

I: SALIENT FEATURES OF CONSTITUTION

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The 13 Major features of the Indian Constitution are listed below

1. Popular Sovereignty
2. Rule Of Law
3. Judicial Review
4. Socialism
5. Secularism In Indian Constitution
6. Fundamental Rights
7. Directive Principles Of State Policy
8. Fundamental Duties
9. Judicial Independence
10. Parliamentary System
11. Federal And Unitary Features
12. Lengthy And Legalistic Document
13. Flexibility Of The Constitution
14. Single Citizenship
15. Emergency Provisions

Popular Sovereignty

The Constitution proclaims the sovereignty of the people in its opening itself. The idea is reaffirmed in several places in the Constitution, particularly in the chapter dealing with elections. Article 326 declares that “the elections to the House of People and the Legislative Assembly of every state shall be on the basis of adult suffrage”. As a result, the Government at the Centre and in the States derive their authority from the people who choose their representatives for Parliament and the State Legislatures at regular intervals. Further, those who wield the executive power of the government are responsible to the legislature and through them to the people. Thus, in the affairs of the State, it is the will of the people that prevails ultimately and not the will of a few selfish individuals. This is the principle of popular sovereignty.

In spite of the ignorance and illiteracy of large sections of the Indian people, the Constitution Assembly adopted the principle of the adult franchise with faith in the common man and the ultimate success of democratic rule. The Assembly was of the opinion that democratic government on the basis of adult suffrage would alone “bring enlightenment and promote well-being.”

Free elections are, perhaps, the greatest forum of mass education. The dangers inherent in adult suffrage among illiterate peoples can be mitigated only by the blessings of universal education. In a country like India, the large majority of whose population is illiterate, the attainment of universal education is a goal still a long way off. But this need not necessarily mean that until a certain minimum standard of universal education is realised, the Indian masses are incapable of properly exercising their right of franchise. Illiteracy is not quite the same thing as ignorance. A free election, which ensures the free exchange of ideas and free canvassing by contending parties who stand for different programs of social organization for the realisation of the common welfare, offers the best medium for the political education of the illiterate masses. It is this that the constitution guarantees. The constitution-makers were not satisfied by merely providing for adult suffrage. They wanted to ensure free elections by creating an independent constitutional authority to be in charge of everything connected with elections. The free election is a reality in India. It ensures for the electors both the freedom of choice and the secrecy of the ballot. The general elections have demonstrated that the ordinary man, in spite

of his so-called ignorance, has been able to exercise his robust common sense in electing candidates of his choice. Neither money nor social status nor official position has been powerful enough to make him a convenient tool in the hands of a few is itself guarantee that popular sovereignty will remain a living reality in India despite the fact that most of its people are steeped in ignorance, poverty and social backwardness.

All that the Constitution provides is that every adult citizen of India shall have the right to vote. This becomes significant when viewed in the background that for quite a long time, the women in many parts of Europe did not enjoy any such right. In addition, under the Government of India Act, 1935, hardly 15 per cent of Indian citizens had this right. According to some thinkers, this is the boldest step which has been taken by our constitution fathers. This shows that they had full faith in the capacity of the people of India to use their right properly. Some critics of course felt that it was premature to give to the people of India this right when there were poverty and illiteracy and the masses were yet politically not mature. But constitution fathers took a bold step and resolved to go ahead and wanted to make a beginning in this direction right earnestly

The principle of popular sovereignty has not been a mere ideal embodied in the constitution but has been a living reality during about five decades through which the Constitution has been in operation. The previous right in the hands of the citizen which ensures the democratic ideal of “one man, one vote, one value”, irrespective of his wealth, education, social status and “importance”, has, in fact, enhanced their self-respect as citizens of a democratic India

Rule Of Law

According to this axiom, people are ruled by law but not by men, that is, the basic truism that no man is infallible. The axiom is vital to a democracy.

More important is the meaning that law is the sovereign in democracy. The chief ingredient of law is custom which is nothing but the habitual practices and beliefs of common people over a long number of years. In the final analysis, rule of law means the sovereignty of the common man’s collective wisdom. Apart from this crucial meaning, rule of law means a few more things like (a) there is no room for arbitrariness (b) each individual enjoys some fundamental rights, and (c) the highest judiciary is the final authority in maintaining the sanctity of the law of the land.

It is this spirit that is helping us make various efforts to make Article 14 (all are equal before the law and all enjoy equal protection of laws) meaningful, like providing legal assistance to the needy, promotion of Lok Adalats and the venture of the Supreme court known as “public interest litigation”. Also, as per today’s law of the land, any litigant can appeal to the presiding judicial authority to argue the case by himself or seek legal assistance with the help of the judiciary.

