Constitutional Governance

Why in news?

November 26 of 2024 year will mark the commemoration of the 75th anniversary of the adoption of the Constitution of India.

What is constitutional governance?

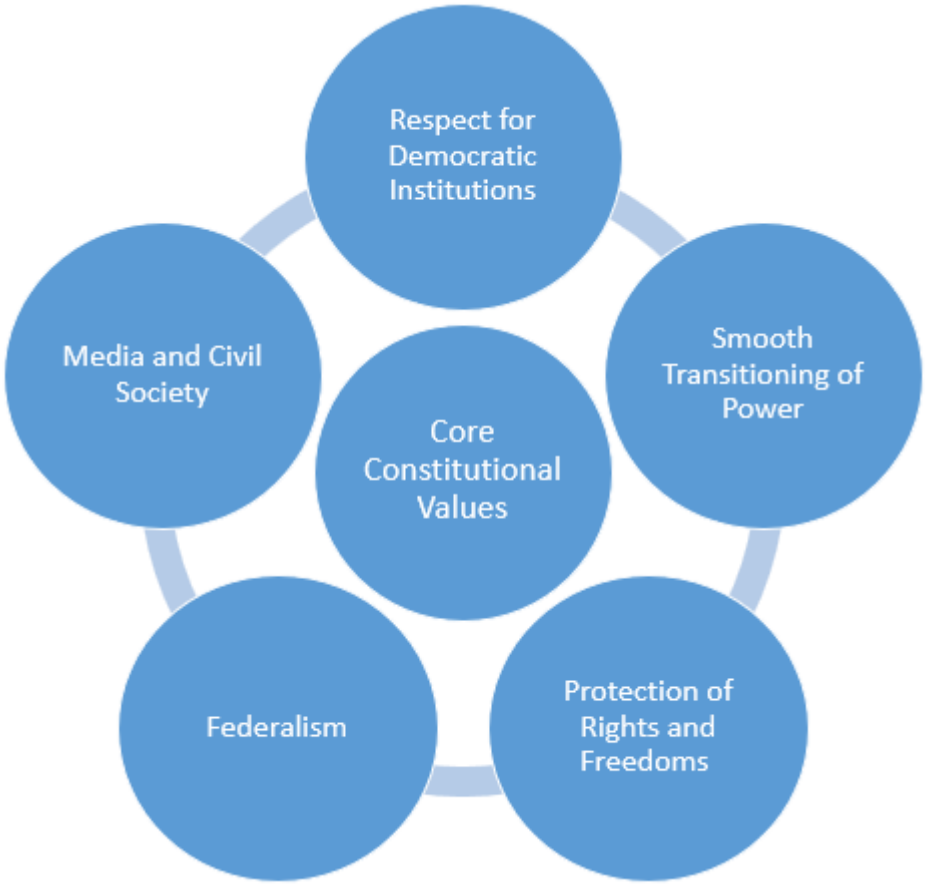
- **Constitutional governance** – It refers to the system of government where the powers, functions, and limits of each branch of government are defined by a constitution.
- It is also about permeating a deep sense of constitutional culture that has captured the collective consciousness of Indians across different cultures, faiths and beliefs.
- **Constitution** - It establishes the framework for the political and legal organization of a country and act as the supreme guiding principle.
- It defines the structure of government, the distribution of powers, and the fundamental rights of individuals.
- **Organs of constitutional governance** - Legislature, Executive, and Judiciary
- **Principles and features of constitutional governance**
    - **Rule of law -** All individuals, including government officials, are subject to and accountable under the law.
    - It implies that no individual or institution is above the law.
    - **Democratic accountability** - Every action by the government must conform to the provisions of the Constitution.
    - **Rights and duties** - Citizens are empowered with rights and duties to ensure their active participation in the democratic process.
    - **Checks and balances** - Executive, legislature, and judiciary operate within the bounds of the law.
    - **Separation of powers -** The powers of the government are divided among the legislative, executive, and judicial branches to prevent the abuse of power.
    - **Federalism -** India follows a federal structure with a division of powers between the central and state governments.

