

CLASS 9 CHAPTER 4 (SS-1 PART 1)

Distribution of Power in the Indian Constitution

Objective Resolution

- The Constituent Assembly declares its solemn determination to make India an independent sovereign republic and to frame a constitution for it.
- The independent sovereign India would be a union of former British Indian territories, Indian states and other parts outside British India willing to become a part of the Indian Union.
- The territories forming the Union of India will be autonomous units. In addition, they are vested with all powers and duties not vested in the Central Government.
- All the powers of an independent sovereign India will emanate from the people.
- Social, economic and political justice, equality of status, equality of opportunity and equality before the law, as well as fundamental freedom of speech, expression, belief, worship, profession, association and assembly, subject to law and public morality, shall be ensured and protected for all the people of India.

Nehru's Vision: A call to shed foreign rule and lead the nation toward a hopeful, responsible future.

The Task of the Constituent Assembly: Post-August 15, 1947, the assembly carried the massive responsibility of shaping the nation.

Overcoming Past Injustices: Eradicating British discrimination, anti-democratic policies, caste oppression, and human rights abuses.

Two Core Promises of Independent India:

Establishing a democratic governance system.

Building a welfare state.

Key Milestones: The creation of the Constituent Assembly and Nehru's Objectives Resolution were the foundational steps toward achieving these goals.



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Introduction of the Objectives Resolution: Jawaharlal Nehru introduced the Objectives Resolution in the Constituent Assembly on December 13, 1946.

Core Content: The resolution encapsulated the major vision and principles put forward by the Indian National Movement.

THE CONSTITUTION OF INDIA PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **¹[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 **²[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.**

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Sovereign Democratic Republic" (w.e.f. 3.1.1977)
2. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Unity of the Nation" (w.e.f. 3.1.1977)



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Features of the Constitution

- **Constituted Date:** The Constituent Assembly was constituted on 6th December 1946 based on the recommendation of the Cabinet Mission.
- **Duration:** The drafting process took 2 years, 11 months, and 17 days (starting from 9th December 1946).
- **Adoption Date:** Adopted on 26th November 1949.
- **Enactment Date:** Came into force on 26th January 1950 and continues to act as a living document.
- **Original Structure:** Originally comprised 395 articles and 8 schedules divided across 22 parts.

Key Features Mentioned

The Largest Written Constitution:

- A comprehensive and extensive document containing about 1.5 lakh (one and a half hundred thousand) words.
- Contains detailed content taking into account the country's diversity and vastness.

Parliamentary Democracy:

- Members of the executive are drawn directly from the legislature.
- The legislature exercises control over the executive.

Rigid and Flexible Structure:

- Special procedures must be followed to amend certain provisions, while others can be amended through the ordinary legislative manner.

Fundamental Rights and Fundamental Duties:

- **Fundamental Rights:** Rights guaranteed by the state to every individual.
- **Fundamental Duties:** Responsibilities of citizens towards the state and society.

Directive Principles of State Policy:

→ Directions given to the state to guide the socio-economic development of the nation.

Bicameral Legislature:

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- Features a Lower House (Lok Sabha) representing the whole people and an Upper House (Rajya Sabha) representing the states to provide a second thought in legislation.

Federalism with a Strong Central Government:

- Division of powers between the centre and the states, though the Constitution enshrines special powers that give the centre an upper hand.

An Independent and Impartial Judiciary:

- A judiciary system functioning completely free from the control of the legislature and the executive.

Independent Constitutional Institutions:

- Autonomous institutions established to make the democratic system broad and meaningful.

Federalism

- Federalism is a system of administration where power is divided between two levels of government (the central government and the state governments) on the basis of the Constitution.
- It is an administrative arrangement in which the central and state governments share power.

Basic Features of Federalism

1. Written and Rigid Constitution
2. Division of Powers
3. Independent Judiciary

Reasons for Adopting the Federal System

- To strengthen democracy through power sharing between the Centre and the States.
- To help maintain the diversity and unity of our country equally.
- To effectively counter separatist tendencies by ensuring regional representation.
- To achieve economic progress and ensure the welfare of all sections by integrating various levels of government.
- To make the concept of democracy more meaningful through the sharing of power between the centre and the states.

