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CONSTITUTIONAL VALUES AND POLITICAL SYSTEM IN INDIA

Mona, who is a student of class X in a school in Shillong asked her teacher a question that had been bothering her for long. She said, “Sir! in newspapers and the television news, I find the reference of the President of United States of America (USA) quite often, but the Prime Minister of USA is never mentioned. Why it is so?” The teacher replied, “You have rightly noticed the differences. It is so because the government of USA is based on its own Constitution, whereas our governmental system is based on our Constitution. It is the Constitution of a country that makes provisions according to which various institutions and offices are created and are made to function. In fact, the Constitution defines all aspects of the political system that a country has and more important than any thing else, the Constitution reflects certain values that form the core of that political system. These values guide not only the government, but also the citizens and the society at large.” Just like Mona, you may also have questions related to the Indian Constitution and its political system such as, what are the values reflected in the Constitution? What is the nature of the Indian political system? Why India is called a federal system? Why is it said to have parliamentary form of government? We shall discuss all these questions in this lesson.



OBJECTIVES

After studying this lesson you will be able to:

- explain how the Constitution is the basic and fundamental law as well as a living document;
- analyze the Preamble of the Constitution and identify the core values reflected in it;
- appreciate the core constitutional values that permeate the salient features of the Indian Constitution; and
- examine the nature of the Indian federal system and the parliamentary form of government.



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15.1 THE CONSTITUTION OF INDIA

Let us begin with a discussion on the Constitution of India. But even before that the question that needs to be answered is: what is the meaning of the term constitution?

15.1.1 Meaning of the Constitution

You may have come across the term constitution quite often. It is used in various contexts such as Constitution of a State or a Nation, Constitution of an Association or Union, Constitution of a Sports Club, Constitution of a non-governmental organization (NGO), Constitution of a company and so on. Does this term mean the same in all these contexts? No, it is not so. As used commonly, constitution is a set of rules, generally written, which defines and regulate the structure and functioning of an organization, institution or a company. But when it is used in the context of a State or a Nation, *Constitution means a set of fundamental principles, basic rules and established precedents* (means *standards/instances*). It identifies, defines and regulates various aspects of the State and the structure, powers and functions of the major institutions under the three organs of the Government – the executive, the legislature and the judiciary. It also provides for rights and freedoms of citizens and spells out the relationships between individual citizen and the State and government.

A Constitution may be written or unwritten, but it contains fundamental laws of the land. It is the supreme and ultimate authority. Any decision or action which is not in accordance with it will be unconstitutional and unlawful. A Constitution also lays down limits on the power of the government to avoid abuse of authority. Moreover, it is not a static but a living document, because it needs to be amended as and when required to keep it updated. Its flexibility enables it to change according to changing aspirations of the people, the needs of the time and the changes taking place in society.



Do you know

Unlike the Constitutions of most of the democratic countries, the British Constitution is known as unwritten constitution, because it is largely unwritten and uncodified. It was not framed as a complete statement like the Constitution of USA or the Indian Constitution. The Constitution of USA and the Indian Constitution are written constitutions.

15.1.2 The Indian Constitution

Have you seen the document of Indian Constitution? Do you recognize the cover page shown in the illustration? If you have seen or if you get a chance to see it, you will agree that it is a very lengthy document. In fact, Indian Constitution is the longest of all the written constitutions. It was prepared by a representative body, known as

the Constituent Assembly. Most of its members were deeply involved in the freedom struggle. They are respectfully called the founding fathers of the Constitution. The process of constitution-making was greatly influenced by the following factors: (a) aspirations generated during the long-drawn freedom struggle, (b) the constitutional and political changes that took place during the British rule, (c) The ideas and thoughts of Mahatma Gandhi, popularly known as Gandhism, (d) the socio-cultural ethos of the country and (e) the experiences of the functioning of Constitutions in other democratic countries of the world. The Constitution came into effect on 26 January, 1950 and since then we celebrate this day as the Republic Day every year.

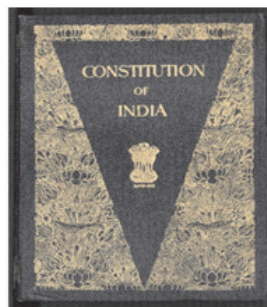


Figure 15.1 Cover Page of the Document



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Do you know

The Constituent Assembly began to prepare the Constitution on 9 December, 1946. Dr. Rajendra Prasad was elected as its President on 11 December, 1946. Dr. Baba Saheb Bhimrao Ambedkar was the Chairman of the Drafting Committee. The Constituent Assembly met for 166 days, spread over a period of 2 years, 11 months and 18 days. The making of the Constitution was completed on 26 November, 1949 when the Constituent Assembly adopted the Draft Constitution of India.

The Constitution of India defines all aspects of the Indian political system including its basic objectives. It has provisions regarding (a) the territories that India will comprise, (b) citizenship, (c) fundamental rights, (d) directive principles of state policy and fundamental duties, (e) the structure and functioning of governments at union, state and local levels, and (f) several other aspects of the political system. It defines India as a sovereign, democratic, socialist and secular republic. It has provisions for bringing about social change and defining the relationship between individual citizen and the state.



ACTIVITY 15.1

See a copy of the Constitution of India that is available in a Library or see it on the internet. Find out if there is an NGO or a Sports Club or a Students' Union or Teachers' Association or any social or cultural organisation nearby, which you may approach. Request any of them to show you the copy of the constitution they have.

