

**Preamble**

The Preamble of India is the introductory statement of the Indian Constitution, declaring it to be a Sovereign, Socialist, Secular, Democratic, Republic committed to securing justice, liberty, equality, and fraternity for all its citizens. Adopted on November 26, 1949, it sets out the core philosophy and objectives of the Constitution, declaring that the power derives from "We, the People of India".

Indian constitution completed on date 26 November 1949. And Indian constitution enforce on 26 January 1950.

**Preamble**

**we, the people of india, having solemnly resolved to constitute india into a sovereign democratic republic and to secure to all its citizens: justice, social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity of the nation;**

**in our constituent assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this constitution.**

भारतीय संविधान की प्रस्तावना एक परिचयात्मक वक्तव्य है जो संविधान के मार्गदर्शक सिद्धांतों और मूल मूल्यों को रेखांकित करती है, जिसमें भारत को एक संप्रभु, समाजवादी, धर्मनिरपेक्ष, लोकतांत्रिक गणराज्य घोषित किया गया है और अपने सभी नागरिकों के लिए सामाजिक, आर्थिक और राजनीतिक न्याय, स्वतंत्रता, समानता और बंधुत्व सुनिश्चित करने की प्रतिबद्धता व्यक्त की गई है। इसे संविधान का मूल ढांचा माना जाता है और यह दर्शाता है कि शक्ति का स्रोत भारतीय नागरिक हैं

- **शक्ति का स्रोत:**

"हम, भारत के लोग" से शुरू होने वाली यह प्रस्तावना स्पष्ट करती है कि संविधान का अंतिम अधिकार भारत के नागरिकों के पास है।

- **भारत का स्वरूप:**

प्रस्तावना भारत को एक संप्रभु, समाजवादी, धर्मनिरपेक्ष, लोकतांत्रिक गणराज्य घोषित करती है।

- **उद्देश्य:**

यह संविधान के मुख्य उद्देश्यों को बताता है, जैसे कि सभी नागरिकों के लिए न्याय (सामाजिक, आर्थिक, राजनीतिक), स्वतंत्रता (विचार, अभिव्यक्ति, विश्वास, पूजा), समानता (अवसर और स्थिति की) और बंधुत्व सुनिश्चित करना।

- **राष्ट्रीय एकता और अखंडता:**

प्रस्तावना राष्ट्र की एकता और अखंडता को बनाए रखने के लिए बंधुत्व को बढ़ावा देने पर जोर देती है।

प्रस्तावना की भूमिका और महत्व:

- यह संविधान के मूलभूत मूल्यों, उद्देश्यों और सिद्धांतों को स्पष्ट करती है।
- यह संविधान की व्याख्या करने के लिए एक रोडमैप के रूप में कार्य करती है।
- यह सभी नागरिकों को उनके अधिकारों और कर्तव्यों के बारे में शिक्षित करती है और एक मजबूत, समृद्ध राष्ट्र के निर्माण में योगदान करने के लिए प्रेरित करती है।
- न्यायालय प्रस्तावना को संविधान के एक अभिन्न अंग के रूप में मानते हैं, जो कानूनों और संवैधानिक प्रावधानों की व्याख्या करने में महत्वपूर्ण भूमिका निभाता है

**Time for construct our constitution.**

The [Constituent Assembly](#) took approximately two years, eleven months, and seventeen days to draft India's Constitution, from December 9, 1946, to November 26, 1949, holding 11 sessions and deliberating for a total of 165 days to complete the historic task.

भारत के संविधान के निर्माण में 2 साल, 11 महीने और 18 दिन का समय लगा। इस प्रक्रिया में संविधान सभा की पहली बैठक 9 दिसंबर, 1946 को हुई और संविधान को अंतिम रूप 26 नवंबर, 1949 को दिया गया। इस दौरान संविधान सभा के कुल 11 सत्र हुए, जो कुल मिलाकर 165 दिनों तक चले

26 जनवरी 1950: संविधान लागू हुआ। (इस प्रक्रिया में 2 वर्ष, 11 महीने और 18 दिन लगे - कुल ₹6.4 मिलियन का खर्च आया।)

भारतीय संविधान सभा के लिए जुलाई 1946 में निर्वाचन हुए थे। संविधान सभा की पहली बैठक दिसम्बर 1946 को हुई थी। इसके तत्काल बाद देश दो भागों - [भारत](#) और [पाकिस्तान](#) में बँट गया था। संविधान सभा भी दो हिस्सों में बँट गई - भारत की संविधान सभा और पाकिस्तान की संविधान सभा।

भारतीय संविधान लिखने वाली सभा में 299 सदस्य थे जिसके अध्यक्ष [डॉ. राजेन्द्र प्रसाद](#) थे। संविधान सभा ने 26 नवम्बर 1949 में अपना काम पूरा कर लिया और 26 जनवरी 1950 को यह संविधान लागू हुआ। इसी दिन कि याद में भारत में हर वर्ष 26 जनवरी को [गणतंत्र दिवस](#) के रूप में मनाते हैं। भारतीय संविधान को पूर्ण रूप से तैयार करने में **2 वर्ष, 11 माह, 18 दिन** का समय लगा था।

**भारत में सुप्रीम कोर्ट की अब तक की सबसे बड़ी बेंच** *Kesavananda Bharati v. State of Kerala* मामले में **13 जजों की संविधान बेंच** थी, जिसने संसद की संविधान संशोधन शक्ति पर महत्वपूर्ण सीमाएं निर्धारित कीं।

**इलाहाबाद हाई कोर्ट** *Keshav Singh* **मामले (1964) 28 जज पूरे भारत का सबसे बड़ा कोर्ट बेंच (HC में)**

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Question : - the constitution of India is a bag of borrowing?

Answer :-

- Definition of the constitution.
- What is the constitution of India.
- Supreme law of land.

The "supreme law of the land" is the constitution, the fundamental set of principles and rules that governs a country and its people. It defines the rights of citizens, the powers and limitations of the government, and the structure of the nation's political system. As the highest legal authority, all other laws, government actions, and legislation must adhere to the constitution

Example : - Law of land means as compare to sun from which rest of the planet will take energy.

Question : - what is life?

Answer : - life is something more than animals' life. Or Life means is dignified life.

Now answer of the first question is : -

the constitution is the supreme law of the land it is fundamental law through which the other enactments right their power.

Our constitution came in to force on 26<sup>th</sup> January 1950. It took 2 years 11 months and 18 days to make our constitution. The chairman of the drafting committee was Dr. B.R. AMBEDKAR. and sir B.N.Rao was the constitutional advisor to the constitution assembly.

Our constitution provides us various power and rights to the citizen of India. the constitution is the base from which the fundamental rights are given to each individual like equality, freedom, exploitation, educational, religions etc.

### Fundamental rights (Part III)

These are basic human rights essential for individual development and are legally enforceable through the courts. Key rights include:

- Right to Equality (Articles 14–18): Ensures equal treatment before the law, prohibits discrimination, and guarantees equal opportunity.
- Right to Freedom (Articles 19–22): Covers freedoms such as speech, assembly, movement, and includes the right to life, personal liberty, and education.
- Right against Exploitation (Articles 23–24): Bans forced labour and child employment in hazardous jobs.
- Right to Freedom of Religion (Articles 25–28): Guarantees freedom of conscience and the right to practice and promote religion, ensuring the state's secular nature.
- Cultural and Educational Rights (Articles 29–30): Protects minority rights regarding language, culture, and educational institutions.
- Right to Constitutional Remedies (Article 32): Allows citizens to approach the Supreme Court for enforcement of their fundamental rights

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- Directive Principles of State Policy (Part IV)
  - These are non-binding guidelines for the government when making laws and policies, considered fundamental to governance. They aim for socio-economic justice, a welfare state, and include principles like promoting village panchayats and protecting the environment. They also direct the state to work towards a Uniform Civil Code.
  - Fundamental duties (Part IVA)
  - Added in 1976, these are moral obligations for citizens to promote patriotism and unity. They include respecting national symbols, promoting harmony, safeguarding public property, striving for excellence, and the duty of parents to provide education to their children between 6 and 14 years.
  - Framework for government
  - The Constitution defines India as a Sovereign, Socialist, Secular, Democratic Republic with a parliamentary system that is federal in structure. It establishes a bicameral Parliament, divides powers between the central and state governments (federalism), and creates an integrated judiciary with the Supreme Court as the highest court.
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### Main topic

Parliament  democracy form of govt. by the people, for the people, of the people.

Council of the states means rajya sabha.

### How parliament construct?

Lok sabha + rajya sabha + president.

Where is the main fundamental rights given in constitution?

In article 14-19-21.

### In the matter of 3 (TALAK)

The supreme court says it is a violation of article 21 and violation of right of life and personal liberty.

### **Case syra bano case date 2017**

The Indian Supreme Court delivered its landmark judgment in the Shayara Bano case on

**August 22, 2017, which declared the practice of instant triple talaq unconstitutional**

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Parliaments means both the houses of the parliament that is the like lok sabha, rajya sabha plus president makes the parliament.

