

## Handout 5

### Schedules of Constitution:

- originally 8 Schedules.
- At present, 12 schedules
- 1st Schedule: the name of States and Union Territories.
- 2nd Schedule: allowances, privileges, and emoluments of Constitutional authorities like the President and Governors, Judges of SC and HCs, CAG, Speakers and Deputy speakers, etc.
- 3rd Schedule: the forms of oath and affirmation for Union Ministers, MPs, Judges, CAG, and others.
- 4th Schedule: provisions about the allocation of seats for States and Union Territories in the Rajya Sabha (Articles 4 & 80).
- 5th Schedule: about the administration and control of scheduled areas and scheduled tribes (Article 244)
- 6th Schedule: administration of tribal areas in the states of Assam, Meghalaya, Tripura, and Mizoram (Articles 244, 275)
- 7th Schedule: Union List – List I (100 subjects), State List – List II (61 subjects), and the Concurrent List – List III (52 subjects).
- 8th Schedule: 22 official languages recognized
- Originally 14 languages were there. It includes Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu, Urdu.
- The Sindhi language was added by the 21st Amendment Act of 1967.
- Konkani, Manipuri, and Nepali were included by the 71st Amendment Act of 1992.
- Bodo, Dogri, Maithili, and Santhali were added by the 92nd Amendment Act of 2003 which came into force in 2004.
- 9th Schedule: To exclude laws from judicial scrutiny from violation of FRs (Article 31B).
- 1st Amendment Act 1951 added the Ninth Schedule to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights.
- However, in 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to judicial review.
- 10th Schedule: It contains provisions relating to the disqualification of the members of Parliament and State Legislatures on the ground of defection.
- This schedule was added by the 52nd Amendment Act of 1985, also known as the Anti-defection Law.

- 11th Schedule: It contains the provisions that specify the powers, authority, and responsibilities of Panchayats. It has 29 matters.
- This schedule was added by the 73rd Amendment Act of 1992(Article 243G).
- 12th Schedule: It deals with the provisions that specify the powers, authority, and responsibilities of Municipalities. It has 18 matters.
- This schedule was added by the 74th Amendment Act of 1992(Article 243W).

### **Preamble**

- The preamble of the constitution can be defined as the soul of the constitution.
- It is the introduction or preface to the constitution,
- It is based on the "Objectives Resolution" Pt. JL Nehru and adopted by the Constituent Assembly.
- Text of the 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."
- Note:
- The term 'Socialist', 'Secular', and 'Integrity' was added to the preamble through the 42nd Amendment Act, 1976.
- 'Socialist' and 'Secular' were added between 'Sovereign' and 'Democratic'.
- 'Unity of the Nation' was changed to 'Unity and Integrity of the Nation'.

### Lecture 5

#### **Meanings of terms in Preamble**

- **Sovereignty:**
- It has two important dimensions:
- A. It is about the sovereignty of a country or a nation:
- After India adopted the Constitution it declared to compete for Sovereignty.
- The country is fully independent and it also has no authority above itself.
- It has absolute power to decide its own future.
- After independence India joined many multilateral institutions like the UN, Commonwealth, WTO, etc.
- Even in the age of globalization sovereignty of the nations can be a reality because the countries can decide their futures in terms of participating in various multilateral organizations.
- They also have the freedom to decide regarding ending their memberships in those organizations.
- They can also decide the policies of those organizations.
- For example, because of India's strong opposition, WTO could not decide on Agricultural Subsidies.
- Similarly, western countries also have agreed to provide financial assistance to developing nations as part of climate negotiations.

### **Sovereignty of Citizens**

- In a representative democracy citizens' sovereignty can be seen through the electoral process.
- They can exercise their choices independently without fear or favor.
- If they are not satisfied with the performance of a particular political party then can vote for other political parties.
- For example, after the repeal of the emergency in 1977 people voted for the opposition parties.
- But the criticism is that in representative democracies sovereignty is restricted only to voting in elections.
- Citizens should also be given freedom and opportunities to participate in governance even after the elections are over.

### Relevant Debate

- 1 Indias permanent membership to UN
- 2 Indias role as vishwa GURU, global leader
- 3 indias role and stand in various global issues as soveregin nation

### **Secularism:**

- It is said that India has had a secular polity since ancient times.

- Indian civilization is based on the concept of equal respect for all religious faiths and beliefs as rightly pointed out by Swami Vivekananda, there are different paths to reach God, and all of them are equally good.
- Ancient Indian Civilisation is based on tolerance, openness, and respect for diversity.
- The same concepts have been included by our constitutional forefathers in the preamble.
- In the original constitution, the word secularism was not included in the Preamble. When it was pointed out, Dr. Ambedkar replied that the entire constitution is all about secularism only, and it need not be a part of the Preamble.
- Later, in 1976, through the 42nd Constitutional Amendment Secularism was added to the Preamble.
- The Indian concept of secularism is different from the western concept of secularism.
- Western concept of secularism was the outcome of the Renaissance movement, it was a reaction to the dominance of the Christian Catholic Church over the activities of the State.
- That is why, the State does not recognize any religion, not the State gives importance to religious traditions and customs while implementing the laws.
- In recent times, it led to conflict between the State and various religious communities, ultimately resulting in terrorism based on religion.
- In India, the State recognizes all religions and also treats all religions equally. The State shall not discriminate against citizens based on religion.
- Our constitutional forefathers recognized the significance of secularism to keep the country united.
- Articles 25 to 28 provide religious freedom to the citizens and also guarantee the rights of minority communities.
- The country was partitioned on communal lines and since independence, the country also witnessed various acts of communal violence.
- But because of the strong secular fundamentals of our country, the country remains united, on the other hand, Pakistan which had come into existence based on religion had disintegrated within a short period.