Compare any of these constitutions with the Constitution of India. Write briefly what are the differences you find between the two?

**Notes****INTEXT QUESTIONS 15.1**

1. What is the meaning of Constitution?
2. Fill in the blanks:
 - (i) The Indian Constitution is the constitution.
 - (ii) The Indian Constitution was prepared by
 - (iii) The Constitution of India is a living document, because it needs to be
 - (iv) The 26 January is celebrated every year as because the Constitution came in to effect on

15.2 CONSTITUTIONAL VALUES

The Constitution of any country serves several purposes. It lays down certain ideals that form the basis of the kind of country that we as citizens aspire to live in. A country is usually made up of different communities of people who share certain beliefs, but may not necessarily agree on all issues. A Constitution helps serve as a set of principles, rules and procedures on which there is a consensus. These form the basis according to which the people want the country to be governed and the society to move on. This includes not only an agreement on the type of government but also on certain ideals that the country should uphold. The Indian Constitution has certain core constitutional values that constitute its spirit and are expressed in various articles and provisions. But do you know what is the meaning of the word, 'value'? You may immediately say that truth, non-violence, peace, cooperation, honesty, respect and kindness are values, and you may continue to count many such values. In fact, in a layman's understanding, value is that which is very essential or 'worth having and observing' for the existence of human society as an entity. The Indian Constitution contains all such values, the values that are the universal, human and democratic of the modern age.

**ACTIVITY 15.2**

Read the list of the words stated below. Out of these, choose 6 words that you consider values for yourself and write those in the given box:

Freedom	Love	Money	Passion	Creativity	Ambition
Motivation	Happiness	Excitement	Knowledge	Success	Fame
Adventure	Enthusiasm	Peace	Friendship	Sleeping	Beauty



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1.	4.
2.	5.
3.	6.

Of the 6 values, select your topmost value and state 2 reasons in the given space below for considering it as your topmost value.

<p>My topmost value</p> <p>Reasons are:</p> <p>1.</p> <p>2.</p>

Do you think that the topmost value impacts your attitude and behaviour? For example, a person who strongly believes in the value of non-violence, always tries to be non-violent in her/his actions.

15.2.1 Constitutional Values and the Preamble of the Constitution

Have you read the Preamble to the Indian Constitution printed in the beginning of this material? As has been stated above, the constitutional values are reflected in the entire Constitution of India, but its Preamble embodies ‘the fundamental values and the philosophy on which the Constitution is based’. The Preamble to any Constitution is a brief introductory statement that conveys the guiding principles of the document. The Preamble to the Indian Constitution also does so. The values expressed in the Preamble are expressed as objectives of the Constitution. These are: sovereignty, socialism, secularism, democracy, republican character of Indian State, justice, liberty, equality, fraternity, human dignity and the unity and integrity of the Nation. Let us discuss these constitutional values:

- 1. Sovereignty:** You may have read the Preamble. It declares India “a sovereign socialist secular democratic republic”. Being sovereign means having complete political freedom and being the supreme authority. It implies that India is internally all powerful and externally free. It is free to determine for itself without any external interference (either by any country or individual) and nobody is there within to challenge its authority. This feature of sovereignty gives us the dignity of existence as a nation in the international community. Though the Constitution does not specify where the sovereign authority lies but a mention of ‘We the People of India’ in the Preamble clearly indicates that sovereignty rests with the people of India. This means that the constitutional authorities and organs of government derive their power only from the people.



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2. **Socialism:** You may be aware that social and economic inequalities have been inherent in the Indian traditional society. Which is why, socialism has been made a constitutional value aimed at promoting social change and transformation to end all forms of inequalities. Our Constitution directs the governments and the people to ensure a planned and coordinated social development in all fields. It directs to prevent concentration of wealth and power in a few hands. The Constitution has specific provisions that deal with inequalities in the Chapters on Fundamental Rights and Directive Principles of State Policy.



Do you know

The following provisions under the Directive Principles of State Policy promote the value of socialism:

“The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. “ (Article 38(2)

“The State shall, in particular, direct its policy towards securing- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood; (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; (d) that there is equal pay for equal work for both men and women;...” (Article 39)

3. **Secularism:** We all are pleased when anyone says that India is a home to almost all major religions in the world. In the context of this plurality (means **more than one or two; many**), secularism is seen as a great constitutional value. Secularism implies that our country is not guided by any one religion or any religious considerations. However, the Indian state is not against religions. It allows all its citizens to profess, preach and practise any religion they follow. At the same time, it ensures that the state does not have any religion of its own. Constitution strictly prohibits any discrimination on the ground of religion.
4. **Democracy:** The Preamble reflects democracy as a value. As a form of government it derives its authority from the will of the people. The people elect the rulers of the country and the elected representatives remain accountable to the people. The people of India elect them to be part of the government at different levels by a system of universal adult franchise, popularly known as ‘one man one vote’. Democracy contributes to stability, continuous progress in the society and it secures peaceful political change. It allows dissent and encourages

tolerance. And more importantly, it is based on the principles of rule of law, inalienable rights of citizens, independence of judiciary, free and fair elections and freedom of the press.