Some of the features of Indian federalism

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Division of Powers in the Seventh Schedule

Union List:

- A list of subjects over which the Union Government has exclusive law-making powers.
- When the constitution came into force, there were 97 subjects.
- Examples: Foreign Affairs, Defence, Railways, Banking, Citizenship, etc.

State List:

- A list of subjects over which State governments have legislative powers in normal circumstances.
- Initially, it had 66 subjects.
- Examples: Agriculture, Jails, Police, Local Government, etc.

Concurrent List:

- A list of subjects over which both the Central and the State Governments have legislative powers.
- Initially, it had 47 subjects.
- Examples: Education, Forestry, Trade Unions, Marriage, Birth and Death Registration, etc.

Residuary Powers:



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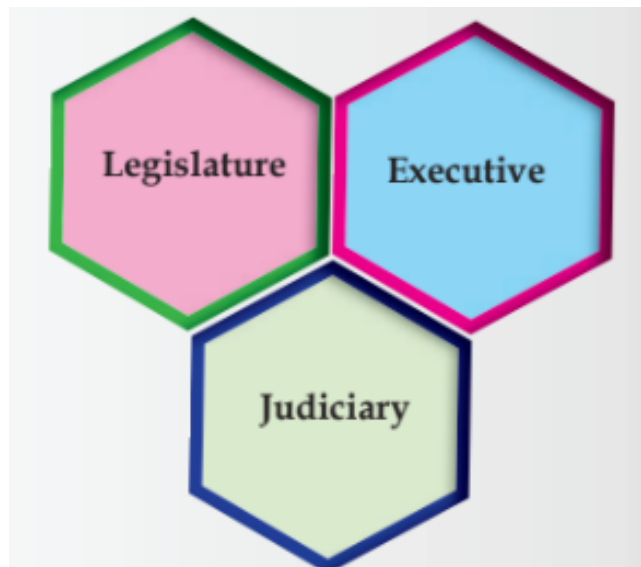
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- Subjects which are not included in the above three lists are called Residuary powers.
- The legislative power over these items is vested in the Central Government.
- Example: Cyber Laws.

Separation of Powers



Legislature in India

Definition & Function of Parliament:

- The legislative body of India is called the Parliament.
- Its primary responsibility is to make laws for the country.

Purpose of Legislation:

- Laws are made to anticipate people's aspirations, adapt to changes over time, and achieve new goals.

Structure of Parliament (Bicameralism):

- The Parliament of India is a bicameral legislature consisting of two houses:
 1. Lok Sabha
 2. Rajya Sabha

Importance of Bicameralism:



