

CONSTITUTION OF INDIA

A handbook for students

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FUNDAMENTAL DUTY OF EVERY CITIZEN

Article 51A

It shall be the duty of every citizen of India—

- To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;*
- To cherish and follow the noble ideals which inspired our national struggle for freedom;*
- To uphold and protect the sovereignty, unity and integrity of India;*
- To defend the country and render national service when called upon to do so;*
- To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and*

regional or sectional diversities; to renounce practices derogatory to the dignity of women;

- To value and preserve the rich heritage of our composite culture;*
- To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;*
- To develop the scientific temper, humanism and the spirit of inquiry and reform;*
- To safeguard public property and to abjure violence;*
- To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.*
- Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.*

PREFACE

We are a free people and a democracy. All sovereign powers vest in 'We, the people'. The people govern themselves through their elected representatives. For democracy to succeed, citizens of India need education including education in democracy. Democracy and freedom demand eternal vigilance and active participation of the people in the processes of governance.

The Constitution is the sheet-anchor of our democracy. According to part IVA of the Constitution, the very first and the highest 'fundamental duty of every citizen of India' is 'to abide by the Constitution and respect its ideals and institutions...' To be able to do so, we need to know our Constitution, understand how and under what system we are governed and to what extent the ideals set before us by the founding fathers are being fulfilled.

Knowledge of the Constitution cannot be confined only to courses in Law and Political Science. It is necessary that, without further delay, effective steps are taken to provide to different sections of the people, all teachers and students, irrespective of their subject areas, adequate understanding of the Constitution and the working of different institutions preferably as part of the curricula in the schools, polytechnics, technical and professional colleges, universities and teacher training institutes.

This handy book is a modest attempt to present, in simple and easily understandable language, a brief introduction to the world's largest Constitution and its working. It seeks to explain our constitutional rights and responsibilities as citizens *vis-a-vis* fellow citizens, the state and the society at large and also clear a few myths and widespread misunderstandings about the Constitution.

Originally written for senior school children at the request of the NCERT, it has since been completely revised and updated. The credit for making it a primer and guidebook for all citizens, students, teachers and education policy makers goes to Vitasta publishers. I hope it will be received well by all those to whom it is addressed and who are interested in knowing about the system and institutions under which we live and have a role to play.

I must record my gratitude to Mrs Renu Kaul Verma for taking the initiative to publish this book as also my deep appreciation of Mrs Veena Batra's excellent editorial contribution.

Suggestions for improvement and critical comments from the readers will be most welcome, as always.

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WHAT IS CONSTITUTION

THE CONSTITUTION of a country is its foundational law and lays down its basic political structure. To know how a country is governed and what are the rights and obligations of its citizens, we have to understand the working of its constitution.

The Constitution establishes the main organs of the State—the executive, the legislature and the judiciary—defines their powers, demarcates their responsibilities and regulates their relationships with each other and with the people.

In a democracy, by definition, the people are their own sovereign masters. But sovereign powers cannot be usefully exercised by unorganised people or people without order. The people need an institution, an instrumentality for expressing and employing their sovereign powers and will. In the Greek city states or the ancient village republics of India, all the citizens got together to take decisions in regard to important matters of the State. But, with the large size of many of the present day nation States and the growing complexities of administration, such direct democracy is no longer feasible.

Modern democracies are largely representative. In exercise of their sovereign powers, the people decide how and by whom they should be governed and what would be the best political system that would meet their needs and enable them to achieve their aspirations.

The Constitution of a nation embodies the vision and values of its founding fathers. It represents the thinking, the social, political and economic ethos, faith and will of that generation. When a nation achieves freedom from foreign yoke or a revolution sweeps the country or a new sovereign state is born, the first and the most fundamental exercise of their sovereign powers by the people is in giving to themselves a constitution. The Constitution spells out the ground rules under which powers are entrusted to or devolved on different organs or functionaries of the State.

In countries with a federal structure, the constitution performs the additional role *inter alia* of delineating, delimiting and distributing powers between the organs of the State at the federal or the Union level and at the level of the States or the units. Validity and legitimacy of all laws and executive acts have to be tested on the altar of the constitution.

It is wrong to regard a country's constitution as a mere inert document. For, a constitution is not only what is written in the text of

the constitution. A constitution is a living organism of functioning institutions. It keeps constantly growing, evolving. Every constitution gets meaning and content only from the manner in which and the people by whom it is operated, the effects it acquires from how it is interpreted by courts of the land, and the conventions and practices that grow around it in the actual process of its working.

The Supreme Court of India has also said that the Constitution is a living thing. 'The broad purposes and the general scheme of every provision in the Constitution, its history, its objects and the result which it seeks to achieve should always be kept in view'.