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# WE AND OUR COUNTRY



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GOVERNMENT OF INDIA**



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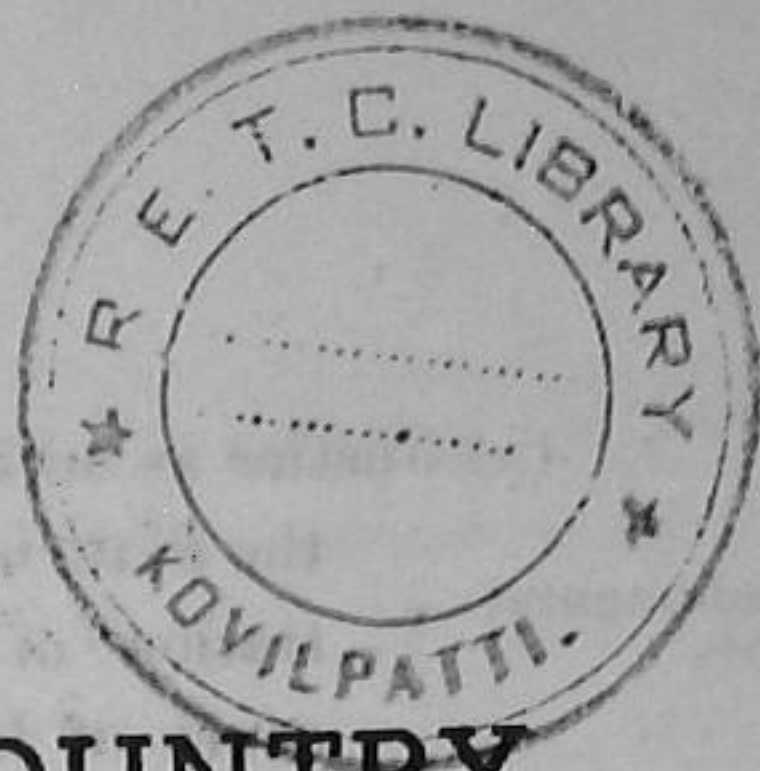
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WE AND OUR COUNTRY





# WE AND OUR COUNTRY

## CHAPTER I

### OBJECTIVES

The arrival of political independence gave us the choice to plan our future ourselves. Our elected representatives in the Constituent Assembly drew up a Constitution describing the type of society we should build for ourselves, the method of achieving it and the political and administrative machinery necessary to help the citizens of India to build it. The Constitution represents the combined aspirations of all Indians. It is a document, therefore, which affects in some degree the lives of each one of us for it describes the rights and duties of every Indian and his relationship with his fellow citizens and his Government. It is the fundamental source of authority for the law of the land and the administration of the country and is, therefore, entitled to understanding unqualified and unlimited loyalty from each one of us. It covers the numerous social, cultural, economic and political problems of this vast country. The Indian Constitution is, therefore, necessarily a document of great complexity. But the basic objectives laid down for governing our society and the broad aspects of the machinery that has been set up to help the people to achieve these objectives can and must be understood by all :—

2. The preamble to the Constitution states :—

**The Preamble** “We, the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens

Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship :

Equality of status and of opportunity ; and to promote among them all;

Fraternity assuring the dignity of the individual and the unity of the Nation; in our Constituent Assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution.”



3. (a) Justice as between all people and between individuals and the State is the basic concept and not merely the administration of justice as between people who approach a court of law for adjudication.

Fundamental rights

Social justice seeks to secure for every individual his rightful place in the society free from handicaps that social traditions may have produced by usage and custom i.e. socially equal status for all. The State shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth nor shall any restriction or disability be imposed on any of these grounds in regard to access to places of public entertainment, restaurants, shops, hotels etc., use of wells, tanks, bathing ghats etc. No man can be compelled to work against his wish. Only the State can impose compulsory services e.g. mobilisation during war, and that only for public purposes without regard to race or caste. No citizen shall on the ground of religion, caste or sex, place of birth or residence be disqualified for any employment in the State. If, otherwise qualified no person should be deprived of his vote on the ground of only religion, caste, sex etc. Untouchability is abolished and its practice forbidden. Any disability enforced on the untouchables shall be punishable by law. Traffic in human beings or compulsory labour like beggar or prostitution is not permitted. On the other hand, it is open for the State to take special measures to help the socially and economically vulnerable sections of the public. States may reserve appointments for the backward classes or make special provision for women. In the legislatures seats have been reserved during the first 10 years of the Constitution for members of the Scheduled Tribes and Scheduled Castes in proportion to their population in the general population. The Constitution also provides for the establishment of a Commission to determine whether any other castes or communities are backward economically or socially and to recommend special measures to bring them up to the level of the general community. Special provision has been made for additional financial grants for programmes of welfare for Scheduled Tribes over and above the general pattern of expenditure.

