



CIVICS

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Our Constitution

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Competency Statements

S.No.	Unit	Competencies
1.	Introduction to Our Constitution	<ul style="list-style-type: none"> - Understand that divergent views were considered in the working of the Constituent Assembly. - Understand the importance of the contribution of Dr Babasaheb Ambedkar in the making of the Constitution. - Realise that the goal of the Constitution is to bring about a new society based on the values of Justice, Liberty, Equality and Fraternity. - Follow democratic values in his/her behaviour.
2.	Preamble to the Indian Constitution	<ul style="list-style-type: none"> - Understand that the values expressed in the Preamble are humanistic. - Understand the concept of Sovereignty. - Get acquainted with the idea that in a democracy, political power rests with the people. - Understand that in a democracy, decisions are taken collectively, through debate and discussion.
3.	Salient Features of the Constitution	<ul style="list-style-type: none"> - Be able to narrate the salient features of the Constitution. - Tell the characteristics of a democratic form of Government. - Become familiar with the idea that the Government works on two levels in a federal system.
4.	Fundamental Rights	<ul style="list-style-type: none"> - Understand that the Fundamental Rights listed in the Constitution have a special judicial protection. - Be able to tell how the Fundamental Rights are binding upon the governmental institutions at all levels. - Realise that all individuals are equal in the eyes of the law. - Develop the attitude of respecting the religious plurality/ diversity in India. - Know that all minorities can preserve their language, script and literature. - Learn that no individual can be arrested illegally and detained without reason.
5.	Directive Principles of State Policy and Fundamental Duties	<ul style="list-style-type: none"> - Be able to make a list of laws based on the Directive Principles of State Policy. - Understand that even though the Directive Principles of State Policy do not have judicial protection, the State is morally bound by them. - Develop respect for national symbols. - Take initiative for environmental protection. - Nurture the attitude of respecting the dignity of women. - Develop scientific temper by removing superstitions. - Develop an understanding of Indianness.

1. Introduction to our Constitution

Let's revise a few things!

In the Civics textbooks of the previous classes, we saw many reasons why rules are necessary in our lives. We follow norms and rules in order that the activities in the family, our school, our village or city are carried out smoothly. There are no rules in a family. However, there are norms about the behavior of members in a family. There are rules in a school regarding admission, uniform and studies. Different competitions also have their own rules. The administration of our village or city is also carried out in accordance with rules. Similarly, the administration of our country is carried out through a system of rules. The rules regarding family, school, village or city are limited in nature. But the rules or provisions about the administration of a country are much wider in scope.

Do you wish to ask the questions that puzzled Sameer and Vandana?

- Where can we find all the rules according to which the administration of the country is carried out?
- Who makes those rules?
- Is it binding on us to follow them?

See whether you find the answers to these questions in the following text.

The Meaning of Constitution

The book in which all the provisions regarding the administration of a the country are mentioned together in a systematic way is called a Constitution. This makes the Constitution a written document of the provisions related to the administration of the country. Government is established by the representatives

elected by the people. It is bound to carry out the administration of the country as per the provisions of the Constitution. The rules and provisions in the Constitution are the basic or fundamental law of the land. While making laws, the government is bound to follow the Constitution. If it does not do so, then the Judiciary can declare those laws null and void or unconstitutional.

Provisions in the Constitution

The provisions in the Constitution are about different things, e.g., citizenship, the rights of citizens, the relationship between citizens and the State, subjects of the laws to be made by the governments, elections, restrictions on government, jurisdiction of the State, etc.

Almost all countries have accepted the principle of governance according to a Constitution. Yet the nature of the Constitutions of different countries is different. There are differences of history, social structures, culture, traditions, etc. between the countries. Similarly, their needs and objectives also might be different. Each country tries to create a Constitution that is not only suited to its needs and objectives, but also is in tune with its distinct nature.



Let's find out.

Find out some information about the Constitution of any one country of your choice with the help of the following points :

- Name of the country.
- Year of the making of the Constitution.
- Two features of the Constitution.



Do you know?

The administration of countries like America (USA) and England (UK) is carried out as per their respective Constitutions. But these two Constitutions are different.

The American Constitution came into force in 1789. It is a written Constitution and has only 7 articles. Even after 225 years, the American government follows the same Constitution.

England has a long history of several centuries. The rules of running the country here are found in the form of conventions, norms and traditions. Yet they are followed meticulously. The Magna Carta of 1215 marks the beginning of the development of the English Constitution. Even though there are certain written rules, the English Constitution is considered to be primarily unwritten.

Necessity of a Constitution : There are several advantages of governing a country with the help of rules or provisions included in a Constitution.

- Government has to function within a set of rules. This reduces the possibility of the misuse of the power and authority they have been given.
- A Constitution includes the rights and freedoms of the citizens. Government cannot take away these rights. Therefore, people's rights and freedoms are safeguarded.
- Running a country as per the provisions of the Constitution is the same as establishing the rule of law. Then there is no scope for the misuse of power, or high-handed administration.
- If a country is run as per the Constitution, the faith that the common people have in the government increases. They then become keen on

participating in the activities of the government. Democracy is strengthened due to the increased participation of the people.

- Constitution presents some political ideals before the country. The nation is also bound to act in that direction. It creates an atmosphere conducive to attain world peace and security and preservation of human rights.
- Since the constitution also includes the list of citizens' duties, it fixes the responsibility of the citizens as well.

What is administration?

What is included in the administration of a country?

Government has to make laws relating to several subjects, such as defending the boundaries, protecting the people from external aggression, eradication of poverty, creating employment, education and health services, encouragement to commerce and industries, protection of the weaker sections, making policies for the progress of women, children and the tribal people, etc. Government has to bring about desirable changes in the society by implementing laws. In short, governments in modern times have to take decisions related to different issues right from space research to public cleanliness. This is governance or administration.

