



## Uniqueness of Indian Constitution

Is our country unique like our constitution?

India - the land of varied culture, traditions, languages and religion. But what is the factor or element that combines all these vivid aspects and make our country the real India?

It is in fact our constitution. The Indian constitution, the largest constitution in the world, addresses each and every aspect related to the multicultural Indians. We are ruled as per the constitution and in short, our entire life in India as its citizens, depends upon the constitution.

=> Causes that paved the way to Indian Constitution.

As we all know, India, our mother land, became free from the chains of the



mighty British rulers on 15<sup>th</sup> August 1947. But our struggle for freedom dated back a lot of years. When the freedom fighters shed their blood and life, at first their motive was to gain freedom for India but later the situation worsened when each of the religious leaders, especially the Hindu and Muslim community, demanded for majority, special rights, separate electorates and so on. Moreover during those times the Indians who belonged to the scheduled tribe category, better known as 'Dalits' were considered menial and inferior to the 'Savarnas'. Even the father of our nation, Mahatma Gandhiji named them as 'Harijans' and tried to convince the upper castes through his continuous efforts, the leaders with high



Religious spirits... stucked on to their belief of considering Dalits' as underprivileged... Dr. B. R. Ambedkar, who emerged as the leader of the Dalits fought for equality as well as demanded for equality and special status. These kind of massive protests and demands paved the way for the world's largest constitution... i.e. the constitution of India.

### ⇒ Making of the Indian constitution.

Since the makers of the constitution have to address <sup>the problems of</sup> the nook and corner of our country, it took a long time for them to publish its original draft. When the constitution of America and many other countries were written within a few days, it took almost three years



(2 years, 11 months and 14 days) to complete our constitution. During its preparation many meetings and discussions were conducted and the Indian constitution was formed as a result of the suggestions and opinions of almost hundreds of members who belonged to different social status. In fact, Dr. B. R. Ambedkar, who himself was a Dalit and who fought for the upliftment of Dalits, is the 'architect' of our constitution. That itself marks the importance and speciality of the Indian constitution.

⇒ A Borrowed Constitution

Indian constitution can be called as a borrowed constitution because most of the contents of it are borrowed



from more than one countries.

" If we aspire to live in a happier world, we must empower the lowest strata of the society."

Our constitution was framed, satisfying the above words. The fundamental rights and the system of Independent Judiciary are best examples for this. These are included in the constitution to empower even the lowest strata of the society.

⇒ Borrowings from others: An overview

\* The ideas of impeachment, independent judiciary, fundamental rights, judicial activism, office of the vice president etc... are taken from the US constitution for the better and smooth life of the Indian people.



\* The ideas of Parliament, election etc. are taken from the constitution of Britain.

\* Directive Principles of state policy, Republic state, are also taken from the constitution of different countries.

⇒ The Preamble

The preamble of the Indian constitution, starting by the words 'We the People of India', is something which symbolises the speciality of the Indian Constitution. Through the preamble, the makers of it declared our country as a 'sovereign, socialist, <sup>secular</sup> Democratic Republic'. At first the terms secular ~~was~~ and socialist were not included, they were later added through a



constitutional amendment.

⇒ Fundamental Rights and Duties.

Right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights, and right to constitutional remedies are the basic fundamental rights guaranteed to Indian citizens.

The constitution contained provisions for providing equality in the eyes of law to every citizen. But how far the same is in practice is an issue which requires great attention. Similarly, our constitution gives us the right to practice or profess any job, and even the right to propagate any religion of our choice. In our country, a person can choose to follow





any religion or can be atheist.  
The constitution also has provisions to prevent child exploitation and begar.  
Like the fundamental rights, our constitution also established some duties which should be done and followed by the citizens.

"A person has the right to ask for a 'RIT' if and only if, he has done his duties properly". The same is applicable in the Indian Constitution too.

⇒ Independent Judiciary.

The Judiciary is the lender of last resort to the common Indian people. As an autonomous institutions it has the power to take legal actions.





even against the ruling party, if they are found guilty. Indian judiciary is a three tier system spread in the district, state and at the apex level. It is because of this constitution, that even today, the common Indian people have a trust in the laws of the country despite of the widespread corruption and political influences.

