



UGC NET - POLITICAL SCIENCE SAMPLE THEORY

- Indian National Movement
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- Fundamental Rights
- Fundamental Duties
- Directive Principles of state policy

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Indian National Movement

The East India Company had established its control over almost all parts of India by the middle of the 19th century. There were numerous risings in the first hundred years of British rule in India. They were, however, local and isolated in character. Some of them were led by the nobility who were refusing to accept the changing patterns of the time and wanted the past to be restored. But the risings developed a tradition of resistance of foreign rule, culminating in the 1857 revolt.

The Revolt of 1857, which was called a Sepoy Mutiny by British historians and their imitators in India but described as "the First War of Indian Independence" by many Indian historians, shook the British authority in India from its very foundations.

The Revolt of 1857, an unsuccessful but heroic effort to eliminate foreign rule, had begun. The capture of Delhi and the proclamation of Bahadurshah as the Emperor of Hindustan are a positive meaning to the Revolt and provided a rallying point for the rebels by recalling the past glory of the imperial city.

On May 10, 1857, soldiers at Meerut refused to touch the new Enfield rifle cartridges. The soldiers along with other group of civilians, went on a rampage shouting 'Maro Firangi Ko'. They broke open jails, murdered European men and women, burnt their houses and marched to Delhi. The appearance of the marching soldiers next morning in Delhi was a signal to the local soldiers, who in turn revolted, seized the city and proclaimed the 80-year old Bahadurshah Zafar, as Emperor of India.

Within a month of the capture of Delhi, the Revolt spread to the different parts of the country. Kanpur, Lucknow, Benaras, Allahabad, Bareilly, Jagdishpur and Jhansi. In the absence of any leader from their own ranks, the insurgents turned to the traditional leaders of Indian society. At Kanpur, NanaSaheb, the adopted son of last Peshwa, Baji Rao II, led the forces. Rani Lakshmi Bai in Jhansi, Begum Hazrat Mahal in Lucknow and Khan Bahadur in Bareilly were in command. However, apart from a commonly shared hatred for alien rule, the rebels had no political perspective or a definite vision of the future. They were all prisoners of their own past, fighting primarily to regain their lost privileges. Unsurprisingly, they proved incapable of ushering in a new political order.

Government of India Act 1858

Queen Victoria issued a proclamation on November 1, 1858, placing India under direct government of the Crown, whereby:

- (a) A viceroy was appointed in India
- (b) Princes were given the right to adopt a son (abolition of Doctrine of Lapse)
- (c) Treaties were honoured
- (d) Religious freedom was restored and equality treatment promised to Indians

The Proclamation was called the 'Magna Carta of Indian Liberty'. The British rule in India was strongest between 1858 and 1905. The British also started treating India as its most precious possession and their rule over India seemed set to continue for centuries to come. Because of various subjective and objective factors which came into existence during this era, the feeling of nationalism in Indians started and grew.

Indian National Congress (1885)

Although the British succeeded in suppressing the 1857 Revolt, they could not stop the growth of political awareness in India. The Indian National Congress was founded in December 1885. It was the visible embodiment of the national awakening in the country. Its founder was an Englishman, Allan Octavian Hume, a retired member of the Indian Civil Service. The Indian leaders, who cooperated with Hume in launching the Congress, were patriots of high character. The first President of the Congress was W.C. Bannerjee.

The aims of the Congress were: promotion of friendship and cooperation amongst the nationalist political workers from the different parts of the country; the eradication of racial, creed or provincial prejudices and promotion of national unity; formulation of popular demands and their presentation before the Government; and, most important of all, the training and organization of public opinion in the country.

Partition of Bengal (1905)

On December 30, 1898, Lord Curzon took over as the new Viceroy of India. The partition of Bengal came into effect on October 16, 1905, through a Royal Proclamation, reducing the old province of Bengal in size by creating a new province of East Bengal, which later on became East Pakistan and present day Bangladesh. The government explained that it was

done to stimulate growth of underdeveloped eastern region of the Bengal. But, actually, the main objective was to 'Divide and Rule' the most advanced region of the country at that time.

Muslim League (1906)

In 1906, All India Muslim League was set up under the leadership of Aga Khan, Nawab Salimul-lab of Dacca and Nawab Mohsin-ul-Mulk. The League supported the partition of Bengal, opposed the Swadeshi Movement, and demanded special safeguards for its community and a separate electorates of Muslims. This led to communal differences between Hindus and Muslims.

Swadeshi Movement (1905)

The Swadeshi movement has its genesis in the anti-partition movement which was started to oppose the British decision to divide Bengal. With the start of the Swadeshi movement at the turn of the century, the Indian National Movement took a major leap forward.

