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A

Comprehensive Note

On

**INDIAN CONSTITUTION- A source code to billion
dreams**

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Introduction

“Constitution is not a mere lawyers’ document, it is a vehicle of Life, and its spirit is always the spirit of Age.”- B.R. Ambedkar

The word ‘Constitution’ is of French origin which is generally used for regulation and orders. The Constitution of any country is the fundamental law of the land with greater authority and sanctity. It not only describes the basic principles of the State, the structures and processes of governance and the fundamental rights of citizens but also envisions a path of growth and development for a nation.

After India attained freedom, the dream of the Constitution makers was to evolve such a viable model of governance that would best serve the nation keeping the primacy of the people as central. It is the farsightedness and visionary leadership of the Founding Fathers of the Constitution which has bestowed the country with an outstanding Constitution that has worked as a beacon for the nation over the last seven decades. The country greatly owes the success of the democratic system to the robust edifice and institutional framework that the Constitution of India has laid down.

On 26 November 1949, *"We, the People of India"*, resolved “to adopt, enact and give to ourselves” the Constitution of independent India. In commemoration of the 125th Birth Anniversary of Dr. Bhimrao Ambedkar on 26 November in the year of 2015, both the Houses of Parliament held dedicated sittings for discussion on "Commitment to India's Constitution" as a part of Celebrations. Since then, the day of 26 November is celebrated as the *Constitution Day* every year. Earlier, this day was commemorated as *National Law Day*, after a resolution by the Supreme Court Bar Association, a lawyers’ body, in 1979.

Our Constitution is a resolve to constitute India into a sovereign, socialist, secular democratic Republic. It is, in fact, a promise to the people for securing them socio-economic and political justice, liberty and equality; liberty of

thought, expression, belief, faith and worship; equality of status and opportunity; and to promote among all – fraternity, assuring the dignity of the individual and the unity of the nation. Dr. B. R. Ambedkar, very clearly outlined the core expectations underlining the various commitments. He said: *“Our object in framing the Constitution is two-fold: to lay down the form of political democracy, and to lay down that our ideal is economic democracy and also to prescribe that every Government whatever is in power shall strive to bring about economic democracy...”*

The Constitution of India lays down a structure for political, economic and social democracy. It underlines the commitment of the people of India for asserting, ensuring and achieving the various national goals through peaceful and democratic ways. It is not merely a legal manuscript; rather, it is a vehicle that steers the nation to realise the dreams and aspirations of the people by accommodating and adapting to the changing needs and realities of the times. Making India, *that is Bharat*, as a Union of States, equality before the law and equal protection of the laws is the essence of the Constitution. At the same time, the Constitution is sensitive to the needs and concerns of the underprivileged and disadvantaged segments of the society too.

The Constitution of India is the supreme law of the land, on the basis of which the entire governance system works. The Founding Fathers had chosen parliamentary democracy as the system of governance for the nascent Republic. The reason for choosing parliamentary system of democracy over others was elucidated by Dr. B. R. Ambedkar in these words, and I quote:

“...Under the non-Parliamentary system, such as the one that exists in the U.S.A., the assessment of the responsibility of the Executive is periodic. It is done by the Electorate. In England, where the Parliamentary system prevails, the assessment of responsibility of the Executive is both daily and periodic. The daily assessment is done by members of Parliament, through questions, Resolutions, No-confidence motions, Adjournment motions and Debates on Addresses. Periodic assessment is done by the Electorate at the time of the election which may take place every five

years or earlier. The Daily assessment of responsibility, which is not available under the American system, is, it is felt, far more effective than the periodic assessment and far more necessary in a country like India. The Draft Constitution in recommending the Parliamentary system of Executive has preferred more responsibility to more stability."

Constitutional History and Making of the Constitution

The evolution of representative institutions in the country began many decades before 26 January 1950 and continued unabated since. Its origins lie deeply embedded in the struggle for independence from Britain and in the movements for responsible and constitutional government in the princely States.

The Charter Act of 1853 provided some sort of a separate 'Legislature' in the form of a 12-member Legislative Council. The Indian Councils Act, 1861, which is described as the "prime Charter of the Indian Legislature" inaugurating the "system of legislative devolution in India", was followed by the Indian Council's Act of 1892 and 1909. The Act of 1909 which was in implementation of the Morley-Minto Reforms, introduced an element of election and representation in the Legislative Council at the Union. However, none of these Acts provided for decisive say to the native elements in the matters of legislation and administration.