5. **Republic:** India is not only a democratic nation but it is also a republic. The most important symbol of being a republic is the office of the Head of the State, i.e. the President who is elected and who is not selected on the basis of heredity, as is found in a system with monarchy. This value strengthens and substantiates democracy where every citizen of India is equally eligible to be elected as the Head of the State. Political equality is the chief message of this provision.
6. **Justice:** At times you may also realise that living in a democratic system alone does not ensure justice to citizens in all its totality. Even now we find a number of cases where not only the social and economic justice but also the political justice is denied. Which is why, the constitution-makers have included social, economic and political justice as constitutional values. By doing so, they have stressed that the political freedom granted to Indian citizens has to be instrumental in the creation of a new social order, based on socio-economic justice. Justice must be availed to every citizen. This ideal of a just and egalitarian society remains as one of the foremost values of the Indian Constitution.
7. **Liberty:** The Preamble prescribes liberty of thought, expression, belief, faith and worship as one of the core values. These have to be assured to every member of all the communities. It has been done so, because the ideals of democracy can not be attained without the presence of certain minimal rights which are essential for a free and civilized existence of individuals.
8. **Equality:** Equality is as significant constitutional value as any other. The Constitution ensures equality of status and opportunity to every citizen for the development of the best in him/her. As a human being everybody has a dignified self and to ensure its full enjoyment, inequality in any form present in our country and society has been prohibited. Equality reflected specifically in the Preamble is therefore held as an important value.
9. **Fraternity:** There is also a commitment made in the Preamble to promote the value of fraternity that stands for the spirit of common brotherhood among all the people of India. In the absence of fraternity, a plural society like India stands divided. Therefore, to give meaning to all the ideals like justice, liberty and equality, the Preamble lays great emphasis on fraternity. In fact, fraternity can be realized not only by abolishing untouchability amongst different sects of the community, but also by abolishing all communal or sectarian or even local discriminatory feelings which stand in the way of unity of India.
10. **Dignity of the individual:** Promotion of fraternity is essential to realize the dignity of the individual. It is essential to secure the dignity of every individual without which democracy can not function. It ensures equal participation of every individual in all the processes of democratic governance.



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- 11. Unity and integrity of the Nation:** As we have seen above, fraternity also promotes one of the critical values, i.e. unity and integrity of the nation. To maintain the independence of the country intact, the unity and integrity of the nation is very essential. Therefore, the stress has been given on fostering unity amongst all the inhabitants of the country. Our Constitution expects from all the citizens of India to uphold and protect the unity and integrity of India as a matter of duty.
- 12. International peace and a just international order:** The value of international peace and a just international order, though not included in the Preamble is reflected in other provisions of the Constitution. The Indian Constitution directs the state (a) to promote international peace and security, (b) maintain just and honourable relations between nations, (c) foster respect for international law and treaty obligations, and (d) encourage settlement of international disputes by arbitration. To uphold and observe these values is in the interest of India. The peace and just international order will definitely contribute to the development of India.
- 13. Fundamental Duties:** Our Constitution prescribes some duties to be performed by the citizens. It is true that these duties are not enforceable in the court of law like the fundamental rights are, but these duties are to be performed by citizens. Fundamental duties have still greater importance because these reflect certain basic values like patriotism, nationalism, humanism, environmentalism, harmonious living, gender equality, scientific temper and inquiry, and individual and collective excellence.



INTEXT QUESTIONS 15.2

1. What do you mean by the term value?
2. State two important constitutional values embodied in the Preamble of Indian Constitution? Why do you consider these two values as very important?
3. Match the values/objectives given below in column 'A' with the statements in column 'B'.

A	B
Constitutional Values/Objectives	Statements
(i) Sovereignty	a. promoting social change to end all forms of inequalities.
(ii) Socialism	b. government of the people, by the people and for the people.
(iii) Secularism	c. equal treatment without any discrimination.
(iv) Democracy	d. the Head of the State is an elected person.



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|---|---|
| (v) Equality | e. freedom to profess, preach and practise any religion. |
| (vi) Liberty | f. international peace & security and honourable relations among nations. |
| (vii) Fraternity | g. complete political freedom and supreme authority. |
| (viii) International peace & just international order | h. freedom of thought, expression and belief. |
| (ix) Republic | i. the spirit of common brotherhood. |



ACTIVITY 15.3

Collect the views of at least five persons on the extent they think the constitutional values have been realized or objectives have been attained. These persons may be your classmates or teachers or members of your family or social workers in your neighborhood or any other. The constitutional values and objectives are stated in one column of the following table. They have to award marks in another column, out of the total marks of 10, based on their rating of the achievement made in respect of each of the values/objectives.

Constitutional Values/ Objectives	Extent to which achieved Marks out of 10				
	Person 1	Person 2	Person 3	Person 4	Person 5
Social & Economic justice					
Liberty of thought & expression					
Equality of status and opportunity					
Unity and integrity of the nation					
Abolition of untouchability					
International peace & security					
Universal adult franchise					
Sovereignty with the people of India					
Independence of judiciary					

Based on the analysis of the responses, identify which value/objective has been realized to the maximum extent and which to the minimum extent. Try to find out the reasons.



