**: No citizen should have a legal or social superiority over others because of a title.
-

2 Exceptions – What is Allowed ✓

1. **Academic distinctions** → Titles like **Doctor, Professor, PhD**.
 - Example: Dr. A.P.J. Abdul Kalam → allowed.
 2. **Military honors / Decorations** → Awards like **Param Vir Chakra, Ashoka Chakra**.
 - Example: Soldiers awarded Param Vir Chakra for bravery → allowed.
-

3 Purpose / Why it Exists

- To **abolish social hierarchies and elitism**.
- To ensure **equality of citizens** in a democratic society.
- Prevents citizens from claiming **special privileges** based on titles.
- Strengthens **Rule of Law** → no one is above others in a democracy.

4 ☐ Key Points to Remember

Feature	Details	Example
Titles banned	Any titles from the government	Raja, Sir
Titles banned from abroad	Cannot accept foreign titles	Knight from UK ✗
Allowed titles	Academic and military honors	PhD, Doctor, Param Vir Chakra ✓
Purpose	Equality & democracy	Remove elite hierarchy

5 ☐ Easy Memory Line

“No fancy titles, only knowledge & bravery count.”

6 ☐ Connection with Other Articles

- Related to **Articles 14 and 15** → Promotes equality and removes discrimination.
- Supports **democratic principles** → Everyone is equal before the law.

Principles of Right to Equality

1. **Equality before Law** – No person is above law.
2. **Equal protection of laws** – Laws apply equally to everyone.
3. **Non-discrimination** – Based on religion, caste, sex, race, or birthplace.
4. **Reasonable classification** – Different treatment allowed only if justified.
5. **Abolition of untouchability** – Ends social inequality.
6. **Equality in public employment** – Prevents favoritism and ensures fairness.
7. **No titles** – Promotes equality and fraternity.

Importance of Right to Equality

- Promotes **social justice and fairness**.
- Protects **weaker sections** from discrimination.
- Ensures **merit-based public employment** while allowing reasonable reservations.
- Prevents **arbitrariness by the State**.
- Strengthens **democratic principles** by making all citizens equal before law.
- Lays foundation for a **casteless and egalitarian society**.

Article 19 – Right to Freedom

Introduction

- **Article 19** is one of the **Fundamental Rights** under Part III of the Indian Constitution.
 - It guarantees **six types of freedoms** to **all citizens** of India.
 - These freedoms ensure that citizens can **express themselves, move freely, work, and participate in the democratic process**.
 - Article 19 is essential to **democracy, liberty, and equality**.
 - Freedoms are **not absolute** – reasonable restrictions can be imposed in the interest of **sovereignty, security, public order, morality, or decency**.
-

Freedoms under Article 19

1☐ Freedom of Speech and Expression (Article 19(1)(a))

- Right to **express one's opinions** freely by words, writing, printing, or any other mode.
 - Includes **freedom of press, protests, criticism of government**, and online expression.
 - **Important Case:**
 - **Shreya Singhal v. Union of India (2015)** → struck down Section 66A of IT Act restricting online speech.
-

2☐ Freedom to Assemble Peacefully (Article 19(1)(b))

- Citizens can **gather in public** peacefully without arms.
- Includes meetings, rallies, processions, and demonstrations.
- Cannot **disturb public order** or incite violence.
- **Important Case:**
 - **Romesh Thappar v. State of Madras (1950)** → peaceful assembly is part of democracy.

3 □ Freedom to Form Associations or Unions (Article 19(1)(c))

- Right to **form political parties, trade unions, NGOs, and societies.**
- Promotes **collective action** and democracy.
- **Important Case:**
 - **Delhi Janta Dal v. State of Delhi (1996)** – Trade unions’ freedom protected under Art. 19(1)(c).

4 □ Freedom to Move Freely Throughout India (Article 19(1)(d))

- Right to **move anywhere in the territory of India.**
- Cannot be restricted arbitrarily.
- Important for **employment, education, and residence in any state.**
- **Important Case:**
 - **Ramswaroop v. Union of India (1952)** – Right to move freely is part of Fundamental Rights.

5 □ Freedom to Reside and Settle Anywhere (Article 19(1)(e))

- Citizens can **reside or settle in any part of India.**
- Cannot be prevented without reasonable restrictions.
- Ensures **freedom of occupation and mobility.**
- **Important Case:**
 - **State of Bombay v. R. M. D. Chamarbaugwala (1957)** – Right of residence is fundamental but subject to reasonable restrictions.

6 □ Freedom to Practice Any Profession or Carry on Business (Article 19(1)(g))

- Citizens can **choose their profession, trade, or occupation.**
- Subject to **regulation in public interest** (e.g., medical practice, safety standards).
- **Important Case:**
 - **State of Tamil Nadu v. K. S. Nagarajan (1971)** – Profession can be regulated but not arbitrarily prohibited.

Restrictions on Freedoms (Reasonable Restrictions)

Article 19 – Right to Freedom

1 □ Meaning and Scope

Article 19 is one of the most important Fundamental Rights in the Constitution of India. It guarantees **six essential freedoms** to Indian citizens, which together form the backbone of democracy.

These freedoms ensure that every individual can express themselves, move freely, and pursue any lawful occupation, all under the protection of the law.

The six freedoms under Article 19(1):

1. **Freedom of Speech and Expression** – to express thoughts and opinions freely.
2. **Freedom to Assemble Peacefully** – to gather without arms and discuss matters of public interest.
3. **Freedom to Form Associations or Unions** – to join groups, organizations, or political parties.
4. **Freedom to Move Freely throughout India** – to travel and live anywhere within the country.
5. **Freedom to Reside and Settle in Any Part of India** – to make any part of India one's home.
6. **Freedom to Practice Any Profession, or to Carry on Any Trade, Occupation or Business** – to earn a livelihood in any lawful way.

These freedoms help maintain **democracy, personal liberty, and human dignity**.

However, they are **not absolute** — meaning they can be limited for the greater good of society.

2 □ Restrictions on Freedoms (Reasonable Restrictions)

While freedoms are vital, the Constitution also ensures that they do not harm **national security, morality, or public order**.

Hence, **Articles 19(2) to 19(6)** allow **reasonable restrictions** imposed by the State.

Grounds of Restriction:

1. **Sovereignty and Integrity of India**
 - To protect unity and integrity of the nation.
 - Example: Banning organizations promoting secession or terrorism.
2. **Security of the State**
 - To prevent activities that endanger the country's peace or safety.
 - Example: Restricting speech that may cause rebellion or war.
3. **Friendly Relations with Foreign States**
 - To avoid statements or actions that may harm India's relations with other countries.
4. **Public Order**
 - To prevent riots, violent protests, or disorder.
 - Example: Stopping inflammatory speeches or hate rallies.

5. **Decency and Morality**
 - To maintain social and moral standards.
 - Example: Ban on obscene films or indecent publications.
 6. **Contempt of Court**
 - To maintain dignity and authority of the judiciary.
 - Example: Punishing statements that lower public respect for courts.
 7. **Defamation**
 - To protect the reputation of others.
 - Example: Writing false information that damages someone's name can be restricted.
 8. **Incitement to an Offence**
 - To prevent speeches or actions that encourage others to commit crimes or violence.
-

3 □ Important Judicial Decisions

Courts have played a major role in interpreting Article 19 and defining the limits of restrictions.

1. **Romesh Thappar v. State of Madras (1950)**
 - The Supreme Court held that restrictions must be “reasonable” and not arbitrary.
 - Freedom of speech cannot be curbed unless there is a real threat to public order.
 2. **Maneka Gandhi v. Union of India (1978)**
 - The Court ruled that any restriction on liberty must be **just, fair, and reasonable**.
 - Expanded the meaning of “personal liberty” and linked Article 19 with Article 21 (Right to Life).
 3. **S. Rangarajan v. P. Jagjivan Ram (1989)**
 - The Court said: Freedom of expression cannot be suppressed unless there is a **clear and present danger** to public order.
 - Mere disagreement or fear of disturbance is not enough.
-

4 □ Key Principles Derived from Article 19

- Only **citizens** of India can claim these freedoms.
 - Restrictions must be **reasonable, fair, and serve a legitimate public purpose**.
 - Parliament or State Legislatures cannot destroy or take away these freedoms through ordinary laws.
 - **Courts have the power** to examine whether a restriction is truly reasonable or not.
 - Article 19 is **dynamic** – its meaning evolves with time (for example, freedom of expression now includes **freedom on the internet**).
-

5 □ Importance of Article 19

1. **Foundation of Democracy:**
 - Ensures freedom of speech, debate, and participation in government.

2. **Protection of Individual Liberty:**
 - Allows people to think, speak, and act freely within the law.
 3. **Encourages Political and Social Participation:**
 - Enables citizens to form associations, hold rallies, and raise their voices peacefully.
 4. **Economic Freedom:**
 - Right to trade or practice any lawful profession ensures economic independence.
 5. **Balance between Rights and Duties:**
 - While individuals enjoy freedom, they must also respect the rights and peace of others.
-

6 Examples of Reasonable Restrictions

- A newspaper article promoting hatred among communities may be restricted (Public Order).
 - A film containing obscene content can be censored (Decency and Morality).
 - A political group demanding secession from India may be banned (Sovereignty and Integrity).
 - False statements damaging a person's reputation can lead to punishment (Defamation).
-

7 Modern Application of Article 19

- In the digital age, courts have extended Article 19 to cover **online speech, social media, and internet access**.
 - Case: *Anuradha Bhasin v. Union of India (2020)* – Supreme Court held that **freedom of speech and trade through the Internet** is protected under Article 19.
 - It ensures that technology-based expression and communication are also safeguarded.
-

8 Conclusion

Article 19 is the **cornerstone of Indian democracy** and the **heart of civil liberties**.

It gives citizens the right to express themselves, to move, to assemble, and to work freely — essential for a free and democratic society.

However, these rights are balanced with reasonable restrictions to ensure that one person's freedom does not harm others or the nation.

Through decades of judicial interpretation, **Article 19 has remained a living, flexible, and evolving right**, adapting to modern society and protecting both **individual liberty and collective security**.

Protection against Ex-Post Facto Laws (Article 20)

Introduction

- **Article 20** of the Indian Constitution is a **Fundamental Right** under **Part III**.
- It provides protection to individuals in **criminal matters**.

- Purpose: Prevent the State from **arbitrary prosecution and punishment**.
 - It embodies the principle of “**no punishment without law**” (Nullum Crimen, Nulla Poena Sine Lege).
 - Inspired by **English law** and **American Bill of Rights**.
-

Text of Article 20

1□ Article 20(1):

- No person shall be **convicted of any offence except for violation of law in force at the time of the act**.
- Ensures protection against **ex-post facto criminal laws**.

2□ Article 20(2):

- No person shall be **tried and punished for the same offence more than once**.
- Principle of **Double Jeopardy**.

3□ Article 20(3):

- No person accused of an offence shall be **compelled to be a witness against himself**.
 - Principle of **Protection against Self-Incrimination**.
-

Key Principles Under Article 20

1□ Protection Against Ex-Post Facto Laws (Art. 20(1))

- **Meaning:** No law can make an act a **crime retrospectively**, i.e., punish someone for an act that was **legal when done**.
 - **Scope:** Applies **only to criminal law**, not civil law.
 - **Example:**
 - If theft was **not an offence in 2000**, and law is passed in 2025 making it theft → person cannot be punished for the 2000 act.
 - **Important Case:**
 - **Kedar Nath Singh v. State of Bihar (1962)** → upheld reasonable restriction on preventive detention, clarified scope.
-

2□ Protection Against Double Jeopardy (Art. 20(2))

- **Meaning:** No person shall be tried or punished **more than once for the same offence**.
- Prevents **harassment of individuals by repeated prosecutions**.
- **Scope:**

- Applies **only if the first trial was valid**.
 - Applies **only to criminal offences**, not civil matters.
 - **Important Case:**
 - **Ram Narayan v. State of Madhya Pradesh (1977)** – reinforced double jeopardy.
-

3 □ Protection Against Self-Incrimination (Art. 20(3))

- **Meaning:** No person can be forced to give evidence **against himself** in a criminal case.
 - Encourages **fair trial** and **individual liberty**.
 - Includes: refusing to answer questions, testify, or provide documents that may incriminate.
 - **Scope:**
 - Applies **only to criminal proceedings**, not civil.
 - **Important Cases:**
 - **Nandini Satpathy v. P. L. Dani (1978)** – landmark case establishing protection under Art. 20(3).
 - **State of Bombay v. Kathi Kalu Oghad (1961)** – principle that accused cannot be compelled to incriminate self.
-

Limitations

- Applies **only to criminal law**, not civil or revenue matters.
 - Protection against ex-post facto laws **does not prevent procedural changes** (e.g., change in trial procedure).
 - Double jeopardy protection **does not apply if previous trial was invalid**.
 - Self-incrimination protection **does not allow accused to escape lawful investigation**, e.g., fingerprints, DNA collection are valid.
-

Importance of Article 20

1. Ensures **rule of law** – State cannot punish arbitrarily.
 2. Protects **personal liberty and human dignity**.
 3. Guarantees **fair trial and justice**.
 4. Prevents **misuse of legislative and executive power**.
 5. Strengthens **democratic and constitutional governance**.
-

Landmark Cases

1. **Kathi Kalu Oghad v. State of Bombay (1961)** – confirmed self-incrimination protection.
 2. **Nandini Satpathy v. P. L. Dani (1978)** – reinforced right against self-incrimination; police cannot coerce answers.
 3. **Ram Narayan v. State of Madhya Pradesh (1977)** – reinforced double jeopardy principle.
 4. **R. V. State of Maharashtra** – ex-post facto laws cannot be used to punish past acts.
-

Conclusion

Article 20 is a shield against arbitrary criminal laws. It ensures that:

- No person is punished for acts not prohibited at the time.
- No person is tried or punished twice for the same offence.
- No person is forced to testify against himself.

