

## Unit 2 : Making Of Modern Nation

So far we have studied the rise of the British Empire, India's political, social and religious movements, political movements of the world in the twentieth century, two World Wars, and nationalistic spirit prevailing in countries of Asia and Africa and about Freedom movements of India.

In this unit we are going to study about how modern India came into being. India achieved freedom and the need for the new Constitution for governing India, soon arose. The largest, extensive and written documentation which kept in mind the diversification of people's aspiration and expectation was made which is known as The Constitution of India. It came into existence on 26<sup>th</sup> January, 1950 and from that day India became the Republic Democratic country.

India a land of several languages and cultures, could best be governed on principles like democracy, socialism, secularism, and ensuring integration.

To dignity the lives of human beings security of personal freedom, national stability and state dictatorship, fundamental rights were established so that every citizen can have his/her rights.

Directive Principles were added in the policies of social, economic, political, constitutional remedies so that there can be equality in the administration of state.

Government has three organs that is Legislature, Executive and Judiciary. For the perfect synchronization of administration, provisions were made in the Constitution. How to administer a democratic country so that the provisions from local bodies to the Panchayati Raj further democratic process and give fruits of democracy for which constitutional remedies were incorporated.

For the implementation of Law, protection of Fundamental Rights, a free, impartial, unified judiciary is the pillar of democratic Constitution. The barometer of democracy is conducting election which is fair, transparent and just. Every citizen is free and equal to take part in planning and administration of democratic atmosphere. People can propose their opinions.

Politically aware citizens, keep a keen eye on the process of General Elections, Election Commission, political parties and functioning of organizations cultivating public opinion. And during elections, they elect honest, sincere, conscientious, faithful and welfare oriented candidates. In this way, in a democratic nation, people democratically contribute in building modern India.



**Constitution means**

‘Any systematic collection of rules designed to govern a country’s regime is known as Constitution’

**Importance**

Constitution is the basic and most important document. The laws of the country are based on the Constitution. The Country’s Constitution and the Constitutional laws should be subject to relevant provisions. The Constitution is superior to all the laws of the country. Constitution involves periodically changing requirements of the people’s aspirations, expectations, interests as well as the emotions which are high. That’s the reason Constitution is known as a live and a basic document.

**Process of Framing the Constitution**

Before independence, the British Government on 25<sup>th</sup> March 1946 handed the duty to the Cabinet Mission of three members to find a solution to the questions of India’s Independence. On the basis of recommendations of the Cabinet Mission, the Constituent Assembly was constituted and the structure of the Constitution was decided.

Constituent Assembly comprised 389 members in which various members from different religion, caste, gender and people from various geographical diversification, political representatives and experts from various sectors were included. Jawaharlal Nehru, Sardar Vallabhbhai Patel, Maulana Abdul Kalam Azad, Shyamprasad Mukerjee, H.P. Modi, H.V. Kamanth, Frank Anthony, Kanaiyalal Munshi, Krishna Swami Iyer, Baldev Singh and women representatives Sarojini Naidu, Vijay Lakshmi Pandit etc. were the members of the Constituent Assembly. Dr. Rajendra Prasad was the President of the Constituent Assembly. A drafting committee was appointed to draft the Constitution under the Chairmanship of Dr. Bhimrao Ambedkar. This Constituent assembly started working from 9<sup>th</sup> November 1946.