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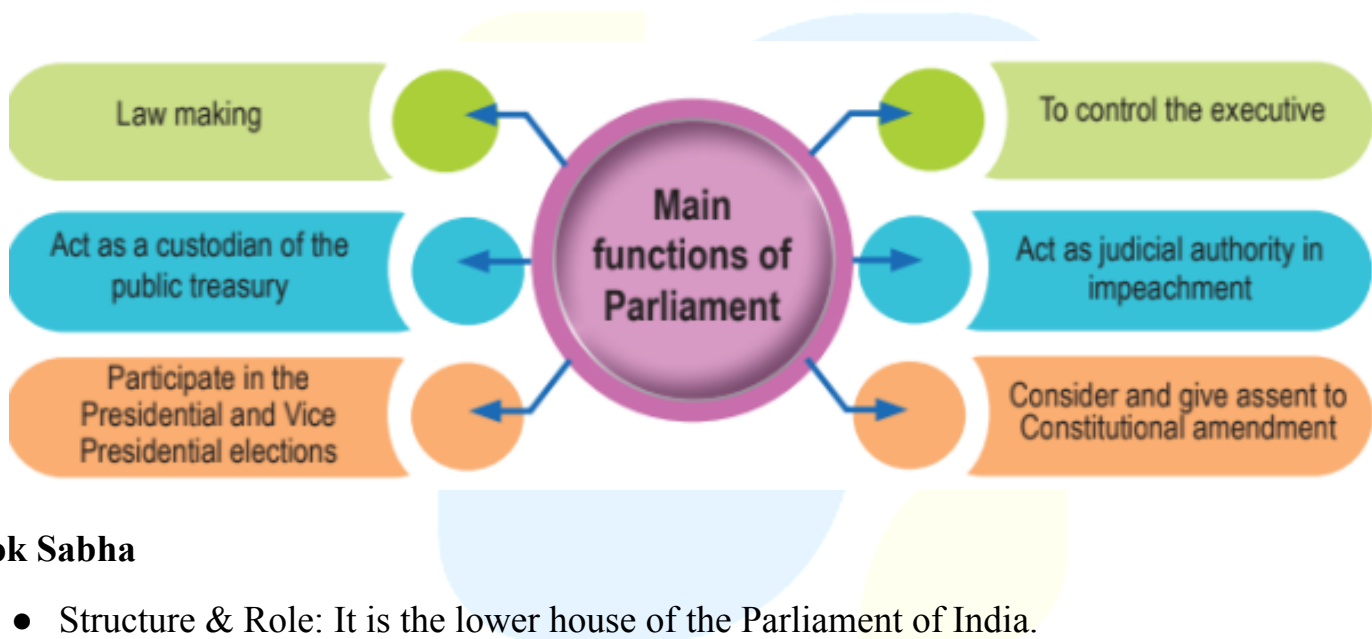
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- Large and diverse countries typically adopt bicameral legislatures to represent countrywide diversity (people and regions).
- It enables democratic discussions and debates.

State Legislatures:

- State legislatures hold the responsibility of making laws at the state level.

Functions of the Legislature



Lok Sabha

- Structure & Role: It is the lower house of the Parliament of India.
- Election Method: Members are elected directly by the citizens using a majority election system.
- Eligibility Age: Indian citizens must be at least 25 years of age to contest Lok Sabha elections.
- Tenure: The standard term of the Lok Sabha is 5 years.
- Member Capacity:

Maximum strength: 550 members.

Present strength: 543 members.



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- **Government Formation:** The formation and continuation of a government depend on having a majority in the Lok Sabha. If a ruling party or coalition loses its majority, a general election is held.
- **Presiding Officer:** The Lok Sabha is chaired by the Speaker.
- **Special Powers:** The Lok Sabha holds superior authority over the Rajya Sabha regarding financial matters; both Money Bills and No-Confidence Motions are introduced in the Lok Sabha.

Rajya Sabha (Upper House)

- **Structure & Representation:** It is the upper house of Parliament, representing states in proportion to their population.
- **Election Method:** Members are elected by the elected members of the State Legislative Assemblies.
- **Eligibility Age:** Indian citizens must have completed 30 years of age to contest elections.
- **Nature & Tenure:**

It is a permanent house (not subject to dissolution).

The term of office for a member is 6 years.

One-third of its members retire every 2 years, and elections are held for those vacant seats.

- **Presiding Officer:** It is chaired by the Vice President of India.
- **Member Capacity:**

Maximum strength: 250 members.

Elected members: 238.

Nominated members: 12 (nominated by the President).

- **Special Powers:**

Proceedings to remove the Vice President begin in the Rajya Sabha.

It holds the power to mandate Parliament to create a new All India Service.

Legislation in India

- **Authority to Make Laws:** The power to make laws in India is vested in the Parliament.



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- **Nature of Legislation:** Law-making is not just a technical process, but also a political process.

Purpose of Laws:

- Laws serve as the government's response to public opinion from various sections of society.
- They are often enacted to fulfill political party election promises and to facilitate administrative processes.