This guarantees **liberty, fairness, and justice** in criminal matters, protecting citizens from **state oppression**.

Privilege against Self-Incrimination (Article 20(3))

Introduction

- The **privilege against self-incrimination** is guaranteed under **Article 20(3)** of the Indian Constitution.
 - It is a **Fundamental Right** provided to **all citizens of India**.
 - Purpose: To **protect individual liberty** and **ensure fair trial** by preventing the State from compelling a person to become a witness against themselves.
 - Principle is inspired by **English common law** and **American Bill of Rights (Fifth Amendment)**.
 - It is a cornerstone of **criminal justice**, preventing **coercion, torture, or forced confessions**.
-

Text of Article 20(3)

“No person accused of any offence shall be compelled to be a witness against himself.”

- Applies **only to criminal cases**, not civil proceedings.
 - Provides protection against **coerced confessions** by police or authorities.
-

Meaning of Privilege

1. **Self-Incrimination** – Any act by which a person **provides evidence against themselves** in a criminal case.
 2. **Privilege Against Self-Incrimination** – Right to **refuse to answer questions, give statements, or produce documents** that may incriminate the accused.
 3. **Objective:**
 - Protect **human dignity** and personal liberty.
 - Ensure a **fair trial** and prevent arbitrary State power.
-

Scope of Privilege

1□ Applicability

- Applies to **any person accused of a criminal offence**.
- Applies **during investigation, trial, or legal proceedings**.

2□ Extent of Protection

- Cannot be compelled to:
 - Give oral testimony that incriminates themselves
 - Write statements or confessions against themselves
 - Produce personal documents or evidence that incriminates
- However, **does not prevent collection of physical evidence** (e.g., fingerprints, DNA, voice samples, blood tests).

3□ Limitation

- Applies **only to criminal proceedings**, not civil matters, tax investigations, or regulatory inspections.
 - Applies **to individuals**, not corporations.
-

Important Landmark Cases

1. **Nandini Satpathy v. P. L. Dani (1978)**
 - Supreme Court held that accused cannot be forced to answer police questions.
 - Right applies **from investigation stage till trial**.
2. **Kathi Kalu Oghad v. State of Bombay (1961)**
 - Confirms that **self-incrimination cannot be compelled**, even during interrogation.
3. **State of Bombay v. Kathi Kalu Oghad (1961)**
 - Coerced confessions are **inadmissible in court**.

4. **S. K. Sharma v. State of Maharashtra**

- Distinguished between **physical evidence** (which can be collected) and **testimonial evidence** (protected).
-

Principles Derived

1. **Fundamental Right** – Protection under Article 20(3) is non-derogable in criminal law.
 2. **No Coercion** – Accused cannot be forced to provide evidence that can incriminate them.
 3. **Admissibility of Evidence** – Confessions obtained under coercion are **inadmissible in court**.
 4. **Physical Evidence Exception** – Fingerprints, blood, and other non-testimonial evidence can be collected.
 5. **Applies to Individual Citizens** – Corporations or bodies do not enjoy this privilege.
-

Importance of Privilege

- Ensures **fairness in criminal justice**.
 - Prevents **abuse of power by police or investigating agencies**.
 - Protects **personal liberty and human dignity**.
 - Encourages **voluntary confessions**, ensuring reliability of evidence.
 - Acts as a **safeguard against arbitrary detention and torture**.
 - Reinforces **trust in legal system** and democratic governance.
-

Conclusion

The **privilege against self-incrimination** under Article 20(3) is a **vital safeguard for accused persons**. It ensures that no citizen is forced to **betray themselves**, maintaining the **balance between state authority and individual liberty**.

- It upholds **justice, fairness, and the rule of law** in India's criminal justice system.
 - By preventing coerced confessions, it reinforces the **integrity of legal proceedings** and protects the **fundamental right to liberty**.
-

[Right to Life and Personal Liberty \(Article 21\)](#)

Introduction

- **Article 21** of the Indian Constitution is a **Fundamental Right** under **Part III**.

- Text: **“No person shall be deprived of his life or personal liberty except according to the procedure established by law.”**
 - Considered the **most important Fundamental Right** as it is the **gateway to many other rights**.
 - Initially interpreted narrowly, its meaning has **expanded widely through judicial activism**.
 - Protects both **physical existence** and **quality of life**.
-

Scope of Article 21

1. **Life** – Not just survival, but the **right to live with dignity**.
2. **Personal Liberty** – Freedom of **movement, residence, privacy, choice of occupation, health, and education**.
3. **Procedure Established by Law** – Deprivation of life or liberty must follow **lawful procedure**; cannot be arbitrary.

Important: The law must be **fair, just, and reasonable** (expanded interpretation from **Maneka Gandhi v. Union of India, 1978**).

Expanded Meaning of Right to Life

Through judicial interpretation, Article 21 now includes:

1. **Right to Privacy**
 - Includes bodily integrity, personal choices, and information.
 - **Case:** Justice K. S. Puttaswamy v. Union of India (2017) → Right to privacy is a fundamental right.
2. **Right to Livelihood**
 - No citizen should be deprived of livelihood arbitrarily.
 - **Case:** Olga Tellis v. Bombay Municipal Corporation (1985) – eviction without alternative livelihood violates Article 21.
3. **Right to Health and Medical Care**
 - Right to emergency medical care and basic healthcare.
 - **Case:** Parmanand Katara v. Union of India (1989) – doctors must provide emergency treatment.
4. **Right to Clean Environment**
 - Pollution-free environment part of the right to life.
 - **Case:** Subhash Kumar v. State of Bihar (1991) – clean environment included in life.
5. **Right to Education**

- Free and compulsory education included as a facet of life.
- **Case:** Unni Krishnan v. State of Andhra Pradesh (1993) – education is part of Article 21.

6. Right to Shelter

- Shelter is essential for dignified life.
- **Case:** Chameli Singh v. State of UP (1996) – eviction without notice violates Article 21.

7. Right Against Solitary Confinement and Inhuman Treatment

- Protection from torture and degrading treatment.
- **Case:** Sunil Batra v. Delhi Administration (1978) – inhuman prison conditions violate Article 21.

8. Right to Die with Dignity (Passive Euthanasia)

- Right to refuse life-sustaining treatment recognized.
- **Case:** Aruna Shanbaug v. Union of India (2011) – passive euthanasia allowed under strict guidelines.

Restrictions on Right to Life and Personal Liberty

1. Legal Deprivation Only

- Cannot be deprived arbitrarily; must follow **procedure established by law**.

2. Reasonable Restrictions in Public Interest

- Laws relating to **crime, public health, public order** can impose restrictions.
- Must be **just, fair, and non-arbitrary**.

3. Death Penalty

- Deprivation of life is allowed under **law for the most heinous crimes** (rarest of rare doctrine).
- **Case:** Bachan Singh v. State of Punjab (1980) – death penalty only in rarest cases.

4. Preventive Detention

- Personal liberty can be restricted for **national security or public order** under preventive detention laws, but must meet constitutional safeguards.

Important Landmark Cases

1. **A.K. Gopalan v. State of Madras (1950)** – Initially narrow interpretation.

2. **Maneka Gandhi v. Union of India (1978)** – Procedure must be just, fair, and reasonable; expanded scope of personal liberty.
 3. **Olga Tellis v. Bombay Municipal Corporation (1985)** – Right to livelihood included in life.
 4. **Subhash Kumar v. State of Bihar (1991)** – Right to clean environment is part of Article 21.
 5. **Justice K.S. Puttaswamy v. Union of India (2017)** – Right to privacy is fundamental.
 6. **Aruna Shanbaug v. Union of India (2011)** – Passive euthanasia allowed under strict conditions.
-

Importance of Article 21

1. Protects **individual liberty and dignity**.
 2. Expands democracy by **empowering citizens** with substantive rights.
 3. Acts as a **gateway to other rights** (health, education, environment, privacy).
 4. Prevents **arbitrary or oppressive action by the State**.
 5. Encourages **judicial activism** to protect human rights.
 6. Ensures **balance between personal freedom and public interest**.
-

Conclusion

Article 21 is considered the **heart of the Constitution**, protecting the **right to life with dignity** and a wide range of associated rights.

- The Supreme Court has interpreted it **broadly**, making it a **dynamic tool for justice**.
- It ensures that every citizen can **live a life of freedom, dignity, and equality**.
- Protects against **arbitrary deprivation** by the State while balancing **reasonable restrictions** in public interest.

Article 21 has evolved from a simple clause to a **comprehensive safeguard for human rights** in India.

Right to Education in India

Introduction

- **Right to Education (RTE)** is a **Fundamental Right** guaranteed under **Article 21A** of the Indian Constitution.
- Ensures **free and compulsory education** for all children aged **6 to 14 years**.
- Recognized as part of the **Right to Life and Personal Liberty (Article 21)** before being explicitly added in **2002 by the 86th Constitutional Amendment**.

- Objective: Ensure **universal elementary education** and reduce **illiteracy, child labor, and social inequality**.
 - Law enacted for implementation: **Right of Children to Free and Compulsory Education Act, 2009** (RTE Act).
-

Constitutional Provisions

1 Article 21A

- Guarantees **free and compulsory education to every child** in the age group of 6–14 years.
- Education must be **in a manner that promotes all-round development**.

2 Directive Principles of State Policy (Articles 45, 51A(k))

- Article 45 (before amendment) → Early childhood care and education.
- Article 51A(k) → Duty of parents to provide opportunities for education to children.

3 Other Related Articles

- **Article 14** – Equality in access to education.
 - **Article 15(1) & 15(3)** – No discrimination; special provisions for girls and backward classes.
 - **Article 19(1)(g)** – Freedom to practice any profession → right to education enables choice of profession.
-

Key Features of Right to Education

1. Free Education

- Education is free **for all children aged 6–14** in government or government-aided schools.
- Includes **tuition, books, uniforms, and other necessary facilities**.

2. Compulsory Education

- Parents or guardians are **legally required** to ensure children attend school.
- School authorities must **admit all children**, including those who could not attend previously.

3. Non-Discrimination

- No child can be **denied admission on the grounds of caste, religion, gender, or disability**.

4. Child-Centered Education

- Education should promote **all-round development**, including **creativity, reasoning, and physical development**.

5. Infrastructure & Teacher Requirements

- Schools must have **minimum infrastructure**, trained teachers, and adequate classrooms to meet RTE standards.

6. Monitoring & Enforcement

- State and Central Governments responsible for **monitoring implementation**.
 - Grievance redressal mechanisms are included in RTE Act, 2009.
-

Important Provisions under RTE Act, 2009

1. Private School Admission

- 25% seats in private schools reserved for **children from weaker sections and disadvantaged groups**.

2. No Capitation Fee

- Schools cannot charge **excessive fees**; must adhere to prescribed fee structure.

3. Inclusive Education

- Schools must **integrate children with disabilities** and provide support facilities.

4. Pupil-Teacher Ratio

- Minimum standards prescribed to ensure **effective teaching**.

5. Curriculum and Evaluation

- Focus on **child-friendly pedagogy**, continuous evaluation, and **no high-pressure examinations** for young children.
-

Scope and Coverage

- Covers **all children in India aged 6–14**.
 - Applies to **both government and private schools**, though private schools have specific reservation obligations.
 - Ensures **equity in education**, especially for marginalized and disadvantaged groups.
-

Landmark Cases

1. Unni Krishnan v. State of Andhra Pradesh (1993)

- Right to education is part of **Right to Life (Article 21)**.
- Education is essential for meaningful life and dignity.

2. Mohini Jain v. State of Karnataka (1992)

- Court held that **denying education violates Article 21**.

3. Right to Education Case (2002–86th Amendment)

- Article 21A inserted; education made **explicit Fundamental Right**.

4. **Society for Unaided Private Schools v. Union of India (2012)**

- Supreme Court upheld 25% reservation in private schools under RTE Act, 2009.
-

Importance of Right to Education

1. Promotes **literacy and social development**.
 2. Ensures **equality and non-discrimination** in education.
 3. Reduces **child labor** by encouraging school enrolment.
 4. Prepares children for **future employment and economic empowerment**.
 5. Strengthens **democracy** by educating citizens about rights and duties.
 6. Provides a foundation for **other Fundamental Rights** to be effectively enjoyed.
-

Challenges in Implementation

1. **Insufficient infrastructure and schools** in rural areas.
2. **Teacher shortages** and untrained staff.
3. **Dropout rates** among marginalized communities.
4. Resistance from **private schools** regarding 25% reservation.
5. Ensuring **quality education** beyond just enrollment.

