

UNIT – I

The Indian Constitution

Meaning • Constitutionalism • Preamble • Citizenship

Explanatory Lecture Slides

Topics Covered in Unit-I

01

Meaning & Definition of Constitution

Kinds • Constitutionalism • Salient Features

02

Preamble of the Constitution

Meaning • Scope • Importance • Objectives & Values

03

Citizenship

Modes of Acquisition & Termination

What is a Constitution?

A Constitution is the **supreme law** of a country. It is a body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed.

It defines the structure, powers, and functions of the organs of government and the relationship between the state and its citizens.

Key Characteristics

Supreme Law

Overrides all other laws; any law inconsistent with it is void

Framework of Govt

Creates and limits the powers of Legislature, Executive & Judiciary

Rights & Duties

Guarantees fundamental rights and imposes duties on citizens

Living Document

Capable of growth and adaptation through interpretation & amendment

Classification of Constitutions

Written vs Unwritten

Written: Codified in a single or series of documents (India, USA).

Unwritten: Based on customs, conventions, statutes & judicial decisions (UK, New Zealand).

Rigid vs Flexible

Rigid: Special & difficult amendment procedure (USA).

Flexible: Can be amended by ordinary legislative process (UK).

Federal vs Unitary

Federal: Division of powers between Centre & States (India, USA).

Unitary: All powers concentrated in Central Government (UK, France).

INDIA'S POSITION

India has a Written, Federal (with unitary bias), and a unique blend of Rigid & Flexible Constitution. It is the lengthiest written Constitution in the world.

The Doctrine of Constitutionalism

Constitutionalism is the idea that government should be limited by a constitution — that power must be constrained by law. It is not merely having a constitution, but the principle that the constitution is the **supreme check** on arbitrary exercise of power.

1

Limited Government

No organ of the State is above the Constitution. All powers are derived from and limited by it.

2

Rule of Law

Equality before law, absence of arbitrary power, and predominance of legal spirit (A.V. Dicey).

3

Separation of Powers

Division of functions among Legislature, Executive and Judiciary to prevent concentration of power.

Salient Features of the Indian Constitution

Longiest Written Constitution

Most detailed Constitution in the world with 395 Articles (originally), 12 Schedules & numerous amendments.

Drawn from Various Sources

Borrowed from UK (Parliamentary system), USA (Fundamental Rights, Judicial Review), Ireland (DPSP), Canada (Federation), etc.

Blend of Rigidity & Flexibility

Some provisions require special majority + ratification by States; others can be amended by simple majority.

Federal System with Unitary Bias

Strong Centre, single citizenship, integrated judiciary, emergency provisions that can make it unitary.

Parliamentary Form of Government

President is nominal head; real executive power with Council of Ministers responsible to Lok Sabha.

Independent Judiciary

Supreme Court as guardian of the Constitution with power of Judicial Review.

More Distinctive Features

Fundamental Rights

Part III guarantees six categories of Fundamental Rights enforceable by courts under Art. 32 & 226.

Fundamental Duties

Part IVA (Art. 51A) – eleven duties of citizens added by 42nd Amendment, 1976.

Universal Adult Franchise

Every citizen aged 18+ has the right to vote without discrimination of caste, creed, sex or education.

Directive Principles of State Policy

Part IV – non-justiciable guidelines for the State to establish a welfare state and social justice.

Secular State

No official religion; State maintains equidistance from all religions (42nd Amendment added 'Secular').

Single Citizenship

Unlike USA, India provides only one citizenship – Indian citizenship – throughout the territory.

Meaning, Scope & Importance

What is the Preamble?

The Preamble is the introductory statement to the Constitution. It sets out the ideals, objectives and basic principles that the Constitution seeks to achieve.