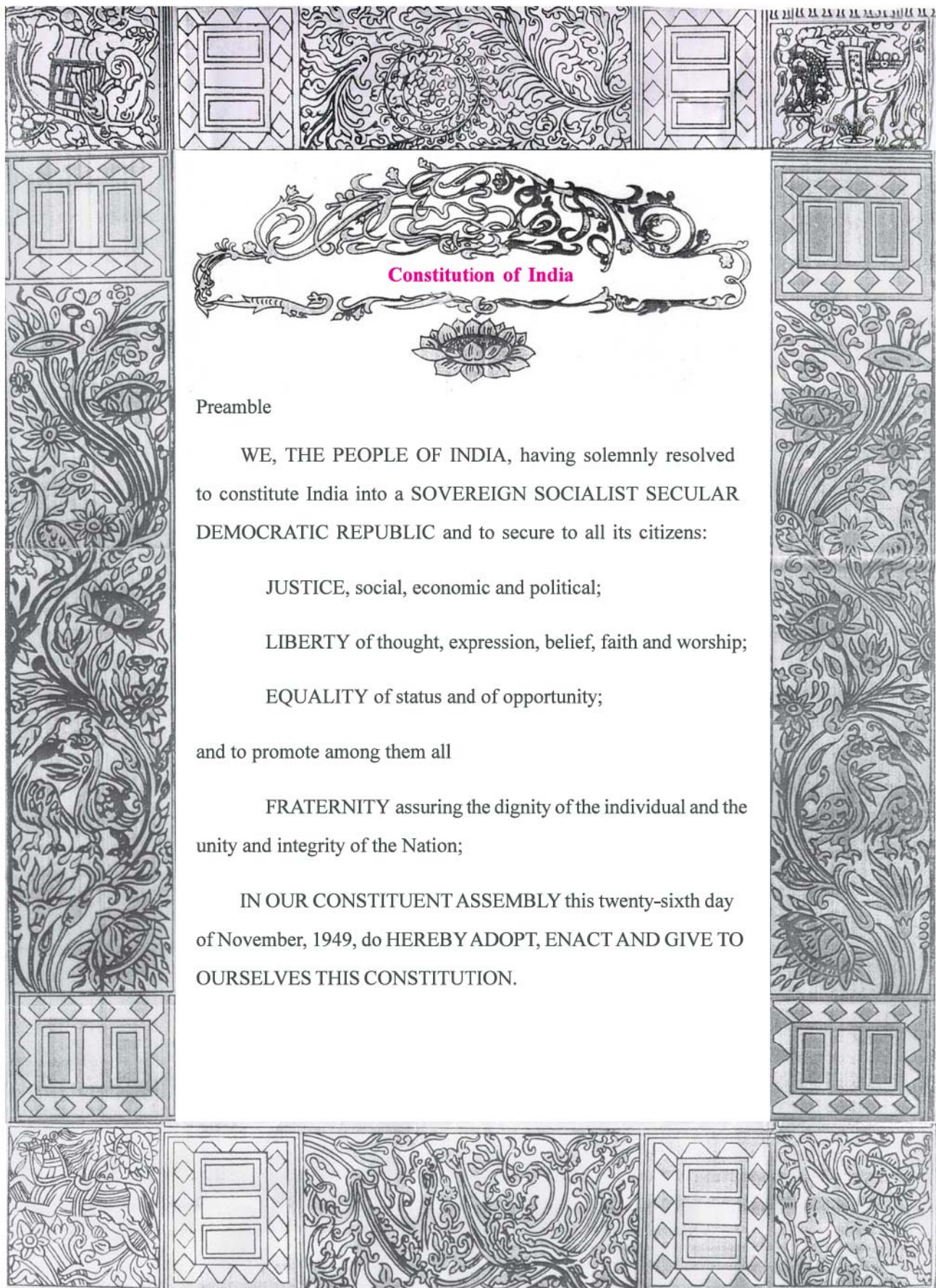
This Constituent assembly started its work from 9<sup>th</sup> November 1946. The Constituent Assembly met for 166 sessions spread over a period of 2 years, 11 months and 17 days. Members of the Assembly had discussed threadbare, each and every detail of its provisions keeping in concern the matters of Constitution of different countries. In this Constitution there are 295 Articles and 8 Appendices, after amendments with 395 Articles and 9 Appendices, the Constitution was framed. On 26<sup>th</sup> November 1949, the Constitution was unanimously passed in the Constituent Assembly. On 26<sup>th</sup> January 1950, Constitution of India came into existence and India was declared a ‘Republic Nation’. Thereafter every year on 26<sup>th</sup> January we celebrate Republic Day with national fervour. In the Indian Constitution, we have four lions as ‘National Emblem’ and national slogan ‘Satyamev Jayate’ (Truth will always win). The Constitution provides for citizenship, rights and duties of the people, directive principles of the State policy, Union-state relations, elections and emergency provisions. Thus, the Constitution of India is the most detailed and elaborated national document.

