WE THE PEOPLE: GETTING TO KNOW OUR CONSTITUTION

Dr. Subhash C. Kashyap

O n 26 November, 1949, "We, the people of India...in our Constituent Assembly" resolved to "adopt, enact and give to ourselves" the Constitution of India which is every year celebrated as the Constitution Day or the Law Day. The Chairman of the Drafting Committee, Dr. Ambedkar and the President of the Assembly, Dr. Rajendra Prasad, speaking on 25 and 26 November, 1949 sounded words of wisdom and warning for us. Dr. Ambedkar said:

"However good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot...Who can say how the people of India and their par- ties will behave”. Dr. Rajendra Prasad in his concluding speech said, in almost the same vein: "If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. If they are lack- ing in these, the Constitution cannot help the country...India needs today nothing more than a set of honest leaders...India needs today people of strong character, men of nothing more than a set of honest people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution cannot help the country...India needs today nothing more than a set of honest leaders...India needs today leaders who are called to work it, happen to be a bad lot. However bad a Constitution may be, it may turn out to be good if those called upon to work it, happen to be a good lot...” Who can say how those called upon to work it, happen to be a good lot?...Who can say how those called upon to work it, happen to be a good lot?...Who can say how those called upon to work it, happen to be a good lot?...Who can say how those called upon to work it, happen to be a good lot?...

The Constitution was finally signed on 26 January, 1950 - the day of the last sitting of the Assembly. Our Constitution came into opera- tion and the largest ever "Sovereign Democratic Republic“ on earth was born on 26 January, 1950. That day is, therefore, remembered as our Republic Day.

Little talked about but one of the most valuable Parts of our Constitution, PART IV A, article 51A (added in 1977) lays down eleven Fundamental Duties “of every citizen of India”. Of these, the very first duty requires all of us “to abide by the Constitution and respect its ideals and institutions...” Unfortunately, there is terrible constitu- tional illiteracy in our country. Vast majority of our citizens are unaware of the Constitution and even more igno- rant of any fundamental constitutional duties of citizenship. In such a sce- nario, how can we expect any under- standing or appreciation of our Constitution and respect for its ideals and institutions? How many of us, even among the educated, have any idea or comprehension of the ideals and institutions of the Constitution?

Democracy and freedom demand eternal vigilance and active participa- tion of the people in the processes of governance. We need to know what is the scheme of our Constitution, how it works, how we are governed and what all are our constitutional rights and responsibilities. It is of the utmost importance that effective steps are taken on the highest priority basis to provide to all our people in different sections and at various levels adequate knowledge and understanding of our Constitution, its objectives, basic val- ues and the working of its institutions.

The edifice of every Constitution is built on the plinth of the country’s past. It represents the vision and values of its founding fathers and is based on the social, political and economic ethos and the faith and aspirations of the people. It would be wrong to regard a country’s constitution as an inert docu- ment. For, Constitution is not only what is written in the text of its provisions. Constitution is a living organism of functioning institutions. It keeps con- stantly growing, evolving. Constitution-making is a dynamic, continuous process.

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JOB HIGHLIGHTS

NAVAL DOCKYARD

Naval Dockyard Mumbai requires 325 Tradesman Mate
Last Date : 02.12.2015 (pg 2-3)

MILITARY ENGINEER SERVICES

Military Engineer Services, Pune requires 762 Mate Tradesman.
Last Date : 26.12.2015 (pg 10-14)

ORDNANCE FACTORY

Ordnance Factory, Muradnagar requires 116 Tradesman (Semi-Skilled)
Last Date - 21 days after Public Notice (pg 15)

Turn over the pages for other vacancies in Banks, Armed Forces, Railways, PSUs and other Govt. Deps

FOOD SCIENCE AND NUTRITION AS A CAREER

Manisha Choudhury

Food Science and Nutrition as a subject emphasizes on ideas, interdisciplinary mindset, collaborative thinking; and the commitment to apply the knowledge to resolve vari- ous societal dilemmas related to food and nutrition security. Food Science and Nutrition as a subject uses interdiscipli- nary tools from different sectors like Food & Nutrition, Dietetics, Food Service Management, Public Health Nutrition among others. Food Science and Nutrition has its uniqueness which can be linked to many more subjects and has a vast scope both in clinical and development sectors.

