



**Dr. V.S. KRISHNA GOVT. DEGREE COLLEGE**

(An Autonomous Institution Affiliated to Andhra University)

Reaccredited by NAAC with 'A' Grade(3rd Cycle)

District Resource Centre & Center for Research Studies  
Maddurapalem, VISAKHAPATNAM 530 013, Andhra Pradesh



**Add on Course**

**On**

**CONSTITUTION OF INDIA**

**Offered by Department of Political Science**

**Academic Year 2022 -2023**

**D. V. L. Tejaswi**  
Course Co-ordinator

**Dr. I. Vijaya Babu**  
Principal

## Staff Meeting

~~ADD ON~~ Resolution

13/02/2023

The <sup>COURSE</sup> formal department meeting is conducted under the chairmanship of Dr. B. Padma, in-charge of the department to deliberate on the "Add on - course" "The Constitution of India" to be offered to the B.com & B.sc Students from 15/02/2023 to 30/03/2023. Mr. D.V.L. Tejani is designated as the course coordinator. The syllabus, timetable and evaluation measures are discussed in the meeting and resolved to offer Add on course to the B.com and B.sc Students.

### Faculty

- 1) P. Dharmachari
- 2) D. Tejani

B. Padma

In-charge of the department

D. Tejani

**THE  
CONSTITUTION OF INDIA**



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## **Course Outline**

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Understanding the basic elements of the Constitution is very important for every citizen of India especially the young generation of Degree College students. Through this Course student will get:

- Basic elements of the Constitution of India. And De-coding Recent Amendments and Enactments
- Landmark and Recent Case Studies
- Relevant and Up-to-date Information

## **Course Outcomes**

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- This Course is our take on Constitution in a Simple and Jargon Free Manner.
- Each Chapter has been designed keeping in mind various dimensions that cover this subject - History, Decisions of the Drafting Committee, Social Justice and Transformation, Fundamental Rights, Basic Structure, Recent Developments, etc.
- The drafting of the Course is done to make the student understand the scope and functioning of the Constitution.
- The course is useful for all kind exams related to UPSC, APPSC.

## **Learning Objectives**

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- Understand what a Constitution is and why it is necessary.
- Understand how Constitutions embody certain ideals.
- Understand the difference between monarchy, dictatorship and democracy.
- Learn why there is a need for limits on power in a democratic form of government

## **Assessment**

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- Quiz will be conducted for every module.
  - Overall written examination will be conducted at the end of the course.
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## **Course Syllabus**

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### **MODULE I: INTRODUCTION TO THE CONSTITUTION OF INDIA**

1. Origin and evolution of the constitution
2. Meaning and definition of the Constitution
3. Sources Of the Constitution
4. Government of India Act, 1935
5. Indian Independence Act 1947

### **MODULE 2: DRAFTING OF CONSTITUTION OF INDIA**

1. Constituent Assembly of India
2. Drafting Committee of the Constituent Assembly
3. Ideas of the Constitution
4. Salient Features of the Constitution
5. Federal and Unitary Form of Government (Comparison with U.S. and U.K)

### **MODULE III: PREAMBLE AND BASIC STRUCTURE OF INDIAN CONSTITUTION**

1. Introduction & Purpose of Preamble
2. Source & Meaning of the Preamble
3. Amendability of Preamble
4. Doctrine of Basic Structure
5. Judgments related to the Basic Structure

### **MODULE IV: FUNDAMENTAL RIGHTS**

1. Kinds of Rights
2. Characteristic Features of Fundamental Rights
3. Fundamental Rights in India
4. Advent of Fundamental Rights in U.K. and U.S.
5. Right to Constitutional Remedies (Article 32 and Article 226)

### **MODULE V: RECENT DEVELOPMENTS IN INDIAN CONSTITUTION**

1. The Constitution (<sup>100</sup>th Amendment) Act, 2015

2. The Constitution (101<sup>th</sup> Amendment) Act, 2017
3. The Constitution (102<sup>rd</sup> Amendment) Act, 2018
4. The Constitution (103<sup>rd</sup> Amendment) Act, 2019
5. The Constitution (104<sup>rd</sup> Amendment) Act, 2020

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3. Subramanian, G.S. (2021), Indian Constitution and Indian Polity, Pearson
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## Course Content

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### MODULE I: ITRODUCTION TO THE CONSTITUTION OF INDIA

Constitution is a system of beliefs and laws by which a country/state is governed. It is a document having special legal sanctity which sets out the framework and the principal functions of thee organs of the government of the state and declares for the distribution of goverthe principles governing the operations of those organs'.

Constitution is defined as the collection of legal rules providing a frame work for the government. It reflects the dominant beliefs and interests, which are the characteristics of the society. It is a document of people's faith and aspirations.

Constitution derives its power and authority directly from the people. Constitution is the fundamental and supreme law of the land enjoying legal sanctity. Hence, it is above all the laws enacted by the Parliament.

Constitution is a document that reflects or symbolizes the independence of sovereignty of the country. The constitution is a special document that sets out the role and functions of the princpal organs of the government namely the legislature, judiciary and executive and the relationships between them.

#### 1. Origin and evolution of the constitution

The constitutions of the world are broadly categorized into two major groups namely evolved and enacted constitutions.

### *Evolved Constitutions:*

They come into existence over a period of time. They do not have a specific date of origin. Generally, they are unwritten and based on conventions and customs. Such constitutions are highly flexible and changes with the changing values and social beliefs from time to time. The legislature creates the constitution and so legislature is supreme. These constitutions are unitary in nature. For example, English Constitution.

## **2. Meaning and definition of the Constitution**

The Constitution of a Nation-State (Country) is the Grundnorm - Basic and the highest law of the land. The entire legal system derives from it and is subject to it. It embodies the customs, morals, values, precedents culture, and so on. A Constitution is the Sacred Law that is the basis for the governance of the country. It establishes the political system; the institutions that make up the Government: the Legislature, the Executive, and the Judiciary. Laws that are made and implemented should be in line with the Constitution. Constitution lays down what powers are available to the government. It sets limits to the powers of the government bodies as well as through the division of powers (federal systems) and separation of powers (democracies). The pattern of separation of powers among the three organs is clearly demarcated in a democratic Constitution in which each organ is checked and balanced by the other two with the effect that freedoms of the citizens are safe and good governance is maintained. The Constitution empowers the citizens and others with a variety of rights embedded in it. There are many more rights outside the Constitution but their validity is judged by conformity to the Constitution. For example, the Criminal Law (Amendment) Act, 2013 protects women on a preferential basis but it does not violate the right to equality as special treatment of women is legitimate under Art. 14 (equal protection of the laws) and Art. 15 (protective discrimination) of the Indian Constitution. Laws that are incompatible with the Constitution of India are declared null and void by the High Courts and the Supreme Court of India. For instance, the National Judicial Appointments Commission (NJAC) Act 2014 was entirely invalidated by the Supreme Court in 2015 because it violated the "basic features of the Constitution. Some Constitutions also impose duties on the citizens

as in the erstwhile USSR and India since 1976, called 'Fundamental Duties'. The objective is to build responsible citizenship. It is the socialist Constitutions that incorporate the duties generally.

### **3. Importance Of the Constitution**

The legal system which creates a system that upholds the sovereignty of the state and freedom of the people forms the basis of a modern state, but such system suffers from certain inefficiencies. The constitution offsets such Inefficiencies and keeps the legal system more vibrant. The constitution of a country establishes the organs of the government-the legislature, executive and judiciary. It defines the powers of the legislature, executive and judiciary, and makes a clear demarcation of the responsibilities assigned to each of them and regulates the relationship between these organs. Thus, the constitution provides for an efficient government. Lord Acton stated that, 'Power tends to corrupt and absolute power corrupts absolutely'. Hence, it is required to restrict the abuse of power and protect people against the ill-effects of such abuse. Therefore, the constitution also imposes certain limitations on power Thus, the constitution lays down the basic structure of the government and principles according to which the nation must be governed. It also lays down the goals for the nation which forms the basis of the duties prescribed to the governments as well as the people. It defines the relationship between the government and its people.

### **4. Government of India Act, 1935**

As the growing demands of populace led by Indian leader for constitutional reforms in India intensified with progression in the British Rule, the evolving administrative arrangements put in place by the British paved the way for a more responsible government in India premised on the fact of maximum representation of Indians

- India's support to Britain in the First World War also aided in British acknowledgement of the need for the inclusion of more Indians in the administration of their own country.
- This formed the basis of the passing of the Government of India Act, 1935 by the British Parliament

- This legislation was the longest Act passed by the British Parliament after its domination and overtaking of administrative control in India
- The Act was based on the facts and considerations of several experiences and outcomes which, inter alia, include
  - the Simon Commission Report
  - the recommendations of the Round Table Conferences
  - the White Paper published by the British government in 1933 (based on the Third Round Table Conference)
  - the Report of the Joint Select Committees

*Salient Features of the Government of India Act, 1935*

- *All India Federation*
  - It provided for the establishment of an All India Federation consisting of provinces and princely states as units.
  - The Act divided the powers between the Centre and units in terms of three lists, Federal List (for Centre containing 59 items), Provincial List (for provinces containing 54 items) and the Concurrent List (for both containing 36 items).
- *Residuary powers were given to the Viceroy.*
- However, the federation never came into being as the princely states did not join it. But this has formed the basis of Schedule VII of the Constitution of India, 1950 (read with Article 236)
- *Provincial Autonomy*
  - It abolished diarchy in the provinces and introduced 'provincial autonomy' in its place.

- The provinces were allowed to act as autonomous units of administration in their defined spheres.
  - Moreover, the Act introduced responsible governments in provinces which meant that the governor was required to act with the advice of ministers responsible to the provincial legislature
- However, the Ministers were not absolutely free in matter of running their departments
  - As the Governors continued to possess a set of overriding powers although such powers were not exercised very often
- ***Bicameralism***
  - The Act introduced bicameralism in six out of eleven provinces.
    - Thus, the legislatures of Bengal, Bombay, Madras, Bihar, Assam and the United Provinces were made bicameral consisting of a legislative council (Upper House) and a legislative assembly (Lower House) with certain restrictions on them
  - Also, the Central Legislature was bicameral, consisting of Federal Assembly and Council of States.
    - The term of the assembly was five years but it could be dissolved earlier also.
- ***Diarchy at the Centre***
  - The Act of 1935 abolished diarchy at the Provincial level and introduced it at the Centre.
    - Consequently, the federal subjects were divided into reserved subjects and transferred subjects

- Religious affairs, defence, administration of tribal areas and external affairs were included in the **reserved subjects**.
  - The Transferred subjects were to be administered on the advice of ministers and the number of ministers could not exceed ten.
- The Governor-General remained over all in charge of both the Reserved and Transferred subjects
  - The idea of diarchy was imposed with the purpose of facilitating better administration and the governor general was appointed to look after and coordinate among the two parts of the government
- *Communal/Class Representation*
  - The Act further extended the principle of communal representation by providing separate electorates for depressed classes (scheduled castes), women and labourers (workers).
  - Further, under the Act the Muslims got 33 percent (1/3 of the seats) in the Federal Legislature
- Other features
  - It abolished the Council of India, established by the Government of India Act of 1858. The secretary of state for India was provided with a team of advisors.
  - It provided for the establishment of a Reserve Bank of India to control the regulation of currency and credits of the country.
  - The franchise (voting rights) was extended further from 3% to 14% of the total population.

- It provided for the establishment of not only a Federal Public Service Commission, Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.
- It provided for the establishment of a Federal Court, set up in 1937, which continued to function till the establishment of the Supreme Court of India after the attainment of independence (1950).
- This Act gave the authority and command of the railways in India in the hands of a newly established authority called “Federal Railway” consisting of seven members who were free from the control of councillors and ministers. The authority directly reported to the Governor-General of India
- The Act also paved the way for reorganisation of certain parts including the Sindh being carved out of Bombay Presidency, split of Bihar and Orissa and the severance of Burma from India.

#### *Significance of the Act*

- The Government of India Act of 1935 marked the second milestone towards a completely responsible government in India after the Act of 1919.
- The Act of 1935 served some useful purposes by the experiment of provincial autonomy, thus we can say that the Government of India Act 1935 marks a point of no return in the history of constitutional development in India.
- The Government of India Act 1935 curtailed the powers concentrated in the hands of the Central Government and distributed it by ensuring that a decentralised form of government takes shape in India
- Separate electorates for women, although they had not asked for it, was quite good for the advancement of women in the decision making process
- This Act was the first attempt to give the provinces an autonomous status by freeing them from external interference

- The Act also holds great importance in the Indian history because it eventually culminated in the fact of the Dominion Status which urged the need for Independence again in the minds of the people

### *Criticism of the Act*

- Numerous ‘safeguards’ and ‘special responsibilities’ of the governor-general worked as brakes in the proper functioning of the Act.
- Ex: Despite Provincial Autonomy, the governor still had extensive powers in provinces
- The extension of the system of communal electorates and representation of various interests promoted separatist tendencies which culminated in partition of India
- The Act provided a rigid constitution with no possibility of internal growth. Right of amendment was reserved with the British Parliament
- A close reading of the Act reveals that the British Government equipped itself with the legal instruments to take back total control at any time they considered this to be desirable.
  - This was evident in the way the powers in defence and external affairs necessarily, as matters stood, given to the governor-general limited the scope of ministerial activity, and the measure of representation given to the rulers of the Indian States negated the possibility of even the beginnings of democratic control
- The Federal portion was to go into effect only when half the States by weight agreed to federate.
  - This never happened, and the Federation’s establishment was indefinitely postponed after the outbreak of the Second World War.
- As a result, the 1935 Act was condemned by nearly all sections and unanimously rejected by the Congress

- The Congress demanded, instead, the convening of a Constituent Assembly elected on the basis of adult franchise to frame a constitution for independent India
- Further, Nehru called it “a machine with strong brakes but no engine”. He also called it a “Charter of Slavery”

### *Conclusion*

- On the whole, the British introduced this Act to win the support of modern nationalist and with the aim of maintaining continuity in their rule over the dominion of India
- But the Act proved largely to be disappointing because it did not hold out assurance about granting Dominion Status, not did it consider sympathetically the feelings and urges of politically conscious Indian populace
- In spite of the drawbacks, the Act had its own significance for this Act provided a basis for negotiation between Britishers and Indians for getting independence.
- Also, the Government of India Act 1935, however, had introduced several features which later formed the nucleus of the present Constitution.
- Thus, the Government of India Act 1935 marks, in fact, a watershed moment in the Constitutional history of India

## **5. Indian Independence Act 1947**

The Indian Independence Act, 1947, crucial because it enabled the transfer of power from the Crown to India in an amicable manner, was passed in British Parliament on July 5 that year, and received royal assent on July 18. A plan was formulated to split the British Indian colonies into India and Pakistan by Viceroy of India Lord Louis Mountbatten and Prime Minister of Britain Clement Attlee on June 3, 1947, after consultations with the main stakeholders — Indian National Congress, the Muslim League and representatives of the Sikh community.

*Salient features of Indian Independence Act 1947 are:*

- It declared India as an independent and sovereign state
- It provided for partition of India and creation of two new dominions- India and Pakistan
- It abolished the position of secretary of state for India
- It abolished the office of viceroy and provided for each dominion, a governor-general, who was to be appointed by the British King on the advice of the dominion cabinet
- It empowered the constituent assemblies of the two dominions to frame and adopt any constitution for their respective nations and to repeal any act of the British parliament, including the independence act itself
- The constituent assemblies were empowered to legislate for their respective dominions till the new constitutions were drafted and enforced
- It granted the princely states the freedom to join either of the dominions or to remain independent
- Governance of each dominion was to be conducted based on the provisions of the GoI act, 1935
- British monarch could no longer ask for bills or veto them. However, this was reserved for Governor-General.
- Governor-General of the dominions were made to act on the aid and advise of the council

*Evaluation of the features of act:*

- Hastened act: the lack of clarity on the border still has its repercussions today with constant tussle between India and Pakistan. The same is the case with border on Chinese side.