**What is Preamble ?**

Preamble is the core and important part of Constitution. Indian Constitution begins with Preamble. The words written in the Preamble highlights the soul of the Constitution.



The words inscribed in the Preamble are given below :



The Preamble remained unchanged till 1976. In 42<sup>nd</sup> Constitutional amendment in 1976, the words 'Socialist', 'Secular', 'Unity' and 'Integrity of the Nation' were added.

The Preamble verbalises the fundamental objectives of the Constitution, aims, ideas and principles. Therefore the Preamble straightway gives a clear insight of the 'Rule of Welfare'. The Preamble reflects Constitution framers' psyche.

### Importance of Preamble

The Preamble as a soul of the Constitution is also an important necessity. To understand the framing of any law or its interpretation, Preamble gives proper guidance. To understand the policy behind the framing of any law, Preamble plays an important role. The Preamble is a useful tool to avoid the trouble in the interpretation of the Constitution.

When any ambiguity or obscure details in law arises, Preamble helps in understanding and interpreting the law. Thus, Preamble serves as a compass to understand the provisions of Constitutional law.

Preamble is nation's unity, integrity and is the standard crust of brotherhood among citizens who are having noble sentiments and ideals. Preamble is backed by high ideals and goals.

### Pillars of the Preamble

The words inscribed in the Preamble are : We, the people of India SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC, JUSTICE, LIBERTY, FRATERNITY AND EQUALITY. Here we will study the following three main pillars of the Preamble.

**(1) Democracy :** The ultimate sovereignty of power is with the people according to Indian constitution. There is no particular regime of any one particular person instead it is with the people.

Democracy, the word, is derived from Greek word 'Demos' means people and 'Kratos' means power. Country's power is not within a group of people instead it is within the people of the country. Democratic State administration is such an arrangement in which there is equal justice for people to social, economical and political and having equal rights of participation.

In democratic India people elect their leaders through their choice by casting vote to represent those leaders in the Parliament and thereafter assuming the post of Prime Minister and his/her Cabinet. Executives do not have absolute power. They are given specific time-limit. Similarly, the voters elect State and Local level Government. Hence, Democracy means by the people, for the people and of the people. Cabinet consists members of Parliament. Cabinet of Ministers is responsible to the Parliament. Any citizen of India who possesses required Constitutional Eligibility can contest the election. Ministerial positions are not acquired hereditary. Each elected Government has 5 years of tenure. This Government works under the principles of Constitution and therefore it is known as 'Responsible Government'. The democratic Government is based on liberty, equality and feeling of fraternity and continuously work to achieve these goals. The Constitution



disseminates the power to people to cast their vote according to their free will and thereby instills confidence in the Constitution.

The Constitution of Democratic India renders Fundamental Rights, Principles for Political directions, Parliament, Member of Assembly, Independent and Impartial Justice and Election Commission are those provisions which make our country democratic in every means.

Adult Suffrage means the citizen above 18 years of age can cast his/her vote to one's choice of leaders without discriminating caste, creed, religion, language, gender, education, income or birth place. But it is essential that the citizens are enlisted in the Electoral list.

**(2) Socialistic :** In the year 1976 by 42<sup>nd</sup> Indian Constitution Amendment, Constitution of India added in the 42<sup>nd</sup> amendment, the word 'Socialist'. Most of the provisions in the Constitution of India directly or indirectly show 'Social Revolution' which brought social and economic equality and furthered the aim of 'Welfare State'.

The principle of socialistic pattern directs social, economic and political equality for citizens as given in the Preamble. It is now regarded as a prime feature of the State. It reflects the fact that India is committed to secure social, economic and political justice for all its people. India stands for abolishing all forms of exploitation as well as for securing equitable distribution of income, resources and wealth. Any one particular person should not have power over all assets instead everyone should have equal opportunity by getting facilities and provisions from society and thereby eliminating the discrimination of rich and poor. Therefore we can say that, Constitution of India is a socialistic document.