The Indian National Congress took up the Swadeshi call in Benaras Session, 1905, presided over by G.K. Gokhale, supported the Swadeshi and Boycott Movement of Bengal, Militant Nationalism spearheaded by Bal Gangadhar Tilak, Bipin Chandra Pal, Lala Lajpat Rai, and Aurobindo Ghosh was, however, in favour of extending the movement of the rest of India and carrying it beyond the programme of just Swadeshi and boycott of goods to full-fledged political mass struggle.

Morley-Minto Reforms (1909)

Morley-Minto Reforms were introduced in 1909 during the period when Lord Minto was the Governor General of India. The reforms envisaged a separate electorate for Muslims besides other constitutional measures. The government thereby sought to create a rift within the Congress on the one hand by winning the support of the moderates, and on the other, to win favour of Muslims against Hindus. To achieve the latter objective, the reforms introduced the system of separate electorates under which Muslims could only vote for Muslim candidates. This was done to encourage the notion that the political, economic and cultural interests of Hindus and Muslims were separate and not common. Indian political leaders were however dissatisfied by these reforms.

Lucknow Pact (1916)

An important step forward in achieving Hindu-Muslim unity was the Lucknow Pact 1916. Anti-British feelings were generated among the Muslims following a war between Britain and Turkey which opened way for Congress and Muslim League unity. Both the Congress and the Muslim League held sessions at Lucknow in 1916 and concluded the famous Lucknow Pact. The Congress accepted the separate electorates, and both organizations jointly demanded dominion status for the country.

Hindu-Muslim unity weakened the British attitude and forced the government to announce its future policy. In 1916 a British policy was announced whereby association of Indians was increased and there was to be a gradual development of local self-governing institutions.

Home Rule Movement (1915-1916)

Dr. Annie Besant, inspired by the Irish rebellion, started a Home Rule Movement in India in September 1916. The movement spread rapidly and branches of the Home Rule League were established all over India. Bal Gangadhar Tilak wholeheartedly supported this movement. Rejoined forces with Dr. Besant and persuaded the Muslim League to support this programme.

The Gandhian Era (1918-1947)

Mahatma Gandhi dominated the Indian political scene from 1918 to 1947. This period of the Indian National Congress is also referred to as the Gandhian Era. It was the most intense and eventful phase of India's freedom struggle. Mahatma Gandhi provided the leadership of the highest order and his philosophy of non-violent Satyagraha became the most potent weapon to drive out the British from the Indian soil.

Khilafat Movement (1920)

The Caliph, Sultan of Turkey, was looked upon by the Muslims as their religious head. During the First World War, when the safety and the welfare of Turkey were threatened by the British thereby weakening the Caliph's position, Indian Muslims adopted an aggressive anti-British attitude. The two brothers, Mohammed Ali and Shaukat Ali launched an anti-British movement in 1920-the Khilafat Movement for the restoration.

The Rowlatt Act (1919)

While trying to appease Indians, the British Government was following a policy of repression. Throughout the First World War, repression of freedom fighters had continued. The revolutionaries had been hunted down, hanged or imprisoned. The Government now decided to arm itself with more powers in order to suppress the freedom fighters. In March 1919, it passed the Rowlatt Act. This Act authorized the government to detain any person without trial. The Rowlatt Act came like a sudden blow. The Indians had been promised extension of democracy during the war. They felt humiliated and were filled with anger when they found that their civil liberties were going to be curtailed still further. Unrest gripped the country and a powerful agitation against the Act started. During this agitation, Gandhiji took command of the nationalist movement. March and April 1919 witnessed a remarkable political awakening in the country. There were hartals, strikes and demonstrations at various places. The slogans of Hindu-Muslim unity filled the air.

Jallianwala Bagh Massacre (1919)

The Government was bent on suppressing the mass agitation. In Bombay; Ahmadabad, Calcutta, Delhi and at other places demonstrators were lathi-charged and fired upon. Gandhiji gave a call for a general hartal on April 6, 1919. The call was responded to with great enthusiasm. The Government decided to resort to repression to suppress the agitation. At this time the British Government committed one of the worst political crimes in modern history. An unarmed but a large crowd had gathered in Jallianwala Bagh, Amritsar (Punjab) on April, 13, 1919 for a meeting. General Dyer ordered his troops to open fire on them without warning. This massacre of unarmed people (hundreds died and thousands were wounded) in an enclosed place from which there was no exit, was followed by a reign of terror in several districts under martial law.

Non-Cooperation Movement (1920)

With the Congress support of the Khilafat movement, Hindu-Muslim unity was achieved which encouraged Gandhiji to launch his non-violent, non-cooperation movement. At the Calcutta Session in September 1920, the Congress resolved in favour of the non-violent, non-cooperation movement and defined Swaraj as its ultimate aim. The movement

envisaged: (i) Surrender of titles and honorary officers; (ii) Resignation from nominated offices and posts in the local bodies; (iii) Refusal to attend government darbars and official functions and boycott of British courts by the lawyers; (iv) Refusal of general public to offer themselves for military and other government jobs, and boycott of foreign goods, etc.