Judicial Review

The right of the judiciary to review executive acts and legal enactments where there they are not in conformity with the established law of the land and its procedures is known as judicial review. Based on this principle the American Supreme court has acquired the power to so interpret the Constitution that it has come to be known as the third chamber of the Constitutions, whereas, in India, our Supreme court does not enjoy the power of adding to the Constitution but it can only strike down any, act or any, legislation on the ground that it is contrary to the basic framework of the constitution or violative of the procedure established by law.

As the Constitution stands today, the judiciary in India has the right to review legislative enactments and executive acts provided they are brought before the courts except for a few specific acts like the discretionary powers of the governors, the privileges and immunities of the members of the legislatures, etc. In pronouncing its verdict on legislative acts and executive actions the Supreme Court primarily bases itself on what is known as the basic framework of the Constitution-a phrase which has never been spelt out so that others could know the

ingredients that go into the making of the basic framework of the Constitution. However, it is clear from the constitution as it is today that the Parliament has the right to amend the constitution as long as it does not erode the basic framework of the constitution. Thus, making additions or deleting some Articles of the Constitution is the power of the Parliament but not that of the Supreme Court as in the case of the U.S.

Socialism

Increasing intervention, as well as participation by the State in the economic field, has been a distinguishing feature of the twentieth century. There is hardly any country today in which the State is not actively engaged in a variety of economic activities. In varying degrees, governments everywhere are involved in economic, industrial, commercial management. This is broadly described as the influence of socialist ideas on State activity.

Even before the adoption of a new Constitution, the Government of independent India had made clear its policy to enter the economic field in a very active manner. The Industrial Policy Resolution of 1948 gives ample evidence of this. It envisaged a greater role for the State in the economic development of the country. Certain industries such as atomic energy, manufacturing of arms and ammunition were declared to be the sole monopoly of the State. The right of the State to nationalise any major industry and bring it within the public sector was also clearly stated.

The Directive Principles of State Policy, however, unmistakably set out the socialist objective of the Constitution, although one might point out that they do not go far enough to establish a full-fledged socialist order. But then, it is also clear that our conception with its emphasis on a set of guaranteed fundamental rights did not envisage collectivist socialist State like those that existed in Eastern Europe during 1945 and 1990. On the contrary, it aims to establish a democratic socialist state which while moving progressively towards the social ideal, wants at the same time to protect and preserve basic human rights.

Nevertheless, successive amendments to the Constitution clearly show that the direction is more towards the realisation of socialist than the democratic ideal. The constitution was amended several times with a view to realising this objective. Among those amendments, special mention may be made of the First, Fourth, Seventeenth, Twenty-fifth, Twenty-ninth, Thirty-fourth and Forty-second Amendments. Almost every one of these give precedent to the Directive Principles over Fundamental Rights in the implementation of certain legislative enactments. The Forty second Amendment (1976) went a step further and amended the permeable of the Constitution to include specifically the term “socialist” which was absent in the original form in which it was enacted.

Secularism In Indian Constitution

India has declared its identity as a “Sovereign, Socialist, Secular Democratic Republic.” The attributes of Socialist and Secular were added in 1976 by the 42nd Amendment to the Constitution. The bulky document does not attempt to define secularism. However, a definition is derived from the fundamental right that proclaims that “The State shall not discriminate against any citizen on grounds of religion, race, caste, sex place of birth or any one of them. “The Indian State has no religion of its own. The fundamental right of speech and freedom also means the right to preaching and proselytising religion. This is made clearer in Articles 25—28, “Subject to public order, mortality and health... all persons are equally entitled to freedom of conscience and the right to profess, practice and propagate religion”. The wearing and carrying of kirpans (swords) shall be deemed to be included in the freedom of the Sikh religion. Every religious denomination or any section thereof shall have the right to establish and maintain institutions for religious and charitable purposes, to maintain its own affairs in matters of religion. No person shall be compelled to pay any taxes for promotion of any particular religion. No religious instructions shall be provided in any educational institutions wholly maintained out of the State funds.”

The distinguishing features of a secular democracy as contemplated by the Constitution of India are: (i) that the State will not identify itself with or be controlled by any religion; (ii) that while the State guarantees to everyone the right to profess whatever religion one chooses to follow (which includes also the right to be an antagonist or an atheist), it will not accord preferential treatment to any of them; (iii) that no discrimination will be shown by the State against any person on account of his religion or faith; and (iv) that the right of every citizen, subject to any general condition, to enter any office under the state will be equal to that of the fellow citizens. Political equality which entitles any Indian citizen to seek the highest office under the State is the heart and soul of secularism as envisaged by Constitution.

The conception aims to establish a secular state. This does not mean that the State in India is anti-religious. Secularism in its original, historical sense was an anti-God and anti-religious concept. But in the Indian context, that concept has no relevance.

