



INDIAN POLITY BY- SUJEET BAJPAI SIR



Question No: 1

प्रेस की आजादी :

Freedom of the press in India is

- ~~(a)~~ available to the people under the law of the Parliament
- (b) specifically provided in the Constitution
- ~~(c)~~ implied in the right of freedom of expression
- ~~(d)~~ available to the people of India under executive order

19(1)(a)

कार्यपालिका

Question No: 2

The writ of certiorari is issued by a superior court to
(a) an inferior court to stop further proceedings in a particular case

उच्च न्यायालय
[Prohibition / निषेध]

○ Cert.
○ Pro.

~~✓~~ (b) an inferior court to transfer the record of proceedings in a case for review

+ Prohibition

(c) an officer to show his/her right to hold a particular office

अधिकार प्रत्यक्ष

← Quo Warranto

(d) a public authority to produce a person detained by it before the court within 24 hours

Habeas Corpus
वैदी प्रत्यक्षीकरण

Question No: 3

अभिज्ञान दर्शक

Which of the following statements regarding the Preamble of the Constitution of India is/are correct?

1. The Preamble is an integral part of the Constitution.
2. The words 'secular' and 'socialist' have been a part of the Preamble since its inception.

उद्देशिका

शुरु से शुरुवात

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Question No: 4

Which of the following statements are true for the Fundamental Right to Life and Personal Liberty as guaranteed under Article 21 of the Constitution of India?

- ✓ 1. The Right is available to citizens as well as aliens.
- ✓ 2. It covers protection against arbitrary executive and legislative action.
- ✓ 3. It includes the right to live with human dignity.
- ✓ 4. It can be taken away according to the procedure established by law.

विदेशी

अनधिकृत

Question No: 4

Select the correct answer using the code given below.

- (a) 1, 2 and 3 only
- (b) 2, 3 and 4 only
- (c) 1, 2, 3 and 4
- (d) 1 and 4 only

Question No: 5

The Seventh Schedule of the Constitution of India contains

(a) provisions regarding the administration of tribal areas

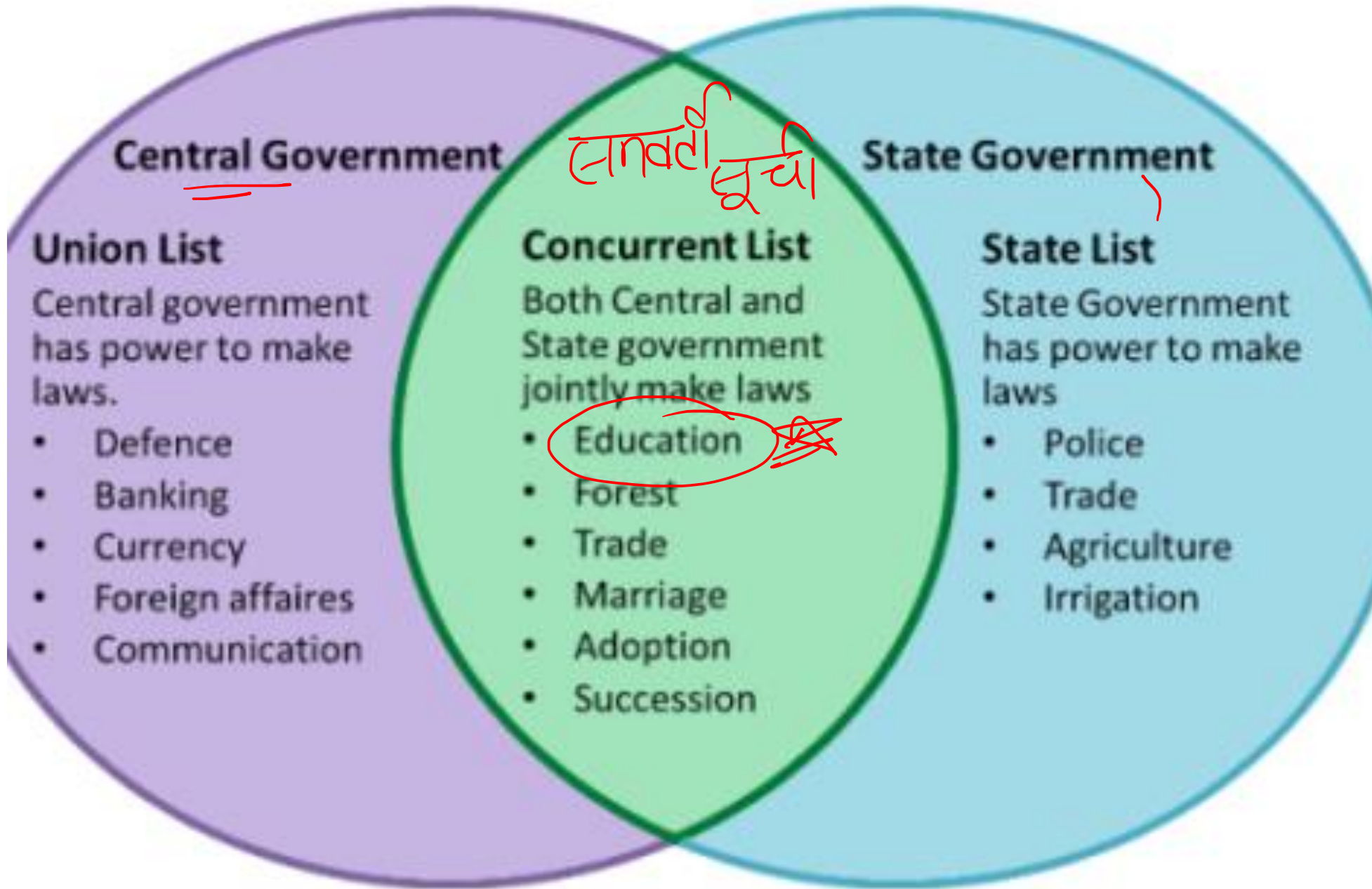
5th Sch

(b) the Union List, the State List and the Concurrent List

(c) a list of recognized languages

8th Sch →
10th Sch (22)

