

Political Science

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Working of the Indian Constitution

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1. Working of the Constitution

The textbooks of Political Science till now have helped us to take an overview of local government, the values and the philosophy of the Indian Constitution as also the governing structures created by the Constitution and India's place in international relations. The Indian Constitution has declared its objective to establish a secular, democratic Republic. Also, it has made extremely important provisions to ensure that the citizens get justice and their freedom is protected. The Indian Constitution is seen as the means through which a progressive developed society based on social justice and equality will be established.

The constitution came into force on 26th January 1950 and since then the Government has been working in accordance with the principles of the constitution. In this chapter, we will take a brief overview of the wide-ranging nature of Indian democracy, important changes that have taken place in its political process and steps that have been taken to establish social justice and equality. This review will primarily focus on three areas (1) Democracy (2) Social Justice (3) Judicial System.

Democracy

Political Maturity : Democracy does not merely imply a representative structure. The essence of representative system is to integrate the principles of democracy in actual practice. Once this is done, democracy becomes an integral part of the political life of the society.

Accordingly, the Indian people have direct representation in the Parliament, State legislature and local government. Holding free and fair elections at regular intervals is an important indicator of India's successful democracy. The increasing participation of the people in the political process and political competition shows that Indian democracy has become successful to a great extent.

Right to Vote : The Indian Constitution had made the provision of right to vote for adults. In the pre-independence period several provisions existed which restricted the Right to Vote. All such provisions were cancelled after independence and the Indian constitution guaranteed adult suffrage by giving the right to vote equally, to both men and women above the age of 21 years. The voting age was later reduced from 21 to 18 which gave opportunity of political participation to the young generation in India. Such provisions have made India the largest democracy in the world. India has the largest number of voters compared to any other democratic nation. This change is not only quantitative but also qualitative as new political parties are emerging with the active support of young voters. These parties represent various expectations of people and compete in the political sphere.

Decentralisation of Democracy : Decentralisation of power is central to democratic government. Decentralisation controls the misuse of power and also creates opportunities for political

participation for the common people. The Directive Principles of State Policy include the provisions for democratic decentralisation. One such important provision is regarding empowering the local self-government make genuine democratic governance a reality. After independence, several attempts were made towards democratic decentralisation. One such important attempt is the 73rd and 74th amendment to Indian Constitution; which gave a constitutional status to local self-governing institutions and also increased their powers.

Can you tell the reasons for the following changes?

- Some seats are kept reserved for women to increase their participation in political process.
- Some seats are kept reserved for weaker sections of the society so that they can get a share in political power.
- The State Election Commission has been established.
- The 11th and 12th schedule was added to the constitution.

Right to Information (R.T.I.2005) :

Citizen empowerment is the essential condition of democracy. It is necessary to create opportunities for citizen's participation and interaction with the government. Increased communication between citizens and government helps in strengthening democracy and in building a relationship of trust between them. Citizens have a right to know about the functioning of the government. The Government of India gave the Right to Information to the citizens of India to

ensure transparency and accountability which are the hallmarks of good governance. Right to Information has made the government more transparent and has reduced the element of secrecy in the working of government.

After the year 2000, the whole approach towards democratic reforms has changed. Democratic reforms are considered as 'rights' of citizens. Accordingly, citizens in India have got Right to Information, education and food security. These rights have strengthened democracy in India.



Do you know ?

Rights based approach : In the decades after independence, progress was made towards more and more democratisation of India. However, in this process citizens were considered as beneficiaries. In the last few decades development is considered as the right of the citizens.

In your opinion, how will this approach change the relations between the government and citizens?

Discuss

Do you think that citizens in India should have the right to employment?

According to you, if everyone gets the right to shelter, how will it affect democracy in India ?

Social Justice and Equality

Social justice and equality are the important objectives of our constitution. The Constitution has given the guidelines

to establish a new society based on these two values. We are following the path laid down by our Constitution to achieve this goal.

To establish social justice is to remove those social conditions which are responsible for injustice and insist on the equality of dignity for all individuals. The principles of justice and equality aim at ending discrimination in social status such as superior or inferior on the basis of caste, religion, language and gender, place of birth, race, property and giving equality of opportunity for development to every individual.

To establish justice and equality, efforts are to be made at all levels of society. But the government's efforts and policies on this front are more important. For Democracy to be inclusive, one must try to bring all sections of the society into the mainstream. Democracy is in fact, a process of accommodating different sections in society. Democracy helps in reducing social conflicts. Let us take review of the efforts made in India in this direction.

Policy of Reservation of seats : Policy of Reservation of seats is meant for those sections of society who have been deprived of the opportunities for education and employment for a long period of time. Accordingly, in educational institutions and in government services some seats are kept reserved for scheduled caste and scheduled tribes. There is also a provision of reservation of seats for other backward classes.

The Scheduled Castes and Tribes (Prevention of Atrocities) Act : This is an important Act for establishing social justice and equality. This act prevents any injustice against the people belonging

to Scheduled Caste and Scheduled Tribe and any act of atrocity committed against them is liable for punishment.



Do this.

Read the provisions of the above law. Try to understand them with the help of your teachers. What efforts should be made to prevent atrocities ?

Provisions for minorities : The Indian constitution has made several provisions for the protection of minorities. The government has adopted several policies for minorities to provide them the opportunities for education and employment. The Indian constitution prohibits discrimination on the basis of caste, religion, race, language and region. This is a comprehensive provision for minorities which fundamentally protects their right to equality, freedom, right against exploitation and cultural and educational rights.