Fundamental Rights

The Constitution contains the basic principle that every individual is entitled to enjoy certain rights as a human being and the enjoyment of such rights does not depend upon the will of any majority or minority. No majority has the right to abrogate such rights. In fact, the legitimacy of the majority to rule is derived from the existence of these rights. These rights include all the basic liberties such as freedom of speech, movement and association, equality before the law and equal protection of laws, freedom of religious belief and cultural and educational freedoms. The constitution has classified these rights into seven categories and one of them is the right to constitutional remedies which entitles every aggrieved person to approach even the Supreme Court of India to restore to him any fundamental right that may have been violated. It is, thus, a basic affirmation of the Constitution that the political system that it establishes should provide conditions favourable for the maximum development of the individual's personality. The framers of the Constitution were conscious of the fact that in the absence of the enjoyment of the above-mentioned rights, such development of the personality was impossible and democracy would sound an empty word. Having spent most of their lives under a foreign rule and having fought relentlessly for the enjoyment of these rights by themselves, it was only natural that they should have wanted to embody them in the Constitution they framed for the establishment of a democratic political order. They hoped to build this political order on the firm foundation of the freedom of political competition. The prime importance of these rights is that while the will of the majority decides how these freedoms are to be implemented, the existence of the freedoms themselves is not subject to that will. On the contrary, these freedoms set the conditions under which the will of the majority is to be formed and exercised.

Directive Principles Of State Policy

It is for the first time in India's Constitution, a chapter on Directive Principles of the State Policy has been included. Before it, in the Government of India Act, 1935, there was no Instrument of Instructions for the Governor-General, but it was quite different from the present Directives. These Directives are a guideline for the governments, but their violation cannot be challenged in the court of law. According to a few critics when the Directive has no legal binding, these are useless. But that is not so. These are the manifestation of our aims and aspirations. The government of the day can choose to violate these but if the people take the violation seriously they can throw the government out of power. The greatest force behind these Directives is the will of people. The Directives are guidelines both for the people as well as the government. These save us from duping in the dark. Thus, these principles are not mere precepts but a great moral force. The wall of separation which the fundamental rights erect between the government and the people is indeed one of the greatest and surest safeguards of the life, liberty and the pursuit of happiness of the individual. But conditions of absolute and unhindered growth of private power, like absolute governmental power, are capable of destroying individual freedom. The

concentration of private power, mainly in the form of economic controls, in the hands of a few individuals is equally destructive of the dynamic qualities of a democratic society as a dictatorial government could be. In a highly capitalist society, a few giants in the industrial and financial world, who concentrate in themselves the bulk of economic power, can easily subject the rest of the community to the travails of a new feudalistic order. After having provided against the emergence of a totalitarian system through the constitutional guarantees of fundamental rights, the framers turned their attention to deal with the possible future menace of a private capitalist concentration of economic power and to ensure the establishment and sustenance of a society which provided for the diffusion of economic power among the different sections of the people. The methods they sought to provide for the purpose are embodied in the chapter on Directive Principles of State Policy. The State and every one of its agencies are commended to follow certain fundamental principles while they frame their policies regarding the various state activity. These principles, on the one hand, are assurances to the people as to what they can expect from the State and, on the other, are directives to the Government, Central and State.

Fundamental Duties

Originally Fundamental Duties were not there in the constitution. It was a great lacuna of the constitution. Hence the Swaran Singh Government was appointed which recommended 12 Fundamental Duties. However, out of that 10 Fundamental Duties were accepted by the 42nd Amendment of the constitution. But at present, one more fundamental duty has been added under the 86th Amendment Act, 2002. There are total of 11 Fundamental duties altogether. Now in their modified form, the Fundamental Duties are as follows:

- a) To abide by the constitution and respect the national flag and the national anthem.
- b) To cherish the noble ideals which inspired our struggle for freedom.
- c) To uphold the sovereignty, unity and integrity of the country.
- d) To defend the country and render national service when called on to do so.
- e) To promote harmony and the spirit of common brotherhood among all the people of India.
- f) To value and preserve the rich heritage of our composite culture.
- g) To protect and improve the natural environment includes lakes, rivers and Wildlife and have compassion for the living.
- h) To develop the scientific temper, humanism and “the spirit of inquiry and reform”.
- i) To safeguard public property and abjure violence.
- j) To strive to achieve excellence in all spheres of individual and collective life so that the nation makes progress.
- k) To provide opportunities for education to his child or ward between the age of six and fourteen years.

Judicial Independence

Man's long struggle has been to live under a government of laws, not of men. Equal justice under the law has for long been his cherished ideal, a system under which the new law is applicable to all alike. Man has in all ages been striving to escape the regime that dispenses justice according to the political or religious ideology of the litigant or the whim or caprice of those who run the government. As a consequence of this struggle, there was an established principle of abiding value, that no judiciary can be impartial unless it is independent. In fact, the judicial process ceases to be judicial the moment those who seek to judge cease to be independent of every form of external influence. Hence, the importance of judicial independence.