(d) provisions about the disqualification of Members of Legislatures on grounds of defection



Part-4 (Arts - 36 - 51)
DP ⇒ Art - (32 - 51)

Directive Principles of State Policy

↳ Non-Justiciable
न्यायालय द्वारा
लागू (X)

The Directive Principles of State Policy are enumerated in Part IV of the Constitution from Articles 36 to 51.

The framers of the Constitution borrowed this idea from the Irish Constitution of 1937, which had copied it from the Spanish Constitution.



Dr B R Ambedkar described these principles as
'novel features' of the Indian Constitution.

Granville Austin has described the Directive Principles and the Fundamental Rights as the
'Conscience of the Constitution'.

झिंझि —————

Features of the Directive Principles

1.

The phrase ‘Directive Principles of State Policy’ denotes the ideals that the State should keep in mind while formulating policies and enacting laws.

DPSP → Justice $\left\{ \begin{array}{l} \text{Eco.} \\ \text{Social} \end{array} \right\}$

2.

They embody the concept of a 'welfare state' and not that of a 'police state', which existed during the colonial era.

(FR) ⇒ Justice ⇒ Political

3.

The Directive Principles are non-justiciable in nature, that is, they are not legally enforceable by the courts for their violation.

4.

The Directive Principles, though non-justiciable in nature, help the courts in examining and determining the constitutional validity of a law.

Classification of the Directive Principles

The Constitution does not contain any classification of Directive Principles. However, on the basis of their content and direction, they can be classified into three broad categories, viz, **SOCIALISTIC, GANDHIAN AND LIBERAL-INTELLECTUAL.**

Article No.	Subject Matter
36.	Definition of State
37.	Application of the principles contained in this part
38.	State to secure a social order for the promotion of <u>welfare</u> of the people
39.	Certain principles of policy to be followed by the State

+ Non-Justiciable

39A. Equal justice and free legal aid

NALSA

40. Organisation of village panchayats

(ग्राम पंचायत)

73rd
74th] Amended

41. Right to work, to education and to public assistance in certain cases

MGNAREGA

42. Provision for just and humane conditions of work and maternity relief

महत्वात्मक

43. Living wage, etc., for workers

43A. Participation of workers in management of industries

UNION

43B. Promotion of co-operative societies

GOA ⇒ UCC

44. Uniform civil code for the citizens

युनिफाईड

45. Provision for early childhood care and education to children below the age of six years

LG-Polymers

- 46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections
- 47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health
- 48. Organisation of agriculture and animal husbandry
- 48A. Protection and improvement of environment and safeguarding of forests and wildlife
- 49. Protection of monuments and places and objects of national importance
- 50. Separation of judiciary from executive
- 51. Promotion of international peace and security

Base of India's Foreign Policy

New Directive Principles ✓

The 42nd Amendment Act of 1976 added four new Directive Principles to the original list.

They require the State:

1.

To secure opportunities for healthy development of children (Article 39).

2.

To promote equal justice and to provide free legal aid to the poor (Article 39 A).

3.

To take steps to secure the participation of workers in the management of industries (Article 43 A).

4.

**To protect and improve the environment and to safeguard forests and wild life (Article 48 A).
The 44th Amendment Act of 1978 added one more Directive Principle, which requires the State to minimise inequalities in income, status, facilities and opportunities (Article 38).**

The 86th Amendment Act of 2002 changed the subject-matter of Article 45 and made elementary education a fundamental right under Article 21 A.

The amended directive requires the State to provide early childhood care and education for all children until they complete the age of six years.

The 97th Amendment Act of 2011 added a new Directive Principle relating to co-operative societies.

It requires the state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B).

The framers of the Constitution made the Directive Principles non-justiciable and legally non-enforceable because:

1.

The country did not possess sufficient financial resources to implement them.

2.

The presence of vast diversity and backwardness in the country would stand in the way of their implementation.

3.

The newly born independent Indian State with its many preoccupations might be crushed under the burden unless it was free to decide the order, the time, the place and the mode of fulfilling them.

Not
Justiciable

42nd / 1976

अन्दी

=) सरदा स्वर्ग सिंह

ORIG → 10

Present

↳ ⑪

Fundamental Duties

Part-4A

Art-51A

USSR

Though the rights and duties of the citizens are correlative and inseparable, the original constitution contained only the fundamental rights and not the fundamental duties.

In other words, the framers of the Constitution did not feel it necessary to incorporate the fundamental duties of the citizens in the Constitution.

However, they incorporated the duties of the State in the Constitution in the form of Directive Principles of State Polity.

