

# POLITICAL PHILOSOPHY UNDERLYING THE CONSTITUTION

## INTRODUCTION:

The political philosophy of the constitution consists of three things.

- a) The conceptual structure; meaning of the terms used in constitution like democracy, rights, citizenship etc.
- b) Set of ideals ensured for citizens.
- c) The justification of values attached to constitution.

## CORE PROVISIONS OF THE CONSTITUTION:

The constitution of a country determines the basic structure of the political system of the land under which people are governed. It establishes the main organs of the state like legislature; judiciary and executive explain their powers, limit their functions and determine their relations with the people. The core provisions of the constitution are:

(i) **India is a sovereign , Socialist, Secular, democratic and Republic**: In the preamble, India is declared as Sovereign independent, a Democratic country with elected government responsible to people, a secular state, where every citizen has his right to freedom of religion and state will not interfere in religious affairs, and a socialist and republic state.

(ii) **Establishes federal Government**: Indian constitution establishes a federal government with written and rigid constitution, powers divided between centre and state, and, an independent judiciary.

(iii) **Tendency towards Unitary form of Government**: Instead of the federal features, Indian constitution has an incline towards unitary government as all powers are concentrated in centre.

(iv) **Parliamentary form of Government**: Indian constitution provides for parliamentary form of government, where executive is responsible to parliament.

(v) **Secular State**: The constitution describes India a secular state where every citizen has freedom of religion. And state does not interfere in the religious matters of people.

(vi) **Co-ordination of rigidity and Flexibility**: Indian constitution is a co-ordination of rigidity and flexibility. Some provisions are difficult to change and need 2/3<sup>rd</sup> majority for any amendment. But some provisions like ordinary law can be changed / amended by simple majority.

(vii) **Single Citizenship**: India being a federal state, does not follow dual citizenship. In India, there is single citizenship, which means that an Indian is a citizen of India only and not of the state he belongs to.

(viii) **Fundamental Rights**: Indian constitution provides a set of fundamental rights to the citizens, which are written in the constitution, are necessary for all-round development of a citizen and are safeguarded by the Judiciary.

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(ix) **Fundamental Duties**: 42<sup>nd</sup> Amendment to Indian constitution, introduced list of fundamental duties for citizens, to awaken them regarding the loyalty to nation.

(x) **Directive Principles of State Policy**: Indian constitution lays down set of directive principles of state policy for respective governments. Governments need to follow these principles in governing the people. But directive principles are not enforced by the government.

(xi) **Establishment of Welfare State**: The aim and objective of constitution is to establish a welfare state, that is state committed to promote welfare activities, such as, to improve the living standard of citizens, judicious distribution of national wealth, to provide proper, compulsory and free education to children, to promote health, home etc for citizens.

(xii) **Reservation of Seats**: Constitution provides reservation for scheduled castes, tribes, other backwards classes and women in every sphere of Government.

(xiii) **Independent Judiciary**: Indian constitution provides Independent status to judiciary. Judiciary is completely free from influence of executive and it needs to perform its duty successfully and impartially.

(xiv) **Jucicila Review**: Indian constitution empowers Judiciary to declare any law invalid if it goes against limits of constitution.

(xv) **Adult Franchise**: Adult Franchise is adopted in Indian constitution, in which every citizen above age of 18, has right to vote, without any discrimination on grounds of education, property, religion etc.

(xvi) **Joint Electorate System**: Indian constitution provides for joint electorate system with reservation of seat system on Socio-economic basis for schedules castes and tribes, in which the elected representatives does not represent any community, but people of the country. This system is for general seat elections also.

(xvii) **End of Untouchability**: Indian constitution put an end to untouchability for progress of backward classes.

(xviii) **National Link Language**: India is having many languages and constitution has given equal respect to all these languages and regards them as national language. Hindi has been declared as national link language of entire country.

### **VISIONS UNDERLYING THE CORE PROVISIONS OF CONSTITUTION:**

The core provisions were not made to solve the problems of pre-independence India, but main objectives were to ensure the goal of making India a sovereign, democratic and welfare state. This vision is expressed in preamble, and, preamble of India constitution goes like this:

“We The People of India, having solemnly resolved to constitute India into a SOVEREIGN. (SOCIALIST; REPUBLIC; DEMOCRATIC; SECULAR) and to secure to all its citizens.

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Justice, social, economic and political; liberty, of thought, expression, belief, faith and worship;

Equality, of status and of opportunity, and to promote among them all;

Fraternity assuring the dignity of an individual and the unity and (INTEGRITY) of the Nation.”

In our constituent Assembly this twenty Sixth Day of November, 1949, Do hereby Adopt, enact and give to ourselves this constitution.