Parliamentary System

The framers of our Constitution preferred a parliamentary system of government. Our infant democracy could ill-afford any confrontation between the executive and the legislature if they

were separate and independent of each other. The President of India is the constitutional head of the Union Executive, but he exercises the executive power, vested in him, in accordance with the advice of the Union Council of Ministers. The real executive power thus vests with the Council of Ministers with the Prime Minister as the head. The Council of Ministers is collectively responsible to the Lok Sabha. The same is true of the relationship between the Governors and the Council of Ministers in the States. The parliamentary system of government both at the Centre and in the State is based on adult suffrage whereby all citizens of India who are not less than 18 years of age and not otherwise disqualified by the Constitution or any law, have the right to vote. It is a bold political experiment in view of the vastness of the country, its large population, poverty and illiteracy.

Federal And Unitary Features

The word 'federation' has not been used anywhere in the Constitution. In fact, India has been described as a Union of States. The provinces and the princely States were not sovereign entities before they joined the federation. The states are not 'inviolable' or 'indestructible' as in the USA. Parliament can by law change or alter the areas and boundaries of any State. No state has the right to secede from the Union. But, it has some basic federal features. India has two governments functioning at the national and state levels with a clear cut distribution of powers. Both the State and the Union Government draw their authority from the Constitution. The supremacy of the Republic lies not with either the Union Government or the State Governments but with the Constitution. To uphold the legal supremacy of the Constitution, the power to interpret the constitution has been vested in the judiciary. Thus the Indian Constitution has four federal features: (a) clear division of powers between the two governments; (b) dual system of government; (c) supremacy of the Constitution; and (d) authority of the judiciary to interpret the constitution.

All the constituent States of the Union are not equal. The Union Territory do not enjoy the same status as the States. Unlike the American Constitution, the Indian Constitution does not provide for any safeguards for the protection of the rights of States. Except for Jammu & Kashmir, no state has its own Constitution as in the U.S. Whereas the consent of the States is vital for an amendment of the American Constitution, the consent of the States in India is necessary only in regard to a few specific matters. There are some features in our Constitution unlike the U.S.: (a) the right of the Governor to reserve a Bill for Presidential assent; (2) the role and functions of the State Governors; (3) the Emergency provisions of the Constitution regarding the proclamation of national emergency, financial emergency and President's rule; (4) provisions of the Constitution enabling Parliament to legislate for the States; (5) Uniform All-India Services; (6) single and uniform citizenship; and (7) uniform and integrated judicial system. Also, the constitutional schemes of distribution of legislative, administrative and financial powers between the Union and the States have a strong unitary bias, unlike the US where the Federal Government has gained more powers through the interpretation of its Supreme Court.

Lengthy And Legalistic Document

It is the most lengthy and legalistic constitutional document any country has so far adopted. One reason is that the Constitution has drawn from a variety of sources. The other is that the constitution-makers ensured that no element of uncertainty was left. It codifies in detail the relationship between the Union and the States and the State's interests and contains both justiciable and non-justiciable rights as well as fundamental duties. As the Constitution is not only a legal document but an instrument of social change, it has to be a detailed document in order to ensure that it stands the test of any situation in future. Also, care has been taken to ensure that the Constitution is not subverted or perverted by any future government. There are numerous in-built constitutional safeguards.

There are temporary, transitional and special provisions for the state of Jammu and Kashmir and it also takes care of the regional problems in States like Gujarat, Maharashtra, Andhra Pradesh, Sikkim, Assam, Nagaland and Manipur. The legalistic nature of the Constitution is also partly because of heavy borrowings from the Government of India Act of 1935.

Flexibility Of The Constitution

Some eminent lawmakers are of the view that the constitution is rigid. But, we know that it has been possible to amend the constitution over a hundred times. Our constitution is more flexible than the American constitution, which requires ratification of amendments by three-fourths of the States. In our constitution only amending of a few provisions requires ratification of amendments by three-fourths of the states. In our constitution only amending of a few provisions requires ratification by half of the State Legislatures. While most of the provisions of the Constitution can be amended by a two-thirds majority of each of the Houses of Parliament and many of the provisions can be altered or modified by a simple majority. Also, the constitution can be supplemented by simple legislation like the Citizenship Act, National Security Act, the Untouchability Act, etc. Moreover, the scope for the growth of conventions to supplement the constitution makes it more flexible. Conventions govern the privileges and rights of the legislature, the functioning of the cabinet system, the status of the Cabinet Secretariate, etc.

Single Citizenship

In a federation, there is usually double citizenship. A citizen belongs to the State in which he is born and also enjoys the citizenship rights of the Federation, to which his state has joined as a unit. This is on the basic principle that the states in a federation are of course units, but do not at the same time, give up their individual entity. But in India, there is single citizenship. Citizens belong to the Indian Union and not to any state. Provision for single citizenship for the whole of India was perhaps intentional. The constitution fathers did not like that regionalism and other disintegrating tendencies which had already raised their ugly heads and were endangering the very security and integrity of the country, should be further encouraged by providing double citizenship. Provision for double citizenship would have naturally stood on the way of emotional and national integration. The people in the State would have thought more in terms of the State than the country as a whole. Single citizenship has undoubtedly forged a sense of unity among the people of India and the image of United India is reflected by this provision.