Laws relating to women and provisions for representation : In the post-independence period, efforts were made for empowering women. Taking into consideration the problems of women, several policies have been adopted at national and international level to remove illiteracy among women and to make available opportunities for their development.

The right to have an equal share in the property of the father and husband, Dowry Prohibition Act, act against sexual harassment, Domestic Violence Prohibition Act are some important provisions which create a favourable environment for protection of freedom of women and securing their development.

In our country, from the very beginning, women have inadequate representation in politics and political institutions. Many countries in the world have made efforts to increase representation of women. From this perspective, changes are taking place in India as well. The 73rd and 74th amendment reserved 33% of seats for women in local self-governing institutions. This percentage has been raised to 50% in several states including Maharashtra.

A National Commission for women has been established. Similar commissions also exist at the State level.

The Act for the protection of women against domestic violence is an important step in the direction of democracy. This act underlined the need to protect the dignity and self-esteem of women. This act rejected traditional forms of domination and authoritarianism and expanded the scope of Indian democracy to make it inclusive in true sense.



Do this.

The Representation of Women in Lok Sabha

No.	Year	No. of Women MPs	Percentage
1.	1951-52	22	4.50%
2.	1957	22	4.45%
3.	1962	31	6.28%
4.	1967	29	5.58%
5.	1971	28	5.41%
6.	1977	19	3.51%
7.	1980	28	5.29%
8.	1984	43	7.95%
9.	1989	29	5.48%
10.	1991	39	7.30%
11.	1996	40	7.37%
12.	1998	43	7.92%
13.	1999	49	9.02%
14.	2004	45	8.29%
15.	2009	59	10.87%
16.	2014	66	12.15%

Read the chart and answer the following questions.

- In which election year the number of women MPs is minimum?
- In which election year the number of women MPs is maximum.
- Prepare a Pie Chart/Bar Chart with the help of the information given in the chart of the Women MPs in the Lok Sabha Elections (1951-2014).

What do you think?

The visibility to women is very low in public life. If Family structure, social surrounding, economic sector, political sphere become more open, women will get a chance to participate in the decision making process that can provide a different direction to politics. For this purpose, women's participation should be increased in the representative institutions.

Role of Judiciary

The Judiciary in India has played an important role in strengthening democracy and helping to make towards achieving the objectives of social justice and equality. While interpreting the provisions of the constitution, the judiciary has

always taken into consideration the fundamental objectives of the constitution and also the intentions of the constitution makers. We will try to understand the contribution of the judiciary in this regard with the help of following points.

(1) The basic framework of the constitution : The Constitution is dynamic. It is a living document. The Constitution has to change according to changing conditions and the Parliament has a power to make those changes. The Judiciary has accepted this power of the Parliament to make changes in the Constitution but at same time specified the limitations on this power. The Judiciary has taken a stand that the Parliament while amending the constitution cannot alter the basic structure of the constitution.

Please understand.

The basic structure of the constitution generally includes following provisions.

- Republican and democratic form of government
- Federal structure of the Constitution.
- Promotion of unity and integrity of the nation
- Sovereignty of the nation
- Secularism and supremacy of the constitution

This is important to understand!

Democracy requires good governance or best governing practices. Following are the features of good governance. What should be done to bring good governance in democracy ?

- Accountable/responsible government
- Effective and efficient government
- Responsive government
- Transparency in working of the government
- Just and all-inclusive development
- People's participation in the governing and decision-making process

Please understand.

Find out the judgements given by the Supreme Court on the above subjects in recent years and discuss them.

(2) Significant judicial decisions : The protection provided to the citizens by fundamental rights in the constitution has been made more meaningful through various decisions of judiciary. Some of the important subjects on which the Court has given judgements include rights of children; protection of human rights; protection of the honour and dignity of women; individual freedom; and tribal empowerment. These efforts have made the political process in India more mature.

In this chapter, we took a review of the constitution and the working of the government on the basis of the constitution in the context of Indian democracy. There are many challenges before India's democracy. Government's acts and policies have not put an end to all the problems. There are several new problems confronting us. However what is important is that the people in India have developed a democratic mind-set.

In the next chapter we will study the election process in India.



Exercise

1. Choose the correct option from the given options and complete the sentences.

- (1) In Maharashtra seats are reserved for women in local self-governing institutions.
(a) 25% (b) 30%
(c) 40% (d) 50%
- (2) Which of the following laws created a favourable environment for women to secure freedom and self-development ?
(a) Right to Information Act
(b) Dowry Prohibition Act
(c) Food Security Act
(d) None of the above
- (3) The essence of democracy is
(a) universal adult franchise.
(b) decentralisation of power.
(c) policy of reservation of seats.
(d) judicial decisions.

2. State whether following statements are true or false. Give reasons for your answer.

- (1) Indian democracy is considered the largest democracy in the world.
- (2) Secrecy in the working of Government has increased due to the Right to Information.
- (3) The nature of Constitution is seen as a living document.

3. Write short notes.

- (1) Provisions regarding minorities.
(2) Policy of reservation of seats.
(3) Women representation in the Lok Sabha.

4. Explain the following concepts.

- (1) Right based approach
(2) Right to information

5. Answer the following questions.

- (1) What are the effects of reducing the voting age from 21 years to 18 years ?
(2) What is meant by establishment of social justice ?
(3) Which decision of the Court has resulted in protection of honour and dignity of women ?

Project

- (1) Which information can be secured with the help of right to information? Find out with the help of your teachers.
- (2) Make a list of concessions given by the Government for the students of minority community?
- (3) Visit the official website of National election commission and collect more information about it.
- (4) Take an interview of women representations from local self-governing institutions from your area.