Version 1 (Most direct)

"In India, there is a democratic form of government that is 'of the people, by the people, and for the people.' This means that elections are conducted directly, and the people choose their representatives by using their constitutional right of universal adult suffrage."

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**From where we had borrowed this concept (borrow the bag of constitution) ==== u.k.**

Formal structure

Federalism is a system of government where power is constitutionally divided between a central authority and its constituent parts, such as states or provinces.

Federalism is basic structure of constitution.

Distribution of power mention in article 246 and schedule VII in constitution.

in schedule VII in constitution power for the law making given as ....

In Schedule VII of the Indian Constitution, the power to make laws is divided among three lists, which specifies the legislative jurisdiction of the Union and State governments

. This system is derived from the Government of India Act of 1935 and reinforces India's federal structure.

The three lists are:

#### **1. Union List (List I)**

The Union List contains matters of national importance where Parliament has the exclusive power to legislate. As of recent amendments, it includes around 100 subjects.

Examples include:

- Defence: Military, naval, and air forces.
- Foreign Affairs: International treaties and agreements.
- Banking and Currency: The Reserve Bank of India and foreign exchange.
- Railways and Highways: National railways and national highways.
- Atomic Energy and Mineral Resources: Industries vital for defence and natural resources.
- Citizenship and Extradition: Rules for citizenship, and the extradition of fugitives.
- Census: The national census.
- Taxes: Taxes on income (other than agricultural), customs duties, and corporation tax.

#### **2. State List (List II)**

## CONSTITUTION 25.8.25 TO 29.8.25

The State List contains subjects of local and regional importance where state legislatures have the exclusive power to legislate. This list originally had 66 subjects, which was later reduced to 61 through amendments.

Examples include:

- Public Order and Police: Maintenance of law and order within the state.
- Local Government: Municipal corporations, district boards, and local authorities.
- Public Health and Sanitation: Hospitals and dispensaries.
- Agriculture and Land: Land tenures, land revenue, and agricultural improvements.
- Fisheries: Fisheries within state territories.
- Markets and Fairs: Regulation of local markets and fairs.
- Betting and Gambling: Regulation of gambling and related activities.

### 3. Concurrent List (List III)

The Concurrent List includes subjects on which both the Union Parliament and state legislatures can make laws. This list originally contained 47 subjects, which has since been expanded to 52. In the event of a conflict between a central and state law on a subject in this list, the central law prevails.

Examples include:

- Criminal Law and Procedure: Matters under the Indian Penal Code and Code of Criminal Procedure.
- Education: Technical, medical, and university education.
- Forests and Wildlife Protection: Protection of wild animals and birds.
- Marriage and Divorce: Rules and procedures for marriage and divorce.
- Trade Unions and Labour Welfare: Industrial disputes and employment regulations.
- Electricity: Regulation of electricity.
- Economic and Social Planning: Planning and policy matters.

### Residuary powers

Any subject that is not explicitly mentioned in any of the three lists falls under the exclusive legislative domain of the Union Parliament. The Constitution grants these residual powers to the Centre, reinforcing its strong unitary bias, and enabling it to legislate on new and emerging issues like cyber laws.

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In the case of dispute to make law by state or centre? What will be happen?

State makes a law and takes assent from the president it will privilege over the law made by central.

in the case of dispute to make law by state or centre? What will be happen?

In case of a legislative dispute between the Centre and a State in India, the outcome depends on which of the three lists in the Seventh Schedule the subject matter falls

. This is governed by Article 254 of the Constitution, which deals with **the "doctrine of repugnancy"**.

"असंगति का सिद्धांत" का अर्थ है जब केंद्र सरकार और राज्य सरकार द्वारा बनाए गए कानूनों में परस्पर विरोध या टकराव होता है। यह सिद्धांत बताता है कि अगर समवर्ती सूची (Concurrent List) के किसी विषय पर संसद और राज्य विधानमंडल,

दोनों ही कानून बनाते हैं और उनके बीच कोई असंगति या विरोधाभास होता है, तो केंद्रीय कानून प्रभावी होगा और राज्य का कानून उस विरोधाभास की सीमा तक अमान्य हो जाएगा।

Conflict resolution based on the three lists

#### Union List

- Outcome: If the law falls under the Union List, Parliament has exclusive authority to legislate. A state cannot make a law on this subject, and if it does, the law will be void on grounds of legislative incompetence (*ultra vires*).
- Example: A state cannot pass its own laws regarding defence, foreign affairs, or banking, as these are exclusive Union subjects.

#### State List

- Outcome: A state legislature has exclusive power to make laws on subjects in the State List. Parliament cannot legislate on these matters under normal circumstances.
- Exception: There are specific situations where Parliament can legislate on a State List subject, temporarily or with the consent of the states:
  - In the national interest: The Rajya Sabha passes a resolution supported by a two-thirds majority.
  - During a national emergency: Parliament can make laws for any state if a national emergency is in effect.
  - By agreement between states: If two or more states request Parliament to legislate on a state subject, Parliament can do so for those states.
  - To implement international agreements: Parliament can legislate on a state matter to fulfil international obligations.

#### Concurrent List

- Outcome: This is where the most common disputes arise, as both the Centre and states can make laws. In case of a conflict, the general rule is that the central law will prevail, and the state law will be void to the extent of its repugnancy.
- Exception (President's assent): A state law that is repugnant to an earlier central law on a concurrent subject can still prevail within that state if it has been reserved for the President's consideration and receives his assent.
- Reversal by Parliament: Even if a state law receives presidential assent, Parliament is not prevented from later enacting a new law on the same matter to add, amend, vary, or repeal the state law.

#### Judicial review

- The Supreme Court of India is the final arbiter in such disputes and has the original jurisdiction under Article 131 to resolve disputes between states or between the Centre and states.

The Court applies the "doctrine of pith and substance" to determine the true nature of a law when its legislative competence is questioned. Subject :- constitution

Question :- what is the meaning of federalism?

Answer :-

## CONSTITUTION 25.8.25 TO 29.8.25

Federalism is a system of government that divides power between a central authority and various regional, state, or provincial governments. Under this model, both the national and regional governments control the same territory and citizens, but each has its own constitutionally defined, independent spheres of power. The term comes from the Latin word *foedus*, meaning "covenant" or "treaty".

### Key characteristics

- **Dual government:** There are two or more levels of government governing the same people, such as a central government and state governments.
- **Division of powers:** The constitution clearly delineates the jurisdiction and powers of each level of government regarding legislation, taxation, and administration.
- **Written constitution:** A rigid, written constitution guarantees the existence and authority of each tier of government. Fundamental provisions often require the consent of both levels to be amended.
- **Independent judiciary:** The judiciary, particularly the highest court, interprets the constitution and acts as an umpire to resolve disputes between different levels of government.
- **Financial autonomy:** Each level of government has its own specified sources of revenue to ensure its financial independence.
- **Dual objectives:** A federal system is designed to promote national unity while also accommodating regional diversity.

### Types of federations

#### Federations can be formed in two main ways:

- **Coming Together:** This is when independent states voluntarily unite to form a larger, sovereign country.
  - **Examples: The United States, Australia, and Switzerland.**
- **Holding Together:** In this model, a large, diverse country decides to divide its power between a central government and its constituent regions to accommodate different groups.
  - **Examples: India, Spain, and Belgium.**

### Federalism vs. unitary government

Federalism is often contrasted with a unitary system of government, where all legal power is concentrated in a single, central authority.

| Feature         | Federal System                                                                                                                                 | Unitary System                                                                                            |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Power structure | Power is divided between national and regional governments, with each having its own independent jurisdiction.                                 | All power is centralized in the national government, and any regional or local divisions are subordinate. |
| Autonomy        | Regional governments have a high degree of autonomy and are not bound by the central government's directives on matters in their jurisdiction. | The central government can increase or decrease the powers of local entities as it sees fit.              |

Examples

United States, Canada, Germany, Australia, and India (considered quasi-federal).

United Kingdom, France, and Japan.

Question : -What is article 249?

Answer : -

Article 249 of the Indian Constitution grants Parliament the power to make laws on subjects listed in the State List, which are normally under the exclusive jurisdiction of state legislatures. This power is not absolute and can only be invoked in a specific and exceptional manner, prioritizing the national interest.

Key provisions of Article 249

- Resolution by Rajya Sabha: The process begins when the Rajya Sabha (Council of States), the upper house of Parliament representing India's states, passes a special resolution.
- Special majority: The resolution must be supported by a special majority, meaning at least two-thirds of the members present and voting.
- National interest: The Rajya Sabha must declare that it is "necessary or expedient in the national interest" for Parliament to legislate on a specific matter from the State List.
- Temporary duration: A law passed by Parliament under Article 249 remains in force for a period not exceeding one year. This period can be extended indefinitely for one year at a time by passing subsequent resolutions.
- Temporary effect of the law: Any law made by Parliament under this article will cease to have effect six months after the resolution allowing it has expired.