- Jammu and Kashmir question: Jammu and Kashmir has been the bone of contention even today.
- Rise in communal feeling: Another unforeseen consequence of Partition was that Pakistan's population ended up more religiously homogeneous than originally anticipated.
- Suspicion: Indian Muslims are frequently suspected of harbouring loyalties towards Pakistan; non-Muslim minorities in Pakistan are increasingly vulnerable thanks to the so-called Islamisation of life there since the 1980s.

### *Conclusion:*

Seven decades on, well over a billion people still live in the shadow of Partition. Thus, post-partition fragmented identities strengthened and much celebrated value of tolerance and acceptance appears to have weakened disturbing social harmony in the country. Exploitation of religious sentiments for political gains has further polarized the society.

## **MODULE 2: DRAFTING OF CONSTITUTION OF INDIA**

### **1. Constituent Assembly of India**

As early as in 1922, Mahatma Gandhi demanded the right of people of India to determine their political destiny by themselves. By this he demanded a constitution of India which will be the 'self-expression' of the people ratified by a law. With the failure of the Simon Commission and the Round Table Conferences, the Indian leaders demanded for a constitution framed by the people of India without outside interference. However, the British did not accept the demand. Manabendra Nath Roy, one of the prominent communist leaders, later in the year 1934, proposed the idea of a constituent assembly for India.

The outbreak of the World War II and the urgency caused by the war forced the British to accept the proposal in order to solve the Indian problem. The British deputed Sir Stafford Cripps with a draft declaration to be adopted after the war. The proposals were: That the Constitution of India was to be framed by an elected constituent assembly. That the constitution would give India dominion status, equal partnership in the British Commonwealth of Nations. That there should be one Indian Union comprising the provinces and

Indian states. Any Indian state or province which did not want to accept the constitution would be permitted to retain its existing constitutional position. With such non-acceding provinces, the British government could enter into separate constitutional arrangements<sup>7]</sup> The Cripps Mission failed because both Indian National Congress and the Muslim League did not accept the proposal. Indian National Congress rejected the very idea of dominion status and refused to settle down anything less than complete independence. The Muslim League did not accept as there was no mention about the partition and creation of Pakistan. Subsequently, the Quit India Movement was launched. Lord Wavell, the Governor-general attempted to strike a consensus between Indian National Congress and the Muslim League. However, every such attempt including the Simla conference failed. This led to the British government to send the cabinet delegation. The Cabinet Mission recommended the following: There should be a Union of India comprised of the British Indian provinces and the states. The paramountcy of the Crown would lapse. With the exception of certain reserved subjects, all the subjects were to be retained by the state.

Thus, It provided for a federal set-up with strong states and a weak federal government. For the purpose of framing a new constitution a constituent assembly was to be elected. An interim government was to be set up having the support of major political parties. <sup>7</sup> Introduction to Constitution of India: D. D. Basu Constitution: An Overview 1.5

Constituent assembly of India was formed according to the scheme recommended by the Cabinet Mission. The total membership of the assembly thus, was to be 389, with:

1. Through the provincial legislative assemblies 292 members were indirectly elected.
2. Indian princely states were represented by 93 members.
3. Four members represented the Chief Commissioners' provinces.

However, as a result of the partition under the Mountbatten Plan of 3 June 1947, a separate constituent assembly was set up for Pakistan and representatives of some provinces ceased to be members of the assembly. As a result, the membership of the assembly was reduced to 299. The elected members were chosen by indirect election by the members of the provincial legislative assemblies. Dr. Sachidananda Sinha, the senior most member, was elected as the temporary and first President and later Dr. Rajendra Prasad was elected as its permanent chairman. The constituent assembly had its first meeting on the 9 December 1946. The objectives resolution was introduced by Jawaharlal Nehru on 13 December 1946. This resolution forms the Preamble to the constitution.

## **2. Drafting Committee of the Constituent Assembly**

- On 29th August 1947, the Constituent Assembly of India through a resolution appointed the Drafting Committee, “to scrutinise the draft of the text of the Constitution of India prepared by Constitutional Adviser, giving effect to the decisions already taken in the Assembly and including all matters which are ancillary thereto or which have to be provided in such a Constitution, and to submit to the Assembly for consideration the text of the draft constitution as revised by the committee.”
- The Drafting Committee had seven members: Alladi Krishnaswami Ayyar, N. Gopaldaswami; B.R. Ambedkar, K.M. Munshi, Mohammad Saadulla, B.L. Mitter and D.P. Khaitan. At its first meeting on 30th August 1947, the Drafting Committee elected Dr. B. R. Ambedkar, as its Chairman.
- In the month of October 1947, the Drafting Committee began to scrutinise the Draft Constitution prepared by the Sir B. N. Rau (Sir Benegal Narsing Rau), the Constitutional Advisor.
- Then the Drafting Committee made various changes to it, after taking into consideration the proposals of the various committees and submitted the Draft of the Constitution to the President of the Constituent Assembly on 21st February 1948. The people of India were given eight months to discuss the draft and propose amendments.
- In the light of the public comments, criticisms and suggestions, the Drafting Committee prepared a second draft, which was published in October, 1948.
- Dr. Ambedkar introduced the final draft of the Constitution in the Constituent Assembly on 4th November 1948, for the first reading. The Constituent Assembly had a general discussion on it for five days from 4th November to 9th November 1948.
- The second reading started on November 15, 1948 for clause by clause consideration regarding the proposals of amendment and discussion and it

completed on October 17, 1949. During this stage, many amendments were proposed and actually discussed in the Constituent Assembly.

- The third reading of the draft started on November 14, 1949. Dr. B. R. Ambedkar moved a motion—‘the Constitution as settled by the Assembly be passed’. The motion on Draft Constitution was declared as passed on November 26, 1949, and received the signatures of the members and the president of the Constituent Assembly.
- Thus, the Drafting Committee and its members were very influential in Indian constitution-making during the Committee stages and the deliberations of the Constituent Assembly. Majority of the debates in the Constituent Assembly revolved around the Draft Constitution prepared by the Drafting Committee. Out of 166 sittings of the Constituent Assembly, 114 were spent debating the Draft Constitution.
- On 25th November, 1949, Dr. Ambedkar rightly acknowledged the contribution of Sir B. N. Rau, in his concluding speech in the constituent assembly as:
- “The credit that is given to me does not really belong to me. It belongs partly to Sir B. N. Rau, the Constitutional Adviser to the Constituent Assembly who prepared a rough draft of the Constitution for the consideration of the Drafting Committee. A part of the credit must go to the members of the Drafting Committee who, as I have said, have sat for 141 days and without whose ingenuity of devise new formulae and capacity to tolerate and to accommodate different points of view, the task of framing the Constitution could not have come to so successful a conclusion.”

### **3. Ideas and ideals of the Constitution**

The Constitution is the embodiment of ideas, objectives and aspirations of the people of a state. Keeping in mind the peculiar need of our country, the Constitution of India is framed on the basis of some strong philosophical foundation. Our Constitution incorporates such salient features for which it has become one of the famous Constitutions of the World.

## *PHILOSOPHY AND IDEALS OF THE INDIAN CONSTITUTION*

- The philosophy and ideals of the Indian Constitution are reflected in the Preamble to the Constitution of India.
- Our Constitution may be said to be an expansion and explanation of the Preamble.
- Former Supreme Court Chief Justice, Justice Koka Subba Rao opined, “Preamble contains, in a nutshell, its ideals and its aspirations.” To understand the philosophy and ideals of the Indian Constitution, we must know the Preamble in the first place.

*Let us define and analyze the Preamble to the Indian Constitution:*

The Oxford Advanced Learner’s Dictionary defines the word “Preamble” as an introduction to a book or a written document.

- The Constitution of India starts with a Preamble. It is the most precious part of the Constitution. It is the soul of the Constitution.

*The Preamble of the Indian Constitution says :*

“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 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 twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.”

*From the Preamble we can understand the philosophy and ideals of the Indian Constitution. The philosophy and ideals of the Indian Constitution are discussed as follows:*

- **Popular Sovereignty:** The Preamble begins with the words “We the people of India.....” and ends with the words “.....adopt, enact and give to ourselves this Constitution”. It indicates that ultimate sovereignty lies with the people of India who collectively constitute the supreme source of authority in the country. The Constitution is regarded as the supreme law of the state, but the supreme power of the state is vested upon the people of India.
- **India as a Sovereign state:** The Preamble declares India as a sovereign state. It is free from any external control. No foreign power can interfere in the internal affairs of India. India can determine her foreign affairs according to her free will.
- **India as a Socialist state:** The word ‘Socialist’ has been added in the Preamble by the 42nd Amendment in 1976. It means the Constitution of India has a great objective to secure social and economic equality and fair distribution of wealth among all sections of people in the country. By inserting the term ‘socialist’, it has not only brought a feeling of equal status among the people but also strengthened the philosophical foundation of the Indian Constitution. Some socialistic principles are also distinctly reflected in the Articles 39, 41, 42 and 43 which are incorporated in the Directive Principles of State Policy.
- **India as a Secular state:** The word ‘Secular’ has been included in the Preamble by the 42nd Amendment in 1976. The characteristic of Indian secularism is that India does not recognize any religion as the official or state religion and treats all religions equally. Moreover, different communities in India have the right to practice their own faiths. Thus, secularism is one of the ideals of the Indian Constitution.
- **India as a Democratic state:** The Preamble describes India as a democratic state. The prime philosophy and ideal of the Indian Constitution is to make India a democratic state. India is regarded as the largest democratic state in the World. According to Abraham Lincoln, “Democracy is by the people, for the people and of the people.” The Constitution of India has established a parliamentary democracy in India marked by universal adult franchise, periodic election to choose the government, majority rule, rule of law, decentralization of power, rule of law, independence of the judiciary, etc.

- **India as a Republic:** The Preamble declares India to be a republic. What it means is that the Head of the State in India, that is the President of India, is an elected head. He is not a hereditary ruler. The President of India who is the Chief Executive and nominal head of our country is indirectly elected by the people.
- **To ensure Justice:** Justice implies that the Government will try to promote the welfare of all the sections of the people. The Preamble embraces three types of Justice- social, economic and political.

To ensure Social Justice the Constitution has made special arrangements for the weaker sections of the society, abolished untouchability, provided free education up to a certain standard, etc.

With a view to providing political justice, the Constitution has introduced the principle of universal adult franchise and has given an equal right to all adult citizens to be elected or appointed to public services.

Economic justice implies that the Constitution seeks to ensure economic security for the common people and to do way with unequal distribution of income and wealth.

- **To ensure Liberty:**The other important philosophy and ideal of the Indian Constitution is to ensure liberty to its citizens for the all round development of their personality. Accordingly, the Preamble provides for liberty of thought, expression, belief, faith and worship. The Constitution of India provides a number of Fundamental Rights to the citizens and also protects these rights.
- **To ensure Equality:**Equality is the basis of a democratic state. Equality is necessary for the development of a society. Hence, the term 'equality' has been inserted in the Preamble to our Constitution. Equality has been guaranteed by the 'Rule of Law'. To establish equality, our Constitution has provided for the Right to Equality as a Fundamental Right. The Indian Constitution ensures equality before the eyes of law to all persons, citizens and non- citizens. The Constitution also prohibits discrimination on grounds of religion, race, caste, sex, place of birth or any of them.

- **To promote Fraternity among the people:**The term fraternity has been incorporated in the Preamble as a means of assuring the dignity of the individual and the unity and integrity of the nation.

The term ‘dignity of the individual’ means that the personality of the individual should be recognized, because, the recognition of the personality and the dignity of the individual is an essential condition to promote fraternity among the people.

To promote fraternity and a feeling of brotherhood among the people, certain attempts have been made for the removal of social distinctions and inequalities based on caste, class, creed, language, religion, region, etc. Without unity among its citizens, a state could not be successful.

The framers of the Indian Constitution were fully aware of the diversities prevailing in the country.

Accordingly, the word integrity was added in the Preamble by the 42nd Amendment to emphasize the fundamental unity of the country against the divisive forces of regionalism, communalism and the like.

- **India as a Welfare state:**India is committed to the ideal of a welfare state and must establish socio- economic justice. The Preamble lays the foundation of a welfare state in India.

Acharya Kripalini says, “The Preamble contains the mystic principle of a welfare state.” India is committed to democracy and respects individual liberty, providing to all her citizens, the equality of status and opportunity. The Directive Principles of State Policy involving social, economic, political and cultural goals are like instructions to the state. They, aim at establishing a welfare state in India.

***The Preamble to the Indian Constitution has a great significance.***

- It is important to mention here that, in the ‘Biruberi Case’ (AIR1960 SC 845) the Supreme Court held that the Preamble is not a part of the Constitution.
- But the famous ‘Keshavananda Bharti – vs. – State of Kerala’ (AIR 1973 SC 1461) has held that the Preamble is a part of the Constitution. It was also held in this case

that, the Preamble could be amended by the Parliament under Article 368 but the 'Basic Structure' of the Constitution could not be changed.

- Thus, the Preamble can be amended but our Parliament cannot amend the Constitution in a way that it damages or destroys the objectives specified in the Preamble.

#### **4. Salient Features of the Constitution**

Indian constitution, one of the utmost admired constitutions in the world was enacted after 'ransacking' all the known constitutions of the world at that time. This constitution that we have enacted has stood the test of times. Though provisions were borrowed from other constitutions, the constitution of India has several salient features that distinguish it from constitution of other countries

*Some of its salient features are discussed below:*

*Longest written constitution*

- Constitution can be classified into written constitution such as that of America or unwritten constitution such as that UK.
- The constitution of India is a written constitution which happens to be the longest written constitution in the world.
- It is comprehensive, elaborate and a detailed document
- The factors that have contributed to this phenomenon are: geographical factors (vastness of country and diversity), Historical factors (Influence of GoI, 1935), Single constitution for both centre and state and dominance of legal luminaries

*Drawn from various sources*

- It has borrowed most of its provisions from the constitution of various other countries as well as from the Government of India act, 1935. Ex: structural part from GoI, 1935, independence of judiciary from USA, Fundamental Rights from USA etc

- Though it is borrowed, the Indian constitution-makers made sure the borrowed features were made suitable to Indian conditions. **Ex:** Though we borrowed cabinet form of governance from UK, the cabinet is not all-supreme as in the case of UK.

#### *Preamble of the constitution*

- The Preamble consists of the ideals, objectives and basic principles of the Constitution.
- The salient features of the Constitution have developed directly and indirectly from these objectives which flow from the Preamble
- It asserts India to be a Sovereign Socialist Secular Democratic Republic and a welfare state committed to secure justice, liberty and equality for the people and for promoting fraternity, dignity the individual, and unity and integrity of the nation.
- The Preamble is the nature of Indian state and the objectives it is committed to secure for the people.

#### *Democratic system*

- The authority of the government rests upon the sovereignty of the people. The people enjoy equal political rights.
- Free fair and regular elections are held for electing governments

#### *India is a republic*

- The Preamble declares India to be a Republic.
- India is not ruled by a monarch or a nominated head of state. India has an elected head of state (President of India) who wields power for a fixed term of 5 years.
- After every 5 years, the people of India indirectly elect their President.