The non-cooperation movement also saw picketing of shops selling foreign cloth and boycott of the foreign cloth by the followers of Gandhiji.

Chauri Chaura Incident (1922)

The Congress session held at Ahmadabad in December 1921 decided to launch a Civil Disobedience Movement while reiterating its stand on the non-violent, noncooperation movement of which Gandhiji was appointed the leader. Before Gandhiji could launch the Civil Disobedience Movement, a mob of countrymen at Chauri Chaura, a place near Gorakhpur in D.P., clashed with the police which opened fire. In retaliation the mob burnt the police-station and killed 22 policemen. This compelled Gandhiji to call off the Civil Disobedience Movement on February 12, 1922.

Sw araj Party (1922)

Gandhiji's decision to call off the agitation caused frustration among masses. His decision came in for severe criticism from his colleagues like Motilal Nehru, C.R. Das and N.C. Kelkar, who organized the Sw araj Party. The foundations of the 'Sw araj Party' were laid on January 1, 1923, as the 'Congress Khilafat- Sw arajya Patti'. It proposed then an alternative programme of diverting the movement from widespread civil disobedience programme to restrictive one which would encourage its member to enter into legislative councils (established under Montford Reforms of 1919) by contesting elections in order to wreck the legislature from within and to use moral pressure to compel the authority to concede to the popular demand for self-government.

Simon Commission (1927)

Under the 1919 Act, a statutory commission was to be appointed by the British Government at the end of ten years from the passing of the Act to inquire into the working of the system of government in the country and to recommend further reforms. Thus the commission was scheduled to be appointed in 1929. It was actually appointed two years earlier in 1927. The

commission consisted of seven members of the British Parliament. It was headed by Sir John Simon. As all its members were British, the Congress decided to boycott it. The Commission arrived in India in Feb. 1928. It was greeted with black flags and hostile demonstrations everywhere it went. In one such demonstration at Lahore, Lala Lajpat Rai was seriously injured in a wanton police lathi-charge on the demonstrators. Lalaji died soon after from wounds received during the demonstration.

Dandi March (1930)

Also called the 'Salt Satyagraha'. To achieve the goal of complete independence, Gandhiji launched another civil disobedience movement. Along with 79 followers, Gandhiji started his famous march from Sabarmati Ashram on March 20, 1930, for the small village Dandi to break the Salt Law. While Gandhiji was marching to Dandi,

Congress leaders and workers had been busy at various levels with the hard organizational tasks of enrolling volunteers and members, forming grass root Congress Committees, collecting funds, and touring villages and towns to spread nationalist messages.

On reaching the seashore on April 6, 1930, he broke the Salt Law by picking up salt from the seashore. By picking a handful of salt, Gandhiji inaugurated the Civil Disobedience Movement, a movement that was to remain unsurpassed in the history of the Indian National Movement for the countrywide mass participation it unleashed. The movement became so powerful that it sparked off patriotism even among the Indian soldiers in the Army. The Garhwal soldiers refused to fire on the people at Peshawar.

Gandhi-Irwin Pact (1931)

Early in 1931 two moderate statesmen, Sapru and Jayakar, initiated efforts to bring about rapprochement between Gandhiji and the government. Six meetings with Viceroy Lord Irwin finally led to the signing of a pact between the two on March 5, 1931, whereby the Congress called off the movement and agreed to join the Second Round Table Conference. The terms of the agreement included the immediate release of all political prisoners not convicted for violence, the remission of all fines not yet collected, the return of confiscated land not yet sold to third parties, and lenient treatment of all the government officials who had resigned.

Gandhiji and other leaders were released from jail as they agreed to release most political prisoners and to return the properties that had been seized by the governments. The government also conceded the right to make the salt for consumption of villages along the coast, and also the right to peaceful and non-aggressive picketing. The Congress on its part, agreed to discontinue the Civil Disobedience Movement and to participate in the next Round Table Conference.

T The Government of India Act, 1935

The Simon Commission report submitted in 1930 formed the basis for the Government of India Act 1935. The new Government of India Act received the royal assent on August 4, 1935.

The Act continued and extended all the existing features of the Indian constitution. Popular representation, which went back to 1892, dyarchy and ministerial responsibility, which dated from 1921, provincial autonomy, whose chequered history went back to eighteenth century presidencies, communal representation, which first received recognition in 1909, and the safeguards devised in 1919, were all continued and in most cases extended. But in addition there were certain new principles introduced. It provided for a federal type of government.