Emergency Provisions

One of the unique features of the Constitution of India is the way in which situations will be dealt with during an emergency. According to emergency provisions when the head of the State is satisfied that it is impossible to run the administration of the country or a part thereof, in accordance with the normal procedure laid down in the Constitution he can declare an emergency and take administration of the country or part thereof in his own hands. This emergency can be financial or political. Declaration of emergency has far-reaching effects and its consequences are that with such a declaration fundamental rights are suspended and the courts of law can refuse to entertain petitions for the enforcement of these rights. Federal set up of the country practically turns out to be a unitary one and no bill can be introduced in the legislature without prior permission of the head of the states. The President or Governor is the exclusive authority to decide as to whether there are need and necessity of declaration of such an emergency. In India emergency was declared in 1962, when China invaded India. It was again declared in 1965 and 1971 when Pakistan invaded the country. In 1975, an internal emergency was declared in the country, as a result of which censorship of the press was

imposed. During this period Forty Second Constitution Amendment Act was passed which introduced far-reaching changes in the Constitution. This emergency was lifted only in 1977. Provisions in the Constitution dealing with declaration of emergency were amended by Constitution Forty-Fourth Amendment Act by which it was ensured that in future it became difficult for any Prime Minister to declare an internal emergency. On several occasions, the President of India has taken over the administration of states on the plea that there is constitutional break down and administration of the state cannot be run in accordance with the provisions of the constitution. Over the years the salient features of the Indian Constitution have developed clear contours. The federal features of the Constitution have been weakened because certain centralising influence has become more and more compulsive. The Parliamentary executive has become increasingly assertive because one party has dominated the Indian political scene until now with a brief interlude. The chapter on Fundamental Rights has undergone a radical change with the deletion of the “Right to Property”. The role of the judiciary, too, is undergoing changes because of the growing radicalism and needs of social justice. And the Directive Principles, although not justiciable, have almost become as important as the Fundamental Rights. A good number of transitional provisions have been dropped. Finally, the conventions that the country has been evolving are also changing the temper of the constitution. Since all these changes have occurred in less than 50 years, it shows that even an elaborate and complex constitution necessarily calls for changes and adjustments.

Philosophy of Constitution

On January 22, 1947, the Constituent Assembly adopted the Objectives Resolution drafted by Jawaharlal Nehru. The Objectives Resolution contained the fundamental propositions of the Constitution and set forth the political ideas that should guide its deliberations. The main principles of the resolution were :

- that India is to be an independent, sovereign republic ;
- that it is to be a democratic union with an equal level of self-government in all the constituent parts;
- that all power and the authority of the Union Government and governments of the constituent parts are derived from the people;
- that the constitution must strive to obtain and guarantee to the people justice-based upon social, economic and political equality, of opportunity and equality before the law;
- that there should be freedom of thought, expression, belief, faith, worship, vocation, association and action;
- that the constitution must provide just rights for minorities, and people from backward and tribal areas, etc. so that they can be equal participants of social, economic and political justice; and

• to frame a constitution which should secure for India, a due place in the community of nations. The philosophical of a Constitutions consists of the ideals for which the constitution stands and the policies which the Constitution enjoins upon the rulers of the Community to follow. The Constitution of India reflects the impact of our ideology in the following spheres :

(i) **Secularism:** Secularism is the hallmark of the Indian Constitution. People professing different religions have the freedom of religious worship of their own choice. All the religions have been treated alike. The fact appreciated in India was that all reli-gions love humanity and uphold the truth. All the social reformers and political leaders of modern Indian have advocated religious tolerance, religious freedom and equal respect for all the religions. This very principle has been adopted in the Constitution of India where all religions enjoy equal respect. However, the word ‘secularism’ was nowhere mentioned in the Constitution as adopted in 1949. The word ‘secularism’ has now been added to the Preamble to the Constitution through the 42nd Amendment passed in 1976.

(ii) **Democracy:** We have borrowed the modern form of democracy from the West. Under this system, democracy means the periodic responsibilities of the Government to go to the people. For this purpose; elections have been held every five-year to elect a Government by the people. However, democracy covers even the economic and social aspects of life. This aspect of democracy is well-reflected in the Directive Principles of State Policy. They are aimed at human welfare, co-operation, international brotherhood and so on.

(iii) **Sarvodaya:** Sarvodaya refers to the welfare of all. It is different from the welfare of the majority. It seeks to achieve the welfare of all without exception. It is referred to as Ram Rajya. The concept of Sarvodaya was developed by Mahatma Gandhi Acharya Vinoba Bhave and J. Narayan under which the material, spiritual, moral and mental development of everyone is sought to be achieved. The Preamble to the Indian Constitution and the Directive Principles of State Policy represent this ideal.