Preparation of a Bill:

- Once the Cabinet approves a proposed legislation, a draft of the law (known as a Bill) is prepared by officials.
- This draft is created under the supervision and guidance of the concerned ministry.

Types of Bills

- **Government Bill:** A bill presented by a Minister.
- **Private Bill:** A bill introduced by a Member of Parliament who is not a minister.
- **Money Bill:** Bills pertaining to public exchequer fund collection and public expenditure (presented initially in the Lok Sabha).
- **Non-Money Bills:** Bills other than Money Bills are called non-Money Bills. Includes Ordinary Bills and Constitutional Amendment Bills.

Stages of Law Making

1. **First Reading** Presentation of the bill in either house.
2. **Second Reading:** Debate on the bill or sending it to a committee; acceptance of amendments/changes.
3. **Third Reading** The house approves or rejects the bill.
4. **Passage in Second House & Presidential Assent:** After completion in one house, the same process repeats in the second house. Once both houses agree, it is submitted to the President for assent to become law.

Constitutional Amendment in India



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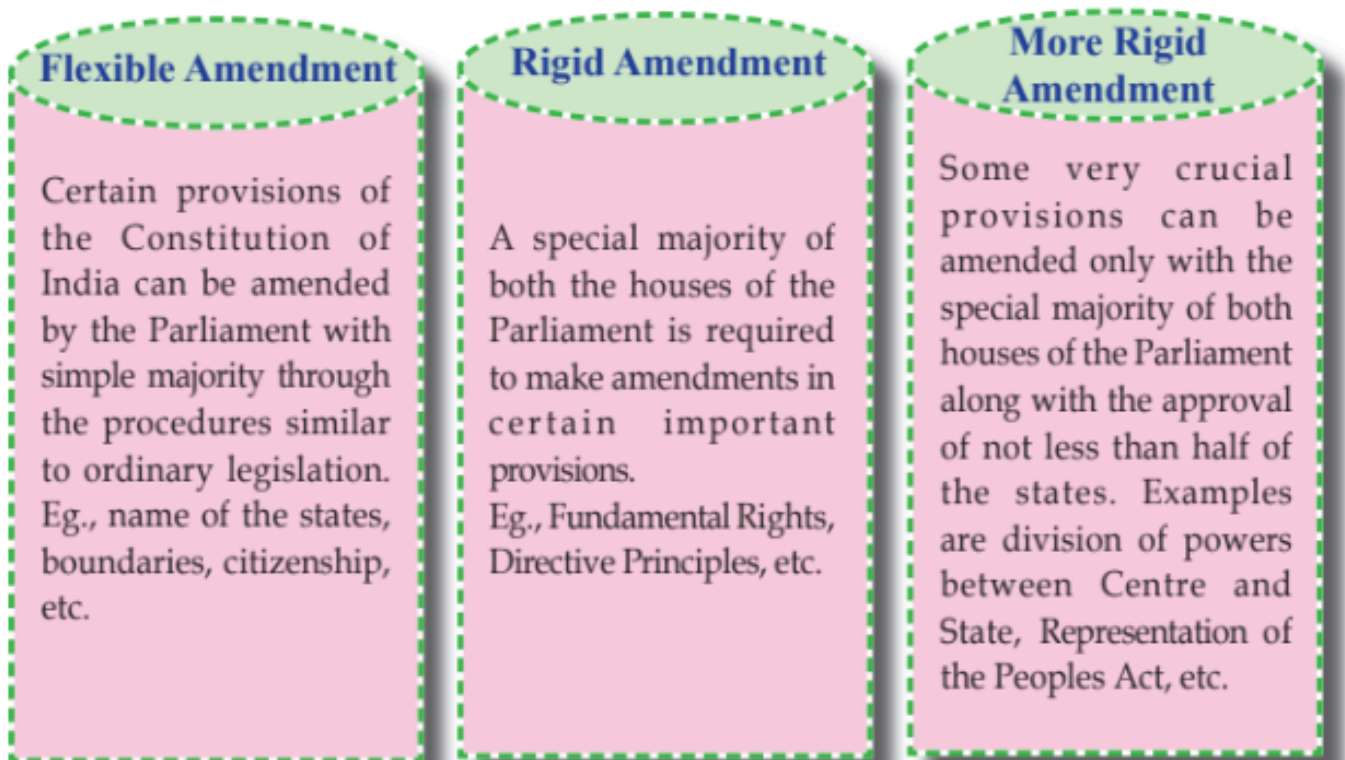


