
CONSTITUTION – THE VISION OF INDIA

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Introduction: -

The Constitution is the guiding legal document that consists of various sets of rules and regulations for the smooth governance of the government of the land. The constitution is the most necessary thing that is required to run any institution because it gives the framework and the guiding principles to tackle all the odds and it will also help in the progress of the country for the future. Therefore, the Constitution of India is no exception.¹

The Indian Constitution is considered to be the lengthiest written constitution in the World. The original text deals with 395 Articles divided into 22 parts and 8 schedules, runs into some 300 pages and make it the longest in the history of the constitutions. The Constitution in the name and the style of supreme law of the land came into effect on and from 26th January, 1950 which in its pragmatic sense signifies the re-birth of an ancient country from the clutches of foreign dominations.²

Brief History of Indian Constitution: -

The Indian Constitution was framed by the Constituent Assembly in which the members were elected by the people of India. Dr Sachinanda Sinha became the first President of the Constituent Assembly. In the Later intervals, Dr Rajendra Prasad was elected as the President of the Constituent Assembly. Dr B.R Ambedkar was appointed as the chairman of the drafting committee and is also considered to be the chief architect of the Indian Constitution, whereby, the elephantine sized constitution clearly elaborated the comprehensive and dynamic framework of the constitution that guides and governs the Indian government to deal with every up and down by maintaining proper constitutional mandates keeping in mind the country's unique social, cultural and religious diversity.³

Philosophy of Indian Constitution: -

Constitution in its own sense is the torchbearer of the security, unity, integrity and governance

¹ PROF. M.V. PYLE, CONSTITUTIONAL GOVERNMENT IN INDIA,3-4, (2016).

² SUMAN BATRA, CONSTITUTION OF INDIA, Para 2 at embassy of India Kabul, Afghanistan, available at <https://eoi.gov.in/kabul/?4645?000> (Last visited Jan 21, 2022).

³ Pyle, Supra 1 at 49&50.

of the country. It throws light on the thought process, philosophy and the mindset of the government, citizens and its law of the land.

India firmly stands with the structure of democratic principles and the same is reflected in the Indian Constitution. India in its unique sense is the land of diversities. In every different aspect, it shows the horns of diversity but the Constitution of India is so well-drafted and executed that it has brought all the differences, diversities and inequalities under one roof only by protecting it through the principle of equality.

This basic philosophy and the fundamental values of the constitution is reflected and embodied in the preface of the constitution in the name and the fashion of the preamble which throws the light of political, moral and religious values on which the constitution is based. The Preamble in its actuality also contains the grand and the noble vision of the constituent assembly. Moreover, it reflects the dream and the aspirations that have been visualised by the founding fathers of the constitution.⁴

The Preamble – Basic Objective of the Indian Constitution: -

Every country has its own constitution and every constitution has its preamble, which embodies its basic objectives and the purposes that it possesses to mankind. The preamble is the reflection of the spirit of the Constitution which holds the country and its citizens through a promissory note. And in India, it states that all the citizens took a vow to constitute India into a sovereign, socialist, secular, democratic and republic and also took a pledge to walk in the light of socio-economic and political justice, the citizens would also enjoy the liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and also the fraternity assuring the dignity of the individual.⁵

In its raw sense, the Preamble is an introductory part of the constitution that throws light of elaboration of the purpose, rules, regulations and philosophy of the constitution. The Preamble highlights the basic principles and the fundamental values of the Indian Constitution.⁶ It also includes a set of guidance and regulation to guide the people of the country. Therefore, it “walks before” the constitution and tells us the source, the object and the contents of the Constitution.⁷

⁴ MANOHAR PANDEY, GENERAL KNOWLEDGE 2020, 238&239, (2020).

⁵ INDIA CONST. PREAMBLE.

⁶ Prof. (Dr.) Tanuja Singh, Philosophy of the Indian Constitution, 1&2, available at <http://www.ppup.ac.in/download/econtent/pdf/E%20Cotent%20on%20PHILOSOPHY%20OF%20THE%20INDIAN%20CONSTITUTION.pdf>.

⁷ B.B. Tayal, Indian History World Developments and Civics ICSE Class – 9, A-8, (2021).