(iv) **Socialism:** Socialism is not new to India. Vedanta philosophy has socialism in it. The national struggle for freedom had this aim also in view. Jawaharlal Nehru referred to himself as a socialist and republican. Almost all the parties in India profess to pro-mote democratic socialism. These principles are included in the Directive Principles of State Policy. However, to lay emphasis on this aspect, the word 'socialism' was specifically added to the Preamble to the Constitution through the 42nd Amendment.

(v) **Humanism:** Humanism is a salient feature of Indian ideology. Indian ideology regards the whole of humanity as one big family. It believes in resolving international disputes through mutual negotiations. This is what we find in the Directive Principles of State Policy.

(vi) **Decentralization:** Decentralization is another aspect of Sarvodaya. Indian has always practised decentralization through the Panchayat system. Mahatma Gandhi also advocated decentralization. It is on this account that he is regarded as a philosophical anarchist. We have introduced the Panchayati Raj system in India to achieve the objective of decentralisation. The concept of cottage industries as laid down in the Directive Principles of State Policy also refers to decentralization.

(vii) **Liberalism:** Liberalism does not refer to the Western concept of liberalism. It refers, in the Indian context, to self-government, secularism, nationalism, economic reforms, constitutional approach, representative institutions etc. all these concepts were advocated by the modern Indian leaders.

(viii) **Mixed Economy:** Co-existence is a salient feature of our ideology. Co-existence has manifested itself through a mixed system of economy. In this system, we have allowed both the private and public sectors of the economy to work simultaneously. Large scale and essential industries have been put in the public sector.

(ix) **Gandhism:** Gandhism represents an ethical and moral India. Gandhi set a new example of fighting foreign rule through non-violence. He taught the importance of non-violence and truth. He advocated untouchability, cottage industry, prohibition, adult education and the uplift of villages. He wanted a society free of exploitation and dece

II: RE-ORGANIZATION OF STATES

At the time of independence in 1947, India had more than 500 disjointed princely states. Temporarily the constituent units of India were divided into Part A, B, C, and D states. Hence State Reorganization was constituted by the Government of India on 29 December 1953 to look into the matter of redrawing the boundaries of States. One of the most popular demands was to reorganize the states based on languages, this was done to make administration easier and to replace controversial caste and religion-based identities with less controversial linguistic identities. The State reorganization commission consisted of H N Kunzru, Fazal Ali and K M Panikkar.

Soon after independence, 571 princely states were reorganised and merged together to form 27 states. This reorganization was done based on political and historical considerations. This reorganization of states was done on a temporary basis. The State Reorganization Commission formed in 1953 gave its report in 1955 to reorganize states into 16 states and 3 union territories. The Government divided the country into 14 states and 6 union territories under the State Reorganization Act that was passed in November 1956. The State Reorganization Commission recommended that “it is neither possible nor desirable to reorganise States on the basis of the single test of either language or culture, but that a balanced approach to the whole problem is necessary in the interest of our national unity.” Later when the states were reorganized one could say the basis of reorganization could be linguistic, ethnic or administrative purposes. Reorganizing states on the basis of language would not only help in ease of administration but also the development of vernacular languages which was ignored by the British. Even cultural affiliations were taken into account, for example, Nagaland was created taking into account tribal affiliations. In the recent past, Chhattisgarh and Jharkhand were created for better economic development in the respective regions.

Andhra Pradesh was the first state of Independent India formed on linguistic basis. It was formed on October 1, 1953. This state was formed for Telugu speaking people after prolonged agitations.

III- NEHRU ERA

- Nehru’s parents were Motilal Nehru and Swaruprani Thussu. Motilal Nehru was a prominent lawyer and a member of the Indian National Congress, and also served as its president twice.
- Nehru’s family was affluent thanks to his father’s legal practice. He describes his childhood as uneventful and sheltered in his autobiography. He grew up in a grand house called ‘Anand Bhavan’. He had two sisters, both younger than him.
- At the age of 15, Nehru went to study at the Harrow School in England. After that, he studied natural science at Trinity College, Cambridge University, and passed out with a degree in 1910. Nehru also read books on politics, economics, literature and history.
- As a child, he read about Garibaldi, the Italian national hero, and Nehru himself was inspired and dreamed of India’s freedom from British rule.
- He was influenced by the works of G B Shaw, H G Wells, Bertrand Russell, J M Keynes, Meredith Townsend and Lowes Dickinson. After acquiring a degree, Nehru studied to become a lawyer and entered the Bar in 1912.
- In 1912, Nehru returned to India and started practice at the Allahabad High Court. However, he was disinterested in this job and soon drifted towards the national cause. He attended a Congress session in 1912 in Patna and felt that the membership of the party was restricted to upper-class elites. The INC at that time was in its moderate phase.
- Nevertheless, he worked for the party. His ideas were radical. He spoke of complete independence at a time when most people were content with a few constitutional reforms.
- He advocated for non-cooperation and resigning from honorary positions. He supported more aggressive nationalists who were pressing for home rule.
- He was influenced by Annie Besant and worked for her Home Rule League.
- Nehru met Mahatma Gandhi in 1916 and was drawn to him instantly. He became his close friend, follower and associate.
- He was involved in the non-cooperation movement in 1920 and was imprisoned for the first time. When Gandhi called off the movement in the wake of the violence at Chauri

