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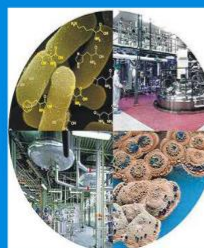
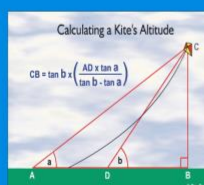
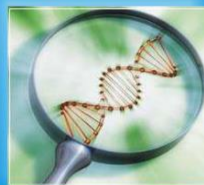
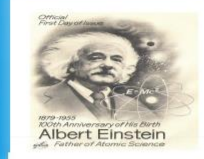
POLITICAL SCIENCE

SAMPLE THEORY - *(English Medium)*

* Indian National
Movement

* Preamble





UGC NET - POLITICAL SCIENCE SAMPLE THEORY

- Indian National Movement
- Constitution
- Parliament
- Preamble

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Indian National Movement

The East India Company had established its control over almost all parts of India by the middle of the 19th century. There were numerous risings in the first hundred years of British rule in India. They were, however, local and isolated in character. Some of them were led by the nobility who were refusing to accept the changing patterns of the time and wanted the past to be restored. But the risings developed a tradition of resistance of foreign rule, culminating in the 1857 revolt.

The Revolt of 1857, which was called a Sepoy Mutiny by British historians and their imitators in India but described as "the First War of Indian Independence" by many Indian historians, shook the British authority in India from its very foundations.

The Revolt of 1857, an unsuccessful but heroic effort to eliminate foreign rule, had begun. The capture of Delhi and the proclamation of Bahadurshah as the Emperor of Hindustan are a positive meaning to the Revolt and provided a rallying point for the rebels by recalling the past glory of the imperial city.

On May 10, 1857, soldiers at Meerut refused to touch the new Enfield rifle cartridges. The soldiers along with other group of civilians, went on a rampage shouting 'Maro Firangi Ko'. They broke open jails, murdered European men and women, burnt their houses and marched to Delhi. The appearance of the marching soldiers next morning in Delhi was a signal to the local soldiers, who in turn revolted, seized the city and proclaimed the 80-year old Bahadurshah Zafar, as Emperor of India.

Within a month of the capture of Delhi, the Revolt spread to the different parts of the country. Kanpur, Lucknow, Benaras, Allahabad, Bareilly, Jagdishpur and Jhansi. In the absence of any leader from their own ranks, the insurgents turned to the traditional leaders of Indian society. At Kanpur, NanaSaheb, the adopted son of last Peshwa, Baji Rao II, led the forces. Rani Lakshmi Bai in Jhansi, Begum Hazrat Mahal in Lucknow and .Khan

Bahadur in Bareilly were in command. However, apart from a commonly shared hatred for alien rule, the rebels had no political perspective or a definite vision of the future. They were all prisoners of their own past, fighting primarily to regain their lost privileges. Unsurprisingly, they proved incapable of ushering in a new political order.

Government of India Act 1858

Queen Victoria issued a proclamation on November 1, 1858, placing India under direct government of the Crown, whereby:

- (a) A viceroy was appointed in India
- (b) Princes were given the right to adopt a son (abolition of Doctrine of Lapse)
- (c) Treaties were honored
- (d) Religious freedom was restored and equality treatment promised to Indians

The Proclamation was called the 'Magna Carta of Indian Liberty'. The British rule in India was strongest between 1858 and 1905. The British also started treating India as its most precious possession and their rule over India seemed set to continue for centuries to come. Because of various subjective and objective factors which came into existence during this era, the feeling of nationalism in Indians started and grow.

Indian National Congress (1885)

Although the British succeeded in suppressing the 1857 Revolt, they could not stop the growth of political awareness in India. The Indian National Congress was founded in December 1885. It was the visible embodiment of the national awakening in the country. Its founder was an Englishman, Allan Octavian Hume, a retired member of the Indian Civil Service. The Indian leaders, who cooperated with Hume in launching the Congress, were patriots of high character. The first President of the Congress was W.C. Bannerjee .