Significance and implications

- Reflects India's quasi-federal nature: This article demonstrates the flexible, centralized bias of India's federal structure, where the Union government has the power to override state autonomy under specific conditions.
- Enables uniform national action: It allows the central government to address issues of national importance, such as national security, health emergencies, or economic policies, with a uniform approach across the country.
- Protects federal consent: The requirement for a two-thirds majority in the Rajya Sabha acts as a check on the central government's power, ensuring a degree of consent from state representatives before intervening in state matters.
- Promotes national unity over regional diversity: While federalism is meant to accommodate diverse regional needs, Article 249 allows the national interest to take precedence when a matter affects the entire country.

Judicial interpretation

The use of Article 249 has been a subject of judicial scrutiny, with the Supreme Court emphasizing that it should be used cautiously and only when there is a genuine, demonstrable need that affects the entire nation. This has helped curb potential misuse and protected the spirit of cooperative federalism.

Question : - what we have borrow from Australia?

Answer : -

India has borrowed several provisions from Australia, though not specific articles in the same way as it adopted portions of the Government of India Act of 1935. Instead, the architects of the Indian Constitution drew inspiration from Australia's constitutional framework for several key concepts.

The primary features borrowed from the Australian constitution are:

- **The Concurrent List:** This is the most notable borrowing. The Seventh Schedule of the Indian Constitution contains the Concurrent List, which includes subjects on which both the Central government and the state governments can legislate. This concept, along with the idea of "Co-operative Federalism," was adopted from Australia's division of legislative powers.
- **Freedom of trade and commerce:** The provisions in Articles 301–307 of the Indian Constitution, which deal with the freedom of trade, commerce, and intercourse throughout the territory of India, were influenced by similar provisions in the Australian constitution.
- **Joint sitting of the two Houses of Parliament:** The provision for a joint sitting of both the Lok Sabha and the Rajya Sabha, used to resolve legislative deadlocks, was inspired by the Australian model. This is addressed in Article 108 of the Indian Constitution.
- **Language of the Preamble:** The phrasing and ideals in the preamble of the Indian Constitution, while distinct, bear some influence from the Australian constitution.

Question :- what is Concurrent List?

Answer : -

The Concurrent List, or List III, is one of the three legislative lists in the Seventh Schedule of the Indian Constitution. It includes subjects on which both the central government (Parliament) and the state governments can legislate.

Key features

- **Dual jurisdiction:** The purpose of the list is to address subjects of common interest to both the Union and the States.
- **Central law prevails:** In case of a conflict or overlapping legislation on a concurrent subject, a law passed by the central Parliament takes precedence over a state law.
- **Origin:** The concept of the Concurrent List was borrowed from the Constitution of Australia.
- **Flexibility and uniformity:** It allows for a balance of uniformity and diversity. It ensures that national uniformity can be achieved where desirable, while states retain the flexibility to address local needs.

Key subjects

The Concurrent List originally had 47 subjects, but the number increased to 52 after the 42nd Amendment Act of 1976 transferred five subjects from the State List. Examples of subjects in this list include:

- Education
- Forests
- Protection of wild animals and birds
- Weights and measures

## CONSTITUTION 25.8.25 TO 29.8.25

- Administration of justice, excluding the Supreme Court and High Courts
  - Criminal law and criminal procedure
  - Population control and family planning
  - Marriage and divorce
  - Trade unions
- 

### 4 question : - directive principle of state policy? What is directive principle?

The Directive Principles of State Policy (DPSP) are a set of guidelines and principles included in Part IV of the Indian Constitution (Articles 36–51). They are intended to guide the government in its governance and policy-making to establish a just society and promote the welfare of the people.

#### Key features

The DPSP are considered fundamental to the governance of the country, and the state is obligated to apply them when making laws. However, unlike Fundamental Rights, they are not enforceable in court. They aim to create a welfare state by outlining socio-economic goals, impose positive obligations on the state for citizen welfare, and serve as guidelines for legislative and executive actions.

#### Classification of the DPSP

Though not explicitly classified in the Constitution, the DPSP are generally grouped into three categories.

Vip \*\*\* government failure or govt success is decided on the base of directive principle.

The case you are referring to is *Air India vs. Nargesh Meerza*. In this landmark 1981 judgment, the Supreme Court of India addressed discriminatory employment policies that were primarily directed at female cabin crew members, also known as air hostesses. Several petitions, including one filed by an air hostess named Nargesh Meerza, were clubbed and decided together.

#### Facts of the case

- Discriminatory rules: The case revolved around Regulations 46 and 47 of the Air India Employees Service Regulations. These regulations mandated that air hostesses would be retired under specific, unequal conditions:
  - Retirement age: At age 35, or earlier. In stark contrast, male flight pursers could retire at age 58.
  - Marital status: If they married within four years of their service.
  - Pregnancy: Upon their first pregnancy.
- Excessive discretion: The retirement age for air hostesses could be extended by the Managing Director for up to 10 years, but this power was discretionary and lacked clear guidelines.

#### Issues raised

The petitioners challenged these rules, arguing that they violated the fundamental rights guaranteed by the Indian Constitution, specifically:

- Article 14: Guaranteeing equality before the law.
- Article 15: Prohibiting discrimination on the basis of sex.

- Article 16: Ensuring equal opportunity in matters of public employment.
- Article 21: Guaranteeing personal liberty.

#### Supreme Court's judgment

The Supreme Court delivered a mixed ruling, striking down some discriminatory policies while controversially upholding others.

- Termination upon pregnancy: The court found the provision for mandatory retirement on the first pregnancy to be "callous and cruel," deeming it arbitrary and in violation of Article 14. It was an insult to womanhood and violated the right to personal dignity. However, the court suggested a replacement rule allowing termination after a third pregnancy if two children were living, citing health and family planning.
- Excessive delegation: The court also struck down the discretionary power of the Managing Director to extend the service of air hostesses, finding it arbitrary and violating Article 14. The court found that such a power could be used discriminatorily if exercised without clear guidelines.
- Marriage bar: The court controversially upheld the bar on marriage within the first four years of service. It reasoned that since the air hostesses were young at the time of recruitment, this rule was a reasonable restriction.
- Differential retirement age: The court upheld the different retirement ages for male and female cabin crew, recognizing them as distinct classes with different conditions of service. The court noted that discrimination must occur between members of the same class for Article 14 to apply. ( मामले में, सुप्रीम कोर्ट ने पुरुष और महिला केबिन कू के लिए अलग-अलग सेवानिवृत्ति की आयु को सही ठहराया। कोर्ट ने इसे सेवा शर्तों के अलग-अलग आधार पर एक अलग वर्ग माना। कोर्ट ने कहा कि अनुच्छेद 14 के तहत भेदभाव तभी माना जाता है जब वह एक ही वर्ग के सदस्यों के बीच हो। )

#### Significance and aftermath

The case is considered a landmark judgment for its crucial steps towards achieving gender equality in the workplace. It set a benchmark for curbing arbitrary and unreasonable gender-based classifications in employment. However, it also faced criticism for its perceived retrograde approach, particularly for upholding the discriminatory marriage bar and differential retirement ages. The judgment was a partial but significant victory in the ongoing effort to ensure non-discriminatory employment practices in India.

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Question : - in which year maternity benefit add in rule?

Answer : -The original Maternity Benefit Act was enacted in

1961. This act laid the foundation for regulating the employment of women during maternity and providing maternity benefits.

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Question : - where is the directive principle mention in constitution?

Answer : - The Directive Principles of State Policy (DPSP) are located in

Part IV of the Indian Constitution, spanning from Article 36 to Article 51.

These principles serve as fundamental guidelines for the government to follow when formulating policies and laws, with the goal of establishing a just and welfare society. Unlike Fundamental Rights, they are not enforceable in a court of law

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Question :- how the directive principle different from the fundamental rights?

Answer : -

## CONSTITUTION 25.8.25 TO 29.8.25

| Basis of Difference   | Fundamental Rights (Part III)                                                                                                                                                         | Directive Principles of State Policy (Part IV)                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enforceability        | Enforceable in courts of law. If a Fundamental Right is violated, a person can directly approach the Supreme Court (under Article 32) or the High Courts (under Article 226).         | Not enforceable by any court. If a DPSP is violated, one cannot approach a court to demand its implementation.                                                       |
| Nature                | Negative, as they primarily prohibit the state from doing certain things (e.g., discriminating based on religion or caste).                                                           | Positive, as they require the state to take certain positive actions to achieve social and economic goals (e.g., provide free legal aid, secure a living wage).      |
| Goal                  | To establish political democracy by protecting individual liberties from state overreach.                                                                                             | To establish a welfare state by promoting social and economic democracy and justice.                                                                                 |
| Welfare focus         | Promote the welfare of the individual.                                                                                                                                                | Promote the welfare of the entire community.                                                                                                                         |
| Sanctions             | Legal sanctions are attached to Fundamental Rights, and their violation is punishable by law.                                                                                         | Moral and political sanctions are attached to DPSPs. They depend on the government's conscience and public opinion for their implementation.                         |
| Automatic enforcement | Automatically enforced and do not require any legislation for implementation.                                                                                                         | Not automatically enforced and require specific legislation to be implemented.                                                                                       |
| Precedence            | Historically considered supreme over DPSPs in case of a conflict. The Supreme Court has, however, advocated for a harmonious interpretation, emphasizing that neither can be ignored. | Subordinate to Fundamental Rights, but Parliament can amend Fundamental Rights to implement them, provided the "basic structure" of the Constitution is not damaged. |
| Suspension            | Can be suspended during a national emergency, except for the rights guaranteed under Articles 20 and 21.                                                                              | Cannot be suspended under any circumstances.                                                                                                                         |

|           |                                                                                                  |                                                                                              |
|-----------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Evolution | Largely derived from the U.S. Bill of Rights, reflecting a liberal and individualistic approach. | Inspired by the Constitution of Ireland and influenced by socialist and Gandhian principles. |
|-----------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|

### Complementary roles

Despite their differences, Fundamental Rights and DPSPs are complementary.