Social justice

(b) The basic concept of economic justice requires that citizens shall have the right to acquire, hold and enjoy property and practice any profession or occupation or trade of their choice. No person shall be deprived of his property save by the authority of the law and no property shall be taken for public purposes without payment of adequate compensation. No tax shall be levied or collected except under the law as laid down by the representatives of the people in the legislature.

Economic justice



(c) All adults above certain age limits shall be entitled to vote their representatives in Government. Every person shall be assured of equality before the law or equal protection of the laws within the country. Individual liberty is specifically granted and each citizen has the right of freedom of speech in assembly, form associations or unions, move freely throughout the country, reside and settle in any part of it, acquire, hold or dispose of property or practise any profession or carry on any occupation, trade or business. No person can be convicted except under the law or punished except in accordance with law. No person can be arrested and detained without being informed of the grounds of his arrest or denied the right to consult a legal practitioner of his choice. If arrested he has to be produced within 24 hours to the nearest magistrate for judicial orders. No person can be detained for preventive purposes over a period of 3 months without the agreement of an Advisory Board consisting of High Court Judges. Every citizen has the right to move the Supreme Court or the High Court of his State for the enforcement of the rights guaranteed under the Constitution. Every person is entitled to freedom of conscience and the right to practise and propagate any view. No tax may be levied for the benefit of any particular religion or denomination. No religious instructions shall be provided in educational institutions maintained out of State funds. Every person has a right to preserve and distinct manner or culture of his own. No one shall be denied entry in any public institution on grounds of religion. Individual liberty of thought, expression, belief faith or worship are secured under the above provisions. Ownership and control of material resources of the community shall be distributed to subserve the common good and such distribution should not result in concentration of work and means of protection in some to the detriment of the public good. Equal pay for workers of both sexes is specifically granted.

Political justice,  
liberty and  
equality

(d) While fundamental rights are guaranteed as well as individual liberty, acts in exercise of these rights which infringe on the liberty of others or offend social canons, health, or public decency and morality are not permitted. The dignity of the individual has to be secured as well as the unity of the nation. This can be only when recognition is equally accorded to the preservation of the fundamental rights of a citizen on the one hand and the needs of a socialistic pattern of society where great disparities in economic, social and political status as between individuals and sections of the society are progressively reduced and the greatest

Limitations in  
the interest of  
the public good



progress of the greatest number squarely accepted as the overriding objective of a progressive welfare State.

4. The positive approach as to what action is necessary to help the citizens to secure for themselves the highest standard of living—economically, socially, culturally and politically—that they are capable of is as important as the securing of justice, liberty and equality. The directives of State policy in the Constitution indicate this. The promotion of the welfare of the people by securing and protecting a social order in which justice, social, economic and political shall inform all the institutions of the national life is the primary directive. The right of a citizen to work; to an adequate means of livelihood, just and humane conditions of work ensuring a decent standard of life and full enjoyment of leisure, social and cultural, and provision of social security are affirmed along with the right to education and to public assistance in cases of unemployment, old age, sickness and disablement. Particular importance has been attached to the protection of health of workers from unhealthy occupations and of childhood and youth against moral and physical exploitation. The level of nutrition and the standard of living shall be raised, public health improved and consumption of intoxicating drinks or injurious drugs prohibited except for medicinal purposes. The need for free and compulsory education of all children under the age of fourteen has been pointed out. The control and utilisation of material resources of the community for the public good, promotion of Cottage Industries on individual and co-operative basis in rural areas and the organisation of agriculture and Animal Husbandry on scientific lines are particularly stressed. Self-Government at the lowest level through the institution of Gram Panchayat has been emphasised. Monuments or places or objects of artistic or historic interest will be protected. The judiciary should be separated from the executive in the public services. In the international field the State shall promote inter-national peace and security, maintain just and honourable relations between nations, foster respect for international law and treaty obligation in the dealings of organised people with one another and encourage settlement of international dispute by arbitration.