### *Union of states*

- Article I of the Constitution declares, that “India that is Bharat is a Union of States.”

### *Fundamental Rights and duties:*

- The Constitution of India grants and guarantees Fundamental Rights to its citizens.
- The constitution of India confirms the basic principle that every individual is permitted to enjoy certain basic rights and part III of the Constitution deals with those rights which are known as fundamental right.
- The Six FR include- Right to Equality; Right to Freedom; Right Against Exploitation; Right to Freedom of Religion; Cultural and Educational Rights and Right to Constitutional Remedies (Art. 32).
- The fundamental rights are justiciable and are not absolute. Reasonable constraints can be imposed keeping in view the security-requirements of the state.
- A new part IV (A) after the Directive Principles of State Policy was combined in the constitution by the 42nd Amendment, 1976 for fundamental duties.

### *Directive Principles of State Policy:*

- A unique aspect of the Constitution is that it comprises of a chapter in the Directive Principles of State Policy.
- These principles are in the nature of directives to the government to implement them to maintain social and economic democracy in the country.

### *Parliamentary System:*

- The Constituent Assembly decided to espouse Parliamentary form of government both for the Centre and the states.

- In Indian parliamentary system, distinction is made between nominal and real executive head.
- The Council of Ministers is responsible before the Lok Sabha, The lower house of union parliament. There are close relations between executive and legislature.

*Federal structure of government:*

- A federal state is a state where a country is divided into smaller regions and the government is functioning at two levels
- The Indian Constitution has envisaged a federal structure for India considering the geographical vastness and the diversity of languages, region, religions, castes, etc.
- Written Constitution, supremacy of the Constitution, division of powers between Union and States, bicameral Legislature, independent Judiciary, etc. are the features of Indian federation.
- Scholars describe India as a ‘Quasi-Federation’ (K.C. Wheare) or as ‘a federation with a unitary bias, or even as ‘a Unitarian federation.’

*Universal adult franchise*

- All men and women enjoy an equal right to vote. Each adult man and woman above the age of 18 years has the right to vote.
- All registered voters get the opportunity to vote in elections.

*Single integrated State with Single Citizenship:*

- India is the single Independent and Sovereign integrated state.
- All citizens enjoy a common uniform citizenship.
- They are entitled to equal rights and freedoms, and equal protection of the state.

### *Integrated Judicial system*

- The Constitution provides for a single integrated judicial system common for the Union and the states.
- The Supreme Court of India works at the apex level, High Courts at the state level and other courts work under the High Courts.

### *Independent Judiciary*

- It is necessary to secure the philosophical foundations of the rule of law and democracy
- Firstly, the Constitution makers created a separate Judiciary independent of Legislature and Executive.
- Secondly, the Constitution has ensured complete independence of Judiciary in the matters of administration and finances.

### *Amending the Constitution of India:*

- Amending the Constitution of India is the procedure of making modifications to the nation's fundamental law or supreme law.
- The procedure of amendment in the constitution is laid down in Part XX (Article 368) of the Constitution of India.
- This procedure guarantees the sanctity of the Constitution of India and keeps a check on uninformed power of the Parliament of India.

### *Judicial Review:*

- The judiciary has significant position in Indian Constitution and it is also made independent of the legislature and the executive.
- The Supreme Court of India stands at the peak of single integrated judicial system

- It operates as defender of fundamental rights of Indian citizens and guardian of the Constitution.

*Basic Structure doctrine:*

- The basic structure doctrine is an Indian judicial norm that the Constitution of India has certain basic features that cannot be changed or destroyed through amendments by the parliament.
- The basic features of the Constitution have not been openly defined by the Judiciary.
- At least, 20 features have been described as “basic” or “essential” by the Courts in numerous cases, and have been incorporated in the basic structure.
- In *Indira Gandhi v. Raj Narayan* case and also in the *Minerva Mills* case, it was witnessed that the claim of any particular feature of the Constitution to be a “basic” feature would be determined by the Court in each case that comes before it.

*Secularism*

- In no other country of the world so many religions co-exist as in India. In view of such diversity the Constitution guarantees complete freedom of religion to all.
- The citizens of our country are free to follow any religion and they enjoy equal rights without any distinction of caste, creed, religion or sex.
- The State does not discriminate against anyone on the ground of his religion, nor can the State compel anybody to pay taxes for the support of any particular religion.
- Everybody is equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.

- The Constitution regards religion as a private affair of individuals and prohibits the State from interfering with it. The Constitution also grants various cultural rights to minorities.

#### *Independent bodies*

- Constitution has setup various independent bodies and vested them with powers to ensure the constitutional provisions. Ex: Election Commission, CAG, Finance Commission
- These institutions have been provided with security of tenure, fixed service conditions etc to ensure that they are not susceptible to the whims of either the legislature or the executive.

#### *Emergency provisions*

- Indian constitution contains elaborate provisions to deal with those challenges that pose a threat to the country's security and unity (It will be discussed in detail in upcoming chapters)

#### *Three-tier government*

- Through 73<sup>rd</sup> and 74<sup>th</sup> amendment act, we have rural and urban local bodies as an additional constitutional tier of the government structure.
- This section fulfills the dream of Gandhi ji to see a self-functioning villages in India

### **5. Federal and Unitary Form of Government**

Unitary government is one in which all the powers are inherited in the national government and the regional governments (if at all exist), derive their authority from the national government. While a federal government is one in which powers are divided between the national government and the regional governments by the Constitution.

Political scientists have classified governments into unitary and federal on the basis of the nature of relations between the national government and the regional governments.

*Federal Government Definition:*

A federal government is one in which powers are divided between the national government and the regional governments by the Constitution and both operate in their respective jurisdictions independently. US, Switzerland, Australia, Canada, Russia, Brazil, Argentina and so on have the federal model of government.

*Unitary Government Definition:*

A unitary state is a state governed as a single power in which the central government is ultimately supreme and any administrative divisions (sub-national units) exercise only powers that the central government chooses to delegate. The majority of states in the world have a unitary system of government. Of the 193 UN member states, 165 of them are governed as unitary states. Countries like Britain, France, Japan, China, Italy, Belgium, Norway, Sweden, Spain have unitary government.

*Comparison b/w Features of Federal and Unitary Governments*

<i>Federal Government</i>	<i>Unitary Government</i>
<b>1.</b> Dual Government (that is, national government and regional government)	<b>1.</b> Single government, that is, the national government which may create regional governments
<b>2.</b> Written Constitution	<b>2.</b> Constitution may be written (France) or unwritten (Britain)
<b>3.</b> Division of powers between the national and regional government	<b>3.</b> No division of powers. All powers are vested in the national government
<b>4.</b> Supremacy of the Constitution	<b>4.</b> Constitution may be supreme (Japan) or may not be supreme (Britain)

<b>5. Rigid Constitution</b>	<b>5. Constitution may be rigid (France) or flexible (Britain)</b>
<b>6. Independent judiciary</b>	<b>6. Judiciary may be independent or may not be independent</b>
<b>7. Bicameral legislature</b>	<b>7. Legislature may be bicameral (Britain) or unicameral (China)</b>

### **MODULE III: PREAMBLE AND BASIC STRUCTURE OF INDIAN CONSTITUTION**

#### **1. Introduction & Purpose of Preamble**

A preamble is an introductory statement in a document that explains the document's philosophy and objectives. In a Constitution, it presents the intention of its framers, the history behind its creation, and the core values and principles of the nation. The ideals behind the Preamble to India's Constitution were laid down by Jawaharlal Nehru's Objectives Resolution, adopted by the Constituent Assembly on January 22, 1947. Although not enforceable in court, the Preamble states the objects of the Constitution, and acts as an aid during the interpretation of Articles when language is found ambiguous.

The preamble begins with the words "We the people of India..." thus clearly indicating the source of all authority of the constitution. It emphasizes the sovereignty of the people and the fact that all powers of government flow from the people. It is the people of India on whose authority the Constitution rests. The preamble surmises that it is the people of India who are the authors of the constitution. Thus the words "We, the people of India" declares in unambiguous terms that the Constitution has been adopted, enacted and given to themselves by the people of India.

Preamble is part of the Constitution. Preamble indicates the basic structure of the Constitution. Preamble is neither enforceable nor justifiable in a court of law. This implies that courts cannot pass orders against the government in India to implement the

ideas in the Preamble. Preamble can be amended and it has been amended only once through the 42nd Constitutional Amendment Act 1976.

## **2. Source & Meaning of the Preamble**

Preamble serves as the introduction to the Indian constitution, which was amended by the 42<sup>nd</sup> Constitutional Amendment Act, 1976. It is typically determined to constitute India into a socialist, sovereign, democratic, secular, and republic.

It also secures Fundamental rights such as liberty, equality, and justice to all Indian citizens and then promotes fraternity among them. Continue reading to know about the history, objectives, keyword, and present status of the preamble of the Indian constitution!

The term Preamble indicates the introduction to the statute, which is typically an introductory part of the constitution. The preamble to the Indian constitution always records the aims and aspirations of Indian people who have been translated into several provisions of the constitution. The preamble of India does not grant any power but it renders a purpose and direction to the Constitution of India. It only outlines the objective and scope of the whole constitution. It comprises the fundamental of the Indian constitution.

The preamble of Indian constitution is actually based on the Jawaharlal Nehru's objective of resolution. On 13 December 1947, it was introduced and adopted on 22 January 1947 by the Constituent Assembly. Interestingly, preamble adopted by the Constituent Assembly only after the approval of Draft Constitution. The first country started with the preamble was the American Constitution. Later on, other countries such as India have started to follow this practice in their nation.

The preamble of the Constitution of India is a comprehensive introductory statement, which sets out guiding purpose as well as principles of the document. Including preamble and other pages of the original Indian constitution designed and decorated by the Ram Manohar Sinha of Jalapur solely. Thus, the page has the short signature of Deodhar Ram Manohar Sinha's Ram in the lower right corner.

### *The Important Cases One must Know regarding the Preamble of India*

- *Beru Bari case*

The preamble is not a vital part of the Indian constitution, which decided upon by the Supreme Court in Beru Bari case. Thus, it is not at all enforceable in the court of law.

- *Kesavnanda case*

In the Kesavnanda case, however, the Supreme Court of India has recognized that **Preamble** may be utilized to interpret uncertain areas of the Indian constitution where different interpretation available themselves.

- *LIC of India vs. Union Government*

In the case of LIC of India vs. Union Government held in 1995, the Supreme Court has again declared that preamble of India is the vital aspect of the constitution.

### **3. Amendability of Preamble**

The Preamble is an introductory statement, stating the aims and objectives of the constitution. Accordingly, the preamble to the Indian constitution spells out the basic philosophy contained in the body of the Indian Constitution.

The Preamble, in brief, explains the objectives of the Constitution in two ways: one, about the structure of the governance and the other, about the ideals to be achieved in independent India. It is because of this, the Preamble is considered to be the key of the Constitution. Preamble as such is widely accepted as the quintessence or soul and spirit of a constitution, as it embodies the fundamentals and the basic of the constitution as well as the vision and commitment of a newly liberated nation or people after its passing through the inevitable birth pangs of national independence from an oppressive and colonial regime.

Though preamble is the quintessence or soul and spirit of a constitution but it is not free from controversies. One of the controversies about the preamble is its amenability as to whether it possess any accountability in the Constitution of India or not.

The matter of amenability of the Preamble has a wider connotation which includes various aspects related to its accountability which are interrelated to each other. For instances whether Preamble is a part of the Constitution or not, whether or not a citizen of a nation to which he is subject to can challenge in the court of law if in case his rights have been infringed which were mentioned in the Preamble. And if not, then whether the Preamble is merely a preface or introduction piece of a page in the book of our Constitution. And also whether the Preamble is a part of the Constitution would depend on the resolution of the next question, which follows as a corollary- whether the Preamble can be amended. So, while analyzing the authority of Preamble we need to focus on these questions for establishing the responsibility of Preamble of Indian Constitution

*Is the Preamble part of the Constitution or not?*

Constitutions all over the world generally have a Preamble. The form, content and length of the Preamble differ from Constitution to Constitution. Irrespective of these differences, the Preamble generally sets the ideals and goals which the makers of the constitution intend to achieve through that constitution.<sup>[1]</sup> Therefore, it is also regarded as “a key to open the mind of the makers’ of the Constitution which may show the general purposes for which they made several provisions in the Constitution”.<sup>[2]</sup> Therefore, the preamble is a legitimate aid in the interpretation of the provisions of the Constitution. In this respect, subject to the clarification given below, the preamble of the Constitution stands on the same footing as the Preamble of an Act.<sup>[3]</sup>

Under English authorities, it is well settled that preamble is an admissible aid to the construction. It can, therefore, be used as a legitimate aid in construing the enacting parts. As adumbrated by the English authorities, a preamble cannot be used to restrict or extend the enacting part of the statute when the language, object and scope of the Act are unambiguous and not in doubt. It means that the preamble of an Act cannot control, qualify or restrict the meaning and application of its enacting part if that part is explicit and unambiguous. But, if the enacting part is ambiguous, the Preamble can be used to explain and elucidate it. In *Powell v. Kempton Park Racecourse Co. Ltd.*<sup>[4]</sup>, Lord Halsbury LC said:

*Two propositions are quite clear: one that a preamble may afford useful light as to what the statute intends to reach; and another, that if an enactment is itself clear and unambiguous, no preamble can qualify or cut down the enactment.*

Our courts have followed the same proposition laid down by the English authorities in the use of preamble for interpretation of statutes. Our Supreme Court has stated in the same vein, in *Tribhuban Prakash Nayyar v. Union of India* that<sup>[5]</sup> “where there is no ambiguity, it is hardly necessary to have resort to preamble”. The Supreme Court has extended this principle in interpreting constitutional provisions. In *Berubari Union and Exchange of Enclaves, re*<sup>[6]</sup>, the Supreme Court stated that “the preamble shows the general purposes behind the several provisions but, nevertheless, it is not a part of the Constitution and is never regarded as a source of any substantive power.” In *re, Kerala Education Bill*<sup>[7]</sup>, the Supreme Court held the same view. It stated that “the value of the preamble in respect of the interpretation of the constitution is the same as that of the preamble to any other Act.

The propositions are, however, subject to the clarification that the Preamble to an Act is not part of the Act, because it is not enacted and adopted by the enacting body in the same manner as the enacting provisions. The preamble of an Act is not introduced, discussed and passed in the enacting body – the legislature- like the enacted provisions – sections of the Act. The Preamble of our Constitution was, however, enacted and adopted by the same procedure as the rest of the Constitution. It was introduced and discussed in the Constituent Assembly and passed by it like the rest of the provisions of the Constitution.

The difference was not brought to the notice of the Supreme Court in *Berubari Union and Exchange of Enclaves, re*<sup>[8]</sup>, where it is observed that “the preamble is not part of the constitution”<sup>[9]</sup>. Later when the constituent history of the preamble was brought to the notice of the court in *Kesavananda Bharati v. State of Kerala*<sup>[10]</sup>, it held that “the preamble of the constitution was part of the constitution and the observations to the contrary in *Berubari Union*<sup>[11]</sup> case were not correct”. The Preamble is also part of the basic structure of the Constitution. In the case of *SR Bommai v. Union of India*<sup>[12]</sup> and *Union Government v. LIC of India*<sup>[13]</sup> also the Supreme Court reiterated that the Preamble is an integral part of the Constitution.