Why Indian Constitution is so bulky?

The Constitution of India is no doubt an elephantine sized legal document which deals with every important aspect of India and also all the minute things are holistically defined and arranged.⁸ The makers of the Constitution have always strived for the creation of a perfect constitution. Therefore, there are many provisions that have been adopted from the foreign constitution. So that, it gives proper structure and fulfils the needs of the country and thus it grows day by day in a gigantic shape. The Indian Constitution was drafted in a properly planned manner. Every different concept is divided into different parts so that it will give ease in the smooth conduct of the governance. Thus, the lengthiest written constitution is presently shaped in the manner of 448 Articles divided into 25 parts and 12 Schedules. The major structure of the constitution stands with a guaranteed fundamental right, directive principles of State policies and fundamental duties. Hence, the reflection of a few of the important initial parts of the constitution is described as follows:

The Part-I of the Indian Constitution deals with the concept of the Union and its Territories which includes Article 1-4 of the Constitution. The Part-II deals with the concept of Citizenship and that includes Article 5-11 of the Constitution. The Part-III deals with the most important part that is the Fundamental Rights and that includes Article 12-35 of the Constitution. The Part-IV of the Indian Constitution deals with the concept of Directive Principles of State Policies and that includes Article 36- 51 of the Constitution. With the passing of time, everything changes and up-gradation is the basic rule of life. In the same fashion, the Indian Constitution adds up new concepts and chapters to its body which opens up a new vision for the country to look at. Therefore, it resulted into the incorporation of Part- IVA of the Indian Constitution through the historic 42nd Constitutional Amendment Act, 1976 and this part deals with the concept of Fundamental Duties mentioned under Article- 51A.

Although, the Indian Constitution in itself is so vast and mammoth in size but the most attractive thing is that the makers of the constitution were so farsighted that there arises very minimal chances of collision among the provisions. The whole constitution was drafted in a properly balanced manner and the most difficult task i.e; the separation of power was done with an absolute skill of brilliance. Therefore, the pillars of the democracy were so well constructed in the fashion of Executive, Legislation and Judiciary that it gives cushion in the execution and

⁸ Pylee, Supra 1 at 4&5.

the implementation of the constitution and which in a long run will help in the smooth governance of the country.

Is Indian Constitution A Lawyer's Paradise?

Criticism is just like a spark of light that comes in to retreat the darkness of faults and loopholes. Therefore, it is quite usual that there must be some areas where critics have raised criticism about the Indian constitution.

One of the most frequently heard complaints against the Indian Constitution both at the time of the drafting of the constitution and after it, that it was completely 'a lawyer's paradise'. Making this point quite stronger, a member of the constituent assembly commented that, "The draft tends to make people more litigious, more inclined to go to law courts, less truthful and less likely to follow the methods of truth and non-violence. If I may say so, the draft is really a lawyer's paradise."⁹

It is very true to admit that the Indian Constitution is a complex document and the main reason behind the complexities is mainly due to the difficult problem which the framers confronted at the time of the making of the constitution. It is also because of the elaboration and the usage of the detailed language that the constitution of India is couched with. Their presence makes the understanding of the constitution extremely difficult for the ordinary reader. Only an experienced lawyer, well versed in constitutional law can understand the implications of the legal language that the constitution is thoroughly couched with. This would seem to justify the description of the constitution as a lawyer's paradise.

Conclusion: -

The Constitution does not breathe when it is drafted but it comes to life when it is implemented and executed to work by the humans. In the same manner, the Indian constitution in its genuine nature is not an inert but a living document that evolves and grows with time. Thereby, with the passing of time, the Indian constitution grew up and become more voluminous with regular amendments ranging up to the 105th Amendment till date under the provision of Article-368 of the Indian Constitution. Moreover, the Indian constitution defines the noble guidelines and throws light to walk ahead with good principles. Therefore, Dr B.R. Ambedkar once said in the Constituent Assembly, "I feel that it is workable, it is flexible and it is strong enough to hold the country both in peace-time and in war-time. Indeed, if I may say so, if things go wrong

⁹ Id at 7&8.

under the new Constitution, the reason will not be that we had a bad constitution. What we will have to say is that man was vile.”

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