

The constitution of India: A Social Document

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Abstract

According to Dr Ambedkar,

“The constitution is a fundamental document. It is a document, which defines the position and power of the three organs of the state the executives and the powers of the legislature as against the citizens, as we have done in our chapter dealing with fundamental rights. In fact, the purpose of a constitution is not merely to create the organs of the state but to limit their authority, because if no limitation was imposed upon the authority of the organs the we will be complete tyranny and complete oppression. The legislature may be free to frame any law the executive may be free to take any decision and the Supreme Court may be free to give any interpretation of the law.”

A constitution can be said as a written document that contains a set of rules for governance. It defines the fundamental political principles, and establishing the structure, procedures, powers and duties, of a government. By limiting the government's own reach, most constitution's guarantee certain rights to the people. The Constitution of India is the world's lengthiest written constitution with 395 articles and 8 schedules. It contains the good points taken from the constitutions of many countries in the world. It was passed on 26 Nov 1949 by the Constituent Assembly and is fully applicable since 26 Jan 1950.

The social and ethical philosophy of Ambedkar encourages the people to organize themselves on the basis of liberty, equality and fraternity. As a humanist, Ambedkar was in favour of imparting the education of human personality .Dr. Ambedkar's unique status as the Father of the constitution, we need to know the extraordinary socio -political situation of the then India, out of which he emerged as one of the most distinguished men of the nation.

KEYWORDS: Constitution, Document, Democratic, Directive principles, Fundamental Rights

Introduction

Constitutions can be classified as written or unwritten, rigid or flexible and enacted or evolved. Indian constitution is written, enacted and the mixture of rigidity and flexibility. In common parlance, the constitution means, a document which deals with the government (Type compositions, powers and limitations) the state (structure & form) and the basic rights & duties of the citizens and, it relates one another.

When India got independence, the world was divided into two blocks. One block was leaded by USA and the other was leaded by the USSR. Both the countries were powerful and rich. India instead of adopting either presidential model of USA or communist model of USSR, adopted Great Britain model of parliamentary system. Because of its historical, political and economic reasons. Indian constitution is not only a political document that provides for a parliamentary government which is responsive and responsible to the people but also regarded as a social document. Political aspect limits the scope of the constitution, whereas social aspect broadens its vision and scope, social document is which gives importance for the promotion of all aspects of man life.

In this regard, Indian constitution is surely a social document, because it gives importance for the all round development of man's social life i.e. political, economic, educational, cultural, religions, scientific etc. framing the constitution was challenge before the Constituent Assembly, before independence, India was divided into British India and Indian Princely (Provincial) states. Neither princely states of India nor British monarch cared for the welfare of the people. Rules were not subject to any laws. Their decisions were final and irrevocable in short they were above the laws. In such a crucial situation India got independence. It was inevitable for the framers of our constitution to frame it by taking into consideration the historical background of the Indian society. They framed such a constitution which aims at overall development of man's personality.

If we observed the different committees formulated by the constituent assembly to frame a constitution for India we can say that the members of those committees were really intellectual giants & legal luminaries who represented all most every section of our society. This multi covered representation also helped in adopting this successful document. Among the different committees the most important one was Drafting committee of the constitution which was chaired by Dr. B. R. Ambedkar. He was committed for providing social justice. He defended our constitution before the Constituent Assembly in such a way that they accept it cheerfully.

In framing the Indian constitution Dr. B.R.Ambedkar played a vital role. He himself was from a suppressed, depressed & oppressed class of society. But he was a constitutional expert of international fame. Therefore, it was natural to expect such a constitution from Dr. B.R. Ambedkar who has tried his level best to provide social justice to the people of India through this constitution.

We can see the social nature of our constitution in its preamble. It reflects the Aims and Objectives. And its social responsibilities. It starts with "We the people of India"; these words are making it clear that, it is a social document which is accepted by the people of India, but not imposed one. Indians solemnly resolved to constitute the nation a Sovereign Socialist, Secular, Democratic Republic. All these terms also implies the importance given for the overall development of the people of India. In this regard Justice Jagan Mohan Reddy rightly observed that the constitution of India is rested on four pillars.

1. Sovereign, Democratic, Republic.
2. Social, Economic & Political Justice.
3. Liberty of thought, Expression, Belief, Faith and Worship.
4. Equality of status & Opportunity and promote among them all fraternity.

Removal of an a single pillar would lead to collapse of the entire constitution structure, in his further observation Jagan Mohan Reddy says that, besides the four pillars (above mentioned), parliamentary democracy, structure of the government, fundamental rights and directive principles of state policy constitutes the basic structure of the constitution.

All the elements of basic structure of the constitution stand for the social justice & social welfare of the entire population. By using the words; "Sovereign Democratic Republic" our constitution declares that, India is of the Indians by the Indians & for the Indians neither of the monarchs nor of the rulers.

Our constitution affirms liberty, equality, justice & fraternity to the people of India through fundamental rights. Directive principles of state policy and fundamental duties. Fundamental rights are highly valued & no other constitution in the world has discussed the rights in such a great length & with minute details, as our eminent

political philosopher Prof.H.J. Laski states “The state is known by the rights it maintains ” it means, advancement of the state is measured by the rights it guarantees to its citizens.

The first fundamental right guaranteed to the people of India, right to equality which provides for, equality before law & equal protection of law, prohibition of discrimination, equality of opportunity,abolition of untouchability and abolition of titles undoubtedly declares that the constitution is a social document. Because it gives serious attention to bring equality among all in all fields without moving any discrimination any grounds.

