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# Constitution and Empowerment of the People of India

## Abstract

Constitution of India is the biggest written constitution. It is a living document, the permanent instrument which makes the government system work. The nation is governed on the basis of this constitution. The constitution of India imparts constitutional supremacy and not parliamentary supremacy as it is not created by the parliament but created by a constituent assembly and adopted by its people with a declaration in the preamble to the constitution. The majority of its provisions are either directly aimed at furthering the goals of the social revolution or attempt to foster this revolution by establishing the conditions necessary for its achievement. Yet despite the permeation of the entire constitution by the aim of national renaissance, the core of the commitment to the social revolution lies in Parts III and IV, in the fundamental rights and in the directive principles of state policy. The constitution, by its very existence, was a social revolutionary statement. It was to be a modernizing force. Actually constitution is empowering the people of India.

**Keywords:** Preamble, Constitution, SEBC, Caste-driven divisions, Fundamental rights.

## Introduction

Human being is naturally a social being. He can think and his thinking can evolve with efforts. He has knowledge and reasoning which can also evolve with efforts. Affairs of a human society can be managed with the help of politics only. Therefore, human being is naturally, a social as well as a political being, simultaneously. The politics may either be governed by the selfish (to gain at the cost of others) or the selfless (to gain with the others) motives. Human sufferings of a society can be abolished only with awareness for the genuine political aggrandizement of the human beings of that society.

Suffering is common throughout the humanity. Cause of suffering is ignorance. Ignorance causes idleness, selfish ego, and greed. These result into skewed development, inequality, environment of exploitation, poverty and suffering. End of Suffering can be acquired by cutting off ignorance. Path to end suffering is the right view, right thought, right speech, right conduct, right livelihood, right effort, right mindfulness and right concentration. The enlightened human being has respect for life (his own and others'), property, purity of human nature, honesty and clarity of mind.

For the genuine political aggrandizement the human being is required to be aware, active, alert, hopeful, humane and ethical. Individual efforts are needed to analyze the state of affairs, find the way out, own the responsibility and make sincere efforts to transform social relations for genuine improvement of the society at large. He is required to be lamp unto himself.

In connection with understanding the sufferings and finding the ways to end the sufferings of the people of India one will have to analyze Indian social, political and economic circumstances, practices and institution and effect thereof on the life of the people in general. It appears very clearly that Indian society is divided, vertically, by birth of the people, into various tight compartments though there is no mention of the same in any of the renowned religious or spiritual books.

Bhagvad Gita though mentions division of society on the basis of 'guna' i.e. qualities and 'karma' i.e. work or occupation of the people but not on the basis of birth. Though, practically, the Indian society remained divided vertically into tight compartments on the basis of birth of the person, throughout the known history. It resulted into perpetual exploitation of the vast majority of the people by the very thin minority. It caused extreme ignorance, exploitative selfishness, mass illiteracy, abject poverty, manmade unemployment, unending miseries, perpetual diseases, recurring famines, constant distress and all sorts of miseries in the vast majority of the people of India. It resulted into worse types of foreign rules, subjugations and 'ghulamees' of the people of India, from time to time. The vertical division of Indian society on the basis of birth of the person, resulting into the caste system, is unique in the entire world. It is not found elsewhere in the world. It is a system of social stratification which has pre-modern origins. This hierarchical segmentation of society in the name of religion and spirituality, on the basis of birth of the person, is unnatural, unscientific and unethical. It compartmentalized society into non-permeable segments by shrewdly placing restrictions on majority while confining opportunities only to select few. Consequently, wealth and opportunity remained concentrated to those select few at the cost of the vast majority of the population. The shrewd minority perpetuated this system to continue the chain of exploitation of the 'God fearing' vast majority. As a result of the caste system, millions of the people have been languishing in abject poverty, very selfish want, perpetual diseases, various sorts of miseries, worst destitute, dwarfing illiteracy, idling unawareness, petrifying ignorance, lack of opportunities and worst form of slavery while a few have been enjoying all sorts of wealth, opportunities, privileges and comforts of life, living the life like the gods in the kingdom of hell.