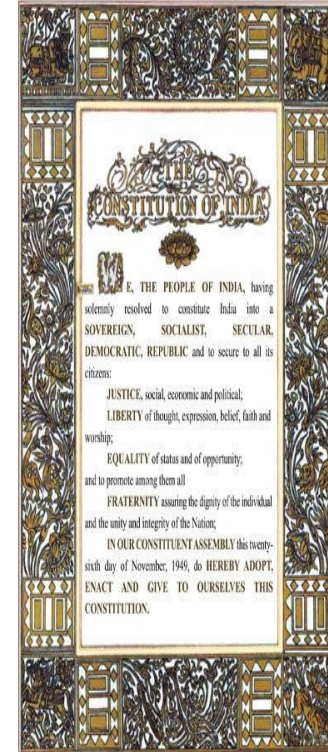
Key Aspects

Source: “We, the People of India” – sovereignty of the people

Nature of State: Sovereign, Socialist, Secular, Democratic, Republic

Objectives: Justice, Liberty, Equality, Fraternity

Date: Adopted on 26 November 1949



Objectives & Values Enshrined

WE, THE PEOPLE OF INDIA

having solemnly resolved to constitute India into a

SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC

and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do

HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Why the Preamble Matters

01

Key to the Constitution

It is a key to open the minds of the makers and to understand the purpose behind various provisions.

02

Interpretative Tool

Courts use it as an aid in interpreting ambiguous provisions (Kesavananda Bharati case – basic structure).

03

Not Enforceable Alone

The Preamble is not a source of power or limitation; it is not justiciable by itself.

04

Part of the Constitution

Supreme Court held that Preamble is part of the Constitution (Kesavananda Bharati, 1973).

05

Reflects Philosophy

Embodies the ideals of the freedom struggle and the vision of the Constituent Assembly.

06

Amendment Possible

Can be amended (42nd Amendment added Socialist, Secular, Integrity) but basic structure cannot be altered.

Citizenship under the Constitution

Constitutional Framework

Part II (Articles 5–11) of the Constitution deals with Citizenship.

The Constitution does not exhaustively define who is a citizen. It only identifies persons who became citizens at the commencement of the Constitution (26 Jan 1950).

Parliament is empowered under **Article 11** to regulate the right of citizenship by law. The **Citizenship Act, 1955** is the principal legislation governing acquisition and termination of citizenship.

Modes of Acquisition (Citizenship Act, 1955)

By Birth

Section 3

Born in India on or after 26 Jan 1950 but before 1 July 1987 → citizen irrespective of parents' nationality. After 1987, at least one parent must be Indian citizen.

By Descent

Section 4

Born outside India to Indian citizen parents. After 3 Dec 2004, registration of birth at Indian Consulate within one year is required.

By Registration

Section 5

Available to persons of Indian origin, spouses of Indian citizens, minor children of Indian citizens, and OCI cardholders after specified residence.

By Naturalisation

Section 6

Foreigners who have resided in India for 12 years (with continuous residence of 12 months immediately before application) and fulfil other conditions.

By Incorporation of Territory

Section 7

When a new territory becomes part of India (e.g., Goa, Sikkim, Pondicherry), the Government may specify the persons who shall be citizens.

How Citizenship can be Lost

Renunciation

Any citizen of full age and capacity may renounce Indian citizenship by making a declaration. Upon registration of the declaration, the person ceases to be a citizen. Minor children of such person also cease to be citizens (can resume on attaining majority).

Termination

If a citizen voluntarily acquires the citizenship of another country, he/she automatically ceases to be an Indian citizen. India does not allow dual citizenship (except limited OCI status).

Deprivation

The Central Government may deprive a person of citizenship if it was obtained by fraud, false representation, or if the person has shown disloyalty to the Constitution, or has been ordinarily resident outside India for 7 continuous years without registration, or has been sentenced to imprisonment for 2+ years within 5 years of naturalisation.

HISTORICAL MOMENT

Adoption of the Constitution



25 November 1949

Dr. B.R. Ambedkar, Chairman of the Drafting Committee, presents the final draft of the Constitution to Dr. Rajendra Prasad, President of the Constituent Assembly.

The Constitution was adopted on 26 November 1949 and came into force on 26 January 1950 (Republic Day).

QUICK RECAP

Key Takeaways from Unit-I

Constitution

Supreme law; written, federal with unitary bias, blend of rigid & flexible; lengthiest in the world.

Constitutionalism

Limited government, Rule of Law, Separation of Powers — power must be constrained by the Constitution.

Preamble

Soul of the Constitution; declares Sovereign Socialist Secular Democratic Republic; enshrines Justice, Liberty, Equality, Fraternity.

Citizenship

Acquired by birth, descent, registration, naturalisation or incorporation of territory; lost by renunciation, termination or deprivation.

Thank You

“Constitution is not a mere lawyers’ document, it is a vehicle of life, and its spirit is always the spirit of the age.”

— Dr. B.R. Ambedkar