The Government of India Act of 1919, which gave effect to the Montague-Chelmsford Reforms, established a Bicameral Legislature at the Union for the first time and introduced some elements of responsible form of Government in the Provinces. The national leaders found the 1919 reforms inadequate, unsatisfactory and disappointing and urged the British Parliament to take early steps to establish fully responsible Government in India in accordance with the principle of self-determination. For early revision of the Government of India Act, 1919, a resolution, which later became famous as the 'National Demand', was adopted by the Central Legislative Assembly which, for the first time, lent its support to the growing demand that the future Constitution of India should be framed by Indians themselves.

In 1922, Mahatma Gandhi asserted the demand that India's destiny should be determined by the Indians themselves. He stated: *“Swaraj will not be a free gift of the British Parliament. It will be a declaration of India's full self-expression, expressed through an Act of Parliament. But it will be merely a courteous ratification of the declared wish of the people of India. The ratification will be a treaty to which Britain will be a party. The British Parliament, when the settlement comes, will ratify the wishes of the people of India as expressed through the freely chosen representatives”*.

Another significant development in the Indian constitutional history was enactment of the Government of India Act, 1935. The Government of India Act, 1935 occupies a significant place in the constitutional history of India as the Act had endeavoured to give a written Constitution to the country. However, the freedom fighters or people's representatives had no role in the making of this document, and it suffered from serious drawbacks. Even after the enactment of the Government of India Act, 1935, the Central Government in India, by and large, remained what it was under the Act of 1919, since the federal part of the 1935 Act never came into operation; only some modifications in practice and procedure, as necessitated by the introduction of 'autonomy' in the Provinces, were made.

The Quit India Movement of 1942 lent a new thrust to the freedom struggle. Subsequently, there were several efforts to work out the transfer of power and to provide for a constitutional framework for free India. As a part of these efforts, a British Cabinet Mission arrived in India on 24 March 1946.

The avowed purpose of the Mission was to assist the viceroy in setting up in India the machinery by which Indians could devise their own Constitution. During the negotiations, the emphasis on the fundamental issues of Independence and of a representative Constituent Assembly for framing the future Constitution unhindered by any external interference was reiterated. The Cabinet Mission presented on 16 May 1946 a scheme of its own, laying down

the principles and procedure for framing the future Constitution of India. In respect of the formation of the Constituent Assembly in order to frame the Constitution without delay, the Plan suggested; (i) to allot to each Province a total number of seats in proportion to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage; (ii) to divide the provincial allocation of seats between the main communities in each Province in proportion to their population; and (iii) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly.

Under the terms of the Cabinet Mission Plan, the Members of Constituent Assembly were elected in July 1946. The India Independence Act, 1947 provided that the Constituent Assembly would have unlimited power to frame and adopt any Constitution and even to supersede the India Independence Act itself without the need for any further legislation on the part of the British Parliament. The Indian Independence Act expressly terminated the British Parliament's authority to legislate for the Dominion on or after the 15 August 1947. The Constituent Assembly, thus, became a body fully representative of the States and Provinces in India and fully sovereign of all external authority. As a sovereign body, it completed the task of framing the Constitution for India in the best interest of people and without any outside interference.

On 29 August 1947, the Drafting Committee was elected by the Constituent Assembly under the Chairmanship of Dr. B.R Ambedkar for preparation of a draft Constitution. The Constituent Assembly was able to complete the monumental task of drafting a Constitution for independent India within a period of less than three years-two years, eleven months and seventeen days, to be exact. They produced a fine document, handwritten in 90,000 words. On the 26th day of November 1949, it could proudly declare on behalf of the people of India that we do **HEREBY ADOPT, ANACT AND GIVE TO OURSELVES THIS CONSTITUTION.** In all, 284 members actually appended

their signatures to the Constitution as finally passed. The Original Constitution contained a Preamble, 395 Articles and 8 Schedules. The provisions relating to citizenship, elections, provisional Parliament, temporary and transitional provisions were given immediate effect. The rest of the Constitution of India came into force on 26 January 1950. On that day, the Constituent Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952.