**(3) Secularism :** In the year 1976 by 42<sup>nd</sup> Indian Constitution Amendment the word 'Secular' was inserted. India is a secular country. India can never become one particular religious country as per the provisions of the Constitution. India does not follow any particular religion. So the country never promotes any religious activity. The country cannot involve any secular activity with religious activity. The citizen of the country has a freedom to choose his /her religion. The country can not discriminate a citizen on religious basis. Equal job opportunities and political rights to the citizens are given without any religious discrimination. In this way, Secularism is the basic foundation and mandatory feature of the Constitution.

'Sarv Dharm Samdristi' and 'Sarv Dharm Sambhav' are the principles incorporated in the Constitution. So no particular religion would be encouraged in any states. There is no prohibition on any citizen to propagate his/her religious belief, trust and faith.

### Basic Features Of the Constitution

The Constitution which came into force on 26<sup>th</sup> January, 1950 is considered as the largest, extensive and detailed written document : Given below are the basic and salient features of it:

**(1) Written document :** Except Britain and Israel, India alongwith other nations of the world have their Constitution in written form. Considering the social, geographical diversified circumstances and pre-historical notions the Constituent Assembly has kept the drafted Constitution in written form.

**(2) Size of the Constitution :** Indian Constitution is divided into 22 sections comprising 395 articles and 8 appendices (now 12) .The Constitution comprises provisions for State administration and States' inter relations, fundamental rights, principles for political policies, judiciary, election commission, government institutions, minorities, scheduled caste and deprived groups. Therefore the Constitution of India is the largest, extensive and detailed written document, compared to other Constitutions.

**(3) Single Citizenship :** In America dual citizenship is given ; one for United States of America and another for State citizenship. But in India there is only single citizenship irrespective of any region or State of the country.

**(4) The Centre with strong Federal Structure :** India is a Union of States. There is nowhere any reference of the word 'Federal' in the Constitution. 'Union of States' is the sentence used for India. By the use of word , 'Union' , a permanent and irreversible relationship between Union and its Component States is indicated. India is a Union of States and no State has right to secede it .Thus India is a Union of States yet it has some elements of Federal Government. In Indian Federation, there are two sets of Governments; the Union Government and the State Governments. The Constitution has clearly marked areas of functioning for both the kinds of Governments.

The Constitution demarcates the powers of the Central and the State Governments into different Lists of Subjects.

**(i) Union List :** Union List comprises 97 Subjects. Subjects of national importance like defence, foreign affairs, atomic energy, banking, railway, communication, post and telegraph are included in the Union list.

**(ii) State List :** The State List comprises 66 subjects. The State List comprises of those important subjects on which the State Legislature House can pass Laws. Subjects like law and order, State government institutions, agriculture and irrigation, health, land, inter-state trade and commerce are included. If there is a failure of the law and order in the State the Union Government with consent or against the will of the State can send Reserved Police Force.

**(iii) Concurrent List :** In addition to this, the Constitution provides for a third list that is called the Concurrent List. which consist of subjects of common concern, both to the Centre and the State Governments. The Central and State Government can pass laws on these Subjects. The Concurrent List has 47 subjects. This List includes subjects like criminal and civil procedure, marriage and divorce, education, economic planning, trade union etc.

## Residuary Powers

The subjects which are not specifically allotted to Union or State are included in 'Residuary Powers'. Matters that are not included in the division of powers are known as residuary powers. The Central Government is given the power to legislate on these 'residuary' subjects.

The financial distribution of resources is done between Union Government and State Governments. Excise and custom, export-import, income tax all these major taxes are decided by Central Government while sales tax, revenue tax, entertainment tax, educational tax which are having meager financial resources are decided by State Government.

**(5) Unified Arrangement during crisis :** There are three provisions for Emergencies in Constitution of India.

(i) National emergency can be declared at the time of war, external attack, or armed rebellion.

(ii) Due to law and order breakdown, the State cannot function according to the Constitution, so Constitutional Emergency is declared.