Chaura, there was a split in the party and Motilal Nehru and C R Das formed the Swaraj Party. Jawaharlal Nehru, however, remained with the Congress and Gandhi.

- As a national leader, he understood the importance of having a worldview and sought relations with similar democratic movements in other nations as well. He visited several countries. He represented India at a meeting of oppressed nationalities in Brussels.
- Nehru also played his part in making the struggles of the people of the princely states align with the freedom movement in British India.
- He became the General Secretary of the All India Congress Committee in September 1923. He was the party president in the Lahore session in 1929 when the declaration of complete independence as the goal of the freedom movement was passed.
- He became the president of the All India States Peoples Conference in 1935. He threw open its membership to people across the political spectrum. This organisation would play an important part in the integration of the princely states into India.
- Nehru was at the forefront in various movements like the Salt Satyagraha and the Quit India Movement and was arrested a total of nine times by the British.
- From 1946, he was elected the president of the congress party and served as its president for three more terms.
- Nehru headed the interim government of India in 1946. After India achieved independence on 15 August 1947, Nehru became the prime minister. As prime minister, he delivered his now-famous address to the nation, 'Trust with Destiny'.
- Nehru's vision of a united India led to the speedy integration of the princely states into the Indian Dominion. He was ably supported by Sardar Vallabhbhai Patel and V K Krishna Menon, his aide in this matter.
- Nehru, as prime minister, advocated a mixed economy. He established heavy industries believing them to be essential to the development of a country. But there were also heavy control and regulations of the industry.
- In 1953, he appointed the States Reorganisation Commission to redraw state boundaries on linguistic lines.
- He advocated the use of Hindi as the country's official language but this met with heavy resistance from non-Hindi speakers.
- He enacted many laws to criminalise certain practices like caste-based discrimination. He also increased legal rights for women.
- Nehru was leading a newly independent country and initiated many projects like setting up the IITs, the defence academies, the nuclear energy program and so on.
- He was also keen on having cordial relations with other nations of the world.
- He was a founder and leader of the Non-Aligned Movement.
- Nehru was also responsible for the liberation of Goa after years of failed negotiations with the Portuguese.
- He was a prolific author and some of his works are 'The Discovery of India' and 'Glimpses of World History'.
- Pandit Nehru died on 27 May 1964 of a heart attack. He was the Prime Minister of the country till his death and is the longest-serving prime minister to date. He was 74.
- He was succeeded by Lal Bahadur Shastri as the prime minister. His only daughter Indira Gandhi would become the prime minister later.
- From 1957, his birth anniversary is celebrated as 'Children's Day' in India.

IV- NAM

The NAM is an international forum of 120 developing countries that believe in the idea of non-alignment with the major power blocs. It **was established in 1961 in Belgrade**, former

Yugoslavia under the leadership of the then Indian Prime Minister **Pandit Jawaharlal Nehru**, President of Egypt **Gamal Abdel Nasser** and the President of Yugoslavia **Josip Broz Tito**.

- In the aftermath of the Second World War and the decolonisation process, many countries in the developing world in Asia and Africa felt the need for a strong movement towards securing peace and prosperity and establishing security for all countries.
- This was when the world was divided into two power blocs, that of the USA and the Soviet Union, especially after the signing of the NATO and the Warsaw Pact.
- Most of these countries felt the need for mutual cooperation and coordination with respect to not formally aligned with or against any of the power blocs.
- The collapse of colonialism and the cold war led to the need for improved coordination among the Global South.
- It is interesting to note that the term ‘third world’ arose during the cold war era to denote countries that were not aligned to either of the two power blocs.

NAM Functioning

NAM does not have a permanent secretariat or a formal hierarchy.

- Its administration is rotational and non-hierarchy.
- NAM takes decisions by consensus, which need not be universal, but only requires substantial agreement.
- It has a Coordinating Bureau which is based at the UN in New York City.
- NAM meets every three years at the NAM Summit Conference of Heads of State.
- At the Summit, a chair is chosen, which is a post held for three years.
- In NAM, every member country has equal weight.
- The current chairperson of NAM is Ilham Aliyev, the President of Azerbaijan. He holds the post till 2022.