## **FEATURES OF THE PREAMBLE:**

(i) ***Final Power Rests With the People***: Preamble clearly states that the final authority of the Indian Republic rests with the people .the words, ‘we, the people of India,” “Adopt, Enact and give to ourselves” state that Indian constitution was enacted and adopted by Indian people themselves.

(ii) ***India is a Sovereign, Socialist, Secular, Democratic Republic***: India is a fully sovereign state, independent n deciding her internal or external policy. She is powerful enough to safeguard her people internally as well as externally.

India is a socialist state, but socialism is to be enforced by democratic means only. The words socialist was introduced to preamble through 42<sup>nd</sup> constitutional Amendment (1976). Socialist refers to equal opportunity to everyone for earning their livelihood.

India is a secular state as state itself will not recognize any religion as state religion, but people of India will enjoy freedom to religious practice, to propagats religion and to hold any faith without any discrimination. The word secular also entered India constitution (Preamble through 42<sup>nd</sup> Amendments 1976).

There exists democracy in India as people choose their rulers. Rulers can remain in power as long as they retain the confidence of the people. The word democracy refers to political, social and economic democracy.

India is a Republican Democracy as head of the state is elected by people either directly or indirectly for a fixed term.

### (iii) **Five Objectives:**

a) ***Justice – Social, economic and political***: Social justice implies that condition which removes all discrimination between individuals, between high and low and all sections of society have full opportunity for self-development, it forbids any discrimination on the basis of caste, class, religion, sex or place of birth, and, directs the government for making special provisions for upliftment of weaker sections like women and children.

Economic justice that wealth of nation should be distributed in such a way so that people might derive maximum benefit. Every citizen should have equal scope to earn and no individual should be allowed to exploit another one. Men and women should have equal pay for equal work, should work in a human environment so that an individual is not forced to do work under compulsion.

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Political justice implies that citizens should have right to participate in the Government. Adult franchise ensures the participation of all in administration of country. Treating all citizens equal before law, ensures political justice.

b) **Liberty – of thought, expression, belief, faith and worship**: A citizen requires various freedom for the fullest development of his personality, and, for this reason, Indian citizens are given freedom of thought, expression, faith, belief and worship.

c) **Equality of Status and Opportunity**: Indian citizens are provided with equality of scope and opportunity for improving themselves. This means elimination of discrimination among citizens, treat them equally before law and provide equal protection to all.

d) **Fraternity**: It enable enhancement of Individual's character, so that they will treat fellow beings in a spirit of brotherhood.

e) **Unity and Integrity of Nation**: Preamble stresses on unity and Integrity of nation. By establishing feeling of brotherhood, a one can imagine of strong, well-organized and united India.

## **CRITISM OF INDIAN CONSTITUION:**

The constitution of India has been subjected to criticism on two strong grounds:

a) ***Detailed and Voluminous constitution***: It is world's most detailed and voluminous constitution, due to large number of articles, parts and schedules, and detailed description of fundamental Rights, Directive principles of state policy, Reservation for scheduled castes and scheduled tribes, the distribution of powers between Union and state in three lists, powers of president during emergency, organization and functions of executive, legislative and judiciary etc.

b) ***Absence of originality in the constitution***: While making of Indian constitution, many provisions have been brought from various constitutions of the world. Because of parliamentary form of government, the fundamental nature of Indian constitution is product of Britain. Thus, it lacks originality.

## **(iv) HOW IS THE VISION SHAPED BY MODERN POLITICAL THOUGHT:**

The visions underlying the core provision of the constitution of India were shaped by modern political thought. The modern thought can be traced back to early decades of 19<sup>th</sup> century when Raja Ram Mohan Roy started to protest against westernization of Indian culture.

Further, liberal ideas of west flowed through the channel of English language, resulting in new beginning with reason and judgement. People wanted to get rid of social evils and in 1841, Dalits of noth India began to organize themselves against the landlords.

The new scientific out-look, rationalism and humanism impressed the Indian leaders who sought to reform the socio-political structure of land. They raised the questions of dignity, equality and fraternity.

Popular demands were made to formulate on a country-wide basis so that the emerging public opinion might have an all India focus.

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One more thought was inclusion of all sections of population in nation building. The economic and political demands of political thinkers were formulated with view to unify the Indian people on basis of common interest and thus, urged for welfare state.

The thoughts of Mahatma Gandhi, Ram Manohar Lohia and B.R. Ambedkar also shaped the core provisions of Indian constitution. For securing the objective of social and economic justice, the constitution make certain provisions to help weaker sections to come up to the same level with the rest of the sections of society.