Later in 1976, the fundamental duties of citizens were added in the Constitution. In 2002, one more Fundamental Duty was added.

Swaran Singh Committee Recommendations

In 1976, the Congress Party set up the Sardar Swaran Singh Committee Committee to make recommendations about fundamental duties, the need and necessity of which was felt during the operation of the internal emergency.

The Congress Government at Centre accepted these recommendations and enacted the 42nd Constitutional Amendment Act in 1976.

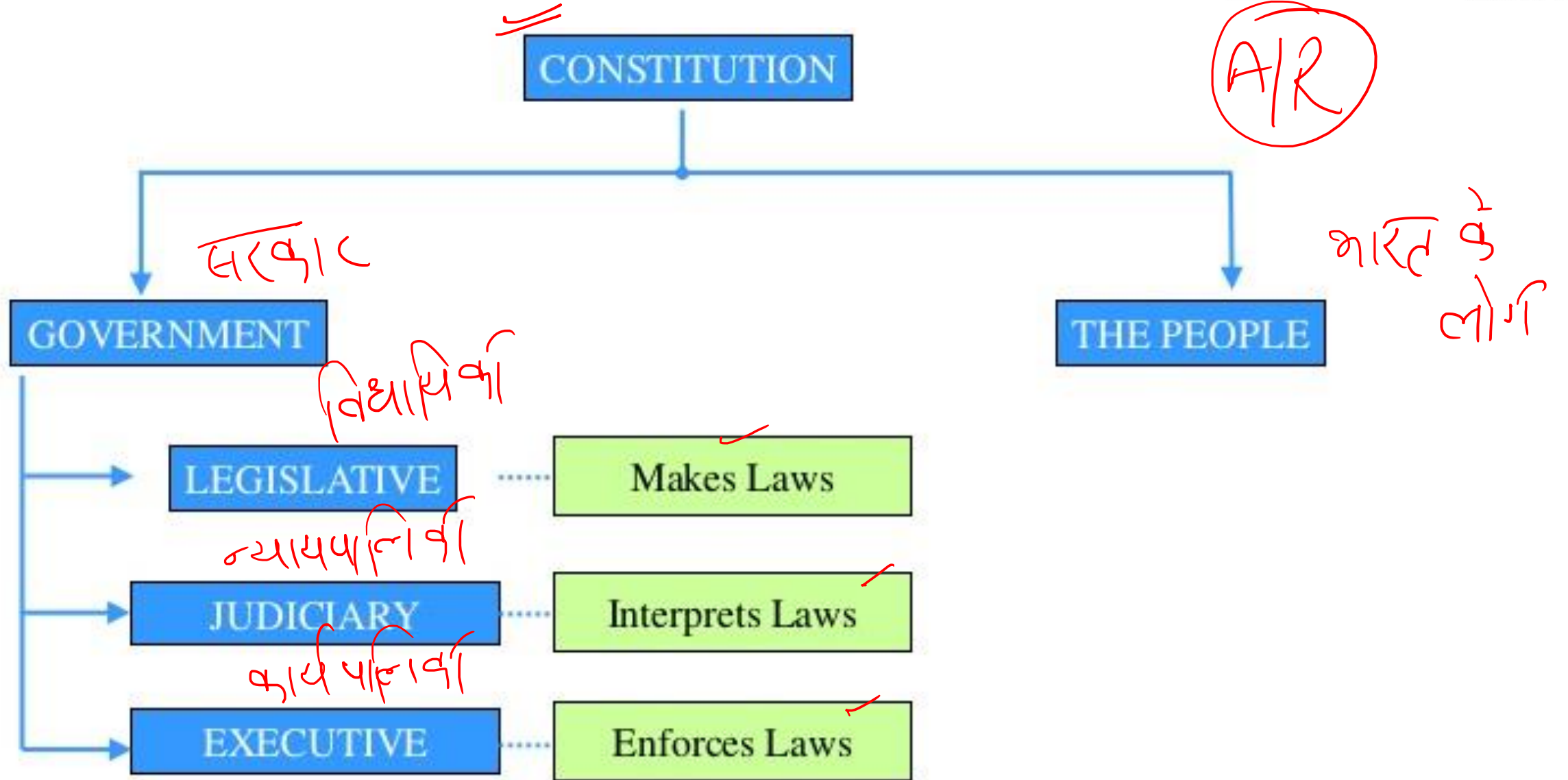
This amendment added a new part, namely, Part IVA to the Constitution.