India's Constitutional Journey	
1946	Cabinet mission is dispatched to India to discuss modalities for transfer of power.
9 Dec 1946	Constituent assembly convenes for the first time
29 Aug 1947	Establishment of drafting committee
4 Nov 1949	Draft is finalized and submitted
26 Nov 1949	Constituent Assembly adopts final draft making it official
26 Jan 1950	Entry into force of the new constitution

The Constituent Assembly took 2 years, 11 months and 17 days to complete drafting the Constitution for Independent India. During this period, it held 11 sessions covering a total of 165 days.
• **Samvidhan Divas** – Constitution Day is celebrated on ***November 26th*** to commemorate the adoption of the Constitution of India in 1949. • **Notified** – In 2015 by Ministry of social justice and empowerment. • **Significance** – The day holds historical and symbolic importance, marking India's transition from a British colony to an independent democratic republic. • **Raise awareness** – About the significance of the constitution. • The Constitution continues to serve as a living document, guiding India through its complex political, social, and economic journey. As India celebrated the 75th year of its constitutional journey in 2024, it is crucial to reflect on the role the Constitution has played in shaping India's democracy, governance, and legal framework.

What are the core constitutional values that shaped India's constitutional culture?

- **Faith in democratic process –** Despite numerous political and social challenges, Indian citizens have shown a remarkable commitment to participating in voting in elections.
- Since the first elections in 1951-52, there has been consistent voter turnout, with the 2024 general elections witnessing a ***65.79% turnout***.
- **Smooth transition of power –** Regardless of differences, political parties have always respected the people's mandate, ensuring a smooth transition of power after elections.
- It is the people of India who win each election without any exception.
- It has demonstrated to the world that its understanding of problems and challenges will shape our decisions relating to elections.
- **Protection of fundamental rights –** The framers of the Constitution, recognized the importance of safeguarding these rights against any potential misuse of state power.
- Over the years, Indian courts have played a vital role in upholding these rights to ensure that constitution protects citizen.
- **Federalism and diversity –** The framers were mindful of India's pluralism and sought to balance national unity with state autonomy.
- By granting special privileges and autonomy to states, it acknowledges their unique identities while fostering a unity.
- Federalism has also been strengthened through the establishment of panchayats and municipalities.
- **Media and civil society** - The Indian media is a diverse and heterogeneous institution with views and perspectives that are generated across India in different languages.
    - **Democratization of Information** - Transition of print media to broadcast and further innovations in media and technology have democratised access to information and indeed the role of media.
- Media and civil society have instilled faith in Indian democracy.



What lies ahead?

- Reinforce the core values that have shaped its constitutional culture.
- Inclusive governance to address India's challenges in the coming decades.
- Strengthen Judiciary by reforms, and recognizing the role of technology in governance.
- Ensure judicial accountability, and promoting socio-economic rights to achieve a more equitable society.

Features of Indian Constitution

• **Lengthiest written constitution** – Geographical vastness of country and diversity, Single constitution for both centre and state.
• **Fundamental Rights and duties –** The Constitution of India guarantees six fundamental rights to its citizens.
• **Blend of rigidity and flexibility** – It can also be amended to reflect the evolving needs of society to navigate through significant challenges, including internal conflicts, regionalism, and social inequalities.
• Despite these amendments, the core spirit of the Constitution, which champions justice, liberty, equality, and fraternity, remains intact.
• **Directive Principles of State Policy –** Directives to the government to maintain social and economic democracy in the country.
• **Parliamentary System –** The constituent assembly decided to continue parliamentary form of government both for the centre and the states as it is well-suited to accommodate India's diverse population,
• **Federal system with unitary basis –** Our constitution has both unitary and federal features.
• **Federal features -** Written constitution, supremacy of constitution, rigidity of constitution, independent judiciary, and bicameralism are federal features.
• **Unitary features –** Strong centre, emergency provision, single citizenship, flexibility of constitution, integrated judiciary, all India services, governor appointment.
• **Universal adult franchise** - All men and women enjoy an equal right to vote. Each citizen above the age of 18 years has the right to vote.
• **Single citizenship –** All citizens enjoy a common uniform citizenship.
• **Integrated judiciary**– The integrated system of court enforces both central as well as state laws.
• **Independent judiciary –** Provide independence by security pf tenure, expenses charged on consolidated fund of India and separation of judiciary from executive.
• **Fundamental duties –** Which were inserted by 42nd and 86thconstitutional amendment serves as a remainder to citizen of duties that they have to their country.
• **Secularism –** Means it doesn't uphold any particular religion as the official religion of the state.
• **Independent bodies** – Constitution has setup various independent bodies and are envisaged as bulwarks on Indian constitution.
- Election Commission, CAG, Finance Commission
• **Emergency provisions** – To safeguard the sovereignty, unity, integrity, and security of the country.
• **Three-tier government** – 73rd and 74th amendment act provide rural and urban local bodies that ensure grass root level government.

Reference

[The Hindu| An Approaching Milestone In Constitutional Governance]

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