

INDIAN DEMOCRACY

KEY POINTS

- Ideals of constitution
- Federal characteristics of the Indian constitution
- Parliamentary democracy in India

1.0 Introduction :

India was under the British subjugation for nearly two centuries (1757-1947). But with the attainment of freedom from the British on 15 August, 1947, India stood as the biggest democratic country in the world. A constitution is very essential for an independent and democratic country, because the constitution and democracy both are complementary to each other. As such, there cannot be a true democratic state without having a constitution of its own. Similarly the role of a constitution is meaningless without having democracy. In fact, the process of making a constitution had begun even before India attained her independence. In the general elections held in (July, 1945 in England, the Labour Party) came to power and the new government took the decision to declare independence to India. Accordingly, the Labour Party Government of England felt the utmost necessity of a constitution for the new democratic state i.e. India. As such, the British government sent the "Cabinet Mission" to India in March, 1946 to create a congenial environment and to make necessary preparation for framing a new

constitution of India. The Cabinet Mission was a unit of three cabinet ministers of England. With the initiative of the Cabinet Mission, a Constituent Assembly was formed and its first ever sitting was held on 9 December, 1946. The senior member of the Constituent Assembly, Dr. Sacchidananda Sinha presided over the first sitting. Dr. Rajendra Prasad was elected the permanent President of the Constituent Assembly. Altogether eleven sittings of the Constituent Assembly were held in relation to the preparation of the new constitution of India. The Constituent Assembly constituted a Drafting Committee on 29 August, 1947. The Drafting Committee which was constituted with seven specialists all belonging to divergent fields, was given the great responsibility of preparing the draft of the constitution. Dr. B.R. Ambedkar was the chairman of the Drafting Committee. After a three years long rigorous labour, the Drafting Committee prepared the draft copy of the new Indian constitution and the same was handed over to its President Dr. Rajendra Prasad on 26 November, 1949. With the signature on the draft copy of the new constitution by Dr. Rajendra Prasad, the people of India got a new constitution for themselves. But the new constitution came into force only on 26 January, 1950 due to many administrative and other related problems. It is to be noted that India was governed in accordance with the provisions of the Govt. of India Act, 1935, between the period from 15 August, 1947 to 26 January, 1950.

1.1 Ideals of the Constitution:

Before going to know the ideals and objectives of the Indian constitution we have first to know the Preamble of the Indian constitution.

(The Preamble is the introduction to the constitution. In the introduction of a book all about the book is briefly mentioned. Similarly in the Preamble of the Indian constitution, the main features viz., ideals and objectives of the constitution have been described. That is why the Preamble of the Indian constitution is regarded as the soul, the conscience, the threshold and the keys of the Indian constitution) In fact, to grasp the inner spirit of the constitution one should go through the Preamble of the constitution. Because, each and every word mentioned in the Preamble, bears ideals, philosophy and objectives of the constitution (Every word in the Preamble which begins with the words, "We the people of India", bears certain meaning and ideal. It is important to mention that the makers of the Indian constitution paid due attention



The Constitution of India

Preamble

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

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of Status and opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the 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.**

When the new constitution of India came into force on 26 January, 1950 the words- Socialist, Secular and Unity were not included in the Preamble. Later on these words were incorporated in the Preamble through the 42nd constitutional amendment on 18 December, 1976.

The members of the Drafting Committee of the Constitution

- ❖ Dr. B. R. Ambedkar (Chairman)
- ❖ N. Gopalaswami Ayengar
- ❖ Alladi Krishnaswami Iyer
- ❖ K. M. Munshi
- ❖ Syed Mohammad Sadulla
- ❖ N. Madhava Rao
- ❖ D.P. Khaitan



Dr. B. R. Ambedkar



The members of the Drafting Committee of the Constitution

to manifest every aspect of rich ancient Indian culture and civilization as the guiding principles in the pages of the Indian constitution.)

With the words, ("We the people of India" in the Preamble of the constitution, its makers made it crystal clear in definite terms that the actual authority of the constitution is the Indian people themselves, it belongs solely to them and they are the main force behind the making of the Indian constitution.)

(The significant words in the preamble are Sovereign, Socialist, Secular, Democratic and Republic. All these words reflect the ideals and spirit of the constitution.)

Sovereign : India is a Sovereign state. Sovereignty is the supreme and absolute power of the state. In other words externally India is not subordinate to any foreign power nor is India directed by any other force internally.)

Socialist : India is a socialist state. (This word was incorporated in the Preamble through the 42nd constitutional amendment in the year, 1976.) The word signifies that there shall not be inequality among the people of India in regards to their income, status and the standard of living. All the ways and means of production would be nationalised. Socialism shall be established through the equal distribution of the national income and the mixed economy. The national economy shall be determined by the people themselves. Country's economy shall not be guided by any capitalist class of people.)

Secular : India is a secular state. There shall not be any official or state religion in India. In the eyes of the government all religions are equal and as such there shall not be any discrimination among the religions. The government shall not show any special interest or make concessions to any particular religion. It is to be noted that this word was inserted in the Preamble of the constitution by the 42nd constitutional amendment.)