### *Amendment to the Preamble*

The issue that whether the preamble to the constitution of India can be amended or not was raised before the Supreme Court in the famous case of *Kesavananda Bharati v. State of Kerala*.<sup>[14]</sup> An interesting argument advanced in this case has been noted by Y.V. Chandrachud, J. that the Preamble may be a part of the Constitution but is not a provision of the Constitution and therefore, we cannot amend the Constitution so as to destroy the Preamble. Discarding the submissions Chandrachud, J. held that it was impossible to accept the contention that the Preamble is not a provision of the Constitution; it is a part of the Constitution and is not outside the reach of the Constituent Assembly leaves no scope for this contention. It is transparent from the proceedings that the Preamble was put to vote and was actually voted upon to form a part of the Constitution. The Preamble records like a sunbeam certain glowing thoughts and concepts of history and the argument is that by its very nature it is unamendable because no present or future, however mighty, can assume the power to amend the true facts of past history.

*Kesavananda Bharati* case is a milestone and also a turning point in the constitutional history of India. D.G. Palekar, J. held that the Preamble is a part of the Constitution and, therefore, is amendable under Article 368. He termed submission that the Fundamental Rights are an elaboration of the Preamble, as “an overstatement and half- truth”. Undoubtedly, the Constitution is intended to be a vehicle by which the goals set out are hoped to be reached. In the opinion of H.R. Khanna, J. the preamble is a part of the Constitution and walks before the Constitution”. S.D. Dwivedi, J. expressing his concurrence with the conclusion arrived at by A.N. Ray, J., held that the Preamble was a part of the Constitution because the heading “The Constitution of India” was placed above the Preamble. The Preamble cannot be a source of reading any inherent and implied limitations on the amending power. It is noteworthy that Justice Dwivedi has held the Preamble to be a part of the Constitution and then also referred to it as a provision of it.

In view of the provisions contained in Article 368 of the Constitution, Justice Beg discarded the contention that a creature of the Constitution could not possibly possess the power to create or recreate the Constitution as Article 368 expressly provides for the expansion or diminution of the scope of the powers of amendment. The amending power so as to meet the challenges of the times offered by rapidly changing social, political,

economic, national and international conditions and situations was kept wide, elastic and expansible by the Constitution makers. In conclusion, Beg J. held that there was no limitation on the powers of constitutional amendment found in Article 368.

Thus, the majority of *Kesavananda Bharati* case bench has held that Preamble is the part of the constitution and it can be amended but, Parliament cannot amend the basic features of the preamble. The court observed, “The edifice of our constitution is based upon the basic element in the Preamble. If any of these elements are removed the structure will not survive and it will not be the same constitution and will not be able to maintain its identity.”

The preamble to the Indian constitution was amended by the 42nd Amendment Act, 1976 whereby the words Socialist, Secular, and Integrity were added to the preamble by the 42nd amendment Act, 1976, to ensure the economic justice and elimination of inequality in income and standard of life. Secularism implies equality of all religions and religious tolerance and does not identify any state religion. The word integrity ensures one of the major aims and objectives of the preamble ensuring the fraternity and unity of the state.

#### *Enforceability of the Preamble in the Court of law*

The Preamble of our constitution is part of the Constitution but is not enforceable by courts. The Preamble is non-Justifiable. This means that courts cannot pass orders against the government of India to implement the ideas in the Preamble. The courts can take recourse to the Preamble in order to explain and clarify other provisions of the constitution. This view was given by the Supreme Court in the *Berubari Union Case*<sup>[15]</sup> and *Kesavananda Bharati Case*<sup>[16]</sup>.

#### *Conclusion*

Thus, after analyzing various aspects and the various judgments and views in relation to the Preamble, we can derive from are that in active expressive term preamble has limited scope but passively it acts more authoritatively. Which means though the Preamble does not bestow power on legislation, it may only act as director but somewhere on the other it limits the power of legislation because the Constitution and other legislations should be read and interpreted in the light of the vision expressed in the preamble and not beyond or against the vision expressed in the preamble.

#### 4. Doctrine of Basic Structure

The doctrine of the basic structure holds that there is a basic structure to the Indian Constitution, and the Parliament of India cannot amend the basic features.

It was in the Kesavnanda Bharati vs State of Kerala case, the Constitutional Bench of the Supreme Court ruled by a 7-6 verdict that Parliament could amend any part of the Constitution so long as it did not alter or amend the basic structure or essential features of the Constitution.

*What is the Basic Structure Doctrine?*

Indian Constitution is a dynamic document that can be amended according to the needs of society whenever required. Constitution under Article 368 grants power to the Parliament to amend whenever there is a necessity. The Article also lays down the procedure for amendment in detail.

The doctrine of basic structure is nothing but a judicial innovation to ensure that the power of amendment is not misused by Parliament. The idea is that the basic features of the Constitution of India should not be altered to an extent that the identity of the Constitution is lost in the process.

Indian Constitution upholds certain principles which are the governing rules for the Parliament, any amendment cannot change these principles and this is what the doctrine of basic structure upholds. The doctrine as we have today was not present always but over the years it has been propounded and upheld by the judicial officers of this country.

In this article, we would dwell in detail on the evolution of the doctrine of basic structure and what are the features of the Constitution of India that have been regarded as part of the basic structure by the hon'ble courts.

*Timeline for Evolution of Basic Structure*

*Pre – Golak Nath Era*

The Constitution of India was amended as early as 1951, which introduced the much-debated Article(s) 31A and 31B to it. Article 31B created the 9<sup>th</sup> Schedule which stated that any law provided under it could not be challenged for the violation of Fundamental

Rights as per Article 13(2) of the Constitution. Article 13(2) states that the Parliament shall not draft any law which abridges the rights conferred under Part III and to that extent it shall be void.

A petition was filed in the Supreme Court of India challenging Article(s) 31A and 31B on the ground that they abridge or take away rights guaranteed under Part III of the Constitution which is against the spirit of Article 13(2) and hence should be declared void. In this case, *Shankari Prasad Singh Deo v. Union of India*, the Hon'ble Supreme Court held that the power to amend the Constitution including the Fundamental Rights is conferred under Article 368, and the word 'Law' as mentioned under Article 13(2) does not include an amendment of the Constitution. There is a distinction between Parliament's law-making power, that is, the legislative power and Parliament's power to amend or constituent powers.

After this, several amendments were brought to the Constitution and once again the scope of amendments was challenged in the *Sajjan Singh v. State of Rajasthan*. The five-judge bench in Sajjan Singh dealt with the validity of the 17<sup>th</sup> Constitutional Amendment which had added around 44 statutes to the 9<sup>th</sup> Schedule. Though all of the judges agreed with the decision of Shankari Prasad but for the first time in the concurring opinion by Hidayatullah and Mudholkar JJ doubts were raised on the unfettered power of Parliament to amend the Constitution and curtail the fundamental rights of the citizens.

#### *Golak Nath v. the State of Punjab*

In this case, three writ petitions were clubbed together. The first one was by children of Golak Nath, against the inclusion of the Punjab Security of Land Tenures Act, 1953 in the Ninth Schedule. The other two petitions had challenged the inclusion of the Mysore Land Reforms Act in the Ninth Schedule. It is an 11 judge bench decision, wherein the Hon'ble Supreme Court by a majority of 6:5 held that the fundamental rights were outside the purview of the amendment of the Constitution, based on the following reasoning:

- The power of Parliament to amend the Constitution does not subsist in Article 368 but it is derived from Article 245, read with Entry 97 of List I of the Constitution. It was very clearly stated that Article 368 only provided for the Procedure of Amendment and nothing more.

- The Court also clarified that the word ‘law’ under Article 13(2) includes within its meaning an amendment to the Constitution. Therefore any amendment against the Fundamental Rights was void.
- The argument that the power to amend the Constitution is a sovereign power, which is over and above the legislative power and hence outside the scope of judicial review was rejected.

However, the 1<sup>st</sup>, 4<sup>th</sup>, and 17<sup>th</sup> Amendments were not declared invalid by the Court as the ruling was given a prospective effect. This meant that no further amendments could be brought into the Constitution violating the fundamental rights. But the cases of Shankari Prasad and Sajjan Singh were declared bad in law by the Court to the extent that Article 13(2) does not include a Constitutional amendment under Article 368.

#### *Constitution 24<sup>th</sup> Amendment*

The Golak Nath case left the Parliament devoid of its powers to amend the Constitution freely, therefore to restore the earlier position; the 24<sup>th</sup> Constitutional Amendment was brought forth. The Amendment Act not only restored the earlier position but extended the powers of Parliament. The following changes were made through the amendment:

- A new clause (4) was added to Article 13 which stated that *‘nothing in this Article shall apply to any amendment of this Constitution made under Article 368’*.
- The marginal heading of Article 368 was changed to ‘Power of Parliament to amend the Constitution and Procedure, therefore’ from ‘Procedure for amendment of the Constitution.
- Article 368 was provided with a new sub-clause (1) which read *‘notwithstanding anything in this Constitution, Parliament may, in the exercise of its Constituent Power amend by way of addition, variation, or repeal any provision of this Constitution in accordance with the procedure laid down in this Article.*
- President was put under an obligation to give assent to any Bill amending the Constitution by changing words from *‘it shall be presented to the President who shall give his assent to the Bill and thereupon’* to *‘it shall be presented to the President for his assent and upon such assent being given to the Bill’*.

- A reassuring clause (3) was also added to Article 368, which again clarified that *‘nothing in Article 13 shall apply to any amendment made under this Article.*

## 5. Judgments related to the Basic Structure

### *Kesvananda Bharati v. the State of Kerala*

This case was initially filed to challenge the validity of the Kerala Land Reforms Act, 1963. But the 29<sup>th</sup> Amendment of the Constitution placed it under the Ninth Schedule. The petitioner was permitted to not only challenge the 29<sup>th</sup> Amendment but also the validity of the 24<sup>th</sup> and 25<sup>th</sup> Amendments.

The historic judgment was delivered by a 13 judge bench and with the majority of 7:6; they overruled the Golak Nath case. It was held that the power of Parliament to amend the Constitution is far and wide and extends to all the Articles but it is not unlimited to an extent that it destroys certain basic features or framework of the Constitution.

The Hon’ble Supreme Court, however, held that the 24<sup>th</sup> Amendment was valid as it only states what was present before implicitly. It does not enlarge the powers of Parliament; Article 368 always included the power and procedure to amend the Constitution.

The judges did not provide what constitutes the basic structure but provided an illustrative list of what may constitute the basic structure. As per **Sikri, C.J.**, the basic structure constitutes the following elements:

- The supremacy of the Constitution
- Republican and Democratic forms of Government
- Secular character of the Constitution
- Separation of Powers between the legislature, the Executive, and the Judiciary
- Federal Character of the Constitution

*Shelat and Grover, JJ.*, added the following to the above list:

- The mandate to build a welfare state contained in the Directive Principles of State Policy

- Maintenance of the unity and integrity of India
- The sovereignty of the country

*Hegde and Mukherjee, JJ.*, had their list of the elements of the basic structure, which included:

- The sovereignty of India
- The democratic character of the polity
- The unity of the country
- Essential features of individual freedom
- The mandate to build a welfare state

*Whereas Jaganmohan Redd, J.*, believed that it was the Preamble that laid down the basic features of the Constitution, which are:

- A sovereign democratic republic
- The provision of social, economic, and political justice
- Liberty of thought, expression, belief, faith, and worship
- Equality of status and opportunity

After this judgment, the general opinion was that the judiciary is trying to create an overhaul over the Parliament, but soon an opportunity was laid down before the Court to examine the doctrine.

#### *Evolution of Basic Structure Doctrine*

*Indra Nehru Gandhi v. Raj Narain* was the case in which the faith in the doctrine was affirmed and established. In this case, the appellant had filed an appeal against the decision of Allahabad High Court invalidating her election as the Prime Minister. While the appeal was still pending at the Supreme Court, the 39<sup>th</sup> Amendment was enacted and enforced which stated that no court has jurisdiction over the election disputes of the Prime Minister.

The Hon'ble Supreme Court relying on the decision of Kesavananda Bharati stated that democracy was an essential feature of the Constitution and forms part of the basic structure. The bench added certain other features to the list of the basic structure, which was: Rule of Law and the power of Judicial Review.

The basic structure then came up in the case of *Minerva Mills Ltd. v. Union of India*, wherein the Supreme Court provided clarity to the doctrine and laid down that the power of amendment under Article 368 is limited and exercise of such power cannot be absolute. A limited amending power was very well part of the basic structure doctrine of the Constitution. Further, the harmony and balance between fundamental rights and directive principles are also part of the basic structure, and anything that destroys the balance is an ipso facto violation of the doctrine.

The case of *L. Chandra Kumar v. Union of India* again stated that the power of judicial review under Article 32 of the Supreme Court and Article 226 of the High Court is part of the basic structure doctrine and these powers cannot be diluted by transferring them to administrative tribunals.

## **MODULE IV: FUNDAMENTAL RIGHTS**

### **1. Kinds of Rights**

A right is described as an entitlement or justified claim to a certain kind of positive and negative treatment from others, to support from others or non-interference from others. In other words, a right is something to which every individual in the community is morally permitted, and for which that community is entitled to disrespect or compulsorily remove anything that stands in the way of even a single individual getting it. Rights belong to individuals, and no organisation has any rights not directly derived from those of its members as individuals; and, just as an individual's rights cannot extend to where they will intrude on another individual's rights, similarly the rights of any organisation whatever must yield to those of a single individual, whether inside or outside the organisation. Rights are those important conditions of social life without which no person can generally realize his best self. These are the essential conditions for health of both the individual and his society. It is only when people get and enjoy rights that they can develop their personalities and contribute their best services to the society.

## *Types of Rights:*

### *1. Natural Rights:*

Many researchers have faith in natural rights. They stated that people inherit several rights from nature. Before they came to live in society and state, they used to live in a state of nature. In it, they appreciated certain natural rights, like the right to life, right to liberty and right to property. Natural rights are parts of human nature and reason. Political theory maintains that an individual enters into society with certain basic rights and that no government can deny these rights.

In classical political philosophy “natural right” denotes to the objective rightness of the right things, whether the virtue of a soul, the correctness of an action, or the excellence of a regime. Aristotle stated in *Politics* (1323a29-33) that no one would call a man happy who was completely lacking in courage, temperance, justice, or wisdom. A man who was easily terrified, unable to restrain any impulse toward food or drink, willing to ruin his friends for a trifle, and generally senseless could not possibly lead a good life. Even though chance may occasionally prevent good actions from having their normal consequences, so that sometimes cowards fare better than brave men, courage is still objectively better than cowardice. The virtues and actions that contribute to the good life, and the activities intrinsic to the good life, are naturally right.

The modern idea of natural rights grew out of the ancient and medieval doctrines of natural law, but for other scholars, the concept of natural rights is unreal. Rights are the products of social living. These can be used only in a society. Rights have behind them the recognition of society as common claims for development, and that is why the state protects these rights. John Locke (1632–1704), the most influential political philosophers of the modern period, argued that people have rights, such as the right to life, liberty, and property that have a foundation independent of the laws of any particular society. Locke claimed that men are naturally free and equal as part of the justification for understanding legitimate political government as the result of a social contract where people in the state of nature conditionally transfer some of their rights to the government in order to better ensure the stable, comfortable enjoyment of their lives, liberty, and property. Since governments exist by the consent of the people in order to protect the rights of the people

and promote the public good, governments that fail to do so can be resisted and replaced with new governments.

## *2. Moral Rights:*

Moral Rights are based on human consciousness. They are supported by moral force of human mind. These are based on human sense of goodness and justice. These are not assisted by the force of law. Sense of goodness and public opinion are the sanctions behind moral rights.

If any person disrupts any moral right, no legal action can be taken against him. The state does not enforce these rights. Its courts do not recognize these rights. Moral Rights include rules of good conduct, courtesy and of moral behaviour. These stand for moral perfection of the people.