Having understood the meaning of Constitution and governance, we shall now see how the Indian Constitution was made.

Background to the making of the Constitution : The process of the making of the Indian Constitution started in 1946. The leaders of the freedom movement insisted that Independent India will be governed not by the laws made by the British, but by laws made by Indians themselves. A Committee was established to prepare the Constitution of Independent

India. It came to be known as the Constituent Assembly.

Constituent Assembly : India became independent on August 15, 1947. Before that, the British ruled over India. They had divided India into provinces like Bombay, Bengal and Madras for the convenience of administration. The administration in these provinces was carried out by peoples' representatives. Similarly, the local princes were carrying out the administration in some areas.



Dr Rajendra Prasad

Such areas were known as princely states and their chiefs were known as princes. The representatives of the provinces and the princely states were included in the Constituent

Assembly. There were a total of 299 members in the Constituent Assembly. Dr Rajendra Prasad was the President of the Constituent Assembly.

The contribution of Dr Babasaheb Ambedkar :

Dr Babasaheb Ambedkar was the Chairman of the Drafting Committee. He had studied in depth, the Constitutions of different countries of the world. He studied and contemplated day and night to draft our Constitution.



The draft Constitution prepared by him was presented to the Constituent Assembly.

It was discussed Article by Article. Many amendments were suggested by different members. Dr Babasaheb Ambedkar handled the task of presenting the draft, answering the various questions raised on it, making changes in the draft as per the suggestions of the Constituent Assembly and making every provision of the Constitution flawless. Due to his contribution towards the making of the Constitution, Dr Babasaheb Ambedkar is called the 'Architect of the Indian Constitution.'

We are proud of it : Decisions in the Constituent Assembly were made on the basis of debate and discussion. A respect for opposing viewpoints and acceptance of appropriate suggestions was a characteristic of the working of the Constituent Assembly.

- It took 2 years, 11 months and 17 days to complete the writing of the Constitution.
- There were 22 parts, 395 articles and 8 schedules in the original Constitution.



Do you know ?

Some of the well-known members of the Constituent Assembly were Dr Rajendra Prasad, Pandit Jawaharlal Nehru, Dr Babasaheb Ambedkar, Sardar Vallabhbhai Patel, Maulana Abul Kalam Azad, Sarojini Naidu, J. B. Kripalani, Rajkumari Amrit Kaur, Durgabai Deshmukh, Hansaben Mehta, and others. The noted legal expert, B. N. Rau was appointed as the Constitutional Adviser on legal matters.

The Constituent Assembly enacted the Constitution and adopted it on 26th November 1949. Therefore, 26th November is observed as 'Constitution Day.'

The country began to be governed

according to the provisions of the Constitution from 26th January 1950. The Indian Republic came into existence from this day. Therefore, 26th January is celebrated as 'Republic Day.'



Pandit Jawaharlal Nehru



Sardar Vallabhbhai Patel



Maulana Azad



Sarojini Naidu



Do this.

You would like your class to run according to rules, wouldn't you? Which rules would you like to include in your list of rules? Prepare a list of rules for your class.



Do you know?

Dr Babasaheb Ambedkar's contribution was in a wide range of fields like water conservation, foreign policy, national security, journalism, economics, social justice, etc.



Dr Babasaheb Ambedkar presenting the draft of the Indian Constitution to Dr Rajendra Prasad, President of the Constituent Assembly



Exercise

1. Explain the following concepts :

- (1) Provisions of the Constitution
- (2) Constitution Day

2. Discuss.

- (1) A Constituent Assembly was established.
- (2) Dr Babasaheb Ambedkar is called the 'Architect of the Indian Constitution'.
- (3) What is included in the administration of a country?

3. Choose the right option.

- (1) The Constitution of this country is primarily unwritten.
(a) America (b) India
(c) England (d) None of the above
- (2) Who was the President of the Constituent Assembly?
(a) Dr Babasaheb Ambedkar
(b) Dr Rajendra Prasad
(c) Durgabai Deshmukh
(d) B. N. Rau
- (3) Who among these was not a member of the Constituent Assembly?
(a) Mahatma Gandhi
(b) Maulana Azad
(c) Rajkumari Amrit Kaur

(d) Hansaben Mehta

- (4) Who was the Chairman of the Drafting Committee?
(a) Dr Rajendra Prasad
(b) Sardar Vallabhbhai Patel
(c) Dr Babasaheb Ambedkar
(d) J. B. Kripalani

4. Answer the following questions.

- (1) On what subjects does the Government have to make laws?
- (2) Why do we celebrate 26th January as Republic Day?
- (3) What are the advantages of running a country as per the provisions of the Constitution?

Activities

- (1) Several committees were established for the effective functioning of the Constituent Assembly. Find out more information about them and discuss the role of different committees.
- (2) Prepare a report on how you celebrated Constitution Day in your school.
- (3) Make a collection of the photos of the members of the Constituent Assembly.



2. Preamble to the Constitution

We learnt this in the previous chapter:

- The Constitution is an important document clarifying the rules of administration.
- The Constituent Assembly made the Constitution of India.
- Our representatives have to carry out the administration as per the law laid down by the Constitution.

Our Constitution is the fundamental and the highest law of the land. There are definite aims or purposes in making any law. Basic provisions in the law are made after clarifying these objectives. A systematic arrangement of all the aims and objectives of a law is the Preface to the law. The Preface to the Indian Constitution is called the 'Preamble'. The Preamble sets out the objectives of our Constitution.



Do this.

Read the Preamble to our Constitution. Make a list of the important words in it. Where else do you come across these words?