Thus, the act:

- (a) Introduced provincial autonomy
- (b) Abolished dyarchy in provinces
- (c) Made ministers responsible to the legislative and federation at the centre

The Act of 1935 was condemned by nearly all sections of Indian public opinion and was unanimously rejected by the Congress. The Congress demanded instead, the convening of a Constituent Assembly elected on the basis of adult franchise to frame a constitution for an independent India.

Quit India Movement (1942)

On August 8, 1942, the Congress in its meeting at Bombay passed a resolution known as 'Quit India' resolution, whereby Gandhiji asked the British to quit India and gave a call for 'Do or die' to his countrymen. On August 9, 1942, Gandhiji was arrested but the other leaders continued the revolutionary struggle. Violence spread throughout the country, several

government officers were destroyed and damaged, telegraph wires were cut and communication paralyzed. The movement was, however, crushed by the government.

Cabinet Mission Plan (1946)

The struggle for freedom entered a decisive phase in the year 1945-46. The British Prime Minister, Lord Attlee, made a declaration on March 15, 1946, that British Cabinet Mission would visit India to make recommendations regarding constitutional reforms to be introduced in India. The Cabinet Mission which constituted of Lord Lawrence, Sir Stafford Cripps and A.V. Alexander visited India and met the representatives of different political parties but a satisfactory solution to the constitutional difficulties could not be found. The Mission envisaged the establishment of a Constituent Assembly to frame the Constitution as well as an interim government. The Muslim League accepted the plan on June 6, 1946, while maintaining its rights of striving for a separate Muslim state. The Congress also partially accepted the plan.

Interim Government (1946)

On September 2, 1946, an interim government was formed. Congress members led by Pandit Jawaharlal Nehru joined it but the Muslim League did not as it withdrew its earlier acceptance of the Cabinet Mission Plan.

Formation of Constituent Assembly (1946)

The Constituent Assembly met on December 9, 1946, and Dr. Rajendra Prasad was elected its President. The Muslim League did not join the Assembly.

Mountbatten Plan (1947)

In March 1947, Lord Mountbatten replaced Lord Wavel. He announced his plan on June 3, 1947. It offered a key to the political and constitutional deadlock created by the refusal of the Muslim League to join the Constituent Assembly formed to frame the Constitution of India. Mountbatten's formula was to divide India but retain maximum unity. The country would be partitioned but so would be Punjab and Bengal, so that the limited Pakistan that emerged would meet both the Congress and the League's position to some extent. The League's position on Pakistan was conceded in that it would be created, but the Congress position on unity would be taken into account to make Pakistan as small as possible. He laid down

detailed principles for the partition of the country and speedy transfer of political powers in the form of dominion status to the newly formed dominions of India and Pakistan. Its acceptance by the Congress and the Muslim League resulted in the birth of Pakistan.

The Indian Independence Act, 1947

The Bill containing the provisions of the Mountbatten Plan of June 3, 1947, was introduced in the British Parliament and passed as the Indian Independence Act, 1947. The Act laid down detailed measures for the partition of India and speedy transfer of political powers to the new government of India and Pakistan.

Partition of India (1947)

In accordance with the Indian Independence Act, 1947, India was partitioned on August 15, 1947 into India and Pakistan. The Act made India and Pakistan independent dominions. Bloodshed and violence marked the exodus of refugees. The state of Kashmir acceded to the Indian Union, after the raiders were helped by Pakistan, in October 1947. Lord Mountbatten was appointed the Governor-General of free India and M.A. Jinnah the first Governor-General of Pakistan.

Making Of The Constitution

The Constituent Assembly which had been elected for undivided India and held its first sitting on 9th Dec. 1946, re-assembled on the 14th August 1947, as The Sovereign Constituent Assembly for the dominion of India. In regard to its composition the members were elected by indirect election by the members of The Provisional Legislative Assemblies (lower house only). According to the schemes recommended by the Cabinet the essentials of the Schemes were as follows:-

1. Each Province and each Indian State or group of States were allotted the total no. of seats proportional to their respective population roughly in the ratio of 1:1000000. As a result The Provinces were to elect 292 members while the Indian States were allotted a minimum of 93 seats.
2. The seats in each Province were distributed among the three main communities, Muslims, Sikh and general, in proportion to their respective populations.

3. Members of each community in the Provisional Legislative Assembly elected their own representatives by the method of proportional representations with single transferable vote.
4. The method of selection in the case of representatives of Indian States was to be determined by consultation.

Unfortunately as a result of a partition under the plan of June 3, 1947. The territories, which fell under Pakistan and those members who were part of The Constituent Assembly, ceased to be members of the Constituent Assembly, which re-assembled on the 31st Oct. 1947. The members of the house was reduced to 299 of these 284 was actually present on the 26th Nov. 1949 and appended their signature to the Constitution as finally passed.