As we know, India has been facing double burden of mal- nutrition problem, i.e. both under nutrition and over nutrition. Public health nutritionist trained under Food Science and Nutrition stream can play an important role in designing dif- ferent nutrition interventions to address malnutrition issues on a large scale. It has a key role to play in growth and development of the vulnerable groups like children and women of reproductive age group. It is one of the most applied and interdisciplinary subject in our present educa- tional system. Moreover, with a rising concern about health and eating habits, the field of Nutrition and Dietetics is gain- ing a lot of importance by day. Due to growing concern about obesity, diabetes, hypertension, ulcers and other major diseases arising due to faulty eating habits, the role of nutritionist has increased many folds.

Scope of Food and Nutrition under Public Health

Government sector: Food and Nutrition has a vast scope in Government sector like Health, Social Welfare depart- ments, Food and Nutrition Board, Sports Authority of India etc. In the Health Department Nutrition Consultants, Programme Executives (Nutrition), Nutrition Counsellors, Dieticians are required with Food and Nutrition background.

Under Social Welfare Departments, many Child Welfare Development Programme offices and Supervisors under Integrated Child development Scheme (ICDS) are from nutrition background. Recently, Government has launched Nutrition Mission under Social Welfare department in some states, where consultants and other technical officials from Food and Nutrition background have been given preference. They are appointed both at national and state level to imple- ment the programmes success in the field. The pro- gramme is implemented throughout the country people from Food and Nutrition background will have wide scope.

Food and Nutrition Board of India under Ministry of Women and Child Development is having technical positions to cater to Food and Nutrition background persons. Depending on the number of vacancies available, UPSC conducts interviews for posts of Food & Nutrition Board (FNB).

National Institute of Public Cooperation & Child Development (NIPCCD) is also having positions for nutrition discipline, like Deputy Director, Assistant Director, Assistant

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WEB EXCLUSIVES

Following item is available in the Web Exclusives section on www.employment- news.gov.in

Sardar Patel - An Embodiment of National Integration (pg 15)

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WE THE PEOPLE...
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process.Every constitution gets newer and newer meanings and content from the time it is framed and the people by whom it is worked, the amendments that are made, the potential and effects it requires from how its provisions are interpreted by courts of the land and the practices and conventions that grow around it in the actual process of its working.

Constitution of a country lays down the basic structure of the political system which people of that country are governed. It establishes the main organs of the State - the legislature, the executive and the judiciary and gives their powers, demarcates their responsibilities and regulates their relationships with each other and with the people. In a federal polity, the Constitution inter alia also delineates, delimits and divides the competencies between the States and the union (or federal) government on the one hand and those at the level of the constituent units - States or Provinces etc. - on the other. The Constitution of a country may also be described as its basic or foundational law which organizes the fundamentals of its polity and on the alter of which all other laws and executive acts of the state must be tested for their validity and legitimacy.

The Preamble embodies the fundamental values, the philosophy and the ethos on which our Constitution is based and built and the aims which the founders envisioned when the polity to strive to achieve. These have been further elaborated in the chapters on Fundamental Rights, Directive Principles of State Policy and Fundamental Duties of citizens. Taken together, they really proclaim the fundamental values and constitute the foundational principles of the Constitution. The preambular values of Sovereignty, Democracy, Republicanism, Secularism, Socialism, Justice, Liberty, Equality and fraternity and, above all, Democracy, form the basis for the interpretation of the Constitution. Integrity of the nation are supposed to permeate the entire Constitution. Adult franchise, free and fair elections, distribution of powers between the Union and the States etc. all flow from the framers’ vision of a democratic polity.

Our Constitution has the distinction of being the longest Constitution of the world. As text originally it had 22 Parts, 395 articles and 8 Schedules. During the last 65 years, there have been 100 Constitutional Amendments; on an average, our Constitution has been amended roughly every seven months or so. The number of Schedules has grown up to 12. The number of articles has increased to above 450. A few articles and even full Parts have been deleted and many new articles and Schedules inserted. But, following the standard practice and to facilitate referencing, the existing number of articles, Parts or Chapters have not been changed. Under the Basic Features Doctrine invented by the Supreme Court some amendment parts thereof have been struck down as being violative of the basic features/structure of the Constitution. Most recently, the 99th Amendment providing for the National Judicial Commission for selection of judges for the High Courts and the Supreme Court has been held unconstitutional on the ground of its being violative of what the Court terms the ‘basic feature of the judiciary in the matter of selection of judges and the independence of judiciary under the Doctrine of Basic Structure.