We all are Indian citizens. The Preamble tells us what we all have to achieve as a people. The values, thoughts and ideas in it are noble. The entire Constitution lays down the provisions through which these goals are to be realised.

The Preamble begins with the words, 'We, the people of India'. It talks about the resolve of the Indians to constitute

India into a 'Sovereign, Socialist, Secular, Democratic Republic'. We shall now understand the meaning of each of these terms.

(1) Sovereign State : India was ruled by Britain for a long period. The British rule ended on 15th August 1947. Our country became independent. India became sovereign. We are now free to take decisions as we think fit in our own country. The word sovereign means that a State is not under the control of a foreign power.

The most important goal of our freedom struggle was to acquire sovereignty. Sovereignty means the ultimate authority to govern yourself. In a democracy, sovereignty rests with the people. The people elect their representatives and grant them the permission to exercise sovereign authority on their behalf. Thus the Constitution reflects the principle of popular sovereignty and the government elected by the people makes laws on behalf of the people.

(2) Socialist State : A Socialist State is such a State where the gap between the rich and the poor is minimum. All have a right over the wealth of the country. It is ensured that wealth is not concentrated in the hands of a few people.

(3) Secular State : The Preamble states secularism as one of our goals. In a secular State, all religions are considered as equal.

No one religion is considered to be the State religion. The citizens are free to follow their own religion. State cannot discriminate among citizens on the basis of religion.



Do you know?

We have endeavoured to preserve the multi-religious nature of our society. We cannot exercise the rights given to us by our Constitution, in an unrestrained manner. The same is true of religious freedom as well. Whenever we celebrate our festivals, we are required to be concerned about public cleanliness, health and the environment.

(4) Democratic State : In a democracy, the sovereign power is in the hands of the people. Government makes decisions and draws up policies in keeping with the people's wishes. Government has to take important financial, social and other decisions to promote common welfare. All the people are not able to come together and take such decisions on a day-to-day basis. Therefore, elections are conducted after a fixed period when voters elect their representatives. These representatives sit in the institutions created by the Constitution like the Parliament or Legislature and the Executive. They take decisions for the entire population as per the procedure laid down by the Constitution.

(5) Republic : Along with being a democracy, we are a Republic. All public positions in a Republic are elected by the people. No public position is occupied on the basis of hereditary succession.

The positions like the President, the Prime Minister, the Governor, the Chief Minister, the Mayor, the Sarpanch, etc. are public positions. Any Indian citizen fulfilling the prescribed age criterion can get himself/herself elected to any of these positions. In a monarchy, these positions may be occupied by members of a single family following the principle of heredity.

Discuss.

Read what Deepa has written on the topic : 'My Family'.

Democracy does not only imply elections. My parents do all household work together. We also participate in it. We ensure that we talk cordially with each other. Even if we happen to fight, we try to listen to each other's views by stopping the fight as soon as possible. If any change has to be made, even the grandparents are consulted. Anuja wants to take up agricultural research as her career. Her decision was appreciated by everybody.

Do you think that Deepa's house functions in a democratic way? Which features of democracy can be found in this passage?

The Preamble has guaranteed the Indian citizens the three values of Justice, Liberty and Equality. It has enjoined upon the Indian citizens to practise these values and make laws in keeping with these values. Let us understand these values :

(1) Justice : Justice implies removal of injustice and ensuring that everybody has the opportunity for progress. Establishing justice is adopting such policies that will promote public good. Three types of justice are talked of in the Preamble. They are as follows:

(a) Social Justice : There should be no discrimination among individuals on the basis of caste, creed, race, language, region, place of birth or sex. As human beings, all have the right to the same dignity and respect, the same status.

(b) Economic Justice : Poverty leads to the evils of hunger, hunger-deaths or malnourishment. If poverty is to be eradicated, everyone should have the right to a source of livelihood so as to look after oneself and one's family. Our



Constitution has given this right to every citizen without any discrimination.

(c) Political Justice : We have adopted universal adult franchise to enable equal participation in the running of the country. Accordingly, all citizens completing 18 years of age have the right to vote in elections.

(2) Liberty : Liberty implies that there should be no coercive, unfair restrictions upon us and that there should be an atmosphere conducive to the development of our inherent capacities. In a democracy, citizens enjoy liberty. In fact, democracy becomes mature only if citizens enjoy freedom.

Freedom of thought and expression is the most fundamental freedom for an individual. Everyone is free to express their own views and opinions. A give and take of ideas enhances the spirit of cooperation and unity amongst us. Similarly, it also enables us to understand the various dimensions of any problem.

The liberty of belief, faith and worship implies religious freedom. Every Indian citizen is free to act as per the teachings of their religion or the religion of their choice. It implies the freedom of celebrating the festivals and the freedom of faith and worship.

(3) Equality : The Preamble guarantees the Indian citizens an equality of status and of opportunity.

It means that all have equal human status and there will be no discrimination based on caste, creed, race, sex, place of birth, etc. The guarantee of equal status means not to discriminate between people in terms of high-low, superior-inferior. The Preamble has given great importance to equality of opportunity as well. All

will get the opportunities for development without any discrimination.

Discuss.

Some statements regarding freedom have been given below for discussion. Express your views.

- While publicly celebrating our festivals, we need to follow some rules. That does not restrict our freedom.
- Freedom means behaving in a responsible way, not as per our whims and fancies.

The Preamble to our Constitution refers to a unique ideal or principle. It is the goal of promoting fraternity among the citizens and to assure the dignity of the individual.

Fraternity : The makers of the Constitution believed that merely guaranteeing justice, freedom and equality would not lead to establishing equality in Indian society. No amount of laws would help us achieve these goals if fraternity is lacking among Indians. Hence the promotion of fraternity has been included in the Preamble as a goal. Fraternity implies a 'we-feeling' towards one another. It creates a feeling of empathy. People become more understanding towards each others' problems and needs.