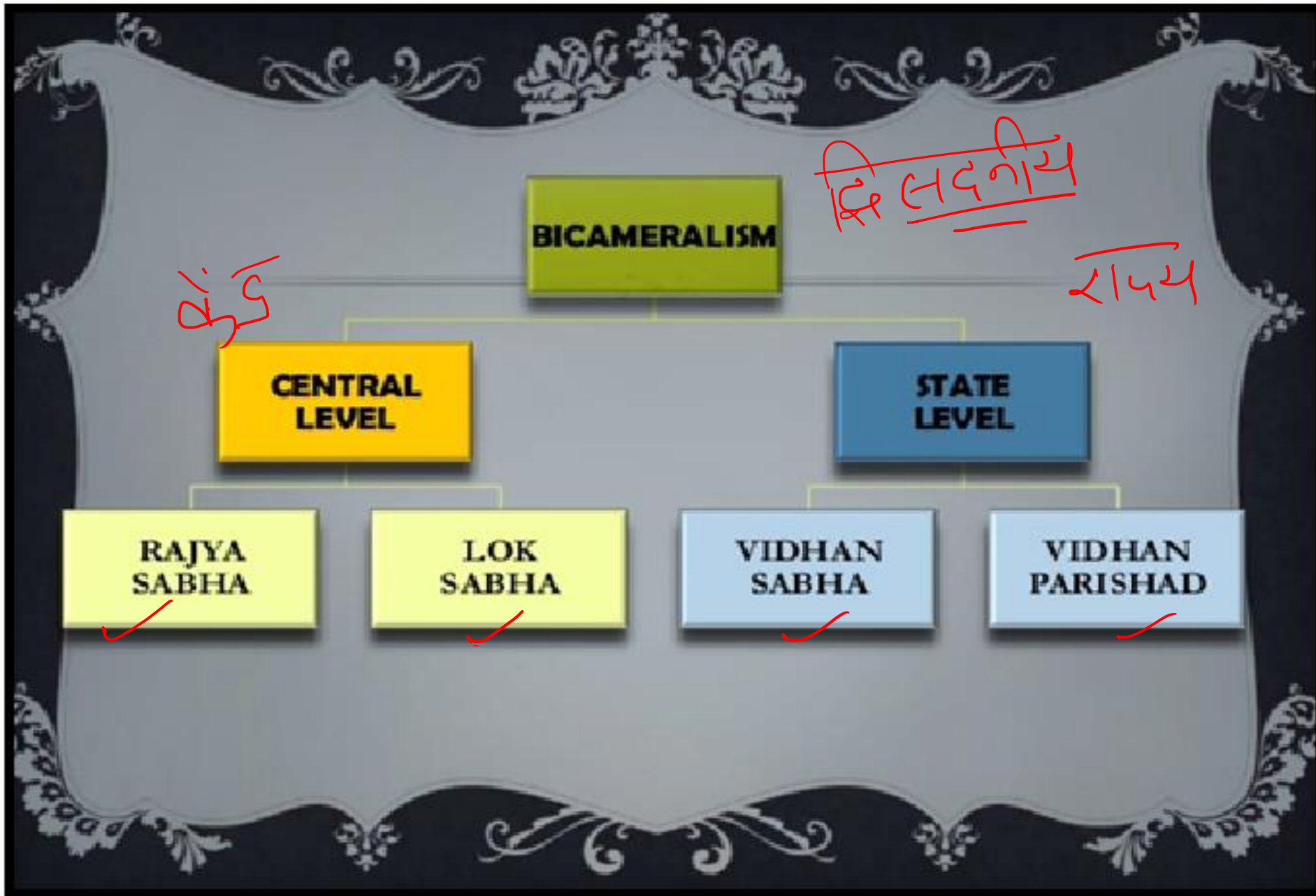
This new part consists of only one Article, that is, Article 51A which for the first time specified a code of ten fundamental duties of the citizens.