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15.2.2 Values and the Salient Features of the Constitution

The discussion on the Preamble embodying constitutional values clearly demonstrates that these are important for the successful functioning of Indian democracy. Your understanding of these values will be further reinforced, when you will find in the following discussion that constitutional values permeate all the salient features of Indian Constitution. The main features of the Constitution as shown in the illustration are as follows:

1. **Written Constitution:** As has been stated earlier, the Constitution of India is the longest written constitution. It contains a Preamble, 395 Articles in 22 Parts, 12 Schedules and 5 Appendices. It is a document of fundamental laws that define the nature of the political system and the structure and functioning of organs of the government. It expresses the vision of India as a democratic nation. It also identifies the fundamental rights and fundamental duties of citizens. While doing so, it also reflects core constitutional values.
2. **A Unique Blend of Rigidity and Flexibility:** In our day-to-day life, we find that it is not easy to bring about changes in a written document. As regards Constitutions, generally written constitutions are rigid. It is not easy to bring about changes in them frequently. The Constitution lays down special procedure for constitutional amendments. In the unwritten constitution like the British Constitution, amendments are made through ordinary law-making procedure. The British Constitution is a flexible constitution. In the written constitution like the US Constitution, it is very difficult to make amendments. The US Constitution, therefore, is a rigid constitution. However, the Indian Constitution is neither as flexible as the British Constitution nor as rigid as the US Constitution. It reflects the value of continuity and change. There are three ways of amending the Constitution of India. Some of its provisions can be amended by the simple majority in the Parliament, and some by special majority, while some amendments require special majority in the parliament and approval of States as well.
3. **Fundamental Rights and Duties:** You must be familiar with the term fundamental rights. We quite often find it in newspapers or while watching television. The Constitution of India includes these rights in a separate Chapter which has often been referred to as the 'conscience' of the Constitution. Fundamental Rights protect citizens against the arbitrary and absolute exercise of power by the State. The Constitution guarantees the rights to individuals against the State as well as against other individuals. The Constitution also guarantees the rights of minorities against the majority. Besides these rights, the Constitution has provisions identifying fundamental duties, though these are not enforceable as the fundamental rights are. These duties reflect some of the basic values embodied in the Constitution.
4. **Directive Principles of State Policy:** In addition to Fundamental Rights, the Constitution also has a section called Directive Principles of State Policy. It is a unique feature of the Constitution. It is aimed at ensuring greater social and

economic reforms and serving as a guide to the State to institute laws and policies that help reduce the poverty of the masses and eliminate social discrimination. In fact, as you will study in the lesson on “India-A Welfare State”, these provisions are directed towards establishment of a welfare state.

5. **Integrated Judicial System:** Unlike the judicial systems of federal countries like the United States of America, the Indian Constitution has established an integrated judicial system. Although the Supreme Court is at the national level, High Courts at the state level and Subordinate Courts at the district and lower level, there is a single hierarchy of Courts. At the top of the hierarchy is the Supreme Court. This unified judicial system is aimed at promoting and ensuring justice to all the citizens in uniform manner. Moreover, the constitutional provisions ensure the independence of Indian judiciary which is free from the influence of the executive and the legislature.
6. **Single Citizenship:** Indian Constitution has provision for single citizenship. Do you know what does it mean? It means that every Indian is a citizen of India, irrespective of the place of his/her residence or birth in the country. This is unlike the United States of America where there is the system of double citizenship. A person is a citizen of a State where he/she lives as well as he/she is a citizen of U.S.A. This provision in the Indian Constitution definitely reinforces the values of equality, unity and integrity.
7. **Universal Adult Franchise:** The values of equality and justice are reflected in yet another salient feature of the Constitution. Every Indian after attaining certain age (at present 18 years) has a right to vote. No discrimination can be made on the basis of religion, race, caste, sex, descent, and place of birth or residence. This right is known as universal adult franchise.
8. **Federal System and Parliamentary Form of Government:** Another salient feature of the Indian Constitution is that it provides for a federal system of state and parliamentary form of government. We shall discuss these below in detail. But it is necessary to note here that the federal system reflects the constitutional value of unity and integrity of the nation, and more importantly the value of decentralization of power. The parliamentary form of government reflects the values of responsibility and sovereignty vested in the people. The core principle of a parliamentary government is the responsibility of the executive to the legislature consisting of the representatives of the people.



INTEXT QUESTIONS 15.3

1. What are the main features of the Indian Constitution?
2. What are the constitutional values reflected in the Directive Principles of State Policy?



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3. Why Indian judiciary is called an integrated judiciary?
4. What is the meaning of single citizenship?

15.3 FEDERAL SYSTEM IN INDIA

As you may have found, whenever there is a discussion on the nature, structure and processes of political system in India, it is said that India is a federal state. There are generally two types of states in the world. The state that has only one government for the entire country, which is known as unitary state. The United Kingdom has a unitary system. But there are states like United States of America and Canada which have governments at two levels: one at the central level and the other at the state level. Besides having two sets of government, a federal system must have three other features: (i) a written constitution, (ii) division of powers between the central government and the state governments, and (iii) supremacy of judiciary to interpret the constitution. India also has a federal system having all these features, but with a difference. Let us examine the nature of the Indian federation.