Constitutional Background

The constitution was passed by the Constituent Assembly on 26 Nov 1949 and is fully applicable since 26 Jan 1950. Thanks to the help of Prof. K.B. Agrawal, the ICL-Edition of the Constitution now incorporates all amendments until and including the 78th amendment (1995) [30 Aug 1995]; there are no newer amendments until Dec 1996. Amendments after Dec 1996 have not yet been included.

India is a federal democratic republic of 25 states and seven Union Territories. Each state is administered by a Governor appointed by the President while each Union Territory is administered by the President through a Minister. The bicameral parliament is composed of the Council of States, Rajya Sabha, and the House of the People, Lok Sabha. The Council of States will consist of 250 members out of which the President of India will nominate 12 persons having special knowledge or practical experience in respect of literature, art, science and social service. The remaining 238 seats are to be filled in by the persons to be elected by the legislative assemblies of their respective states in staggered re-elections of one-third every second year. The House of People is composed of 550 members, i.e., 530 members from the States and 20 members from the Union Territories.

The states of Bihar, Jammu and Kashmir, Karnataka, Maharashtra, and Uttar Pradesh have bicameral legislatures while the other 20 states have unicameral legislatures. Upper houses (Legislative Councils) are re-elected to one-third of their members every two years. Legislative Assemblies are chosen by direct election.

There are some extraordinary features of the Indian system of government. For example, the Constitution encourages the states to introduce the prohibition. The states of Andhra Pradesh, Manipur, and Haryana have already banned the production, possession, and consumption of alcohol.

Commencement :

The provisions relating to Citizenship, elections, provisional Parliament, temporary and transitional positions were given immediate effect on The 26th Nov.1949. While the rest of the Constitution came into force on the 26th Jan. 1950. And this date is referred to in the Constitution as The Date of its Commencement.

Parliament:

The Parliament of India consist of The President and two houses. The upper house (Rajya sabha) the Presiding Officer is called The Chairman, popularly known as The Vice President The members of this house are indirectly elected by proportional representation by means of the single transferable vote The total strength of the house is 250 members of whom 12 are nominated by the President, the purpose of the house is to serve a check on the hasty laws passed by the lower house. Whereas the lower house (Lok Sabha) is presided over by The Speaker. The members are elected directly by the people; the total strength of the house is 545 members of which 2 are nominated by The President.

Functions of The Parliament are as follows:

Providing The cabinet: The first function of The Parliament is that of providing the Cabinet and holding them responsible. Though the responsibility of The Cabinet is to the popular chamber (Lok Sabha), the membership of the cabinet is not necessarily restricted to that chamber.

Control of The cabinet: It is a necessary corollary from the theory of Ministerial responsibility that it is a business of the popular house to see that The Cabinet remains in power so long as it retains the confidence of the majority in that house.

Criticism of The Cabinet & of individual Ministers: While The Cabinet is left to formulate The Policy, the function of The Parliament is to bring about a discussion and criticism of that

Policy on the floor of the house, so that not only The Cabinet can get the advice of the deliberative body and learn about its own errors and deficiencies.

An Organ of Information: As an organ of Information, Parliament is more powerful than the Press, for parliament secures information authoritatively, from those of The know of things.

Legislation: Since the inauguration of The Constitution the volume of Legislation is steadily rising. In order to carry out the manifold development and other measures necessary to establish a welfare state.

FINANCIAL CONTROL: Parliament has the sole power not only to authorize expenditure for public service and to specify the purposes to which that money shall be appropriated but also to provide the ways and means to raise the revenue (Taxes, and other impositions) and also to ensure that the money granted has been sent for authorized purposes.

Political Parties :

General elections in May 1996 made the Bharatiya Janata Party (BJP) the biggest party capturing 161 seats along with Shiv Sena (15), Samata Party (8), and HVP (3) totalling 195. A.B. Bajpai (BJP) became Prime Minister but could not muster majority in the House of People and as such had to resign after holding the office for 13 days. The Congress Party of former Prime Minister Narasimha Rao is the second biggest force in the House of Peoples having 138 seats. The National Front and the Leftist Front secured 118 seats. H.D. Deve Gowda (National Front) became the new Prime Minister with the union of 13 parties and the support of the Congress Party.

Preamble

PREAMBLE

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.

After achieving independence on the midnight of August 14th/15th in the year 1947, our country set out on formulation and adoption of a Constitution to govern all the aspects of our life and accordingly on 26th November, 1949 we adopted the present Constitution of India.

The preamble of the Constitution reads as under:-

“We, the people of India having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure for 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;.....”

