

INDIAN CONSTITUTION AND ITS WORKING

MEANING OF CONSTITUTION

The constitution is a set of written rules that are accepted by all people living together in a country.

NEED FOR A CONSTITUTION

We need a constitution for the following reasons-

- a) It generates a degree of trust and coordination for the people to live together
- b) It specifies how the government will be constituted, who will have the power to take which decision.
- c) It lays down limits on the powers of the government and tells us about the rights of the citizens.
- d) It expresses the aspirations of the people about creating a good society.

THE PREAMBLE OF INDIAN CONSTITUTION

WE, THE PEOPLE OF INDIA, having
Solemnly resolved to constitute India into a
SOVERIEGN, SOCIALIST, SECULAR,
DEMOCARTIC REPUBLIC
And to secure all 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;
IN OUR CONSTITUENT ASSEMBLY
This twenty-sixth day of November, 1949, do
HEREBY ADOPT, ENACT AND GIVE TO
OURSELVES THIS CONSTITUTION

Let us read the Preamble of our Constitution very carefully and understand the meaning of each of its key words.

WE, THE PEOPLE OF INDIA

The constitution had been drawn up and enacted by the people through their representatives, and not handed down to them by a king or any outside powers.

SOVERIEGN

People have supreme right to make decisions on internal as well as external matters. No external powers can dictate the government of India.

SOCIALIST

Wealth is generated socially and should be shared equally by society. Government should regulate the ownership of land and industry to reduce socio-economic inequalities.

SECULAR

Citizens have freedom to follow any religion. But there is no official religion. Government treats all religious beliefs and practices with equal respect.

DEMOCRATIC

A form of government where people enjoy equal political rights, elect their rulers and hold them accountable. The government is run according to some basic rules.

REPUBLIC

The head of the state is an elected person and not a hereditary position.

JUSTICE

Citizens cannot be discriminated on the grounds of caste, religion and gender. Social inequalities have to be reduced. Government should work for welfare of all, especially of the disadvantaged groups.

LIBERTY

There are no unreasonable restrictions on the citizens in what they think, how they wish to express their thoughts and the way they wish to follow up their thoughts in action.

