

# Literacy about Constitution Day and Constitution of India is imperative

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## INTRODUCTION

The system of government of any country depends on the constitution of that country. The constitution is considered as the supreme law of the country. The constitution roughly provides for the nature of power in the country, the nature of the government, the rights and duties of the citizen, the relationship between the center and the state, and other matters.

November 26 is celebrated as Constitution Day across the country. Earlier this day was also known as National Law. Today, 72 years have passed since the formation of the constitution, and during this period, the constitution has seen many ups and downs in the country, those ups and downs have been broken with a great determination and democracy is being heard everywhere in the country with lots of happiness. In fact, India has the reputation of being the largest democracy in the world. All the credit for this of course goes to the Indian Constitution.

If we trace the constitution of India, the Constituent Assembly came into existence on 9 December 1946. 11 sessions of the Constituent Assembly were held. The work of the Constituent Assembly lasted for 165 days. Dr. A seven-member draft committee was appointed on August 29, 1947 under the leadership of Babasaheb. The committee worked for a total of 141 days. Constitutional Adviser B. N. Rao prepared draft which was considered and discussed by the draft committee. Based on the resolutions of various committees, the Constitution Committee submitted the final draft to the Constituent Assembly on 21 February 1948. Finally, on 26th November 1949, the Constituent Assembly gave its final approval. On the same date, all the members were sworn in. That is, the state constitution of India was created. After that the Constitution was declared accepted and the President of the Constituent Assembly signed it. It took 2 years 11 months 17 days for the constitution. As the Chairman of the Drafting Committee, Dr. Babasaheb Ambedkar created the constitution. All the credit of the incident to Dr. Since it belongs to Babasaheb, he is called the architect of the constitution.

Although we got independence on 15th August 1947, the constitution came into force on 26th January 1950, and the republic started in the country. Our constitution is full of noble values like humanity, social, economic justice freedom, fraternity. According to Maharashtra Government circular dated 24/11/2008, November 26 should be celebrated as 'Constitution Day'. The main purpose of celebrating this day is to create public awareness about the Constitution of India, to familiarize all citizens with the Constitution, this brochure was sent to all government, semi- government offices, district councils, panchayat committees, village panchayats, municipalities, municipal corporations, all primary, secondary, higher secondary schools and all colleges on this day. . Since then Constitution Day is celebrated. Indian citizens should adopt democratic values not only in political but also in family, social, economic and religious life. We as citizens of India should oppose inequality in whatever form it is, we should take initiative to eradicate it. But today it does not seem to be happening. We regret to admit that we have fallen short of universal and strong support for democratic values.

Constitutions have empowered the oppressed, oppressed, deprived people of this country to live as human beings. All have been given equal rights without any distinction between men and women, poor and rich, Shudra Swarna. Although it has ended traditional exploitation and slavery, capitalism and religious pluralism have found new ways of exploiting the common man. Only the Scientist, given by the Constitution, can save the common man from this exploitation by solving the pressing and public questions before us. Only by adopting a Vedic approach can our country become rational, scientific and authoritarian.

The word 'people' includes citizens, statutory officers, people's representatives etc. As a constant inspiring reminder of duty and responsibility, it is taken as per the provisions of the Constitution to have faith and loyalty to the Constitution

and perform the duties as per the Constitution. Staff officers also take oath to the Constitution while entering government service. However, this majority does not believe in the oath they have taken. Many problems have arisen in the country. It is the core of the rule of law and democratic system and the basic condition for the success of this system, during the celebration of 'Constitution Day', activities should be carried out to increase the rule of law. While insisting for rights and dignity, citizens should also insist on their duties. Ask yourself, what can I do for India? We have to work according to India's ambition.

Indian constitution, one of the utmost admired constitutions in the world was enacted after 'ransacking' all the known constitutions of the world at that time. This constitution that we have enacted has stood the test of times. Though provisions were borrowed from other constitutions, the constitution of India has several salient features that distinguish it from constitution of other countries

**Some of its salient features are discussed below:**

**Longiest written constitution**

- Constitution can be classified into written constitution such as that of America or unwritten constitution such as that UK.
- The constitution of India is a written constitution which happens to be the longest written constitution in the world.
- It is comprehensive, elaborate and a detailed document
- The factors that have contributed to this phenomenon are: geographical factors (vastness of country and diversity), Historical factors (Influence of GoI, 1935), Single constitution for both centre and state and dominance of legal luminaries

**Drawn from various sources**

- It has borrowed most of its provisions from the constitution of various other countries as well as from the Government of India act, 1935. Ex: structural part from GoI, 1935, independence of judiciary from USA, Fundamental Rights from USA etc
- Though it is borrowed, the Indian constitution-makers made sure the borrowed features were made suitable to Indian conditions. Ex: Though we borrowed cabinet form of governance from UK, the cabinet is not all-supreme as in the case of UK.

**Preamble of the constitution**

- The Preamble consists of the ideals, objectives and basic principles of the Constitution.
- The salient features of the Constitution have developed directly and indirectly from these objectives which flow from the Preamble
- It asserts India to be a Sovereign Socialist Secular Democratic Republic and a welfare state committed to secure justice, liberty and equality for the people and for promoting fraternity, dignity the individual, and unity and integrity of the nation.
- The Preamble is the nature of Indian state and the objectives it is committed to secure for the people.

**Democratic system**

- The authority of the government rests upon the sovereignty of the people. The people enjoy equal political rights.
- Free fair and regular elections are held for electing governments

**India is a republic**

- The Preamble declares India to be a Republic.
- India is not ruled by a monarch or a nominated head of state. India has an elected head of state (President of India) who wields power for a fixed term of 5 years.
- After every 5 years, the people of India indirectly elect their President.

