

U24MC102 – INDIAN CONSTITUTION

UNIT 1 – INTRODUCTION

Indian Constitution

The Indian Constitution is the supreme law of India. It is a written document that outlines how the government should function and defines the rights and duties of citizens. Adopted on 26 November 1949 and effective from 26 January 1950, it transformed India into a sovereign, socialist, secular, democratic republic.

Evolution of Indian Constitution

History of the Indian Constitution

Creating a constitution involves many political, social, and cultural ideas. The Constitution of India is the highest and most important law in the country. It reflects the needs of today's society and also looks ahead to the future. It tries to bring together different interests and hopes of various groups in India to keep peace and unity. Our Constitution has done a good job of handling these differences. It is the longest written constitution in the world, with 448 articles, 22 parts, 12 schedules, and 97 amendments.

The Constituent Assembly was formed on August 14, 1947, to write the Constitution for independent India. It was a special group made up of people from all parts of Indian society—men and women, rich and poor, workers and business people, and people of different religions like Hindus, Muslims, Sikhs, and Christians. The Assembly showed the united wish of Indians to build a free, democratic, and secular country. Dr. Rajendra Prasad was the head of the Assembly, and he later became the first President of India.

History and Evolution of the Indian Constitution

The Indian Constitution is the longest written constitution in the world. It has been changed many times to meet the growing needs of the country. The first attempt to create a constitution was made in 1835 by William Bentinck, but it was never used. The real Constitution of India was adopted on **November 26, 1949**, and has been updated more than 100 times since then.

India's Constitution is based on the British Westminster system. It has three main parts:

- **Executive** (carries out laws),
- **Judiciary** (interprets laws), and

- **Legislature** (makes laws).

The **President** is the head of the country (head of state), and the **Prime Minister** is the head of the government. The Indian Parliament has two houses:

- **Lok Sabha** (House of the People), and
- **Rajya Sabha** (Council of States).

British Rule and Laws Before the Indian Constitution

India was once ruled by the **East India Company**, and the British passed many laws to control the company and later the country. Here are some important ones:

1. **The Regulating Act (1773)** – Set up a committee led by Warren Hastings to manage the company. It also created a **Supreme Court** for British citizens in India.
2. **Pitt's India Act (1784)** – Created the **Board of Control** to oversee the company.
3. **Charter Acts (1813 & 1833)** – Gave more power to the **Governor-General** in Bengal and ended the company's need for British Parliament approval for its actions.
4. **Charter Act (1853)** – Ended the company's trade monopoly and allowed private businesses in India.
5. **Government of India Act (1858)** – Ended company rule. All powers were given to a **Viceroy**, who was helped by **Executive and Legislative Councils**.
6. **Indian Councils Act (1861)** – Expanded legislative councils in Bombay, Madras, and Calcutta. It allowed some **non-official members**.
7. **Indian Councils Act (1892)** – Allowed **one-third of council members** to be chosen by local bodies like municipalities.
8. **Indian Councils Act (1909)** – Also called the **Minto-Morley Reforms**. More Indians could be elected, and councils were expanded.
9. **Government of India Act (1919)** – Known as **Montagu-Chelmsford Reforms**. Introduced **dyarchy** (shared rule) in provinces and replaced the Governor-General with a **Viceroy**.
10. **Government of India Act (1935)** – Created a **bicameral legislature** at the centre and **elected governments** in provinces.

11. **Indian Independence Act (1947)** – Ended British rule and divided India into **two countries**: India and Pakistan.

Significance of Constitution

It took nearly **200 years** for India to gain full control and make its own Constitution. The British introduced many reforms slowly to give power to Indians. Finally, Indians were able to write their own Constitution.

The **Indian Constitution** says clearly **who has the power to form the government**. It says that **India is a democracy**, which means that **the people choose their leaders** through elections.

It also explains **what the government should do**. The main jobs of the government are:

1. **Making laws**,
2. **Enforcing laws**, and
3. **Solving disputes** when people disagree about these laws.

According to the Constitution:

- The **Legislature** (Parliament and State Assemblies) makes the laws.
- The **Executive** (Prime Minister and ministers at the Centre, and Chief Ministers and ministers in the States) and government officials make sure the laws are followed.
- The **Judiciary** (Supreme Court, High Courts, and other courts) settles disputes and gives justice.

These three parts – **Legislature, Executive, and Judiciary** – are the **three branches of the government**.

The Constitution also shows **how these three branches should work together**. It gives each branch its own powers and duties but also sets rules so that no branch becomes too powerful. This system is called **checks and balances**.

It also **controls the power of the government** so that it does not misuse it. The Constitution protects the people by giving them **fundamental rights**, which the government cannot take away. This helps stop the government from becoming unfair or unjust.

Finally, the Constitution helps the government **work toward the dreams and goals of the people**. Every society wants peace, equality, growth, and fairness. The **Preamble** of the Constitution talks about

these goals like **justice, equality, liberty, secularism, and democracy**. The **Directive Principles of State Policy** guide the government to take steps that will improve people's lives and help the country progress.

The Significance of the Preamble

The Preamble is considered the heart and soul of the Indian Constitution. It gives a brief overview of what the Constitution is all about and highlights its main goals and values. Here's why the Preamble is important:

a) Introduction to the Constitution:

The Preamble acts like an introduction. It sets the stage for the rest of the Constitution by explaining the basic principles on which it is built.

b) Meaning of the Preamble:

The Preamble helps explain important terms and ideas found in the Constitution. It also helps in understanding the meaning of certain phrases and can guide how they should be interpreted.

c) What the Preamble Covers:

The Preamble explains the main ideas behind the Constitution. It also shows the core values, goals, and purpose of the Constitution.

d) A Declaration:

The Preamble doesn't give legal powers, but it shows the foundation and guiding beliefs of the Constitution.

It declares that India is a **sovereign, socialist, secular, and democratic republic**.

It promises all citizens **Justice, Equality, and Liberty**, and aims to build a feeling of **brotherhood and unity** among all people in the country.

Philosophy

The philosophy of the Indian Constitution is based on important values like justice, liberty, equality, and fraternity, which are clearly stated in the Preamble. It aims to build a sovereign, socialist, secular, and democratic republic that protects these values for every citizen. The Constitution also focuses on fairness in society, respect for individuals, and unity of the country.

1.Sovereignty:

India is a free and independent country. The power to make decisions lies with the people.

2.Socialism:

Even though India is not a fully socialist country, the Constitution supports reducing inequality and making sure everyone has access to basic needs like education, healthcare, and jobs.

3.Secularism:

India does not favor any one religion. All religions are treated equally, and the government stays separate from religious matters.

4.Democracy:

India is a democratic country where leaders are chosen by the people through elections. The government must work for the people and answer to them.

5.Justice:

The Constitution promises justice in all areas – social, economic, and political. Everyone should get a fair chance in life.

6.Liberty:

People in India are free to think, speak, believe, and follow any religion they choose.

7.Equality:

Everyone is equal in the eyes of the law. All citizens should have the same chances to grow and succeed.

8.Fraternity:

The Constitution encourages a spirit of brotherhood and unity among people, while respecting the dignity of each person and keeping the country united.

9.Federalism:

India has a system where powers are shared between the central (national) government and state governments, but the central government has strong authority in some matters.

10.Rule of Law:

No one is above the law. Everyone – whether a citizen or leader – must follow the law.

11.Fundamental Rights and Directive Principles:

The Constitution gives people certain rights (like the right to speech, education, and equality), and also gives guidelines to the government to improve the lives of citizens, such as providing good health and education.