Philosophy of the Constitution

The Preamble to the Constitution of India embodies and reflects the fundamental values, philosophy and objectives on which the Constitution is based. Pandit Thakur Das Bhargava, member of the Constituent Assembly, summed up the importance of the Preamble in the following words: *"The Preamble is the most precious part of the Constitution. It is the soul of the Constitution. It is the key to the Constitution... It is a jewel set in the Constitution... It is a proper yardstick with which one can measure the worth of the Constitution."*

Preamble

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a {SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC}¹ and to secure to all its citizens:

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 the individual and the {unity and integrity of the Nation}²;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."

¹ Subs, by the Constitution (Forty-second Amendment) Act, 1976, s.2 for "SOVEREIGN DEMOCRATIC REPUBLIC" (w.e.f. 03-01-1977)

² Subs. by the Constitution (Forty-second Amendment) Act, 1976, s.2, ibid, for "unity of the nation" (w.e.f. 03-01-1977)

The following are the ideals and objectives of our Constitution as delineated in the Preamble:

Sovereignty: The opening words of the Preamble to the Constitution, 'We the People of India', announce to the world that the ultimate sovereignty rests with the people of India as a whole. Accordingly, it is implied that the constitutional authorities and organs of the Government derive their power only from the people of India.

Socialism: There are several articles in the Constitution giving credence to the ideals of a Welfare State which stands to end all forms of exploitation in all spheres of existence. As per the vision of the Constitution, the State is duty bound to strive for promotion of a social order, in which justice, social, economic and political informs all the institutions of the national life. The ownership and control of material resources of the community are to be distributed as best to sub-serve the common good and the operation of the economic system should not result in the concentration of wealth and means of production to the common detriment. The Constitution has facilitated land reforms, promoted well-being of the working class and advocated social control of all important natural resources and means of production for the well-being of all sections of society. 'A basic minimum to all' has been the crux of our public policies.

Secularism: India is home to almost all the major religions of the world. The ideal of secularism in the Indian context implies that the State does not itself uphold any religion and protects all religions equally. Our State is not guided by any religion or any religious considerations. In tune with the liberty of 'belief, faith and worship' as promised in the Preamble, the Constitution provides for prohibition of discrimination on the ground of religion; entitles all persons right to freedom of religion including freedom of conscience and free profession, practise and propagation of religion, freedom to manage religious affairs, freedom to pay taxes for promotion of any particular religion and freedom of

attendance at religious instruction or religious worship in certain educational institutions; cultural and educational rights including protection of interests of minorities and their right to establish and administer educational institutions.

Democracy: The term 'democratic' is used in the Preamble in the broader sense embracing not only political democracy but also social and economic democracy. We have adopted parliamentary democracy to ensure a responsible and stable Government which derives its authority from the people and remains accountable to the people at all times. The people of India elect their governments at different levels (Union, State and local) by a system of universal adult franchise, with elections being held periodically to ensure the approval of the people to the governments. All the citizens, without any discrimination on the basis of caste, creed, colour, sex, religion or education, are allowed freedom of speech, thought and expression and association. Democracy contributes to stability in society and it secures peaceful change of governments. It also allows dissent and encourages tolerance and stands for a constitutional government, Rule of Law, inalienable rights of citizens, independence of the Judiciary, free and fair elections and freedom of the Press. To develop a democratic culture has always been an important objective and commitment under our Constitution.

Republic: Our country ceased to be a Dominion and declared itself a 'Republic' since the making of the Constitution. The word 'Republic' implies that the Head of the State in India shall be an elected person and shall hold office for a fixed term. The President of India is the chief executive head of the country.

A republic also means two more things: one, vesting of political sovereignty in the people and not in a single individual like a king; second, the absence of any privileged class and hence all public offices being opened to every citizen without any discrimination.

Justice: The term 'justice' in the Preamble embraces three distinct forms - social, economic and political, which are secured through various provisions of Fundamental Rights and Directive Principles. The Founding Fathers of our

Constitution recognized that political freedom would not automatically solve the socio-economic problems which are deep rooted in society. Therefore, they stressed that the positive and constructive aspect of political freedom has to be instrumental in the creation of a new social order based on the doctrine of socio-economic justice. Our Constitution abolishes untouchability, prohibits exploitation of women, children and other weaker sections, protects interests and rights of minorities and tribal people and advocates affirmative action to raise the standard of the people oppressed over the ages. This ideal of a just and egalitarian society remains one of the foremost commitments under our Constitution.