## Objectives of the Study

Very limited studies have been carried out to evaluate the empowerment of the people of India in the light of Indian constitution. Thus this study will be very useful to understand the constitution of India and its merit and demerits.

We want to bring out the real picture of values of society and constitution in this study. For example Caste system in India consists of two different concepts, varna and jāti, which may be regarded as different levels of analysis of this system. Varna may be translated as "class" and refers to the four social classes which existed in the Vedic society, namely Brahmins, Kshatriyas,

Vaishyas and Shudras. Certain groups, now known as Dalits, were historically excluded from the Varna system altogether, and are still ostracized as untouchables.

Jāti may be translated as caste, and refers to birth. The names of jātis are usually derived from occupations, and considered to be hereditary and endogamous. The jātis developed in post-Vedic times, possibly from crystallization of guilds during its feudal era. The jātis are often thought of as belonging to one of the four Varna's.

The Varna system is propounded in revered Hindu religious texts, and understood as idealized human callings. The 'Purusha Sukta' of the Rigveda and Manusmriti's comment on it, being the oft-cited texts. The post-Vedic texts, particularly Manusmriti mentions outcastes and suggest that they be ostracized. The Mahabharata, whose final version is estimated to have been completed by about 4th century AD, discusses the Varna system in section 12.181.

Although the Varna's and jatis have pre-modern origins, the caste system as it exists today is the result of developments during the post-Mughal period and the British colonial regime, which made caste organization a central mechanism of administration.

The caste system became legally rigid during the British Raj, when the British started to enumerate castes during their ten-year census and meticulously codified the system. Between 1860 and 1920, the British segregated Indians by caste, granting administrative jobs and senior appointments only to the upper castes.

Starting with the 19<sup>th</sup> century, the British colonial government passed a series of laws that applied to Indians based on their religion and caste identification. These colonial-era laws and their provisions used the term "Tribes", which included castes within their scope. The British colonial government, for instance, enacted the Criminal Tribes Act of 1871. This law declared everyone belonging to certain castes to be born with criminal tendencies.

The criminal-by-birth castes under this Act included initially Ahirs, Gujars and Jats, but its enforcement expanded by late 19th century to include most Shudras and untouchables such as Chamars as well as Sanyassis and hill tribes.

The colonial government prepared a list of criminal castes, and all members registered in these castes by caste-census were restricted in terms of regions they could visit, move about in or people they could socialise

with. In certain regions of colonial India, entire caste groups were presumed guilty by birth, arrested, children separated from their parents, and held in penal colonies or quarantined without conviction or due process. The colonial government hardened the caste-driven divisions in British India not only through its caste census, but with a series of laws in early 20th century.

The caste system has been challenged by Buddhists, Muslims, Sikhs, Christians, and many reformist Hindus. However, the caste system is very tough to get rid of and caste-based differences are practiced even in other religions in the Indian subcontinent like Christianity, Islam, Judaism and Sikhism.

The caste system has been criticized by many Indian social reformers. For example, Shri Jyotirao Phule vehemently criticized any explanations that the caste system was natural and ordained by the Creator in Hindu texts.

Shri Vivekananda similarly criticized caste as one of the many human institutions that bars the power of free thought and action of an individual. Liberty of thought and action, asserted Vivekananda, is the only condition of life, of growth and of well-being.

Dr. B.R. Ambedkar described the Untouchables as belonging to the same religion and culture, yet shunned and ostracized by the community they lived in. The Untouchables, observed Dr. B.R. Ambedkar, the sacred as well as the secular laws of India, but they derived no benefit from this. They lived on the outskirts of a village. Segregated from the rest, bound down to a code of behavior, they lived a life appropriate to a servile state. According to this code, an Untouchable could not do anything that raised him or her above his or her appointed station in life. The caste system stamped an individual as untouchable from birth. Thereafter, observed Dr. B.R. Ambedkar, his social status was fixed, and his economic condition was permanently set. The tragic part was that the Mahomedans, Parsis and Christians shunned and avoided the Untouchables, as the Hindus.

