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Date –26- November 2024

CONSTITUTIONS DAY

WHY IN THE NEWS?

The Prime Minister, Shri Narendra Modi, today greeted the nation on the occasion of Constitution Day and the 75th anniversary of the Constitution.

BACKGROUND OF CONSTITUTIONS:

1. Formation of the Constituent Assembly (1946)

Cabinet Mission Plan (1946): Proposed the formation of a Constituent Assembly to draft the Indian Constitution.

Elections (July 1946): Members were elected indirectly by provincial legislatures.

Composition: Initially, 389 members, later reduced to 299 after the partition of India in 1947.

2. First Meeting of the Constituent Assembly

December 9, 1946: First session held under the temporary chairmanship of Dr. Sachchidananda Sinha.

December 11, 1946: Dr. Rajendra Prasad was elected as the permanent Chairman.

December 13, 1946: Pandit Jawaharlal Nehru moved the Objectives Resolution, outlining the guiding principles for the Constitution.

3. Partition and Reorganization (1947)

June 3, 1947: The Mountbatten Plan proposed the partition of India.

August 15, 1947: India gained independence; the Constituent Assembly became the sovereign legislative body for India.

4. Drafting Process

August 29, 1947: Drafting Committee was formed, chaired by Dr. B.R. Ambedkar.

November 4, 1947: The first draft of the Constitution was presented to the Assembly.

Debates: Extensive discussions held over 2 years, 11 months, and 18 days across 11 sessions.

5. Adoption of the Constitution (1949)

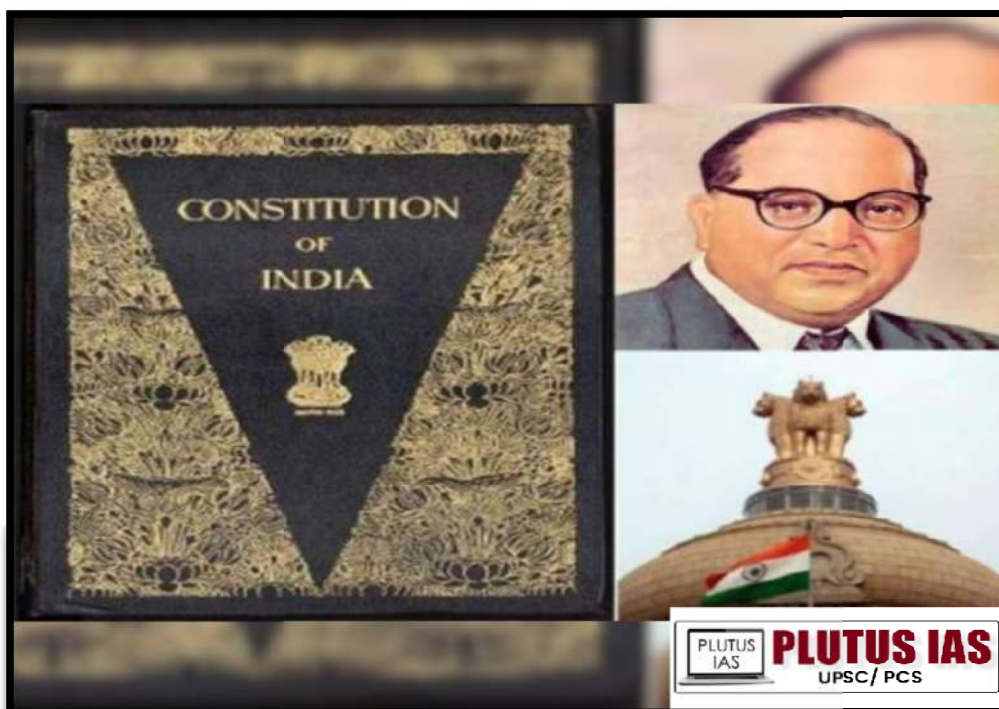
November 26, 1949: Constitution was adopted, marking this day as Constitution Day.

Significance: Declared India as a sovereign, socialist, secular, and democratic republic.

6. Commencement of the Constitution (1950)

January 26, 1950: The Constitution came into effect, chosen to honour the 1930 Purna Swaraj Declaration.

Key Outcomes: India became a Republic with Dr Rajendra Prasad as its first President.



