

An approaching milestone in constitutional governance

November 26 this year will mark the commemoration of the 75th anniversary of the adoption of the Constitution of India. It is a milestone that needs to be celebrated by every stakeholder of Indian democracy. Constitutional governance in India is not merely a facet of the laws, rules and regulations that govern the establishment and the evolution of democratic institutions. It is also about permeating a deep sense of constitutional culture that has captured the collective consciousness of Indians across different cultures, faiths and beliefs.

Respect for institutions, power transition

As we move towards celebrating this Constitution Day, it is an opportune time to identify the core constitutional values that have shaped the constitutional culture of India. These five values have also withstood the test of time.

First, people's respect for democratic institutions. The Constitution of India was adopted on November 26, 1949, a time when life expectancy in India was around 32 years. Today, it has progressed to around 70 years. This extraordinary improvement in the standards of living and the quality of life has contributed in a significant manner for the ordinary Indian to respect the role and the contribution of democratic institutions. The social and economic development of India is an example of the progressive implementation of public policy over the last several decades. There is a need for a nuanced understanding on why Indians continue to participate in such large and significant numbers in every election – local, State or national – notwithstanding the fact that they expect a better performance from their representatives. Since the first elections in 1951-52, we have consistently witnessed nearly 60% of Indians participating in elections including in the 2024 general election where there was a 65.79% voter turnout. The respect for democracy and faith in democratic institutions in India is a core constitutional value that has withstood the test of time.

Second, the smooth transition of elected governments. The seven decades have seen numerous elections across States and at the national level. India has seen elected representatives representing different political parties, with varying degrees of strength and presence, within a State and/or at a pan-India level. We have also seen political leaders of different ideological persuasions winning elections and holding positions of power and responsibility in the States and at the Centre. But if there is one thing that is unique and distinctive about India's democratic traditions, it is the deep commitment every political party attaches to the



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idea of smooth transitions of power at the end of elections. While elections are fought with high-voltage campaigns and at times, even divisive narratives, the electoral results are almost always a humbling experience – it is the people of India who win each election without any exception. The Indian electorate has, time and again, demonstrated to the world that its understanding of problems and challenges will shape our decisions relating to elections. The people of India have imbibed this core constitutional value of participating in elections and enabling the smooth transition of power from one government to the other.

Upholding rights

Third, protection of rights and freedoms through courts. The Constitution is very forthright in recognising the highest degree of importance being attached to the fundamental rights and the courts, which are institutions created under the Constitution to protect the rights of people. It is even more remarkable that the framers of the Constitution were people associated with the freedom movement and responsible for building the foundations of the Indian Republic. They struggled to fight against colonialism to help achieve India's freedom. While drafting the provisions relating to fundamental rights, the members of the Constituent Assembly were mindful of the power of the mighty state and its instrumentalities. They could have tilted towards the idea of a benevolent state, especially when almost the entire first Cabinet had people who were part of the freedom movement. However, their deep scepticism of the state apparatus and the fervent commitment towards protecting individual rights and freedoms reflected a far-sighted vision on their part. This vision of recognising the role of the state, while being conscious of the fact that rights and freedoms are paramount, is a core constitutional value that has only been strengthened over the years.

Fourth, federalism as a facet of constitutional governance. The framers of the Constitution were mindful of the extraordinary diversity of the country, including its linguistic diversity and other forms of pluralism deeply embedded in our civic and political culture. The history and the tradition of every State of India also meant that they were conscious of protecting the unique identity, tradition and culture of the States and the people while forging a collective national identity. They created different forms of autonomy and special privileges for different States keeping in mind their unique histories and cultures. To efficaciously ameliorate the disparities that are prevalent among the people in certain regions of the nation, the Indian Constitution delineates a paradigm of special

dispensations, furthering the agenda of equity and inclusivity.

Over the last seven decades, the idea of federalism has further deepened at least at two levels: first, the rise of State-level political parties across India and their own contribution to the development of national political consciousness. This has, on several occasions, led to strong State parties contributing to the development of coalition governments in the States and at the Centre. Second, the idea of federalism has also led to the passing of the 73rd and 74th Constitutional Amendments, which led to the establishment of panchayati raj institutions and *nagarpalikas*.

The part played by media, civil society

Fifth, the role of the media and civil society in instilling faith in democracy. Much has been said and written about the Indian media. The Indian media is a diverse and heterogeneous institution with views and perspectives that are generated across India in different languages. Further, the transition of print media to broadcast and further innovations in media and technology have democratised access to information and indeed the role of media. While there are fundamental challenges relating to the economic model of governance of media institutions, it is fair to say that media and civil society have contributed to the instilling of faith in Indian democracy. While we need to be critical of the challenges of the autonomy and the independence of media, it is equally important to recognise the values of transparency that have been part of the media culture. In the cacophony of an information explosion through various forms of media and the medium of communication, the Indian electorate has been enlightened to develop an informed degree of understanding of the role of the media and civil society.

We have every reason to celebrate 75 years of constitutional governance.

After Independence, the last British commander in chief of the Indian Army, General Claude Auchinleck had observed, "The Sikhs may try to set up a separate regime. I think they probably will and that will be only a start of a general decentralization and break-up of the idea that India is a country, whereas it is a subcontinent as varied as Europe. The Punjabi is as different from a Madrassi as a Scot is from an Italian. The British tried to consolidate it but achieved nothing permanent. No one can make a nation out of a continent of many nations."

We proved many people wrong in not only forging a national identity of a nation that is built on constitutional ideals but we have also made the Constitution an instrument of galvanising social conscience and political consciousness.