Parliament = (LS + RS) + President



— PARLIAMENT OF INDIA —





विधायिका
↓

6 - states
have
Bicameral
legislature

— UP
 — BR
 —————
 MH
 KA

Tel.
 AP

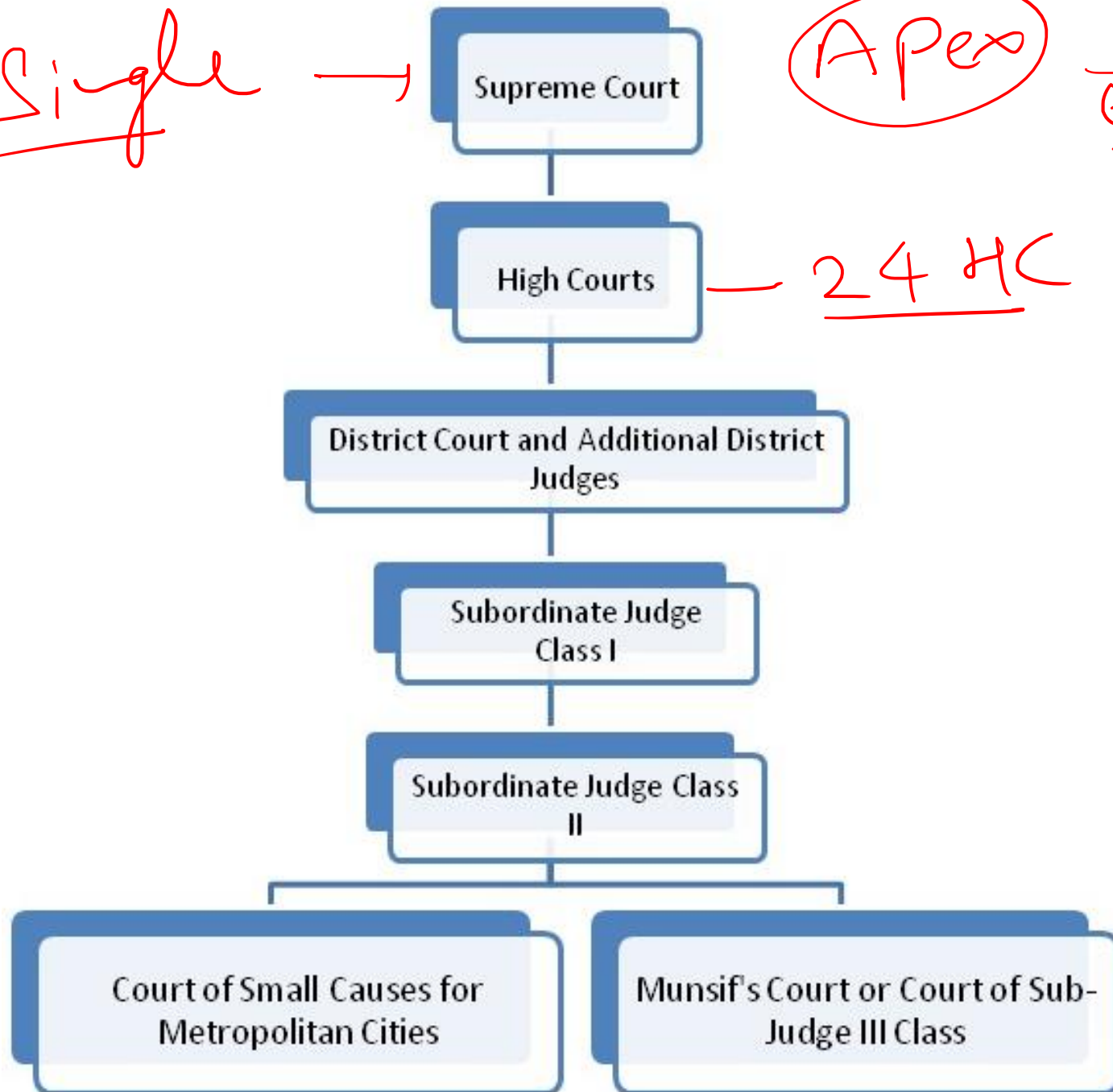
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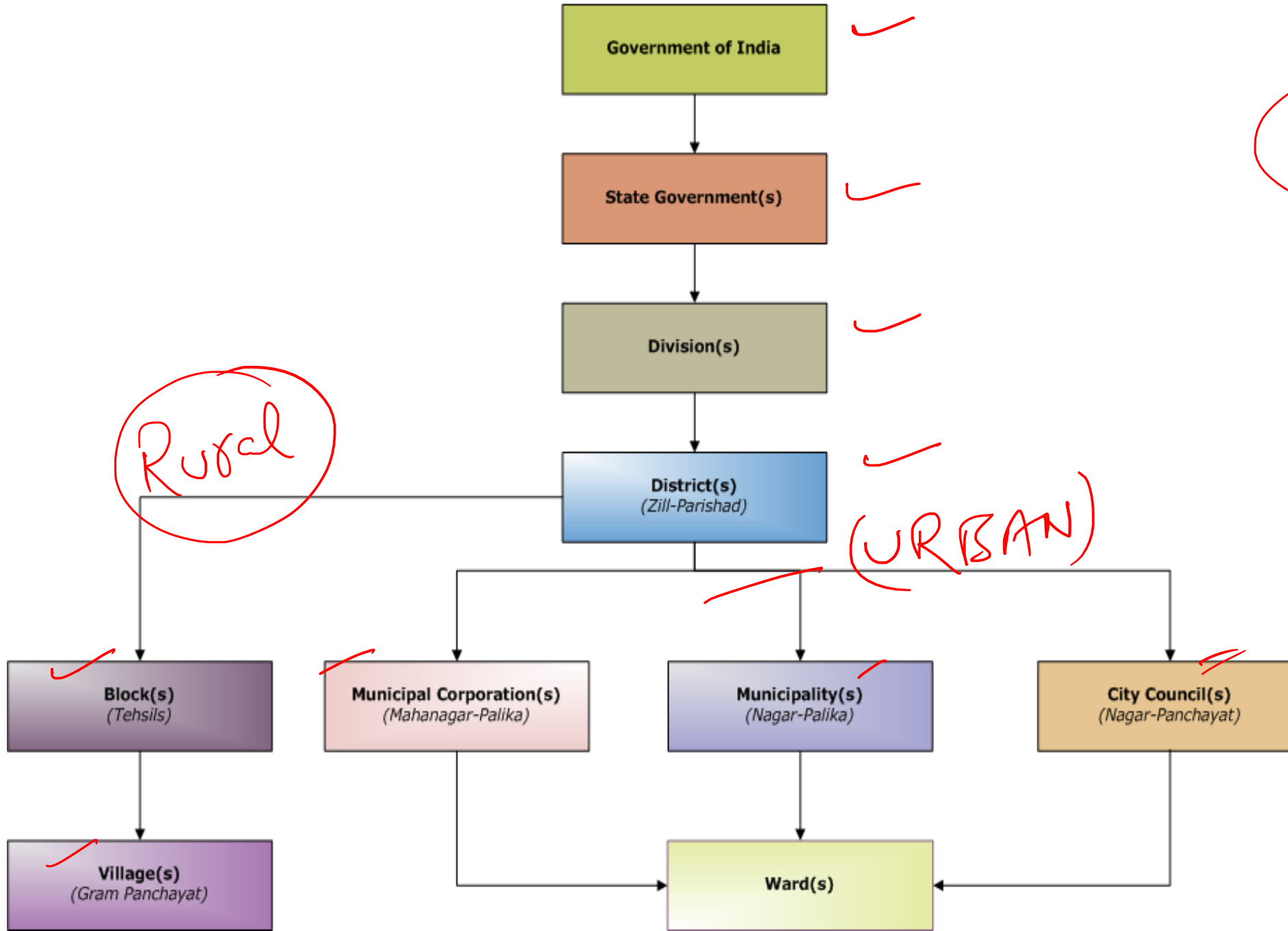
Single →