According to Dr. B.R. Ambedkar, the caste system was irrational. Ambedkar listed these evils of the caste system: it isolated people, infused a sense of inferiority into lower-caste individuals, and divided humanity. The caste system was not merely a social problem, he argued: it traumatized India's people, its economy, and the discourse between its people, preventing India from developing and sharing knowledge, and wrecking its ability to create and enjoy the fruits of freedom.

The philosophy supporting the social stratification system in India had discouraged independent, free, rational and critical thinking and cooperative effort, encouraging instead treatises that were full of absurd conceits, quaint fancies, and chaotic speculations.

The lack of social mobility, notes Dr. B.R. Ambedkar, had prevented India from developing technology which can aid man in his effort to make a bare living, and a life better than that of the brute. Dr. B.R. Ambedkar stated that the resultant absence of scientific and technical progress, combined with all the transcendentalism and submission to one's fate, perpetrated famines, desolated the land, and degraded the consciousness from respecting the civic rights of every fellow human being.

According to Dr. B.R. Ambedkar, castes divided people, only to disintegrate and cause myriad divisions which isolated people and caused confusion. Even the upper caste, the Brahmin, divided itself and disintegrated. The curse of caste, according to him, split the Brahmin priest class into well over 1400 sub-castes. This is supported by census data collected by colonial ethnographers in British India (now South Asia).

After India achieved independence, the policy of caste-based reservation of jobs was formalized with lists of Scheduled Castes (Dalit) and Scheduled Tribes (Adivasi).

Societal stratification, and the inequality that comes with it, still exists in India, and has been thoroughly criticised. Government policies aim at reducing this inequality by reservation, quota for backward classes, but paradoxically, also have created an incentive to keep this stratification alive.

The Indian government officially recognizes historically discriminated communities of India such as the Untouchables under the designation of Scheduled Castes, and certain economically backward Shudra castes as Other Backward Castes. The Scheduled Castes are sometimes referred to as Dalit in contemporary literature. The maltreatment of Dalits in India has been described by some authors as "India's hidden apartheid".

Economic inequality seems to be related to the influence of inherited social-economic stratification. In India, 36.3% of people own no land at all, 60.6% own about 15% of the land, with a very wealthy 3.1% owning 15% of the land. A study by Haque reports that India contains both the largest number of rural poor, and the largest number of landless households on the planet.

The situation was worst before enactment of the constitution of India with Preamble as its spirit because literacy among Shudras and Dalits was almost negligible. Their financial status was miserable, political status was deplorable and social status was one of the biggest black spots on the face of humanity at large.

Since 1950, the country has enacted many laws and took social initiatives to protect and improve the socioeconomic conditions of its lower caste population. These caste classifications for college admission quotas, job reservations and other affirmative action initiatives, according to the Supreme Court of India, are based on heredity and are not changeable. Discrimination against lower castes is illegal in India under Article 15 of its constitution, and India tracks violence against Dalits nationwide. Article 15 of the Constitution of India prohibits discrimination based on caste and Article 17 declared the practice of untouchability to be illegal. In 1955, India enacted the Untouchability (Offences) Act (renamed in 1976, as the Protection of Civil Rights Act). It extended the reach of law, from intent to mandatory enforcement.

Criminal tribes law was formally repealed in 1952 by its first parliament. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was passed in India in 1989. The National Commission for Scheduled Castes and Scheduled Tribes was established to investigate, monitor, advise and evaluate the socio-economic progress of the Scheduled Castes and Scheduled Tribes. The presence of privately owned free market corporations in India is limited and public sector jobs have dominated the percentage of jobs in its economy. A 2000 report estimated that most jobs in India were in companies owned by the government or agencies of the government.