- **Balancing act:** The courts have emphasized the need to balance individual liberty (FRs) and public good (DPSPs).
- **Socio-economic goals:** FRs secure the means (civil and political rights), while DPSPs specify the end goal (socio-economic justice).
- **Harmonious construction:** In cases of potential conflict, the judiciary has applied the doctrine of harmonious construction to ensure that neither set of provisions is undermined.

### Question :- is their fundamental rights and directive principle overlap to each other?

Answer : -

Yes, Fundamental Rights (FRs) and Directive Principles of State Policy (DPSPs) significantly overlap and are meant to be complementary and supplementary to each other. Though different in their nature and enforceability, they both serve the constitutional purpose of building a just and equitable welfare state.

### Case history

**The case of Kesavananda Bharati vs. the State of Kerala (1973) is a landmark** decision by the Supreme Court of India that established the "Basic Structure Doctrine." This doctrine holds that while Parliament has the power to amend the Constitution, it cannot alter or destroy its fundamental, or "**basic,**" features.

### Background of the case

- **Petitioner:** The petitioner was Swami Kesavananda Bharati, the head of the Edneer Mutt, a Hindu religious monastery in the Kasaragod district of Kerala. **Land reforms:** Kerala's state government, under various land reform acts, sought to acquire and redistribute land. The Kerala Land Reforms Amendment Act of 1969 threatened to take control of some of the Mutt's property. **Constitutional challenge:** In March 1970, Kesavananda Bharati filed a writ petition in the Supreme Court under Article 32, challenging the constitutional validity of the Kerala Land Reforms Acts. He argued that the acts violated his Fundamental Rights, particularly the right to manage religious property (Article 26).
- **Parliamentary amendments:** While the petition was pending, Parliament passed several constitutional amendments to counter judicial pronouncements that limited its power to amend Fundamental Rights. These included:
  - **24th Amendment (1971):** Affirmed Parliament's power to amend any part of the Constitution, including Fundamental Rights, and made it mandatory for the President to assent to such a bill.
  - **25th Amendment (1971):** Curtailed the Fundamental Right to property and prevented a law enacted to give effect to certain Directive Principles (Articles 39(b) and (c)) from being challenged on the grounds that it violated certain Fundamental Rights (Articles 14, 19, and 31).

### Supreme Court proceedings

- **Largest bench:** The case was heard by the largest-ever bench of 13 Supreme Court judges over 68 days.
- **Counsel:** The case was argued against the government by noted jurist **Nanabhoy Palkhivala**.

#### CONSTITUTION 25.8.25 TO 29.8.25

- Judgment: On April 24, 1973, in a narrow 7:6 majority decision, the Supreme Court delivered a historic verdict.

#### The judgment and its impact

- Limited power to amend: The majority held that while Parliament had the authority to amend any provision of the Constitution, including Fundamental Rights, this power was not absolute.
- Basic Structure Doctrine: The court introduced the "**Basic Structure Doctrine**," declaring that Parliament could not amend or alter the "**basic structure**" or framework of the Constitution.
- Components of the basic structure: While the court did not provide an exhaustive list, it identified several elements of the basic structure, including:
  - The supremacy of the Constitution
  - Sovereign, democratic, and republican nature of the Indian polity
  - Secular and federal character of the Constitution
  - Separation of powers between the legislature, executive, and judiciary
  - Judicial review
- Upheld some amendments: The court upheld the entire 24th Amendment. It also declared the first part of the 25th Amendment to be valid, but the second part, which would have fully shielded laws from judicial review, was declared invalid.

The Kesavananda Bharati case is widely regarded as a cornerstone of Indian constitutional law. It established judicial review as a key feature of the Constitution and placed a check on the potentially limitless power of Parliament to amend the Constitution, thereby reinforcing the separation of powers and ensuring the protection of core constitutional values.

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#### Question : - what is in article 368?

Answer : -

Article 368, located in Part XX of the Indian Constitution, deals with the power of Parliament to amend the Constitution and the procedure for doing so. It outlines the formal methods for making changes to the Constitution, whether through addition, variation, or repeal of any of its provisions.

#### Key provisions of Article 368

Article 368 grants Parliament constituent power to amend the Constitution, distinct from its ordinary legislative power. An amendment is initiated through a Bill introduced in either House of Parliament, requiring a special majority in each house. This special majority includes a majority of the total membership and at least two-thirds of the members present and voting. Amendments affecting the federal structure also require ratification by at least half of the state legislatures by a simple majority. This includes provisions regarding the election of the President, the extent of executive power, the Supreme Court and High Courts, and representation of states in Parliament. **After parliamentary approval (and state ratification if necessary), the President must give assent to the Bill.**

#### Limitations on the amending power

The Supreme Court, in **Kesavananda Bharati v. State of Kerala (1973)**, established that Parliament's amending power under Article 368 is subject to the "Basic Structure" of the Constitution. This means Parliament cannot alter the fundamental features of the Constitution, such as its democratic, federal, and secular nature.

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**Question :- what is the case of Sajjan sikh vs state of Rajasthan?**

Answer :-

The case of Sajjan Singh vs. the State of Rajasthan (1965) was a landmark Indian Supreme Court decision that addressed the power of Parliament to amend Fundamental Rights. It upheld the earlier ruling in ***Shankari Prasad vs. Union of India (1951)***, affirming that Parliament could amend any part of the Constitution, including Part III, which contains Fundamental Rights.

**Background of the case**

The case originated from a challenge to the Constitution (Seventeenth Amendment) Act, 1964, which aimed to protect state land reform laws by adding them to the Ninth Schedule. Affected landowners, including Sajjan Singh, contested the amendment, arguing it **infringed** upon their Fundamental Right to property. The core legal question was whether Parliament's amending power under Article 368 extended to Fundamental Rights and if an amendment could be challenged under Article 13(2).

**Supreme Court's judgment**

In a 3:2 majority, the Supreme Court validated the 17th Amendment. The majority view was that Article 368 provided broad power to amend any part of the Constitution, including Fundamental Rights. They also **reiterated** the stance from the ***Shankari Prasad case*** that a constitutional amendment under Article 368 is not considered "law" under Article 13(2). The court reasoned that the 17th Amendment facilitated socio-economic reforms and did not substantially impact the powers of the High Courts.

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**Question :- what is the case Golak Nath vs state of Punjab?**

Answer :-

The ***Golak Nath vs. State of Punjab case***, decided in 1967 by an **11-judge** bench of the Supreme Court of India, held that Parliament could not amend Fundamental Rights. The case is significant for overturning previous judicial decisions that had given Parliament extensive power to amend the Constitution.

The 11-judge bench The bench for this case was headed by **Chief Justice K. Subba Rao**.

**Background of the case**

The case originated from the Punjab Security and Land Tenures Act, 1953, which restricted the amount of land a family could own. This affected the Golaknath family, who owned over 500 acres of farmland in Jalandhar. They challenged the constitutionality of the act, arguing that it violated their Fundamental Rights to acquire and hold property (Article 19(1)(f)).

**Key issues**

The court considered whether Parliament could amend Fundamental Rights and if a constitutional amendment fell under the definition of "law" in Article 13(2).

**The majority ruling**

The Supreme Court, with a 6:5 majority, ruled that **Parliament lacked the power to amend Fundamental Rights**. It held that a constitutional amendment is considered "law" under Article 13(2), making any amendment that **infringes** upon a Fundamental Right void. The court clarified that Article 368 outlines the amendment procedure but does not grant the power to amend fundamental aspects, suggesting this power stems from ordinary legislative authority. **This decision prospectively overruled previous judgments in *Shankari Prasad* and *Sajjan Singh***, which had allowed Parliament to amend Fundamental Rights. The court introduced prospective overruling, meaning the decision applied to future amendments but did not invalidate past ones like the 1st and 17th Amendments.