Liberty: It was well acknowledged by the Founding Fathers that the ideal of democracy was unattainable without the presence of certain minimal rights which are essential for a free and civilized existence. The Preamble secures to all citizens of India liberty of thought, expression, belief, faith and worship, as Fundamental Rights. However, as liberty does not mean 'license' to do what one likes, it has been made subject to reasonable restrictions as specified under article 19 of the Constitution.

Equality: As a human being, every individual has a dignified self. To ensure its full enjoyment, inequality in all forms needs to be prohibited. Equality which substantiates democracy and justice is, therefore, held as an important value under the Constitution. Our Constitution assures equality: of status and opportunity to every citizen without any discrimination on the ground of religion, race, caste, sex or place of birth, by throwing open public places to all citizens, by abolishing untouchability, by abolishing titles of honour, by guaranteeing equality before the law and equal protection of the laws.

Fraternity: Fraternity stands for the spirit of common brotherhood. In the absence of that, a plural society like India would stand divided. Therefore, to give meaning to the ideals of justice, liberty and equality, the Constitution makes fraternity as one of the foremost objectives to be achieved in a country

like ours composed of many races, religions, languages and cultures. It serves as a source of togetherness, promoting unity in diversity. The Constitution promotes a sense of fraternity through single citizenship. Also, article 51A of the Constitution makes it a Fundamental duty of every citizen to promote harmony and spirit of brotherhood among themselves by transcending religious, linguistic, regional or sectional diversities.

Dignity of the Individual: Our Constitution acknowledges that all citizens, men and women, equally have the right to grow and progress. The Constitution seeks to achieve this object by guaranteeing equal fundamental rights to each individual and by making the State under the Directive Principles, to direct its policies towards securing the citizens, men and women equally, an adequate means of livelihood, equal pay for equal work, and just and humane conditions of work.

Unity and Integrity: Our Constitution expects from all citizens of India to uphold and protect the unity and integrity of the country as a matter of duty. The Constitution lays emphasis on the ideal of fraternity which would foster unity amongst the citizens. Article 1 of Constitution describes India as a ‘Union of States’ to make it clear that States have no right to secede from the Union. This provision aims to overcome the hindrances in national integration such as regionalism, communalism, linguism, casteism and secessionism, etc.

Constitution- A Cornerstone to Indian Democracy

The Constitution is, to use a Latin expression, our *suprema lex*. It is more than a collection of articles and clauses. It is an inspirational document, an ideal of the society that we are and even the better society we are striving to be. The Constitution of India encompasses in its fold the ideals and values of our civilizational heritage, as also the beliefs and aspirations that emerged out of our Freedom Struggle. The Constitution embodies the collective wisdom of the Founding Father of our Republic and, in essence, it represents the sovereign will of the people of India.

The untiring efforts made by the Drafting Committee of the Constitution along with the distinguished members of the Constituent Assembly, bequeathed us a Constitution which has stood the test of time. They magnificently crafted a unique scheme of governance with a view to not only providing for a democratic form of Government but also for an inclusive society. The very purpose of having such an exhaustive document containing even the minutest details is to infuse certainty and stability into the system. The prime goal envisaged by the Constitution is that of a Welfare State as a pre-requisite for dignified human existence and good of all, with accountability as the lifeline.

Centrality of the People

Universal Adult Franchise

The people of India exercise their sovereignty through Parliament at the Centre and a Legislature in each State, in which the lower House is elected on the basis of universal adult franchise and to which the Executive has been made accountable. In order to ensure political justice to all, article 326 of the Constitution enjoins that every person who is a citizen of India and who is not less than 18 years³ of age is entitled to vote at elections without any discrimination on the ground of qualification, religion, race, caste or sex. Such an experiment certainly amounts to be a bold one, ignoring also the qualification of property or taxation. We believe in the principle of '*one man one vote*'. Thus, the right to vote has been extended to the entire population, capable of exercising the right and an independent electoral machinery is there to ensure the free exercise of this right. The beauty of adult suffrage is that all candidates, whether rich or poor, have to seek the favour even of the humblest voter.

Alladi Krishnaswami Ayyar, a foremost constitutional expert who played a crucial role in the framing of the Constitution, said:

³ * It was through the Constitution (Sixty-first Amendment) Act, 1988 that voting age was brought down from 21 to 18 years so as to make the youth an integral part of the political process.

