



Indian Constitution: A Journey of Democracy

The Indian Constitution is a landmark document that guides our nation. It was drafted carefully and deliberated, ensuring a strong foundation for a democratic India.



Part III
Fundamental Rights

General

Definition

12. In this Part, unless the context otherwise requires, the State includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

Law inconsistent with or in derogation of the fundamental rights

13. (1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause, shall to the extent of the contravention, be void.

(3) In this article, unless the context otherwise requires—

(a) "law" includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law.

(b) "laws in force" includes laws passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular cases.

Crown Rule, Purna Swaraj and the Road to Constituent Assembly

1919 - Government of India Act: Expands native participation in government.

1929 - Purna Swaraj declared the Indian National Congress declared complete independence, urging Indians to celebrate January 26th as Independence Day.

1935 - Government of India Act: Introduces reforms like direct suffrage and greater provincial autonomy.

1939 - Congress demanded the creation of a Constituent Assembly, but the British delayed its formation.

1946 - Britain decided to grant India independence and sent a Cabinet Mission for discussions.

14 August 1947 - Proposal for creating committees for drafting the Constitution.

29 August 1947 - Drafting Committee established.

6 December 1947 - Constituent Assembly formally convenes to start drafting the Constitution.

4 November 1947 - Draft Constitution finalised and submitted.

1948 - 1949 - Constituent Assembly meets in open sessions.

26 November 1949 - Final draft adopted by the Constituent Assembly.

26 January 1950 - The Indian Constitution officially comes into force.

STALWARTS OF THE DRAFTING COMMITTEE

1 Dr. B. R. Ambedkar

He was tasked with leading the drafting committee, a monumental task considering India's diverse population.

2 B.N. Rau

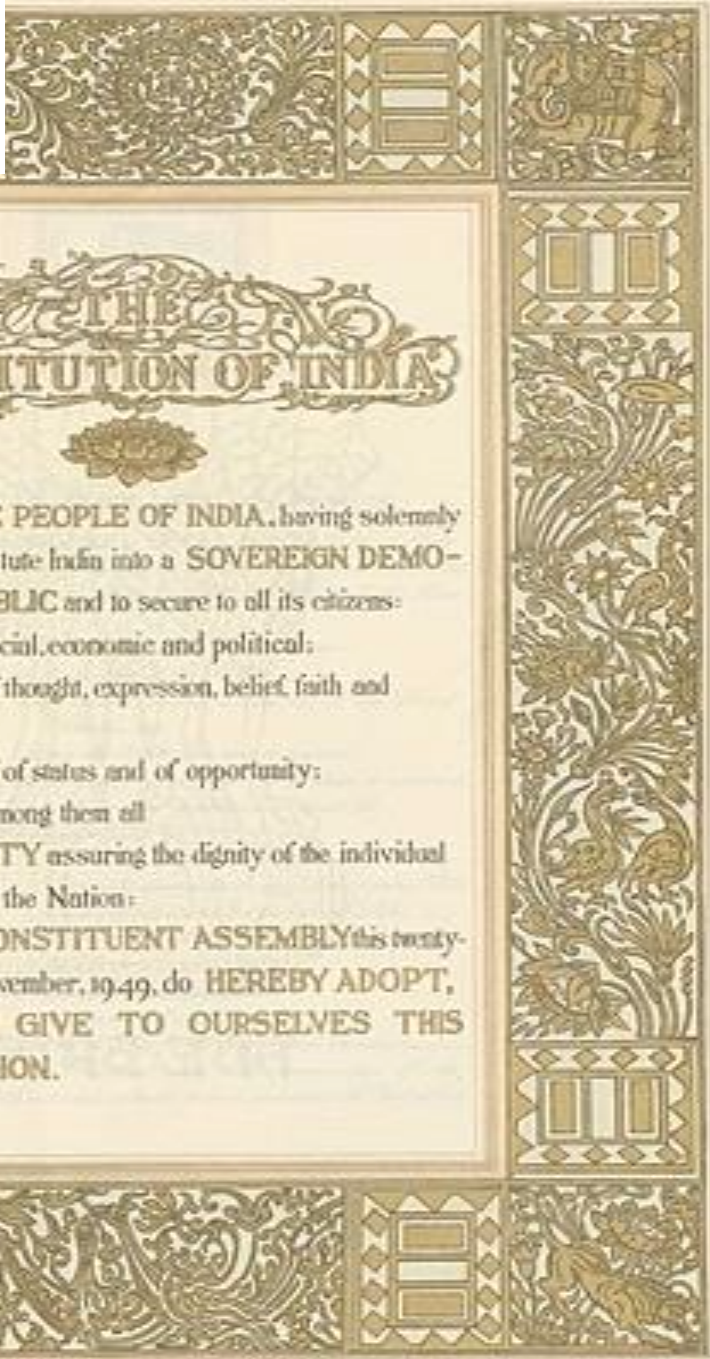
Rau was tasked with drafting the initial framework of the Constitution. His legal expertise and advice influenced many of the provisions that formed the basis of the final document.