Directives of  
State Policy



## CHAPTER.II

### GOVERNMENT AND HOW IT WORKS

5. The management of the affairs of a large household takes most of the time of the master and mistress of the house even though the younger members also help. The pooling of the incomes of the several members for the expenses of the joint family, settling differences and keeping up the harmony of the home, protecting the homestead from inroads by outsiders and guidance and advice to the different members so as to increase the happiness and health all round are arduous tasks. The size of the more complicated tasks of managing a very large family of 40 crores of people that inhabit India with their varying languages, outlook, ways of living and thinking can well be imagined. Obviously, a very large and competent machinery of Government is required for this.

Why a Govern-  
ment

6. Many forms of Government have been tried in the past. The hereditary kings with semi-divine status have disappeared for in each dynasty there came a son unfit for such a responsibility. Constitutional monarchy responsible to the people through its leaders and serving as a symbol of Government still exists in a few countries. In some others a single person or body of persons have seized and exercised all powers of Government. Such Governments have not lasted long. In a majority of the countries Government is through an elected President acting on the advice of the leaders of the largest party of representatives elected by the citizens. This republican system ensures the best approximation to the management of people's problems by the people themselves. Hence the choice of a sovereign democratic republic for our country. Sovereignty rests with the people and through their choice with the representatives whom they elect to manage the affairs of Government.

Forms of  
Government

7. The size of the country and its problems preclude the possibility of a single Government administering the whole country. Therefore, the country has been divided into fourteen States with Governments of their own with very considerable powers. Besides there are a few small centrally administered territories. While these Governments have very considerable administrative functions, there are certain matters of All-India importance e.g.

Federal  
Structure



currency, defence, foreign affairs to quote only a few, which have been vested in the Union Government at Delhi. The structure, the division of the functions and the methods of working of the State Governments and the Union Government are complex and are laid down in the Constitution.

8. While the constitutional goals and the type of society that is desirable for the country have been provided in the Constitution, the picture so drawn is necessarily general. The maintenance of peace and security and the administration of justice in accordance with the laws of the country as laid down by the elected legislatures are important functions for which the Constitution provides the necessary machinery with essential checks and balances. Development economically, socially and politically of the country as a whole and each of its citizens on the lines of the preamble and the fundamental rights and the directives of State policy require concrete programmes of activity. The elected Governments after examining the material, economic and personnel resources draw up a general plan of activities for a period so as to concentrate on the immediate needs while keeping in view the ultimate constitutional picture all the time. Such plans constitute the Five Year Plans of the country. The Five Year Plan of the country as a whole is a single plan drawn up on the best advice available in the country. Each State has its local emphasis on the urgent needs and draws up its part of the plan as a part of and fitting into the National Plan. Similarly each District, Subdivision, Tehsil or Taluka or National Extension Service block in turn draws up its immediate programme of activities for a year at a time and five years as a whole to fit in with the State and National Plans. Thus an entirely local programme in a village sponsored by a village level worker and its execution by the people of the village is an essential part of the National Five Year Plan and, therefore, of the Constitution in action. The democratic set up demands that the will of the people should prevail at every stage to the maximum extent possible. Projects of high technological complexity will necessarily devolve on experts but by and large the major part of the plan of rural development constitute the National Extension Service programme to be planned and executed by the people with the help of their leaders and the local Government machinery. Hence arises the great importance of the representatives of the people in all institutions of the Gram Panchayats, Subdivisional and District Advisory Committees and the State and Central Development Councils and their close association with programmes evolved to achieve ultimately the constitutional goals. The machinery of Government laid down in the Constitution is, therefore, adapted to this end.



9. The functions of Government may be broadly divided between the executive, the legislative and the judicial functions. At each State level and at the Union level representatives of the people are elected to two bodies. The Lower House consists of people elected directly by the vote of the citizens and the Upper House which constitutes a check, consists of members who are elected in the States, (a) partly by special electorates and (b) partly by the members of the Legislative Assembly while some members are nominated by the Governor, and, in the Union, are elected by the elected members of the Legislative Assembly while some members are nominated by the President. These bodies represent the sovereign power of the country. The President is elected by an electoral college consisting of the elected members of both Houses of Parliament and the elected members of the Legislative Assemblies of the States. The President is the symbol of the Government and acts on the advice of the Ministers who form the Government. All executive actions of the Union Government are undertaken in the name of the President. Any citizen who is 35 years of age and is qualified for election to the House of the People can be elected as President. The Vice-President is elected by members of both Houses of Parliament assembled at a joint meeting. He presides over the Upper House of Parliament and acts as President in the event of a vacancy occurring in that office. The leader of the largest group in the Lower House who commands a majority or is most likely to command the confidence of the entire House is called upon by the President to take over as the Prime Minister of the Union Government and to constitute his council of Ministers. Similarly the Governor of the States calls upon the leader of the largest party in the legislature or who is most likely to command the confidence of the entire legislature in the State as the Chief Minister of the State and to constitute his council of Ministers from the representatives in the legislature. These elected leaders of the people are charged with the task of executing State policies which as candidates for election they have placed before the people and on which they were elected. The Council of Ministers are to aid and advise the President (in the case of Union Government and Governor in the case of State Govt.) and keep them informed and act in his name. Both in the Union and in the State Government a smaller second legislature called the Upper House functions. They are constituted by Members elected by the people or from the Lower House and a few nominated representatives of the liberal arts and sciences. The Upper Houses function as a second opinion on the legislative authority of the lower houses. The legislative bodies with the President and the Council of Ministers in the case of the Centre and the Governor and the



