

Constitution

Constitution is a dynamic documentation of the vision of freedom fighters and visionary leaders who wanted to shape India into a democratic and sovereign republic. Preamble of the constitution testifies that the constitution is bound to secure social, economic and political justice, liberty of thought, expression, belief, faith and worship, equality of status and opportunity and to preserve among all citizens fraternity assuring the dignity of the individual.

Part I of the constitution is dedicated to union. It is defined as union of States and thereby it recognises entity of States and also declares that Constitution recognises federal structure and not unitary. This part confers some powers on the Union to form New States and associate existing territories in the Union. Citizenship by birth and by domicile is confirmed.

The most important part of the constitution is the part III. In this chapter it is mandated that all the laws in force before commencement of the constitution will be unconstitutional and the Union and States will not have power to make any law which is contrary to the provisions of Constitution. The Supreme Court is conferred with powers to declare legislation contrary to the Constitution as declared void. Some of the inherent human rights are declared as fundamental rights. Guarantee for protection of fundamental rights is given under article 32. A person whose fundamental rights are abridged may approach to supreme court and the supreme court can issue writ for restoration of his fundamental rights. The High Courts too have powers under article 226 of the Constitution akin to the powers under section 32 of the constitution. Part III of the Constitution has thus developed mechanism to protect fundamental rights of the citizen even against the State. The Supreme Court by its various judgements enlarged the scope of fundamental right to life to a wide extend. Right to live with dignity, right to privacy are some of the species of right to life.

Part IV of the Constitution includes directions to the State and Union to secure specified goals. Framers of the constitution were well aware that on the onset of independence majority of Indians lack fundamental facilities like healthcare, facility for education, employment, facility for drinking water. They were also aware that the natural resources are not properly distributed amongst the citizens. They were also aware that people belonging to particular caste are being oppressed and subjected to humiliation. They therefore laid down some principles in part IV of the constitution directing the government to

follow these principles to give a proper shape to the Indian society where there should be equality between citizens, equality between men and women, every child will have right to education, every citizen will get equal pay for equal work health, and strength of the workers and citizens will be taken care of by better health services, there should be just and humane conditions at work place, workmen should get living wages, proper nutrition and education facilities and our environment and agriculture should be given proper protection. The governments are required to function in such a manner so as to achieve these fundamental principles.

In any society it is the duty of the citizens to raise standard of the society. The Government alone cannot achieve the required goals of the Constitution unless the citizens perform some fundamental duties towards themselves, towards the nation and towards fellow citizens and also towards the atmosphere. Fundamental duties are therefore imposed on the citizens and they are expected to perform these duties for growth of the nation and giving better environment to themselves and fellow citizens.

Rest of the parts of the Constitution are dedicated to structure of institutions and functioning of legislature, executive and judiciary. It also delves on elections of Union and State legislature, appointments of executives and Judges in Supreme Court, High Courts and in trial courts. It also provides for dispute resolution between Union and State and inter-se between State and State.

Gandhiji desired that legislative, administrative and political power shall be decentralized and even the villagers should get power to ascribe their say in policy formation of the government. The Constitution therefore recommends formation of village panchayats and functioning of village panchayats by democratic way of elections.

The Constitution of India is therefore wholesome document, which has given the country ability and direction to move forward and also to maintain unity in diversity. The Constitution is also flexible and provisions are there in the Constitution to change it's structure according to the need of society. Precaution is however taken that the basic structure of the Constitution shall not be changed by amendments in the constitution.