WHEN CONSTITUTION DAY WAS STARTED:

The Government of India has announced the start of a year-long celebration to mark the 75th anniversary of the adoption of the Constitution of India. This milestone honours the remarkable journey of India's democracy and the lasting impact of its founding principles and constitutional values. The celebrations will begin on Constitution Day (Samvidhan Diwas) under the campaign tagline "Hamara Samvidhan, Hamara Swabhimaan." The initiative aims to pay tribute to the contributions of the Constitution's framers while reinforcing the core values enshrined in it. On November 26, 1949, the Constituent Assembly of India adopted the Constitution, which came into effect on January 26, 1950, ushering in a new era in Indian history. This day is significant as it marks the adoption of the world's longest-written Constitution, which has been the foundation of India's democratic system. Over the past 75 years, the Constitution has continued to guide the nation's progress. Constitution Day, officially declared in 2015, marks the adoption of the Indian Constitution on November 26, 1949.

CONSTITUTION AS A LIVING DOCUMENT:

- 1. Preamble:** It outlines India's commitment to justice, liberty, equality, and fraternity. While not legally enforceable, the judiciary interprets the Preamble to reflect the evolving aspirations of society.
- 2. Fundamental Rights:** These rights, though protected, are not absolute. The judiciary has expanded them over time to address modern concerns, such as the right to privacy in the digital age.
- 3. Parliamentary System:** The system allows flexibility in governance, with reforms like the anti-defection law enhancing representation and the electoral process.
- 4. State Executive:** The division of powers between the centre and states allows for flexibility in governance, with Governors exercising discretionary powers in consultation with state governments. In the Maharashtra Legislative Assembly Election, the State Executive, in coordination with the Election Commission, ensured the smooth conduct of the election.
- 5. Directive Principles of State Policy (DPSP):** These non-enforceable guidelines promote social justice, economic equality, and welfare, influencing laws on education, healthcare, and labour rights.
- 6. Basic Structure Doctrine:** Established in the Kesavananda Bharati case (1973), this doctrine ensures that

the Constitution's fundamental values, such as democracy and the rule of law, remain unchanged despite amendments, ensuring stability.

ROLLER COASTING OF THE INDIAN CONSTITUTION:

- 1. Champakam Dorairajan Case (1951):** The Supreme Court struck down a law on reservations, prompting the 1st Amendment to allow for reservations, balancing Fundamental Rights and Directive Principles of State Policy (DPSP).
- 2. Schedule 9:** Added by the 1st Amendment, it protects certain laws from judicial review, reflecting the tension between Fundamental Rights and DPSP, especially in land reforms.
- 3. DPSP vs. Fundamental Rights:** The conflict between non-enforceable DPSPs and enforceable Fundamental Rights led to landmark cases like Golaknath (1967) and Kesavananda Bharati (1973), establishing limits on amendments to Fundamental Rights.
- 4. Right to Property:** Initially a Fundamental Right, it was diluted by the 44th Amendment (1978), making it a legal right under Article 300A, balancing individual rights with social reforms.
- 5. Mini Constitutions vs. Amendments:** The 42nd Amendment (1976) was so comprehensive it was called a "mini-constitution". The Kesavananda Bharati case (1973) later upheld the Basic Structure Doctrine, limiting amendments to fundamental features.
- 7. Due Process vs. Procedure Established by Law:** Initially, Article 21 only required procedures to be legal. However, in Maneka Gandhi (1978), the Supreme Court expanded it to include due process, ensuring fairness in laws affecting fundamental rights.
- 8. 99th Constitutional Amendment (CAA):** The 99th Amendment (2014) sought to establish the National Judicial Appointments Commission (NJAC) for judicial appointments, but the Supreme Court struck it down, reaffirming the collegium system it uphold the constitutional principle.

UPHOLDING CONSTITUTIONAL VALUES:

- 1. Separation of Powers:** The Constitution ensures a clear division of authority among the Executive, Legislature, and Judiciary to prevent any branch from exceeding its power.
- 2. Dignity and Article 21:** Article 21 protects the right to life and personal liberty, ensuring individuals can live with dignity, with the judiciary expanding this right to include privacy and a clean environment.
- 3. Procedure and DPSP:** The procedure established by law ensures fair treatment, while the Directive Principles of State Policy (DPSP) guide the state in fostering social justice, though non-justiciable.
- 4. Constitutional Morality:** This principle emphasizes acting in accordance with the Constitution's values of justice, equality, and freedom beyond temporary political interests.
- 5. Citizens' Role Against Tyranny:** Citizens uphold constitutional values by holding the government accountable through voting, protests, and legal challenges.
- 6. Judiciary as Guardian:** The judiciary protects the Constitution by ensuring that laws and government actions adhere to constitutional principles, safeguarding rights and justice.