3 Sir Alladi Krishnaswamy Iyer

Iyer, a leading constitutional expert, was a key advisor on legal and judicial provisions. His insights were particularly valuable in framing India's judicial system and the separation of powers between the executive, legislature, and judiciary.

4 Rajkumari Amrit Kaur

Kaur was a significant voice for women's rights and played a vital role in ensuring that the Constitution included provisions for the welfare of women and children and promoted public health.



Significant Facts and Features

The Constitution of India is also known as the “bag of borrowings,” as it borrows provisions from the Constitutions of various countries. It was drafted according to India's historical perspective, geographical diversity, and cultural and traditional characteristics.

The Constitution of India is neither printed nor typed. It is handwritten and calligraphed in Hindi and English. Prem Behari Narain Raizada handwritten it and published it in Dehradun.

India is known as the largest democracy in the world and has the longest Constitution, at 117,369 words.

The national emblem, The Lion Capital Of Ashoka, was adopted on January 26, 1950. The 4 Asiatic lions symbolise power, courage, pride, and confidence.

Article 32 is considered the “heart and soul of the Constitution of India.” It discusses the Right To Constitutional Remedies.



LANDMARK CONSTITUTIONAL JUDGEMENTS IN RECENT TIME

Ministers and their Freedom of Speech

[Kaushal Kishor v. State of Uttar Pradesh, 2023 5 SCC OnLine SC 6](#)

In a unanimous decision, the Constitution Bench led by Justice Abdul Nazeer held that the Freedom of Speech under Article 19(1)(a) of the Constitution of India can only be restricted on the grounds mentioned in Article 19(2). Violating other fundamental rights through such speech cannot be invoked as a reason to restrict Freedom of Speech.

Constitutionality of the Electoral Bond Scheme

[Association for Democratic Reforms v Union of India, \(2002\) 5 SCC 294](#)

The Supreme Court declared the Electoral Bond Scheme unconstitutional, emphasising that voters' right to information about political funding is crucial, and corporate donations could unduly influence elections.

Euthanasia and the Right to Die with Dignity

[Common Cause v Union of India, \(2018\) 5 SCC 1, AIR 2018 SC 1665](#)

The Supreme Court streamlined guidelines for withdrawing treatment from terminally ill patients, reducing medical board requirements and expediting the process to uphold the right to die with dignity.

A Landmark Ruling for Equality and Dignity

[Sukanya Shantha v. Union of India, 2024 INSC 753](#)

The Supreme Court directed the Union and state governments to revise prison manuals to eliminate caste-based discrimination, noting violations of Articles 14, 15, 17, 21, and 23, with changes required in three months.

CELEBRATING 75 YEARS OF INDIA'S CONSTITUTION

Constitution Day

November 26th is celebrated as Constitution Day to honour the makers of the Constitution and its principles.

Year-Long Festivities

The government is organising year-long celebrations to mark the 75th anniversary of the Constitution.

Public Engagement

A dedicated website, constitution75.com, allows citizens to learn and engage with the Constitution.