Moral rights were first acknowledged in France and Germany, before they were included in the Berne Convention for the Protection of Literary and Artistic Works in 1928. Canada recognized moral rights in its Copyright Act. The United States became a signatory to the convention in 1989, and incorporated a version of moral rights under its copyright law under Title 17 of the U.S. Code. There are two major moral rights under the U.S. Copyright Act. These are the right of attribution, also called the right of paternity and the right of integrity.

## *Legal Rights:*

Legal rights are those rights which are accepted and enforced by the state. Any defilement of any legal right is punished by law. Law courts of the state enforce legal rights. These rights can be enforced against individuals and also against the government. In this way, legal rights are different from moral rights. Legal rights are equally available to all the citizens. All citizens follow legal rights without any discrimination. They can go to the courts for getting their legal rights enforced.

Legal Rights are of three types:

### *1. Civil Rights:*

Civil rights are those rights which provide opportunity to each person to lead a civilized social life. These fulfil basic needs of human life in society. Right to life, liberty and equality are civil rights. Civil rights are protected by the state.

## 2. *Political Rights:*

Political rights are those rights by virtue of which inhabitants get a share in the political process. These allow them to take an active part in the political process. These rights include right to vote, right to get elected, right to hold public office and right to criticise and oppose the government. Political rights are really available to the people in a democratic state.

## 3. *Economic Rights:*

Economic rights are those rights which provide economic security to the people. These empower all citizens to make proper use of their civil and political rights. The basic needs of every person are related to his food, clothing, shelter, and medical treatment. Without the fulfilment of these no person can really enjoy his civil and political rights. It is therefore essential, that every person must get the right to work, right to adequate wages, right to leisure and rest, and right to social security in case of illness, physical disability and old age.

## *Human and Legal Rights:*

There is some difference between moral or human rights and legal rights. Legal rights require for their justification an existing system of law. Legal rights are, roughly, what the law says they are, at least insofar as the law is enforced. Legal rights gain their force first of all through legislation or decree by a legally authorized authority. Those who support adoption of laws establishing legal rights often appeal to a notion of human rights.

Laws against theft might appeal to notions of a moral right to own property. But human or moral rights must gain their validity through some other source other than legal rights, since people can appeal to human or moral rights to criticize the law or advocate changes in the law (or legal rights), and people could not do this if moral rights were based upon the law.

### *Contractual Rights:*

Contractual rights originated from the practice of promise-keeping. They apply to particular individuals to whom contractual promises have been made. Contractual rights ascend from specific acts of contract making. They normally come into being when the contract is made, and they reflect the contractual duty that another party has acquired at the same time. As a result of a contract, party A has a contractual duty, say, to deliver some good or service to party B, who has a contractual right to the good or service. Contractual rights may be upheld by the law, and in that sense can rest upon legal rights, but it is possible to conceive of contracts made outside of a legal framework and to rest purely upon moral principles. However, such contracts are less secure than contracts made within a legal framework, for obvious reasons. There are numerous examples of contractual rights such as:

- Rights to purchase a particular product or service
- Rights to be sell a product or service
- Rights to be the only seller or buyer
- Rights to delivery and timely payment
- Rights to refunds or repairs
- Various rights according to the specific intentions of each party

## **2. Characteristic Features of Fundamental Rights**

### *Concept of Fundamental Rights*

- The Fundamental Rights are defined as basic human freedoms which every Indian citizen has the right to enjoy for the proper and harmonious development of personality.
- These rights universally apply to all humans, irrespective of race, place of birth, religion, caste, creed, color, or sex, and should be guaranteed by the law of the land.

- The Rights have their origins in many sources, including England's Bill of Rights, the United States Bill of Rights, and France's Declaration of the Rights of Man.
- Originally, the Indian Constitution established seven Fundamental Rights, namely,
  - Right to equality (Articles 14–18)
  - Right to freedom (Articles 19–22)
  - Right against exploitation (Articles 23–24)
  - Right to freedom of religion (Articles 25–28)
  - Cultural and educational rights (Articles 29–30)
  - Right to property (Article 31)
  - Right to constitutional remedies (Article 32)
- The right to property, however, was removed from the list of Fundamental Rights by the 44th Amendment Act of 1978 and now, Article 300-A of Part XII of the Constitution establishes it as a legal right. As a result, there are currently only six Fundamental Rights.

### *Features of Fundamental Rights*

The following are the characteristics of the Fundamental Rights guaranteed by the Constitution:

- Some are only available to citizens, while others are available to all persons, whether citizens, foreigners or legal entities such as corporations or companies.
- They are qualified rather than absolute. They can be subjected to reasonable restrictions imposed by the state.
  - However, whether such restrictions are reasonable or not is a matter for the courts to decide.
  - As a result, they strike a balance between individual rights and those of society as a whole, between individual liberty and social control.

- They are all available in the face of the state's arbitrary action. However, some of them are also against private individuals' actions.
- Some are negative in nature, limiting the authority of the state, while others are positive in nature, conferring certain privileges on individuals.
- They are justiciable, allowing individuals to petition the courts for their enforcement if and when they are violated.
- The Supreme Court defends and guarantees them. As a result, the aggrieved party can go directly to the Supreme Court, rather than filing an appeal against the decision of the lower courts.
- They are neither sacred nor permanent. They can be limited or repealed by Parliament only through a constitutional amendment act, not through an ordinary act.
- Furthermore, this can be accomplished without affecting the Constitution's "basic structure."
- Except for the rights guaranteed by Articles 20 and 21, they can be suspended during the operation of a National Emergency.
- Furthermore, the six rights guaranteed by Article 19 can be suspended only when an emergency is declared on the basis of war or external aggression (i.e., external emergency) rather than armed rebellion (i.e., internal emergency).
- Article 31A (saving of laws providing for the acquisition of estates, etc.), **Article 31B** (validation of certain acts and regulations included in the 9th Schedule), and Article 31C (saving of laws giving effect to certain directive principles) limit their scope of operation.
- The application of these provisions to members of the armed forces, paramilitary forces, police forces, intelligence agencies, and analogous services can be limited or repealed by Parliament (Article 33).
- Their use may be restricted while martial law is in effect in any area.

- The term "martial law" refers to "military rule" imposed under unusual circumstances to restore order (Article 34).
- It is not the same as declaring a national emergency.
- The majority of them are directly enforceable (self-executory), while a few can be enforced on the basis of a law enacted to give effect to them.
- To ensure uniformity across the country, such a law can only be enacted by Parliament and not by state legislatures (Article 35).

### **3. Fundamental Rights in India**

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

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

*What are the Fundamental Rights?*

Fundamental rights are the basic human rights enshrined in the Constitution of India which are guaranteed to all citizens. They are applied without discrimination on the basis of race, religion, gender, etc. Significantly, fundamental rights are enforceable by the courts, subject to certain conditions. These rights are called fundamental rights because of two reasons: They are enshrined in the Constitution which guarantees them

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

### *List of Fundamental Rights*

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

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

### *Why Right to Property is not a Fundamental Right?*

There was one more fundamental right in the Constitution, i.e., the right to property.

However, this right was removed from the list of fundamental rights by the 44th Constitutional Amendment.

This was because this right proved to be a hindrance towards attaining the goal of socialism and redistributing wealth (property) equitably among the people.

### *Introduction to Six Fundamental Rights (Articles 12 to 35)*

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

#### *1. Right to Equality (Articles 14 – 18)*

Right to equality guarantees equal rights for everyone, irrespective of religion, gender, caste, race or place of birth. It ensures equal employment opportunities in the government

and insures against discrimination by the State in matters of employment on the basis of caste, religion, etc. This right also includes the abolition of titles as well as untouchability.

## *2. Right to Freedom (Articles 19 – 22)*

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

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

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

## *3. Right against Exploitation (Articles 23 – 24)*

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

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

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

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

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

### *6. Right to Constitutional Remedies (32 – 35)*

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

#### *Features of Fundamental Rights*

- Fundamental rights are different from ordinary legal rights in the manner in which they are enforced. If a legal right is violated, the aggrieved person cannot directly approach the SC bypassing the lower courts. He or she should first approach the lower courts.
- Some of the fundamental rights are available to all citizens while the rest are for all persons (citizens and foreigners).
- Fundamental rights are not absolute rights. They have reasonable restrictions, which means they are subject to the conditions of state security, public morality and decency and friendly relations with foreign countries.
- They are justiciable, implying they are enforceable by courts. People can approach the SC directly in case of violation of fundamental rights.
- Fundamental rights can be amended by the Parliament by a constitutional amendment but only if the amendment does not alter the basic structure of the Constitution.
- Fundamental rights can be suspended during a national emergency. But, the rights guaranteed under Articles 20 and 21 cannot be suspended.

- The application of fundamental rights can be restricted in an area that has been placed under martial law or military rule.

Also, in the news:

- Conjugal Rights
- Right to be Forgotten

#### Fundamental Rights Available Only to Citizens

The following is the list of fundamental rights that are available **only to citizens** (and not to foreigners):

1. Prohibition of discrimination on grounds of race, religion, caste, gender or place of birth (Article 15).
2. Equality of opportunity in matters of public employment (Article 16).
3. Protection of freedom of:(Article 19)
  - Speech and expression
  - Association
  - Assembly
  - Movement
  - Residence
  - Profession
4. Protection of the culture, language and script of minorities (Article 29).
5. Right of minorities to establish and administer educational institutions (Article 30).

### *Importance of Fundamental Rights*

Fundamental rights are very important because they are like the backbone of the country. They are essential for safeguarding the people's interests.

According to Article 13, all laws that are violative of fundamental rights shall be void. Here, there is an express provision for judicial review. The SC and the High Courts can declare any law unconstitutional on the grounds that it is violative of the fundamental rights. Article 13 talks about not just laws, but also ordinances, orders, regulations, notifications, etc.

### *Amendability of Fundamental Rights*

Any changes to the fundamental rights require a constitutional amendment that should be passed by both the Houses of Parliament. The amendment bill should be passed by a special majority of Parliament. As per the Constitution, Article 13(2) states that no laws can be made that take away fundamental rights.

The question is whether a constitutional amendment act can be termed law or not. In the Sajjan Singh case of 1965, the Supreme Court held that the Parliament can amend any part of the Constitution including fundamental rights. But in 1967, the SC reversed its stance taken earlier when in the verdict of the Golaknath case, it said that the fundamental rights cannot be amended.

In 1973, a landmark judgement ensued in the **Kesavananda Bharati case**, where the SC held that although no part of the Constitution, including Fundamental Rights, was beyond the Parliament's amending power, the "basic structure of the Constitution could not be abrogated even by a constitutional amendment."

This is the basis in Indian law in which the judiciary can strike down any amendment passed by Parliament that is in conflict with the basic structure of the Constitution. In 1981, the Supreme Court reiterated the Basic Structure doctrine. It also drew a line of demarcation as April 24th, 1973 i.e., the date of the Kesavananda Bharati judgement, and held that it should not be applied retrospectively to reopen the validity of any amendment to the Constitution which took place prior to that date.

### *Doctrine of Severability*

This is a doctrine that protects the fundamental rights enshrined in the Constitution. It is also known as the Doctrine of Separability. It is mentioned in Article 13, according to which all laws that were enforced in India before the commencement of the Constitution, inconsistent with the provisions of fundamental rights shall **to the extent of that inconsistency** be void.

This implies that only the parts of the statute that is inconsistent shall be deemed void and not the whole statute. Only those provisions which are inconsistent with fundamental rights shall be void.

### *Doctrine of Eclipse*

This doctrine states that any law that violates fundamental rights is not null or void ab initio, but is only non-enforceable, i.e., it is not dead but inactive. This implies that whenever that fundamental right (which was violated by the law) is struck down, the law becomes active again (is revived).

Another point to note is that the doctrine of eclipse applies only to pre-constitutional laws (laws that were enacted before the Constitution came into force) and not to post-constitutional laws. This means that any post-constitutional law which is violative of a fundamental right is void ab initio.

### *Conclusion*

To know how many fundamental rights are there in the Indian Constitution is a must-rule for an IAS aspirant. The list of fundamental rights given above will be helpful for the candidates in their UPSC preparation. Also, aspirants should know the difference between human rights and fundamental rights. The basic difference between human rights and fundamental rights is the scope of acceptance. While fundamental rights have scope within a country, human rights are accepted worldwide.

This constitutes an integral part of the UPSC Syllabus for the Polity section and candidates must carefully analyse the same as questions based on the same can be asked in the prelims as well as the mains examination.

#### **4. Concept of Human Rights**

All human rights are universal, indivisible and interdependent and related. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis.

Human Rights are universal. They are the birthright of every member of the Human family. And are necessary in order for us to live as Human beings.

Human rights are moral principles or norms that describe certain standards of human behavior. And are regularly protected in municipal and international law. Moreover, they are commonly understood as inalienable, fundamental rights “to which a person is inherently entitled simply because she or he is a human being”. And which are “inherent in all human beings”. Regardless of their age, ethnic origin, location, language, religion, ethnicity, or any other status. They are applicable everywhere and at every time in the sense of being universal. And they are egalitarian in the sense of being the same for everyone.

Moreover, They are the rights inherent to all Human beings. Regardless of race, sex, nationality, language, religion or any other status.

*International bodies :*

The United Nations: The United Nations (UN) is the only multilateral governmental agency with universally accepted international jurisdiction for universal human rights legislation. All UN organs have advisory roles to the United Nations Security Council. And moreover, the United Nations Human Rights Council. And there are numerous committees within the UN with responsibilities for safeguarding different human rights treaties. The most senior body of the UN with regard to human rights is the Office of the High Commissioner for Human Rights.

The United Nations has an international mandate to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character. And therefore, in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

### *Evolution of Human Rights and its place in Indian Constitution :*

Since the emergence of Human Rights started after the second world war. Comes as the outcome of the second world war had given rise to serious concerns towards humanity. Because humanity suffered a lot in this era. And therefore, as a consequence, tremendous developments have been made in this field of human rights.

In 1948, the General Assembly of United Nations adopted UDHR, by resolution and proclaimed that Human Rights are a common standard of achievement for all persons and Nations. Since UDHR was only a declaration and not a treaty. Therefore, state had to take steps to commit themselves to Human beings in accordance with the obligations of the UN charter.

The UDHR didn't contain its enforcement machinery. And as a result the international covenant on civil and political rights, 1966. And moreover, the international covenant on economic, social, and cultural rights, 1966 came into existence.

### *Concept of Human rights in India*

Since our country was one of the signatories to the international covenant on civil and political rights. And therefore, the framers of the Indian constitution recognized as well as guaranteed most Human rights which were subsequently embodied in the International covenant 1966.

The concept of human rights and freedoms in the Universal Declaration of Human rights, 1948, and in the International Covenant on Civil and Political Rights, 1966 are guaranteed in Part III of the Indian Constitution as fundamental rights. Moreover, Part III embodies and sanctifies certain fundamental, individual, justifiable rights. Since they are primarily meant to protect and promote the basic human rights of the people and protect the individual against the state action by imposing negative obligations. They are limitations upon all the powers of the government, legislative as well executive and they are essential for the preservation of human rights.

### *Right to Equality :*

Nevertheless, The right to equality is the faith and creed of our democratic republic; it forms the foundation of socio-economic justice. Article 14 embodies the idea of equality

as expressed in the preamble. Moreover, **Article 14** provides: “The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India”. The provision of Right to Equality is based on the provisions of articles I and 7 of the Universal Declaration of Human Rights, 1948. Articles 2(2) and 3 of the International Covenant on Economic, Social and Cultural Rights, 1966 also talk about equality among men and women. Articles 3 and 26 of the International Covenant on Civil and Political Rights also mention about the equal rights of men and women and equality before law and equal protection of laws respectively.

*Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth :*

*Article 15* of the Indian Constitution specifically prohibits discrimination on grounds of religion, race, caste, sex or place of birth. The corresponding provision to Article 15(1) of the Indian Constitution can be found in Article 2 of the Universal Declaration of Human Rights, 1948; Article 2(1) of the International Covenant on Civil and Political Rights, 1966 and article 2(2) of the International Covenant on Economic; Social and Cultural Rights, 1966.

*Equality of opportunity in matters of employment :*

*Article 16* of the Indian Constitution aims at providing equality of opportunity to all citizens in matters of public employment. This provision is like the provisions of Article 21(2) of the Universal Declaration of Human Rights, 1948. States that “everyone has the right to equal access to public services in this country”.

*Abolition of untouchability :*

*Article 17* of the Constitution abolishes untouchability and forbids its practice in any form. Moreover, Article 17 of the Constitution is on the lines of the provision of Article 2 of the Universal Declaration of Human Rights. Since The Parliament of India, in exercise of the powers conferred by Article 35(ii) has enacted the untouchability (Offences) Act, 1955. Therefore, the basic Object of this enactment is to ban the practice of untouchability in any form.

### *Right to Freedom :*

Personal liberty is one of the most important of all human rights. **Articles 19 to 22** of the Indian Constitution deal with different aspects of this basic right. The principle that “all human beings are born free” is found in articles 1 and 2 of the Universal Declaration of Human Rights. Article 19 of the Indian Constitution provides six basic fundamental freedoms to all its citizens. It provides:

#### *Protection of certain rights regarding freedom of speech etc.*

- 1) All citizens shall have the right-
  - i. freedom of speech and expression;
  - ii. to assemble peaceably and without arms;
  - iii. to form associations or unions;
  - iv. move freely throughout the territory of India;
  - v. to reside and settle in any part of the territory of India;

*Article 19(1)(b)* of the Constitution guarantees all citizens freedom of peaceful assembly without arms. The corresponding provision is found in article 20(1) of the Universal Declaration of Human Rights, 1948. The right of peaceful assembly is also recognized in article 21 of the International Covenant on Civil and Political Rights, 1966. The right of peaceful assembly is also implied in the very idea of the democratic government. Article 19(1)(e) of the Constitution guarantees to all citizens right to form associations or unions. This right corresponds to article 23(4) of the Universal Declaration of Human Rights, 1948. Such a provision has also been incorporated in Article 22 of the International Covenant on Civil and Political Rights, 1966 and article 8 of the International Covenant on Economic, Social and Cultural Rights, 1966.

#### *Protection in respect of Conviction of Offences :*

*Article 20* of the Indian Constitution contain certain safeguards to persons accused of crimes. It provides: Protection in respect of conviction for offences-

(1) No person shall be convicted of any offense except for violation of a law in force at the time of the commission of the act charged as an offense nor he subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offense.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

#### *Concept of Human Rights and Fundamental Rights :*

The *Article 20* of the Indian Constitution having its roots in Article 11(2) of the Universal declaration of Human Rights. It provides protection against ex post facto law and thus prohibits the legislature to make retrospective criminal law. This clause protects the basic human right of the people that no person can be punished for an act which was not an offence at the date of its commission. It further protects the person by providing that no person could be subjected to a penalty greater than that which [might have been inflicted under the law in force at the time of the commission of the offence.

#### *Right to life and personal Liberty :*

*Article 21* of the Constitution secures this right to all persons. It provides:

”No person shall be deprived of his life or personal liberty except according to procedure established by law”. This article advances the Object of article 3 of the Universal Declaration of Human Rights. Similar provision is also found in article 6 of the International Covenant on Civil and Political Rights.

#### *Right to Education :*

In a significant development, the right to Education, was made a fundamental Right under Article 21A of the constitution by the Eighty-Sixth constitutional Amendment Act, 2002, same was based on Article 26 of the UDHR.

*Right to Adequate Housing and Land:* The human right to adequate housing and land is guaranteed in International law and in the Directive principles provided under the Indian Constitution. It has also been upheld by the Supreme Court, in various Judgments as an integral part of the Right to life.

## 5. Right to Constitutional Remedies (Article 32 and Article 226)

There is a right in India which states that a person can move to Supreme court if he/she wants to get their fundamental rights protected. This right comes under article 32 for Supreme court and article 226 for the high court. It is known as the right to constitutional remedies. In this right, the Supreme court, as well as high court, is given the power to instill the fundamental rights. Furthermore, the power can be issued by local courts also to extend the rights. Although, there is one act which comes under the military law known as the court-martial which is exempted from this right.

Dr. B. R. Ambedkar said that article 32 is the soul of the constitution and it is at the very heart of it. Also, the Supreme court has included this in its basic structure doctrine. Furthermore, this right states that the right to move to the highest court cannot be rejected by any court except provided by the constitution of India.

Thus, it means that this right is suspended at the time of national emergency under article 359. Under **article 32** Supreme court acts as a guarantor and defender of the fundamental rights. Furthermore, it is originally under the Supreme Court's jurisdiction power to issue the writs.

Thus, it means that a person can directly approach the Supreme court for the remedy instead through the way of appealing.

A writ is couched in the form of a letter or is percept in writing. It is running in the name of the king, or state, or president, issued from the justice court. So, this is sealed by its seal and addressed to an officer of the law or directly to a person who is commanded for action by the court. Thus, this is done either during the commencement of the suit or is incidental to its progress. It requires the performance of the mentioned actor by giving the command to have it done.

Also, it is important to note that article 32 can be invoked only to get remedies related to fundamental rights. Thus, it cannot be there for any legal or constitutional right. For these rights, there are different laws available.

## *Comparing High Court and Supreme Court*

### *Differences*

As mentioned above, the supreme court can issue the writ through article 32. While the high court can issue this writ through article 226. Supreme court can issue the writ for enforcement which is done through because of fundamental rights.

While the high court can issue the enforcement of fundamental rights along with the rights of other matters. So, it can be said that the high court has wider jurisdiction than the Supreme court when it comes to the matter of issuing writs. The high court can issue a writ only under its own territorial jurisdiction. While the Supreme court can issue it against a person or authority within the boundaries of India.

### *Similarities*

For the Supreme court and high court, the power of issuing writs come under the original jurisdiction. Thus, the writ can be moved by any aggrieved person.

## **MODULE V: RECENT DEVELOPMENTS IN INDIAN CONSTITUTION**

### **1. The Constitution (<sup>100th</sup> Amendment) Act, 2015**

Constitution (100th Amendment) Act 2015 ratified the land boundary agreement between India and Bangladesh. The act amended the 1st schedule of the constitution to exchange the disputed territories occupied by both the nations in accordance with the 1974 bilateral LBA. India received 51 Bangladeshi enclaves (covering 7,110 acres) in the Indian mainland, while Bangladesh received 111 Indian enclaves (covering 17,160 acres) in the Bangladeshi mainland.

The India-Bangladesh Agreement was signed in 1974, but was not ratified as it involved transfer of territory which required a Constitutional Amendment. Hence, the amendment was enacted.

India and Bangladesh share a 4,096 km land boundary covering West Bengal, Assam, Tripura, Meghalaya and Mizoram. This is largest among the international boundaries that India shares with its neighbours. On this boundary, some 50,000-100,000 people reside in so called Chitmahals or Indo-Bangladeshi enclaves. There are 102 Indian enclaves inside

Bangladesh and 71 Bangladeshi ones inside India. Inside those enclaves are also 28 counter-enclaves and one counter-counter-enclave, called Dahala Khagrabari. This ambiguity has led the life of the residents of these enclaves to misery. They are unable to get the basic government services because they are isolated from their own country by strips of foreign land. This issue was pending ever since Bangladesh got birth. For the first time, a vision to solve this issue had been enshrined in the Indira-Mujib pact of 1972. Accordingly, the India Bangladesh Land Boundary Agreement was signed between the two countries in 1974. However, this agreement need ratification from the parliaments of the both countries as it involved exchange of the territories. While Bangladesh had ratified it as back as 1974 only, it was not ratified by Indian parliament till now.

#### *Important provisions*

The LBA envisages a notional transfer of 111 Indian enclaves to Bangladesh in return of 51 enclaves to India.

#### *Amendment to the First Schedule of the Constitution:*

- The Bill amends the First Schedule of the Constitution to give effect to an agreement entered into by India and Bangladesh on the acquiring and transfer of territories between the two countries on May 16, 1974. The First Schedule of the Constitution defines the area of each state and union territory which together constitute India.
- The territories involved are in the states of Assam, West Bengal, Meghalaya and Tripura. Many of these are enclaves (i.e., territory belonging to one country that is entirely surrounded by the other country), and there are even enclaves-within-enclaves.
- The enclave residents are to be allowed to either reside at their present location or move to the country of their choice.
- The enclaves stand exchanged on the midnight of 31 July 2015.
- The physical exchange of enclaves will be implemented in phases between 31 July 2015 and 30 June 2016.

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### *mplications*

- The area transferred to India is less than that transferred by India to Bangladesh. In totality India incurs a net loss in terms of area occupancy. India lost around 40 km<sup>2</sup> (10,000 acres) to Bangladesh. This remained a major concern of opposition from the north-eastern affected states and west Bengal.
- Also, most of the area concerned is occupied by the tribals of the NE states and hence the swapping takes away their land rights leaving them more vulnerable.
- It represents a permanent solution to a decades old issue;
- The newly demarcated boundaries are a fixed boundary, thereby adding to certainty regarding the future;
- It will secure the long stranded boundary and enable to curb the illegal migration, smuggling and criminal acts cross the border.
- It would help those stateless citizens by granting the citizenship from their respective countries.
- It would help settle the boundary dispute at several points in Meghalaya, Tripura, Assam, and west Bengal.
- It would improve the access to the underdeveloped north-eastern state and would further enhance the developmental works in the region.
- It would help to increase the connectivity with the south-east Asia as part of India's North-eastern policy. All these could be achieved with the active support from Bangladesh.
- This also helps on issues of strategic concern, including security cooperation and denial of sanctuary to elements inimical to India.
- It takes into consideration the situation on the ground and the wishes of the people.

## 2. The Constitution (101<sup>th</sup> Amendment) Act, 2017

There are several articles in the constitution of India which define the financial relations between Union and States. Since GST bills involve a huge interest of the state governments, such a historical tax reform cannot take place without making suitable changes into the constitution. For this purpose, 101st amendment of the constitution was passed. This act received the assent of the President of India on 8th September, 2016. The important changes made in constitution (new articles / amended articles) via this law are as follows:

This is a new article inserted in the constitution. It says that (1) *Notwithstanding anything contained in articles 246 and 254, Parliament, and, subject to clause (2), the Legislature of every State, have power to make laws with respect to goods and services tax imposed by the Union or by such State. (2) Parliament has exclusive power to make laws with respect to goods and services tax where the supply of goods, or of services, or both takes place in the course of inter-State trade or commerce.*

### *Notable Points from Article 246A*

For your examinations, you must the below points clearly from this article:

- Both Union and States in India now have “concurrent powers” to make law with respect to goods & services
- The intra-state trade now comes under the jurisdiction of both centre and state; while inter-state trade and commerce is “exclusively” under central government jurisdiction.

### **Article 269A**

This is a new article which reads as follows:

269A. (1) Goods and services tax on supplies in the course of inter-State trade or commerce shall be levied and collected by the Government of India and such tax shall be apportioned between the Union and the States in the manner as may be provided by Parliament by law on the recommendations of the Goods and Services Tax Council.

*Explanation.*—For the purposes of this clause, supply of goods, or of services, or both in the course of import into the territory of India shall be deemed to be supply of goods, or of services, or both in the course of inter-State trade or commerce.

(2) The amount apportioned to a State under clause (1) shall not form part of the Consolidated Fund of India.

(3) Where an amount collected as tax levied under clause (1) has been used for payment of the tax levied by a State under article 246A, such amount shall not form part of the Consolidated Fund of India.

(4) Where an amount collected as tax levied by a State under article 246A has been used for payment of the tax levied under clause (1), such amount shall not form part of the Consolidated Fund of the State.

(5) Parliament may, by law, formulate the principles for determining the place of supply, and when a supply of goods, or of services, or both takes place in the course of inter-State trade or commerce.’

#### *Notable Points from Article 269A*

- This article says that in case of the inter-state trade, the tax will be levied and collected by the Government of India and shared between the Union and States as per recommendation of the GST Council.
- The article also makes it clear that the proceeds such collected will not be credited to the consolidated fund of India or state but respective share shall be assigned to that state or centre. The reason for the same is that under GST, where centre collects the tax, it assigns state’s share to state, while where state collects tax, it assigns centre’s share to centre. If that proceed is deposited in Consolidated Fund of India or state, then, every time there will be a need to pass an appropriation tax. Thus, under GST, the apportionment of the tax revenue will take place outside the Consolidated Funds.

*Article 279-A:*

This article provides for constitution of a GST council by president within sixty days from this act coming into force. The GST council will constitute the following members:

- Union Finance Minister as chairman of the council
- Union Minister of State in charge of Revenue or Finance
- One nominated member from each state who is in charge of finance or taxation

The GST council will be empowered to take decisions on the following:

- The taxes, cesses and surcharges levied by the Union, the States and the local bodies which may be subsumed in the goods and services tax;
- The goods and services that may be subjected to, or exempted from, the goods and services tax;
- Model Goods and Services Tax Laws, principles of levy, apportionment of Integrated Goods and Services Tax and the principles that govern the place of supply;
- The threshold limit of turnover below which goods and services may be exempted from goods and services tax;
- The rates including floor rates with bands of goods and services tax;
- Any special rate or rates for a specified period, to raise additional resources during any natural calamity or disaster;
- Special provision with respect to the States of Arunachal Pradesh, Assam, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Himachal Pradesh and Uttarakhand; and
- Any other matter relating to the goods and services tax, as the Council may decide.

All decisions taken at the GST council will be taken based on voting. Process of voting is clearly articulated in detail in the constitutional amendment bill.

### *Changes in the 7<sup>th</sup> Schedule*

This amendment has made following changes in 7<sup>th</sup> schedule of the constitution:

#### *Union List:*

- The entry 84 of Union List earlier comprised the duties on tobacco, alcoholic liquors, opium, Indian hemp, narcotic drugs and narcotics, medical and toilet preparations. After this amendment, it will comprise of Petroleum crude, high speed diesel, motor spirit (petrol), natural gas, and aviation turbine fuel, tobacco and tobacco products. Thus, these are now out of ambit of GST and subject to Union jurisdiction.
- Entry 92 (newspapers and on advertisements published therein) has been deleted thus, they are now under GST.
- Entry 92-C (Service Tax) has been now deleted from union list.

#### *State List*

- Under State list, entry 52 (entry tax for sale in state) has been deleted.
- In Entry 54, Taxes on the sale or purchase of goods other than newspapers, subject to the provisions of Entry 92-A of List I; has been now replaced by Taxes on the sale of petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption, but not including sale in the course of inter-State trade or commerce or sale in the course of international trade or commerce of such goods.”
- Entry 55 (advertisement taxes) have been deleted.
- Entry 62 (Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling) has been replaced by these taxes only to be levied by local governments (panchayats, municipality, regional council or district council).

#### *Other Important amendments in existing articles*

- The residuary power of legislation of Parliament under article 248 is now subject to article 246A.