Fraternity is closely related to human dignity. Human dignity implies equal respect to each individual as a human being. It does not depend upon the criteria of caste, creed, race, sex, language, etc. Just as we would like to be treated with dignity and respect by others, we should also treat others with the same dignity and respect.



When every individual respects another and honours their freedom and rights, dignity of the individual will get established. In such an atmosphere, fraternity will grow automatically. The task of bringing about a new society based on the values of justice and equality

will be facilitated. The Preamble to the Constitution of India guides us to this very goal.

The Preamble ends with a mention of the fact that the people of India have given the Constitution to themselves.



Exercise

1. Find the following words in the grid.

F	A	Y	Q	A	R	O	K	J	I
R	G	Z	E	L	F	K	M	L	L
A	E	G	P	S	H	M	Y	N	D
T	F	P	R	E	A	M	B	L	E
E	E	A	Z	C	H	I	J	I	M
R	D	O	P	U	J	A	B	K	O
N	I	M	E	L	K	P	S	Q	C
I	H	N	Z	A	R	C	O	T	R
T	C	G	F	R	G	H	G	K	A
Y	B	N	Q	H	I	E	F	J	C
Y	A	A	P	S	L	S	I	F	Y

1. A sense of 'we-feeling' and empathy towards fellow citizens
2. A system in which Sovereign power is in the hands of the people
3. Introduction to the Constitution
4. A system in which all religions are considered equal

2. Answer the following questions.

- (1) What are the provisions in a secular Constitution?
- (2) What is meant by adult franchise?
- (3) What right does economic justice ensure?
- (4) How will human dignity be established in a society?

3. How should we make use of our freedom? Write your views about it.

4. Explain the following concepts.

1. Socialist State
2. Equality
3. Sovereign State
4. Equality of opportunity

5. Make a list of the key words in the Preamble. Look for their meanings in a dictionary. Prepare a chart in the following way:

Keyword	Pronunciation	Dictionary Meaning

Activities

- (1) Visit your Tehsil office with your teacher to understand how a vote is cast and how the electronic voting machine works.
- (2) Make a list of newspapers available in your locality.



3. Features of the Constitution

In the last two lessons, we studied how our Constitution was made. We studied its Preamble and understood terms like Sovereign, Socialist, Secular, Democratic, Republic. The goals expressed in the Preamble are the characteristic features of our Constitution as well. Apart from these, the Constitution also has other features. We shall try to understand these in the present chapter.

Federalism : One of the important features of our Constitution is the federal system. In countries with large territories and huge populations, government is run by a federal system. Ruling a large territory from a single capital city is not only difficult, but may also lead to the neglect of some far-flung areas. People residing there cannot participate in the affairs of the Government. Therefore, Governments function at two levels in a federation. The Government at the Centre carries out tasks like defence of the entire country, foreign policy, establishing peace, etc. It is also called 'Union Government' or 'Federal Government'. It carries out the administration of the entire country.

The Government that oversees the administration of the region that we live in is called State Government. It looks after the administration of a particular State. For example, Government of Maharashtra looks after the administration of the State of Maharashtra.

The system of running the administration of a country cooperatively by the Governments at two levels, making laws about different subjects is called federalism.

Separation of Powers : The Constitution has divided the subjects for making laws between the Union

Government and the State Governments. Let us see which Government is entrusted with what subjects. Our Constitution has given three lists of various subjects.

The first list is called Union List. It contains 97 subjects on which the Union Government makes laws. The State List is for the State Governments to legislate upon. It contains 66 subjects. Apart from these two lists, there is a Concurrent List, which contains 47 subjects. Both Governments can make laws on subjects included in this list. If a subject comes up that is not included in any of the lists, the Union Government is entitled to make laws on it. These powers are termed as Residuary Powers.



Do you know?

The division of powers in the Indian Constitution is unique. It enables the Union Government and the State Government to bring about the country's progress by cooperating with each other. This also encourages participation of citizens in the administration of the country.

Who deals with what subjects -

(1) Subjects with the Union

Government : Defence, foreign relations, war and peace, currency, international trade, etc.

(2) Subjects with the State

Government : Agriculture, law and order, local government, health, prison administration, etc.

(3) Subjects with both the

Governments : Employment, environment, economic and social planning, personal law, education, etc.



Do this.

Make a list of the north-eastern Indian States. Name their capital cities.

Union Territories : In India, there is a Union Government, 29 State Governments and 7 Union Territories. The Union Government controls the Union Territories. Following are the seven Union Territories : New Delhi, Daman and Diu, Puducherry, Chandigarh, Dadra and

Nagar Haveli, Andaman and Nicobar Islands and Lakshadweep.

Parliamentary System of Government : The Indian Constitution has provided for a parliamentary system of Government. In such a system, the Parliament, i.e. the Legislature has the highest decision-making power. Indian Parliament includes the President, Lok Sabha or the House of the People and Rajya Sabha or the Council of States. The Council of Ministers that runs the administration emerges from the Lok Sabha and is answerable to the Lok



Do you know?



Currency note

You have surely seen currency notes. The words 'Guaranteed by the Central Government' are printed on currency notes.

If you have seen the badge on the uniform of a policeman, it reads 'Maharashtra Police.'

You must have surely come across the following : 'Indian Railways' and

'Maharashtra State Road Transport Corporation'.

This means that in our country, Government functions at two levels. One is the Central Government, and the other is the State Government e.g., Maharashtra State Government, Karnataka State Government, etc.