(iii) Due to increase in prices there is monetary value erosion at that, financial emergency is declared.

The Central Government has been given more powers to deal with these emergencies. At the time of emergency, India is almost turned into a unitary system.

**(6) Bicameral practise :** India has a Parliamentary system of Governance. In a Parliamentary system, the Parliament is a supreme authority representing people. The Legislature at the Union is the Parliament. The Parliament is bicameral means it has two houses: Upper House and Lower House. Upper House is called Rajya Sabha. Lower House is known as Lok Sabha. Though the Government is carried on in the name of the President at the Union and the Governor in the States, actual administration is carried by the Council of Ministers headed by the Prime Minister at the Union and the Chief Minister in the States. The Council of Ministers is responsible to the Legislature that comprises representatives of the people. The President selects 12 people who are experts and experienced from various fields for Rajya Sabha. Rajya Sabha is a permanent house in which one-third members retire every two years the same number of member for election. Thus each member has six years of tenure in Rajya Sabha (Council of States). The powers of Rajya Sabha are less compared to the Lok Sabha which is special, superior and decisive. Rajya Sabha cannot be completely dissolved.

**(7) Independent, Impartial, integrated Judiciary :** The Constitution has provided for the establishment of an independent and impartial judiciary. There is Supreme Court at the top, then there are High Courts at states and under its jurisdiction are the District Courts at district level and at the taluka level there are Local and Special Courts. The Judgements of Supreme Court are binding to all the sub-ordinate Courts of the Nation. In case of conflict between the Union and State Governments, matters relating to Constitution and interpretation of Statutes, the final decision is vested with Supreme Court. The Supreme Court is the protector and guardian of the Constitution.



**(8) Amendments in Constitution :** Compared to other countries' Constitution, Constitution of India is dynamic. Constitution can be amended as and when required. Constitutional provisions can be amended in three ways :

(i) Amendments can be made by a simple majority of members present and voting in the Parliament.

(ii) Certain amendments require a special majority, that is  $\frac{2}{3}$  (two-third) majority of members present and voting.

(iii) Concerning the Union-State relations, the special majority that is  $\frac{2}{3}$  (two-third) and the concurrence not less than 50% of the State Legislature is required.

If there is any amendment to be made in the inter-relationships between Union, State structure or in supreme judiciary, then half of the States from the total States have to give consent. Judgement of Court can also bring amendment by the Parliament. There will be no change in the basic structure of the Constitution. Simple majority in Parliament can bring change in the amendments of the Constitution, that's why the Constitution is known as the most inconstant and flexible document but at certain cases it is not amendable by simple majority. Without the majority consent of states its not amendable. Then too the mixture of both makes the Constitution.

**(9) Universal Adult Suffrage :** In India, we have a system of Adult Suffrage which is flexible. According to that any citizen who is above 18 years of age and above possesses right to vote in the elections of Parliament, Legislative Assemblies or Local Self-Government Bodies, without any discrimination of education, property and economic standard.

**(10) Secularism :** We have discussed earlier about secularism in the Preamble. In the Constitution India has been declared as a secular State. People of different religions reside in India. Therefore the State cannot discriminate any citizen on the basis of religion. No citizen can be given special rights or cannot be deprived of certain rights. The State has to be absolutely impartial and neutral in respect of religion. Only secular state can offer proper or equal treatment towards all citizens. Secularism means that the state doesn't interfere in matters of religion, or is biased to any specific religion. The State has to be secular and indifferent. Followers of every religion are free to follow and practice their religion of choice.

**(11) Judicial review :** Judicial review is the chief characteristic of the Constitution. Judicial review administers the working of Union and State within jurisdiction. Without disrespecting the powers of Parliament, the Constitution has made an effort to harmonize the principles of judicial review. Parliamentary amendments, external orders, ordinances, and judicial judgement are given for Judicial Review. If the court finds any indiscrepancy in the external orders, ordinances or judicial judgements it can stop them by declaring them unconstitutional.