15.3.1 Characteristics of the Indian Federal System

1. **Two-tier Government:** You must have heard that there are two sets of government created by the Indian Constitution: one for the entire nation called the union government (central government) and another for each unit or State, called the State government. Sometimes, you may also find the reference of a three-tier government in India, because besides the Union and State governments, local governments-both rural and urban- are also said to constitute another tier. But constitutionally India has a two-tier government. The Constitution does not allocate separate set of powers to the local governments as these continues to be under their respective State governments.
2. **Division of Powers:** Like other federations, both the Union and the State governments have a constitutional status and clearly identified area of activity. The Constitution clearly divides the powers between the two sets of governments, so that the Centre and the States exercise their powers within their respective spheres of activity. None violates its limits and tries to encroach upon the functions of the other. The division has been specified in the Constitution through three Lists: the Union List, the State List and the Concurrent List. The *Union List* consists of 97 subjects of national importance such as Defence, Railways, Post and Telegraph, etc. The *State List* consists of 66 subjects of local interest such as Public Health, Police, Local Self Government, etc. The *Concurrent List* has 47 subjects such as Education, Electricity, Trade Union, Economic and Social Planning, etc. On this List both the Union government and State governments have concurrent jurisdiction. However, the Constitution assigns those powers on the subjects that are not enumerated under Union List, State List and Concurrent

List to the Union government. Such powers are known as *Residuary Powers*. If there is any dispute about the division of powers, it can be resolved by the Judiciary on the basis of the constitutional provisions.

- 3. Written Constitution:** As we have earlier seen, India has a written Constitution which is supreme. It is also the source of power for both the sets of governments, the Union and the State. These governments are independent in their spheres of governance. Another feature of a federation is the rigid constitution. Although the Indian Constitution is not as rigid as the US Constitution, it is not a flexible constitution. As mentioned earlier, it has unique blend of rigidity and flexibility.



Whereas there have been only 27 Amendments in the Constitution of the United States of America since it was ratified on 21 June, 1788, 120 Amendment Bills to the Indian Constitution since 26 January, 1950 have been introduced out of which 98 have become Acts till January 2013. (source: india.gov.in)

- 4. Independence of Judiciary:** Another very important feature of a federation is an independent judiciary to interpret the Constitution and to maintain its sanctity. The Supreme Court of India has the original jurisdiction to settle disputes between the Union and the States. It can declare a law as unconstitutional, if it contravenes any provision of the Constitution. The judiciary also has the powers to resolve disputes between the Union government and the State governments on the constitutional and legal matters related to the division of powers.

15.3.2 Indian Federal System with a Strong Centre

In view of the above provisions, the Indian system appears to have all the features of a federal system. But have you gone through a statement which says that, “India is federal in form but unitary in spirit”? In fact, Indian federal system has a strong Union government. This was deliberately done in the context of the prevailing situation on the eve of independence and in view of the socio-political situations. Apart from India being a vast country of continental dimensions, it has diversities and social pluralities. The framers of the Constitution believed that we required a federal constitution that would accommodate diversities and pluralities. But when India attained independence, it was faced with challenges like maintaining unity and integrity and bringing about social, economic and political change. It was necessary for the Centre to have such powers because India at the time of independence was not only divided into Provinces created by the British but it also had more than 500 Princely States which had to be integrated into existing States or new States had to be created.

In fact, the Central government has been made strong deliberately. Besides the concern for unity, the makers of the Constitution also believed that the socio-economic problems of the country needed to be handled by a strong central



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government in cooperation with the States. Poverty, illiteracy, social inequalities and inequalities of wealth were some of the problems that required unified planning and coordination. Thus, the concerns for unity and development prompted the makers of the Constitution to create a strong central government. Let us look at the important provisions that have created a strong central government:

1. The First Article of the Constitution itself hints at Indian federal system being different. It states that India shall be “a Union of States”. Nowhere does the Constitution describe India as a federal state. The Central government has sole power on the territory of India. The very existence of a State, including its territorial integrity is in the hands of the Parliament. The Parliament is empowered to ‘form a new State by separation of territory from any State or by uniting two or more States. It can also alter the boundary of any State or even its name. However, the Constitution provides for some safeguards. The Central government must secure the view of the concerned State legislature on such decisions.

**Do you know**

After independence a number of new States have been created. In 2000-2001, three new States were created by bifurcating them from the existing States : the State of Chhattisgarh from Madhya Pradesh, Jharkhand from Bihar and Uttarakhand from Uttar Pradesh. There were a number of reasons for doing so, including the slow pace of development in these regions.

2. Secondly, the division of powers is in favour of the Union government. The Union List contains all the key subjects. Besides, even in relation to the Concurrent List the Constitution has assigned precedence to the Centre over States. In the situation of a conflict between laws made on any subject of the Concurrent List by a State and also by the Parliament, the law made by the Parliament would be effective. The Parliament may legislate even on a subject in the State List, if the situation demands that the Central government needs to legislate. This may happen, if the move is ratified by the Rajya Sabha.
3. Thirdly, the federal principle envisages a dual system of Courts. But, in India we have unified or integrated judiciary with the Supreme Court at the apex.
4. Fourthly, the Union government becomes very powerful when any of the three kinds of emergencies are proclaimed. The emergency can turn our federal polity into a highly centralised system. The Parliament also assumes the power to make laws on subjects within the jurisdiction of the States. In yet another situation, if there are disturbances in any State or part thereof, the Union Government is empowered to depute Central Force in the State or to the disturbed part of the State.
5. As you will study in the lesson on “Governance at the State Level, the Governor of the State is appointed by the President of India, i.e. the Union government.