This preamble is the basis or the object of our Constitution from which flow the laws of the land and which provides a framework within which each Indian, whether he is the first citizen of India i.e. the President or a commoner, has to conduct himself. More than 43 years have passed since adoption of the Constitution and if we look back in retrospect to examine whether the Constitution of India has succeeded in securing for all its citizens what it wanted to secure, we find that it has failed in achieving the noble objects. It has neither secured justice nor provided liberty or equality, nor promoted fraternity. It is high time that the reasons for this failure are investigated not with the intention of blaming anyone but to initiate a process of rethinking to find out ways and means to rectify the shortcomings. The first line of preamble says:

“We the people of India.....”, which means that the Constitution appears to have originated out of collective will of the Indians. Though the Constitution says so, whether really it is so? Indian culture is thousands of years old and is one of the oldest civilization of the earth. The period of a few centuries, prior to achieving independence in 1947, was a period of foreign invasion starting from the invasion by the Moghuls and culminating into the colonization of India by the British. During this period of over three centuries, attempts were made to destroy the Indian culture, blunt the conscience of the Indians and to impose on them the Western culture. As a result of this eclipse of the Indian culture and the national conscience, while adopting the Constitution of India, like a hypnotized person we looked to the West for formulation of our Constitution and the subsequent governance. In the process, either willingly or unwillingly, the Indian context was discarded not by the masses but by the rulers

who were thrown up as a result of the faulty process of governance adopted by us under our Constitution and under various laws flowing from it.

The Constitution of India is supposed to have been adopted by the people of India, for the people of India and is of the people of India. This means that the Constitution and the Indian Laws emanating from the Constitution or within the framework of the Constitution have the basic and underlying intention of achieving the well being of the Indians and thereby of the entire nation. Like people of other countries, India has its own geographical, historical, cultural, ethnic, social and economic characteristics. These characteristics are quite distinct and unique and hence they need a treatment which is best suited to them. Applying the doctrines that prevail in other systems or countries cannot suit our conditions and hence the framing of laws, interpretation of laws, formulating policies under the laws and judicial evaluation of the laws - all these have to be in the Indian context.

The most accepted principle for interpretation of law is that both the letter as well as the spirit has to be looked into while interpreting any provision. While looking at the letter i.e. the meaning of any particular phrase or word, more often than not, the Courts have been relying heavily on the English dictionary meaning. While interpreting a technical word or a phrase or provision relating to a particular science, the meaning which is attached to such words or phrase in the Western countries is taken into account. We find various judgements of the Courts with extensive quotations from judgements of courts abroad or dealing with meanings of words/phrases as understood in other countries.

Under the Indian system of governance, the whole system is divided in three parts; namely the legislators, the executives and the judiciary. Each wing has to function within the framework of the Constitution. The legislators have to frame laws which are in conformity with the Constitution. Each member of the legislatures is the citizen of India first and a member of the legislature thereafter and hence he is bound by article 51(A) of the Constitution which casts fundamental duties on all the citizens of India. Thus in his individual capacity also each legislator is bound by the fundamental duties which are aimed at achieving the well being of each and every Indian citizen and one such duty cast upon the citizens is

the duty to protect the composite culture of India. The Indian culture and civilization is one of the oldest in the world, one of the richest and the most respected culture. It has various aspects or pillars on which the Indian Society rests and it is a duty on each Indian to protect this culture.

In view of this, each legislator is bound to be a party to framing a law which has the well being of each single Indian as its basis. Any piece of legislation which violates this basic objective should not receive the consent of even a single legislator irrespective of which political party he belongs to. At the same time any legislation aimed at achieving the common good of Indian Citizens must receive the whole hearted support of the legislatures. Incidentally our present laws governing the election of people's representatives who form themselves into various legislatures suffers from various lacunas and the system of elections leaves much to be desired. How 'representative' are these representatives of the people is a big question mark. However let us leave aside this aspect for the present.

Once the laws are enacted by the legislatures and their implementation starts taking place, various problems or questions of law arise during the process of implementation, when judiciary is called upon to decide the issues. At this stage a very important question concerning interpretation of the law arises.

- **FUNDAMENTAL RIGHTS**

General

Definition.—In this Part, unless the context otherwise requires, “the State” includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

The Constitution itself classifies the Fundamental Rights under seven groups as follows: -

- a. Right to Equality
- b. Right to Particular freedoms
- c. Right against Exploitation

- d. Right to freedom of religion
- e. Cultural and educational rights
- f. Right to Constitutional remedies
- g. Right to property - has been eliminated by the 44th amendment Act, thus only six freedoms now remain, in Article 19 (1).

Laws inconsistent with or in derogation of the fundamental rights.—

- (1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.
- (2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.
- (3) In this article, unless the context otherwise requires,—
 - (a) "law" includes any Ordinance, order, by-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;
 - (b) "laws in force" includes laws passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.
- (4) Nothing in this article shall apply to any amendment of this Constitution made under article 368.