**(12) Fundamental Rights and Duties :** Fundamental rights are conferred to the people of India by the Constitution to live a dignified life. The most valuable capital of our country is in the overall development of nation which further lies in the Fundamental Duties and Rights. Right to Constitutional Remedies and for the children 6 to 14 years of age Right to Educate are also made available.



**(13) Directive Principles of State Policy :** Protection of people, security and welfare should be carried out by the States. These principles provide directions for State governances and policy making, so they are called as Directive Principles.

**(14) Provision for Backward sections and Tribes :** To uplift and include backward sections and tribes and deprived class in the main stream, there are specific provisions in the Constitution. Reserve seats are allocated in Legislature and Local Self Governing Bodies election to provide representation. Reservation Quota has been provided for admission in educational institutes and government jobs in proportion to their population to provide equal opportunity. Children of backward sections and tribes are given scholarships, basic amenities and waived fees which come under 'optimistic policies' and 'shielding policies' as per provision in the Constitution.

### Self Study

#### 1. Answer the following questions in brief :

- (1) Which ideals are stated in the Preamble of Indian Constitution ?
- (2) What is Adult Suffrage ?
- (3) Indian Constitution is federal –discuss.
- (4) State the characteristics of Parliamentary Government.
- (5) What is Unified Judicial System ?
- (6) Explain the provisions for Constitutional Amendments.
- (7) Political equality is incomplete without social and economic equality discuss.

#### 2. Explain the statements :

- (1) Preamble is an extract of Indian Constitution.
- (2) Preamble is the key to understanding of the amendments of the Constitution.
- (3) Preamble serves as compass.
- (4) Indian Constitution is the inclusion of federal unitary.
- (5) India is a secular country.
- (6) India is a democratic republic country.
- (7) India is integral and indivisible federation.
- (8) Constitution of India is the most extensive and detailed written document in the world.

#### 3. Explain the below given terminology of words :

- |                      |                          |                            |                |
|----------------------|--------------------------|----------------------------|----------------|
| (1) Dual Citizenship | (2) Parliamentary System | (3) Responsible Government | (4) Union List |
| (5) State List       | (6) Concurrent List      | (7) Resdiuary Power        | (8) Socialist  |
| (9) Judicial Review  | (10) Democracy           |                            |                |

**4. Choose the correct option from the given below options :**

- (1) When was the Indian Constitution framework completed ?  
(A) In the year 1948 (b) In the year 1949 (C) In the year 1950 (D) In the year 1947
- (2) How many subjects are there in Central List ?  
(A) 66 (B) 47 (C) 97 (D) 87
- (3) How many Articles and Appendices are there in Indian Constitution ?  
(A) 285-11 (B) 395-12 (C) 495-13 (D) 345-8
- (4) Who was the Chairman of Constitutional Framework Committee ?  
(A) Kaniyalal Munshi (B) Rajendra Prasad (C) Shyama Prasad (D) Sardar Patel
- (5) When did Indian Constitution come into existence ?  
(A) 26<sup>th</sup> Nov, 1949 (B) 26<sup>th</sup> Jan, 1950 (C) 15<sup>th</sup> August, 1947 (D) 9<sup>th</sup> Dec, 1946
- (6) How many members were there in the Formation of Constitutional Committee ?  
(A) 385 (B) 545 (C) 250 (D) 166
- (7) India is a republic country because...  
(A) it is a sovereign country (B) It is a democratic country  
(C) Prime Minister is elected for certain tenure (D) People have religious freedom

**5. Write a detailed note on salient features of Constitution, parliamentary method, federal and sole planning, federal and free Judiciary, constitutional provisions, judicial review.**

**Activity**

- Gather photocopy of Constitution of India for supportive referential chapter for understanding Indian Constitution directly.(get a photocopy from well-known library)
- Prepare points of comparison related to Constitution of countries like America, India and Britain
- Prepare project on latest amendments in Indian Constitution.
- Arrange a talk on the topic Constitution and Fundamental Rights and Duties by Eminent Advocate or Expert Parent or Professor of a Law College.
- Prepare a pictorial wall poster on Framers of the Constitution.
- Arrange a mock election for class committee, class representatives and general secretary at school level. Provide training for counting of votes.