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He/She has powers to report to the President, if there is a constitutional breakdown in the State and to recommend the imposition of President's Rule. When the President's Rule is imposed on the State, the State Council of Ministers is dismissed and the Governor rules over the State as a representative of the Central government. The State legislature also may be dissolved or kept in suspended animation. Even in normal circumstances, the Governor has the power to reserve any bill passed by the State legislature for the assent of the President. This gives the Central government an opportunity to delay the State legislation and also to examine such bills and veto them completely.

6. The Central government has very effective financial powers and responsibilities. In the first place, items generating revenue are under the control of the Centre. The States are mostly dependent on the grants and financial assistance from the Central government. Moreover, India has adopted planning as the instrument of rapid economic progress and development after independence. This also has led to considerable centralisation of decision making.
7. Finally, according to the constitutional provisions, the executive powers of the Centre are superior to those of the States. The Central government may choose to give instructions to the State government. Moreover, we have an integrated administrative system. The All-India Services are common for the entire territory of India and officers chosen for these services serve in the administration of the States. Thus, an IAS officer who becomes the collector or an IPS officer who serves as the Commissioner of Police, are under the control of the Central government. States cannot take disciplinary action nor can they remove these officers from service.

From the above discussion, it is clear, that there is a tilt in favour of the Centre at the cost of the States. The States have to work in close co-operation with the Centre. This has lent support to the contention that the Indian Constitution is federal in form but unitary in spirit. Constitutional experts have called it a 'semi-federal' or a 'quasi federal' system.



ACTIVITY 15.4

Consult books or surf the internet and make a list of the States of India and find out the year in which each of the States was created.

15.3.3 Demand for Greater Autonomy to States

The working of the Indian federation over the last six decades clearly shows that primarily because of the centralized federal system, the relations between the Centre and the States have not always been cordial. It is quite natural that the States would expect a greater role and powers in the governance of the State and the country

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as a whole. Which is why, from time to time, States have demanded that they should be given more powers and more autonomy. With a view to seek solution, the Administrative Reforms Commission, Sarkaria Commission and several other Commissions were appointed by the Government of India, the latest being the Commission on Centre-State Relations in March, 2010.

The core of important recommendations of various Commissions has accepted that there is no need to bring about changes in the fundamental fabric of the Constitution. However, the need to have a permanent Inter-State Council has been felt. In addition, it is desired that both the Centre and the States should have the concern for the development of backward territories or areas. If economic development of these backward regions is undertaken in a planned manner, the separatist tendencies will be automatically controlled. Differences between the Union and the States should be resolved by mutual consultation. The view on the demand of the States to provide more financial resources at their disposal has found favour. In order to improve Centre-State relations in the country, recommendations have been made for economic liberalization and suitable amendments to the Constitution.

**ACTIVITY 15.5**

For the last five years an intensified agitation is going on to create a separate State out of a region of the present State. Identify that State, enumerate the reasons for such a demand and point out a major step that the political leaders of that region have taken during May-September, 2011

**INTEXT QUESTIONS 15.4**

1. What are the main features of a federal system?
2. State two important reasons why is it said that “India is federal in form, but unitary in spirit”?
3. The States of Chhattisgarh, Jharkhand and Uttarakhand were created during 2000 and 2001. Find out from which States they were separated? State also the reasons why were they created?

15.4 PARLIAMENTARY FORM OF GOVERNMENT IN INDIA

Another important feature of the Indian political system is its parliamentary form of government both at the union and state levels. There are two forms of government:

presidential and parliamentary. In presidential system, the three organs of government are independent of one another. There is absence of close relationship between the executive and the legislature. The United States of America has a presidential form of government. But, in a parliamentary form of government, there is a very close relationship between the executive and the legislature. United Kingdom has a parliamentary form of government. In fact, the Constitution makers of India adopted the British model, as the system of government that operated in India before 1947 was to a great extent quite similar to the British parliamentary government. In India, we have parliamentary form of government both at the central and state level. The Indian system reflects all the main features of a parliamentary government: (i) close relationship between the legislature and the executive, (ii) responsibility of the executive to the legislature, (iii) the executive having a Head of the State as the nominal executive, and a Council of Ministers headed by the Prime Minister as the real executive.



Notes



Figure 15.2 *Parliament of India*

- 1. Close Relationship between the Legislature and the Executive:** In India, there is a close relationship between the executive, i.e. the Council of Ministers with the Prime Minister at the head and the legislature, i.e. the Parliament. Only the leader of the majority party or coalition of parties can be appointed as the Prime Minister. All the members of the Council of Ministers must be the Members of Parliament. It is only on the advice of the Council of Ministers that the President can summon and prorogue the sessions of both Houses of Parliament and even dissolve the Lok Sabha. All the elected Members of the Parliament participate

**Notes**

in the election of the President and he/she can be removed from office only when an impeachment motion against him/her is passed by both the Houses of Parliament.

