

- The Philosophy of the Constitution

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The Constitution of India is a written document that lays down the framework defining fundamental political principles, establishes the structure, powers, and the duties of citizens.

Important Features of the Constitution of India

The Constitution of India has several important features that make it unique and effective:

- **Written Constitution:** The Constitution is a single written document that contains all the laws and principles governing the country.
- **Flexible:** It can be amended to meet the changing needs of society.
- **Supremacy of Judiciary:** The judiciary has the power to interpret the Constitution and ensure laws conform to it.
- **Bicameral Legislature:** The Parliament consists of two houses – the Lok Sabha and the Rajya Sabha.
- **Distribution of Power:** Powers and duties are divided between the Centre and the States to maintain federalism.

Fundamental Commitments of the Indian Constitution

The Constitution is founded on several core commitments that guide the governance and development of India:

- *Equality:* All citizens are equal before the law and have equal protection under it.
- *Liberty:* Freedom of thought, expression, belief, faith, and worship is guaranteed.
- *Democracy:* The government is elected by the people and for the people.
- *Sovereignty:* India is an independent and sovereign nation.
- *Cosmopolitan Identity:* The Constitution promotes a sense of unity and respect for diversity among all citizens.

Borrowings from Other Constitutions

The framers of the Indian Constitution adopted various provisions from different countries, adapting them to Indian conditions rather than copying them.

Provisions from the Government of India Act, 1935

- Federal Court
- Provincial autonomy

Provisions from the British Constitution

- Prerogative writs
- Parliamentary form of government

- Rule of law
- Institution of the Speaker and his/her role
- Law-making procedure
- Single citizenship

Provisions from the Irish Constitution

- Directive Principles of State Policy

Provisions from the French Constitution

- Principles of Liberty, Equality and Fraternity

Provisions from the American Constitution

- Preamble to the Constitution
- Charter of Fundamental Rights
- Power of Judicial Review
- Independence of the Judiciary

Provisions from the Canadian Constitution

- Quasi-federal form of government
- Idea of Residual Powers

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It helps in justifying the values embedded in our constitution.

Why Do We Need To Go Back to the Constituent Assembly ?

Our history of constitution is still very much history of the present.

We need it because

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To know the current constitutional practice, their value and their meaning.

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Why Study the Constituent Assembly?

The Constituent Assembly debates help us understand the values and principles embedded in the Constitution, their historical context, and

How Does the Constitution Help in Democracy?

The Constitution is a tool for peaceful social, economic, and political transformation, replacing old ideas with freedom, equality, and justice.

Exam-Oriented Questions and Answers

What are the fundamental commitments of the Indian Constitution?

The fundamental commitments are equality, liberty, democracy, sovereignty, and cosmopolitan identity.

From which constitutions did India borrow provisions for its Constitution?

India borrowed provisions from the Government of India Act 1935, British Constitution, Irish Constitution, French Constitution, American Constitution.

What is the significance of the Directive Principles of State Policy?

They guide the government in making policies aimed at social and economic welfare, inspired by the Irish Constitution.

Solved Examples

Example 1: Explain the importance of the supremacy of the judiciary in the Indian Constitution.

Answer: The supremacy of the judiciary ensures that all laws and government actions conform to the Constitution. It protects fundamental rights.

Example 2: Describe the concept of a quasi-federal government as adopted from the Canadian Constitution.

Answer: A quasi-federal government is one where the central government has more power than the states, but both have their own spheres of activity.

Practice Set

Easy

- What type of constitution does India have?
- Name two features borrowed from the British Constitution.

Moderate

- Explain the significance of the Preamble in the Indian Constitution.
- What are the fundamental commitments of the Indian Constitution?

Challenging

- Discuss how the Indian Constitution balances federalism and unity.
- Analyze the importance of borrowing provisions from different constitutions in framing the Indian Constitution.

Answer Key

- **Easy:** Written Constitution; Parliamentary form of government, Rule of law.
- **Moderate:** The Preamble states the objectives and guiding principles of the Constitution; Fundamental commitments include equality, liberty, and justice.
- **Challenging:** India adopted a quasi-federal system giving powers to both Centre and States to maintain unity and diversity; Borrowing from other constitutions.

Quick Reference

- **Written Constitution:** Single document outlining laws and principles.
- **Fundamental Commitments:** Equality, Liberty, Democracy, Sovereignty, Cosmopolitan Identity.
- **Borrowings:** From British, American, Irish, French, Canadian Constitutions and Government of India Act 1935.
- **Supremacy of Judiciary:** Ensures constitutional compliance.
- **Quasi-federalism:** Division of powers between Centre and States.

Glossary

- **Constitution:** A set of fundamental principles or established precedents according to which a state is governed.
- **Federalism:** A system of government where power is divided between a central authority and constituent units.
- **Directive Principles of State Policy:** Guidelines for the government to create social and economic policies.
- **Judicial Review:** The power of courts to assess the constitutionality of legislative acts.
- **Quasi-federal:** A system with features of both federal and unitary governments.

Year	Event	Significance
1935	Government of India Act	Provided federal court and provincial autonomy, introduced bicameralism.
1947-1949	Constituent Assembly Debates	Framers discussed and adopted various provisions for the new constitution.
1950	Adoption of Indian Constitution	India became a sovereign democratic republic with a written constitution.