### Aftermath and significance

The ***Golaknath judgment*** led to a significant conflict between the judiciary and Parliament. In response, Parliament passed the **24th Amendment in 1971**, asserting its power to amend any part of the Constitution and stating that a constitutional amendment is not "law" under Article 13. **The *Golaknath* decision was later overturned by the *Kesavananda Bharati* case in 1973**, which upheld Parliament's amending power but introduced the "Basic Structure Doctrine" as a limitation.

Case sequence

### Sajjan Singh vs. the State of Rajasthan (1965)

The ***Golaknath vs. State of Punjab* case, decided in 1967** by an 11-judge bench of the Supreme Court of India, ***Kesavananda Bharati* case in 1973**,

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**\*\* fundamental rights in section 3 could not be change in any manners.**

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Question :- what is in article 13?

Answer : -

Article 13 of the Indian Constitution is a **pivotal** महत्वपूर्ण, निर्णायक, प्रधान या केंद्रीय provision that serves as a **bulwark** प्राचीर, परकोटा, रक्षा-साधन, गढ़ या पक्की रोक Fundamental Rights by declaring that any law inconsistent with or in derogation of these rights is void. It establishes the principle of judicial review, enabling the Supreme Court and High Courts to strike down unconstitutional laws.

Article 13 is organized into four distinct clauses:

#### Article 13(1): Pre-Constitution laws

- This clause addresses laws that were in force in India before the Constitution was enacted on January 26, 1950.
- It states that any pre-existing law that conflicts with the provisions of the Fundamental Rights (Part III) becomes void to the extent of that inconsistency.
- The Supreme Court has clarified that such laws are not entirely wiped out but **merely केवल, मात्र, सिर्फ, या महज़** become "**eclipsed**" ढक लेना or dormant. If the relevant Fundamental Right is later amended, the eclipsed law can become operative again. This is known as the Doctrine of Eclipse.

#### Article 13(2): Post-Constitution laws

- This clause prohibits the State from enacting laws that abridge rights in Part III, declaring such laws void to the extent of the contravention.
- The **Doctrine** सिद्धांत, मत, विचारधारा या शिक्षा of Severability is applied by the court, allowing for only the unconstitutional part of a law to be voided if the remainder can function independently.

#### Article 13(3): Definition of 'law'

- This clause broadly defines "law" to include ordinances, orders, bye-laws, rules, regulations, notifications, and customs or usages having the force of law. This broad definition ensures various state actions are subject to judicial scrutiny against Fundamental Rights.

#### Article 13(4): Constitutional amendments

- Added by the **24th Amendment Act of 1971**, this clause states that Article 13 does not apply to constitutional amendments made under Article 368. This amendment followed the ***Golaknath v. State of Punjab*** case where the Supreme Court held that amendments were "laws" under Article 13.
- In ***Kesavananda Bharati v. State of Kerala (1973)***, the Court upheld the **24th Amendment** but introduced the Basic Structure Doctrine, which limits Parliament's power to amend the core features of the Constitution.

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भारतीय संविधान का अनुच्छेद 13 एक महत्वपूर्ण प्रावधान है जो मौलिक अधिकारों को सुनिश्चित करता है। यह घोषणा करता है कि कोई भी कानून जो मौलिक अधिकारों से असंगत हो या उनका उल्लंघन करता हो, वह शून्य होगा। यह न्यायिक समीक्षा के सिद्धांत को स्थापित करता है, जिससे सर्वोच्च न्यायालय और उच्च न्यायालय असंवैधानिक कानूनों को रद्द कर सकते हैं।

अनुच्छेद 13 में चार खंड हैं:

अनुच्छेद 13(1): संविधान-पूर्व कानून

- यह उन कानूनों से संबंधित है जो संविधान लागू होने से पहले भारत में लागू थे।
- यह बताता है कि कोई भी मौजूदा कानून जो मौलिक अधिकारों (भाग III) के प्रावधानों के साथ असंगत है, उस असंगति की सीमा तक शून्य हो जाएगा।
- सर्वोच्च न्यायालय ने स्पष्ट किया है कि ऐसे कानून पूरी तरह से समाप्त नहीं होते बल्कि निष्क्रिय या "ग्रहण" में चले जाते हैं। यदि बाद में संबंधित मौलिक अधिकार में संशोधन किया जाता है, तो ग्रहण में चला गया कानून फिर से प्रभावी हो सकता है। इसे ग्रहण का सिद्धांत कहा जाता है।

अनुच्छेद 13(2): संविधान-पश्चात कानून

- यह खंड राज्य को ऐसे कानून बनाने से रोकता है जो भाग III में दिए गए अधिकारों को छीनते या कम करते हैं। इस खंड के उल्लंघन में बनाया गया कोई भी कानून उल्लंघन की सीमा तक शून्य होगा।
- यहां पृथक्करणीयता का सिद्धांत लागू होता है, जिसके अनुसार न्यायालय कानून के केवल उस असंवैधानिक हिस्से को शून्य घोषित कर सकता है, यदि शेष भाग स्वतंत्र रूप से काम कर सकता हो।

अनुच्छेद 13(3): 'कानून' की परिभाषा

- यह खंड "कानून" को व्यापक रूप से परिभाषित करता है, जिसमें अध्यादेश, आदेश, उप-नियम, नियम, विनियम, अधिसूचनाएं, और प्रथाएं या उपयोग जो कानून का बल रखते हैं, शामिल हैं। यह सुनिश्चित करता है कि विभिन्न राज्य कार्यों की न्यायिक समीक्षा की जा सके।

अनुच्छेद 13(4): संवैधानिक संशोधन

- यह खंड 24वें संशोधन अधिनियम, 1971 द्वारा जोड़ा गया था। यह कहता है कि अनुच्छेद 13, अनुच्छेद 368 के तहत किए गए संवैधानिक संशोधनों पर लागू नहीं होगा।
- हालांकि, केशवानंद भारती बनाम केरल राज्य (1973) मामले में, सर्वोच्च न्यायालय ने 24वें संशोधन को बरकरार रखा, लेकिन मूल संरचना के सिद्धांत की शुरुआत की। इस सिद्धांत के तहत, संसद संविधान की मूल विशेषताओं को नहीं बदल सकती।

**Question :- power of the president and vice president?**

Answer :-

The powers of the President and Vice President of India are outlined in the Indian Constitution. The President holds a largely ceremonial position as the head of state, while the Vice President's primary role is legislative, but also includes acting as President in certain circumstances.

### Powers of the President of India

The President's powers fall into several categories:

#### Executive powers

- **Head of the executive:** All executive actions of the government are formally taken in the President's name.
- **Appointments:** *The President appoints the Prime Minister, other members of the Council of Ministers, the Chief Justice and judges of the Supreme Court and High Courts, the Attorney General, the Comptroller and Auditor General, and the Chief Election Commissioner.*
- **Military command:** The President is the supreme commander of the Indian Armed Forces.

#### Legislative powers

- **Parliamentary functions:** The President summons, **prorogues**, and addresses Parliament (हिंदी में इसे 'समन' या 'सत्र आहूत करना' कहते हैं।) . The President can also dissolve the Lok Sabha.
- **Ordinances:** The President can issue ordinances when Parliament is not in session. These have the same legal force as a law passed by Parliament but must be approved by Parliament within six weeks of reassembly.
- **Assent to bills:** For a bill to become a law, it must receive the President's assent.

#### Emergency powers

- **National Emergency (Article 352):** Can be declared in cases of war, external aggression, or armed rebellion.
- **State Emergency (Article 356):** The President can assume the functions of a state's government if constitutional machinery fails. This is also known as "President's Rule".
- **Financial Emergency (Article 360):** Can be proclaimed if India's financial stability is threatened. This has never been declared in India.

#### Judicial powers

- **Pardoning power (Article 72):** The President can grant pardons क्षमा, reprieves प्रविलंबन, respites विराम, or remissions परिहार of punishment.
- **Advisory jurisdiction:** The President can seek the Supreme Court's advisory opinion on a question of law or a matter of public importance.

### Powers of the Vice President of India

The Vice President holds a dual role with both legislative and executive functions.

#### Legislative role

- **Ex-officio Chairman of the Rajya Sabha:** The Vice President presides over the proceedings of the Rajya Sabha (the Council of States).
- **Tie-breaking vote:** As Chairman, the Vice President can cast a tie-breaking vote.

**Executive role**

- **Acting President:** The Vice President acts as President in the event of a vacancy in the President's office due to various circumstances such as resignation, removal, death, or inability to perform duties due to absence or illness. While acting as President, the Vice President does not perform the duties of the Rajya Sabha Chairman and can act as President for a maximum of six months until a new President is elected.

