

THE PREAMBLE

1. The term 'preamble' refers to the introduction or preface to the Constitution. It's a kind of summary or essence of the Constitution.
2. The American Constitution was the first, to begin with, a preamble.
3. N.A Palkiwala has termed preamble as 'the identity card of the constitution'.
4. The Preamble is somewhat **based on the 'Objectives Resolution'** moved by Nehru in the Constituent Assembly.
5. The Preamble has been amended only once so far, that is by **42nd Amendment Act of 1976**. Three words were added by that amendment – **SOCIALIST, SECULAR, INTEGRITY**.
6. The Preamble reveals four ingredients or components:
7. Source of the authority of the Constitution: The Preamble states that the Constitution derives its authority from the people of India.
8. Nature of Indian State: It declares India as a sovereign, socialist, secular democratic and republican polity.
9. Objectives of the Constitution: To provide justice, liberty, equality and fraternity to the citizens of India.
10. Date of adoption of the Constitution: **26th November 1949**.
11. In *Berubari Union* case (1960) - the Supreme Court said that the Preamble isn't a part of the Constitution.
12. In *Kesavananda Bharati case (1973)* - the Supreme Court rejected the earlier opinion and held that Preamble *is* a part of the Constitution.
13. The Preamble is neither a source of power to legislature nor a prohibition upon the powers of the legislature. Provisions in the preamble are non-enforceable in the court of law, that is, it's **non-justiciable**.

THE UNION & ITS TERRITORY

1. Articles 1 to 4 under Part-I of the Constitution deal with the Union and its territory.
2. **Article 1** declares India, that is, Bharat as a '**Union of States**'.
3. Article 2 empowers the Parliament to 'admit into the Union of India, or establish, new states on such terms and conditions as it thinks fit'. Thus, Article 2 grants two powers to the Parliament: (a) the power to admit into the Union of India new states; and (b) the power to establish new states.
4. **Article 3** relates to the **formation of or changes in the existing states** of the Union of India. In other words, Article 3 deals with the internal re-adjustment *inter se* of the territories of the constituent states of the Union of India.
5. Some committees that were important in the reorganization of states in the Indian Union – Dhar Commission, JVP Committee, Fazl Ali Commission and States Reorganization Commission (1st one was in 1956).
6. New states that were created after 1956 with year - **Maharashtra and Gujarat**
In 1960, **Goa, Daman and Diu** India acquired these three territories from the Portuguese by means of a police action in 1961. They were constituted as a union territory by the 12th Constitutional Amendment Act, 1962. Later, in 1987,

Goa was conferred a statehood, **Nagaland** In 1963, **Haryana, Chandigarh and Himachal Pradesh** In 1966, **Manipur, Tripura and Meghalaya** In 1972, Sikkim in 1974-75, **Mizoram, Arunachal Pradesh and Goa** In 1987, **Chhattisgarh, Uttarakhand and Jharkhand** In 2000, and now most recently Telangana on 2nd June, 2014.

THE CITIZENSHIP

1. **Part 2nd** covers **articles 5-11**.
2. The Constitution confers the following rights and privileges on the citizens of India (and denies the same to aliens):
 - Rights conferred under Articles 15, 16, 19, 29 & 30.
 - Right to vote in elections to the Lok Sabha and state legislative assembly.
 - Right to contest for the membership of the Parliament and the state legislature.
 - Eligibility to hold certain public offices, that is, President of India, Vice-President of India, judges of the Supreme Court and the high courts, governor of states, attorney general of India and advocate general of states.
3. Articles 5-8 only deal with the citizenship of individuals who became citizens of India at the commencement of the Constitution. Also, these articles take into account migration issues.
4. No person shall be a citizen of India or be deemed to be a citizen of India if he has voluntarily acquired the citizenship of any foreign state (**Article 9**).
5. Every person who is or is deemed to be a citizen of India shall continue to be such citizen, subject to the provisions of any law made by Parliament (**Article 10**).
6. Parliament shall have the power to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship (**Article 11**).
7. Hence, the Parliament enacted the Citizenship Act, 1955, which has been amended in 1986, 1992, 2003, and 2005 and most recently in 2015. The amendment bill 2016 is still pending though.
8. The five modes of acquisition of citizenship as per the citizenship act are
 - (a) By Birth
 - (b) By Descent
 - (c) By Registration
 - (d) By Naturalization
 - (e) By acquisition of any other territory into the Indian Union.
9. Loss of Citizenship is by – Termination, Renunciation and Deprivation.
10. India provides for single citizenship.
11. **PIO**- A person registered as PIO card holder under the Ministry of Home Affairs' scheme dated 19-08-2002.
12. **OCI**- A person registered as Overseas Citizen of India (OCI) under the Citizenship Act, 1955. The OCI scheme is operational from 02-12-2005.
13. Now both the schemes have been merged with effect from 9th January 2015.

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