We have given to ourselves a democratic Constitution with our variant of representative parliamentary democracy. There are some fundamental differences and departures from the British Parliamentary System and our Constitution has several features of the US Presidential System. India is a Republic with an elected President as the head of the State and the all-executive power of the Union vesting in him. Our Constitution is democratic in path and bring about a synthesis between the U.S. Presidential system with Judicial Supremacy and the British model of sovereignty of Parliament. We have a written Constitution and the constitutions of each organ are clearly defined and delimited by the Constitution. There is no question of any organ being sovereign or supreme. Neither Parliament is sovereign nor the Supreme Court is supreme except in its own assigned sphere. We are governed by the Rule of Law and Judicial Review of legislation and administrative action is an essential part of Rule of Law. As our Constitution makers after great deal of discussion and deliberation decided not to adopt an American type of Constitution, i.e. Law and to dilute it by using the term ‘in accordance with law’. Our Constitution discards the dualism and the dualist view of the U.S. model and provides for only limited judicial review protecting the law making and constituent powers of the Parliament. In keeping with their aim of building an integrated Indian fraternity and a united nation, the founding fathers provided for a single citizenship which all citizens equally and without any discrimination entitled to same rights all over the country by undermaking special protections in case of JAK, tribal areas etc., an independent integrated judiciary with a single hierarchy of courts and a federal structure and a distribution of powers between the Union and the States and some devolution of powers to local self government. For example, Panchayats and Nagarapalikas. India is described as a Union of States. At present it consists of the Union Territories. The latter are by definition administered by the President i.e. the Union Government through an Administrator.

The Union Parliament consists of the President and the two Houses - Lok Sabha and Rajya Sabha. Lok Sabha is the popular House consisting of members directly elected by the people while the Rajya Sabha is the House of the States and consists of the representatives of States elected by the legislative Assemblies. A Vice President is elected by the elected members of the two Houses of Parliament and the State Legislative Assemblies. The President is the constitutional head of the Republic in whose name the government is carried on by the Council of Ministers. The Minister of States includes members from both the Houses but is responsible only to the Lok Sabha. The presence and influence of the House of the popular, the Government has to go. The system at large is largely simple except that the constitutional head is a Governor who is appointed by the President if not a citizen of India.

Indian polity is unique in many ways. It cannot be fully fitted into any of the existing moulds or models. It represents a compromise between rigidity and flexibility in Constitution amending procedures. While certain provisions like 23, 34 and 169 can be amended only with a simple majority in the two Houses of Parliament, others can be amended only by a two-thirds majority in both the Houses by a special majority of 2/3rd of the members present and voting in each House. In case of some provisions, the decision of the President alone, the States is also required.

India’s Constitution has been vari-

ously described as quasi-federal, federal with a strong unitary or pro-central bias, having both central and state structures in spirit, federal in normal times but with possibilities of being converted into a purely unitary one during Emergency etc. The truth is that both federal and unitary and federal features, it is a mix. It needs to be underlined that the Constitution does not contain either ‘federation’ or ‘federalism’ to describe Indian polity. Also, the concept in the Constitution is that of Union of States and of Union-State relations.

There are several other misconceptions about the provisions of our Constitution which call for a sustained effort on the part of the constitutional literacy obligatory for all citizens.

We are proud of our Constitution. It has provided the greatest force for national integration and protection of human rights. We can derive legitimate satisfaction from the fact that some temporary aberrations notwithstanding, and despite very difficult and turbulent times, we were able to work for such a long time of some 65 years a fully democratic Constitution in such a large and populous country with all it’s variety and diversity. Whatever problems we faced we were sought to be resolved within the framework of the Constitution, without it breaking down, getting abrogated or replaced by any party, any alliance and a leader. Simultaneous reforms on various fronts - economic, administrative, judicial, parliamentary, educational and others are urgently called for. But, the highest priority needs to be accorded to electoral and political party reforms for which the most essential prerequisite is widespread dissemination of constitution, constitutional morality, constitutionalism and rule of law are very ten- der plants and unless nurtured with careful care, they tend to wither away fast.

(The author is an expert on Constitution and is former Secretary-General, Ministry of Law and Justice, e-mail: skashyap@gmail.com. Views expressed are his own).