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भारतीय संविधान में राष्ट्रपति और उपराष्ट्रपति दोनों के लिए शक्तियों का प्रावधान है। राष्ट्रपति राज्य का संवैधानिक प्रमुख होता है और उसकी शक्तियाँ मुख्य रूप से औपचारिक होती हैं, जबकि उपराष्ट्रपति की प्राथमिक भूमिका विधायी होती है।

भारत के राष्ट्रपति की शक्तियाँ

राष्ट्रपति की शक्तियों को कई श्रेणियों में वर्गीकृत किया गया है:

कार्यकारी शक्तियाँ

- कार्यपालिका का प्रमुख: सरकार के सभी कार्यकारी कार्य औपचारिक रूप से राष्ट्रपति के नाम पर किए जाते हैं।
- नियुक्तियाँ: राष्ट्रपति प्रधानमंत्री, मंत्रिपरिषद् के अन्य सदस्यों, सर्वोच्च न्यायालय और उच्च न्यायालयों के मुख्य न्यायाधीश और न्यायाधीशों, अटॉर्नी जनरल, नियंत्रक और महालेखा परीक्षक, और मुख्य चुनाव आयुक्त की नियुक्ति करता है।
- सैन्य कमांडर: राष्ट्रपति भारतीय सशस्त्र बलों के सर्वोच्च कमांडर होते हैं।

विधायी शक्तियाँ

- संसदीय कार्य: राष्ट्रपति संसद को बुलाते हैं, उसका सत्रावसान करते हैं और उसे संबोधित करते हैं। राष्ट्रपति लोकसभा को भंग भी कर सकते हैं।
- अध्यादेश: जब संसद सत्र में नहीं होती है, तो राष्ट्रपति अध्यादेश जारी कर सकते हैं। इन अध्यादेशों का कानूनी बल संसद द्वारा पारित कानून के समान होता है, लेकिन संसद के फिर से शुरू होने के छह सप्ताह के भीतर इन्हें अनुमोदित करना होता है।
- विधेयकों को स्वीकृति: किसी विधेयक को कानून बनने के लिए राष्ट्रपति की स्वीकृति आवश्यक है।

आपातकालीन शक्तियाँ

- राष्ट्रीय आपातकाल (अनुच्छेद 352): युद्ध, बाहरी आक्रमण, या सशस्त्र विद्रोह की स्थिति में घोषित किया जा सकता है।
- राज्य आपातकाल (अनुच्छेद 356): संवैधानिक तंत्र के विफल होने पर राष्ट्रपति किसी राज्य के कार्यों को अपने हाथ में ले सकते हैं। इसे "राष्ट्रपति शासन" के रूप में भी जाना जाता है।
- वित्तीय आपातकाल (अनुच्छेद 360): यदि भारत की वित्तीय स्थिरता को खतरा हो तो इसे घोषित किया जा सकता है। भारत में इसे कभी घोषित नहीं किया गया है।

न्यायिक शक्तियाँ

- क्षमादान की शक्ति (अनुच्छेद 72): राष्ट्रपति सजा को क्षमा कर सकते हैं, निलंबित कर सकते हैं, या कम कर सकते हैं।
- सलाहकारी अधिकार क्षेत्र: राष्ट्रपति कानून के किसी प्रश्न या सार्वजनिक महत्व के मामले पर सर्वोच्च न्यायालय की सलाह मांग सकते हैं।

भारत के उपराष्ट्रपति की शक्तियाँ

उपराष्ट्रपति की दोहरी भूमिका होती है, जिसमें विधायी और कार्यकारी दोनों कार्य शामिल होते हैं।

### विधायी भूमिका

- राज्यसभा के पदेन सभापति: उपराष्ट्रपति राज्यसभा (राज्यों की परिषद) की कार्यवाही की अध्यक्षता करते हैं।
- मतों के बराबर होने पर वोट: सभापति के रूप में, उपराष्ट्रपति बराबर मतों की स्थिति में निर्णायक वोट दे सकते हैं।

### कार्यकारी भूमिका

- कार्यवाहक राष्ट्रपति: राष्ट्रपति के पद में रिक्ति होने पर, जैसे कि इस्तीफा, पद से हटाया जाना, मृत्यु, या बीमारी के कारण कर्तव्यों का निर्वहन करने में असमर्थता की स्थिति में, उपराष्ट्रपति कार्यवाहक राष्ट्रपति के रूप में कार्य करते हैं।
- अधिकार: कार्यवाहक राष्ट्रपति के रूप में, उपराष्ट्रपति को राष्ट्रपति की सभी शक्तियाँ और विशेषाधिकार प्राप्त होते हैं। इस दौरान वे राज्यसभा के सभापति के रूप में कार्य नहीं करते हैं।

Question :- from which country we have borrow of our directive principle?

Answer : -

**The Directive Principles of State Policy (DPSP) were borrowed from the Constitution of Ireland.** The Irish constitution, in turn, was influenced by the Spanish Constitution.

The framers of the Indian Constitution, especially B.R. Ambedkar, were inspired by the Irish model's emphasis on social and economic principles for a modern democratic state. The inclusion of DPSPs was a way to establish a "welfare state" by outlining socio-economic goals, in addition to the political democracy guaranteed by Fundamental Rights.

### Other features borrowed from Ireland

**In addition to the DPSP, India also adopted other features from the Irish Constitution:**

- Nomination of members to Rajya Sabha: The President nominates members to the Rajya Sabha who have special knowledge or practical experience in literature, science, art, and social service.
- Method of presidential election: The system for electing the President of India is modelled on the Irish system of proportional representation by means of a single transferable vote.

Question :- **what is the bill 130? Recently introduce in parliament.**

Answer :- jail in 30 days resign the minister.

Bill 130, or the Constitution (One Hundred and Thirtieth Amendment) Bill, 2025, was introduced in the Lok Sabha on August 20, 2025, during the monsoon session of Parliament. It was introduced by Union Home Minister Amit Shah. The Bill proposes to amend Articles 75 and 164 of the Constitution to establish a mechanism for the removal of ministers, including the Prime Minister and Chief Ministers, who are arrested on serious charges and held in custody.

### Key provisions of the Bill

- Automatic removal: If a Union or State Minister is arrested for a serious offense—one punishable by a minimum of five years' imprisonment—and is held in continuous custody for 30 days, they would be automatically removed from their post.

\*\*\* president can add and advise of the working on the ministry.

Question :- **from where we have adopted the president concept?**

Answer : - **USA**

The concept of the Indian President is a synthesis of ideas from several countries, primarily Ireland, the United Kingdom, and the United States, adapted to suit India's unique constitutional framework. The specific aspects of the President's role were borrowed from these different sources.

#### **Ireland: Method of election**

**India adopted** the method of electing its president from the **Constitution of Ireland**. This method is a system of proportional representation by means of the single transferable vote, which is used by an electoral college.

#### **France: Republican form**

The concept of India being a "Republic" with an elected head of state, rather than a hereditary monarch, was influenced by the French Constitution. This principle ensures the President is elected for a fixed term, upholding the country's democratic principles

राष्ट्रपति पद की अवधारणा को कई देशों से लिए गए विचारों के संयोजन से अपनाया गया है, जिनमें मुख्य रूप से आयरलैंड, यूनाइटेड किंगडम और संयुक्त राज्य अमेरिका शामिल हैं। इसे भारत के अनूठे संवैधानिक ढांचे के अनुरूप ढालने के लिए इन देशों से विभिन्न पहलुओं को लिया गया है।

आयरलैंड: चुनाव की विधि

भारत ने अपने राष्ट्रपति के चुनाव की विधि आयरलैंड के संविधान से ली है। यह विधि एकल संक्रमणीय वोट के माध्यम से आनुपातिक प्रतिनिधित्व की प्रणाली है, जिसका उपयोग एक निर्वाचक मंडल द्वारा किया जाता है।

यूनाइटेड किंगडम: नाममात्र का प्रमुख

भारतीय राष्ट्रपति की संवैधानिक स्थिति एक नाममात्र या औपचारिक राष्ट्राध्यक्ष के रूप में ब्रिटिश राजशाही से प्रेरित है। इस संसदीय प्रणाली में:

- राष्ट्रपति राज्य का प्रमुख होता है, लेकिन वास्तविक कार्यकारी शक्ति का प्रयोग नहीं करता।
- कार्यकारी शक्ति, व्यवहार में, प्रधानमंत्री और मंत्रिपरिषद द्वारा प्रयोग की जाती है।
- राष्ट्रपति के कार्य काफी हद तक औपचारिक होते हैं, जो यूके के सम्राट के समान हैं।

संयुक्त राज्य अमेरिका: महाभियोग और अन्य कार्य

भारत ने कुछ राष्ट्रपति कार्यों और शक्तियों के लिए अमेरिकी संविधान से प्रेरणा ली:

- महाभियोग: राष्ट्रपति पर महाभियोग चलाने की प्रक्रिया अमेरिकी संविधान से अपनाई गई थी।
- उपराष्ट्रपति का पद: उपराष्ट्रपति का पद भी अमेरिकी मॉडल से अपनाया गया था, हालांकि भूमिकाएं और जिम्मेदारियां व्यवहार में भिन्न हैं।

फ्रांस: गणतांत्रिक स्वरूप

भारत के "गणराज्य" होने की अवधारणा, जिसमें एक निर्वाचित राष्ट्राध्यक्ष होता है न कि वंशानुगत सम्राट, फ्रांसीसी संविधान से प्रभावित थी। यह सिद्धांत सुनिश्चित करता है कि राष्ट्रपति एक निश्चित अवधि के लिए चुना जाए, जिससे देश के लोकतांत्रिक सिद्धांतों को बनाए रखा जा सके।

\*\*\*\* president is not a member of rajya sabha.