NAM Member Countries

The list of NAM member countries are given in the table below:

There are currently 120 member countries in the NAM. India is a founding member of the organisation.

- Our neighbours Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Myanmar and Afghanistan are also members.
- China has observer status.
- All African countries except Western Sahara and South Sudan are members of NAM.
- In the Americas, many South and Central American nations are members.
- Among European countries, Azerbaijan and Belarus are members of NAM.
- There are many organisations and countries that are given observer status. Some of them are the United Nations, African Union, Arab League, Commonwealth Secretariat, Organisation of Islamic Cooperation, etc.
- It is the largest inter-country organisation outside of the UN.

NAM Objectives

One of the chief objectives of NAM was “*to create an independent path in world politics that would not result in member States becoming pawns in the struggles between the major powers.*”

- The three elements that define the approach of the organisation are:
 - Right of independent judgement
 - Struggle against imperialism and neo-colonialism
 - Use of moderation in relations with all big powers
- In the current times, an objective of the organisation is restructuring the international economic order.
- NAM espouses ideals such as the right to self-determination, anti-apartheid, anti-colonialism, national independence, territorial integrity and sovereignty of nations, anti-imperialism in all forms, non-adherence to multilateral military pacts, disarmament, against racism, against foreign occupation and domination, peaceful coexistence among all countries, strengthening the UN, no use of threat of force in international relations, socio-economic development, etc.

NAM Evolution

Most historians agree that the most important antecedent to the formation of the Non-Aligned Movement was the **Bandung Conference** of 1955.

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- The Bandung Asian African Conference brought together 29 heads of state/government of the first post-colonial generation of leadership from Africa and Asia.
- This gathered Nehru, Nasser, Tito, Kwame Nkrumah of Ghana and Sukarno of Indonesia under one umbrella. They were leaders of international standing and attracted many other countries of Asia and Africa into the NAM.
- In this conference, the Ten Principles of Bandung were adopted and these would be the guiding principles of NAM.
- **The 10 Principles of Bandung are:**
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 - Respect for fundamental human rights and of the objectives and principles of the Charter of the United Nations.
 - Respect for the sovereignty and territorial integrity of all countries.
 - Recognition of equality among all races and of the equality among all nations, both large and small.
 - Non-interference of non-intervention into the internal affairs of another country.
 - Respect the right of every nation to defend itself, either individually or collectively, in conformity with the Charter of the United Nations.
 - Non-use of collective defence pacts to benefit the specific interests of any of the great powers.
 - Refraining from acts or threats of aggression and use of force against the territorial integrity or political independence of any nation.

- Settlement of all international disputes by peaceful means.
- Promotion of mutual interest and cooperation.
- Respect for justice and international obligations.
- The formal establishment of NAM took place in Belgrade in Yugoslavia in 1961 with 25 developing countries. This is when the first NAM Summit Conference took place. India is a founding member.
- One of the ideas behind NAM was that the newly-independent nations, that had just come out of the yoke of colonialism, should not lose their independence by aligning with either one of the Great Powers (USA and USSR).
- The founding fathers of NAM were keen to call it a movement and not an organisation so as to avoid the bureaucratic implications of the term 'organisation'.
- The founding members also stressed on the fact that NAM did not mean the members were to be passive or neutral to world affairs, but rather, it affirmed the belief that all countries were free to have an independent opinion on international affairs.

Relevance of NAM

In the post-cold war era, NAM has had to realign its approach, with several experts citing the organisation's irrelevance in a unipolar world since the 1990s, after the collapse of the Soviet Union.

- Prime Minister Narendra Modi skipped the 17th and 18th NAM summits (India was represented by the Vice President) indicating neglect of NAM from India.
- Some opine that this represents a shift in India's foreign policy.
 - Many experts are of the opinion that India is looking to change from a non-aligned to a multi-aligned perspective.
 - Also that NAM would not be of much use in furthering India's global positions on many matters such as UNSC reforms and terrorism.
- The importance of NAM, nevertheless, should not be undermined because it is a significant force that supported third world countries against western imperialism, coercion and domination.
- NAM countries form 2/3rd of the membership of the UN General Assembly, and hence, it can form an important voting bloc.
- NAM, along with the G-77 gives superior numerical strength to developing countries and has helped keep many third world issues ahead of the agenda at the UN. This can also help India's cause in garnering a seat at the Security Council.
- NAM can be a useful platform to raise awareness about issues like climate change, cross-border terrorism, human rights violations, etc.
- NAM encourages an equitable world order and the organisation can act as a bridge between countries with varying political ideologies and systems.

NAM is not an entirely insignificant organisation today. Although the world today is very different from the bipolar world of the fifties, many issues still haunt us, along with the rise of new problems and challenges like global terrorism, climate change, economic imbalances, etc. NAM can be a global platform where developing and smaller nations can bring to the fore their grievances and press the international community for reforms.

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