Apex

हाफ़्ट



EXECUTIVE

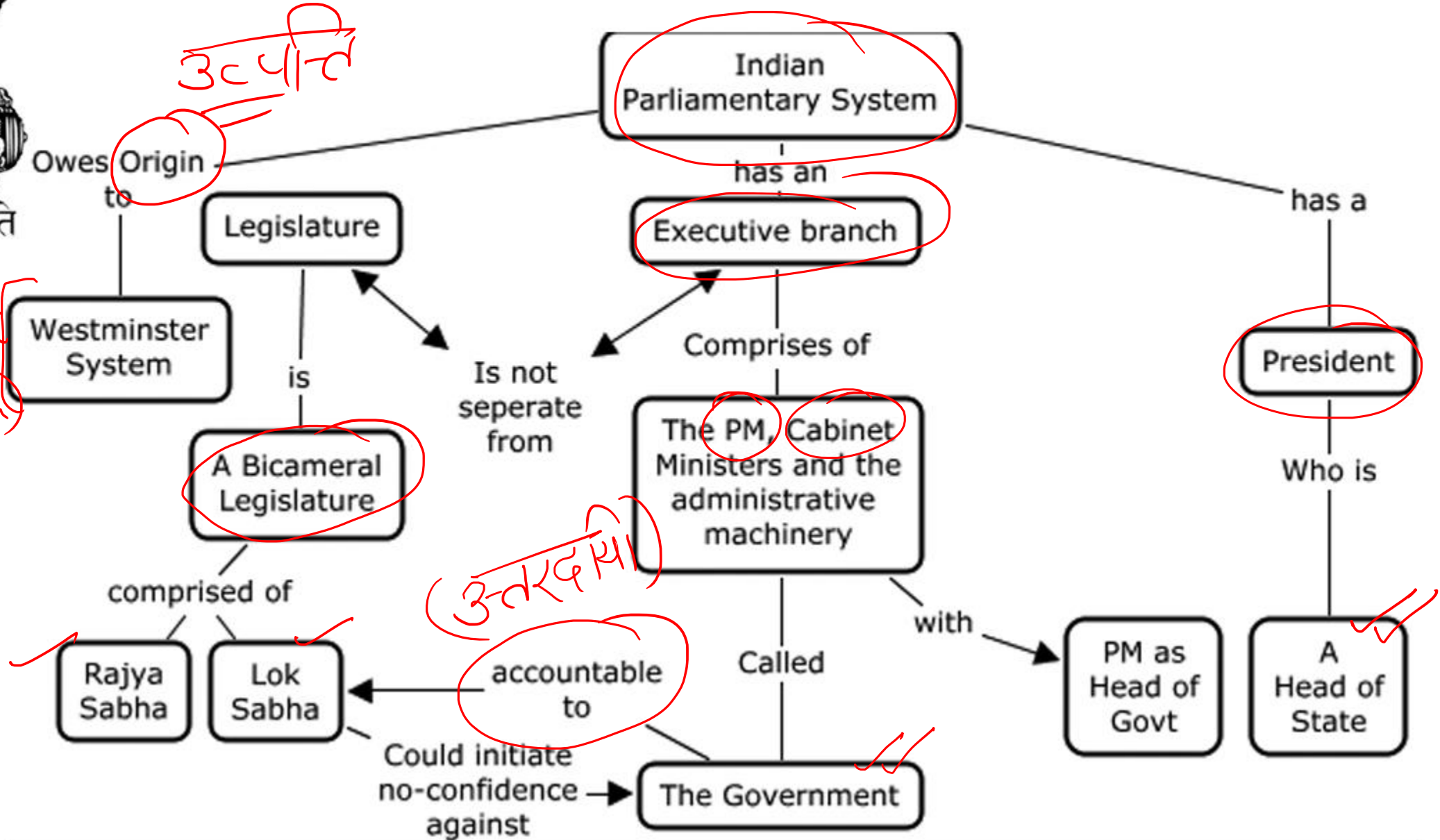