Maharashtra Police



Indian Railways



Maharashtra State Road Transport Corporation

Sabha for all its decisions. In Parliamentary Democracy, the discussion and debates that take place in the Parliament have great significance.

Independent Judiciary : The Indian Constitution has created an independent Judiciary. The disputes that cannot be resolved mutually are referred to the Judiciary. The Court hears both the contesting parties, looks into the injustice if any, and gives its judgement. This has to be done impartially.

The Constitution has made several provisions to ensure that the Judiciary

remains more and more independent. For example, Judges are appointed by the President and not by the Government. It is not easy to remove the Judges from their office.

Single Citizenship : The Indian Constitution has granted a single citizenship to all Indians. That is 'Indian Citizenship.'

Process of Amending the Constitution : There comes up a need to make changes or amendments in the provisions of the Constitution due to changing circumstances. But frequent



amendments to the Constitution may lead to a situation of instability. The procedure for amendment is specified in the Constitution itself so as to ensure that an amendment is made only after giving it a careful consideration. The procedure for amendment in the Constitution is unique. It is neither too difficult, nor too easy. More scope has been provided for giving more consideration and thought to important amendments. The procedure is also flexible to ensure that general amendments can be brought about easily.



Find out.

How many amendments have been made to the Indian Constitution till date?

Election Commission : You must have read about the Election Commission in the newspapers. Since India has adopted a democratic form of government, people have to elect their representatives periodically. For this, the elections have to be conducted in a free and fair atmosphere. Only then will the citizens be



Exercise

1. Prepare a table to show the separation of powers in a Federal Government.

Union List	State List	Concurrent List
(1) _____	(1) _____	(1) _____
(2) _____	(2) _____	(2) _____
(3) _____	(3) _____	(3) _____

2. Find one word for.

- (1) Machinery for the governance of the entire country –
- (2) Machinery for conducting elections –
- (3) The third list of subjects for making laws –

3. Answer the following questions.

- (1) Why does the Government function at two levels in a federation?



Can you tell?

- * Who is the current Chief Election Commissioner?
- * What do you understand by 'Code of Conduct' for Elections?
- * What is a Constituency?

able to elect a candidate of their choice without any fear or pressure. If the government were to conduct elections, there might be no guarantee of such free, fair and just atmosphere for the elections. Hence, the Constitution has entrusted the responsibility of conducting elections to an independent machinery. This machinery is known as the Election Commission. The responsibility of conducting all elections in India rests with the Election Commission.

The Indian Constitution has some important characteristic features. In this chapter, we have studied only some of the important features. Another important feature of our Constitution is the exhaustive provision of fundamental rights. We shall study these in the next chapter.

- (2) What do you understand by Residuary Powers?

- (3) Why has the Constitution created an independent Judiciary for India?

4. Hold a group discussion on the merits and demerits of an independent judicial system.
5. Find out about the Electronic Voting Machine (EVM) and discuss the advantages of conducting elections with the EVM.

Activity

Establish an Election Commission in your class, decide upon the positions you would like to fill through elections. Then conduct elections under the guidance of this Commission. □ □ □



4. Fundamental Rights – Part I

Education is
our right.



We must get the
assurance of a
minimum wage.
It is our right!



We have a right
over our forests
and its resources!



Let's find out.

- You must be aware of children's rights. Can you name two important rights of children?
- We are aware of terms like women's rights, rights of tribals, rights of farmers and so on. There emerge some questions regarding these rights:
 - * What are the uses of rights?
 - * Do they have to be given by somebody?
 - * Can rights be taken away?
 - * If rights are taken away, who should we contact for redressal?

You must have seen such placards in newspapers and elsewhere. In a rally or a march, sometimes a certain demand is made, asserting it to be their right.

We get rights at birth. Every newborn baby has a right to live. The entire society and government takes efforts to ensure that the baby is in the best of health. Only when all individuals get protection from injustice, exploitation, discrimination and deprivation, will they be able to develop their skills and qualities. Demanding one's rights is insisting on creating an atmosphere conducive to the development of the self as well as the entire society. The Indian Constitution has guaranteed equal rights to all citizens in order to create this conducive atmosphere. These rights are fundamental rights. As

they are included in the Constitution, they have the status of law. It is imperative for everybody to abide by these rights.

Use your imagination and write.

Do you have pet animals like dogs, cats, cows, buffaloes or goats? You surely take good care of them and love them.

If these animals could speak, what rights do you think they would ask from you?

Our Rights as mentioned in the Constitution :

Let us understand the rights of Indian citizens included in the Constitution.

• **Right to Equality :** According to the right to equality, the State cannot discriminate among citizens as superior-inferior or as men-women and cannot give different treatment or privileges to anybody. The same law applies equally to all. Many laws give us protection. For example, we have protection from arrest without warrant. Also the State cannot discriminate while extending such protection.



Let's discuss.

What are the advantages of equality before law and equal protection of the laws?

What other things are included in the right to equality?

The State cannot discriminate against any citizen on grounds of religion, caste, race, sex, descent or place of birth or residence for government employment. The inhuman practice of untouchability

that was prevalent in our country has been abolished by law. The practice of untouchability in any form is a cognizable offence. This practice has been abolished in order to establish equality in Indian society. The Constitution has also abolished titles that create an artificial hierarchy among people. For example, titles like Raja, Maharaja, Raobahadur, etc. have been abolished.



Do you know?

The Constitution prevents the State from conferring titles that nurture inequality and draw wedges in social unity. But the State does confer awards like Padmashree, Padmabhushan, Padmavibhushan, etc. for distinguished contribution in different fields. Bharat Ratna is the greatest civilian honour or award of our country.

Medals of honour like Paramveer Chakra, Ashok Chakra, Shaurya Chakra are awarded for remarkable service in the armed forces.