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- **Definition:** A constitutional amendment is the process of making corrections, omissions, or additions to the Constitution.
- **Purpose:** It helps alter the Constitution from time to time to address evolving socio-political needs.
- **Authority:** The power to amend the Constitution of India is vested exclusively in the Parliament.
- **Constitutional Provision:** Article 368 empowers the Parliament to amend the Constitution.
- **Presidential Assent:** An amendment bill does not require the prior assent of the President.
- **Approval Requirement:** The approval of both houses of Parliament (Lok Sabha and Rajya Sabha) is mandatory for the amendment bill to become law.
- **No Joint Sitting:** There is no provision for a joint sitting of both houses to resolve disagreements over a constitutional amendment bill.
- **Judicial Review:** The Judiciary holds the power to nullify any constitutional amendment law if it violates the text or intent of the Constitution.

Methods of Amendment

Methods of Amendment



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The Executive

- **Role & Function:** The Executive is the branch of government responsible for the implementation and administration of laws and policies.
- **Composition:** It consists of:
 - President
 - Vice President
 - Cabinet/Council of Ministers headed by the Prime Minister
- **Authority vs. Execution:**
 - Under constitutional provisions, executive powers are vested in the President.
 - However, these powers are practically exercised by the Council of Ministers led by the Prime Minister.



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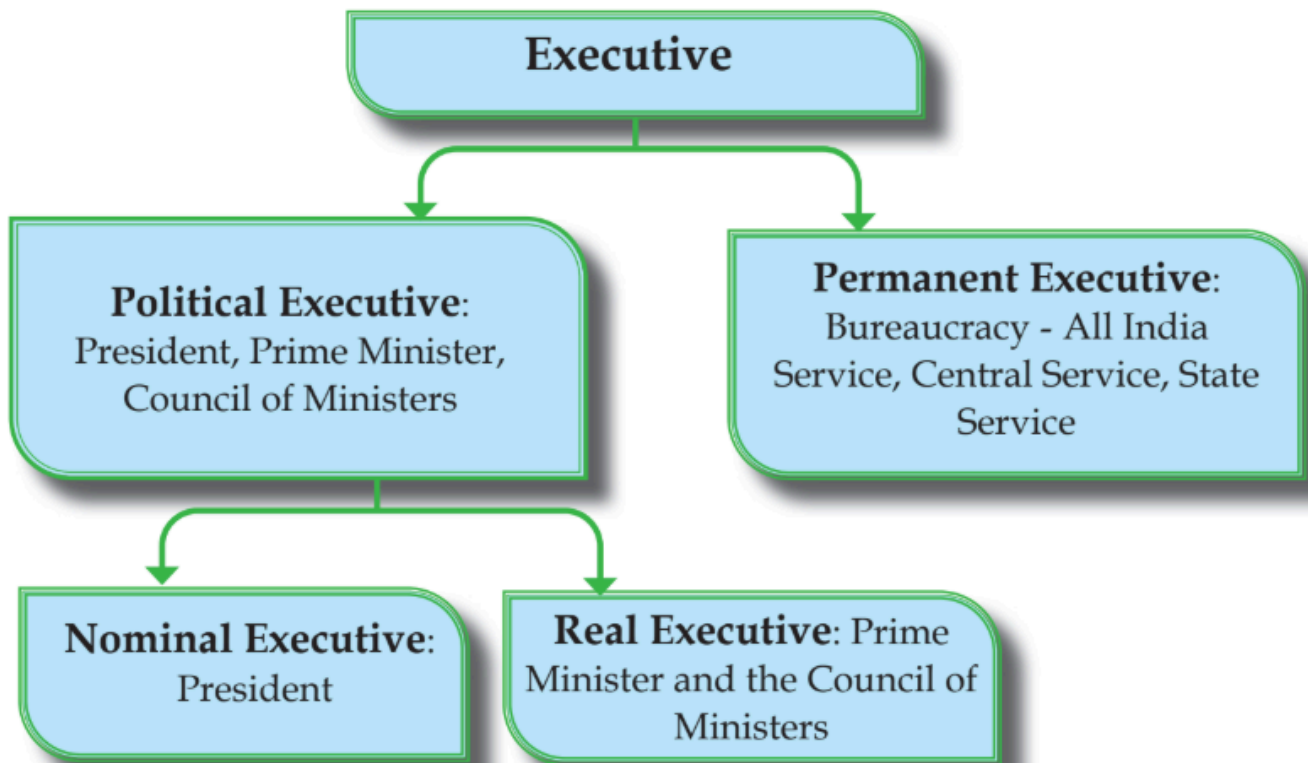
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Political Executive