- Article 249 has been changed so that if 2/3rd majority resolution is passed by Rajya Sabha, the Parliament will have powers to make necessary laws with respect to GST in national interest.
- Article 250 has been amended so that parliament will have powers to make laws related to GST during emergency period.
- Article 268 has been amended so that excise duty on medicinal and toilet preparation will be omitted from the state list and will be subsumed in GST.
- Article 268A has been repealed so now service tax is subsumed in GST.
- Article 269 would empower the parliament to make GST related laws for inter-state trade / commerce.

Further, the amendment also provided that Parliament shall, by law, on the recommendation of the Goods and Services Tax Council, provide for compensation to the States for loss of revenue arising on account of implementation of the goods and services tax for a period of five years. This resulted into the Compensation Cess Bill.

### **3. The Constitution (102<sup>rd</sup> Amendment) Act, 2018**

- The Supreme Court recently pronounced that only President can take decisions in declaring the Socially and Economically Backward Community. The judgement was pronounced upholding the 102nd constitutional amendments. About the Judgement The Apex court said that the 102nd constitutional amendment has taken away the powers of state governments to designate Socially and Economically Backward Classes. Constitutional status was provided to the National Commission for Backward Classes under India's Ministry of Social Justice and Empowerment.
- Article 338B into the Constitution after Articles 338 and 338A which deal with the National Commission for Scheduled Castes (SC) and National Commission for Scheduled Tribes (ST) respectively.

#### **4. The Constitution (103<sup>rd</sup> Amendment) Act, 2019**

President Ramnath Kovind has given the assent to the 124th constitutional Amendment Bill (which is now Constitution 103rd amendment Act) providing 10 per cent reservation for economically weaker sections.

The Important components of the 103rd constitutional Amendment are:

- The amendment changed two fundamental rights, Article 15 and 16. The amendments provide for the advancement of the “economically weaker sections” of the society.
- The amendment aims to fulfil the commitments of the directive principles of state policy under Article 46, to promote the educational and economic interests of the weaker sections of the society.

##### *Criterion for Reservation*

- People who have an annual income of less than Rs.8 lakhs, or
- People who own less than five acres of farm land, or
- People who have a house lesser than 1,000 sq feet in a town (or 100 sq yard in a notified municipal area).
- The constitutional amendment is yet to pass the judicial scrutiny since the Supreme Court had set the cap of 50% on reservations.
- ‘Youth for Equality’ has questioned the constitutional validity of the 103rd constitutional amendment act which was passed by the both the Houses of Parliament after being presented as the Constitution (124th Amendment) Bill, 2019.
- The example of Tamil Nadu is been cited to propose that there are ways and means to protect the amendment from the Supreme Court declaring it unconstitutional.

Gujrat has become the first state to implement the 10% quota reserved for people from economically weaker sections proposed under the 103rd constitutional amendment act.

## 5. The Constitution (104<sup>rd</sup> Amendment) Act, 2020

104 Constitutional Amendment Act ceased the reservation of seats for the Anglo-Indians in the Lok Sabha and State Legislative Assemblies and extended the reservations for SCs and STs for up to ten years. The bill attempted to amend the Constitution's Article 334. The makers of the Indian Constitution had perceived a need for a reservation system as the socially backward classes were not given their due share in the process of decision-making, administration, education, etc. Reservation in India is a government policy, backed by the Indian Constitution through various amendments.

The 104 Amendment of Indian Constitution extends the deadline for the abolition of the reservation of seats by 10 years in the Lok Sabha and State Legislative Assemblies for members of Scheduled Castes and Scheduled Tribes. The reservation of seats for the SCs and STs was set to expire in 2020 as mandated by the 95th Amendment.

*What is the 104th Constitutional Amendment Act?*

The Scheduled Castes (SC) and Scheduled Tribes (ST) have seats reserved in the Indian Parliament, state assemblies, and urban and rural-level organizations. The Indian Constitution established this system in 1950, with the intention of keeping it in place for the first ten years in order to secure political participation by groups that were considered weak, marginalized, under-represented, and in need of special protection.

- As per Article 334 of the Indian Constitution, Anglo-Indians, the Scheduled Castes and Scheduled Tribes have been provided with reservations since 1950.
- Various amendments have been made to the Constitution to extend this reservation every 10 years. The last extension in 2010 was to expire on 26th January 2020 and was extended by the 104th Constitutional Amendment Act for a period of 10 years (till 2030).
- Through the 104th Constitutional Amendment Act, the practice of nominating two members of the Anglo-Indian community by the President of India was abolished and the reservations for SCs and STs in the Lok Sabha and State Legislative Assemblies were extended for up to ten years.

The 104th Constitutional Amendment Act is an important topic for the UPSC Exam. Candidates preparing for the UPSC IAS Exam must be well aware of the 104 Amendment of Indian Constitution, its background, need, and the recent updates regarding the 104th Constitutional Amendment Act along with the criticism.

#### *104 Amendment Act for Reservations of Seats in the Parliament*

The SCs and STs have seats reserved in the Indian Parliament, state assemblies, and urban and rural-level organizations.

- Article 15(4) and Article 16(4) of the Indian Constitution allows the federal government and state governments to reserve seats in government services for members of the SC and ST communities.
- Article 334 of the Indian Constitution provided exclusively for quota in legislatures to the Anglo-Indians and the SCs and STs.
- According to Article 330 of the Constitution of India and Section 3 of the Representation of the People Act of 1951, seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha are allocated based on the proportion of their population in the State.

In India, the Anglo-Indian group was the only one to have representatives in the Lok Sabha of the Indian Parliament. The idea for the reservation of Anglo-Indians can be accredited to Frank Anthony, who was the president of the All-India Anglo-Indian Association. Article 331 and Article 333 of the Indian Constitution allowed for the nomination of two Anglo-Indians to the Lok Sabha and State Legislature respectively, but that was done away with the 104th Constitutional Amendment Act.

#### *Who are Anglo-Indians?*

The term Anglo-Indian first appeared in the Government of India Act, 1935. The roots of the Anglo-Indian community in India can be traced back to the British East India Company's policy of encouraging marriages between its officers and local women. Article 366(2) of the Constitution defines who is an Anglo-Indian and states that - 'An Anglo-Indian is a person whose father or any of whose other male progenitors in the male

line is or was of European descent, but who is or was born within the territory of India of parents who are usually resident there and are not there for temporary purposes only.’

According to the 2011 Census, 296 people have declared themselves as Anglo-Indians.

*What led to the 104th Constitutional Amendment Act?*

Previous Constitutional Amendments that led to 104th Amendment of Indian Constitution are as follows. Under Article 334 of the Indian Constitution, the Anglo-Indian community and the Scheduled Castes and Scheduled Tribes were granted reservations. The reservation was meant to end 20 years after the Indian Constitution’s inception but was repeatedly extended by constitutional amendments over the years.

*The Eighth Amendment, 1959*

This amendment changed Article 334 of the Indian Constitution. Officially known as The Constitution (Eighth Amendment) Act, 1959), the Act extended the period of reservation of seats for Scheduled Castes and Scheduled Tribes, as well as the representation of Anglo-Indians in the Lok Sabha and State Legislative Assemblies, for ten years, from 26 January 1960 to 26 January 1970.

*The Twenty-Third Amendment, 1969*

It again amended Article 334 of the Indian Constitution. Two basic amendments that were brought under this Constitutional Amendment were:

- The 23rd Amendment extended the reservation of seats for Scheduled Castes and Scheduled Tribes, as well as Anglo-Indian representation in the Lok Sabha and State Legislative Assemblies, for another ten years, until January 26, 1980.
- It ended the reservation of seats for Scheduled Tribes in Nagaland’s Lok Sabha and State Legislative Assembly and mandated that the Governor could not designate more than one Anglo-Indian to any State Legislative Assembly.

*The Forty-Fifth Amendment, 1980*

The amendment amended Article 334 of the Indian Constitution, and extended the reservation for Scheduled Castes and Scheduled Tribes, as well as Anglo-Indian for another ten years, up to 26 January 1990.

*The Sixty-Second Amendment, 1989*

The amendment amended Article 334 of the Indian Constitution, and extended the reservation for Scheduled Castes and Scheduled Tribes, as well as Anglo-Indian for another ten years, up to 26 January 2000.

*The Seventy-Ninth Amendment, 1999*

The amendment amended Article 334 of the Indian Constitution, and extended the reservation for Scheduled Castes and Scheduled Tribes, as well as Anglo-Indian for another ten years, up to 26 January 2010.

*The Ninety-Fifth Amendment, 2009*

This amendment extended the reservation for Scheduled Castes and Scheduled Tribes, as well as Anglo-Indian for another ten years, up to 26 January 2020 by amending Article 334 of the Indian Constitution.

*The One Hundred and Fourth Amendment, 2019*

The One Hundred and Fourth Amendment extended by ten years the deadline for the cessation of reservation of seats in the Lok Sabha and state legislative assemblies for members of Scheduled Castes and Scheduled Tribes till 25th January 2030. The 104th Constitutional Amendment Act ceased the reservation of the members of the Anglo-Indian community to the Lok Sabha and State Legislative assemblies.

The 104th Constitutional Amendment Act came into effect on January 25, 2020.

*Need for the 104th Constitutional Amendment Act*

The 104th Constitutional Amendment Act was introduced to the Lok Sabha by Ravi Shankar Prasad, Minister of Law and Justice. The need for the 104th Constitutional Amendment Act was observed that even after 70 years of reservation, the socially

backward sections continue to be at a disadvantage. The amendment was sought in order to maintain the Constitution's inclusive character as envisioned by the founding fathers.

#### *Criticism of the 104th Constitutional Amendment Act*

One of the main criticisms that the 104 Amendment of the Indian Constitution faced was regarding the reservation. It was argued that why the reservations for Anglo-Indians were not extended as it was done for the Scheduled Castes and Scheduled Tribes.

- The statement of object and reason for the 104th Constitutional Amendment, 2019, justifies the extension of the SCs and STs reservation but does not explain why the Anglo-Indian reservation was not extended.
- In the case of Anglo-Indians, the parliamentarians took the numerical numbers from the 2011 Census, rather than taking into account the Ministry of Minority Affairs Report, 2013 on the Anglo-Indian Community. Whereas, for the SCs and STs, the objective of the founding fathers of the Constitution was considered by parliamentarians.

The Anglo-Indian community is facing a tough time as their very existence is being called into question through this Amendment Act. The repeal of the Anglo-Indian representation through the 104th Constitutional Amendment Act without consideration in the community and without any explanation being given in the Statement of Object and Reason is a concept that obliterates the community and thus silences the voices of a minority.

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**DR.V.S. KRISHNA GOVERNMENT DEGREE & P.G. COLLEGE (A)**

**VISAKHAPATNAM.**

**SYLLABUS**

**DEPARTMENT OF POLITICAL SCIENCE**

**ADD ON COURSE**

**w.e.f. ACADEMIC YEAR - 2021-2022**


**THE CONSITUTION OF INDIA**

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**Learning Outcomes:**

1. Course is our take on Constitution in a Simple and Jargon Free Manner.
2. Each Chapter has been designed keeping in mind various dimensions that cover this subject - History, Decisions of the Drafting Committee, Social Justice and Transformation, Fundamental Rights, Basic Structure, Recent Developments, etc.
3. The drafting of the Course is done to make the student understand the scope and functioning of the Constitution.
4. The course if useful for all kind exams related to UPSC, APPSC.

**Learning Objectives:**

1. Understand what a Constitution is and why it is necessary.
  2. Understand how Constitutions embody certain ideals.
  3. Understand the difference between monarchy, dictatorship and democracy.
  4. Learn why there is a need for limits on power in a democratic form of government.
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## **COURSE SYLLABUS**

### **MODULE I: INTRODUCTION TO THE CONSTITUTION OF INDIA**

1. Origin and evolution of the constitution
2. Meaning and definition of the Constitution
3. Sources Of the Constitution
4. Government of India Act, 1935
5. Indian Independence Act 1947

### **MODULE 2: DRAFTING OF CONSTITUTION OF INDIA**

1. Constituent Assembly of India
2. Drafting Committee of the Constituent Assembly
3. Ideas of the Constitution
4. Salient Features of the Constitution
5. Federal and Unitary Form of Government (Comparison with U.S. and U.K)


### **MODULE III: PREAMBLE AND BASIC STRUCTURE OF INDIAN CONSTITUTION**

1. Introduction & Purpose of Preamble
2. Source & Meaning of the Preamble
3. Amendability of Preamble
4. Doctrine of Basic Structure
5. Judgments related to the Basic Structure

### **MODULE IV: FUNDAMENTAL RIGHTS**

1. Kinds of Rights
2. Characteristic Features of Fundamental Rights
3. Fundamental Rights in India
4. Advent of Fundamental Rights in U.K. and U.S.
5. Right to Constitutional Remedies (Article 32 and Article 226)

### **MODULE V: RECENT DEVELOPMENTS IN INDIAN CONSTITUTION**

1. The Constitution (<sup>100</sup>th Amendment) Act, 2015
  2. The Constitution (101<sup>th</sup> Amendment) Act, 2017
  3. The Constitution (102<sup>nd</sup> Amendment) Act, 2018
  4. The Constitution (103<sup>rd</sup> Amendment) Act, 2019
- 

5. The Constitution (104<sup>th</sup> Amendment) Act, 2020

**REFERENCE BOOKS:**

1. Lakshmikanth, M ((2017), Indian Polity McGraw Hill
2. Subramanian, G.S. (2021), Indian Constitution and Indian Polity, Pearson
3. Thiruvengadam, K. Arun (2017), The Constitution of India: A Contextual Analysis
4. Basu, Durga Das (2020), Introduction to the Constitution of India, Lexis Nexis

**DR. V.S. KRISHNA GOVERNMENT DEGREE & PG COLLEGE**

**(A) VISAKHAPATNAM**

**ADD ON COURSE**

**w.e.f. ACADEMIC YEAR - 2021-2022**

**THE CONSTITUTION OF INDIA**

**TIME: 11/2 hrs**

**Max Marks: 50**

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**SECTION-A**

**4 x5=20 MARKS**

**Answer any FOUR the questions**

- 1) Sources of constitution
- 2) Meaning of constitution
- 3) Indian Independence Act 1935
- 4) Federal Form of Government
- 5) Preamble of the Indian Constitution
- 6) Basic structure of the Indian Constitution
- 7) The Constitution (102<sup>nd</sup> Amendment) Act
- 8) The Constitution (104<sup>th</sup> Amendment) Act

**SECTION-B**

**3 x 10 = 30 MARKS**

**Answer any THREE of the following questions**

- 1) Explain the salient features of the Indian Constitution.
- 2) Explain the meaning, definition and sources of the Preamble.
- 3) Write an essay on the constituent assembly.
- 4) Examine the differences between the unitary and federal form of the government.
- 5) Write an essay on the process of the constitution amendment acts and explain some examples.

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**ADD ON COURSE**

**w.e.f. ACADEMIC YEAR - 2021-2022**

**THE CONSITUTION OF INDIA**


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S.NO	MODULE	NAME OF THE MODULE	Short Essay Questions 5 Marks	Essay Questions 8 Marks	Marks Allotted ofThe Unit
1	MODULE - I	INTRODUCTION TO THE CONSITUTION OF INDIA	2	1	20
2	MODULE - II	DRAFTING OF THE INDIAN CONSTITUION	1	1	15
3	MODULE - III	PREAMBLE AND THE BASIC STRUCTURE OF THE INDIAN CONSTITUTION	2	1	20
4	MODULE - IV	FUNDAMENTAL RIGHTS	1	1	15
5	MODULE - V	RECENT DEVELOPMENTS IN INDIAN CONSITUTION	2	1	20
		Total	8	5	90

**Weightage for each level of Bloom's Taxonomy**

Knowledge Question	Definition and Explanation type	20 marks
Understanding Question	Describe type	5 marks
Analysis and Application Question	Analysis	15 marks
Critical thinking question	Opinion	10 marks



**Guidelines to the paper setter:**

1. Paper Setter is requested to cover all the Modules and also requested to give Questions based on Recommendations and Understanding (80% and Application or Creativity 20%).
2. Keeping the Objectives of the Course Content, the Paper Setter is requested to ask the Questions to bring out the Outcome of the Contents rather than the Content of the Syllabus.
3. The Paper Setter Is requested to examine the students' Understanding of the Objectives of the Course Content.