CONCLUSION:

The Indian Constitution, celebrated on Constitution Day (November 26), is a living framework that evolves with the nation, balancing justice, liberty, equality, and fraternity. Over 75 years, it has navigated complex legal and political challenges, adapting through landmark cases like Kesavananda Bharati and debates on DPSP vs. Fundamental Rights. Citizens, the judiciary, and the state executive play crucial roles in upholding constitutional values, ensuring democracy, and protecting individual rights. As we mark 75 years, we honour the framers' foresight and reaffirm our commitment to a democratic, just, and inclusive India.

PRELIMS QUESTION:

Q. Which of the following is/are among the Fundamental Duties of citizens laid down in the Indian Constitution? (2012)

1. To preserve the rich heritage of our composite culture
2. To protect the weaker sections from social injustice
3. To develop the scientific temper and spirit of inquiry
4. To strive towards excellence in all spheres of individual and collective activity

Select the correct answer using the codes given below :

- A. 1 and 2 only
- B. 2 only
- C. 1, 3 and 4 only
- D. 1, 2, 3 and 4

Answer: C

MAINS QUESTION:

Q. 'Constitutional morality' is rooted in the Constitution itself and is founded on its essential facets. Explain the doctrine of 'Constitutional Morality' with the help of relevant judicial decisions.

(250 words, 15 marks)

Ritik singh

SECULARISM AND SOCIALISM: INALIENABLE PILLARS OF THE INDIAN CONSTITUTION

WHY IN THE NEWS?

The Supreme Court of India recently upheld the inclusion of the terms "secular" and "socialist" in the Preamble of the Constitution, declaring them an inalienable part of its structure. The decision came while dismissing petitions filed in 2020 that challenged their addition through the 42nd Constitution Amendment Act, 1976. The petitioners argued that the terms were inserted retrospectively and alleged they restricted economic policy choices and contradicted the Constituent Assembly's intentions. However, the Court reaffirmed Parliament's authority to amend the Constitution under Article 368 and emphasized its status as a living document, adaptable to evolving societal needs.



SOCIALISM IN INDIA:

Definition: According to the Apex Court, Socialism embodies a Republic committed to eradicating all forms of exploitation—social, political, and economic—while promoting equity and justice.



FEATURES OF SOCIALISM IN INDIA

Welfare State: The Indian Constitution commits to functioning as a welfare state, ensuring social justice and the upliftment of all citizens.

Mixed Economy: India adopts a mixed economy model, allowing the coexistence of both public and private sectors for economic development.

Equity and Justice: Focus on reducing economic and social inequalities, eliminating exploitation in all forms.

Democratic Approach: Socialism in India does not align strictly with Marxist ideology but promotes democratic socialism, ensuring freedom of enterprise while safeguarding citizens' rights.

Economic Flexibility: The term "socialist" does not mandate adherence to a specific economic structure, allowing successive governments to design policies according to the people's needs.

SIGNIFICANCE OF SOCIALISM IN INDIA

Social Justice: Promotes equitable distribution of resources to bridge the gap between rich and poor.

Mahatma **Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005:** Provides guaranteed employment to rural households, reducing income disparities. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989: Protects marginalized groups from exploitation and ensures social equality.

Inclusive Development: Ensures representation and development of marginalized and weaker sections of society. Policies like **Reservation, PMAY, and NFSA 2013** promote inclusive development by ensuring opportunities for marginalized communities, affordable housing, and food security, aligning with India's socialist goals.

Economic Stability: Encourages balanced economic policies that cater to both public welfare and private enterprise. Policies like **Industrial Policy Resolution (mixed economy), PDS (food security), PMJDY** (financial inclusion).

Constitutional Mandate: Embedded in the Preamble and reinforced through Articles that safeguard economic and social rights. The establishment of the national commissions for **SC, ST, and CBC** stemmed from the idea of socialism.

CHALLENGES TO INDIAN SOCIALISM

- 1. Economic Inequalities:** Persistent wealth disparities despite welfare policies. There is a growing gap between the rich and the poor due to inadequate implementation of redistributive measures.
- 2. Unemployment and Poverty:** High unemployment rates and widespread poverty hinder the realization of socialism's goals—limited access to basic resources like education, healthcare, and housing for marginalized communities.
- 3. Regional Disparities:** Uneven economic development among states undermines the principle of equitable growth.
- 4. Privatization and Liberalization:** The shift toward market-driven policies dilutes the focus on welfare. The rising influence of private players reduces state control in key sectors, impacting public welfare.
- 5. Corruption and Governance Issues:** Mismanagement and corruption in welfare schemes lead to inefficiencies. Lack of accountability erodes public trust in state institutions.
- 6. Social Discrimination:** Caste, gender, and community-based discrimination continue to challenge social justice.