- **Right to Equality**

- **Equality before law.**—The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.—

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

- (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—
- (a) access to shops, public restaurants, hotels and places of public entertainment; or
 - (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.
- (3) Nothing in this article shall prevent the State from making any special provision for women and children.
- (4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
- **Equality of opportunity in matters of public employment.—**
- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
- (3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.
- (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
- (4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favor of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

- (4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year.
- (5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.
- **Abolition of Untouchability.**—“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.
 - **Abolition of titles.**—
 - (1) No title, not being a military or academic distinction, shall be conferred by the State.
 - (2) No citizen of India shall accept any title from any foreign State.
 - (3) No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.
 - (4) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.
 - **Right to Freedom**
Protection of certain rights regarding freedom of speech, etc.—
 - (1) All citizens shall have the right—
 - (a) to freedom of speech and expression;
 - (b) to assemble peaceably and without arms;

- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India; and
- (g) to practise any profession, or to carry on any occupation, trade or business.
- (2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.
- (3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.
- (4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.
- (5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.
- (6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

- (i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or
- (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

Protection in respect of conviction for offences—

- (1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the Act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.
- (2) No person shall be prosecuted and punished for the same offence more than once.
- (3) No person accused of any offence shall be compelled to be a witness against himself.

Protection of life and personal liberty.—No person shall be deprived of his life or personal liberty except according to procedure established by law.

Protection against arrest and detention in certain cases. —

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.
- (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.
- (3) **Nothing in clauses (1) and (2) shall apply—**
 - (a) to any person who for the time being is an enemy alien; or
 - (b) to any person who is arrested or detained under any law providing for preventive detention.
- (4) No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless—

- (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:
Provided that nothing in this sub-clause shall authorize the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or
- (b) such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).
- (5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.
- (6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.
- (7) **Parliament may by law prescribe—**
- (a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);
- (b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and
- (c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).

- **Right against Exploitation**

Prohibition of traffic in human beings and forced labor.—

- (1) Traffic in human beings and *beggar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law .
- (2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Prohibition of employment of children in factories, etc. —

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

- **Right to Freedom of Religion**

Freedom of conscience and free profession, practice and propagation of religion.—

- (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.
- (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law —
 - (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
 - (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I.—The wearing and carrying of *kirpans* shall be deemed to be included in the profession of the Sikh religion.

Explanation II.—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

Freedom to manage religious affairs.—

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law.

Freedom as to payment of taxes for promotion of any particular religion.—No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

Freedom as to attendance at religious instruction or religious worship in certain educational institutions.—

- (1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.
- (2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.
- (3) No person attending any educational institution recognized by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

- **Cultural and Educational Rights**

Protection of interests of minorities.—

- (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.
- (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Right of minorities to establish and administer educational institutions.—

- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
 - (1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.
- (2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

[Compulsory acquisition of property.] Rep. by the Constitution (Forty-fourth Amendment) Act, 1978, s. 6 (w.e.f. 20-6-1979).

- **Saving of Certain Laws**

A. Saving of laws providing for acquisition of estates, etc.—

- (1) Notwithstanding anything contained in article 13, no law providing for—
 - (a) the acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights, or
 - (b) the taking over of the management of any property by the State for a limited period either in the public interest or in order to secure the proper management of the property, or

- (c) the amalgamation of two or more corporations either in the public interest or in order to secure the proper management of any of the corporations, or
- (d) the extinguishment or modification of any rights of managing agents, secretaries and treasurers, managing directors, directors or managers of corporations, or of any voting rights of shareholders thereof, or
- (e) the extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence for the purpose of searching for, or winning, any mineral or mineral oil, or the premature termination or cancellation of any such agreement, lease or licence, shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14 or article 19:

Provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent:

Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof.

(2) **In this article,—**

- (a) the expression “estate” shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area and shall also include—
 - (i) any *jagir*, *inam* or *muafi* or other similar grant and in the States of Tamil Nadu and Kerala, any *janmam* right;
 - (ii) any land held under ryotwari settlement;

(iii) any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural laborers and village artisans;

(b) the expression "rights", in relation to an estate, shall include any rights vesting in a proprietor, sub-proprietor, under-proprietor, tenure-holder, *raiyat*, *under-raiyat* or other intermediary and any rights or privileges in respect of land revenue.

B. Validation of certain Acts and Regulations.—Without prejudice to the generality of the provisions contained in article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or ever to have become void, on the ground that such Act, Regulation or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part, and notwithstanding any judgment, decree or order of any court or Tribunal to the contrary, each of the said Acts and Regulations shall, subject to the power of any competent Legislature to repeal or amend it, continue in force.

C. Saving of laws giving effect to certain directive principles.—Notwithstanding anything contained in article 13, no law giving effect to the policy of the State towards securing ¹[all or any of the principles laid down in Part IV] shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14 or article 19; ²*and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy:* Provided that where such law is made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.

D. [*Saving of laws in respect of anti-national activities.*] Rep. by the Constitution (Forty-third Amendment) Act, 1977, s.2 (w.e.f.13-4-1978).