[Protection against Arrest and Preventive Detention \(Article 22\)](#)

Introduction

- **Article 22** of the Indian Constitution provides **special safeguards against arbitrary arrest and detention**.
 - It is a **Fundamental Right** that protects **personal liberty** under Part III of the Constitution.
 - Balances **individual liberty** with **state security and public order**.
 - Includes protection against **arbitrary arrest, detention, and preventive detention**.
 - Preventive detention allows the **State to detain a person before a crime is committed**, unlike ordinary arrest, which is after an offence.
-

Key Provisions of Article 22

1. Protection Against Arrest and Detention (Articles 22(1)–(3))

- **Applies to ordinary offences** (non-preventive detention).

- **Safeguards include:**
 1. **Right to be informed of grounds of arrest.**
 2. **Right to consult a legal practitioner** of one's choice.
 3. **Right to be presented before a magistrate** within **24 hours**.
 4. **No detention beyond 24 hours without judicial approval.**
 - **Scope:** Applies only to **citizens** of India (non-citizens have limited protections).
-

2 ☐ Preventive Detention (Articles 22(4)–(7))

- Preventive detention allows **detention of a person to prevent potential threat to public order or security**.
 - **Special provisions:**
 1. **Maximum period without advisory board review:** 3 months (may be extended with approval).
 2. **Advisory Board:** Consists of **judges of High Court** to examine detention orders exceeding 3 months.
 3. **Parliamentary control:** Laws must be enacted to provide **procedures for preventive detention**.
 - Preventive detention **can apply to citizens and non-citizens**, but citizens enjoy **judicial review through advisory boards**.
 - Example: **National Security Act (NSA), 1980** – preventive detention law.
-

Grounds for Preventive Detention

1. **Public Order** – To prevent riots, communal violence, or threats to society.
 2. **National Security** – Threats to sovereignty and integrity of India.
 3. **Foreigners** – To prevent illegal entry, espionage (గూఢచర్యం), or security threats.
 4. **Essential Services** – To prevent disruption in key services (transport, defense, etc.).
-

Safeguards Against Misuse

- **Advisory Board Review:** Orders of preventive detention exceeding 3 months must be reviewed.
- **Maximum Period:** Specified by law; cannot be indefinite.
- **Parliamentary Oversight:** Preventive detention laws must be enacted by Parliament, not executive orders.

- **Judicial Review:** Supreme Court and High Courts can review preventive detention if statutory provisions are violated.
-

Landmark Cases

1. **A.K. Gopalan v. State of Madras (1950)**
 - Preventive detention under DP Act upheld; interpretation was narrow.
 2. **Maneka Gandhi v. Union of India (1978)**
 - Expanded protection under Article 21 → procedure must be **fair, just, and reasonable**, even in preventive detention.
 3. **ADM Jabalpur v. Shivkant Shukla (1976)**
 - Controversial case during Emergency; showed the dangers of suspension of rights.
 4. **Kanu Sanyal v. Union of India (1975)**
 - Preventive detention for public order allowed but **must follow safeguards**.
 5. **Joginder Kumar v. State of UP (1994)**
 - Arrest without sufficient reason is unconstitutional; citizens must be informed and produced before magistrate.
-

Principles Derived

1. **Personal liberty is fundamental but not absolute.**
 2. **Ordinary arrest:** Protected by judicial oversight, right to counsel, and notice of grounds.
 3. **Preventive detention:** Can be imposed to prevent harm, but safeguards like advisory board review exist.
 4. **Reasonable and just procedure** is mandatory in all detentions.
 5. **Balance between individual liberty and public interest** is key.
-

Importance of Article 22

- Protects **individual liberty and prevents arbitrary detention**.
 - Ensures **justice, fairness, and due process** in arrest and detention.
 - Maintains **law and order** while safeguarding civil rights.
 - Judicial review ensures **prevention of misuse of state power**.
 - Promotes **democracy and rule of law**, even during emergency situations.
-

Conclusion

Article 22 is a **critical safeguard** for citizens against arbitrary arrest and detention.

- While it allows **preventive detention** in the interest of **national security and public order**, it provides **checks and balances** through:
 - Judicial review
 - Advisory boards
 - Right to legal counsel and notice of grounds.
- Article 22 represents a **balance between liberty and security**, ensuring that **citizens' rights are protected while maintaining public safety**.

Unit-IV

Rights Against Exploitation (Articles 23–24)

Introduction

- **Rights Against Exploitation** are guaranteed under **Part III of the Indian Constitution** (Articles 23–24).
 - Purpose: To **protect human dignity, liberty, and equality** by prohibiting exploitation in any form.
 - These rights are **fundamental** and **non-derogable**, meaning no one can violate them even under emergency (except as provided in law for certain preventive measures).
 - Inspired by **International Labour Organisation (ILO) principles** and **human rights norms**.
-

Article 23 – Prohibition of Traffic in Human Beings and Forced Labour

1 □ Key Provisions

- **Traffic in human beings** and **begar (forced labor)** are prohibited.
- Includes **bonded labor, slavery, and exploitation for economic gain**.
- **Exceptions:** Work that is **voluntarily undertaken** as part of normal employment is allowed.

2 □ Definitions

- **Traffic in human beings:** Selling, recruiting, or transporting persons for **exploitation, prostitution, or forced labor**.
- **Forced Labour / Begar:** Any work **demanding against one's will**, without payment or under coercion.

3 □ Enforcement

- **Bonded Labour System (Abolition) Act, 1976** – abolishes bonded labor and frees bonded workers.
- **International Conventions** – India is a signatory to treaties against slavery and human trafficking.

4□ Important Cases

- **People’s Union for Democratic Rights v. Union of India (1982)** – Exploitative conditions of workers in factories declared unconstitutional.
- **M.C. Mehta v. Union of India (1991)** – Child labor in hazardous industries prohibited.

Article 24 – Prohibition of Employment of Children

1□ Key Provisions

- No child below **14 years of age** shall be employed in:
 - **Factories**
 - **Mines**
 - **Hazardous or dangerous employment**
- Protects **children from physical, mental, and moral exploitation.**

2□ Implementation

- **Child Labour (Prohibition and Regulation) Act, 1986** – prohibits employment of children in certain occupations and regulates working conditions.
- **Juvenile Justice Act, 2015** – protects minors from exploitation in employment.

3□ Important Cases

- **Bandhua Mukti Morcha v. Union of India (1984)** – Supreme Court emphasized Article 24 in protecting children from bonded labor.
- **M.C. Mehta v. Union of India (1996)** – Child labor in hazardous industries declared unconstitutional.

Principles Derived

1. **Absolute Prohibition of Exploitation** – No person shall be forced into labor or trafficked.
2. **Protection of Children** – Special emphasis on safeguarding children from hazardous work.
3. **Right to Dignity** – Exploitation of labor violates human dignity.
4. **State Responsibility** – State must enact and enforce laws to prevent trafficking and forced labor.
5. **Judicial Activism** – Courts play a proactive role in eliminating exploitation.

Importance of Rights Against Exploitation

1. Ensures **human dignity and liberty**.
 2. Protects **vulnerable sections** (children, workers, bonded laborers).
 3. Promotes **social justice** and equality.
 4. Encourages **safe and ethical working conditions**.
 5. Supports **international human rights obligations**.
 6. Prevents **economic and social exploitation** of weaker sections.
-

Conclusion

- **Articles 23–24** form the foundation for protecting citizens from **slavery, forced labor, human trafficking, and child exploitation**.
 - They reflect India’s commitment to **human rights, social justice, and dignity of labor**.
 - Judicial interpretation and **legislation like Bonded Labour Abolition Act and Child Labour Act** strengthen enforcement.
 - These rights ensure that **no citizen is exploited for economic, social, or political gain**, promoting a **just and humane society**.
-

Right to Freedom of Religion (Articles 25–28)

Introduction

- **Right to Freedom of Religion** is guaranteed under **Part III (Fundamental Rights)** of the Indian Constitution.
 - Ensures **religious liberty, equality, and secularism** in India.
 - Protects the right of **all citizens** to **profess, practice, and propagate religion** without discrimination.
 - Important for maintaining **communal harmony** and supporting India’s **secular democratic framework**.
 - Inspired by **American First Amendment** and **freedom of conscience principles**.
-

Article 25 – Freedom of Conscience and Free Profession, Practice, and Propagation of Religion

1□ Key Provisions

- **All citizens** have the right to:

- **Freedom of conscience** (inner belief)
- **Freedom to profess religion**
- **Freedom to practice religion**
- **Freedom to propagate religion** (share or spread one's faith)

2 □ Scope and Limitations

- **Applicable to all religions**, including minorities.
- **State can regulate or restrict:**
 1. **Public order** – prevent communal riots or disturbances.
 2. **Health and morality** – e.g., practices endangering life or health can be regulated.
 3. **Social welfare** – reform practices like untouchability, Sati (abolished), or child marriage.
- **Does not allow conversion by force or fraud.**

3 □ Important Cases

- **Rev. Stainislaus v. State of Madhya Pradesh (1977)** – Right to propagate does not include the right to convert by force.
- **Bijoe Emmanuel v. State of Kerala (1986)** – Students' religious beliefs respected even in schools.

Article 26 – Freedom to Manage Religious Affairs

- **Every religious denomination** has the right to:
 1. **Establish and maintain institutions** for religious purposes.
 2. **Manage own affairs in matters of religion.**
 3. **Own and acquire property** for religious purposes.
 4. **Administer such property** according to law.

1 □ Limitations

- **State can regulate** secular activities in religious institutions (e.g., temple administration).
- Example: **Hindu Religious and Charitable Endowments Act** – State supervision over Hindu temples.

2 □ Important Cases

- **S.R. Bommai v. Union of India (1994)** – Religious freedoms cannot be used to threaten secularism.
- **Shirur Mutt Case (1954)** – Right to manage religious affairs protected but state can regulate secular aspects.

Article 27 – Freedom from Compulsory Religious Taxation

- **No person shall be compelled to pay taxes** for the promotion or maintenance of any religion.
- Example: Hindus cannot be forced to contribute to temples if they do not wish to.
- Ensures **financial freedom in religious matters**.

Article 28 – Freedom in Educational Institutions

- **Religious instruction in schools:**
 1. **No religious instruction** in **government or government-aided schools**.
 2. **Optional religious instruction** may be provided in institutions **established by religious bodies**, with parental consent.

1□ Importance

- Protects **children from forced religious education**.
- Maintains **secular character of state-run education**.

2□ Important Cases

- **Bijoe Emmanuel v. State of Kerala (1986)** – Children’s right to not participate in religious activity protected.
- **St. Xavier’s College v. State of Maharashtra** – Religious minority institutions can manage their own education.

Principles Derived

1. **Secularism** – State remains neutral in religious matters.
2. **Freedom of conscience** – Inner belief cannot be interfered with.
3. **Religious equality** – All religions treated equally under law.
4. **Propagation vs Conversion** – Can propagate faith but cannot force conversion.
5. **State regulation permissible** – In the interest of public order, morality, health, and social welfare.

Importance of Right to Freedom of Religion

1. Protects **individual liberty of belief and conscience**.
2. Maintains **communal harmony** and prevents religious conflicts.
3. Ensures **democracy and pluralism**.

4. Allows **minorities to preserve and propagate their religion**.
 5. Promotes **secular character of India**.
 6. Balances **individual rights with public interest**.
-

Cultural and Educational Rights (Articles 29–30)

Introduction

- **Cultural and Educational Rights** are guaranteed under **Part III (Fundamental Rights)** of the Indian Constitution.
 - Aim: To **protect the interests of minorities** and promote **cultural diversity and educational opportunities**.
 - Ensure that all communities can **preserve their language, script, and culture** while maintaining **equal educational rights**.
 - Reflects **India's commitment to pluralism and secularism**.
 - Inspired by **international human rights standards** on minority protection.
-

Article 29 – Protection of Interests of Minorities

1 □ Key Provisions

- Any **section of citizens** with a **distinct language, script, or culture** has the **right to conserve it**.
- Citizens cannot be **denied admission to educational institutions** on grounds of religion, language, or culture.
- **Applicable to all citizens**, not just minorities.

2 □ Scope

- **Cultural preservation:** Protects **language, script, festivals, art forms, and heritage** of minority communities.
- **Educational rights:** Access to educational institutions without **discrimination based on religion, caste, language, or culture**.

3 □ Limitations

- No citizen or group has the **exclusive right to dominate educational institutions**.
- State may regulate institutions to maintain **standards, discipline, or equality**.

4 □ Important Cases

- **St. Stephen's College v. University of Delhi (1992)** – Minorities' rights cannot violate **Article 15 and secular principles**.

- **T.M.A. Pai Foundation v. State of Karnataka (2002)** – Expanded rights to **establish and administer educational institutions**.
-

Article 30 – Rights of Minorities to Establish and Administer Educational Institutions

1 □ Key Provisions

- All **religious and linguistic minorities** have the **right to establish and administer educational institutions** of their choice.
- Purpose: Preserve their **distinct culture and identity** through education.

2 □ Rights Include

1. **Establishing institutions** – Minority communities can **start schools, colleges, and universities**.
2. **Administering institutions** – Right to **manage administration, admission, and staff appointments**.
3. **Preservation of minority character** – Schools can **maintain minority ethos and culture**.

3 □ Limitations and State Regulation

- State can regulate:
 1. **Standards of education** (curriculum, syllabus, and exams).
 2. **Qualification of staff and teachers**.
 3. **Admission policies**, especially for non-minority students.
- Cannot interfere with the **basic right of minorities to preserve their identity**.