In addition to taking affirmative action for people of schedule castes and scheduled tribes, India has expanded its effort to include people from poor, backward castes in its economic and social mainstream. The Mandal Commission was established in 1979 to "identify the socially or educationally backward" and to consider the question of seat reservations and quotas for people to redress caste discrimination. It is estimated that Hindu Forward caste comprises 26%, Other Backward Class comprises 43%, Hindu Scheduled Castes (Dalits) comprises 22% and Hindu Scheduled Tribes comprises 9%. The Mandal Commission covered more than 3000 castes under Other Backward Class (OBC) category, regardless of their affluence or economic status and stated that OBCs form around 52% of the Indian population.

In 1990, the government introduced reservation of 27% for Backward Classes on the basis of the Mandal Commission's recommendations. Since then, India has reserved 27 percent of job opportunities in government-owned enterprises and agencies for Socially and Educationally Backward Classes (SEBCs). The 27 percent reservation is in addition to 22.5 percent set aside for India's lowest castes for last 50 years.

The main task of the constituent assembly was to free India from foreign rule and empower it through a new constitution, to feed the starving people, and to clothe the naked masses, and to give every Indian the fullest opportunity to develop himself according to his capacity.

The Preamble to Indian Constitution, as adopted by the Constituent Assembly, spoke of "We, the People of India", having solemnly resolved to constitute India into a "Sovereign Democratic Republic" securing for all its citizens justice, liberty and equality, and promoting among them all Fraternity.

Justice is further defined as social, economic and political. Liberty includes liberty of thought, expression, belief, faith and worship, and equality means equality of status and of opportunity.

## Conclusion

Justice, liberty, equality and fraternity are the most essential concomitants of a truly democratic order and therefore, only elucidate the concept of a democratic republic.

The ultimate goal is that of "securing the dignity of the individual and unity of the nation". Thus, the Preamble serves the purpose of declaring that 'The People of India' are the source of the Constitution, that sovereignty in Indian polity vests in the people and that Indian polity is democratic with fundamental rights and freedoms guaranteed to all the people and amity among the people and dignity of the individual and integrity and unity of the nation assured.

The words used in the preamble of our constitution are some of the noblest. They embody the highest values that human ingenuity and experience have been able to devise thus far.

The supreme court agreed that the preamble was the key to the minds of the framers of the constitution, where the words were found to be vague or their meaning was unclear, help of the preamble could be taken to understand the intention of the framers and



find out whether a particular word was used in a wide or narrow context.

The noble words of our preamble represent the quintessence, the philosophy, the ideals or the soul of the entire constitution of India. Other parts and provisions of the constitution are only an elaboration and an attempt to give concrete shape, content and meaning to the words of the preamble. No wonder that the Supreme Court found that the preamble contained some of the basic features of the constitution which could not be altered even by an amendment of the constitution under article 368.

Preamble to the constitution of India is the key to the constitution. In the words of the learned Supreme Court, "The edifice of our constitution is based upon the basic elements mentioned in the preamble. If any of these elements are removed, the structure will not survive and it will not be the same constitution or it cannot maintain its identity".

The Indian constitution is first and foremost a social document. The majority of its provisions are either directly aimed at furthering the goals of the social revolution or attempt to foster this revolution by establishing the conditions necessary for its achievement. Yet despite the permeation of the entire constitution by the aim of national renaissance, the core of the commitment to the social revolution lies in Parts III and IV, in the Fundamental Rights and in the directive principles of state policy. These are the conscience of the constitution.

The fundamental rights and directive principles had their roots deep in the struggle for independence and they were included in the Constitution in the hope and expectation that one day the tree of true liberty would bloom in India. The rights and principles thus connect India's future, present, and past, adding greatly to the significance of their inclusion in the constitution, and giving strength to the pursuit of the social revolution in India.