“...in spite of the ignorance and illiteracy of the large mass of the Indian people, the Assembly has adopted the principle of adult franchise with an abundant faith in the common man and the ultimate success of democratic rule and in the full belief that the introduction of democratic government on the basis of adult suffrage will bring enlightenment and promote the well-being, the standard of life, the comfort and the decent living of the common man.... it may be stated that never before in the history of the world has such an experiment been so boldly undertaken.”

The Constitution of India which provides for periodic elections, ensures democratic transfer of political power from one set of representatives to the other. Over the years, democracy has undoubtedly deepened further in India. Seventeen General Elections to the House of the People and more than three-hundred elections to the State Legislatures held so far with increased people's participation stand testimony to the successful working of our democracy. Undoubtedly, the Indian electorate has displayed maturity that has won it accolades from around the world.

Fundamental Rights and Directive Principles

The core of commitment to social, economic and political transformation lies in parts III and IV of the Constitution, *i.e.* in the Fundamental Rights and in the Directive Principles of State Policy. These constitute the conscience of the Constitution.

The Fundamental Rights are divided into six parts: the right of equality, the right of freedom, the right against exploitation, the right to freedom of religion, cultural and educational rights, and the right to constitutional remedies. The essence of the Directive Principles is contained in article 38 which lays down that the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic, and political, shall inform all the institutions of the national life. Essentially, the Directive Principles enshrine the ideal of social precepts, which aim at realizing the goal of a Welfare State.

While Fundamental Rights are justiciable and Directive Principles are not. The latter are no less important for that reason. The Principles are equally fundamental in the governance of the country. The reason for the distinction between the two is simply that while the State could straightaway guarantee political and civil liberties contained under 'Fundamental Rights', it could only secure economic and social justice over a period of time as the economy would develop and social change take place. Though the latter set of rights could not be made justiciable, nonetheless the State was enjoined upon a duty to do its utmost to apply these precepts when making laws. Over the years, several legislations have been enacted with a view to providing just and humane conditions of work, maternity relief, living wages, participation of workers in the management of industries, public health, promotion of educational and economic interests of the Scheduled Castes (SCs), Scheduled Tribes (STs) and other weaker sections, and also for protecting and improving the environment and safeguarding forests and wild life, etc.

Constitutional Framework of Governance

Organs of State

The Constitution of India envisages separation of powers among the organs of State while at the same time providing for a harmonious relationship amongst them. All the organs of State have been made accountable to the overriding authority of the Constitution. Each organ of the State – the Legislature, the Executive and the Judiciary – is the creation of the Constitution and draws its existence from it. It is the Constitution which defines and controls their powers, delimits their responsibilities and regulates their relationship with one another and the people. Everything is so clearly demarcated in purpose, intent and areas of activities that hardly any room is left for any doubt or confusion. If there is any doubt, it has to be cleared on the anvil of the Constitution which specifically delineates harmonious co-existence of all the organs.

As the custodians of the interests of the nation, each organ is accountable to the people in one way or the other. As the supreme representative and legislative body, our Parliament has been accorded a pre-eminent position in the constitutional set-up. Yet, the Legislature has to meet specified constitutional requirements and function within the bounds of a written Constitution. The Legislature is accountable to the people through elections; the accountability of the Executive is ensured through the provision of its being collectively responsible to the popular House of the Legislature; and in a way the Judiciary too is accountable to the people as its sole responsibility is to protect the Constitution as the custodian of the rights of the people. It is envisaged as an institution which regulates the unwarrantable use of the power to govern the country.

In the last more than seven decades of the working of the Constitution, this fine balance has been maintained. The Legislature, the Executive and the Judiciary have respected each other's jurisdictions and worked in unison to achieve Constitutional ideals. Even when there were occasions when any friction arose, it could be addressed within the constitutional framework.

Democracy in India has come of age, and against all odds, we have sustained our parliamentary system. Political stability, over the years, has witnessed the maturing of the Indian electorate and the political system. As the second largest populated country in the world with more than 1.2 billion people, the real challenge is to preserve and protect the numerous identities of the people based on language, religion, region, caste, culture, ethnicity and other factors. The accommodative political system and responsive democratic institutions have fared well in securing unity in diversity and a sense of inclusiveness among the people. In fact, it is our multi-party system that encourages more political participation of the people and is reflective of the diverse and the plural content of the Indian populace.