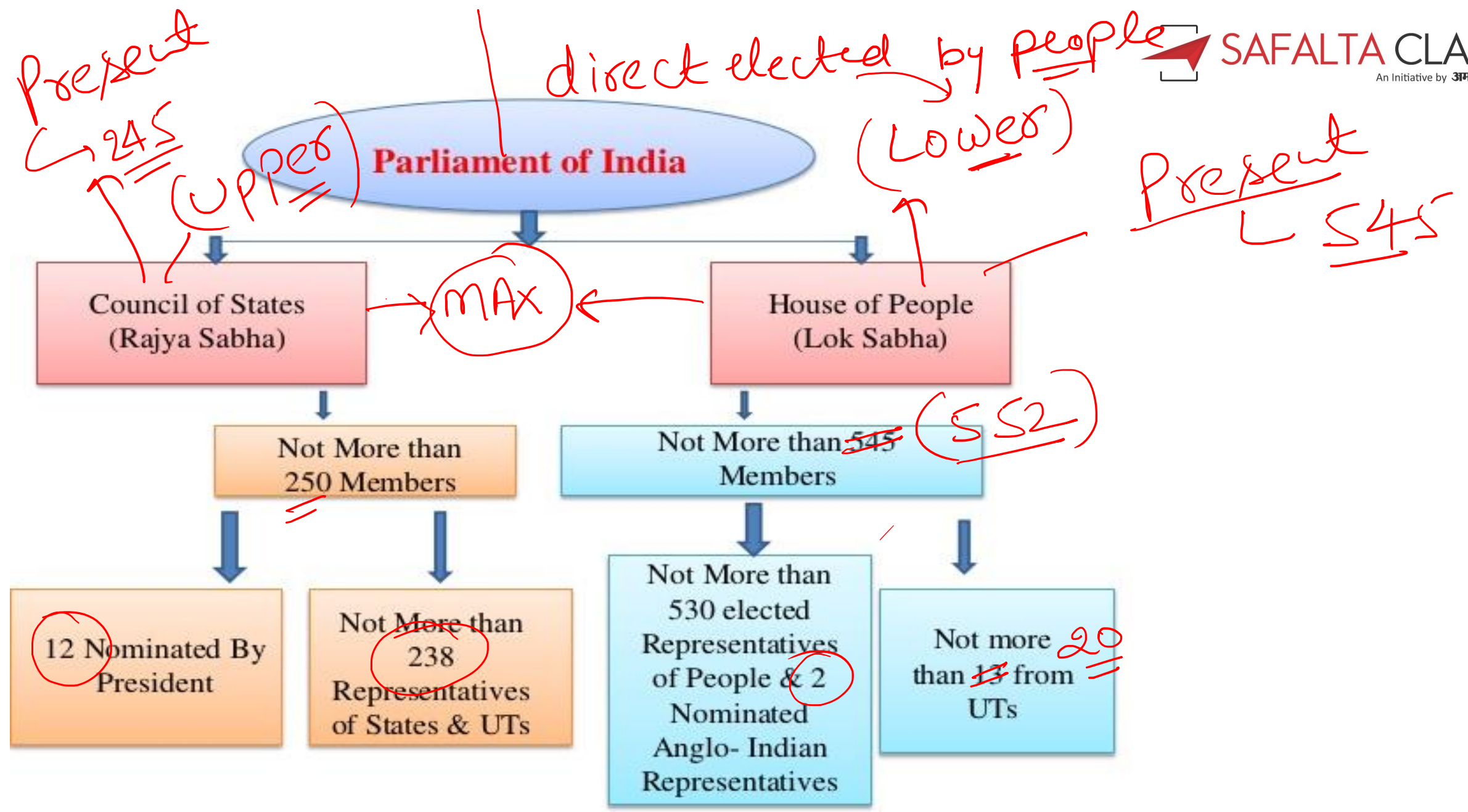


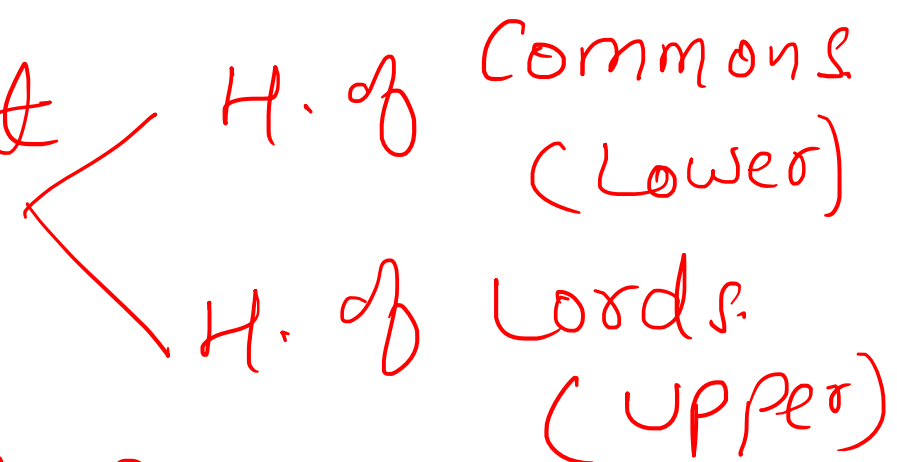
वेस्टमिन्सटर
(London)