Council of Ministers at the State represent the executive. The members of the legislature have the double task of enacting laws such as are necessary according to the wishes and needs of the people as also to advise the Council of Ministers continuously on the nature and results of administrative policies executed by the Council of Ministers.

10. In the House of the People, one member represents roughly every 7,33,000 of the population. In the State Assemblies, one member represents from 80,000 to 1,50,000 people, the average varying from State to State. Any citizen more than 25 years of age and possessing such qualification as may be prescribed can be elected as member of the House of the People at the Centre and of the Legislative Assembly at the State. Similarly, any citizen of over 30 years of age is entitled to stand for membership of the Upper House of the Legislature at the Centre and of the State Legislative Council of the State. And all citizens of over 21 years of age have a vote and therefore a direct voice in the election of people charged with the responsibilities of Government. All members elected to these Houses shall be required to affirm that they would bear true faith and allegiance to the Constitution of India and that they will discharge the duties upon which they enter. In the legislative bodies there shall be complete freedom of speech enabling members to exercise adequately their responsibilities of supervision over the executive part of Government. These are vital provisions ensuring that the Government of country shall rest on the will of the people.

11. The Government machinery obtains its finances for discharging its work from taxes on citizens and borrowing from citizens. No tax shall be levied or collected except by the authority of law. All income of Government from taxes, loans etc. and all moneys received by Government shall form one consolidated fund in the Centre or in the State and all expenditure shall be charged to this fund. No money can be spent out of this fund except in accordance with the statement of the proposed expenditure and receipts of money for a year presented before the Houses of the Legislature of the Union or State Government, as the case may be in the previous year in the form of annual financial statements. It is only after obtaining the approval of the House in the form of different grants that any expenditure shall be incurred from public funds. Such expenditure shall be against the appropriations approved by the Legislature.



12. The President appoints a Comptroller and Auditor General of India whose function it is to ensure that the financial transactions of the executive are in accordance with the intentions of the Legislature and fulfil the canons of financial propriety. Similarly a Public Service Commission has been constituted for both the Union and each of the State Governments whose duty is to conduct examinations for appointment to the services and who shall be consulted by the Governments concerned on all matters relating to recruitment of civil servants, principles to be followed in making appointments, promotions, transfer and suitability of candidates and on disciplinary matters affecting a civil servant. The superintendence, direction and control of the preparation of the electoral rolls and the conduct of elections to the Houses of the Legislature of the Union and the State Governments including the elections for the office of the President, Vice-President and appointment of Election Tribunals for the decision of doubts and disputes arising out of elections shall be vested in a Commission called the Election Commission. These institutions constitute semi-independent bodies responsible only to the Houses of the Legislatures as a whole and are independent checks on the efficiency and integrity of the Government of the party successful at the election.

13. Besides the executive and the Legislative the judiciary is the third important aspect of the administrative machinery. A Supreme Court has been provided as the ultimate court of appeal on all questions of law of all kinds that might arise in the country between citizens, between citizens and the States, or between the States. Similarly for each State a High Court of Judicature has been constituted. The judiciary are the ultimate interpreters of the intentions of the Legislature expressed in the laws of the country and constitute a most important safeguard against the possible misuse of power by the executive branch of Government. The separation of the personnel employed on judiciary and executive is one of the principal State directives. The Supreme Court and High Courts have been vested with the extensive powers of jurisdiction. In safeguarding the fundamental rights of citizens as provided in the Constitution any citizen of Indian has a right to approach these courts for protection of his rights against the State. Similarly any citizen has the right to petition any office of the Government machinery with regard to redress in any matter concerning that office.

