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14. Constitutionalism in India

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Introduction

Today marks the 70th anniversary of the Indian Constitution. In these seventy years, India has faced many challenges, faced many crises, but the institutional structure of the political system built by the Indian Constitution remains intact today. Has succeeded in maintaining it to this day. India has managed to maintain its faith in democratic values with maintaining its economic growth rate while battling rival neighbours like Pakistan and China. India is the largest democracy in the world. Europe and many countries in the world have as many voters. But the same number or more of the election staff carry out the election process in India every five years. What did the Indian Constitution give you? Before thinking about this, every Indian should also think about the social and political situation in the country before the constitution came into existence. With what political values was our state system working?

Research Methodology

The library method has been used for the present research article. The articles, thesis and books on constitutional amendment and constitutional process has been used as a reference for other writings.

Hypothesis

1. This research paper reviews the development of the post-independence constitution.
2. This paper also consider the challenges facing the constitution
3. It also describe the strengths of the constitution as well as the constitutional framework.

Prior to the enactment of the Constitution, India faced various difficulties. It was the first duty of the State Constitution to grant political rights in a situation where the society was suffering from thousands of years of unjust tyranny of Mughals and other dynasties. Apart from this, India had to be given a definite economic program by the Constitution as the Indian economy was in a complete disintegration during the state of British rule. The constitution was drafted by the Indian legislators against the backdrop of culturally divided caste and religion. In the eighteenth century, the newly independent countries made their own constitutions. In many

Asian and African countries, the locals had less share in making constitutions, but the situation in India was different. In India, the highly educated young generation, inspired by nationalism, took on the responsibility of drafting the constitution and it was completed.

The British rule in India gave rise to the modern political system in India. The laws passed by the British from time to time and their implementation took shape in the Indian political system. Important were the Morley Minto Amendment Act of 1909, the Chelmsford Act of 1919 and the Indian Administration Act of 1935. After independence, the responsibility of giving an independent constitution to India fell on the political leadership. Then the Congress and Gandhi put aside their political differences, giving justice to the role and study of Babasaheb Ambedkar. It provided an important opportunity to Babasaheb in the process of constitution making. Since the focus of Babasaheb's thought is on the exploited and deprived Indians, the rights of these groups are naturally reflected in the Indian Constitution. In the various discussions and debates that took place on the occasion of the drafting of the Constitution, Babasaheb carried out all the work of the House with his communication skills and ingenuity and also answered the questions of the esteemed members in a humorous manner. Considering the provisions of the Constitution, basic structure, fundamental rights, parliamentary system of government, adult suffrage, we can easily see the influence of Babasaheb. In his research, Babasaheb showed the world that democracy was not only based on British rule in India. But also before the arrival of the British. He clarified that the democracy exists in India in small civil states like Vaishali.

Flexibility of Constitution

The constitution makers have also tried to strike a balance between the parliament and the judiciary. The judiciary is tasked with upholding constitutional values, while parliament seeks to meet the objectives set by the constitution. In the post-independence period when the central government tried to reform the land through the amendment, the right to property was a fundamental right and there were difficulties in amending it. Land reform was one of the most important issues facing the Indian political system. The constitution was rectified and the 9th appendix was born out of it. From time to time the authorities used this 9th appendix in implementing welfare policies because the law enacted in this appendix was far from judicial review. In India, anything starts well but ends badly. As of 2017, more than 100 laws have been conveniently included in the Ninth Schedule by various governments.

Apart from the creation of linguistic provinces and the merger of new territories into Indian territory, the role of the Constitution in these issues has certainly been flexible. From time to time, the Constitution has been a great help to the progressives in implementing progressive decisions like nationalization of banks and ban on wages of the colonists.

Our country is very diverse. In this fragmented country with different castes, religions, languages, dialects, diet, dress, manners and worship are also different. Potatoes are also cooked in three hundred different ways in the country. Despite many shocking customs and traditions, they are still popular today. In such a country, despite the gradual diversity, a single constitution has survived for 70 years. Democratic system of government has been adopted in India's neighbouring countries. However, it has not become popular. We are experiencing political instability than neighbouring Sri Lanka, Pakistan, Bangladesh and Nepal.

Peoples Faith on Constitution

It is also true that no matter how popular a political leader or political party is, it has not yet been able to touch the basic structure of the Constitution in India. While Indira Gandhi was at the peak of her popularity, Gandhi made the 42nd Amendment. This amendment was challenging in terms of the Constitution. The 42nd Amendment is also known as the Mini Constitution because of the many amendments made to it. However, in 1979, Indira Gandhi had to face a big defeat in loksabha election. The defeat of the Congress was a shock not only to India but also to Western political analysts.

Mr. Atalbihari Vajpayee was also at the peak of his popularity after the Kargil war in 1999. He had succeeded in accelerating the new economic policies initiated by Manmohan Singh through Shining India. The allegation against Vajpayee led to a shocking defeat for the BJP. Opposition and social movements at the time had accused the government of omitting the basic values of the constitution through the Constitution Restructuring Commission.

Challenges ahead of Constitutionalism

Although the Indian Constitution has succeeded in embracing the socio-political and economic transition in seventy years, the Constitution has some challenges ahead. According to the Greek philosopher Aristotle, "the constitution is a system in which the citizens who are part of the state are regulated in relation to each other." The principle of secularism has been adopted in India. Due to the partition of India on the background of religious differences, the mentality of Hindus as Hindustan just like Pakistan was formed for Muslims from the very

dissatisfaction between the classes and the democratic institutions, but the people's representatives in these institutions

Corruption is becoming the next biggest issue in India's political system. The whole political system has been exposed to this. In response to this, attempts have been made in the interim to control corruption through RTI and other measures, but it is not clear how successful it has been.

India is the largest democracy in the world. Elections are always held in India. Although the Election Commission of India has been conducting elections more efficiently for the last 70 years. However, electoral reforms are crucial. Electoral Violence and the Use of Money Challenges for fair elections. So basic electoral reforms are needed. All political parties are expected to act more responsibly in order to maintain the respect of the Election Commission and other constitutional bodies in the society.

Conclusion

The role of constitution and democratic institutions has been very important in inculcating democratic governance in India, but the continued devaluation of these institutions is not in the interest of democracy in the future. The constitution maker Babasaheb Ambedkar had made it clear that **the Constitution is not good or bad. Which direction you go is more important than this.** The possibility of the constitutional value of the masses is also important because neutrality between good and evil is essentially bad.

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