- **Composition:** Consists of the President, Vice President, and the Council of Ministers headed by the Prime Minister.
- **Head of Executive:** Constitutionally, the President is the head of the executive.
- **Functioning:** The President must act in accordance with the advice of the Council of Ministers led by the Prime Minister, though there are situations where discretionary powers can be used.

President

- **Status:** Executive head of the State.
- **Eligibility:** Must be an Indian citizen who has completed 35 years of age.



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- Election: Elected by an Electoral College comprising the elected members of both Houses of Parliament and State Legislative Assemblies.

- Term: The official term of office is 5 years.

- Key Functions & Duties:

Summoning the Parliament and dissolving the Lok Sabha.

Appointing the Prime Minister, Council of Ministers, Supreme Court & High Court judges, and State Governors.

Declaring emergencies.

Acting as the Commander-in-Chief of the defense forces.

- resignation to the Vice President. In the President's absence, the Vice President performs all duties.

Prime Minister

- Status: Administrative head of the country, leader of the majority party/alliance in the Lok Sabha, and leader of the nation.

- Cabinet & Council Formation:

Forms the Council of Ministers and decides Cabinet members.

Has the authority to change portfolios, add members, or remove ministers from the Council of Ministers.

- Acts as the vital link between the President, the Cabinet, and the Parliament.
- Must submit resignation to the President if the majority in the Lok Sabha is lost before the 5-year term ends.

