NATIONAL COMMISSION FOR WOMEN NATION WIDE PROGRAM FOR
GENERATING AWARENESS ABOUT LEGAL RIGHTS OF WOMEN

APHRD - RESOURCE PERSON
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"I like the religion that teaches Liberty, Equality & Fraternity"

B.R. AMBEDKAR
FATHER OF INDIAN CONSTITUTION

APR 14 1891 - DEC 6 1956
CONSTITUTION OF INDIA

Features of Constitution

1. Longest known Constitution.
3. Three tier Government.
5. Independent Judiciary.
6. Republic.
7. Favors to Background classes etc.
8. Universal Franchise. (common suffrage)
CONSTITUTION OF INDIA

CONTENTS

• 1 Preamble
• 22 Parts
• 12 Schedules
• 5 Appendices
• 395 Articles
• Total Pages - 444
STRUCTURE OF INDIAN CONSTITUTION

- **Schedule 1**: State & UTs territories
- **Schedule 2**: Salaries of the top officials
- **Schedule 3**: Oaths for officials
- **Schedule 4**: Rajya sabha seat allotment
- **Schedule 5**: Admin of Schedule Areas
- **Schedule 6**: Admin of Tribal Areas
- **Schedule 7**: List of Laws of state-centre
- **Schedule 8**: List of Languages
- **Schedule 9**: Acts of Land Reforms
- **Schedule 10**: Defection Provisions
- **Schedule 11**: Panchayat Admin
- **Schedule 12**: Municipalities Admin
TOTAL ARTICLES 448 (395)

some of the important Articles:

- Article 12–35 specify the Fundamental Rights available
- Articles 36–50 specify the Directive principles of State policy
- Article 51 A specifies the Fundamental Duties of every citizen
WHAT IS PREAMBLE?

• A preamble is an introductory statement of a constitution which lays down the ideals it attempts to promote.
• A preamble to an Act of Parliament gives its reasons and purposes and lays down the aims and objects for which a particular Act has been passed.
THE CONSTITUTION OF INDIA’S-

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.
6 FUNDAMENTAL RIGHTS

• Fundamental Rights are essential human rights that are offered to every citizen irrespective of caste, race, creed, place of birth, religion or gender.

• These are equal to freedoms and these rights are essential for personal good and the society at large.
SIX FUNDAMENTAL RIGHTS

• The Right to **EQUALITY**
• The Right to **FREEDOM**
• The Right to **Freedom from EXPLOITATION**
• The Right to **FREEDOM OF RELIGION**
• Cultural and **EDUCATIONAL RIGHTS**
• The Right to **CONSTITUTIONAL REMEDIES**
Right to constitutional remedies empowers the citizens to move a court of law in case of any denial of the fundamental rights.

This procedure of asking the courts to preserve or safeguard the citizens' fundamental rights can be done in various ways.

The courts can issue various kinds of writs.
RIGHT TO CONSTITUTIONAL REMEDIES

These writs are

- **Habeas Corpus-(law)** a writ ordering a prisoner to be brought before a judge
- **Mandamus-(law)** an extraordinary writ commanding an official to perform a ministerial act that the law recognizes as an absolute duty and not a matter for the official's discretion; used only when all other judicial remedies fail
- **Prohibition-(law)** a judicial writ from a higher court ordering a lower court not to exercise jurisdiction in a particular case
- **Quo- Warranto- (law)** a hearing to determine by what authority someone has an office, franchise or liberty
- **Certiorari-(law)** a common law writ issued by a superior court to one of inferior jurisdiction demanding the record of a particular case
DIRECTIVE PRINCIPLES OF STATE POLICY

• These are in the form of instructions/guidelines to the governments at the center as well as states. These principles are non-justiciable. ... The idea of Directive Principles of State Policy (DPSP) has been taken from the Constitution of Irish Republic.
DIRECTIVE PRINCIPLES OF STATE POLICY

IV (Article 36-51) deals with various Directive Principles of State Policy

- Article 39 A: - •Equal justice and free legal aid. - to citizens having economic or other disabilities.
- Article 40:- •Organization of village Panchayats.
- Article 41: • Right to work, to education and to public assistance in certain cases.
- Article 42:- • Provision for just and humane conditions of work and maternity relief.
- Article 43: • Living wage, good working conditions etc. , for workers.
- Article 43 A: - • Participation of workers in management of industries. PREM & PNM in Railways. Part
- Article 36:- • Definition of state:
- Article 37:- • Application of the principles.
- Article 38:- • State to secure a social order for the promotion of welfare of the people.
- Article 39:-
  • Certain principles of policy to be followed by the State. -equal rights to men and women. -owner
  -ship of resources. -equal pay for equal work. -protection of children.
- Article 44:- • Uniform civil code for the citizens.
- Article 45:- • Provision for free and compulsory education for children.
- Article 46: • Promotion of educational and economic interests of Scheduled castes,

  Scheduled Tribes and other weaker sections.
IMPLEMENTATION OF DPSPS THROUGH

- Implementation of DPSPs through…
- Land Reform Acts.
- Banking policy.
- Fixation minimum wages for employees engaged in various employments.
- Welfare schemes for the weaker sections.
- Nuclear disarmament.
- Panchayati Raj.
FUNDAMENTAL DUTIES

It shall be the **duty of every citizens** 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;
FUNDAMENTAL DUTIES

(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.
1. The original Constitution of India was handwritten by Prem Behari Narain Raizada in a flowing italic style with beautiful calligraphy. Each page was beautified and decorated by artists from Shantiniketan.

2. The original copies of the Indian Constitution, written in Hindi and English, are kept in special helium-filled cases in the Library of the Parliament of India.

3. With 25 parts containing 448 articles and 12 schedules, the Indian Constitution is the longest written Constitution of any sovereign country in the world.

4. The Constituent Assembly, which first met on December 9, 1946, took precisely 2 years, 11 months and 18 days to come up with the final draft.

5. When the draft was prepared and put for debate and discussion, over 2000 amendments were made, before it was finalised.

6. The drafting of the Constitution was finally complete on 26th November, 1949. But, it was legally enforced only after two months on 26th January, 1950. Which came to be known as the Republic Day.

7. The handwritten Constitution was signed on 24th January, 1950, by 284 members of the Constituent Assembly, which included 15 women. It came into force two days later on 26th January.
8. Our Constitution makers took inspiration from various other Constitutions while drafting the one for our country, which is why the Indian Constitution is often called a bag of borrowings.

9. The concept of Five Year Plans (FYP) was taken from the USSR, and the Directive Principles (socio-economic rights) were taken from Ireland.

10. The ideals of Liberty, Equality and Fraternity in our Preamble have been taken from the French Revolution, which is also the French motto.

11. The Preamble to our Constitution was inspired by the Preamble to the Constitution of the United States of America, which also starts with "We the people".

12. The fundamental rights recognized by our Constitution have also been adopted from the American Constitution. The Indian Constitution recognizes nine fundamental rights as the basic human rights of all its citizens.

13. Interestingly, in the beginning, the Right to Property was also one of the fundamental rights. The Article 31 of our constitution said that, "No person shall be deprived of his property save by authority of law." However, the 44th Amendment, in 1978, deleted it.

14. The Indian Constitution has also been hailed as one of the world's best Constitution because in 62 years of its adoption, it had been amended only 94 times. As of now, our Constitution has undergone a total of 100 amendments.
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