The constitution, by its very existence, was a social revolutionary statement. It was to be a modernizing force. Social revolution and democracy were to be the strands of the seamless web most closely related. Democracy, representative government, personal liberty, equality before the law, was revolutionary for the society.

Socio-economic equitableness as expressed in the directive principles of state policy was equally revolutionary. So were the constitution's articles

allowing abolishing 'zamindari' and altering property relations and those allowing for compensatory discrimination in education and employment for disadvantaged citizens? The constitution has worked very much as the framers intended it should. A constitution, no matter how well conceived, can only establish institutions on paper. Breathing life into them is up to the succeeding generations.

## References

1. Acts passed by the British Government in context with the administration of India.
2. Almond GA. Political System and Political Change. American Behavioral Scientist. Accessed on: Jun 5, 1963.
3. Almond GA, Powell GB Jr. Comparative Politics: A developmental Approach Boston, MA, *Little, Brown*, 1966.
4. Apter DE. The Politics of Modernization, Chicago, 1965.
5. Binder L, Coleman JS, LaPalombara J et al. Crisis and Sequences in Political Development. Princeton, NJ: *Princeton University Press*, 1971.
6. Constitution of India.
7. Debates in the Constituent Assembly.
8. Diamant A. Political Development: Approaches to Theory and Strategy. In: Montgomery JD, Stiffen WJ (Eds.). *Approaches to Development: Politics, Administration and Change*. New York, *McGraw-Hill*, 1966: 15-28.
9. Eisenstaedt SN. Breakdown and Modernization. *Economic Development and Cultural Change* 1964: 345-67.
10. Eisenstaedt SN. Modernization and Conditions of Sustained Growth. *World Politics* 1964: 16.
11. Gandhi MK. The Story of My Experiments with Truth. *Navajivan Publishing House*, Ahmedabad, 1927.
12. Halpern M. Towards Further Modernization of the Study of New Nations. *World Politics* 1964; 17: 157-81.
13. Holt RT, Turner JE. The Political Basis of Economic Development. Princeton, NJ: *D. Van Nostrand Co.*, 1966.
14. Huntington SP. Politics, Development and Political Decay. *World Politics* 1965; 17(3): 386-430.
15. Kalam APJ. Indomitable Spirit, Ignited Mind, Vision 2020, Beyond 2020, You are born to blossom.
16. Kautsky JH. Political Change in Under-Developed Countries: Nationalism and Communism. New York: *John Wiley and Sons*, 1962.
17. Lipset SM. Some Social Requisites of Democracy: Economic Development and Political Legitimacy.

- The American Political Science Review* 1959; 53(1): 69-105.
18. Lipset SM. Political Man. New York, 1960.
  19. Nettle JP. Strategies in the study of Political Development. Leys C (Ed.). Politics and Change in developing Countries. London, 1969.
  20. Organsky ALF. The stages of Political Development. New York, 1965.
  21. Pye LW. The non-Western political process. *Journal of Politics* 1958: 20.
  22. Pye LW. Aspects of Political Development. Boston, 1960.
  23. Pye LW. Communication and Political Development. Princeton: *Princeton University Press*, 1966.
  24. Ibid.
  25. Riggs FW. The Theory of Political Development. In: Charlsworth JC (Ed.). Contemporary Political Analysis. New York, 1967: 333.
  26. Rostow WW. The Five Stages of Growth-A Summary. The Stages of Economic Growth: A Non-Communist Manifesto. Cambridge: *Cambridge University Press*, 1960: 4-16.
  27. Sen A. Development as Freedom, The Idea of Justice, India: Economic Development and Social Opportunity.
  28. Shils E. Political Development in the New States. *The Hague: Mouton*, 1962.
  29. Tulsidas. Ramcharit Manas.
  30. Valmiki. Ramayan.
  31. Ved Vyas. Mahabharat and Bhagvad Gita.
  32. Verma SP. Modern Political Theory. New Delhi, 1975.