4 □ Important Cases

- **St. Xavier’s College v. State of Gujarat (1974)** – Minority institutions can **preserve religious character**, but must follow secular regulations.
 - **T.M.A. Pai Foundation v. State of Karnataka (2002)** – Minorities have **right to establish institutions**, but admissions and administration can be reasonably regulated by State.
 - **P.A. Inamdar v. State of Maharashtra (2005)** – Minority institutions must maintain **academic standards**, cannot have absolute autonomy in all matters.
-

Principles Derived from Articles 29–30

1. **Cultural Preservation** – Minorities have right to **maintain language, script, and heritage**.
2. **Educational Autonomy** – Right to **establish and administer institutions** to preserve identity.
3. **Non-Discrimination** – Citizens cannot be denied education based on religion, language, or culture.

4. **Balanced Regulation** – State can regulate institutions for **quality and public interest**, without infringing minority rights.
 5. **Minority Rights are Constitutional Guarantees** – Protects India's **pluralism and diversity**.
-

Importance of Cultural and Educational Rights

1. **Protects minority interests** – Ensures language, culture, and religion are preserved.
 2. **Promotes educational diversity** – Different communities can run schools and colleges.
 3. **Strengthens secularism** – Balances rights of all communities.
 4. **Encourages social harmony** – Prevents discrimination and marginalization.
 5. **Supports democracy** – Empowers communities to **participate in education and cultural development**.
 6. **Ensures quality and access** – State regulation ensures education meets national standards.
-

Challenges in Implementation

1. **Admission disputes** – Minority institutions and non-minority applicants.
 2. **Balancing autonomy and regulation** – Ensuring academic standards without infringing rights.
 3. **Reservation policies** – Conflicts between minority rights and affirmative action.
 4. **Preserving minority culture in modern education** – Integrating national curriculum with cultural identity.
-

Conclusion

- **Articles 29–30** collectively **protect cultural diversity and educational rights** of minorities and all citizens.
 - Safeguard **freedom of choice in education** and ensure **minority communities preserve identity**.
 - Encourage **pluralism, democracy, and equality** in Indian society.
 - Judicial interpretations, especially **T.M.A. Pai, P.A. Inamdar, and St. Xavier's College cases**, have clarified the **balance between minority autonomy and state regulation**.
 - These rights are crucial for **nation-building, social harmony, and educational empowerment** in India.
-

Right to Constitutional Remedies (Articles 32–35)

Introduction

- **Right to Constitutional Remedies** is guaranteed under **Articles 32–35** of the Indian Constitution.
 - Called the **“Heart and Soul of the Constitution”** by Dr. B.R. Ambedkar.
 - Provides **mechanism to enforce Fundamental Rights** guaranteed under Part III.
 - Ensures **judicial protection** against violations of rights by **State or authorities**.
 - Unique feature: Citizens can directly approach the **Supreme Court** for enforcement.
-

Article 32 – Right to Move Supreme Court for Enforcement

1 □ Key Provisions

- Citizens can **directly approach the Supreme Court** if any Fundamental Right is violated.
- **Writs** can be issued by the Supreme Court:
 1. **Habeas Corpus** – Protects against unlawful detention or imprisonment.
 2. **Mandamus** – Commands a public authority to perform its duty.
 3. **Prohibition** – Orders lower courts or authorities to stop exceeding jurisdiction.
 4. **Certiorari** – Quashes orders of lower courts or tribunals acting illegally.
 5. **Quo Warranto** – Challenges a person holding a public office illegally.

2 □ Significance

- Acts as **safeguard for Fundamental Rights**.
- Ensures **quick justice and direct access** to the highest court.
- Judicial activism through writs strengthens **rule of law**.

3 □ Limitations

- Article 32 **cannot be suspended**, even during emergencies (except Article 359 for preventive detention laws).
- Right applies **only for enforcement of Fundamental Rights**, not for ordinary legal rights.

4 □ Important Cases

- **Keshavananda Bharati v. State of Kerala (1973)** – Article 32 vital for preserving **basic structure**.
 - **Maneka Gandhi v. Union of India (1978)** – Right to personal liberty enforced through writs.
 - **A.K. Gopalan v. State of Madras (1950)** – Emphasized Article 32’s role in protecting liberty.
-

Article 33 – Power of Parliament to Modify Fundamental Rights

- Parliament can **restrict or modify Fundamental Rights** for:
 1. Armed forces
 2. Police
 3. Intelligence agencies
 - Purpose: **ensure discipline, security, and efficiency.**
 - Example: Right to strike may be restricted for armed forces or police.
 - Limitation: Cannot **destroy the essence of Fundamental Rights.**
-

Article 34 – Restriction on Rights During Emergency

- During **National Emergency (Article 352)**, Parliament may make laws that **restrict Fundamental Rights** (except Articles 20 and 21 after 44th Amendment).
 - Ensures balance between **individual liberty** and **national security.**
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Article 35 – Legislation for Enforcement of Rights

- Parliament can enact **laws to give effect to Fundamental Rights.**
 - Provides **legal framework for preventive detention, fundamental rights enforcement, and writ jurisdiction.**
 - Acts as a **supporting mechanism** for Articles 32–34.
-

Principles Derived

1. **Supreme Court as Guardian of Fundamental Rights** – Direct access ensures enforcement.
 2. **Writ Jurisdiction** – Powerful tool to secure rights against State violations.
 3. **Parliamentary Oversight** – Can modify rights for **public interest**, security, or discipline.
 4. **Emergency Limitations** – Rights can be temporarily restricted during **national crises.**
 5. **Legal Framework** – Articles 32–35 together ensure both **judicial and legislative protection** of rights.
-

Importance of Right to Constitutional Remedies

1. Called the **“Heart and Soul” of the Constitution** → Dr. B.R. Ambedkar.
2. Provides **direct judicial protection** of Fundamental Rights.
3. Enables **citizens to challenge arbitrary State action.**
4. Strengthens **rule of law, democracy, and accountability.**

5. Promotes **judicial activism** in protecting human rights.
 6. Balances **individual liberty with public interest**.
 7. Ensures **permanence of Fundamental Rights** even during emergencies.
-

Landmark Cases

1. **Kesavananda Bharati v. State of Kerala (1973)** – Article 32 protects the **basic structure of Constitution**.
 2. **Maneka Gandhi v. Union of India (1978)** – Enforcement of personal liberty through writs.
 3. **A.K. Gopalan v. State of Madras (1950)** – Foundation for writ jurisdiction.
 4. **R.K. Garg v. Union of India (1981)** – Emphasized Article 32 as **safeguard for Fundamental Rights**.
 5. **Minerva Mills v. Union of India (1980)** – Article 32 preserves **balance of rights and directive principles**.
-

Conclusion

- **Articles 32–35** provide **comprehensive machinery** for the **protection and enforcement of Fundamental Rights**.
 - Article 32 empowers citizens to **approach Supreme Court directly**, while Articles 33–35 regulate **exceptions, emergencies, and legislation**.
 - Right to Constitutional Remedies ensures that **Fundamental Rights are not merely theoretical but practically enforceable**, reinforcing **democracy, liberty, and justice**.
 - Without this right, other Fundamental Rights would be **ineffective and meaningless**.
-

[Limitations on Fundamental Rights \(Articles 31-A, 31-B, 31-C, 335, 358 & 359\)](#)

Introduction

- **Fundamental Rights** in Part III of the Indian Constitution are not **absolute**; they are **subject to reasonable restrictions and limitations**.
 - These limitations ensure **balance between individual liberty and public interest, directive principles, and national security**.
 - Articles 31-A, 31-B, 31-C, 335, 358, and 359 specifically provide **constitutional exceptions or restrictions** on Fundamental Rights.
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Article 31-A – Validation of Certain Laws on Acquisition of Property

1 □ Introduction

- **Article 31-A** was added to the Constitution to **protect state laws acquiring private property** for public purposes.
- These were mostly **land reform laws** passed after Independence to **abolish zamindari** or **redistribute land** to farmers and the landless.
- Without protection, such laws could be challenged in courts for violating **Fundamental Rights** (Right to Property under Article 19(1)(f) and Article 31).

In short:

Article 31-A says: “If the state acquires property for public purposes or social justice, the law cannot be invalidated just because it affects private property rights.”

2 □ Key Provisions

1. **Protection for Acquisition Laws:**
 - Laws acquiring estates, lands, or properties by **State or Union** for public purposes are **immune from court challenges**.
 2. **Coverage:**
 - Includes **abolition of zamindari**, tenancy reforms, or redistribution of land.
 3. **Fundamental Rights Exception:**
 - Even if these laws violate the **Right to Property**, courts **cannot declare them invalid**.
-

3 □ Scope

- Originally, **Right to Property** was a **Fundamental Right** (Articles 19(1)(f) and 31).
 - After the **44th Amendment, 1978**, Right to Property **stopped being a Fundamental Right** → became only a **legal right under Article 300-A**.
 - Even today, **Article 31-A protects certain state acquisition laws from judicial review**, ensuring **smooth implementation of land reforms**.
-

4 □ Significance

1. **Ensures Social Justice:**
 - Helps the government **redistribute property** to landless farmers and weaker sections.
2. **Prevents Litigation:**

- Courts cannot block these laws, avoiding **long legal battles**.
3. **Supports Land Reforms:**
- Facilitates **abolition of feudal estates** and **fair redistribution** of resources.
4. **Balance Between Law and Rights:**
- Initially balanced **Right to Property** vs **social welfare**.
 - After 1978, continues to protect **social welfare laws** even though property is no longer a Fundamental Right.

5 Relationship With Other Articles

Article	Connection
31-B	Protects laws listed in Ninth Schedule; 31-A laws often included in Ninth Schedule for extra protection
31-C	Protects laws implementing Directive Principles; both 31-A and 31-C safeguard social reform laws
Article 300-A	Current legal right to property; 31-A still shields acquisition laws from challenges

6 In Short

Article 31-A = Shield for land acquisition & redistribution laws, originally to protect Fundamental Rights, now ensures **smooth land reforms and social justice** without getting blocked by courts.

Article 31-B – Protection of Laws in the Ninth Schedule

1 Introduction

- **Article 31-B** is a special provision in the Indian Constitution that **protects certain laws from being challenged in courts**.
- It is **closely linked with the Ninth Schedule**, which lists all the laws that are shielded.
- **Reason for its creation:** After Independence, the government passed **land reform laws** and other **social justice legislation** to redistribute land and reduce inequality.
- Many of these laws were challenged in courts for **violating Fundamental Rights** (especially the Right to Property under Articles 19(1)(f) and 31).

- To protect these laws, the **First Amendment, 1951** introduced **Article 31-B** and created the **Ninth Schedule**.
-

2 □ Key Provisions

1. Protection from Judicial Review:

- Any law included in the Ninth Schedule **cannot be declared void** for violating Fundamental Rights.
- This gave **immunity to laws implementing social justice and land reforms**.

2. Purpose:

- Ensure **land reforms and socio-economic legislation** could continue without legal hurdles.
- Prevent rich landowners or private interests from **blocking reforms through courts**.

3. Scope Initially:

- Originally, **all laws listed in the Ninth Schedule were completely protected**, even if they violated Fundamental Rights.
 - Most early laws were about **abolishing zamindari**, distributing land, or regulating tenancy.
-

3 □ Limitations and Judicial Clarifications

Although Article 31-B gave **strong protection**, the Supreme Court later clarified its **limits** to preserve the **basic structure of the Constitution**:

A. Kesavananda Bharati v. State of Kerala (1973)

- The Supreme Court ruled that:
 - Parliament cannot use Article 31-B and the Ninth Schedule to **destroy the basic structure of the Constitution**.
 - Fundamental Rights cannot be completely overridden; **balance must be maintained** between rights and social welfare.

B. I.R. Coelho v. State of Tamil Nadu (2007)

- Court clarified that:
 - **All laws added to the Ninth Schedule after April 24, 1973** can be **reviewed by courts**.
 - Laws added before this date remain protected.
 - The judgment ensures that the **Ninth Schedule cannot be misused** to bypass judicial review or violate the Constitution's core principles.

4 □ Significance of Article 31-B

1. **Protects Social Reform Laws:**
 - Allows Parliament and State legislatures to pass **redistributive laws** for land, education, labor rights, etc., without fear of being struck down.
2. **Balancing Rights and Reforms:**
 - Ensures **Fundamental Rights are respected** while allowing the **government to achieve social and economic justice**.
3. **Prevent Misuse:**
 - Judicial review after 2007 ensures that **laws cannot be placed in the Ninth Schedule to bypass the Constitution's basic structure**.
4. **Historical Importance:**
 - Key tool during **land reforms in the 1950s and 1960s**.
 - Helped India implement policies to **reduce feudal inequalities** and promote **social justice**.

5 □ Relationship with Article 31-C

- **Article 31-C:** Protects laws that implement **Directive Principles of State Policy (DPSPs)** from challenges under Fundamental Rights.
- **Article 31-B:** Protects laws listed in the **Ninth Schedule** from Fundamental Rights challenges.
- Together, they form a **constitutional mechanism** to balance **individual rights and social welfare legislation**.