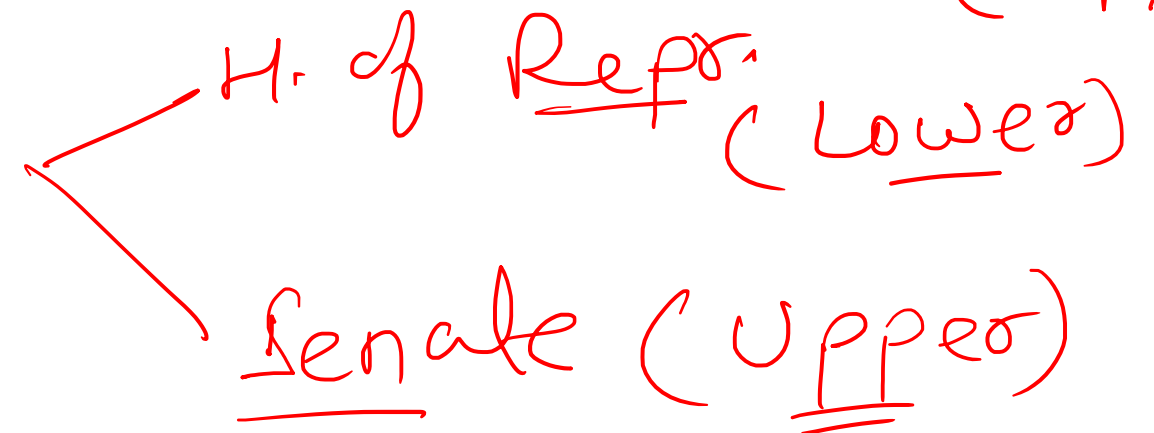
सत्यमेव जयते

INDIAN PARLIAMENTARY SYSTEM





✓
Britain ⇒ Parliament 
H. of Commons (Lower)
H. of Lords (Upper)

USA ⇒ Congress 
H. of Repr. (Lower)
Senate (Upper)

The Parliament is the legislative organ of the Union government.

It occupies a pre-eminent and central position in the Indian democratic political system due to adoption of the parliamentary form of government, also known as 'Westminster' model of government.

Articles 79 to 122 in Part V of the Constitution deal with the organisation, composition, duration, officers, procedures, privileges, powers and so on of the Parliament.

Under the Constitution, the Parliament of India consists of three parts viz, the President, the Council of States and the House of the People. In 1954, the Hindi names 'Rajya Sabha' and 'Lok Sabha' were adopted by the Council of States and the House of People respectively.

The parliamentary form of government emphasises on the interdependence between the legislative and executive organs.

Hence, we have the 'President-in-Parliament' like the 'Crown-in-Parliament' in Britain.

The presidential form of government, on the other hand, lays stress on the separation of legislative and executive organs.

Hence, the American president is not regarded as a constituent part of the Congress.

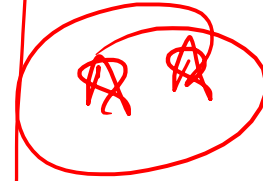
Composition of Rajya Sabha

The maximum strength of the Rajya Sabha is fixed at 250, out of which, 238 are to be the representatives of the states and union territories (elected indirectly) and 12 are nominated by the president.

At present, the Rajya Sabha has 245 members. Of these, 229 members represent the states, 4 members represent the union territories and 12 members are nominated by the president.

The Fourth Schedule of the Constitution deals with the allocation of seats in the Rajya Sabha to the states and union territories.

The president nominates 12 members to the Rajya Sabha from people who have special knowledge or practical experience in **ART, LITERATURE, SCIENCE AND SOCIAL SERVICE.**



The rationale behind this principle of nomination is to provide eminent persons a place in the Rajya Sabha without going through the process of election.

It should be noted here that the American Senate has no nominated members.

Composition of Lok Sabha

The maximum strength of the Lok Sabha is fixed at 552.

Out of this, 530 members are to be the representatives of the states, 20 members are to be the representatives of the union territories and 2 members are to be nominated by the president from the Anglo-Indian community.

At present, the Lok Sabha has 545 members. Of these, 530 members represent the states, 13 members represent the union territories and 2 Anglo-Indian members are nominated by the President.

Duration of Two Houses

Duration of Rajya Sabha:

Permanent House
(No Term)
Term of members = 6 yrs

The Rajya Sabha (first constituted in 1952) is a continuing chamber, that is, it is a permanent body and not subject to dissolution.

Retire $\frac{1}{3}$ member
(2 yrs)

However, one-third of its members retire every second year.

Their seats are filled up by fresh elections and presidential nominations at the beginning of every third year.

The retiring members are eligible for re-election and renomination any number of times.

The Constitution has not fixed the term of office of members of the Rajya Sabha and left it to the Parliament.

Accordingly, the Parliament in the Representation of the People Act (1951) provided that the term of office of a member of the Rajya Sabha shall be six years.

The act also empowered the president of India to curtail the term of members chosen in the first Rajya Sabha.

In the first batch, it was decided by lottery as to who should retire.

Further, the act also authorised the President to make provisions to govern the order of retirement of the members of the Rajya Sabha⁶.

Duration of Lok Sabha

→ 5 yr
↳ dissolve

President
of India
=

Unlike the Rajya Sabha, the Lok Sabha is not a continuing chamber.

Its normal term is five years from the date of its first meeting after the general elections, after which it automatically dissolves.

However, the President is authorised to dissolve the Lok Sabha at any time even before the completion of five years and this cannot be challenged in a court of law.

Further, the term of the Lok Sabha can be extended during the period of national emergency be a law of Parliament for one year at a time ~~7~~ for any length of time.

Art - 352

However, this extension cannot continue beyond a period of six months after the emergency has ceased to operate.

NOTE: ✓

The term of the fifth Lok Sabha that was to expire on 18 March, 1976, was extended by one year upto 18 March, 1977 by the House of the People (Extension of Duration) Act, 1976.

It was extended for a further period of one year up to 18 March, 1978 by the House of the People (Extension of Duration) Amendment Act, 1976. However, the House was dissolved on 18 January 1977, after having been in existence for a period of **Five Years, 10 Months And Six Days.**