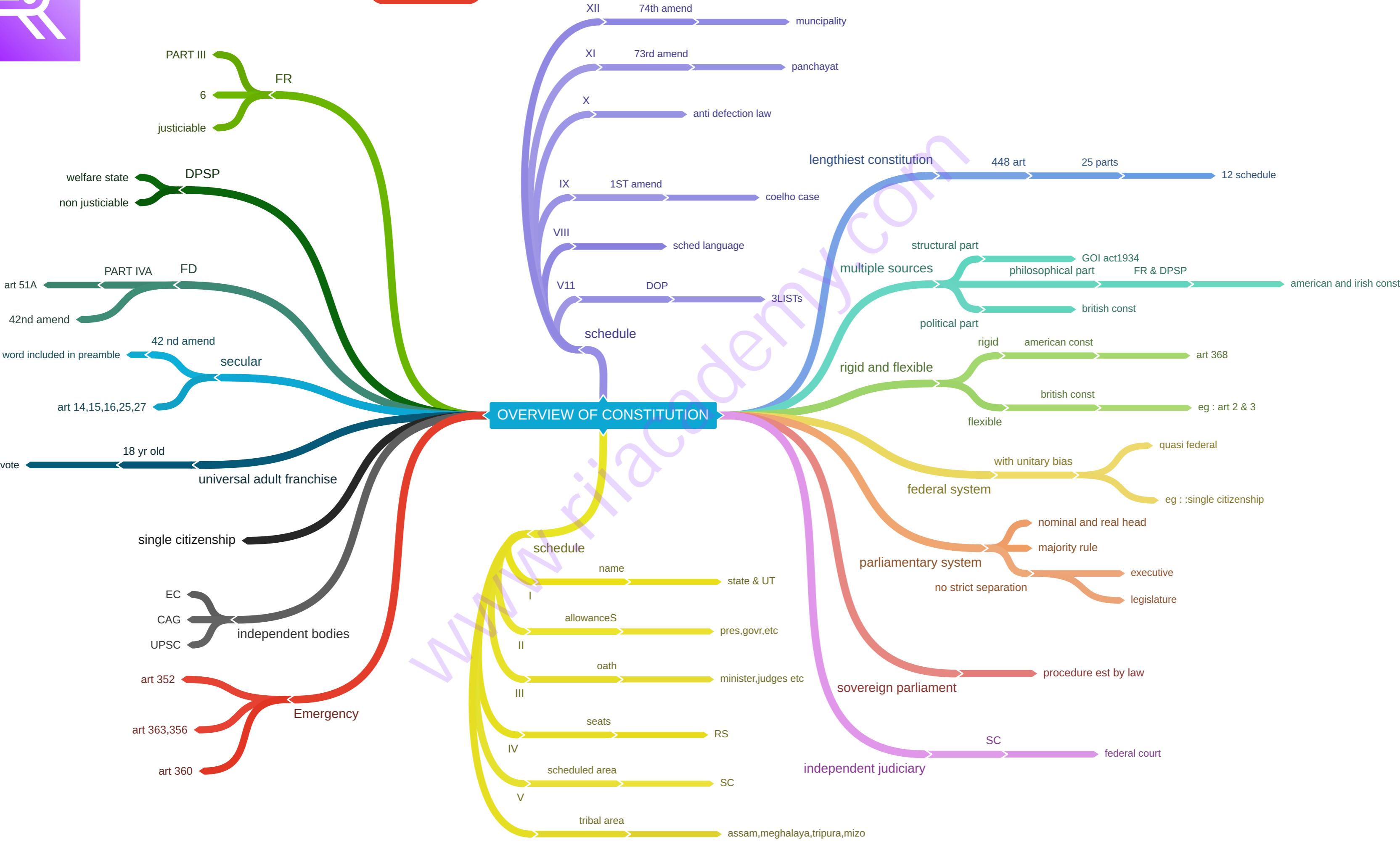




STPOL011A

IAS Red Notes





## Overview of the Constitution of India

---

### 1. Part III: Fundamental Rights (FR)

Fundamental Rights are enshrined in Part III of the Indian Constitution, from Articles 12 to 35. These rights are essential for the intellectual, moral, and spiritual development of individuals. They include:

- **Right to Equality (Articles 14-18):** Prohibits discrimination on grounds of religion, race, caste, sex, or place of birth.
- **Right to Freedom (Articles 19-22):** Guarantees freedom of speech, assembly, association, movement, residence, and profession.
- **Right against Exploitation (Articles 23-24):** Prohibits human trafficking, forced labor, and child labor.
- **Right to Freedom of Religion (Articles 25-28):** Ensures religious freedom and prohibits religious discrimination.
- **Cultural and Educational Rights (Articles 29-30):** Protects the rights of cultural, religious, and linguistic minorities.
- **Right to Constitutional Remedies (Article 32):** Allows individuals to approach the Supreme Court or High Courts for enforcement of Fundamental Rights.