- 2. Responsibility of the Executive to the Legislature:** The Council of Ministers is collectively responsible to Lok Sabha. It means that the responsibility of every Minister is the responsibility of the entire Council of Ministers. It is responsible to Rajya Sabha also. In fact, both the Houses have powers to control the Council of Ministers. They do it by asking questions and supplementary questions on the policies, programmes and functioning of the government. They debate on the proposals of the government and also subject its functioning to intensive criticism. They can move adjournment motion and calling attention notices. No bill tabled by the Council of Ministers can become law unless it is approved by the Parliament. The annual budget also is to be passed by the Parliament. In real terms, the tenure of the Council of Ministers depends on the Lok Sabha. The Council of Ministers has to resign if it loses the confidence of Lok Sabha, which means the support of the majority in that House. The Council of Ministers can also be removed from office by the Lok Sabha through a vote of no-confidence.
- 3. Nominal and Real Executive:** There are two parts of the executive in India, nominal executive and real executive. The President who is the Head of the State is the nominal and formal executive. Theoretically, all the executive powers are vested by the Constitution in the President of India. But, in practice these are not exercised by him/her. These are actually used by the Prime Minister and the Council of Ministers. The Council of Ministers with the Prime Minister at the head is the real executive. The President can not act without the advice of the Council of Ministers.
- 4. Prime Minister as the real executive:** It is the Prime Minister who is the pivot of the parliamentary executive. All the members of the Council of Ministers are appointed by the President on the recommendations of the Prime Minister. The allocation of portfolios among the Ministers is the prerogative of the Prime Minister. He/She presides over the meetings of the Cabinet and is the only link between the Council of Ministers and the President. Any Minister can be removed from office if the Prime Minister decides. When the Prime Minister resigns, the entire Council of Ministers has to go.

The parliamentary system in India has been functioning quite satisfactorily. The parliamentary governments in States also are structured on the pattern of the Central government. The executive consists of the Governor and the Council of Ministers with Chief Minister at the head. Whereas, the Governor functions as the Head of the State, the Chief Minister and the Council of Ministers act as the real executive. State legislatures are bicameral (State Assembly and Legislative Council) in only a few States; in most of the States these are unicameral (Legislative Assembly).



INTEXT QUESTIONS 15.5

1. In a parliamentary system, what kind of relation is between the executive and the legislature?
2. Why is the President of India only the nominal executive?
3. What is the meaning of collective responsibility?
4. How do both the Houses of Parliament have control over the Council of Ministers?



WHAT YOU HAVE LEARNT

- Constitution means a set of fundamental principles, basic rules and established precedents, which identifies, defines and regulates the major institutions of the State, the executive, the legislature and the judiciary. It also specifies the powers and functions of institutions, provides for rights and freedoms of citizens and spells out the relationship between individual citizen and the State and government.
- The Constitution of India defines the basic objectives of the system it has established. It has established in India a sovereign, democratic, socialist and secular republic. It has provisions for bringing about social change and defining the relationship between individual citizen and the state.
- The Constitution of any country serves several purposes. It lays out certain ideals that form the basis of the kind of country that we as a citizens aspire to live in. A Constitution helps serve as a set of principles, rules and procedures that all persons in a country can agree upon as the basis of the way in which they want the country to be governed and the society to move on. This includes not only an agreement on the type of government but also on certain ideals that they all believe the country should uphold. The Indian Constitution also has certain core constitutional values that constitute its spirit and are expressed in various articles and provisions.
- The constitutional values are reflected in the entire Constitution of India, but its Preamble embodies 'the fundamental values and the philosophy on which the Constitution is based'. These are: sovereignty, socialism, secularism, democracy, republican character, justice, liberty, equality, fraternity, human dignity and the unity and integrity of the Nation.
- The constitutional values also permeate all the salient features of Indian Constitution such as written constitution, the constitution having a unique blend of rigidity and flexibility, fundamental rights, directive principles, fundamental duties, integrated judicial system, single citizenship, universal adult franchise, federalism and parliamentary form of government.



Notes

**Notes**

- India is a federal state, as it has a written constitution, two tiers of government—at the union level and the state level. There is a division of powers between the Union government and State government, and there is also the independent judiciary. But it is a federation with a strong Centre. The Constitution itself has made the Union government more powerful than the State governments.
- India has a parliamentary form of government at both the central and state levels. The President is the Head of the State and a nominal executive, whereas the Prime Minister as head of the Council of Ministers is the real head of the executive. There is a close relationship between the executive and legislature and the Council of Ministers is collectively responsible to the Parliament.

**TERMINAL EXERCISES**

1. Answer the following questions in brief:
 - (i) Define Preamble
 - (ii) What is a Constitution?
 - (iii) Who framed the Constitution of India?
 - (iv) What is meant by 'Universal Adult Franchise'?
2. Answer the following questions:
 - (i) Describe the importance of the Constitution.
 - (ii) What are the major constitutional values embodied in the Preamble? How are these being practised in our daily lives?
 - (iii) What are the salient features of the Constitution of India?
 - (iv) Explain any three federal features of the Indian Constitution.
 - (v) How can you say that the Constitution of India is rigid as well as flexible?
 - (vi) Why is India called a federal state in form but unitary in spirit?
 - (vii) Examine the nature of the parliamentary form of government in India.
 - (viii) Have you ever been part of the Republic Day celebration in your own area/region as a participant or a spectator? If so, mention the highlights of that function.
 - (ix) Given below is the recorded conversation between a Saudi Arabian Citizen and an Indian. The points made by the Saudi Arabian are given below, whereas the replies by the Indian could not be recorded and hence are left blank. On the basis of what you have read in this lesson and your general knowledge, complete the conversation with relevant replies ('SA' stands for the Saudi Arabian and I stands for the Indian).