The aims of the Congress were: promotion of friendship and cooperation amongst the nationalist political workers from the different parts of the country; the eradication of racial, creed or provincial prejudices and promotion of national unity; formulation of popular demands and their presentation before the Government; and, most important of all, the training and organization of public opinion in the country.

Partition of Bengal (1905)

On December 30, 1898, Lord Curzon took over as the new Viceroy of India. The partition of Bengal came into effect on October 16, 1905, through a Royal Proclamation, reducing the old province of Bengal in size by creating a new province of East Bengal, which later on became East Pakistan and present day Bangladesh. The government explained that it was

Lucknow Pact (1916)

An important step forward in achieving Hindu-Muslim unity was the Lucknow Pact 1916. Anti-British feelings were generated among the Muslims following a war between Britain and Turkey which opened way for Congress and Muslim League unity. Both the Congress and the Muslim League held sessions at Lucknow in 1916 and concluded the famous Lucknow Pact. The Congress accepted the separate electorates, and both organizations jointly demanded dominion status for the country.

Hindu-Muslim unity weakened the British attitude and forced the government to announce its future policy. In 1916 a British policy was announced whereby association of Indians was increased and there was to be a gradual development of local self-governing institutions.

Home Rule Movement (1915-1916)

Dr. Annie Besant, inspired by the Irish rebellion, started a Home Rule Movement in India in September 1916. The movement spread rapidly and branches of the Home Rule League were established all over India. Bal Gangadhar Tilak wholeheartedly supported this movement. Rejoined forces with Dr. Besant and persuaded the Muslim League to support this programme.

The Gandhian Era (1918-1947)

Mahatma Gandhi dominated the Indian political scene from 1918 to 1947. This period of the Indian National Congress is also referred to as the Gandhian Era. It was the most intense and eventful phase of India's freedom struggle. Mahatma Gandhi provided the leadership of the highest order and his philosophy of non-violent Satyagraha became the most potent weapon to drive out the British from the Indian soil.

Khilafat Movement (1920)

The Caliph, Sultan of Turkey, was looked upon by the Muslims as their religious head. During the First World War, when the safety and the welfare of Turkey were threatened by the British thereby weakening the Caliph's position, Indian Muslims adopted an aggressive anti-British attitude. The two brothers, Mohammed Ali and Shaukat Ali launched an anti-British movement in 1920-the Khilafat Movement for the restoration.

The Rowlatt Act (1919)

While trying to appease Indians, the British Government was following a policy of repression. Throughout the First World War, repression of freedom fighters had continued. The revolutionaries had been hunted down, hanged or imprisoned. The Government now decided to arm itself with more powers in order to suppress the freedom fighters. In March 1919, it passed the Rowlatt Act. This Act authorized the government to detain any person without trial. The Rowlatt Act came like a sudden blow. The Indians had been promised extension of democracy during the war. They felt humiliated and were filled with anger when they found that their civil liberties were going to be curtailed still further. Unrest gripped the country and a powerful agitation against the Act started. During this agitation, Gandhiji took command of the nationalist movement. March and April 1919 witnessed a remarkable political awakening in the country. There were hartals, strikes and demonstrations at various places. The slogans of Hindu-Muslim unity filled the air.

Jallianwalla Bagh Massacre (1919)

The Government was bent on suppressing the mass agitation. In Bombay; Ahmadabad, Calcutta, Delhi and at other places demonstrators were lathi-charged and fired upon. Gandhiji gave a call for a general hartal on April 6, 1919. The call was responded to with great enthusiasm. The Government decided to resort to repression to suppress the agitation. At this time the British Government committed one of the worst political crimes in modern history. An unarmed but a large crowd had gathered in Jallianwalla Bagh, Amritsar (Punjab) on April, 13, 1919 for a meeting. General Dyer ordered his troops to open fire on them without warning. This massacre of unarmed people (hundreds died and thousands were wounded) in an enclosed place from which there was no exit, was followed by a reign of terror in several districts under martial law.