Such awards don't bestow any special rights or privileges upon those who receive them. It is only a recognition of their contribution.

• **Right to Liberty :** This is a very important right given by the Constitution. It gives a guarantee of all the freedoms necessary from the point of view of the individual. As Indian citizens, we have the right to –

- freedom of speech and expression
- freedom to assemble peaceably
- freedom to form associations or unions
- freedom to move freely throughout the territory of India.



- freedom to reside and settle in any part of the territory of India.

- freedom to practise any lawful profession, or to carry on any occupation, trade or business of one's choice.



Do this.

Following are the actions of A, B and C. Which kind of freedom do you connect them with?

'A' established 'Adivasi Cooperation Forum' to solve the problems of the tribal people.

'B' decided to move his father's bakery production from Goa to Maharashtra.

'C' found some lacunae in the new tax policy of the Government. He wrote an article about it and sent it to a newspaper for publication.



Do you know?

The Constitution has given us many rights. But we have to exercise these responsibly. We should take care that others do not get affected by our behaviour. We have the freedom of expression but we cannot speak or write anything that might incite anybody to violence.

The right to liberty in the Constitution has guaranteed us the freedom of speech and movement, and it has also provided us security to keep us safe. This legal protection has been given to everybody equally. It is not denied to anybody. For example, we all have a right to life. It appears to be simple, but it has a deep significance. It implies getting a guarantee to live; availability of a conducive environment for living. Nobody can take

away another's life. No person can be arrested and detained without any reason.



Think about it.

There are some rights supplementary to the right to life. For example, nobody can be punished twice for the same offence. Before being punished, the allegations against a person have to be proved. The courts have to perform this task. The police collect evidence against the accused and put up the case in the court. Even if a person accepts that he has committed a crime, he is not punished immediately. The allegations have to be proved legally. This judicial process takes time, but it is necessary so that an innocent person does not get punished.

The right to liberty now also includes the Right to Education. All children between 6 and 14 years of age are entitled to get education as a Fundamental Right. This ensures that no child will be deprived of education.

• **Right against Exploitation :** The right against exploitation implies the right to prevent exploitation.

While the Constitution has banned all types of oppression through the right against exploitation, it has made a special provision to prevent the exploitation of children. Accordingly, it is prohibited to employ children under 14 years of age in hazardous places. Children cannot be employed or made to work in factories and mines.

Exploitation includes bonded labour or forcing somebody to work against his/her wish, treating somebody like a slave,



denying them legitimate compensation, making them do excessive or strenuous work, starving them or ill-treating them. Generally women, children, the weaker sections of society and powerless people are exploited. This right enables us to stand up against any kind of exploitation.



Let's discuss.

- Children are not employed here.
- Workers are paid daily here.

You see such boards in shops and hotels. In what way are they related to the above rights in the Constitution?



Let's discuss.

The Government has made many laws in order to prevent exploitation and to enable every individual to enjoy their freedom. Some laws have been mentioned below. Find out if there are more such laws and discuss them.

- Minimum Wages Act - Provisions relating to working hours, rest hours, etc. in factories.
- The Protection of Women from Domestic Violence Act :

In this chapter we studied the rights to liberty and equality and the right against exploitation. In the next chapter, we shall study some more fundamental rights in the Constitution.



Exercise

1. Answer the following questions in brief.

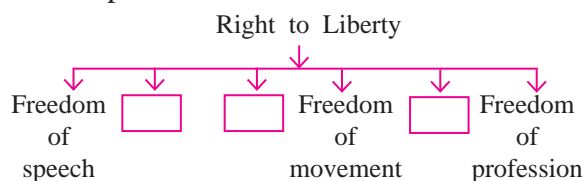
- (1) What do you understand by 'fundamental rights'?
- (2) Name the awards that are conferred by the Government upon people for their distinguished contribution in different fields.
3. Why is it prohibited to employ children under 14 years of age in hazardous places?
4. Why has the Constitution given equal rights to all Indian citizens?

2. Prepare a picture strip on the right to liberty.

3. Correct and rewrite the following sentences.

- (1) No one gets rights at birth.
- (2) Government can deprive you of a job by discriminating on the basis of religion, sex, place of birth.

4. Complete the following graphical description.



Activities

1. Collect news clippings about certain important rights like the right to information, right to education, etc.
2. If you find small children working on construction sites in your neighbourhood, talk to them and their parents about their problems and present the problems in your class.



5. Fundamental Rights – Part II

In the last chapter we studied some fundamental rights guaranteed by the Indian Constitution. We studied the rights of liberty, equality and the right against exploitation. In this chapter, we shall also learn about the right to freedom of religion, cultural and educational rights and we shall get acquainted with the judicial protection available for the fundamental rights.

• Right to Freedom of Religion :

India, we know, is an important secular country in the world. We have studied it in the previous classes. But you must be curious to know what the Indian Constitution says about it, isn't it? It is included in our right to freedom of religion. According to it, each Indian citizen is free to practise any religion and to establish institutions for religious reasons.

In order to broaden the scope of the right to freedom of religion, two things are not permitted:

(1) State cannot impose religious taxes that might be used to encourage a particular religion. That is, our Constitution forbids religious taxes.

(2) Religious education cannot be made compulsory in educational institutions that receive aid from the State.

• Cultural and Educational Rights:

We can see that there is a great diversity of festivals, food and ways of life in our country. You may have noticed the differences in the different wedding ceremonies that you attended. All these things are part of the cultures of the different communities. Our Constitution has given the different communities the right to preserve their cultural uniqueness.

According to this right, people are not only free to preserve their own language, script and literature, but also make efforts towards their promotion. They can establish institutions for the development of their language.

Find out and discuss.

