

The Indian Republic Experience

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A 'Republic' is a state in which supreme power is held by the people and their elected representatives. It has elected head of the state rather than a monarch. In a 'REPUBLIC', the people give power to leaders they elect to represent them and serve their interests. Though India became an Independent nation putting an end to the British rule, on August 15, 1947 it declared itself as a Sovereign, Democratic and Republic state with the adoption of the Constitution of India only on January 26 being celebrated across India as 'Republic Day'. At the time of adoption, the Constitution of India was the largest written Constitution in the world and it still continues to hold that title. The Constitution laid down the entire structure for the Republic. This Magnum opus remains the backbone of the Indian Republic.

The preamble to the Indian Constitution promises to secure to its citizens:

Justice -Social, Economic and Political.

Liberty – Of Thought, Expression, Belief, Faith and Worship.

Equality – Of Status and Opportunity, and to Promote among them all.

Fraternity – Assuring the dignity of the individual and the unity and integrity of the Nation.

Interestingly, the Universal Declaration of Human Rights, (UDHR), a milestone in the history of Human Rights was adopted by the United Nation General Assembly on December, 1948. The Indian Constitution was greatly influenced by this document and the drafts imbibed in to our Constitution most of the Human Right Values enshrined in the UDHR declaration. The Indian Constitution guarantees to its people most basic Human Rights and Freedoms mentioned in the UDHR, under part III Rights (Fundamental Rights) enforceable in a court of law. Probably, on other Republic in this world would have emphasized so much on Human Rights.

A remarkable feature of the Indian Republic is that though being a Federal in form, it acquires a unitary character during the time of emergency. When emergency is declared in India, the normal distribution of powers between the Centre and the State undergoes massive changes. The union Parliament will be empowered to legislate on any subject mentioned in the state list. This is a unique feature of the Indian Constitution and hence, some jurists refer to our Constitution as "Quasi Federal". Also in the matter of centre – state relations, our Constitution has a detailed framework while other constitutions have only skeletal provisions.

From the inception itself, Indian Republic has adopted adult suffrage without any qualification either of sex, property taxation or the like. Every man and woman above 18 years of age has been given the right to cast the vote in elections. For conducting, free, impartial and fare elections, the Constitution has set up an autonomous Election Commission to supervise and conduct elections. This experiment has been totally successful and made India the world's largest democracy.

India is a country with lot of diversities and mutual distrust and suspicion exists among various groups. To promote a sense of security among the minorities, Constitution has made special provisions for them. India is also a country of many religions. The Constitution has adopted a secular nature from the inception itself but the word secular was added to the preamble only in 1976 by the 42nd amendment.

Mere enumeration of rights will not serve any purpose. In order to safeguard the Constitution, it has set up an independent judiciary. According to noted constitutional scholar, MP Jain the Supreme Court of India has wider powers than the Highest Court in any other federation. The jurisdiction of the Supreme Court is very broad. It is the general Court of appeal the High Courts, the ultimate arbiter in all Constitutional matters and also enjoys an advisory jurisdiction. It can hear appeal from any Court or tribunal in the country and can issue writs for enforcing the fundamental rights. Similarly, the High Courts are also Constitutional Courts and are empowered to issue writs for any other purpose.

American historian and a leading authority on the Indian Constitution, Granville Austin in his prologue to his book, "Working a Democratic Constitution", says 'The Indian Constitution is a live document in a society rapidly changing and almost frenetically political. The touchstone for public, and in many private affairs the

Constitution is employed daily, if not hourly, by citizens in pursuit of their personal interests or in their desire to serve the public good. The working of the Constitution so fully expresses the essentialness of the seamless web and so completely reveals the society that adopted it that it's classic work. Austin also says, "The Constitution and its seamless web have met India's needs. The inadequacies in fulfilling its promises should be assigned to those working it and to conditions and circumstances that have defied greater economic and social reform during the shori fifty years since Indians began governing themselves. The country has achieved greatly against greater odds".

India as a Republic has stood the test of time. We have had wars, insurgencies, communal riots, inter-state disputes and many other issues. However, we have overcome all of these and have only matured as a democracy. The Constitution and its framework which laid down the blueprint for the effective functioning of a Republic must be given credit for that.

As another Republic Day approaches, I am reminded of the special message of Dr. Rajendra Prasad. The first President of India to his country men, on the birth of the Indian Republic said, "We must rededicate ourselves on this day to the peaceful but sure realization of the dream that had inspired the Father of our Nation and the other captains and soldiers of our freedom struggle, the dream of establishing a classless, co-operative, free and happy society in 'his country'. We must remember that this is mere a day of dedication that of rejoicing dedication to the glorious task of making the peasants and workers the toilers and the thinkers fully free, happy and cultured.

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