**Union of states**

- Article I of the Constitution declares, that "India that is Bharat is a Union of States."

**Fundamental Rights and duties:**

- The Constitution of India grants and guarantees Fundamental Rights to its citizens.
- The constitution of India confirms the basic principle that every individual is permitted to enjoy certain

basic rights and part III of the Constitution deals with those rights which are known as fundamental right.

- The Six FR include- Right to Equality; Right to Freedom; Right Against Exploitation; Right to Freedom of Religion; Cultural and Educational Rights and Right to Constitutional Remedies (Art. 32).
- The fundamental rights are justiciable and are not absolute. Reasonable constraints can be imposed keeping in view the security-requirements of the state.
- A new part IV (A) after the Directive Principles of State Policy was combined in the constitution by the 42nd Amendment, 1976 for fundamental duties.

#### **Directive Principles of State Policy:**

- A unique aspect of the Constitution is that it comprises of a chapter in the Directive Principles of State Policy.
- These principles are in the nature of directives to the government to implement them to maintain social and economic democracy in the country.

#### **Parliamentary System:**

- The Constituent Assembly decided to espouse Parliamentary form of government both for the Centre and the states.
- In Indian parliamentary system, distinction is made between nominal and real executive head.
- The Council of Ministers is responsible before the Lok Sabha, The lower house of union parliament. There are close relations between executive and legislature.

#### **Federal structure of government:**

- A federal state is a state where a country is divided into smaller regions and the government is functioning at two levels
- The Indian Constitution has envisaged a federal structure for India considering the geographical vastness and the diversity of languages, region, religions, castes, etc.
- Written Constitution, supremacy of the Constitution, division of powers between Union and States, bicameral Legislature, independent Judiciary, etc. are the features of Indian federation.
- Scholars describe India as a 'Quasi-Federation' (K.C. Wheare) or as 'a federation with a unitary bias, or even as 'a Unitarian federation.'

#### **Universal adult franchise**

- All men and women enjoy an equal right to vote. Each adult man and woman above the age of 18 years has the right to vote.
- All registered voters get the opportunity to vote in elections.

#### **Single integrated State with Single Citizenship:**

- India is the single Independent and Sovereign integrated state.
- All citizens enjoy a common uniform citizenship.
- They are entitled to equal rights and freedoms, and equal protection of the state.

#### **Integrated Judicial system**

- The Constitution provides for a single integrated judicial system common for the Union and the states.
- The Supreme Court of India works at the apex level, High Courts at the state level and other courts work under the High Courts.

#### **Independent Judiciary**

- It is necessary to secure the philosophical foundations of the rule of law and democracy
- Firstly, the Constitution makers created a separate Judiciary independent of Legislature and Executive.
- Secondly, the Constitution has ensured complete independence of Judiciary in the matters of administration and finances.

#### **Amending the Constitution of India:**

- Amending the Constitution of India is the procedure of making modifications to the nation's fundamental law or supreme law.
- The procedure of amendment in the constitution is laid down in Part XX (Article 368) of the

Constitution of India.

- This procedure guarantees the sanctity of the Constitution of India and keeps a check on uninformed power of the Parliament of India.

#### **Judicial Review:**

- The judiciary has significant position in Indian Constitution and it is also made independent of the legislature and the executive.
- The Supreme Court of India stands at the peak of single integrated judicial system
- It operates as defender of fundamental rights of Indian citizens and guardian of the Constitution.

#### **Basic Structure doctrine:**

- The basic structure doctrine is an Indian judicial norm that the Constitution of India has certain basic features that cannot be changed or destroyed through amendments by the parliament.
- The basic features of the Constitution have not been openly defined by the Judiciary.
- At least, 20 features have been described as “basic” or “essential” by the Courts in numerous cases, and have been incorporated in the basic structure.
- In *Indira Gandhi v. Raj Narayan* case and also in the *Minerva Mills* case, it was witnessed that the claim of any particular feature of the Constitution to be a “basic” feature would be determined by the Court in each case that comes before it.

#### **Secularism**

- In no other country of the world so many religions co-exist as in India. In view of such diversity the Constitution guarantees complete freedom of religion to all.
- The citizens of our country are free to follow any religion and they enjoy equal rights without any distinction of caste, creed, religion or sex.
- The State does not discriminate against anyone on the ground of his religion, nor can the State compel anybody to pay taxes for the support of any particular religion.
- Everybody is equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.
- The Constitution regards religion as a private affair of individuals and prohibits the State from interfering with it. The Constitution also grants various cultural rights to minorities.

#### **Independent bodies**

- Constitution has setup various independent bodies and vested them with powers to ensure the constitutional provisions. Ex: Election Commission, CAG, Finance Commission
- These institutions have been provided with security of tenure, fixed service conditions etc to ensure that they are not susceptible to the whims of either the legislature or the executive.

#### **Emergency provisions**

- Indian constitution contains elaborate provisions to deal with those challenges that pose a threat to the country's security and unity (It will be discussed in detail in upcoming chapters)

#### **Three-tier government**

- Through 73<sup>rd</sup> and 74<sup>th</sup> amendment act, we have rural and urban local bodies as an additional constitutional tier of the government structure

“How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.” The above are words of Dr. Babasaheb Ambedkar which are very essential in the contemporary times, when there is an attack on Indian Constitution is happening.

#### **REFERENCES**

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