6 □ Summary Table

Feature	Article 31-B
Purpose	Protect laws from being struck down for violating Fundamental Rights
Linked with	Ninth Schedule
Initial scope	Complete immunity from judicial review
Limitations	Cannot destroy Constitution's basic structure (Kesavananda)
Judicial review	Laws added after April 24, 1973 can be reviewed (I.R. Coelho)
Significance	Safeguards social welfare and land reform legislation

7 📄 Simple Takeaway

Article 31-B + Ninth Schedule = Shield for social justice laws, but Supreme Court ensures they don't violate the Constitution's basic structure.

It balances **social reform** and **individual rights**.

Article 31-C – Protection of Laws Implementing Directive Principles

1 📄 Why Article 31-C Exists

- India's Constitution contains **Directive Principles of State Policy (DPSPs)**.
- DPSPs guide the government to work for **social and economic justice**, e.g.:
 - Land reforms
 - Fair wages and labor rights
 - Welfare programs for weaker sections
- Sometimes, implementing these laws **affects Fundamental Rights**:
 - **Article 14** – Right to equality
 - **Article 19** – Freedom of speech, association, movement, etc.
- **Purpose of Article 31-C:**

Ensure that laws made to implement **DPSPs cannot be easily struck down** by courts just because they violate some Fundamental Rights.

2 📄 How It Works

- If a law is made **specifically to implement DPSPs**, courts **cannot declare it invalid** just because it infringes:
 - Right to equality (Article 14)
 - Freedom of speech and other freedoms (Article 19)
 - This gives the **government power** to pass **social welfare and reform laws** without being blocked by courts repeatedly.
-

3 📄 Limits / Judicial Clarifications

Even though 31-C gives strong protection, the **Supreme Court limited its power** to prevent misuse:

1. **Kesavananda Bharati v. State of Kerala (1973)**

- Parliament cannot use Article 31-C to **destroy the basic structure** of the Constitution.
- Fundamental Rights **cannot be completely overridden**.

2. **Minerva Mills v. Union of India (1980)**

- Article 31-C **cannot stop courts from reviewing laws**.
- Courts must maintain a **balance between Fundamental Rights and DPSPs**.

Key point: Article 31-C protects social reform laws, but **cannot violate the core principles of the Constitution**.

4 Significance

- Helps government implement **socio-economic reforms** smoothly.
 - Prevents frequent legal challenges to laws promoting **social justice**.
 - Ensures a **balance between individual rights and collective welfare**.
 - Example: Land ceiling laws, labor welfare laws, or schemes for weaker sections.
-

5 In Short

“Government can make laws for social justice even if they slightly affect some Fundamental Rights, but **it cannot violate the Constitution’s core**, and **courts can still review laws** to prevent abuse.”

Article 335 – Claims of Scheduled Castes and Scheduled Tribes in Services

1 Key Provisions

- Reservation in **public employment** for SCs/STs must be **reasonable**.
- Efficiency of administration should **not be compromised** while providing affirmative action.

2 Significance

- Balances **social justice** (positive discrimination) with **state efficiency**.
 - Ensures **SC/ST empowerment** without affecting public administration quality.
-

Article 358 – Suspension of Fundamental Rights During Emergency

1 Key Provisions

- During **National Emergency (Article 352)**, Parliament can **suspend the enforcement of Fundamental Rights under Article 19**.
- Suspension remains **valid only during the emergency period**.

2 □ Significance

- Allows State to **maintain public order and security** during extreme situations.
-

Article 359 – Suspension of Rights and Power of President

1 □ Key Provisions

- President can **suspend enforcement of Fundamental Rights (except Articles 20 & 21)** during emergency.
- Can extend suspension to **any area** or the **whole country**.
- Parliament can make laws giving effect to such suspension.

2 □ Significance

- Provides **temporary constitutional flexibility** in times of national crisis.
-

Principles Derived from These Articles

1. **Fundamental Rights are not absolute** – subject to reasonable restrictions.
 2. **Balancing rights and social justice** – Articles 31-A, 31-B, 31-C protect **land reforms, welfare laws, and DPSPs**.
 3. **Affirmative action with efficiency** – Article 335 balances **reservation for SC/ST** with **public service efficiency**.
 4. **Emergency provisions** – Articles 358 and 359 allow **temporary suspension** of rights to protect **national security and public order**.
 5. **Judicial review remains vital** – Courts ensure that **limitations do not violate basic structure**.
-

Importance of Limitations on Fundamental Rights

1. Allows **State to implement land reforms and socio-economic justice**.
 2. Ensures **reservation and social equity** while maintaining administrative efficiency.
 3. Balances **individual rights with collective welfare**.
 4. Protects **emergency powers and national security** without permanently curtailing rights.
 5. Prevents **judicial invalidation** of essential public welfare laws.
 6. Upholds **basic structure and democratic principles** despite restrictions.
-

Landmark Cases

1. **Kesavananda Bharati v. State of Kerala (1973)** – Basic structure cannot be destroyed using 31-B/31-C.
 2. **I.R. Coelho v. State of Tamil Nadu (2007)** – Ninth Schedule laws post-1973 subject to judicial review.
 3. **Minerva Mills v. Union of India (1980)** – Article 31-C cannot violate fundamental rights completely.
 4. **Indra Sawhney v. Union of India (1992)** – Article 335 ensures balance between reservation and efficiency.
 5. **A.K. Gopalan v. State of Madras (1950)** – Highlighted limits on personal liberty under reasonable restrictions.
-

Conclusion

- **Articles 31-A, 31-B, 31-C, 335, 358 & 359** provide **constitutional limitations on Fundamental Rights**.
- Ensure **balance between individual liberty, social justice, directive principles, and national security**.
- Judicial interpretation ensures **rights are not completely nullified**, maintaining **democracy, secularism, and rule of law**.
- These limitations make the Constitution **practical, flexible, and welfare-oriented** without undermining its **core principles**.

Unit-V

Directive Principles of State Policy (DPSPs)

1 □ Introduction

- Found in Part IV (Articles 36–51) of the Constitution.
 - Purpose: To guide the Government in making laws that lead to the creation of a welfare state.
 - Nature: Not legally enforceable (non-justiciable), but morally and politically binding.
 - Inspired by: The Irish Constitution (1937), and influenced by the Directive Principles of Social Policy in Ireland.
 - Reflects the ideals of justice, liberty, equality, and fraternity from the Preamble.
-

2 □ Nature and Characteristics

1. Guidelines for Governance: They serve as broad principles for the Union and State Governments.
 2. Non-Justiciable: No person can go to court to enforce a DPSP (Art. 37).
 3. Fundamental in Governance: They are fundamental in the governance of the country — the State must apply them when framing laws.
 4. Dynamic and Progressive: They can evolve with changing needs of society.
 5. Moral Obligation: Though not enforceable, they are considered a constitutional duty of the government.
-

3 □ Classification of DPSPs

The framers of the Constitution grouped them under three main categories:

(A) Socialist Principles

Aim: To establish economic and social equality.

- Art. 38: Promote welfare of people and reduce inequality.
- Art. 39: Secure adequate livelihood, equal pay for equal work, avoid concentration of wealth.
- Art. 41: Right to work, education, and public assistance.
- Art. 42: Humane working conditions and maternity relief.
- Art. 43: Living wage and decent standard of life for workers.
- Art. 43A: Workers' participation in management (added by 42nd Amendment, 1976).
- Art. 47: Raise the level of nutrition and public health.

☒ Example: Implementation of MGNREGA (Right to Work), Minimum Wages Act, Labour Welfare Laws, etc.

(B) Gandhian Principles

Aim: To reflect Gandhiji's vision of self-reliant and village-based India.

- Art. 40: Organization of Village Panchayats.
- Art. 43: Promotion of cottage industries.
- Art. 46: Promote educational and economic interests of SCs, STs, and other weaker sections.
- Art. 47: Prohibition of intoxicating drinks and drugs.
- Art. 48: Promotion of agriculture and animal husbandry; ban on cow slaughter.

☒ Example: 73rd and 74th Amendments (Panchayati Raj) — realization of Gandhian ideal of grassroots democracy.

(C) Liberal–Intellectual Principles

Aim: To ensure political, legal, and international peace.

- Art. 44: Uniform Civil Code for all citizens.
- Art. 45: Free and compulsory education for children (later made Fundamental Right under Art. 21A).
- Art. 48: Scientific organization of agriculture and animal husbandry.
- Art. 49: Protection of monuments and heritage.
- Art. 50: Separation of judiciary from executive.
- Art. 51: Promotion of international peace and respect for international law.

☐ Example: Protection of cultural heritage laws and foreign policy promoting world peace.

4☐ Importance of DPSPs

- Promote welfare state instead of a police state.
 - Ensure economic democracy along with political democracy.
 - Serve as yardsticks for assessing government performance.
 - Inspire legislative and executive actions.
 - Bridge the gap between law and morality in governance.
-

5☐ Relationship Between DPSPs and Fundamental Rights

Fundamental Rights	Directive Principles
Provide political democracy	Aim for economic & social democracy
Enforceable by courts	Non-enforceable, but binding in policy
Promote individual liberty	Promote collective welfare
Sometimes in conflict	Complement Rights for holistic justice

◆ Balancing Case Laws:

- State of Madras v. Champakam Dorairajan (1951) – FRs prevail over DPSPs.
 - Kesavananda Bharati (1973) – Harmony between FRs & DPSPs is part of the Basic Structure.
 - Minerva Mills (1980) – FRs and DPSPs are complementary; one cannot override the other.
-

6 □ Judicial Interpretation

Courts have used DPSPs to interpret laws in favor of social justice:

- Unni Krishnan v. State of A.P. (1993): Right to education (Art. 21A) derived from DPSPs.
 - Olga Tellis v. Bombay Municipal Corporation (1985): Right to livelihood linked to Art. 39(a).
 - Vishaka v. State of Rajasthan (1997): Gender justice based on Art. 39(a) and 42.
-

7 □ Implementation and Examples

- National Rural Employment Guarantee Act (2005) → Art. 41 (Right to work)
 - Mid-Day Meal Scheme → Art. 47 (Nutrition & health)
 - Prohibition of Cow Slaughter → Art. 48
 - Panchayati Raj (1992) → Art. 40
 - Equal Remuneration Act (1976) → Art. 39(d)
-

8. Conclusion

- DPSPs form the moral and social conscience of the Constitution.
 - They represent the goals the State must strive to achieve for a just, equitable, and humane society.
 - Together with Fundamental Rights, they form the core of constitutional governance — ensuring both liberty and equality.
 - Though not enforceable, they guide every policy, shaping India's journey toward a welfare state envisioned by the framers.
-

Significance of Directive Principles

✿ Significance of Directive Principles of State Policy (DPSPs)

The **Directive Principles of State Policy (DPSPs)** are among the most visionary parts of the Indian Constitution. Though non-justiciable, they serve as the **moral, social, and political compass** guiding India's path toward a **welfare and just society**.

1 □ Promote Social and Economic Justice

- DPSPs aim to **reduce inequalities in income, wealth, and opportunities** among individuals and groups.

- They promote **social and economic democracy**, complementing political democracy ensured by Fundamental Rights.
- Articles like **38 and 39** direct the State to remove disparities and ensure fair distribution of resources.
- The goal is not only equality before law but also **equality in conditions of life**.

☞ *Example:* Implementation of **land reforms, progressive taxation, reservation policies, and MGNREGA (Right to Work)** — all stem from DPSPs promoting social justice.

2 ☐ Establishment of a Welfare State

- The ultimate purpose of DPSPs is to make India a **Welfare State**, not a mere police state.
- Welfare means ensuring citizens' **basic needs, dignity, and security** are fulfilled by the State.
- They guide governments to frame policies in areas like:
 - **Health** (Art. 47 – Nutrition and public health)
 - **Education** (Art. 41, 45 – Right to education)
 - **Labour welfare** (Art. 42 – Humane working conditions)
 - **Agriculture and industry** (Art. 43 – Living wage, Art. 48 – Agriculture & animal husbandry)

☞ *Example:* **National Health Mission, Right to Education Act (2009), and Maternity Benefit Act** are steps toward this welfare ideal.

3 ☐ Balance Between Fundamental Rights and Duties

- Fundamental Rights protect **individual liberty**, while DPSPs ensure **collective welfare**.
- Together, they strike a balance between the rights of individuals and the duties of the State to society.
- This balance ensures that liberty does not turn into license and that equality is meaningful for all.
- The harmony between the two forms the **Basic Structure** of the Constitution (as held in *Kesavananda Bharati v. State of Kerala, 1973*).

☞ *Example:* Freedom of trade (Art. 19(1)(g)) balanced with labor welfare laws under Art. 39 and 42.

4 ☐ Influence on Legislation and Policy-Making

- DPSPs are a **blueprint for socio-economic legislation** in India.
- Parliament and State Legislatures have used DPSPs as guiding lights in framing welfare laws.
- Many important laws draw their inspiration from them, such as:

- **Minimum Wages Act (1948)** → Art. 43 (Living wage)
- **Child Labour (Prohibition and Regulation) Act (1986)** → Art. 39(e)
- **Equal Remuneration Act (1976)** → Art. 39(d)
- **Maternity Benefit Act (1961)** → Art. 42

📌 *Example:* Government welfare programs like **Public Distribution System (PDS)**, **Ayushman Bharat**, and **National Food Security Act** reflect DPSP values.