### 2. Directive Principles of State Policy (DPSP)

Contained in Part IV (Articles 36-51), DPSPs are guidelines for the state to establish a just society. They are non-justiciable, meaning they are not enforceable by the courts. However, they are fundamental in governance and aim to promote social and economic democracy.

### 3. Part IVA: Fundamental Duties (FD)

Part IVA (Article 51A) includes the Fundamental Duties of citizens, added by the 42nd Amendment in 1976. These duties encourage citizens to respect the Constitution, national symbols, and uphold the sovereignty, unity, and integrity of India.

### 4. Secular State

India is a secular state, meaning there is no official state religion. The term "secular" was added to the Preamble by the 42nd Amendment. Articles 14, 15, 16, 25, and 27 promote secularism by ensuring equality and religious freedom.

### 5. Universal Adult Franchise

The Constitution provides for universal adult franchise, allowing all citizens aged 18 and above to vote in elections, ensuring democratic participation.

### 6. Single Citizenship

India adopts the concept of single citizenship, meaning all citizens are only Indian citizens, unlike some federal systems where citizens hold dual citizenship (e.g., state and national).



## 7. Independent Bodies

Several independent bodies ensure the fair functioning of democracy, including:

- **Election Commission (EC)**
- **Comptroller and Auditor General (CAG)**
- **Union Public Service Commission (UPSC)**

## 8. Emergency Provisions

The Constitution contains provisions for different types of emergencies:

- **National Emergency (Article 352)**
- **President's Rule (Article 356)**
- **Financial Emergency (Article 360)**

## 9. Schedules

The Constitution has 12 Schedules detailing various administrative aspects:

1. **Schedule I:** Names and territorial jurisdictions of states and union territories.
2. **Schedule II:** Provisions related to the allowances, privileges, and emoluments of the President, Governors, Judges, etc.
3. **Schedule III:** Oaths and affirmations for various constitutional posts.
4. **Schedule IV:** Allocation of seats in the Rajya Sabha.
5. **Schedule V:** Provisions related to the administration and control of Scheduled Areas and Scheduled Tribes.
6. **Schedule VI:** Provisions for the administration of tribal areas in Assam, Meghalaya, Tripura, and Mizoram.
7. **Schedule VII:** Division of powers between the Union and States into three lists – Union List, State List, and Concurrent List.
8. **Schedule VIII:** Official languages recognized by the Constitution.
9. **Schedule IX:** Acts and regulations (originally 13 but presently more than 280) which are exempt from judicial review.
10. **Schedule X:** Provisions relating to disqualification of members on grounds of defection.
11. **Schedule XI:** Powers, authority, and responsibilities of Panchayats.
12. **Schedule XII:** Powers, authority, and responsibilities of Municipalities.

## 10. Longest Constitution



The Indian Constitution is the lengthiest written constitution in the world, with 448 articles in 25 parts and 12 schedules. This comprehensiveness ensures that all aspects of governance and administration are covered.

## 11. Multiple Sources

The Constitution draws from various sources:

- **Structural Part:** Government of India Act 1935.
- **Philosophical Part:** Fundamental Rights and DPSPs, inspired by the American and Irish Constitutions.
- **Political Part:** British Constitution.

## 12. Rigid and Flexible

The Indian Constitution is both rigid and flexible:

- **Rigid:** Provisions require special procedures for amendment (Article 368).
- **Flexible:** Other provisions can be amended by a simple majority, akin to ordinary legislative procedures (e.g., Articles 2 & 3).

## 13. Federal System with Unitary Bias

India is a federal system with a unitary bias, meaning it has features of both federal and unitary systems:

- **Federal Features:** Division of powers between the Union and States (Schedule VII).
- **Unitary Features:** Single citizenship, strong central government, and the ability to centralize powers during emergencies.

## 14. Parliamentary System

India follows a Parliamentary system of government:

- **Nominal and Real Head:** President (nominal head) and Prime Minister (real head).
- **Majority Rule:** Government formed by the party with a majority in the Lok Sabha.
- **No Strict Separation:** Overlapping of executive and legislative functions.

## 15. Sovereign Parliament

The Parliament is sovereign and operates based on the procedure established by law.

## 16. Independent Judiciary

The judiciary is independent of the executive and legislature, with the Supreme Court as the highest court, ensuring the protection of constitutional provisions.



## Did You Know?

- The Constituent Assembly adopted the Constitution on November 26, 1949, and it came into effect on January 26, 1950.

[www.riiacademy.com](http://www.riiacademy.com)