\*\*\*\* speaker is the member of the house.

Impeachment is in the article 61

राष्ट्रपति के महाभियोग की प्रक्रिया का उल्लेख भारतीय संविधान के अनुच्छेद 61 में किया गया है।

यह प्रक्रिया राष्ट्रपति को "संविधान का उल्लंघन" करने के लिए पद से हटाने के लिए अपनाई जाती है। इसकी मुख्य विशेषताएं इस प्रकार हैं:

- सदन की शुरुआत: महाभियोग की कार्यवाही संसद के किसी भी सदन (लोकसभा या राज्यसभा) में शुरू हो सकती है।
- विशेष बहुमत: प्रस्ताव को सदन की कुल सदस्यता के कम से कम दो-तिहाई बहुमत से पारित करना होता है, जहाँ यह शुरू होता है।
- दूसरे सदन की भूमिका: एक सदन द्वारा प्रस्ताव पारित करने के बाद, इसे आरोपों की जाँच के लिए दूसरे सदन में भेजा जाता है।
- अंतिम प्रस्ताव: यदि दूसरा सदन भी जाँच के बाद दो-तिहाई बहुमत से प्रस्ताव पारित कर देता है, तो राष्ट्रपति को पद से हटा दिया जाता है।
- नोटिस की आवश्यकता: महाभियोग का प्रस्ताव लाने से पहले, कम से कम 14 दिन का नोटिस दिया जाना चाहिए, जिस पर सदन के एक-चौथाई सदस्यों के हस्ताक्षर हों।

यह एक बहुत ही गंभीर प्रक्रिया है, और भारत में आज तक किसी भी राष्ट्रपति पर महाभियोग नहीं लगाया गया है।

The procedure for the impeachment of the President is outlined in Article 61 of the Indian Constitution.

This procedure is used to remove the President for "violation of the Constitution." Its main features are as follows:

- Initiation in a House: Impeachment proceedings can be initiated in either House of Parliament (Lok Sabha or Rajya Sabha).
- Special Majority: The resolution must be passed by a special majority of not less than two-thirds of the total membership of the House where it is initiated.
- Role of the Other House: After one House passes the resolution, it is sent to the other House for investigation of the charges.
- Final Resolution: If the second House also passes the resolution with a two-thirds majority after the investigation, the President is removed from office.
- Notice Requirement: Before moving the impeachment resolution, a minimum of 14 days' notice must be given, signed by at least one-fourth of the members of the House.

### Impeachment on any judge?

While no judge in India has been successfully removed from office through a **full impeachment process**, several have faced the procedure, and some resigned before it could be completed. The impeachment procedure for judges is governed by the **Judges (Inquiry) Act, 1968**, and applies to judges of both the Supreme Court and High Courts.

Judges who have faced the impeachment process

Several judges in India have faced impeachment proceedings:

- **Justice V. Ramaswami (Supreme Court, 1993)**: An inquiry committee found him guilty of financial and administrative irregularities, but the impeachment motion in the Lok Sabha failed to pass due to insufficient votes.
- **Justice Soumitra Sen (Calcutta High Court, 2011)**: The Rajya Sabha passed an impeachment motion against him for misappropriating public funds, but he resigned before the motion went to the Lok Sabha.

- **Justice P.D. Dinakaran (Sikkim High Court, 2011):** Faced removal proceedings in the Rajya Sabha over accusations of misconduct and corruption, but resigned before the process concluded.
- **Justice J.B. Pardiwala (Gujarat High Court, 2015):** An impeachment motion was initiated in the Rajya Sabha regarding remarks on the reservation policy but was later withdrawn.
- **Justice S.K. Gangele (Madhya Pradesh High Court, 2015):** Faced accusations of sexual harassment, but an inquiry found insufficient evidence.
- **Justice C.V. Nagarjuna Reddy (High Court of Andhra Pradesh and Telangana, 2017):** Impeachment motions were initiated in Parliament over allegations of financial misconduct and victimization, but the process stalled.
- **Chief Justice of India Dipak Misra (Supreme Court, 2018):** Opposition parties proposed an impeachment motion over administrative misconduct and case allocation, but it was rejected by the Vice President.

#### Recent developments (2025) for impeachment motion.

In 2025, an impeachment motion was initiated against former **Delhi High Court judge Justice Yashwant Varma**. Another motion was moved against Justice Shekhar Kumar Yadav of the Allahabad High Court.

#### Reasons for a lack of successful impeachment

Successful impeachment of judges in India is difficult due to several factors: the requirement of a special majority in both houses of Parliament, the political nature of the process, and the option for judges to resign before completion, which allows them to retain retirement benefits.

अब तक भारत में किसी भी न्यायाधीश पर महाभियोग चलाकर उसे पद से नहीं हटाया गया है। हालाँकि, कई न्यायाधीशों ने इस प्रक्रिया का सामना किया है और कुछ ने तो प्रक्रिया पूरी होने से पहले ही इस्तीफा दे दिया था। न्यायाधीशों के लिए महाभियोग प्रक्रिया न्यायाधीश (जाँच) अधिनियम, 1968 के तहत शासित होती है, और यह सर्वोच्च न्यायालय और उच्च न्यायालयों दोनों के न्यायाधीशों पर लागू होती है।

Question :- **what is article 143?**

Answer :-

Article 143 of the Indian Constitution grants the President the power to consult the Supreme Court and seek its advisory opinion on matters of public importance. This power is known as the Supreme Court's advisory jurisdiction. The Supreme Court's opinion is not a judicial pronouncement and is not legally binding on the President.

The statement "**The President may seek the advice from the Supreme Court, and the Supreme Court may give advice**" is partially correct because the situation depends on which clause of Article 143 is being used.

When the Supreme Court *may* give its opinion (Article 143(1))

- The President's power: The President "may" refer a question of law or fact that is of public importance.
- The Supreme Court's discretion: The Supreme Court "may" report its opinion on the matter. It is not obligated to provide an opinion. In fact, the Supreme Court has previously declined to offer an opinion on a reference.

When the Supreme Court *shall* give its opinion (Article 143(2))

- The President's power: The President "may" refer a dispute arising out of a pre-Constitution treaty, agreement, or similar instrument.

- The Supreme Court's obligation: In this specific case, the Supreme Court "shall" report its opinion to the President. It is obligated to give its advice.

#### Summary of accuracy

Your statement correctly describes the situation under Article 143(1), where the Supreme Court has the discretion to offer its advice. However, it misses the distinction in Article 143(2), where the Supreme Court has no discretion and must provide its opinion.

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#### Reference case state of tamilnadu vs governor of Tamilnadu.

The reference case is State of Tamil Nadu vs. Governor of Tamil Nadu, in which the Supreme Court delivered a landmark judgment on April 8, 2025. The case arose from a prolonged standoff between the Tamil Nadu government and then-**Governor R.N. Ravi** regarding the delayed assent to several bills passed by the state legislative assembly.

#### Background of the dispute

- Prolonged inaction: Between November 2020 and April 2023, the Tamil Nadu legislature passed 13 bills. Governor Ravi either withheld his assent or returned 10 of these bills without any timely communication.
- Repeated passage by assembly: The state assembly, having re-approved the bills without significant changes, sent them back to the Governor. However, the Governor reserved these re-passed bills for the President's consideration under Article 201, a move the court later found unconstitutional.
- Writ petition: The Tamil Nadu government, led by the DMK, filed a writ petition in the Supreme Court, challenging the Governor's prolonged inaction and perceived misuse of power.

#### Supreme Court's judgment

A Division Bench of **Justices J.B. Pardiwala and R. Mahadevan** delivered the unanimous **verdict on April 8, 2025**.

#### Time line in this case for governor and president.

In the April 8, 2025 judgment in *State of Tamil Nadu vs. Governor of Tamil Nadu*, the Supreme Court established specific timelines for Governors to act on bills. The judgment was a significant intervention against the indefinite delays, or "pocket veto," of bills by Governors.

#### article 142 is the RAM BAAN for supreme court.

**Power of this article 142 borrow from Canada??? nooooooooooooo**

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Question :- **what is legislative assembly and what is legislative council?**

Answer :-

Legislative council is in 6 states only.

Question : -What is fundamental duty? And why it is?

Answer : - there is a right there is a duty.

What is article 42 amendment add article 15 (A) from A to K.

## CONSTITUTION 25.8.25 TO 29.8.25

The 42nd Amendment Act of 1976 added Article 51A, not Article 15(A). This new article introduced a list of ten Fundamental Duties for citizens, categorized as sub-clauses (a) to (j). The sub-clause (k) was added later by the 86th Amendment in 2002.