Nature of Federal Structure

Article 1 describes India, that is Bharat, as a 'Union of States' rather than a 'Federation of States'. Dr B.R. Ambedkar, while introducing the Draft Constitution, explained why the term 'Union of States' was preferred over 'Federation of States':

"The Drafting Committee wanted to make it clear that though India was to be a federation, the federation was not the result of an agreement by the States to join in a federation and that the federation not being the result of an agreement, no State has the right to secede from it. The federation is a Union because it is indestructible. Though the country and the people may be divided into different States for convenience of administration, the country is one integral whole, its people a single people living under a single imperium derived from a single source..."

The decision of the Constituent Assembly to have a federal Constitution with a strong Centre was occasioned also by the circumstances in which it was taken. A strong central government was necessary for handling the situation arising out of the communal riots that preceded and accompanied Partition, for meeting the food crisis, for settling the refugees, for maintaining national unity and for promoting social and economic development, which had been thwarted under colonial rule.

The Constitution of India provides neither purely federal nor purely unitary system. It is, in fact, a combination of both. It normally works as a federal system. However, provisions are there to convert it into a unitary or quasi-federal system under specified exceptional circumstances. It is perhaps this element of flexibility that has enabled our framework to accommodate the wide variety of Centre–State relationships over the years.

Both the Union and the States as well as their respective organs derive their authority from the Constitution, and the States cannot secede from the Union. Unlike the US, where a person is a citizen of the US as well as of the State in which he or she resides, in India there is only Indian citizenship. Every power - legislative, executive or judicial - whether it belongs to the Union or to

the States, is subordinate to and controlled by the Constitution. The Constitution has clearly specified the legislative and administrative powers of each with the Supreme Court having the power to guard this distribution of powers. The Seventh Schedule to the Constitution contains three lists of subjects. The subjects listed in the Union List can only be legislated upon by the Union Parliament, the ones in the State List only by the State legislatures, and those in the Concurrent List come within the purview of both, but in case of a conflict between Union and State legislation, the Union law will prevail.

Basic Features

Our Parliament has been bestowed with the onerous responsibility of making amendments to the Constitution under article 368, to address the emerging political, economic and social realities and changes. This Constitution amendment procedure has been resorted to by the Parliament one hundred and three times in the last seven decades.

The Constitution is supposed to have a basic structure which cannot be altered. This was spelt out by the full bench of the Supreme Court of India in 1973 in the majority judgement in the Kesavananda Bharati case. It was held that article 368 does not enable Parliament to alter the basic structure or framework of the Constitution.

Hence, a Constitution Amendment Act which seeks to alter the basic structure or framework of the Constitution, the Court would be entitled to annul the same on the ground of *ultra vires*.

The basic features are not finite as the claim of any particular feature to be a basic feature would be determined by the Court in each case that comes before it. So far, these basic features include the supremacy of the Constitution, the republican and democratic form of government, the secular character of the Constitution, the separation of powers between the legislature, executive and the judiciary and the federal structure. Some of the other features are the principles of free and fair elections, the rule of law, the objectives specified in the

Preamble, Parliamentary system of government, judicial review, freedom and dignity of the individual, unity and integrity of the nation, the principle of equality, the concept of social and economic justice - to build a Welfare State, Part IV in toto, the balance between the Fundamental Rights and Directive Principles, the independence of the judiciary, and effective access to justice.

Thus, substantive limitation founded on the doctrine of “basic features” has been introduced into our Constitution by judicial innovation. The court can declare *ultra vires* any amendment to the Constitution if it believes that it would affect or alter any of the basic features of the Constitution.

Parliament: A Conduit making the Vision of the Constitution a Reality

Political institutions and structures not only reflect the society, they also influence and change it. In this context, Parliament of India plays a direct and conditioning role in bringing about social change and effecting socio-economic transformation. Being the people’s supreme representative institution, Parliament is the lifeline of all the governmental activities. Parliamentary activity as a whole – legislating, controlling the finances and overseeing the executive branch – covers the entire spectrum of development. It is on the floor of the House that certain primary processes are set into motion which have the capacity to open the way to orderly changes and innovations in public life. Since in the parliamentary form of government, the Executive is the creation of the Legislature and the Legislature exercises control over the Executive, no Government can afford to ignore the directions given by the Legislature.