Before the implementation of the constitution all the privileges of the state were enjoyed solely by the upper class, rich class & princely class people. Privileges were enjoyed by the people not on the basis of their knowledge or intellectual capacity but on the basis of their social status decided by their caste, colour , race , religion, place of birth , sex etc. now , all are equal in the eyes of law . no discrimination is to be made in public places for accessions or using them. Equal opportunity in matters of public employment is also guaranteed along with a provision for reservation for downtrodden people untouchability is prohibited by the right to equality practice of untouchability was very common in Indian society. The architect of our constitution DR. B.R. Ambedkar himself suffered a lot throughout his life because of this social evil. now a day’s practicing of untouchability from the grass root level , the untouchability Act of 1955, Preventions of Atrocities Acts of 1989 & 1995, SafaiKarmacharis Act of 1993 have also been passed by the parliament of India. Right to equality abolished ‘Titles’ also which were awarded on the basis of social status of an individual. Only privileged class people had ‘Titles’. Therefore in short the main objective of this , right to equality is to provide social justice to the under privileged & to uplift the depressed, oppressed, suppressed, the most neglected, rejected, untouchable and un-approachable class equalling to that of few privileged class of our society .

The second important right i.e. right to freedom is also note worthy to highlight the social nature of our constitution. Particularly freedom of speech & expression, Freedom to form association, freedom to practice any profession, occupation or business granted under article 19 are important, because the constitution strengthened the people of India politically, socially & economically. Who were betrayed of these freedoms prior to the execution of our constitution? The same right under article 20, 21 and 22 reduced the high handedness of police force against arbitrary punishment, deprivation of life & liberty of individual and arbitrary arrests. Arrested person must be informed the reason for his arrest, whether his offence is bailable or non-bailable and he must be allowed to engage an Advocate of his own choice.

To strengthen the weaker sections of the society right against exploitation is also guaranteed. Exploitation through forced labour, using women & girls immoral purposes and child labour was in practice in India for centuries have been adopted by the constitution to reduce the incidences of such evil practices.

To bring harmonious relations between the people of multi religions country right to religion is granted and secular nature of the state is pronounced. to safeguard the interests of linguistic, religious and cultural minorities against the arbitrary rule of the majority cultural and educational right is also given no majority group can impose its language, culture or religion on any minority group.

Above all to enable the citizens to enjoy their constitutional rights and to give protection against their violation either by any individual or by any authority, right to

constitutional remedies is sanctioned. Without this right all other rights are meaningless, therefore it has rightly been said that this right is the heart & soul of the constitution any citizen who feels that his right is violated, then he can approach the law court to get justice.

The fourth part of the constitution 'Directive principles of state policy' also exhibits the social nature of our constitution. Through these principles our constitution seeks to fulfil the basic needs of the common man and change the structure of our society. DR. Rajendra Prasad rightly opined that "If these principles are faithfully implemented, India would soon become a welfare state" there are number of directive principles which aimed at archiving social economic and political progress. Important principles for example are free and compulsory education to all children below the age of 14 years.

A uniform civil code of applicable to the entire nation. Promotion of educational & economic interest of the weaker sections of the people. Improvement of public health and prohibition of intoxicating drinks and drugs.

Organising agriculture and animal husbandry on scientific lines. Securing right to work. Securing just and humane conditions of work & maternity relief. Minimising inequalities in income & eliminating inequalities in status. Facilities and opportunities amongst individuals as well as groups. Adequate means of livelihood to all citizens proper distribution of the national wealth for the common good.

Equal pay for equal work for both men & women separation of judiciary from executive organisation of village panchayats as units of self-government promoting cottage industries. Free legal aid for the poor. The state shall take steps for the execution of these principles. If these principles are translated into reality, just we can say that India is a "welfarestate" cent percent. Directive principles are revolutionary in character. But they are to be achieved in constitutional manner. The real importance of these principles in that they contain the positive obligations of the state towards its citizens.

To make India a welfare state, it is equally necessary that the citizens must be duty minded, cultured and conscious. But, when the constitution of India came into force, no mention was made about the duties of the citizens later, in 1976 by making 42nd amendment to the constitution fundamental duties of the citizens of India inserted into the constitution by creating a separate part IV-A under Article -51. A fundamental duties are so designed to promote values such as India's common cultural heritage, egalitarianism, democracy, secularism, equality of sexes, removal of social barriers, protection of public property, protection of the environment and inculcation of scientific temper observance of all these values are necessary for the overall progress of Indian society.

In political side, our constitution has provided a subservient system i.e. parliamentary democracy to achieve all of its social objectives. Parliamentary democracy is such a government which is responsive, responsible and accountable to the people indirectly through their representatives. It is required to work within the frame work of the constitution, and in accordance with the wishes of peoples representatives, otherwise representatives of the people have the power to over throw the government by adopting no confidence motion. From local level to the national level administration is controlled by the people through their representatives.

Besides all these things we discussed so far, there are number of articles which have been scattered throughout the constitution also aiming at establishing a social order in India.

Before concluding, naturally a question emerges that how much our constitution succeeded in achieving its social responsibilities or objectives we have achieved a lot, but there is much more to achieve through this constitution, we can conclude by quoting what DR. B.R. Ambedkar has said , “ I feel that it (our constitution)is workable , it is flexible and it is strong enough to hold the country together both in peace time and war time, indeed, if I may say so , if things go wrong under the new constitution , the reason will not be that we had a bad constitution . What we will have to say is that man was vile”.

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