ADD-ON-COURSE  
The Constitution of India  
2022-2023

	Student	Course	Roll No	Signature
①	Y. Swathi	II B.Sc	21105030	Y. Swathi <sup>P</sup>
②	T. Sasi Kiran	II B.Sc	21105028	T. Sasi Kiran <sup>P</sup>
③	S. Nadhini	II B.Sc	21105026	S. Nadhini
④	S. Pavithra	II B.Sc	21105024	S. Pavithra <sup>P</sup>
⑤	R. Ganesh	II B.Sc	21105023	P. Ganesh
⑥	P. Naveen	II B.Sc	21105021	P. Naveen
⑦	P. Prasadh	II B.Sc	21105020	P. Naveen
⑧	P. Vijay Kumar	II B.Sc	21105019	P. Vijay Kumar
⑨	M. Sathish	II B.Sc	21105016	M. Sathish <sup>P</sup>
⑩	Durga Bhavani	II B.Sc	21105015	D. Bhavani <sup>P</sup>
⑪	Mahesh	II B.Sc	21105012	Mahesh
⑫	K. Rohini	II B.Sc	21105011	K. Rohini <sup>P</sup>
⑬	A. Gopala Rao	II B.Sc	21105002	A. Gopal Rao
⑭	P. Srinu	II B.Sc	22BS10027	P. Srinu
⑮	V. Ramu	II B.S	22BS16039	V. Ramu
⑯	K. Satyam	II B.Sc	22BS16016	K. Satyam
⑰	G. Jagadeesh	II B.Sc	22BS16009	G. Jagadeesh

18	A. Rama devi	II B.Sc.	22BCAT001	A. Ramadevi
19	A. Kavya	II B.Sc.	22BCAT002	A. Kavya
20	C. mahesh	II B.Sc.	22BCAT008	C. mahesh
21	G. Saurabhi	II B.com	22BCAT012	G. Saurabhi
22	Z. Jaya soi	II B.com	22BCAT014	Z. Jayasri
23	K. Anil	II B.com	22BCAT017	K. Anil
24	K. Alekhya	II B.com	22BCAT020	K. Alekhya
25	M. Praveen	II B.com	22BCAT024	M. Praveen
26	P. Lavanya	II B.com	22BCAT030	P. Lavanya
27	B. Vijayalakshmi	II B.com	22BCAT043	B. Vijayalakshmi
28	V. Sarojini	II B.com	22BCAT044	V. Sarojini
29	V. Pravalika	II B.com	22BCAT045	V. Pravalika
30	B. Nagamani	II B.com	22BCCA002	B. Nagamani
31	C. Anusha	II B.com	22BCCA007	C. Anusha
32	E. Sudvika	II B.com	22BCCA010	E. Sudvika
33	G. Sarikumar	II B.com	22BCCA011	G. Sarikumar
34	G. Meghana	II B.com	22BCCA015	G. Meghana
35	K. Vamsi	II B.com	22BCCA021	K. Vamsi
36	M. Ganesh	II B.com	22BCAT025	M. Ganesh







NAME OF THE INSTITUTE

# PUPIL'S ATTENDANCE REGISTER

S. No.	Admission No.	Name of the Pupil	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
22	11	D. Ravallika	P	P	P	P		a	P	P	P				a	P	P
31		B. Subramani	a	a	P	P		P	P	P	P				P	a	a
28		C. Anisha	P	P	P	P		P	P	P	P				P	P	P
33		E. Indika	P	P	P	P		P	P	P	P				P	P	P
34		G. Sri Kumar	a	a	a	P		P	P	P	a				a	a	
35		G. Heshana	P	P	a	a		P	P	a	a	P			P	P	P
36		K. Vamsi	a	P	P	P		P	a	a	P	P			P	P	P

Number Present M  
Daily E  
Initials M  
E

No. on Roll at the Beginning of month  
Admitted during the month  
Left No. on roll at end of month

## FOR THE MONTH OF \_\_\_\_\_

Section :  
Place :

16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	No. of Days Present	No. of Days Absent	Date of Birth	Promitory Date of Admission	Remarks
P	P	P		P	P	P	a	P			P	P	P							
P	P	P		a	P	P	P	P			P	P	P							
P	P	P		a	P	P	P	P			P	P	P							
P	P	P		P	P	P	P	P			P	P	P							
P	P	P		a	a	P	P	P			a	P	P							
a	a	P		P	P	a	a	P			P	P	a							
P	P	P		P	P	P	a	a			P	P	P							

No. of Working days  
Average Attendance during the month  
No. on Roll during month



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

202~~2~~ to 202~~3~~

This is to certify that Mr./Miss Y. SWATHI of  
P. B. SC has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 21105030 Organized by the Department of POLITICAL SCIENCE in  
collaboration with..... during year 202~~2~~ to 202~~3~~. He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V. S. Krishna Govt. Degree College (A)



**Dr. V. S. Krishna Govt. Degree College (A)**

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



# Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss T. SASI KIRAN of  
B.Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 21105028 Organized by the Department of POLITICAL SCIENCE in  
collaboration with - during year 2022 to 2023. He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss S. NANDINI of  
B. SC has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 21105026 Organized by the Department of POLITICAL SCIENCE in  
collaboration with..... during year 2022 to 2023. He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL

Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss S. PAVITRA of  
B.Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No 21102024 Organized by the Department of POLITICAL SCIENCE in  
collaboration with..... during year 202~~2~~<sup>2</sup> to 202~~3~~<sup>3</sup>. He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL

Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**  
(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



# Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss R. GANESH of  
B.Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 21105023 Organized by the Department of POLITICAL SCIENCE in  
collaboration with..... during year 202..... to 202..... He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss P. NAVEEN of  
B.Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 21105021 Organized by the Department of POLITICAL SCIENCE in  
collaboration with..... during year 2022 to 2023. He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V.S. Krishna Govt. Degree College (A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss P. PRASADU of B.Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA" with Regd No. 21105020 Organized by the Department of POLITICAL SCIENCE in collaboration with ..... during year 2022 to 2023. He/She has passed the course with 'A' grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**  
(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss P. VIJAY KUMAR of  
B. SC has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 21105019 Organized by the Department of POLITICAL SCIENCE in  
collaboration with..... during year 2022 to 2023. He/She has passed the course with  
..... grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

202~~2~~ to 202~~3~~...

This is to certify that Mr./Miss. M. SATHISH of B.Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA" with Regd No. 21105016 Organized by the Department of POLITICAL SCIENCE in collaboration with ..... during year 202~~2~~ to 202~~3~~. He/She has passed the course with 'A' grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss M. DURGA BHAVANI of  
B.Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 21105019 Organized by the Department of POLITICAL SCIENCE in  
collaboration with ..... during year 202... to 202... He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss K. MAHESH .....of  
B.A. Sc .....has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 21105012 ..... Organized by the Department of POLITICAL SCIENCE .....in  
collaboration with.....during year 202..... to 202..... He/She has passed the course with  
'A' .....grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
**Dr. V.S. Krishna Govt. Degree College(A)**



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023.

This is to certify that Mr./Miss. K. ROHINI of  
B. Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 21105011 Organized by the Department of POLITICAL SCIENCE in  
collaboration with..... during year 202..... to 202..... He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss A. GOPALA RAO of B.Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA" with Regd No. 22105002 Organized by the Department of POLITICAL SCIENCE in collaboration with..... during year 2022 to 2023. He/She has passed the course with 'A' grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss P. SRINU of  
B.Sc has successfully completed the Value Added Course in CONSTITUTION OF INDIA  
with Regd No. 22BS1C027 Organized by the Department of POLITICAL SCIENCE in  
collaboration with - during year 2022 to 2023. He/She has passed the course with  
'A' grade.

Academic  
Coordinator

IQAC  
Coordinator

Course  
Coordinator



PRINCIPAL

Dr. V. S. Krishna Govt. Degree College (A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss V. RAMU of  
B. Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22BS16039 Organized by the Department of POLITICAL SCIENCE in  
collaboration with.....during year 2022 to 2023. He/She has passed the course with  
'A' grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss K. SATYAM ..... of  
B. Sc ..... has successfully completed the Value Added Course in CONSTITUTION OF INDIA  
with Regd No. 22BS1C016 ..... Organized by the Department of POLITICAL SCIENCE in  
collaboration with ..... during year 2022 to 2023. He/She has passed the course with  
'A' ..... grade.

Academic  
Coordinator

IQAC  
Coordinator

Course  
Coordinator



PRINCIPAL

Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss. GANTA JAGADEESH of  
B.Sc has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22BSC1009 Organized by the Department of POLITICAL SCIENCE in  
collaboration with - during year 2022 to 2023. He/She has passed the course with  
'A' grade.

Academic  
Coordinator

IQAC  
Coordinator

Course  
Coordinator



PRINCIPAL

Dr. V. S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022. to 2023.

This is to certify that Mr./Miss. A. RAMA DEVI.....of  
B. Com.....has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22 BCAT001.....Organized by the Department of POLITICAL SCIENCE.....in  
collaboration with.....during year 2022 to 2023. He/She has passed the course with  
'A'.....grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**  
 (NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
 MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



# Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss A. KAVYA of  
B.Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
 with Regd No. 22BCAT002 Organized by the Department of POLITICAL SCIENCE in  
 collaboration with..... during year 2022 to 2023. He/She has passed the course with  
'A' grade.

Academic  
Coordinator

IQAC  
Coordinator

Course  
Coordinator



PRINCIPAL

Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss C. MAHESH of B.com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA" with Regd No. 22BCAT008 Organized by the Department of "POLITICAL SCIENCE" in collaboration with..... during year 2022 to 2023. He/She has passed the course with 'A' grade.



Academic  
Coordinator



IQAC  
Coordinator



Course  
Coordinator





PRINCIPAL

Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



# Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss G. SRAVANI of  
B. Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22BCAT012 Organized by the Department of POLITICAL SCIENCE in  
collaboration with..... during year 202.... to 202.... He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL

Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss P. JAYA SRI of U.B. Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA" with Regd No. 22BCAT014 Organized by the Department of POLITICAL SCIENCE in collaboration with - during year 2022 to 2023. He/She has passed the course with 'A' grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss K. ANIL of B.com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA" with Regd No. 22BLAT017 Organized by the Department of POLITICAL SCIENCE in collaboration with - during year 2022 to 2023. He/She has passed the course with 'A' grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
Dr. V.S. Krishna Govt. Degree College (A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023.

This is to certify that Mr./Miss K. ALEKHYA of P. B. Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA" with Regd No. 22BCAT020 Organized by the Department of POLITICAL SCIENCE in collaboration with - during year 2022 to 2023. He/She has passed the course with 'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss M. PRAVEEN of P. B. COM has successfully completed the Value Added Course in "CONSTITUTION OF INDIA" with Regd No. 22BCAT024 Organized by the Department of POLITICAL SCIENCE in collaboration with..... during year 2022 to 2023. He/She has passed the course with 'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss M. GANESH of  
B. Com has successfully completed the Value Added Course in 'CONSTITUTION OF INDIA'  
with Regd No. 22BLAT025 Organized by the Department of POLITICAL SCIENCES in  
collaboration with - during year 2022 to 2023. He/She has passed the course with  
'A' grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

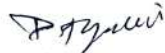
This is to certify that Mr./Miss P. LAVANYA of  
B.com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22BCAT030 Organized by the Department of POLITICAL SCIENCE in  
collaboration with - during year 2022 to 2023. He/She has passed the course with  
'A' grade.



Academic  
Coordinator



IQAC  
Coordinator



Course  
Coordinator





PRINCIPAL

Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss B. VIJAYALAKSHMI of  
B.Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22BCAT043 Organized by the Department of POLITICAL SCIENCE in  
collaboration with - during year 2022 to 2023. He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL

Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**  
(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss V. SARJINI of  
I.B.COM has successfully completed the Value Added Course in CONSTITUTION OF INDIA  
with Regd No. 22BCAT044 Organized by the Department of POLITICAL SCIENCE in  
collaboration with - during year 202... to 202... He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V.S. Krishna Govt. Degree College (A)



**Dr. V. S. Krishna Govt. Degree College (A)**

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss V. PRAVALLIKA of  
B.Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22BCAT045 Organized by the Department of POLITICAL SCIENCE in  
collaboration with - during year 202... to 202... He/She has passed the course with  
'A' grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
**Dr. V. S. Krishna Govt. Degree College(A)**



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023.

This is to certify that Mr./Miss. B. NAGANANI of  
..... has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22BCCAD02 Organized by the Department of POLITICAL SCIENCE in  
collaboration with - during year 2022 to 2023. He/She has passed the course with  
'A' grade.

  
Academic  
Coordinator

  
IQAC  
Coordinator

  
Course  
Coordinator



  
PRINCIPAL  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss C. ANUSHA of  
P. B. Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22BCCA007 Organized by the Department of POLITICAL SCIENCE in  
collaboration with - during year 202... to 202... He/She has passed the course with  
'A' grade.

Academic  
Coordinator

IQAC  
Coordinator

Course  
Coordinator



PRINCIPAL

Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



# Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss E. SADVIKA of  
P.B. Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22BCCAD10 Organized by the Department of POLITICAL SCIENCE in  
collaboration with..... during year 2022 to 2023. He/She has passed the course with  
'A' grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss. G. SASI KUMAR of B. Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA" with Regd No. 22BCEA011 Organized by the Department of "POLITICAL SCIENCE" in collaboration with..... during year 202..... to 202..... He/She has passed the course with 'A' grade.

  
**Academic  
Coordinator**

  
**IQAC  
Coordinator**

  
**Course  
Coordinator**



  
**PRINCIPAL**  
Dr. V.S. Krishna Govt. Degree College(A)



# Dr. V. S. Krishna Govt. Degree College (A)

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)

MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss G. NEGHANA of  
B.Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
 with Regd No. 22BCCA015 Organized by the Department of POLITICAL SCIENCE in  
 collaboration with - during year 202 to 202. He/She has passed the course with  
'A' grade.

Academic  
Coordinator

IQAC  
Coordinator

Course  
Coordinator



PRINCIPAL

Dr. V.S. Krishna Govt. Degree College(A)



**Dr. V. S. Krishna Govt. Degree College (A)**

(NAAC ACCREDITED 'A' GRADE INSTITUTION & NODAL RESOURCE CENTRE)  
MADDILAPALEM, VISAKHAPATNAM-530013. ANDHRA PRADESH



## Value Added Course Certificate

2022 to 2023

This is to certify that Mr./Miss K. VAMSI of  
B.Com has successfully completed the Value Added Course in "CONSTITUTION OF INDIA"  
with Regd No. 22BCCAO21 Organized by the Department of POLITICAL SCIENCE in  
collaboration with - during year 2022 to 2023. He/She has passed the course with  
'A' grade.



Academic  
Coordinator



IQAC  
Coordinator



Course  
Coordinator





PRINCIPAL

Dr. V.S. Krishna Govt. Degree College (A)