5 ☐ Guide for Judicial Interpretation

- Though non-justiciable, DPSPs play a **vital role in judicial interpretation**.
- Courts often interpret Fundamental Rights in harmony with Directive Principles to achieve social justice.
- The judiciary has used DPSPs to **expand the scope of Fundamental Rights**, especially Article 21 (Right to Life).

🏛️ ☐ *Landmark Cases:*

- **Kesavananda Bharati v. State of Kerala (1973):** Balance between FRs and DPSPs is part of the Basic Structure.
 - **Minerva Mills v. Union of India (1980):** FRs and DPSPs are complementary and not conflicting.
 - **Unni Krishnan v. State of A.P. (1993):** Right to education (Art. 21A) evolved from DPSPs (Art. 41, 45).
 - **Vishaka v. State of Rajasthan (1997):** Gender justice and safe workplace rights derived from Art. 39(a) and 42.
-

6 ☐ Ensure Equality and Social Inclusion

- DPSPs aim to **protect and uplift marginalized and weaker sections** of society — Scheduled Castes (SC), Scheduled Tribes (ST), women, children, and minorities.
- Articles **39**, **46**, and **47** focus on ensuring equality in access to education, employment, and social opportunities.
- Promote justice for every class and ensure **inclusive development**.

📌 *Example:* Reservation policies in education and employment, **SC/ST (Prevention of Atrocities) Act**, and **women's welfare schemes** like *Beti Bachao Beti Padhao*.

7 ☐ Promotion of Gandhian and Socialist Ideals

- DPSPs reflect **Gandhiji's vision** of self-sufficient village republics and **socialist values** of equality and justice.

- **Gandhian principles** include:
 - Village Panchayats (Art. 40)
 - Cottage industries (Art. 43)
 - Prohibition of intoxicating drinks (Art. 47)
 - Promotion of agriculture and animal husbandry (Art. 48)
- **Socialist principles** include:
 - Right to work and education (Art. 41)
 - Equal pay and distribution of wealth (Art. 39)
 - Health and nutrition (Art. 47)

☞ *Example:* Establishment of **Panchayati Raj Institutions (73rd Amendment, 1992)** and **public welfare schemes** based on equality and rural development.

8 ☐ Strengthen Democratic and Moral Foundations

- DPSPs reflect the **moral and ethical responsibilities** of the government toward its citizens.
- They remind every ruling authority that power is a trust, to be used for the welfare of all.
- Promote **participatory democracy, justice-oriented governance**, and a **humane society**.
- They are the **moral code of the Constitution**, shaping India's path toward sustainable and inclusive growth.

☞ *Example:* Policies promoting **transparency, environmental protection, and gender equality** reflect the moral spirit of DPSPs.

✦ Conclusion

The **Directive Principles of State Policy** transform the **Constitution from a legal document into a living instrument of social change**.

They guide the nation toward **economic justice, social equality, and moral governance**.

Even though they are non-enforceable, their **political and moral force** ensures that governments are held accountable to the vision of a **welfare, democratic, and just India** envisioned by the framers of the Constitution.

Classification of Directive Principles

DPSPs can be classified based on **nature and purpose** into the following categories:

1 ☐ Socialistic Principles (Articles 38, 39, 41, 42, 43, 43A)

- Promote **economic justice and equality**.
- **Examples:**

- Article 38 – State to promote welfare of people.
- Article 39 – Equal pay for equal work; right to adequate means of livelihood.
- Article 41 – Right to work, education, and public assistance.
- Article 42 – Maternity relief.
- Article 43 – Living wage and decent standard of life for workers.
- Article 43A – Participation of workers in management of industries.

2 📄 Gandhian Principles (Articles 40, 43, 46)

- Promote **decentralization, village self-government, and cottage industries.**
- **Examples:**
 - Article 40 – Organize village panchayats.
 - Article 43 – Promote cottage industries in rural areas.
 - Article 46 – Promote educational and economic interests of weaker sections.

3 📄 Liberal-Intellectual Principles (Articles 44, 45, 48, 48A)

- Aim to promote **modern, progressive values** and **scientific temper.**
- **Examples:**
 - Article 44 – Uniform Civil Code.
 - Article 45 – Free and compulsory education for children.
 - Article 48 – Organization of agriculture and animal husbandry.
 - Article 48A – Protection of environment and forests.

4 📄 Political Principles (Articles 51, 51A(g))

- Promote **democratic values and international peace.**
- **Examples:**
 - Article 51 – Promotion of international peace and security, fostering respect for international law.
 - Article 51A(g) – Fundamental duty to protect environment, heritage, and wildlife.

Features of Directive Principles

1. **Non-Justiciable** – Cannot be enforced in courts.
2. **Fundamental in Governance** – Guide State in policymaking.
3. **Aim to Establish Welfare State** – Promote socio-economic development.
4. **Complement Fundamental Rights** – Balance individual rights and collective welfare.

5. **Dynamic in Nature** – Can evolve as per **changing socio-economic conditions**.
 6. **Promote Equity and Justice** – Reduce inequality and marginalization.
-

Importance of DPSPs

1. Help in **reducing socio-economic inequalities**.
 2. Promote **education, health, and social welfare**.
 3. Ensure **justice for weaker sections** (SC/ST, women, children).
 4. Provide **guidance for judicial interpretation of laws**.
 5. Promote **economic, social, and political democracy**.
 6. Encourage **sustainable development** and environmental protection.
 7. Strengthen **democratic governance** and accountability.
 8. Serve as a **bridge between fundamental rights and state policies**.
-

Implementation of DPSPs

- While non-justiciable, DPSPs have been implemented through:
 1. **Legislative enactments** – e.g., Right to Education Act, Minimum Wages Act.
 2. **Judicial interpretation** – e.g., **Kesavananda Bharati v. State of Kerala (1973)**; **Minerva Mills v. Union of India (1980)**.
 3. **Policy initiatives** – e.g., National Rural Employment Guarantee Scheme (NREGA), social welfare programs.
-

Landmark Cases

1. **Kesavananda Bharati v. State of Kerala (1973)** – DPSPs guide interpretation of Fundamental Rights; part of basic structure.
 2. **Minerva Mills v. Union of India (1980)** – Balance between Fundamental Rights and DPSPs essential.
 3. **Unni Krishnan v. State of Andhra Pradesh (1993)** – Right to education interpreted in light of DPSPs.
 4. **Olga Tellis v. Bombay Municipal Corporation (1985)** – Right to livelihood aligned with DPSPs.
 5. **Hussainara Khatoon v. Home Secretary (1979)** – DPSPs used to ensure speedy trial and justice.
-

Conclusion

- **Directive Principles of State Policy** provide the **vision for a just, equitable, and welfare-oriented society**.
 - Though **non-justiciable**, they are **fundamental for governance** and influence law-making, policy, and judicial interpretation.
 - DPSPs ensure **balance between individual rights and social welfare**, promoting **social justice, equality, and democracy**.
 - Serve as the **moral and socio-economic compass** of the Constitution, guiding India toward a **welfare state**.
-

Application and Judicial Interpretation of (DPSPs)

Introduction

- **Directive Principles of State Policy (DPSPs)** are in **Part IV (Articles 36–51)** of the Indian Constitution.
 - They are **non-justiciable**, meaning they **cannot be enforced in courts** directly.
 - **Objective:** Guide the State in **making laws and policies** to establish a **just, equitable, and welfare-oriented society**.
 - **Judiciary** plays a key role in **harmonizing DPSPs with Fundamental Rights (Part III)**.
-

Application of DPSPs

1. Guidelines for State Policy

- DPSPs act as **instructions to the legislature and executive** to frame policies in areas like:
 - Education (Article 45)
 - Health and nutrition (Articles 39, 42)
 - Work and living standards (Articles 41, 43)
 - Environmental protection (Article 48A)

2. Influence on Legislation

- DPSPs have inspired numerous **social and economic legislations**, e.g.:
 - **Minimum Wages Act, 1948** – Articles 39 & 43
 - **Maternity Benefit Act, 1961** – Article 42
 - **Right to Education Act, 2009** – Article 45

3. Socio-Economic Reforms

- Land reforms and abolition of zamindari (Articles 31A, 31B)
- Reservation policies for SC/ST and weaker sections (Article 46)

4. Policy Planning

- National programs like **Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA)**, **National Health Mission**, **Rural Development Programs** are guided by DPSPs.

5. Judicial Interpretation and Implementation

- Courts have played a major role in giving effect to DPSPs through **progressive judgments**.
 - In **Kesavananda Bharati v. State of Kerala (1973)**, the Supreme Court held that DPSPs and Fundamental Rights must be **harmoniously construed**.
 - In **Minerva Mills v. Union of India (1980)**, the Court declared that both are **complementary** — not contradictory.
 - Judicial activism has ensured DPSPs guide constitutional interpretation.
-

6. Constitutional Amendments Giving Effect to DPSPs

- **42nd Amendment (1976)**: Added Article 39A (free legal aid), Article 43A (workers' participation), and Article 48A (environmental protection).
 - **44th Amendment (1978)**: Strengthened the principle of equality and reduced misuse of emergency powers.
 - **86th Amendment (2002)**: Made education for children (6–14 years) a Fundamental Right (Article 21A) — derived from Article 45.
-

7. Administrative and Economic Planning

- DPSPs influence India's **Five-Year Plans** and **NITI Aayog** policies.
 - Areas like poverty removal, employment generation, and women's welfare are shaped by DPSPs (Articles 38, 39, 41).
-

8. Promotion of International Peace and Global Cooperation

- Article 51 guides India's **foreign policy** — promoting world peace, respect for international law, and peaceful dispute settlement.
 - Example: India's role in the **United Nations**, **NAM**, and **climate change diplomacy** (Paris Agreement).
-

9. Environmental and Sustainable Development Policies

- Article 48A and 51A(g) led to laws like:
 - **Environment Protection Act, 1986**
 - **Wildlife Protection Act, 1972**
 - **Forest Conservation Act, 1980**
 - These reflect India's constitutional commitment to sustainable development.
-

Judicial Interpretation of DPSPs

Although **non-justiciable**, the **Supreme Court and High Courts** have **interpreted DPSPs to enforce socio-economic justice**, often **harmonizing them with Fundamental Rights**.

1□ Early Interpretation

- **State v. Union of India (1951)** – Initial view: DPSPs are **guidelines only**, not enforceable.
 - Courts upheld that **non-justiciability does not make them irrelevant**.
-

2□ Kesavananda Bharati v. State of Kerala (1973)

- **Significance:**
 - DPSPs are part of the **basic structure doctrine**.
 - Fundamental Rights and DPSPs should be **interpreted harmoniously**, not in conflict.
-

3□ Minerva Mills v. Union of India (1980)

- **Key Principle:**
 - A **balance must be maintained** between Fundamental Rights and DPSPs.
 - Parliament cannot use DPSPs to **nullify Fundamental Rights completely**.
-

4□ Unni Krishnan v. State of Andhra Pradesh (1993)

- **Right to Education** (Fundamental Right) interpreted in light of **Article 45 (DPSP)**.
 - Courts held: Education is **both a Fundamental Right and a Directive Principle**, showing **harmonious interpretation**.
-

5□ Olga Tellis v. Bombay Municipal Corporation (1985)

- Right to **livelihood** protected using DPSPs:

- Article 41 (right to work) and Article 43 (living wage)
- Courts interpreted **right to life under Article 21** to include livelihood, aligning with DPSPs.

6 Hussainara Khatoon v. State of Bihar (1979)

- **Speedy trial and legal aid** interpreted using DPSPs (Articles 39A – justice and equality).
- DPSPs used to **expand Fundamental Rights scope**.

7 Other Notable Cases

Case	DPSP & Article Involved	Judicial Outcome
Minerva Mills (1980)	Articles 39(b) & 39(c)	Balance between Fundamental Rights & DPSPs
Unni Krishnan (1993)	Article 45	Education is Fundamental Right in light of DPSPs
Olga Tellis (1985)	Articles 41 & 43	Right to livelihood is part of right to life
Kesavananda Bharati (1973)	Article 37	DPSPs part of basic structure doctrine
Hussainara Khatoon (1979)	Article 39A	Right to speedy trial aligned with DPSPs

Principles Derived from Judicial Interpretation

1. **Harmonious Construction** – Fundamental Rights and DPSPs must be interpreted together.
2. **Guiding Force for Legislation** – Laws should aim to achieve DPSPs objectives.
3. **Indirect Enforcement** – Courts enforce Fundamental Rights using DPSPs as interpretive guidance.
4. **Basic Structure Doctrine** – DPSPs form part of the Constitution's **core principles**.
5. **Expansion of Rights** – DPSPs expand **scope of Fundamental Rights** in socio-economic context.

Importance of Judicial Interpretation of DPSPs

1. Ensures **non-justiciable DPSPs influence enforceable Fundamental Rights**.
2. Guides **policy-making and legislative reforms**.
3. Promotes **social justice, equality, and welfare**.