Functions of the Council of Ministers



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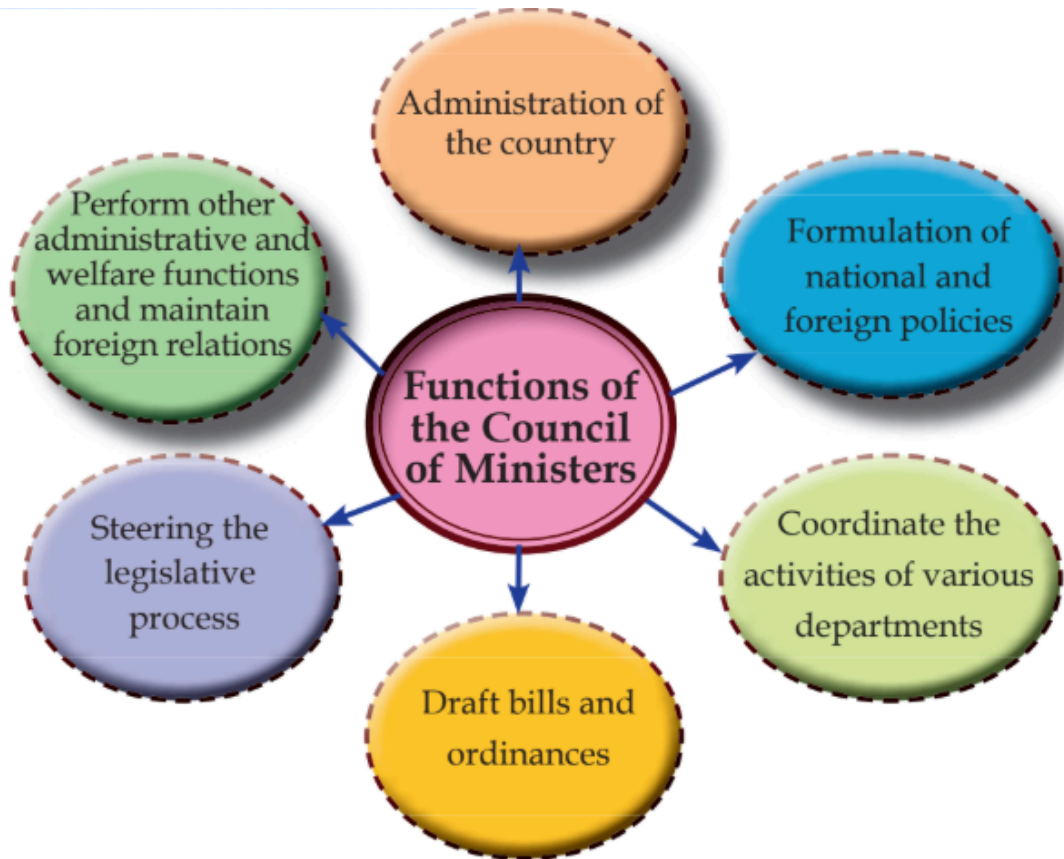
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Permanent Executive

- **Role & Function:** The bureaucracy is responsible for carrying out the day-to-day operations of the government.
- **Assisting the Executive:** They assist the political executive in formulating bills, including the budget.
- **Selection & Training:** They are a skilled and accomplished group selected through competitive examinations on the basis of merit and undergo formal training.
- **Tenure (Reason for the Name):** They are called the "Permanent Executive" because they hold office up to a fixed age of retirement.

Judiciary

- **Role & Function:** The Judiciary is the mechanism that ensures the Legislative and Executive branches function in accordance with the Constitution.
- **Protecting Rights & Values:** It protects the rights of citizens as well as constitutional values.



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- Because of its role in upholding constitutional principles, the Judiciary is known as the Protector of the Constitution.
- An independent and impartial judicial system is essential for an efficient democracy.

Integrated System:

- India has a single, integrated judicial system led by the Supreme Court.

Pyramidical Structure:

- The judicial hierarchy is structured like a pyramid:
- As you go UP the pyramid: The number of courts decreases, but their powers increase.
- As you go DOWN the pyramid: The number of courts increases, but their powers decrease.

Supreme Court

- The Supreme Court came into existence on 28 January 1950.
- Located in New Delhi.
- Supreme Court judges retire at 65 years of age.
- Parliament has the power to remove Supreme Court judges before they complete their term.
- Both the Chief Justice and other judges take their oath and submit their resignations before the President.
- Resolves legal disputes, acts as the supreme interpreter of the Constitution, and serves as the guardian of fundamental rights.

Powers of the Supreme Court

- Original Jurisdiction: Deals with matters that can only be resolved by the Supreme Court (e.g., Centre-State disputes).
- Appellate Jurisdiction: As the highest appellate court, it has the authority to entertain appeals against judgments from any lower court in the country.
- Advisory Jurisdiction: Bound by a constitutional obligation to give legal advice on any matter requested by the President.



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- Writ Jurisdiction: Authorized to issue special legal orders (writs) to protect fundamental rights when they are violated.
- Judicial Review Power: Serves as its most powerful tool to fulfill its role as the guardian of the Constitution.

Judicial Review

- The power of the Supreme Court to examine the constitutionality of laws enacted by Parliament or orders passed by the Executive. If a law or order is found to be inconsistent with constitutional provisions, the court can declare it unconstitutional and inapplicable.



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