WAYS TO UPHOLD THE SOCIALIST PRINCIPLE OF THE INDIAN CONSTITUTION

- 1. Policies for Vulnerable Sections** (e.g., Women): Implementing measures such as one-third reservation for women in local bodies, education, and employment ensures equal participation and empowerment, promoting social justice for marginalized groups.
- 2. Upholding Constitutional Mandates (National Commissions):** Strengthening national commissions like the National Commission for Scheduled Castes (SC), Scheduled Tribes (ST), Minorities, and Women, ensuring their recommendations and rights are actively supported by the government.
- 3. Support to Public Sector for Regional Development:** Fostering growth through public sector enterprises in key industries (e.g., coal, steel, energy) to drive regional development and reduce disparities, especially in rural and economically backward areas.
- 4. Policies to Reduce Poverty (e.g., National Food Security Act):** The National Food Security Act (NFSA) ensures subsidized food grains for the poor, combating hunger and malnutrition, contributing to reducing poverty and ensuring economic equality.
- 5. Support to Poor and Marginalized Groups (e.g., Farmers through PM Kisan Scheme):** Providing direct income support through schemes like PM Kisan for farmers, and welfare initiatives for daily wage workers, ensures social security and reduces economic vulnerabilities.
- 6. Equal Opportunities for All Sections of Society:** Policies such as reservation in education and jobs, along with social security schemes, provide equal opportunities for backward classes, SC/STs, OBCs, and economically disadvantaged groups, fostering inclusivity.
- 7. Responsible Capitalism for Inclusive Growth:** Encouraging a mixed economy where capitalism works responsibly, with regulations to ensure social responsibility (e.g., Corporate Social Responsibility), ensuring businesses contribute to equitable and sustainable development.

CONCLUSION

The inclusion of "secular" and "socialist" in the Preamble reflects India's commitment to ensuring equality among its diverse population while promoting social welfare. The Supreme Court's interpretations reinforce these values as essential components of constitutional governance

PRELIMS QUESTION:

Q. 1. Which of the following constitutional provisions are associated with socialism in India?

1. Fundamental Duties
2. Schedule Nine
3. Preamble
4. Part 15 of the constitution.

Select the correct answer using the code given below:

- A. Only one
- B. Only two
- C. Only three
- D. All four

ANSWER: C

MAINS QUESTIONS:

In the context of the recent Supreme Court judgment on Indian socialism. Discuss its features, significance, and challenges. suggest the ways to uphold the socialistic principle of the Indian constitution.

(Answer in 250 words)

Munde Dhananjay Navnath

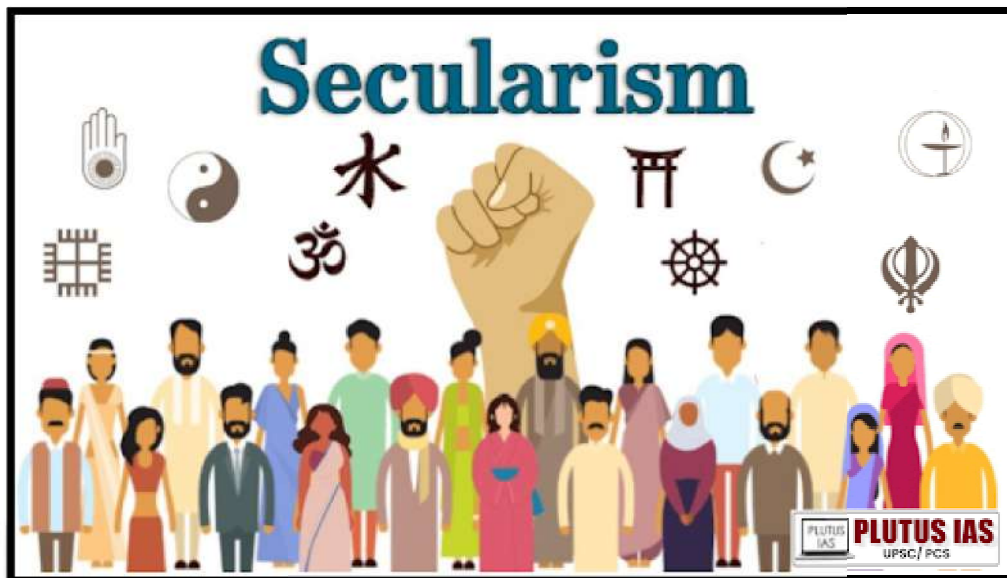
SECULARISM: INALIENABLE PILLAR OF THE INDIAN CONSTITUTION

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SECULARISM IN INDIA:

Definition: According to the Apex Court, Secularism signifies a Republic that ensures equal respect for all religions, fostering harmony and non-discrimination in a multi-faith society.