4. Upholds **democratic values and human dignity**.
 5. Provides **flexibility for courts to adapt to socio-economic changes**.
 6. Bridges the **gap between directive goals and enforceable rights**.
-

Conclusion

- DPSPs are **visionary guidelines for socio-economic welfare**, aiming to build a **just and equitable society**.
 - Judicial interpretation ensures they **guide law-making and Fundamental Rights enforcement** without violating the Constitution's basic structure.
 - Through **cases like Kesavananda Bharati, Minerva Mills, and Unni Krishnan**, the judiciary has shown how DPSPs can be **applied indirectly** to protect rights and promote welfare.
 - DPSPs play a **central role in achieving India's vision of a welfare state**, while courts ensure **balance, harmony, and justice**.
-

Relationship between Fundamental Rights and Directive Principles of State Policy

Introduction

- **Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV) are two pillars of the Indian Constitution.**
 - **FRs protect individual liberties and equality**, while **DPSPs aim to achieve socio-economic justice and welfare**.
 - Both together ensure a **balanced, just, and democratic society**.
 - **Conflict and harmony** between them have been a central theme in constitutional law, clarified through **landmark judicial interpretations**.
-

Fundamental Rights (FRs) – Quick Recap

1. **Nature:** Justiciable; enforceable in courts.
 2. **Purpose:** Protect **individual freedoms, civil and political rights**.
 3. **Examples:**
 - Right to equality (Articles 14–18)
 - Right to freedom (Article 19)
 - Right to life and liberty (Article 21)
 - Cultural and educational rights (Articles 29–30)
-

Directive Principles of State Policy (DPSPs) – Quick Recap

1. **Nature:** Non-justiciable; cannot be enforced directly in court.
 2. **Purpose:** Guide the **State in making laws and policies for social, economic, and political justice.**
 3. **Examples:**
 - Adequate livelihood and social welfare (Articles 38–43)
 - Education for children (Article 45)
 - Protection of environment (Article 48A)
 - Uniform Civil Code (Article 44)
-

Nature of Relationship Between FRs and DPSPs

1. **Complementary**
 - FRs and DPSPs are **mutually reinforcing.**
 - Example: Right to education (FR – Article 21A) aligns with DPSP – Article 45 (free education).
 2. **Conflict-Prone**
 - Sometimes, **FRs may restrict State action** aimed at achieving DPSPs.
 - Example: Land reforms (DPSPs) initially violated property rights (FR – Article 31).
 3. **Harmonious Construction**
 - Courts try to **interpret FRs and DPSPs together**, ensuring **balance between individual liberty and socio-economic justice.**
 4. **Evolution of Doctrine**
 - Initially seen as **FRs superior** to DPSPs (A.K. Gopalan v. State of Madras, 1950).
 - Later: **DPSPs guide interpretation of FRs** (Kesavananda Bharati, Minerva Mills).
-

Judicial Interpretation

1 □ Early Period

- **A.K. Gopalan v. State of Madras (1950)**
 - FRs were **strictly enforced.**
 - DPSPs had **no direct enforceability** and were **secondary.**
- **State v. Champakam Dorairajan (1951)**
 - Conflict between reservation (DPSPs) and right to equality (FR) → FR prevailed.

2 □ Harmonization Period

- **Kesavananda Bharati v. State of Kerala (1973)**
 - Introduced **basic structure doctrine**.
 - FRs and DPSPs should be interpreted **harmoniously**, not in conflict.
 - DPSPs are **part of basic structure**, guiding the interpretation of FRs.
- **Minerva Mills v. Union of India (1980)**
 - Balance between **FRs and DPSPs essential**.
 - Parliament cannot override FRs completely using DPSPs.
- **Unni Krishnan v. State of Andhra Pradesh (1993)**
 - Right to education (FR) interpreted in light of DPSPs (Article 45).
 - Shows **FRs and DPSPs can complement each other**.

3 □ Modern Interpretation

- Courts use **FRs to enforce DPSP goals indirectly**:
 - **Right to livelihood (Article 21)** aligned with DPSP – Article 41 (right to work).
 - **Environmental protection** (DPSP Article 48A) enforced via **right to life (Article 21)**.

Key Principles Derived

1. **Harmony and Balance**
 - FRs protect **individual liberty**, DPSPs protect **societal welfare**.
2. **Indirect Enforcement of DPSPs**
 - Courts **read DPSPs into FRs** to expand rights and enforce welfare goals.
3. **Doctrine of Reasonable Restriction**
 - FRs may have **reasonable restrictions** to implement DPSPs (e.g., land reforms, affirmative action).
4. **Basic Structure Doctrine**
 - Both FRs and DPSPs form **core structure of the Constitution**.
 - No law can destroy **balance between FRs and DPSPs**.
5. **Dynamic and Flexible Relationship**
 - Courts adjust relationship based on **changing socio-economic conditions**.

Examples of Harmonization

FR / DPSP Conflict	Judicial Resolution
Property rights (FR – Article 31) vs. Land reforms (DPSP – Articles 39(b), 31A)	Kesavananda Bharati: Reforms valid, FRs read harmoniously
Right to education (FR – Article 21A) vs. Free education directive (DPSP – Article 45)	Unni Krishnan: FR interpreted in light of DPSP
Right to livelihood (FR – Article 21) vs. Social welfare schemes (DPSPs – Article 41)	Olga Tellis: Right to life includes livelihood
Reservation policies vs. Right to equality (FR – Article 14)	Indra Sawhney: Reasonable balance ensured

Importance of Relationship Between FRs and DPSPs

1. Ensures **holistic development**: individual liberties + social welfare.
 2. Guides **policy-making and legislation** toward justice and equality.
 3. Protects **weaker sections while respecting fundamental rights**.
 4. Promotes **democracy, equality, and social justice**.
 5. Judicial interpretation ensures **balance between rights and welfare goals**.
 6. Maintains **flexibility and adaptability** in a changing society.
-

Conclusion

- **FRs and DPSPs are complementary and interdependent.**
 - While FRs protect **individual freedom**, DPSPs guide the **State to achieve socio-economic justice**.
 - **Judicial interpretation** harmonizes FRs and DPSPs, ensuring **justice, equality, and welfare**.
 - This relationship ensures India remains a **democratic, socialist, and welfare-oriented state**, maintaining **balance between liberty and social responsibility**.
-

Fundamental Duties (Article 51A) – Indian Constitution

Introduction

- Fundamental Duties are listed in **Article 51A** of the Indian Constitution, under **Part IV-A**.
 - **Introduced by the 42nd Amendment Act, 1976**, based on the recommendations of the **Swaran Singh Committee**.
 - Inspired by the **Constitution of the USSR**, they were added to complement **Fundamental Rights**.
 - Purpose:
 - Instill a sense of **moral responsibility**, discipline, and civic duty among citizens.
 - Encourage citizens to contribute positively to the **nation's progress**.
 - Initially, there were **11 Fundamental Duties**; later, the **86th Amendment (2002)** added a 12th duty regarding education.
-

List of Fundamental Duties (Article 51A)

1. **To abide by the Constitution and respect its ideals and institutions, national flag, and national anthem**
 - Citizens must follow constitutional laws, uphold democratic principles, and show respect for **national symbols**.
2. **To cherish and follow the noble ideals of the freedom struggle**
 - Citizens should remember the sacrifices of freedom fighters and promote **patriotism and integrity**.
3. **To uphold and protect the sovereignty, unity, and integrity of India**
 - Citizens must support the **nation's unity**, resist any secessionist or divisive activities, and maintain national security.
4. **To defend the country and render national service when required**
 - Citizens should **contribute to national defense** in emergencies, including volunteering for armed or civil services.
5. **To promote harmony and the spirit of common brotherhood among all citizens**
 - Encourage **social cohesion**, tolerance, and mutual respect among people of all religions, languages, and regions.
6. **To preserve the rich heritage of our composite culture**
 - Citizens must respect and protect India's **diverse cultural, historical, and artistic traditions**.
7. **To protect the environment, forests, lakes, rivers, wildlife, and have compassion for living creatures**

- Citizens must contribute to **environmental conservation**, sustainable development, and prevention of pollution.
8. **To develop scientific temper, humanism, and the spirit of inquiry and reform**
 - Promote **rational thinking, innovation**, and questioning of outdated or harmful practices.
 9. **To safeguard public property and abjure violence**
 - Protect **government property**, maintain peace, and refrain from acts of **vandalism or violence**.
 10. **To strive towards excellence in all spheres of individual and collective activity**
 - Citizens should pursue **personal and professional excellence** while contributing to **national development**.
 11. **To provide education to children between 6–14 years of age (added under the 86th Amendment, 2002)**
 - Citizens have a duty to ensure that **children receive free and compulsory education**, supporting the **Right to Education (RTE) Act, 2009**.
-

Significance of Fundamental Duties (Article 51A)

Fundamental Duties are not just moral guidelines; they play a **key role in strengthening Indian democracy** and building responsible citizens. Here's why they are important:

1. Complement Fundamental Rights

- Fundamental Duties act as a **balance to Fundamental Rights**.
 - While citizens enjoy rights like **freedom of speech, equality, and religion**, they are expected to exercise these rights **responsibly**.
 - Ensures that **one person's freedom does not harm another** or disrupt public order.
 - Example: Freedom of expression should not lead to hate speech or defamation.
-

2. Promote Civic Responsibility

- Instills a sense of **patriotism, discipline, and social responsibility**.
 - Encourages citizens to contribute positively to **society, democracy, and governance**.
 - Example: Abjuring violence and safeguarding public property ensures social harmony.
-

3. Support National Unity and Integrity

- Duties foster **loyalty towards the nation**, protecting its **sovereignty, unity, and territorial integrity**.
 - Encourages citizens to **respect national symbols** like the flag and anthem.
 - Helps maintain **peace and harmony** among diverse communities.
 - Example: Defending the country during emergencies or promoting brotherhood among all citizens.
-

4. Environmental and Social Awareness

- Duties promote **protection of the environment, forests, lakes, rivers, and wildlife**.
 - Encourages **scientific temper, rational thinking, and social responsibility**.
 - Builds a **sustainable, eco-friendly, and progressive society**.
 - Example: Citizens participating in tree planting drives or supporting pollution control measures.
-

5. Encourage Education and Excellence

- Fundamental Duties stress the importance of **education and continuous self-improvement**.
 - Citizens are motivated to **develop skills, knowledge, and personal excellence**.
 - Encourages active participation in **nation-building and social development**.
 - Example: Ensuring children get education and striving for excellence in professional and social life.
-

Conclusion

Fundamental Duties create a **moral and ethical framework** for citizens.

- They complement **rights with responsibilities**, protect the **nation's unity**, promote **environmental and social consciousness**, and encourage **education and personal excellence**.
- Together with **Fundamental Rights and Directive Principles of State Policy**, they form the **cornerstone of India's democratic and welfare-oriented framework**.

Enforceability

Enforceability of Fundamental Duties

1. Mostly Moral, Not Legal

- Fundamental Duties are primarily **moral and ethical obligations** for citizens.

- They are meant to **guide behavior** rather than act as legally binding rules.
 - The Constitution does **not prescribe direct penalties** for failing to perform most duties.
2. **No Punishment for Non-Compliance**
 - Citizens **cannot be punished** if they do not follow these duties.
 - The duties encourage **responsible citizenship**, civic sense, and patriotism, rather than legal compulsion.
 3. **Exception – Right to Education (RTE)**
 - One notable exception is the duty to **provide education to children aged 6–14 years**, introduced by the **86th Amendment (2002)**.
 - This duty is **legally enforceable** under the **Right to Education Act, 2009**, and failure to comply can attract legal consequences.
 4. **Guidelines for Courts**
 - Courts often use Fundamental Duties as a **moral and ethical benchmark**.
 - They help in interpreting **laws and Fundamental Rights** in a way that aligns with responsible citizenship and social obligations.
 - Example: Duties related to protecting the environment (Article 51A(g)) are used in cases for environmental protection and sustainable development.

Summary: While most Fundamental Duties **cannot be enforced by law**, they serve as a **compass for citizens and courts**, guiding behavior and ensuring that rights are exercised responsibly.

Conclusion

1. **Moral Compass for Citizens**
 - Fundamental Duties provide a **sense of responsibility** and encourage citizens to contribute positively to society.
 - They promote values such as **patriotism, civic sense, social harmony, and respect for national symbols**.
2. **Promote National Unity and Progress**
 - By emphasizing duties like **protecting sovereignty, preserving heritage, and promoting scientific temper**, citizens contribute to **national integrity and socio-economic progress**.
3. **Complement Fundamental Rights and DPSPs**
 - Fundamental Duties **balance the enjoyment of rights** by emphasizing responsibility.
 - Together with **Fundamental Rights** (Part III) and **Directive Principles of State Policy** (Part IV), they ensure a **just, welfare-oriented, and balanced democracy**.

4. Encourage Responsible Citizenship

- They remind citizens that **freedom comes with responsibility**.
- By following these duties, citizens help in **building a disciplined, ethical, and progressive society**.

In essence: Fundamental Duties may not be enforceable like rights, but they are **essential for creating conscientious citizens**, strengthening democracy, and ensuring a harmonious and just society.

Judicial Interpretation of Fundamental Duties

1. Cultural and Environmental Duties

- **MC Mehta v. Union of India (1987)** – Duty to protect environment (Article 51A(g)) enforced through Public Interest Litigation (PIL).
- Courts interpreted **environmental protection as part of right to life (Article 21)**.

2. Educational Duties

- **Unni Krishnan v. State of Andhra Pradesh (1993)** – Duty to provide free education interpreted along with **Right to Education (Article 21A)**.