14. The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage i.e. every



**Elections**

citizen of India who is not less than 21 years of age and who has not been disqualified by any law on the ground of non-residence, unsound mind, crime or corrupt or illegal practices shall be entitled to be registered as a voter. Any citizen of India of not less than 25 years of age possessing such qualification as may be determined from time to time shall be qualified to stand for the House of the People. The age qualification for the Council of State is 30.



## CHAPTER III

### DUTIES OF THE CITIZEN

15. It will be clear that the will of the people is the ultimate sanction of Government and basically the chief executives for working the Constitution are the citizens of India. Execution implies understanding acceptance and persistent appropriate action in order to promote the objectives laid down in the Constitution. The need, therefore, of each citizen knowing at least the broad outlines of his country's Constitution will be obvious.

Knowledge of the Court

16. The guarantee of extensive rights to social, political and economic justice, of individual liberty and of equality of status and opportunity to each citizen automatically imposes on him a double duty, namely, the duty of safeguarding such rights of others by not encroaching on them as much as the duty of safeguarding and exercising his own personal rights. These rights and duties, fundamental to freedom and right working of democracy, constitute the first stage in building up a democratic pattern of social society as intended in the Constitution. There is, besides a vast body of law and procedure and of taxation to secure the necessary finances of Government, the proper working of which ensures the peaceful and orderly daily life of the country and its citizens. It is only on a healthy and efficient running of these normal functions of public administration, law and order, internal and external security and public finances that a superstructure of progress can be built. The courts of law are provided to determine where the exercise of fundamental rights ends and when it becomes an encroachment on the rights of others or of society as a whole and to prevent such transgression. Similarly the courts of law and the permanent services administer the laws relating to crime, civil rights, taxation against the individual transgressor. But primarily it is the duty of the citizen to understand and to act according to the law in his individual capacity and as a member of a community and to create a social opinion in favour of a willing acceptance of the rule of law by the individual in his relation to his fellow citizens and the State.

The rule of law

17. Adult suffrage for every man and women vests the power and duty in the citizen to choose the right persons for manning the elected



legislature and the executive drawn from and responsible to it. The efficient functioning of the executive is ensured through the houses of Legislature, that continuously supervise not merely the legislation necessary but the policies and programmes of Government. These legislatures guarantee the efficient functioning of the independent checks on the executive through such agencies such as the judiciary, the Comptroller and Auditor General and the Public Service Commission. Enlightened public opinion, based on a knowledge of the Constitution and its working is essential. Appreciation of the policies and programmes and independent assessment to see how far these fit in with the constitutional objectives, preservation of fundamental rights and operations of the State directives, are the rights and duties of each citizen.

18. In the course of the next two months, the general elections are to take place to the legislative bodies of the Union and the State Governments. The adult citizens of India, men and women, will directly make their choice of the candidate to represent them. The candidate in asking for the vote will place before each voter his programme on the working of the Constitution or that of the party to which he belongs. On the quality of the representatives elected will depend the quality of the Government that will be established. Such opportunity occurs as a general rule only once in five years. To the extent every citizen, who has a vote, understands the Constitution, the implications of the election and applies his best judgement in voting for a particular candidate or the other, he is not only exercising his privilege and duty under the Constitution but contributes to the establishment of democratic institutions in this country. Each citizen is, therefore, expected to examine the alternative programmes placed before him by all the candidates, decide which programme is most likely to further the constitutional objectives and which candidate is best suited for his responsibilities and cast his vote accordingly. India is the largest democracy in the world and our elections have a significant effect on the rest of the world. The importance of exercising the vote and of exercising it rightly cannot be over-emphasized.

19. The working of the Constitution, planned progress under the Five Year Plans and the execution of schemes in the various sectors down to the village level are matters of direct interest to the citizen whom they are calculated to benefit. Participation in the planning of these and their execution are again the privilege and duty of every citizen. To



work institutions of self-government successfully at all levels, e.g., Gram Panchayat, rural co-operatives and the advisory committees in the block sub-divisional and district levels, municipalities and district boards or in the alternative to select the right people to man all these bodies is equally the duty of each citizen.

20. Above all it is the duty of each citizen to safeguard and promote the integrity of the Constitution and the independence of the nation. The failure of either will result in internal chaos or conquest by foreign powers either of which means immediate and inevitable loss of all liberty, the rule of law and peace and all hope of orderly development. The country and its Constitution are, therefore, entitled to the utmost loyalty and unlimited sacrifice from the people, sacrifice if need be of life and of wealth. If the people of a country are prepared for such sacrifices the country's freedom and progress are assured.