FEATURES OF SECULARISM IN INDIA

Equal Respect for All Religions: The State treats all religions with equal regard and ensures no discrimination based on faith.

No State Religion: India has no official religion, maintaining a neutral stance towards all faiths.

Freedom of Religion: Articles 25 to 28 of the Constitution guarantee the right to profess, practice, and propagate any religion.

Non-Discrimination: Articles 14, 15, and 16 prohibit discrimination on religious grounds and guarantee equality before the law.

Protection of Religious Minorities: Ensures rights and safeguards for religious minorities to preserve their cultural identity and practices.

SIGNIFICANCE OF SECULARISM IN INDIA

Unity in Diversity: Promotes harmony in a multi-religious society, ensuring peaceful coexistence. Indian constitution guarantees equal rights to all citizens of India irrespective of his/her religion.

Safeguards Democratic Values: Upholds principles of equality, liberty, and fraternity. The secularism in India treats every religion in India as an equal religion

Prevention of Communal Conflicts: Limits religious interference in state matters, promoting national integration.

Constitutional Ethos: Reflects the fundamental principles of the Indian Constitution, fostering an inclusive society.

Dynamic Interpretation: India has evolved its secular model, balancing freedom of religion with the State's responsibility to uphold equality and justice for all.

CHALLENGES TO INDIAN SECULARISM

1. Religious Polarization: Increasing communal tensions and political exploitation of religion undermine secular values. Growing divide between communities due to misinformation and prejudices.

2. Political Misuse of Religion: Religion is often used as a tool for vote-bank politics, leading to biased governance.

3. Rise of Religious Extremism: Fundamentalist groups and intolerance towards differing beliefs challenge the secular ethos.

4. Inequality in Religious Practices: Unequal state intervention in religious practices and institutions creates a perception of bias. Issues like personal laws for different communities lead to debates on uniformity and fairness.

5. Judicial Interpretation Challenges: Conflicting interpretations of secularism sometimes result in ambiguities, affecting policy-making.

6. Social Exclusion: Marginalization of certain communities despite constitutional safeguards highlights implementation gaps.

7. Media and Misinformation: Media narratives and fake news often exacerbate religious tensions, creating challenges for secularism.

WAYS TO UPHOLD THE SECULAR PRINCIPLE OF THE INDIAN CONSTITUTION

1. Government Responsibility: Impartial Governance: The government must act impartially, upholding the law and ensuring that no religion is favored or discriminated against in public policy or administration. This ensures equal treatment for all citizens.

2. Judiciary: Protecting Minority Rights: The judiciary should actively protect the rights of minorities through prompt and fair decision-making. Recent Supreme Court guidelines, such as on “bulldozer justice,” set a positive precedent for safeguarding constitutional values of justice and equality.

3. People’s Role: Fostering Brotherhood: Every citizen has the fundamental duty, as outlined in the Constitution, to promote fraternity, respect for diversity, and the brotherhood of all individuals, regardless of religion, ensuring social harmony.

4. Fourth Pillar of Democracy: Responsible Media: The media must be responsible in its role, avoiding the spread of misinformation or divisive narratives related to specific religious or social communities. Media should promote understanding, tolerance, and secularism.

5. Political Parties: Reducing Polarization: The effective implementation of the Representation of the People Act, 1951 (RPA) is essential to curb the use of religion in politics. Political parties should focus on development and governance, not on religious polarization for electoral gain.

6. Religious Leaders: Promoting Interfaith Dialogue: Religious leaders must engage in interfaith dialogues, promoting mutual respect and understanding. This fosters a culture of peace and tolerance, ensuring that religion remains a private matter, not a source of division.

CONCLUSION

The inclusion of “secular” and “socialist” in the Preamble reflects India’s commitment to ensuring equality among its diverse population while promoting social welfare. The Supreme Court’s interpretations reinforce these values as essential components of constitutional governance.

PRELIMS QUESTION:

Q.1. Which of the following statements best reflects the concept of secularism as enshrined in the Indian Constitution?

1. The state has the authority to promote a particular religion.
2. All religions are treated equally, and the state does not favor any religion.
3. Religious laws supersede civil laws in matters of personal status.
4. The state can intervene in religious practices to maintain public order.

Select the correct answer using the code given below:

- A. Only one
- B. Only two
- C. Only three
- D. All four

ANSWER: B

MAINS QUESTION:

“The recent Supreme Court verdict stated that Secularism is part of the constitution” In this context discusses the features of secularism in India. (Answer in 150 words)

Munde Dhananjay Navnath

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