Parliament as the apex democratic institution in the country has been working as an instrument of translating the constitutional values and ideals into action by enacting laws, from time to time, towards building a better future for the society. Over the years, several progressive legislations have been enacted to create more favourable conditions for the millions of people of the country.

Our Parliament has been an effective instrument of social engineering which has striven to help the people realise their dreams - socially,

educationally and economically. Through progressive legislations made by our Parliament, we have come a long way in fighting the menace of entrenched social discrimination. Several legislative measures have been enacted for socio-economic development including those for the rights, protection and welfare of Senior Citizens; Children; Youth; Workers and Labourers. The National Commission for Women Act paved the way for the Commission with a view to safeguarding the rights and interests of women. The Right of Children to Free and Compulsory Education Act, the Right to Information Act, the Compensatory Afforestation Fund Act, the Aadhaar (Targeted Delivery of financial and other subsidies, benefits and services) Act, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), are some of the major legislations which have gone a long way to empower the common masses and to create favourable conditions for them. The introduction of Goods and Services Tax (GST) has amalgamated a large number of Central and State taxes into a single tax, mitigating the ill effects of cascading or double taxation in a major way and paved the way for a common national market. The GST would also make Indian products more competitive in the domestic as well as international markets, thereby boosting economic growth.

In yet another commendable step towards empowerment by giving more power to the people, the 73rd and 74th Amendments to the Constitution effected in 1993 not only strengthened grassroots democracy in the country but also empowered the third tier of governance with economic independence. These Amendments also paved the way for political and economic empowerment of women who today find substantial representation in the local bodies.

Members of Parliament have been utilizing various parliamentary devices not only for eliciting information from the Government on various public issues but also for focusing the Government's attention on socio-economic problems which require urgent attention, in the process holding the Executive accountable to the Parliament for all its acts. Various programmes and policies formulated

and implemented by the Government for the welfare of the people or proposals about such programmes come under close scrutiny in Parliament when Ministries/Departments submit their Demands for Grants each year for Parliament's approval. The accountability mechanisms have been bolstered by an effective Committee System in Parliament which also include the setting up of the Departmentally Related Standing Committees (DRSCs) in 1993.

Successive governments, through various legislations and policy interventions, have striven to realize the dream of the Founding Fathers of the Constitution to facilitate a Welfare State. As a result, we have achieved much and succeeded in many areas; yet, there are many other areas that still need focused attention. Policy interventions like empowerment of women, special emphasis for education of the girl child, Swachh Bharat Mission, direct transfer of financial and other subsidies, benefits and services to the citizens, increasing banking facilities to the poor and those who were not covered by the banking system, policies and programmes for the benefit of farmers, social security schemes for the marginalised people, etc. will go a long way in realising the dream of the Constitution makers.

In the year 2022, our country will be completing 75 years of Independence. Our resolve is to attain a New India by then. New India will be a modern society with the ethos of compassion imbibed in it. A society where all-round development and involvement of all the stakeholders whether child, youth or aged, men or women, poor or underprivileged is duly taken care of; where accessible, affordable and higher education, and quality health care and nutrition is not a privilege; where every Indian is equipped to realise his or her potential and do so in a manner that leaves each one of us content and happy. This is what is called *Sabka Saath, Sabka Vikas, Sabka Viswas* (together with all, development for all, the trust of all).

Conclusion

Mahatma Gandhi had visualized the new Constitution of India in terms of universal values applied to the specific and special conditions of India. As early as in 1931, Gandhiji had written:

“I shall strive for a Constitution which will release India from thralldom and patronage. I shall work for an India in which the poorest shall feel that it is their country in whose making they have an effective voice: an India in which there is no high class or low class of people, an India in which all communities shall live in perfect harmony. There can be no room in such an India for the curse of untouchability. We shall be at peace with the rest of the world neither exploiting nor exploited.... This is the India of my dreams for which I shall struggle”.

The Constitution empowers the people as much as the people empower the Constitution. The framers of Indian Constitution very well realised that a Constitution, no matter how well written and how detailed, would have little meaning without the right people to implement it and to live by its values. And in this, they placed their faith in generations that would follow.

We have every right to feel proud today, as our Constitution is recognised across the world for democratic and secular values as well as for establishing an inclusive social order.

List of sources:

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