

CLASS-VIII
Social Science (Civics), Chapter - 16

OUR CONSTITUTION

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RULES AND LAWS :

- Family is the basic unit of society . It comprises of various institution and organisations at different levels. We all need to follow rules and regulations to regulate our day to day life.
- **RULE OF LAW :**
- It means that every citizen of the country is equal in the eyes of law.
- There is no discrimination on the basis of caste , religion ,sex ,social or economic status .
- Everybody is required to follow a set of laws, be it the people or government officials or the elected representatives of people ,who form the government.
- In fact, rule of law is the basic foundation of a democratic system and the basis of all type of qualities.

THE CONSTITUTION :

A constitution is a body of fundamental rules according to which the government of a country functions.

❑ Need of Constitution :

India is a vast country with various physical , cultural and social diversities .The constitution provides a set of rules, principles and laws acceptable to almost all ,as the basis of life and governance of the country.

- Defines the nature of a country's political system.
- Provides certain significant guidelines that help in decision making within a democratic set-up .
- Lays down rules and provides safeguards against misuse of power and abuse of authority which leads to gross injustice by those in power.
- Guarantees certain rights based on quality to establish social , political and economic justice
- Ensures that minority groups are not deprived of the benefits available to majority group.
- Ensures that the majority group doesn't dominate the minorities.

- Guards our national interests.
- Doesn't allow dictatorial or biased decisions which may change the very basic structure of the constitution.
- Play a crucial role in democratic societies towards the achievement of desired goals.

❑ **Visions and Values of Indian Constitution :**

The constitution of country reflects its distinctive features, cultures & ethos . The constitution of France, 1785 and US , 1776 are the products of political revolutions . But the British Constitution is not written as it is the outcome of gradual evolution . Unlike the US and the UK , the constitution of India is the result of serious deliberations of a representative body called Constituent Assembly .

Visions of Indian Constitution :

- It was an indirectly elected body.
- Most of the members of this Constituent Assembly represented Hindus ,Muslims ,Sikhs ,Anglo- Indians, Christians, etc.
- The Assembly included eminent personalities like Jawaharlal Nehru, Vallabhbhai Patel , Dr. Rajendra Prasad, etc as the member of Constituent Assembly.

- There were 15 female members also in the constituent assembly like Sacheta Kriplani , Sarojini Naidu , etc.

Values of Indian Constitution :

- Some ideals are included in the constitution of free India like commitment to democracy and guarantee of justice ,equality and freedom to all the people.
- The makers of the Indian Constitution were also very much considered about feeding the starved , clothing the naked and ending the exploitation of the already deprived and depressed sections of society.
- They framed the Indian Constitution.

The **PREAMBLE** is an introduction to the constitution and is non-justicable . It contains the political philosophy , aims , objectives and basic purposes of the Constitution . It is called the **Soul of the Indian Constitution** .

Basic Features of Our Constitution :

➤ Unique Constitution:

- The chief characteristic of the Constitution of India is its Uniqueness .
- The best features of many existing constitutions of the world were modified and adopted to our needs and conditions.
- The constitution of India is a combination of many good points of several constitutions.

➤ The Longhiest Constitution :

- The Constitution of India is the **lengthiest** and most **detailed** Constitution of the world.
- It is divided into 22 parts and has 395 articles and 12 schedules .
- The Constituent Assembly spent 2 years 11 months and 18 days to complete its final draft on November 26,1949 but it was adopted and enforced on January 26,1950 .

➤ **Written Constitution :**

- Indian Constitution is a written constitution which was drafted and enacted by the Constituent Assembly
- It was presided over by Dr. Rajendra Prasad .
- Dr. B.R Ambedkar was the chairman of its Drafting Committee / Father of Indian Constitution.

➤ **Rigid and Flexible :**

- A Constitution is called rigid or flexible on the basis of the procedure of its amendments .
- A rigid constitution is one which cannot be amended easily, whereas a flexible constitution can be amended easily.
- The Constitution of India is a combination of both rigid as well as flexible.

➤ **Universal Adult Franchise :**

Universal Adult Franchise means that every citizen of India ,who is 18 years old and above ,is entitled to vote in elections , without any discrimination of caste, colour , class or gender.