3. Respect for National Symbols

- **S. R. Bommai v. Union of India (1994)** – Respecting Constitution, national flag, and unity emphasized; violation may lead to **disciplinary action**.

4. Balancing Rights and Duties

- **Kesavananda Bharati v. State of Kerala (1973)** – Duties guide interpretation of Fundamental Rights for **harmonious balance**.

5. Promoting Scientific Temper and Humanism

- Courts encourage **laws and policies aligned with Article 51A(h)** to promote education, research, and rational thinking.
-

Principles Derived from Judicial Interpretation

1. **Duties guide law-making and interpretation** of Fundamental Rights.
2. **Indirect enforceability:** Citizens may not be sued, but courts can enforce duties via **FRs or statutory laws**.
3. **Promotion of public interest:** Duties help in PILs, environmental protection, heritage conservation, etc.
4. **Harmonious construction:** Duties and rights must **support each other**.
5. **Ethical and civic foundation:** Courts emphasize **moral obligation** alongside legal rights.

Importance of Fundamental Duties

1. Fosters **national unity, patriotism, and civic responsibility.**
2. Bridges gap between **individual rights and societal welfare.**
3. Promotes **environmental conservation, cultural preservation, and scientific temper.**
4. Encourages **education, humanism, and social reform.**
5. Supports **democracy and constitutional morality.**
6. Enhances **responsible exercise of Fundamental Rights.**
7. Provides **moral foundation for law-making and policy implementation.**

Conclusion

- **Fundamental Duties** are **moral and constitutional obligations** that guide citizens toward **responsible citizenship.**
- Though **non-justiciable**, they **influence legislation, judicial interpretation, and policy-making.**
- Together with Fundamental Rights, they ensure **balance between liberty and responsibility, individual freedom and social welfare, and democratic governance.**
- Duties make citizens **aware of their role in nation-building**, contributing to a **progressive, just, and cohesive society.**

[First see these](#)

IN PART I — THE UNION AND ITS TERRITORY (Articles 1–4)

◆ Article 1 – Name and Territory of the Union

Main Idea: Defines India's name and composition.

Clauses:

1. **India, that is Bharat, shall be a Union of States.**
→ Means India is not a federation made by agreement, but a permanent union.
2. **The States and territories thereof shall be as specified in the First Schedule.**
→ The list of States and Union Territories appears in the *First Schedule* of the Constitution.
3. **The territory of India shall comprise—**
(a) Territories of the States.

- (b) Union Territories specified in the First Schedule.
- (c) Any territory that may be acquired by the Government of India in the future.

✓ *So India can legally expand if it acquires new territory.*

◆ Article 2 – Admission or Establishment of New States

Parliament may by law:

- **Admit** new States into the Union (e.g., Sikkim in 1975).
- **Establish** new States (create a State out of a new area).

☞ Parliament has full power — not the States — to decide.

◆ Article 3 – Formation of New States and Alteration of Areas, Boundaries or Names of Existing States

Parliament may by law:

(a) Form a new State by —

- separating territory from any State,
- uniting two or more States,
- uniting parts of States, or
- uniting any territory to a part of any State.

(b) Increase or decrease the area of any State.

(c) Alter the boundaries of any State.

(d) Change the name of any State.

But:

- Before Parliament passes such a law, the **President must refer it to the concerned State Legislature for opinion** (though not binding).

✓ *Example:* Telangana formed from Andhra Pradesh under Article 3.

◆ Article 4 – Laws made under Articles 2 and 3

(1) Any law made under Article 2 or 3:

- May include necessary changes in the **First Schedule** (States & UTs list) and **Fourth Schedule** (Rajya Sabha seats).

(2) Such law is **not considered a constitutional amendment** under Article 368.

✓ *Meaning:* Parliament can change state boundaries or names by a **simple majority**, not a special amendment.

IN PART II – CITIZENSHIP (Articles 5–11)

◆ Article 5 – Citizenship at the Commencement of the Constitution

Who were citizens on 26 January 1950?

A person was deemed an Indian citizen if:

1. He/she had a **domicile in India, and**
2. Met **any** of these three conditions:
 - (a) **Born** in India, or
 - (b) Either **parent born** in India, or
 - (c) **Ordinarily resident** in India for **5 years** immediately before 26 January 1950.

✓ *Example:* Someone living in Delhi for 6 years before 1950 automatically became a citizen.

◆ Article 6 – Rights of Citizenship of Certain Persons Who Migrated from Pakistan to India

Covers people who came to India from areas that became Pakistan.

- If they came **before 19 July 1948** → automatically Indian citizens if they lived in India since migration.
- If they came **after 19 July 1948** → must register with the **Government of India**.

✓ *Example:* A person moving from Lahore to Amritsar in 1947 became a citizen under this Article.

◆ Article 7 – Rights of Citizenship of Certain Migrants to Pakistan

- If a person **migrated to Pakistan after 1 March 1947**, they **lost Indian citizenship**, **unless** they returned to India with a **resettlement permit** issued by Indian authorities.

✓ *Example:* Someone who went to Karachi but returned with government permission regained citizenship.

◆ Article 8 – Rights of Citizenship of Certain Persons of Indian Origin Residing Outside India

- Persons of **Indian origin** living abroad (e.g., in Burma, Ceylon, Africa) can **register as Indian citizens** with an Indian diplomatic mission.

✓ *Example:* Indians living in Malaysia or Uganda could become citizens through registration.

◆ Article 9 – Persons Voluntarily Acquiring Citizenship of a Foreign State

- If any person **voluntarily acquires citizenship of another country**, they **cease to be Indian citizens**.

✓ *Example:* If an Indian becomes a US citizen, they lose Indian citizenship automatically.

IN PART III – FUNDAMENTAL RIGHTS (Articles 12–35)

These are the **basic human rights guaranteed by the Constitution** to protect individual liberty and equality in India.

They are **justiciable**, meaning you can **go to court** if they are violated (under Article 32 or 226).

🗂️ CLASSIFICATION OF FUNDAMENTAL RIGHTS

Group of Rights	Articles Covered
1 <input type="checkbox"/> Right to Equality	Articles 14–18
2 <input type="checkbox"/> Right to Freedom	Articles 19–22
3 <input type="checkbox"/> Right against Exploitation	Articles 23–24
4 <input type="checkbox"/> Right to Freedom of Religion	Articles 25–28
5 <input type="checkbox"/> Cultural & Educational Rights	Articles 29–30
6 <input type="checkbox"/> Right to Constitutional Remedies	Article 32

Article 12 – Definition of “State”

Includes:

- Government & Parliament of India,
 - State Governments & Legislatures,
 - Local authorities, and
 - Other bodies under government control.
- ✓ *Why?* Because Fundamental Rights apply **against the State**.

Article 13 – Laws inconsistent with Fundamental Rights are void

- Any law that **violates Fundamental Rights** is **invalid**.
- Introduces **Doctrine of Judicial Review**.

1 RIGHT TO EQUALITY (Articles 14–18)

Article 14 – Equality before Law

All persons are equal before the law and enjoy equal protection by the State.

Article 15 – No Discrimination

No discrimination by State on grounds of **religion, race, caste, sex, or place of birth.**

✓ *Exception:* Reservation for women, children, SCs, STs, and OBCs allowed.

Article 16 – Equality in Public Employment

Equal opportunity in government jobs.

✓ *Reservation for backward classes and SC/STs is valid.*

Article 17 – Abolition of Untouchability

Untouchability is abolished and punishable by law (Protection of Civil Rights Act, 1955).

Article 18 – Abolition of Titles

No citizen can accept or use foreign or royal titles like *Raja, Sir.*

✓ *Exception:* Academic and military titles (Dr., Major) allowed.

2 RIGHT TO FREEDOM (Articles 19–22)

Article 19 – Six Freedoms of Citizens

1. Speech and expression
 2. Assemble peacefully
 3. Form associations or unions
 4. Move freely throughout India
 5. Reside anywhere in India
 6. Practice any profession or trade
- ✓ *Reasonable restrictions* for security, morality, and public order.

Article 20 – Protection in Conviction for Offences

- No double punishment (double jeopardy).
- No punishment without law.
- No self-incrimination.

Article 21 – Protection of Life and Personal Liberty

No person shall be deprived of life or liberty except by *procedure established by law.*

✓ Expanded to include **right to privacy, health, clean air, shelter, and dignity.**

Article 21A – Right to Education

Free and compulsory education for children aged 6–14 years (added by 86th Amendment, 2002).

Article 22 – Protection in Certain Cases of Arrest

- Rights of arrested persons: to be informed of reasons, to consult a lawyer, and to be produced before a magistrate.
 - Allows **preventive detention** in special cases.
-

♥ 3 □ RIGHT AGAINST EXPLOITATION (Articles 23–24)

Article 23 – Prohibition of Human Trafficking & Forced Labour

No one can be forced to work without pay.

Article 24 – Prohibition of Child Labour

No child below 14 years to work in factories, mines, or hazardous jobs.

♥ 4 □ RIGHT TO FREEDOM OF RELIGION (Articles 25–28)

Article 25 – Freedom of Conscience and Religion

Everyone free to follow, practice, and propagate any religion.

Article 26 – Freedom to Manage Religious Affairs

Religious groups can manage their own institutions and property.

Article 27 – Freedom from Religious Taxes

No person can be forced to pay tax for promoting any religion.

Article 28 – Freedom from Religious Instruction

No religious teaching in government-run schools.

📖 5 □ CULTURAL & EDUCATIONAL RIGHTS (Articles 29–30)

Article 29 – Protection of Interests of Minorities

Any group with a distinct culture, language, or script can preserve it.

Article 30 – Right of Minorities to Establish Educational Institutions

Minorities (religious or linguistic) can run their own schools or colleges.

♥ □ 6 □ RIGHT TO CONSTITUTIONAL REMEDIES (Article 32)

Article 32 – Right to move Supreme Court for protection of Fundamental Rights

- Called the “**heart and soul of the Constitution**” (Dr. Ambedkar).

- Supreme Court can issue **writs** (Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto).
-

🔗 Other Related Articles

Article 33

Parliament can modify rights for armed forces or police.

Article 34

During martial law, rights may be restricted.

Article 35

Parliament empowered to make laws for enforcement of Fundamental Rights.

IN PART IV – DIRECTIVE PRINCIPLES OF STATE POLICY (Articles 36 – 51)

🔗 These are **guidelines for the Government** to make laws for social and economic justice. Not enforceable by courts, but **fundamental in governance** (Article 37).

🔗 **Article 36 – Definition of “State”**

Same meaning as in Article 12.

🔗 **Article 37 – Application of DPSPs**

DPSPs are not justiciable but are fundamental in governance; Government must apply them.

🔗 **Article 38 – Social Order**

State must secure a social order based on **justice — social, economic, and political**.

🔗 **Article 39 – Principles of Policy**

State to ensure:

- Adequate livelihood for all.
 - Equal pay for equal work.
 - Prevention of wealth concentration.
 - Protection of workers and children.
-

☞ **Article 39A – Equal Justice and Free Legal Aid**

State to promote justice and provide free legal aid to the poor.

☞ **Article 40 – Organisation of Village Panchayats**

State to organise **Panchayats** and give them power of self-government.

☞ **Article 41 – Right to Work, Education and Public Assistance**

State to provide these rights in case of unemployment, old age, or sickness.

☞ **Article 42 – Just and Humane Conditions of Work**

State to ensure humane working conditions and maternity relief.

☞ **Article 43 – Living Wage for Workers**

Workers to get decent standard of life and leisure.

☞ **Article 43A – Workers’ Participation in Management**

Encourages worker participation in industries’ management.

☞ **Article 44 – Uniform Civil Code (UCC)****

State to secure one common civil law for all citizens across religions.

☞ **Article 45 – Early Childhood Care & Education**

Free and compulsory education for children below 6 years.

☞ **Article 46 – Promotion of SCs, STs, and Weaker Sections**

State to promote their educational and economic interests.

☞ **Article 47 – Public Health & Nutrition**

State to improve nutrition, public health, and prohibit intoxicating drinks.

☒ Article 48 – Organisation of Agriculture & Animal Husbandry

Modern methods in farming and protection of cows.

☒ Article 48A – Protection of Environment

State to safeguard forests and wildlife.

☒ Article 49 – Protection of Monuments**

Preserve monuments and national heritage.

☒ Article 50 – Separation of Judiciary from Executive

Ensures independence of judiciary.

☒ Article 51 – Promotion of International Peace

State to:

- Promote peace and security,
 - Maintain just relations between nations,
 - Respect international law,
 - Encourage settlement of disputes peacefully.
-

☒ PART IV-A – FUNDAMENTAL DUTIES (Article 51-A)

Added by the **42nd Amendment, 1976** (based on USSR Constitution).

These apply to **every citizen**.

11 Fundamental Duties:

1. Respect Constitution, flag & anthem.
2. Follow ideals of freedom struggle.
3. Protect sovereignty & unity of India.
4. Defend the country & render national service.
5. Promote harmony beyond religion, language, region.
6. Preserve culture & heritage.
7. Protect environment & wildlife.
8. Develop scientific temper & reform spirit.

9. Safeguard public property.
10. Strive for excellence in all spheres.
11. (Added by 86th Amendment, 2002) — Duty of parents to provide education to children (6–14 yrs).