- How many official languages are listed in the Constitution?
- Which institutions have been established by the Maharashtra State Government for the further development of the Marathi language?



Let's discuss.

Do you think that all the work of the government and the courts should be done in Marathi in Maharashtra? What should be done to do so?

• Right to Constitutional Remedies:

In case of encroachment of fundamental rights, the Indian citizens' right to get judicial remedies is also a fundamental right. This is called the Right to Constitutional Remedies. This means the Constitution itself has provided for legal remedies in case people's rights get violated. So, it becomes a constitutional duty of the courts to protect the rights of the people.

Sometimes the rights that are guaranteed to us by the Constitution may get encroached upon and we are not able to exercise our rights. This is called an infringement of our rights. The court considers our complaint, investigates it and in case it is convinced that rights

have indeed been infringed upon and injustice has been done to the aggrieved individual, the court gives an appropriate verdict.

Some instances of infringement of rights:

- Arresting an individual without reason.
- Preventing a person from leaving a village or a town without giving a valid reason.
- Refusing food, water or medicines to jail inmates.

Writs as Constitutional Remedies :

Courts have powers to issue various kinds of writs to protect the rights of the citizens.

(1) **Habeas Corpus** : Protection from unlawful arrest and detention.

(2) **Mandamus** : The order of the Courts (the Supreme Court or the High Court) commanding the government to

perform an action that is its duty to perform in public interest.

(3) **Prohibition** : To prevent a subordinate court from exceeding its jurisdiction.

(4) **Quo Warranto** : To restrain a person from acting in an office to which he is not entitled.

(5) **Certiorari** : To order the removal of a law suit from a subordinate court to a superior court.

Is the reaction of this Government official right or wrong?

An officer tells a woman who presents all the documents for getting the benefits of a scheme for destitutes, “You don’t look like a destitute” and refuses her the benefits of the scheme.

In this instance, do you think the woman’s right has been infringed? Where should she go to get redressal?



Inside a court

Because the fundamental rights are thus protected by the courts, citizens are able to exercise their rights. They can fulfil their roles as alert, responsible and

active citizens. While considering fundamental rights, we also need to remember our duties. In the next chapter, we shall study our fundamental duties.



Exercise

1. Write about the following.

- (1) The Constitution prevents the imposition of religious taxes.
- (2) What is meant by Right to Constitutional Remedies?

2. Find one appropriate word –

- (1) Protection from illegal arrest and detention –
- (2) To restrain a person from acting in an office to which he is not entitled –
- (3) The order of the Supreme Court or the High Court commanding the government to perform an action that is its duty to perform –
- (4) The order preventing a subordinate court from exceeding its jurisdiction –

3. State the reason why we are free to practise the following.

- (1) All Indian citizens can celebrate all festivals joyfully, because
- (2) We can make efforts towards the preservation and propagation of our language, its script and literature, because

4. Fill in the blanks with appropriate words.

- (1) We can approach the in case of infringement of our rights.
- (2) education cannot be made compulsory in educational institutions that get aid from the State.

Activity

Organise an interview in your school of a judge, a lawyer or a police officer.



6. Directive Principles of State Policy and Fundamental Duties

In the last two chapters, we studied the fundamental rights guaranteed by our Constitution. We learnt what rights Indian citizens enjoy. We also learnt that our rights have judicial protection. We understood the importance of fundamental rights in our individual and public lives. With this background, we shall now understand what the Directive Principles of State Policy are.

Fundamental rights put restrictions on the power of the government. A few such restrictions upon the State are listed below.

- State shall not discriminate between and among citizens on the basis of caste, religion, race, language or sex.
- State shall not deny anybody equality before the law and equal protection of the law.
- No person shall be deprived of his life.
- State shall not impose any religious taxes.

The Constitution has given express instructions to the State about what policies it should undertake. This is in the nature of giving directives or guidelines about how to achieve the goals expressed in the Preamble. Hence they are called as Directive Principles of State Policy.

Why were the Directives included ?

When India won independence, we faced a great challenge of establishing order and carrying out smooth administration. Eradication of poverty, backwardness and illiteracy had to be urgently pursued. The task of nation building had to be undertaken. For this, new policies had to be drawn up, and their implementation had to be undertaken.

The goal of people's welfare had to be achieved. In short, India had to be transformed into a developed and progressive nation. The Constitution has specified the subjects to which the Union and State Governments should give priority in their policies for people's welfare through the Directive Principles of State Policy. Each Directive contains a subject for the State Policy. The makers of the Indian Constitution had realised that it would require a lot of resources if all these policies were to be implemented at the same time. That is the reason why they did not make the directives binding upon the State like the fundamental rights. They expected that States should implement them slowly and steadily.

Some important Directive Principles of State Policy :

- The State should secure adequate means of livelihood to all citizens without any gender discrimination.
- The State should secure equal pay for equal work for both men and women.
- The State should secure the improvement of public health.
- The State shall endeavour to protect and improve the environment and safeguard the forests and wild-life of the country.
- The State shall protect all monuments of historic interest and national importance.
- The State shall promote with special care the educational and economic interests of the weaker sections of the people, especially the Scheduled Castes and Tribes.

- The State shall offer public assistance to citizens in cases of unemployment, old age, sickness, etc.
- The State shall secure a uniform civil code applicable to the entire country.



Can you tell?

There is a directive to ensure 'equal pay for equal work.'

Which principles and ideals of the Constitution will be realised with this directive? Why does it happen that inspite of doing the same work, women are paid less than men?



Do this.

Apart from the above directives, there are others that specify what the State should do in order to bring about the welfare of the people. A few issues have been listed below. Find out the directive that is relevant in these contexts with the help of your teacher. For example, Foreign Policy : It should be the policy of the State to endeavour to secure the promotion of international peace and security.