Procedures of Amendment of Indian Constitution :

- **By Simple Majority :**

Certain provisions of the constitution can easily be changed by passing the Amendment Bill by simple majority, which means the bill should be approved by a majority of the members present and voting in both the Houses of Parliament .

- **By Special Majority:**

The Amendment Bill shall have to be approved by both the Houses of the Parliament by (i) absolute majority of total membership and (ii) two-third majority of members present and voting .

- **By Special Majority and Ratification :**

After the Bill is passed by Special Majority in both the Houses of the Parliament ,it may be approved by the Legislatures of at least half of the total number of states. Whenever the need was felt, the Indian Constitution was suitably amended according to the relevant demands to achieve national goals or eradicate certain evil practices . Abolition of Privy Purse, Nationalisation of Banks , Reservation for OBC's ,Right to Education , Right to information are some examples which prove that Indian Constitution is Dynamic .

INDIA

❑ INDIA IS A SOVEREIGN ,SECULAR AND DEMOCRATIC REPUBLIC :

➤ INDIA IS A SOVEREIGN STATE :

- The country is free from all external controls .
- Free to take its own decisions.

➤ INDIA IS A SOCIALIST STATE :

- India is socialist state – because socialism is one of the national goals to be achieved .
- India is against exploitation in all forms and will try to establish economic justice , without being attached to any particular ideology .

➤ INDIA IS A SECULAR STATE:

- All religions enjoy equal freedom .
- No discrimination is made on grounds of religion ,Right to Freedom of Religion is granted by our Constitution under the Fundamental Rights.

➤ INDIA IS A DEMOCRATIC STATE :

Our government is elected by the people and the administration of the country is carried out by the elected representatives of the people.

➤ INDIA IS REPUBLIC :

- India is republic because the Head of the State , i.e our President (*Rashtrapati*) is an elected head from amongst the people.
- On the other hand, inspite of being a democracy , England is not a republic because its Head of the State is hereditary – King/Queen.

❑ PARLIAMENTARY FORM OF GOVERNMENT:

- In a Parliamentary democracy, there is a close relationship between the legislature and the executive.
- The council of ministers is constituted from amongst the member of the legislature.
- It holds the office as long as it continues to enjoy the confidence of the legislature.
- In a parliamentary form of government, the Head of the state , the President in case of India , is a nominal head.
- Although, she/he enjoys many powers ,but in practice all these powers are exercised by the council of ministers headed by the Prime Minister.

❑ **FEDERAL AND UTILITY :**

- The constitution of **federation** is written and rigid.
- It divides powers between the centre and the states.
- There is an independent judiciary which interprets the constitution and settles the disputes.
- The **Central Government**, which is also called the **Union Government**, is so powerful that at times it appears that India is not really a **federation** but a **unitary state**.
- However, the constitution of India has several features of **federation** combined with the elements of a **unitary state** and Some people describe India is federation with a very strong central government.

❑ **SINGLE CITIZENSHIP :**

In United States of America , there is double citizenship .Every American is a citizen of her/his state and also of United States .But in India, we have single citizenship . Therefore , every Indian , irrespective of the place where she/he lives , is a citizen of India There is no citizenship in the name of the states.

❑ SINGLE INTEGRATED JUDICIAL THINGS :

- India has a single integrated **judicial system** . Unlike the judicial system of the United States , we don't have separate federal and state courts .In our country , the entire judiciary is one hierarchy of courts . The supreme Court of India and the High Courts form a single integrated judicial structure with jurisdiction over all laws . The High court have the right of supervision over the Subordinate Courts.
- India has an **independent judiciary**, free from the influence of the executive and the legislature . The judges are appointed on the basis of their qualifications but they cannot be easily removed by the executive .
- **The Fundamental Rights, Directive Principles of State Policy and Fundamental Duties** are also the basic feature of the constitution of India that prescribe the fundamental obligations of the state to its citizens and the duties of the citizen to the state.

Extra Questions:

- Define the Rule of Law.
- Define the Constitution.
- Name the body which helped in the framing of the Constitutions.
- Who was the Chairman of Drafting Committee of Constituent Assembly?
- On what basis a Constitution can be called a rigid or flexible?
- Define Preamble.
- Who is regarded as the father of Indian Constitution?
- Define the universal adult franchise.
- In which year was the Right to Vote granted?
- England is not a Republic. Give reason.
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Pictures relating the Topic.