Notes

- (a) SA Our country is ruled by a hereditary King. We cannot change him. So, we have a monarchical form of government.
I
- (b) SA We, in Saudi Arabia do not have any such system as yours, because we have no political parties. There are no elections and the people do not have any say in the formation of the government. So much so that even media cannot report any thing that the King does not like.
I
- (c) SA In our country, there is only one religion. Hence, there is no freedom of religion. Every citizen is required to be Muslim.
I
- (d) SA Yes, Non-Muslims are allowed to follow their own religion but only privately and not in public.
I
- (e) SA In my country, there is discrimination on the basis of sex. Women are not considered equal to men. They are subjected to many public restrictions. So much so that testimony of one man is considered equal to that of two women.
I

VIEWS EXPRESSED BY THE INDIAN

1. After independence no king rules in India. Instead, we have a President who is elected by the people indirectly. So, India is a republic with a parliamentary form of government wherein political parties play a major role as representatives of the people.
2. In this regard, we are very lucky. We have the freedom to form associations, unions as well as political parties. Every Indian citizen has the right to vote and contest elections. Besides, the media in India is also free to express its views on any issue in spite of the fact that India is a multi-cultural, multi-lingual and multi-religious country.
3. But we are a secular nation. The state does not have any religion of its own. Every citizen has a fundamental right as freedom of religion guaranteed by the Constitution. Hindus, Muslims, Sikhs, Christians, and others have freedom to practise his/her religion.
4. Strange enough! In our country the Constitution guarantees right to profess, preach and practise any religion publically.

**Notes**

5. In India the Constitution provides for gender equality, though in practice we also have to go a long way. But women have equal rights in every sphere of life. They are engaged in all kinds of job and business. They have also been made the beneficiary of reservations.

**ANSWERS TO INTEXT QUESTIONS****15.1**

1. When used in the context of a State or a Nation, Constitution means a set of fundamental principles, basic rules and established precedents. It identifies, defines and regulates various aspects of the State and the structure, powers and functions of the major institutions under the three organs of the Government, the executive, the legislature and the judiciary. It also provides for rights and freedoms of citizens and spells out the relationship between individual citizen and the State and government.
2. (i) longest (ii) the Constituent Assembly (iii) needs to be amended as and when required to keep it updated (iv) Republic Day, 26 January 1950

15.2

1. Value is that which is very essential or 'worth having and observing' for the existence of human society as an entity.
2. The values expressed in the Preamble are expressed as objectives of the Constitution. These are: sovereignty, socialism, secularism, democracy, republican character of Indian State, justice, liberty, equality, fraternity, human dignity and the unity and integrity of the Nation.

3.

A	B
(i)	(g)
(ii)	(a)
(iii)	(e)
(iv)	(b)
(v)	(c)
(vi)	(h)
(vii)	(i)
(viii)	(f)
(ix)	(d)



Notes

15.3

1. (i) Written Constitution; (ii) Unique blend of rigidity and flexibility; (iii) Fundamental Rights and Duties; (iv) Directive Principles of State Policy; (v) Integrated Judicial System; (vi) Single Citizenship; (vii) Universal Adult Franchise; (viii) Federal System and Parliamentary Form of Government.
2. social and economic equality, elimination of social discrimination, international peace
3. Although the Supreme Court is at the national level, High Courts at the state level and Subordinate Courts at the district and lower level, there is a single hierarchy of Courts. At the top of the hierarchy is the Supreme Court.
4. It means that every Indian is a citizen of India, irrespective of the place of his/her residence.

15.4

1. (i) Two-tier government at the Centre and at the state level; (ii) Division of Powers between the Centre and the States; (iii) Written Constitution; (iv) Supremacy of Judiciary
2. (i) The Central government has sole power on the territory of India. The very existence of a State including its territorial integrity is in the hands of the Parliament; (ii) The division of powers between the Centre and the States is in favour of the Union government. The Union List contains all the key subjects; (iii) India has a unified or integrated judiciary with the Supreme Court at the apex; (iv) Union government becomes very powerful when any of the three kinds of emergencies are proclaimed; (v) During all the three types of Emergencies, The Union government becomes all powerful, and India becomes almost a unitary state; (vi) According to the constitutional provisions, the executive powers of the Centre are superior to those of the States.
3. Gather relevant information from books, magazines or by surfing internet to answer

15.5

1. There is a close relationship between the executive, i.e. the Council of Ministers with the Prime Minister at the head and the legislature, i.e. the Parliament. The Council of Ministers is collectively responsible to the Parliament. If the Lok Sabha passes a no-confidence motion against the Council of Ministers, it has to resign.
2. The President who is the Head of the State is the nominal and formal executive. Theoretically, all the executive powers are vested by the Constitution in the President of India. But in practice these are not exercised by him/her. These are actually used by the Prime Minister and the Council of Ministers. The Council

MODULE - 3

Democracy at Work

Constitutional Values and Political System in India



Notes

of Ministers with the Prime Minister at the head is the real executive. The President can not act without the advice of the Council of Ministers. The President is elected by an Electoral College that consists of the Members of Parliament. If the Parliament passes an impeachment against the President, he/she leaves the office.

3. It means that the responsibility of every Minister is the responsibility of the entire Council of Ministers. Even one ministry is criticized, the entire Council of Ministers is considered responsible for that.
4. They do it by asking questions and supplementary questions on the policies, programmes and functioning of the government. They can move adjournment motion and calling attention notices. No bill tabled by the Council of Ministers can become a law unless it is approved by the Parliament. The annual budget also is to be passed by the Parliament.