Democratic : India is a democratic state. The administration of the country shall be governed by the elected representatives of the people. The people shall administer the country for themselves and the administration shall be responsible to the people.)

Republic : India is a republic. The Head of the state (the President) shall be elected by the people. The post of the Head of the state shall not be hereditary nor a person selected by someone.)

In addition, it has been mentioned in the preamble that the people of India shall establish justice, liberty, equality and fraternity in the country.

(By mentioning the establishment of justice, liberty, equality and fraternity, the makers of the Indian constitution have particularly reflected the ideals and objectives of the constitution.)

In fact, Pandit Nehru put forward a few objective resolutions of the constitution at the Constituent Assembly on 13 December, 1946. The Constituent Assembly accepted the objective resolutions of the constitution on 22 January, 1947. In the process of making the constitution those proposals were adopted as the basis and thus the concept of such ideals like equality, liberty, democracy, sovereignty and world fraternity were given the formal recognition by the Constituent Assembly.)

(The main points of the objective resolutions put forward by Pandit Nehru are as follows :

1. The Constituent Assembly is determined to declare India as Independent Sovereign Republic. (Later on the word "Independent" was removed.)
2. A union of states shall be constituted with the British-ruled Indian territory and the erstwhile princely kingdoms willing to join the Indian territory.
3. Social, economic and political justice, equality, religious liberty, freedom of expressing thought and opinion of the Indian people will be duly recognised.
4. There shall be measures to safeguard the interests of the Schedule Caste, Schedule Tribe, backward classes and the Minority people of India.
5. Importance shall be given to safeguard the freedom, sovereignty and integrity of the country.
6. India shall extend full cooperation for the sake of cordial international relations, world peace and welfare of the people.
7. The people of India shall be the source of all powers. The government of the sovereign state and its constituent parts shall obtain their power from the people.
8. The indigenous princely states desiring to join the Indian union shall enjoy the status of its constituent province through self-governance with the residuary powers.)

The makers of the Indian constitution manifested the aforesaid resolutions of Pandit Nehru as the main basis and thereby giving due importance to the ideals, legacy of the thousands of years old Indian culture and civilization.

1.2 The Federal Characteristics of the Indian Political System:

Before going to know about the characteristics of the Indian federal system, it is essential to know what a federal state is. In fact, (the English term, 'Federation' is derived from, the Latin word "Foedus") Its literal meaning is "Agreement" or "Treaty". Thus, Federal state is a union of states, united through mutual agreement or treaty. In this case, the constituting provinces recognise the sovereign power of a central (union) government and simultaneously these provinces retain their own liberty (freedom) and individuality. However, the federal system has adopted different varieties in different countries. In India, the constituting provinces have bestowed sovereign powers upon the central (union) government.

Even before independence the federal system was set up in India as per the Govt. of India Act, 1935, which was passed by the Parliament of England. This Act introduced federal system in pre-independence India on the basis of two-tier government (central or union and provincial) and distribution of powers. Hence, the federal system introduced by the new constitution was not at all unfamiliar to the people of India.

The federal system was first introduced in the United States of America (USA). Thus, (the USA is regarded as the Homeland of Federation). However, the makers of the (Indian constitution followed the constitution of Canada) while choosing federal system for India. Here a question arises as to (why the makers of the Indian constitution adopted the constitution of Canada instead of the USA). In fact, the system of the USA was the real federal system, where the constituent states enjoy more freedom and dual citizenship supported by a separate constitution.

(The makers of the Indian constitution realised that, if the constituent states of new born India are allowed to enjoy separate constitution and dual citizenship like the USA) the national integrity may be endangered. Hence, the makers of the Indian constitution introduced a kind of a loose federation following the Canadian constitution. Infact, the word "Federation" has not been mentioned in the Indian constitution for the fact that the Indian federation is not a prototype of the US federation. Instead, India has been declared a "Union of States" in the Article No.1 of the Indian constitution.

If we go to analyse the real nature of Indian federal system it will come to light that, it is not a true federal system, though it has some

characteristics of federation. Some characteristics of Unitary Government have been merged in this federal system. So the learned makers of the Indian constitution have categorically mentioned our political system as "Quasi-federal", "Peculiar federation", "Centralised federation" and "Federal in form but unitary in spirit." Unlike the constituent states of the USA, the constituent states of India have no right to secede from the Indian Union. Unlike in some other federal states (as in the USA), the constituent states of the union of India do not have the provision of a separate constitution for them. There is only one constitution for the whole Indian federation and that is the Constitution of India. The central government in India is more powerful than the government of other federal states. Though the constitution has distributed the powers between the central (union) government and the state government through the inclusion of three lists incorporating various administrative powers, yet all the important powers have been centralised to the central or Union Government. The appointment procedure of the Governors in the constituent provinces does not corroborate the federal character of India. The Governor performs his/her role as the representative of the central (union) government in the state.