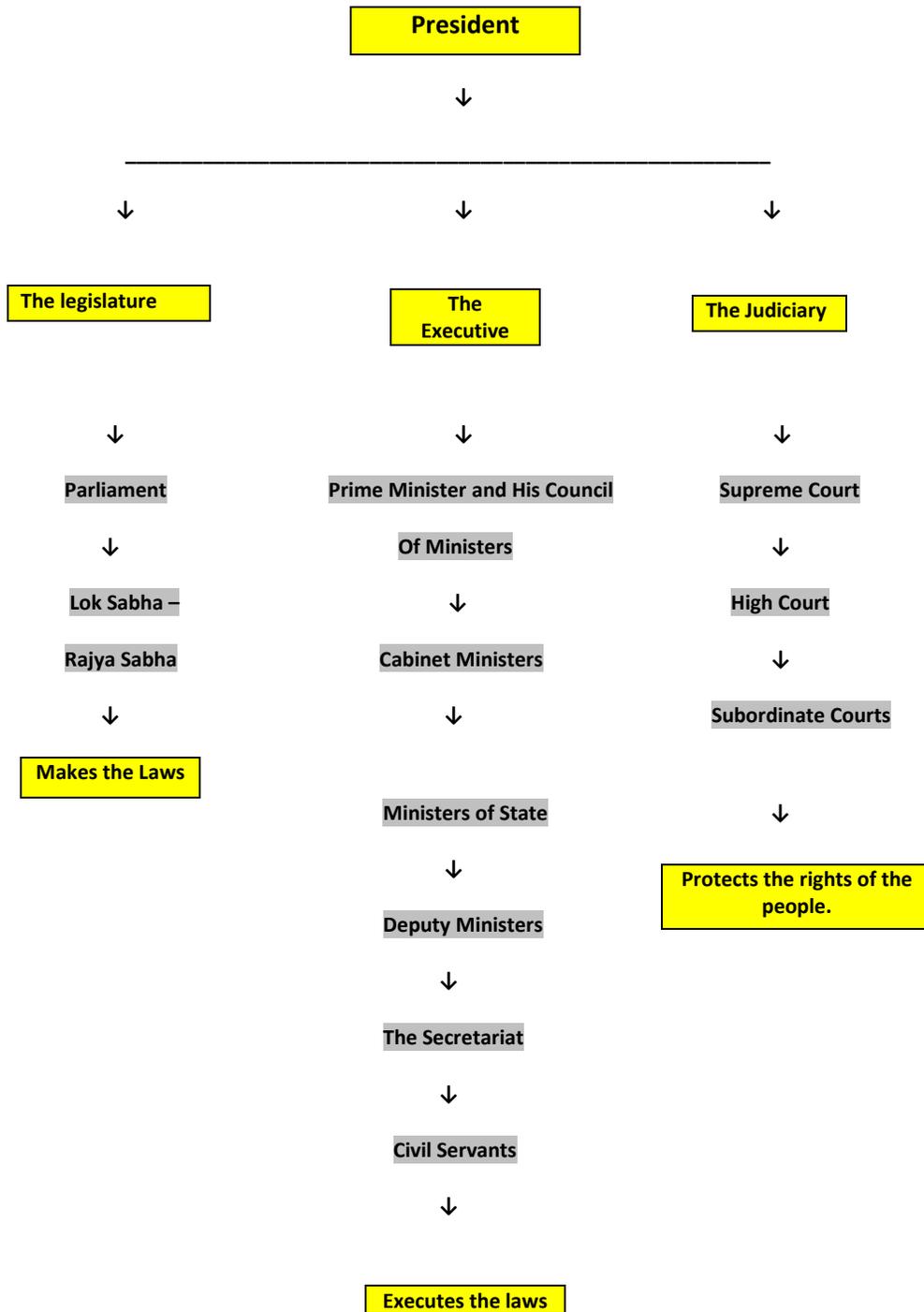
EQUALITY

All are equal before the law. The traditional social inequalities have to be ended. The government should ensure equal opportunity for all.

FRATERNITY

All of us should behave as if we are members of the same family. No one should treat a fellow citizen as inferior.

Organs of the Government



Look at the chart given. It will give us an idea of how many institutions are there to ensure the smooth running of the Parliament. It gives us a clear idea of the Organs of Government. There are many institutions at work.

1. The Prime Minister and the Cabinet are the institutions that take decisions on all important policy matters.
2. The Civil Servants work together to implement the decisions of the Minister.
3. Supreme Court is an institution which settles disputes between the citizens and the government and protects the rights of the citizens.

PARLIAMENT (THE LEGISLATURE)

Parliament in India consists of two houses. The First House is called the Lok-Sabha (House of People), which is directly elected by the people for a period of five years. The Second House is called the Rajya Sabha or the Council of States (Rajya means state). Rajya Sabha is the representative of the states in India. Members of the Rajya Sabha are not directly elected by the people. They are elected by the MLAs of the state they represent. There are 250 members in Rajya Sabha, 12 of whom are nominated by the President. The number of members of Lok Sabha are 545, 2 are nominated by the President.

Under the political system adopted by India, Parliament is the supreme institution of the people and a symbol of their freedom and sovereignty. The functions of the Parliament are:

1. It is the final authority for making laws in any country. This task of law making or legislation is so crucial that these assemblies are called legislatures. Parliaments all over the world can make new laws, or abolish existing laws, or abolish existing laws and make new ones in their place..
2. Parliament all over the world exercise some control over those who run the government. In some countries like India this control is direct and full. Those who run the government can take decisions only so long as they enjoy support of the parliament.
3. Parliaments control all the money that governments have. In most countries any the public money can be spent only when the Parliament sanctions it.
4. Parliament is the highest forum of discussion and debate on public issues and national policy in any country. Parliament can seek information about any matter.

EXECUTIVE

The Executive is that branch of government which is concerned with executing or implementation of law, with administration and management of work. It includes the Head of State of a country, Head of the Government and also all the functionaries and agencies, the ministers in the government and all the administrators, subordinate officers and employees responsible for carrying out the policies, decisions and laws. They are called “executives” because they are in charge of the “execution” of the policies of the government.

Candidates who are directly elected by the people for a specific period are called “political executive”. These are the ones who make the big decisions. They include the President, the Prime Minister and the Council of Ministers.

The Civil Services or Officers are appointed for long periods are called Permanent Executives.

THE PRESIDENT

While the Prime Minister is the head of the government the President is the head of the State. In our political system the head of the State exercises only nominal powers. The President of India is like the Queen of Britain whose functions are to a large extent ceremonial. The President supervises the overall functioning of all the political institutions in the country so that they operate in harmony to achieve the objectives of the State.

