

## Chapter- 1

# The Constitution and the need for Laws



### Study Notes

#### Introduction

All societies are bound by rules. These rules help to bring about order in human lives. So rules were invented to resolve conflicts in an impartial and peaceful manner.

Here we are going to study about our constitution which is a set of rules and regulations.

#### What is Constitution?

- A Constitution is a set of rules, laws and principles according to which a country is governed.
- People belonging to different ethnic groups, language groups, religions and cultures make up a nation. Therefore it is absolutely essential to have rules that will forge unity and at the same time retain the uniqueness of every group.
- A Constitution is essential as it denotes the nature of the political system of a country whether it has a democratic system of government or a monarchical one.

#### For Example:

- Our Constitution declares that India is a secular democratic republic.
- If you study about the example of our neighboring country- Nepal, you better understand that Constitution denotes the nature of the political system of the country.
- It was ruled by monarchy for several centuries. After a massive protest by the people of Nepal, democracy was established in 1990.
- In April 2008, elections were held in Nepal and a communist party came to

power and the monarchy was abolished and Nepal was declared a federal democratic republic.

### **The Indian Constitution**

The Indian Constitution was formed in 1950 and Dr. B. R. Ambedkar is known as the father of Indian Constitution.

### **The features of Indian Constitution**

- Indian Constitution is the lengthiest Constitution in the world
- It is a written Constitution
- It contains 395 Articles and 11 Schedules.
- It defines the powers the Indian Legislature , Executive and Judiciary
- It lays down the fundamental rights, duties of citizens and directive principles of the state policy.
- It also contains special provision for safeguarding the interest of the scheduled castes and schedules tribes.

### **Need For Laws**

- Every game has its own rules, if there is no rules there would be chaos and may be violence. Likewise in life we need to be governed by a set of rules and regulations to enjoy the life to the fullest.
- Every country also governs by certain set of rules and regulations that suit to the needs of the people. Rules and regulations also put an end to the evil practices and customs of society. For example, the practice of untouchability, the treatment of woman and tribal people, alcoholism and dowry system.

### **The Constitution and the Rule of Law**

Our Constitution establishes the rule of law in India.

Rule of law means, violation of laws was made punishable and no one was above the law. If anyone broke the law they would be liable to be punished



irrespective of caste, class, creed or gender.

Some important laws framed by Constitution are-

- *Dowry provision Act –1961*
- *Scheduled Caste and Schedule Tribe Act – 1989*
- *Employment of Manual Scavenges and Construction of Dry Latrines provision Act-1993*
- *The Bonded Labour System Abolition Act-1976*
- *Disabilities Act-1995*
- *Mizoram Liquor Total Provision Act-1995*



### Legality of Law

The Indian Constitution has provided for an independent and powerful judiciary that is responsible for defending the rights of the common man. It is entrusted with the job of upholding the legality of the Constitution.

If a law is enacted against the principles of the Constitution, then the Judiciary has the right to declare it null and void. It is also known as judicial review.

The Judiciary also has the power to punish all breakers of law.



### Laws and Dissent

Wherever there are laws, there is bound to be dissent or opposition to it. If a law goes against the interest of a group of people then that group will protest to express its dissatisfaction, is known as dissent.

We can express the dissent in various forms such as peaceful marches, non-cooperation, strike, hunger strike, bandh, hartal, dharna etc.

The result of this type of dissent is sometimes governments are forced to abolish or modify the laws.

### CONCLUSION

We need constitution because-:

- It expresses the self determination of the citizens.
- It embodies the civil rights of the people.
- The constitution legal framework for democracy.

