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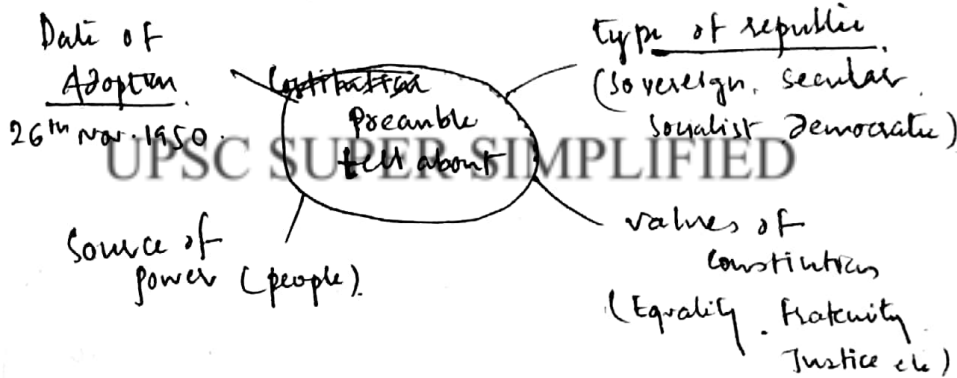
## Polity Day 1

Ques

"The preamble embodies the basic philosophy & fundamental values on which constitution is based." Discuss. Also discuss the preamble is part of preamble or not.

Ans

Preamble is the beginning part of our constitution, which is known as key to the mind of constitutional maker.



It embodies the basic philosophy & fundamental values of the constitution, seen follows -

### 1. Democratic Republic.

seen from part XV of constitution  
Elections, Right to vote. part of Art. 324

### 2. Secular Republic.

Many articles in part III & part IV fundamental Directive principle embody this  
eg. Art 25-28 ⇒ Right to religion.

### 3). Equality & Justice

- (a) Political → Fundamental Rights
- (b) Socio-Economic → Directive principle of state policies.

4. Ideals of socialist state is defined in part IV DPSP.

Hence, basic objectives are mentioned in preamble, which are achieved through constitution.

### Part of Constitution

whether preamble forms the part of constitution has been debated for long & settled now through various judgments

1. Berubari Union Case, 1960  
- recognised the significance but said, not part of constitution
2. Keshwananda Bharti Case, 1973 - said constitution part of constitution, this was pronounced by LIC case in 1995.

As per above judgment preamble is amended as per Art 368 in 42<sup>nd</sup> Am. Act this further strengthened the stand that it is part of preamble. The preamble was inserted last just to ensure conformity with constitution & it serves as integral part of constitution.

Ques 2

How does government of India Act 1935 differ from govt of India Act 1919? Discuss the impact of 1935 Act on present Indian Constitution.

Ans

Present constitution and political structure of India is largely based on various acts during British rule. In this respect, Government of India Act of 1919 and 1935 are very significant.

Act of 1919 and 1935 are largely emerged out of need to bring responsible government in India. They differ in following aspects -

SR.	Govt Act, 1919	Govt Act 1935
1.	Dynarchy at provinces, transferred subjects & reserved subjects	Dynarchy at provinces was removed & introduced at central level
2.	More control at provinces	Introduced the provincial autonomy.
3.	Bicameralism at central level	Bicameralism at provincial level also
4.	provided for establishment of public service Comm. *Central public service Comm. set up in 1926	provided for federal as well as provincial & joint public service Commissions.

## Impact of GoI Act 1935 on Present Indian Constitution

S.R.	1935 Act provision	Present Constitution.
1.	Base for All India Federation & three lists with residuary powers	Reflected in federal character of India. <u>7th schedule of Constitution.</u>
2.	Provincial autonomy & responsible government at provinces	Collective responsibility of ministers to state legislative assembly
3.	Bicameralism to provinces.	Currently seen in Maharashtra, Karnataka, Telangana etc.
4.	Public services Commissions	Part <u>XIV</u> of Indian Constitution has the same arrangement
5.	Provided for federal Court	<u>Supreme Court</u> under <u>Art 129</u> of constitution

However, certain negative provisions like communal representation etc were not completely rejected by constitution makers. Still significant aspect of present Indian Constitution is impacted by GoI Act 1935.