The President is not elected directly by the people. The elected Members of the Legislative Assemblies (MLAs) elect her. A candidate standing for President’s post has to get a majority of votes to win the election. This ensures that the President can be seen to represent the entire nation.

FUNCTIONS OF THE PRESIDENT

1. All governmental activities take place in the name of the President.
2. All laws and major policy decisions of the government are issued in her name.
3. All the major appointments are made in the name of the President. These include the appointment of the Chief Justice of India, the Judges of the Supreme Court and the High

Courts of the states, the Governors of the states, the Election Commissioners, ambassadors to other countries, etc.

4. All international treaties and agreements are made in the name of the President.
5. The President is the supreme commander of the defence forces of India.
6. A bill passed by the Parliament becomes a law only after the President gives assent to it.

PRIME MINISTER AND THE COUNCIL OF MINISTERS

Appointment of the Prime Minister:

- a) The President appoints the leader of the majority party or the coalition of parties that commands a majority in the Lok Sabha, as Prime Minister.
- b) In case no single party or alliance gets a majority, the President appoints the person most likely to secure a majority support.

POWERS OF THE PRIME MINISTER

- a) He chairs the Cabinet meetings.
- b) He coordinates the work of different departments.
- c) His decisions are final in the case disagreements arise between the departments.
- d) He exercises the general supervision of various ministries.
- e) All Ministers work under his leadership.
- f) Prime Minister distributes and redistributes work to the ministers.
- g) He has the power to dismiss ministers.
- h) When the Prime minister quits, the entire ministry quits.

APPOINTMENT OF COUNCIL OF MINISTERS

- a) The president appoints other ministers on the advice of the prime ministers.
- b) The ministers are usually form the party or the coalition that has the majority in the Lok Sabha.
- c) The Prime Minister is free to choose ministers, as long as they are members of parliament.
- d) Sometimes, A Person who is not a member of parliament can also become a minister. But such a person has to get elected to one of the Houses Of Parliament within six months of appointment as ministers.

COMPOSITION OF COUNCIL OF MINISTERS

- a) **Council of ministers :-**
Council of ministers is the official name for the body that includes all the ministers. It usually has sixty to eighty ministers of different ranks.
- b) Council Of Ministers consists the following types of ministers:
 - i) **Cabinet Ministers** are usually top-level leaders of the ruling party or parties who are in-charge of the major ministries. Usually the cabinet ministers meet to take the decisions in the name of the Council of Ministers. Cabinet is thus the inner-ring of the council of ministers. It comprises about 20 ministers
 - ii) **Ministers of sate with independent charge** are usually in charge of smaller ministries. They participate in the cabinet meetings only when specially invited.
 - iii) **Ministers of State** are attached to and required to assist cabinet ministers.
- c) The council of ministers is a large body. It is therefore, not possible for all ministers to meet regularly and discuss everything. So, the decisions are taken in cabinet meetings.

THE JUDICIARY

A powerful and independent judiciary is essential for a democratic country. The Indian judicial system is organized on the principle of a single unified judiciary. India has one Supreme Court for the entire nation, unlike the USA which has one for the Centre or the Union and one for the States. The states have High Courts and there are District Courts and the courts at the local level.

The Supreme Court is the highest court of appeal in India. Any disputes among between the Centre and States are resolved by it. It resolves disputes between states. In criminal and civil cases it is the highest court of appeal and it can hear appeals against the High Courts.

Its decisions are binding on all other courts of country. It can take up any dispute

- . Between citizens of the country;
- . Between citizens and government;
- . Between two or more state governments; and
- . Between governments at the union and state level.

Independence of the Judiciary means that it is not under the control of the legislature or the executive. The judges do not act on the direction of the government or according to the wishes of the party in power. That is why all modern democracies have courts that are independent of the legislature and the executive. India has achieved this. The judges of the Supreme Courts and the High Courts are appointed by the Prime Minister and in consultation with the Chief Justice of the Supreme Court. In practice it now means that the senior judges of the Supreme Court select the new judges of the Supreme Court and the High Courts.

The powers and the independence of the Indian judiciary allow it to act as the guardian of the Fundamental Rights.

In recent years the Courts have given several judgments and directives to protect public and human rights. Anyone can approach the courts if public interest is hurt by the actions of the government. This is called Public Interest Litigation. The courts intervene to prevent the misuse of the government's power to make decisions. They check malpractices on the part of public officials. That is why the judiciary enjoys a high level of confidence among the people.