### ⇒ The system of elections

During the time of monarchical rule, it was not possible for the people to express their view. But the Indian constitution adopted the system of elections in the country to make our's a democracy. How far it is utilised properly must be taken into account.



Though in the modern times, it is the people who select their representatives, the procedures of elections and the incidents that take place in the elections are not strictly according to the rules. The political party leaders often indulge in horse trading and dirty politics to continue in power despite they say do not have the public support. The recent issues in many states across India indicate the same.

Office of the Chief Justice of India and the Independent Election Commission set up by the constitution continue as a sparkling hopes for the ordinary Indians even in the midst of the unfavourable circumstances.

⇒ constitutional amendments as well as abrogation of articles.

Our constitution was framed years



ago and thus it fails to address the problems faced by the Indian people in the modern times. These pave the way to the constitutional amendments. One such amendment is the 101<sup>th</sup> amendment of the Indian constitution, that led to the emergence of GST (Goods and service Tax) which led to 'One Nation One Tax'. Thus the amendments provide opportunities to change according to the changing situation i.e. to adjust in the dynamic India.

Our constitution contains three hundred and ninety five articles, and has twenty two parts. For the betterment and the development of the nation, the scrapping of some articles is very much essential. One such decision is the abrogation of Article 370, that gave special status to



Jammu and Kashmir. Its scraping has both positive as well as negative implications. Though it boosts the tourism and private investment activities, it affects the dual citizenship as well as the safety of womanhood in Kashmir.

\* Does the Right to Equality Guaranteed by the Indian constitution is exercised in a full fledged manner?

The answer is a big 'No'. Though the makers of the Indian constitution intended to offer equal rights and opportunities to everyone, it is not practised properly. If it has any value, there won't be any Jisha's, or Soumya's or Madhu's in our country. If everybody has equal right to education



there won't be any children in the streets as hawkers and beggars. If everyone has equal right to own land, there will not be any landless people and farmers in our country who are still at the mercy of landlords and govt. officials. "A piece of writing in a piece of paper" will not serve any purpose. If the contents of the constitution are implemented properly, then only it has value. So it is the responsibility of the govt. officials to act according to the constitution.

⇒ Independent Judiciary :- A boon or manne for the ordinary Indians.

Ordinary Indians still believe in laws. But in the modern India, those who have money and have the capability,



to hire. Reputed lawyers can get themselves freed from their crime. It is the poor who suffer.

Though independent judiciary is one of the uniqueness or importance of our constitution, its benefits are not fully enjoyed by the poor people.

⇒ Freedom of religion → paving way to communal riots ???

India is a 'SECULAR' country. Our constitution guarantees secularism.

But are the rights paving way to communal violence? When each and every religion enjoys equal status in our country, the religious leaders are still fighting each other for superiority. The Ayodhya-Temple v/s Babari Masjid case is the most burning religious topic now a days.





Secularism is a feature of Indian constitution but is it a feature of the Indians ?

⇒ Atrocities against women : Forbidden by constitution.

Our constitution prohibits any kind of violence and atrocities against women.

It is during the recent times that the women in the Gulf countries were given the right to vote. But the constitution, which was formerly adopted in the nineteen fifty, provides 'Universal Adult Franchise'

Any citizen above eighteen years or who have are eighteen can cast their votes.

Women too were members in the group that framed constitution. Though women proved that "what man cannot do, a woman can do it better" and though our constitution





provides equal rights, women are still subject to sexual abuse and harassment.

We have a well developed constitution but we are not fully abiding by its rules and regulations. What a non-sensical contrast. The above headings reveal the pathetic plight of India, which is having a unique constitution.

⇒ Conclusion

From 2015, India is celebrating November 26 as the National Constitution Day or Samvidhan Diwas. Without concentrating on a single day, we should try to abide by the <sup>rules of the</sup> Constitution and make sure that its contents are in practice. It is the duty of every Indian. As an adage says 'unity is strength'. So we must unite together and follow the Constitution. It is our proud and privilege and to be ruled by a such a great



constitution.

"Success is not final, failure is not fatal, it is the courage to go on that counts". So we must start from the beginning, learn from our mistakes and make our country a unique one like which has the right to bear a Unique constitution. ....

Jai Hind.