### Fundamental duties under Article 51A

Article 51A outlines several fundamental duties for citizens, which are considered moral obligations and are not enforceable by courts. These duties, categorized as (a) through (j), include respecting the Constitution, following ideals of the freedom struggle, protecting sovereignty and unity, defending the country, promoting harmony, preserving diverse culture, protecting the environment, developing scientific thinking, protecting public property, and striving for excellence.

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### Fundamental right and fundamental duty.

| Aspect               | Fundamental Rights                                                                                                             | Fundamental Duties                                                                            |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Constitutional Basis | Enshrined in Part III (Articles 12-35) of the Constitution.                                                                    | Contained in Part IV-A (Article 51A).                                                         |
| Justiciability       | Justiciable and legally enforceable by courts. A person can move the High Court or Supreme Court if their rights are violated. | Non-justiciable and not legally enforceable by courts.                                        |
| Scope                | Empowers and protects individual liberties and freedoms against arbitrary state actions.                                       | Reminds citizens of their civic responsibilities towards the nation and society.              |
| Nature               | Considered entitlements or claims that an individual can make against the state.                                               | Seen as moral and ethical obligations for citizens to voluntarily fulfill.                    |
| Applicability        | Some rights are available to all individuals, while others are for citizens only.                                              | Apply only to citizens of India.                                                              |
| Origin               | Present in the original Constitution of 1950.                                                                                  | Added by the 42nd Amendment Act of 1976 on the recommendations of the Swaran Singh Committee. |
| Amendment            | The Parliament can amend them, but not in a way that violates the "basic structure" of the Constitution.                       | The Parliament can amend them easily.                                                         |

The Indian Constitution lists six Fundamental Rights: the 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), and Right to Constitutional Remedies (Article 32).

## CONSTITUTION 25.8.25 TO 29.8.25

The eleven Fundamental Duties, added by amendments in 1976 and 2002, include responsibilities such as respecting the Constitution and national symbols, upholding sovereignty, defending the country, promoting harmony, preserving heritage and environment, developing scientific temper, safeguarding public property, striving for excellence, and providing education for children.

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Question : - **When 42 amendments enforce?**

Answer : - The 42nd Amendment of the Indian Constitution was passed in 1976 and came into force on January 3, 1977.

The amendment was enacted during the Emergency period (1975–1977) and introduced widespread changes to the constitution, leading it to be called a "Mini-Constitution".

The 42nd Amendment Act of 1976, often called the "Mini-Constitution," was enacted during the Emergency by the **Indira Gandhi government** and brought sweeping, controversial changes to the Indian Constitution.

### Key changes introduced by the 42nd Amendment

Preamble

- Added three new words: The words "Socialist," "**Secular,**" and "**Integrity**" were added.
  - Changed national description: Changed India from a "sovereign, democratic republic" to a "**sovereign, socialist, secular, democratic republic**".
- 

send 51a to 51k in hindi

भारतीय संविधान के अनुच्छेद 51A में, प्रत्येक नागरिक के 11 मौलिक कर्तव्यों का उल्लेख किया गया है, जिन्हें हिंदी में 51क से 51ज और 51ट तक दर्शाया गया है

ये कर्तव्य इस प्रकार हैं:

- (क) संविधान का पालन करना और उसके आदर्शों, संस्थाओं, राष्ट्रध्वज और राष्ट्रगान का सम्मान करना।
  - (ख) स्वतंत्रता संग्राम के उच्च आदर्शों को सँजोना और उनका पालन करना।
  - (ग) भारत की संप्रभुता, एकता और अखंडता की रक्षा करना।
  - (घ) देश की रक्षा करना और राष्ट्र सेवा के लिए तत्पर रहना।
  - (ङ) सभी नागरिकों में समरसता और समान भ्रातृत्व की भावना का निर्माण करना, धर्म, भाषा, प्रदेश और वर्ग से ऊपर उठकर; स्त्रियों के सम्मान के विरुद्ध प्रथाओं का त्याग करना।
  - (च) सामासिक संस्कृति की गौरवशाली परंपरा का महत्त्व समझना और उसे बनाए रखना।
  - (छ) प्राकृतिक पर्यावरण की रक्षा और सुधार करना, जिसमें वन, झील, नदी और वन्यजीव शामिल हैं, तथा जीवों के प्रति दयाभाव रखना।
  - (ज) वैज्ञानिक दृष्टिकोण, मानववाद और ज्ञानार्जन तथा सुधार की भावना विकसित करना।
  - (झ) सार्वजनिक संपत्ति की सुरक्षा करना और हिंसा से दूर रहना।
  - (ञ) व्यक्तिगत और सामूहिक गतिविधियों के सभी क्षेत्रों में उत्कृष्टता की ओर बढ़ना ताकि राष्ट्र निरंतर प्रगति कर सके।
  - (ट) छह से चौदह वर्ष के बच्चों को शिक्षा के अवसर प्रदान करना (86वें संशोधन द्वारा जोड़ा गया)
- 

\*\* we get fundamental right protection in article 12 against the state.

\*\* anybody can file a rit petition under article 32 to S.C. in fundamental right and article 226 in H.C. and it is not fall in section (III) in the constitution.

\*\*\* under the article 141 that any case decided in S.C. will be binding for all the lower court.

Question :- **which court is more powerful?**

Answer :- both the court are **supplementary and complimentary** of each other.

Question :- **total high court in India?**

Answer :- 25

Question :- **total states in India?**

Answer :- 28

Question :- **total union territory in India?**

Answer :- 8

Dadar nagar haveli + daman deep club in

The former Union Territories of Dadra and Nagar Haveli and Daman and Diu were merged in January 2020. The merger officially took effect on January 26, 2020.

The merger was enabled by the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Bill, 2019, which was passed by the Parliament of India in December 2019. The primary goal was to enhance administrative efficiency and reduce duplication by creating a single, larger Union Territory

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Question :- **what was the recent amendment (106 AMENDMENT)?**

Answer :- The 106th Constitutional Amendment Act, known as the Nari Shakti Vandan Adhiniyam, was enacted in 2023. It reserves one-third (33%) of seats in the Lok Sabha, state legislative assemblies, and the Delhi assembly for women.

Key provisions include reserving one-third of seats for women (33%) in various legislative bodies, with a sub-quota for Scheduled Caste and Scheduled Tribe women within their reserved seats. The reservation is for 15 years, extendable by Parliament, and reserved seats will rotate after each delimitation exercise

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Question :- **how many state have their own legislative council?**

Answer :- As of August 2025, there are six states in India that have a legislative council (Vidhan Parishad), functioning as the upper house of their state legislature. The states with a bicameral legislature are:

- **Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, Uttar Pradesh**
- 

**\*\*** tamilnadu want to close the legislative council and west bangal want to open the legislative council. The Tamil Nadu Legislative Council was abolished by the AIADMK government in 1986.

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**\*\*\*This type of amendment rule borrows from south Africa.** The Indian amendment process, like South Africa's, strikes a balance between rigidity and flexibility. It is not as simple as amending the constitution of the United Kingdom, nor as difficult as in the United States

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Definition

**Amendment means making changes to the Constitution under Article 368**, which empowers Parliament and provides it with the authority to change any provision of the Constitution by following the procedure laid down in Article 368. Till date, the **Constitution of India has been amended 106 times**.

And this concept of constitution amendment is borrowed from south Africa.

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In our country India we have single citizen ship method which we have borrow this concept from Canada.

Earlier, Jammu and Kashmir had the provision of dual citizenship. However, with the abrogation of Article 370 and the enactment of the Jammu and Kashmir Reorganisation Act, 2019, the special status of the state was withdrawn, and the arrangement of having two flags and two constitutions was abolished.

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**“One Nation, One Citizenship” is more of a constitutional principle, not an Act. It comes from Article 5–11 of the Indian Constitution and the Citizenship Act, 1955.**

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Question :- **emergency details in constitution?**

**Emergency Provisions (Part XVIII, Articles 352–360)**

| Type of Emergency                  | Article | Grounds                                          | Effect                                                                                                                                                                                       | Example/Status                                                                      |
|------------------------------------|---------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| National Emergency                 | 352     | War, external aggression, or armed rebellion     | <ul style="list-style-type: none"> <li>- Fundamental Rights under Art. 19 suspended</li> <li>- Centre gets power over State subjects</li> <li>- Life of Lok Sabha can be extended</li> </ul> | Declared 3 times (1962 – China war, 1971 – Pakistan war, 1975 – Internal Emergency) |
| State Emergency / President’s Rule | 356     | Failure of constitutional machinery in a State   | <ul style="list-style-type: none"> <li>- President assumes State govt. powers</li> <li>- Parliament exercises State Legislature powers</li> </ul>                                            | Imposed 100+ times (e.g., J&K, Punjab, Uttarakhand, etc.)                           |
| Financial Emergency                | 360     | Threat to financial stability or credit of India | <ul style="list-style-type: none"> <li>- Union controls financial matters of States</li> <li>- Salaries of govt. employees/judges can be reduced</li> </ul>                                  | Never declared till date                                                            |

India borrowed the concept of Emergency provisions (Articles 352–360) from the Weimar Constitution of Germany (1919).