

8th – The Indian Constitution



Democracy is a form of government in which people largely hold the power of governance. The Constitution of India is the longest written constitution in the world. It is a set of rules by which the government rules our country. It is the supreme law of the land. It came into effect on 26th January 1950. Our Constitution is based on the principles of democracy, socialism and secularism. India is a republican government in which no individual has a hereditary right to public offices. There is no King or Queen in a republic

Dr. Bhim Rao Ambedkar is known as “The Father of Indian Constitution”.

Need of a Constitution: Today most countries in the world have a Constitution. While all democratic countries are likely to have a constitution, it is not necessary that all countries that have a constitution are democratic. The Constitution has several purposes.

1. It lays out certain ideals that form basis of the kind of country that we as citizens aspire to live in.
2. A Constitution tells us what fundamental nature of our society is. A country is usually made up of different communities of people who share certain beliefs but may not necessarily agree on all issues.
3. It helps serve as a set of rules and principles that all persons in a country can agree upon as basis of the way in which they want the country to be governed.
4. This includes not only the type of government but also an agreement on certain ideals that they all believe the country should uphold.
5. Nepal, a country that borders India on the north. Nepal was a monarchy. The previous Constitution of Nepal, which had been adopted in 1990, reflected the fact that the final authority rested with the King. A people’s movement in Nepal fought for several decades to establish democracy and in 2006 they finally succeeded in putting an end to the powers of the King. Now the people have to write a new Constitution to establish Nepal as a democracy. The reason that they do not want to continue with the previous Constitution is because it does not reflect the ideals of the country that they want Nepal to be, and that they have fought for.
6. Constitution is to define the nature of a country’s political system. For example, Nepal’s earlier Constitution stated that the country was to be ruled by the King and his council of ministers. In countries that have adopted a democratic form of government or polity, the Constitution plays a crucial role in laying out certain important guidelines that govern decision-making within these societies.
7. Constitution plays in a democracy is to ensure that a dominant group does not use its power against other, less powerful people or groups.
8. The Constitution usually contains rules that ensure that minorities are not excluded from anything that is routinely available to the majority.
9. Constitution is precisely to prevent tyranny or domination by the majority of a minority. This can refer to one community dominating another, i.e. inter-community domination, or members of one community dominating others within the same community, i.e. intra-community domination.
10. Significant reason is that Constitution to save us from ourselves. This may sound strange but what is meant by this is that we might at times feel strongly about an issue that might go against our larger interests and the Constitution helps us guard against this.
11. Constitution helps to protect us against certain decisions that we might take that could have an adverse effect on the larger principles that the country believes in.

The Indian Constitution: Key Features The Indian National movement had been active in the struggle for independence from British rule for several decades. During the freedom struggle the nationalists had devoted a great deal of time to imagining and planning what a

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free India would be like. Under the British, they had been forced to obey rules that they had had very little role in making. The long experience of authoritarian rule under the colonial state convinced Indians that free India should be a democracy in which everyone should be treated equally and be allowed to participate in government. The introduction to our constitution is known as preamble.

1. Federalism: This refers to the existence of more than one level of government in the country. In India, we have governments at the state level and at the centre. Panchayati Raj is the third tier of government. The vast number of communities in India meant that a system of government needed to be devised that did not involve only persons sitting in the capital city of New Delhi and making decisions for everyone. Instead, it was important to have another level of government in the states so that decisions could be made for that particular area. While each state in India enjoys autonomy in exercising powers on certain issues, subjects of national concern require that all of these states follow the laws of the central government. Under federalism, the states are not merely agents of the federal government but draw their authority from the Constitution as well. All persons in India are governed by laws and policies made by each of these levels of government.

2. Parliamentary Form of Government: The different tiers of government that you just read about consist of representatives who are elected by the people. The constitution of India guarantees universal adult suffrage for all citizens. When they were making the Constitution, the members of the Constituent Assembly felt that the freedom struggle had prepared the masses for universal adult suffrage and that this would help encourage a democratic mindset and break the clutches of traditional caste, class and gender hierarchies.

3. Separations of Powers: according to the constitution there are three organs of the state. These are the legislature, the executive and the judiciary. The **legislature** refers to our elected representative; those who makes laws. The **executive** is a smaller group of people who are responsible for implementing laws and running the government. The **judiciary** refers to the system of courts in the country; who settles disputes and makes sure that laws are obeyed. Each organ acts as a check on the other organs of the State and this ensures the balance of power between all three.

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4. Fundamental Rights: the section on fundamental rights has often been offered to as the conscience of the Indian Constitution. Colonial rule had created a certain suspicion of the state in the minds of the nationalists and they wanted to ensure that a set of written rights would guard against the misuse of states power in independent India. Fundamentals Rights therefore, protect citizens against the arbitrary and absolute exercise of power by the state. The constitution thus, guarantees the rights of individuals against the state as well as against other individuals. There are six Fundamental Rights in the Indian Constitution, which are: (i) Right to Equality; (ii) Right to Freedom; (iii) Right against Exploitation; (iv) Right to Freedom of Religion; (v) Cultural and Educational Rights; (vi) Right to Constitution Remedies. In addition to Fundamental Rights, the Constitution has a section called Directive Principles of State Policy. It ensures greater social and economic reforms and to serve as a guide to independent Indian state to institute laws and policies that help reduce the poverty of the masses.

5. Secularism: a secular state is one in which the state does not officially promote any on religion as the state religion.