- Girl's Education :
- Upbringing of children in a healthy and happy atmosphere :
- Improvement in agriculture :

Directive Principles of State Policy and Fundamental Rights are two sides of the same coin. Due to Fundamental Rights, citizens get the most needed liberty, while Directive Principles of State Policy create an atmosphere conducive to the growth of democracy. Even though

we cannot go to the courts if a Directive is not implemented by the Government, we can put pressure on the Government in various ways to make a policy in order to meet these goals.

What else do you think the Government should do for students? Make a list of your demands. How would you convince others that your demands are just?

Which improvements will be possible with the following facilities offered by the Government?

- Public toilets
- Clean water supply
- Vaccination of children

Fundamental Duties

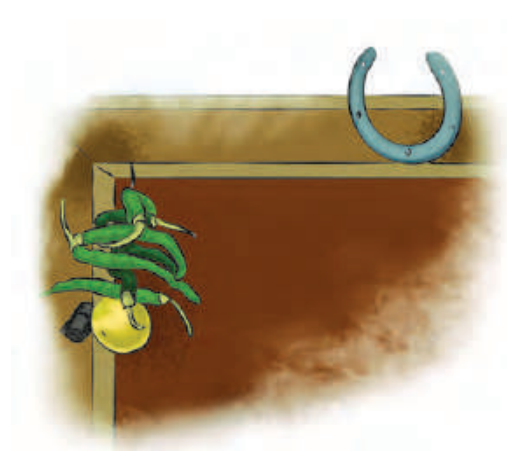
In a democracy, citizens have a dual responsibility. They should not only be vigilant that their rights are not unfairly restricted, but should also fulfil some duties and responsibilities. The Constitution has made several provisions through the Fundamental Rights and the Directive Principles of State Policy for the people's welfare. The benefits of the various schemes of the Government cannot reach all people if they do not fulfil their Fundamental Duties. For example, the Government has implemented several projects under its Swachh Bharat Scheme, but people, too, need to change their habits that make public places dirty. In order that the Indian citizens become conscious of their responsibilities, Fundamental Duties were included in the Constitution. The Fundamental Duties of the Indian citizens are as follows :

- To abide by the Constitution and respect 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 to render national service when called upon to do so.
- To promote harmony and the spirit of common brotherhood transcending 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, and to have compassion for living creatures.
- To develop the scientific temper, humanism and 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.
- Every citizen of India who is a parent or guardian should provide opportunities of education to his or her child or ward between the age of six and fourteen years.



A boy scribbling on a historical structure



Hanging lemon, chillies




Damaging a public bus




A woman emptying a garbage can on the street

Which of the Fundamental Duties are not being followed in the situations above?







The river in our village does not look like a river at all! What an amount of plastic waste! Even if anybody tells me, I will never throw any waste in the river.




That is all right, but what to do about those deafening sounds?



People just don't seem to realise these things while celebrating festivals!



We should also be insistent on our responsibilities as citizens.



It is our duty to protect the resources and public property of our country.

- 
- 
- Let us start step by step... Let us make a few resolutions.
 - Let us tell girls and boys to go to school.
 - Let us use the different facilities in school responsibly.
 - Let us be proud of our country.
 - Let us participate in the festivals of different religions.
 - Let us celebrate them by avoiding pollution of the environment.
 - Let us use public facilities properly and take good care of the same.
 - Let us perform all the tasks that we have undertaken honestly, always striving for excellence.

Which duties are reflected in the dialogues above?
Is there a relationship between rights and duties?
What do you think happens when we follow our duties?

What do you think?

Girls and boys between the ages 6 and 14 have got the right to education. All the girls and boys in this age group should be in school. Yet many girls and boys are not able to go to school because of many reasons. They have to work to help their parents earn a living for the family. Do you think that it is unfair to such children to insist that they go to school?



Exercise

1. List the restrictions on the powers of the Government.

-
-
-

2. Say 'Yes' or 'No'.

- (1) The jobs advertised in the newspaper are for men and women both.
- (2) Men and women doing the same work in a factory get different wages.
- (3) Government implements various schemes for the improvement of public health.
- (4) The State shall protect all monuments of historic interest and national importance.

3. Tell why –

- (1) The State shall protect all monuments of historic interest.
- (2) A pension scheme is implemented for old people.
- (3) Free and compulsory education has been made available to children in the age group 6 to 14.

4. Say right or wrong. Correct and write the wrong ones.

- (1) Not to let the National Flag fall down on the ground.
- (2) To stand at attention while the National Anthem is playing.

At the beginning of the Civics section, we got introduced to the goals and characteristic features of the Indian Constitution. We also considered the rights of the Indian citizens and the legal protection guaranteed to these rights by the Constitution. We understood the Directive Principles of State Policy and the Fundamental Duties of Indian citizens.

Next year, we shall study the administration of our country.

- (3) To carve or paint our names on the walls of a historic place like a fort.
- (4) To give lesser wages to women than to men for the same work.
- (5) To keep public places clean.

5. Write about the following.

- (1) The Directive Principles of the Constitution enumerated in the textbook.
- (2) The provision of a uniform civil code for citizens in the Directive Principles of the Indian Constitution.
- (3) Why is it said that the Directive Principles and Fundamental Rights are two sides of the same coin?

6. What are the ways in which citizens can conserve the environment? Write with examples.

Activities

- (1) Education is our right. Form groups and discuss our duties in this respect.
- (2) The State shall protect all monuments of historic interest and national importance. This is one of the Directive Principles. Find out the efforts made by the State about the conservation and protection of forts and make a chart.
- (3) Gather information about the schemes implemented by the Government for children's health.

