

## 4.2 The Indian Constitution

The constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers and duties of government institutions and sets out fundamental rights, directive principles and the duties of citizens.

### Preamble To The Constitution of India

Preamble to the constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document, and it indicates the source from which the document derives its authority, meaning, and the people.

The hopes and aspirations of the people as well as the ideals before our nation are described in the preamble in clear words. It may be considered as the heart and soul of constitution. The preamble can be referred to as the preface which highlights the entire constitution. It was adopted on 26 November 1949 by the constitution assembly and came into effect on 26<sup>th</sup> January , 1956.

Sovereignty is understood in jurisprudence as the full right and power of a governing body to govern itself without any interference from outside sources or bodies. In political theory, sovereignty is a substantive term designating supreme authority over some polity .

It is a basic principle underlying the dominant west folian mode of state foundation

It means free from the control of any foreign power and internally has a free government which is directly elected by the people and makes laws that govern the people. She allies in peace and war.

The popular sovereignty is also one of the basic structures of constitution of India. Hence, citizens of India also enjoy sovereign power to elect their representatives through elections held for the parliament, state legislature and local bodies as well.

People have supreme right to make decisions on internal as well as external matters. No external power can dictate the government of India.

India's membership of the commonwealth or of the united nations does not impose any external limit on her sovereignty. The commonwealth is a free association of sovereign nation.

The sovereignty empowers India to either acquire a foreign territory or cede a part of its territory in favour of a foreign.

The concept of sovereignty has been discussed throughout history, and is still actively debated. It has changed in its definition, concept, and application

throughout, especially during the age of enlightenment.

The current notion of state sovereignty contains four aspects consisting of territory, population, authority and recognition.

According to Stephen D. Crashner the term could also be understood in four different ways:

Domestic sovereignty – actual control over a state exercised by an authority organized within this state,

Interdependence sovereignty – actual control of movement across state's borders, assuming the border exist,

International legal sovereignty – formal recognition by other sovereign states

West pholia – lack of other authority over state other than the domestic authority (examples of such other authorities could be anon-domestic church, a non-domestic political organization, or any other external agent)

Secularity :

Secular means the relationship between the government and the people which is determined according to constitution and law. By the 42nd amendment in 1976, the term "secular" was also incorporated in the preamble.

The government respects all religions. It does not uplift or degrade any particular religion. There is no such thing as a state religion for India.

Democracy :

It stands for the right to freedom of religion for all citizens. Explaining the meaning of secularism as adopted by India, Alexander Owics has written, "secularism is a part of the basic of the Indian constitution and it means equal freedom and respect for all religions.

DA system of government by the whole population or all the eligible members of a state, typically through elected representatives.

The first part of the preamble “we, the people of India” and, its last part “give to ourselves this constitution” clearly indicate the democratic spirit involved even in the constitution. India is a democracy.

The people of India elect their governments at all levels (union, state and local) by a system of universal adult franchise popularly known as "one man one vote".

Every citizen of India, amendment years of age and above and not otherwise debarred by law, is entitled to vote.

Every citizen enjoys this right without any discrimination on the basis of caste, creed, color, gender, religious intolerance or education. The word 'democratic' not only refer to political but also to social & economic democracy

### **Republic:**

In a republic form of government, the head of the state is an elected person and not a hereditary monarch .

This word denotes a government where no one holds a public power as proprietary right .

As opposed to a monarchy, in which the head of state is appointed on hereditary basis for a life time or until he abdicates from the throne, a democratic republic is an entity in which the head of state is elected, directly or indirectly, for a fixed tenure.

The president of India is elected by an electoral college for a term of five years. The post of the president of India is not hereditary. Every citizen of India is eligible to become the president of the country. The leader of the state is elected by the people.

### **Liberty:**

Liberty, in philosophy, involves free will contrasted with determinism.

In politics, liberty consists of the social and political freedoms to which all community members are entitled.

In theology, liberty is freedom from the effects of "sin, spiritual servitude, [or] worldly ties."

Generally, liberty is distinctly differentiated from freedom in that freedom is primarily, if not exclusively, the ability to do as one wills and what one has the power to do; whereas liberty concerns the absence of arbitrary restraints and takes into account the rights of all involved Equality:

Social equality is a state of affairs in which all people within a specific society or isolated group have the same status in certain respects, including civil rights, freedom of speech, property rights and equal access to certain social goods and services. However, it also includes concepts of health equity, economic equality and other social securities.

### **Civil rights freedom of speech**

It also includes equal opportunities and obligations, and so involves the whole of society. Social equality requires the absence of legally enforced social

class or caste boundaries and the absence of discrimination motivated by an inalienable part of a person's identity.

"equal opportunities" is interpreted as being judged by ability, which is compatible with a free-market economy.

Relevant problems are horizontal inequality– the inequality of two persons of same origin and ability and differing opportunities given to individuals – such as in education or by inherited capital.

Social equality may vary per philosophy and individual and other than egalitarianism it does not necessarily require all social inequalities to be eliminated by artificial means but instead often recognizes and respects natural differences between people.

### **Fraternity:**

This refers to a feeling of brotherhood & a sense of belonging with the country among its people.

It embraces psychological as well as territorial dimensions of national integration. It leaves no room for regionalism, communalism, casteism etc. Which hinders the unity of the state.

The inclusion of the word "fraternity" is proposed by Dr. B.R.Ambedkar.