- **Right to Constitutional Remedies**

Remedies for enforcement of rights conferred by this Part.—

- (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.
- (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.
- (3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).
- (4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

32A. [Constitutional validity of State laws not to be considered in proceedings under article 32.]
Rep. by the Constitution (Forty-third Amendment) Act, 1977, s. 3 (w.e.f. 13-4-1978).

Power of Parliament to modify the rights conferred by this Part in their application to Forces, etc.—Parliament may, by law, determine to what extent any of the rights conferred by this Part shall, in their application to,—

- (a) the members of the Armed Forces; or
- (b) the members of the Forces charged with the maintenance of public order; or
- (c) persons employed in any bureau or other organization established by the State for purposes of intelligence or counter intelligence; or
- (d) persons employed in, or in connection with, the telecommunication systems set up for the purposes of any Force, bureau or organization referred to in clauses (a) to (c), be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them

Restriction on rights conferred by this Part while martial law is in force in any area.—

Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law indemnify any person in the service of the Union or of a State or any other person in respect

of any act done by him in connection with the maintenance or restoration of order in any area within the territory of India where martial law was in force or validate any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area.

Legislation to give effect to the provisions of this Part.—Notwithstanding anything in this Constitution,—

- (a) Parliament shall have, and the Legislature of a State shall not have, power to make laws—
 - (i) with respect to any of the matters which under clause (3) of article 16, clause (3) of article 32, article 33 and article 34 may be provided for by law made by Parliament; and
 - (ii) for prescribing punishment for those acts which are declared to be offences under this Part; and Parliament shall, as soon as may be after the commencement of this Constitution, make laws for prescribing punishment for the acts referred to in sub-clause (ii);
- (b) any law in force immediately before the commencement of this Constitution in the territory of India with respect to any of the matters referred to in sub-clause (i) of clause (a) or providing for punishment for any act referred to in sub-clause (ii) of that clause shall, subject to the terms thereof and to any adaptations and modifications that may be made therein under article 372, continue in force until altered or repealed or amended by Parliament.

Explanation.—In this article, the expression “law in force” has the same meaning as in article 372.

• FUNDAMENTAL DUTIES

Fundamental duties.—It shall be the duty of every citizen of India—

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;

- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

- **DIRECTIVE PRINCIPLES OF STATE POLICY**

Directive Principles:

PART IV of the Constitution Art. (36-51) Contains the Directive Principles of State Policy. These Principles are in the nature of instruments of instruction to the govt. of the day to do certain things and to achieve certain ends by their actions in other words Directive Principles are essentially guidelines to the State. A Directive Principle required to be implemented by legislation and so long as there is no Law carrying out the Policy laid down in a Directive, neither the State nor an individual can violate any existing Law or legal right under the color of a Directive. Further still the Directives are not enforceable in the Courts and do not create any justiciable rights in favor of the individuals.

In case of a conflict between Directive Principles and Fundamental Rights of the Constitution, the latter shall prevail.

These Directive Principles may be classified as follows:-

a) Certain ideals, particularly Economic, which according to the framers of the Constitution, State should strive for.

b) Certain directions to the legislature and the executive intended to show in which manner The State should exercise their legislative and executive powers.

c) Certain Rights of the citizen shall not be enforceable by The Courts (Fundamental Rights) nevertheless The State Govt. shall aim to secure by regulations of its legislative and administrative policy.

It shall be the duty of The State to follow these Principles both in the matter of Administration as well as in the making of Laws.

Application of the principles contained in this Part.—The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making law s.

State to secure a social order for the promotion of welfare of the people.—

- (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
- (2) The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

Certain principles of policy to be followed by the State.—The State shall, in particular, direct its policy towards securing—

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- (d) that there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

A. Equal justice and free legal aid.—The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Organization of village panchayats.—The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

Right to work, to education and to public assistance in certain cases.—The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Provision for just and humane conditions of work and maternity relief.—The State shall make provision for securing just and humane conditions of work and for maternity relief.

Living wage, etc., for workers.—The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

B. Participation of workers in management of industries.—The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry.

Uniform civil code for the citizens.—The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

Provision for free and compulsory education for children.—The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.—The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Duty of the State to raise the level of nutrition and the standard of living and to improve public health.—The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

Organization of agriculture and animal husbandry.—The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

A. Protection and improvement of environment and safeguarding of forests and wild life.—The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

Protection of monuments and places and objects of national importance.—It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by or under law made by Parliament to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.

Separation of judiciary from executive.—The State shall take steps to separate the judiciary from the executive in the public services of the State.

Promotion of international peace and security.—The State shall endeavour to—

- (a) promote international peace and security;
- (b) maintain just and honorable relations between nations;
- (c) foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and
- (d) encourage settlement of international disputes by arbitration.