(Further, unlike the USA, the provision of dual citizenship has not been granted in India. One citizen is the only citizen of India. She/He cannot be a citizen of other constituent state.) For such and other reasons Indian federal system is an exceptional one. It has already been mentioned that the main reason behind adopting such an exceptional federal structure was to ensure the sovereignty and integrity of the country. However, occasionally demands are raised to bring certain constitutional amendments to India's federal structure in order to give some freedom to the constituent provinces. Because of such demands the Sarkaria Commission was set up in 1983. As the conflicts between centre and state have frequently occurred, bringing about a change in the centralised federal system has become a call of time to resolve such conflicts.

(The Indian federal system is mainly dependent on the centre-state relationship. Observing this nature of Indian federalism, the political analysts have referred to it with a new term 'Cooperative Federation'.)

1.3 Parliamentary Democracy in India:

Before going to discuss the parliamentary democracy in India, we must know what the parliamentary democracy is. The parliamentary democracy

is such an administrative system whereby the highest administrative powers are vested in a body which is constituted with the people's representatives. Such body constituted by people's representatives is known as the Congress in the USA, and in India and England, the same is known as the parliament. The Indian Parliament has been constituted with two Houses, namely the House of the people (Lok Sabha) and the Council of states (Rajya Sabha). The President of India is a part of the Indian Parliament. In short the democratic system where the parliament is given utmost importance is regarded as the Parliamentary democracy.

In the post independence period the Indian Parliamentary democracy has been able to provide a government that is mostly responsible to the people. The makers of the Indian constitution had followed the constitution of England in particular while adopting a Parliamentary form of Government in the constitution. In fact, the Govt. of India Act, 1935 had also introduced a parliamentary form of government in a limited form in the pre-independence India. Although, the Indian constitution has been influenced by the Parliamentary system of England, nevertheless the makers of the Indian constitution did not follow the English constitution blindly. Instead they gave due importance to the political and social conditions and the environment of India and whatever ideas followed from England were Indianised to place in the constitution. As a result, the Indian Parliamentary democratic system has become quite exceptional.

The main differences between the Parliamentary democratic system of India and that of England are noteworthy. Firstly, the Indian Parliamentary democracy makes India a Republic. But England's Parliamentary democracy is not a republic. Unlike in England, the Head of the state in India's Parliamentary democracy is not an hereditary person. While England's Head, King or Queen, is an hereditary one, India's Head of the state is a person elected by the people. Secondly, the power and composition pattern of the Upper House (Rajya Sabha) of India are quite different from that of the Upper House (House of Lords) of England. Thirdly, the Parliament of England is most powerful in the Parliamentary democratic system. But India's Parliament is not so powerful. Ultimately, the Indian constitution has created the parliamentary democracy making suitable to Indian situation, which has been able to present India as a distinguished Parliamentary Democratic Country in front of the world.

Indian Democracy

SUMMARY

- ☞ The Indian constitution came into force on 26 January, 1950. India was governed in accordance with the Govt. of India Act, 1935 from 15 August, 1947 to 26 January, 1950.
- ☞ The significant words included in the Preamble are "Sovereign", "Socialist", "Secular", "Democratic" and "Republic".
- ☞ There is no mention of "Federation" in the Indian constitution as the same has not been made the model of true federation as found in the USA. Instead, India has been declared a Union of States in the Article No.1 of the constitution.
- ☞ (The Govt. of India Act, 1935 had also introduced the parliamentary form of government in pre-independence India in a limited form.)
- ☞ The Parliamentary democracy has been successful to establish India as a respectable Parliamentary democratic state in the whole world.

EXERCISE

Very short answer questions :

1. Which political party won the elections held in 1945 in England?
2. When did the "Cabinet Mission" come to India?
3. Who was the first Chairman of the Constituent Assembly?
4. Who was the President of the Drafting Committee of Indian Constitution?
5. In which constitutional amendment, were the words "Socialist" and "Secular" incorporated in the "Preamble"?
6. From which Latin word has the English word "Federation" been derived?
7. Which country is regarded as the "Homeland" of federation?
8. Is there Dual citizenship system in India?
9. From which country's constitution has the concept of India's Parliamentary democracy been followed?

Short answer questions :

1. Why did the British government send the Cabinet Mission to India?
2. According to which Act, India's administration was governed between 15 August, 1947 to 26 January, 1950 and who enacted this Act?
3. Why are the words "We the people of India" have been incorporated in the preamble?

4. What is meant by the term Sovereign?
5. According to which constitutional amendment the two words "Socialist" and "Secular" have been incorporated in the Preamble and in which year?
6. What is meant by "Quasi-federal state"?
7. Which Indian Act had introduced limited Parliamentary democracy in pre-independence India?

Long Answer Questions :

1. Discuss how the ideals of the Indian Constitution have been manifested in its Preamble.
2. Write in detail about what is meant by sovereign, socialist, secular, Democratic and Republic.
3. Discuss the objective resolutions put forward by Pandit Nehru in relation to the Indian constitution.
4. Discuss the characteristics of the Indian federal system.
5. Explain the important characteristics of the Parliamentary form of government in India.