Non-Cooperation Movement (1920)

With the Congress support of the Khilafat movement, Hindu-Muslim unity was achieved which encouraged Gandhiji to launch his non-violent, non-cooperation movement. At the Calcutta Session in September 1920, the Congress resolved in favour of the non-violent, non-cooperation movement and defined Swaraj as its ultimate aim. The movement

envisaged: (i) Surrender of titles and honorary officers; (ii) Resignation from nominated offices and posts in the local bodies; (iii) Refusal to attend government darbars and official functions and boycott of British courts by the lawyers; (iv) Refusal of general public to offer themselves for military and other government jobs, and boycott of foreign goods, etc.

The non-cooperation movement also saw picketing of shops selling foreign cloth and boycott of the foreign cloth by the followers of Gandhiji.

Chauri Chaura Incident (1922)

The Congress session held at Ahmadabad in December 1921 decided to launch a Civil Disobedience Movement while reiterating its stand on the non-violent, noncooperation movement of which Gandhiji was appointed the leader. Before Gandhiji could launch the Civil Disobedience Movement, a mob of countrymen at Chauri Chaura, a place near Gorakhpur in D.P., clashed with the police which opened fire. In retaliation the mob burnt the police-station and killed 22 policemen. This compelled Gandhiji to call off the Civil Disobedience Movement on February 12, 1922.

Swaraj Party (1922)

Gandhiji's decision to call off the agitation caused frustration among masses. His decision came in for severe criticism from his colleagues like Motilal Nehru, C.R. Das and N.C. Kelkar, who organized the Swaraj Party. The foundations of the 'Swaraj Party' were laid on January 1, 1923, as the 'Congress Khilafat- Swarajya Party'. It proposed then an alternative programme of diverting the movement from widespread civil disobedience programme to restrictive one which would encourage its member to enter into legislative councils (established under Montford Reforms of 1919) by contesting elections in order to wreck the legislature from within and to use moral pressure to compel the authority to concede to the popular demand for self-government.

Simon Commission (1927)

Under the 1919 Act, a statutory commission was to be appointed by the British Government at the end of ten years from the passing of the Act to inquire into the working of the system of government in the country and to recommend further reforms. Thus the commission was scheduled to be appointed in 1929. It was actually appointed two years earlier in 1927. The

commission consisted of seven members of the British Parliament. It was headed by Sir John Simon. As all its members were British, the Congress decided to boycott it. The Commission arrived in India in Feb. 1928. It was greeted with black flags and hostile demonstrations everywhere it went. In one such demonstration at Lahore, Lala Lajpat Rai was seriously injured in a wanton police lathi-charge on the demonstrators. Lalaji died soon after from wounds received during the demonstration.

Dandi March (1930)

Also called the 'Salt Satyagraha'. To achieve the goal of complete independence, Gandhiji launched another civil disobedience movement. Along with 79 followers, Gandhiji started his famous march from Sabar mati Ashram on March 20, 1930, for the small village Dandi to break the Salt Law. While Gandhiji was marching to Dandi,

Congress leaders and workers had been busy at various levels with the hard organizational tasks of enrolling volunteers and members, forming grass root Congress Committees, collecting funds, and touring villages and towns to spread nationalist messages.

On reaching the seashore on April 6, 1930, he broke the Salt Law by picking up salt from the seashore. By picking a handful of salt, Gandhiji inaugurated the Civil Disobedience Movement, a movement that was to remain unsurpassed in the history of the Indian National Movement for the countrywide mass participation it unleashed. The movement became so powerful that it sparked off patriotism even among the Indian soldiers in the Army. The Garhwal soldiers refused to fire on the people at Peshawar.

Gandhi-Irwin Pact (1931)

Early in 1931 two moderate states men, Sapru and Jayakar, initiated efforts to bring about rapprochement between Gandhiji and the government. Six meetings with Viceroy Lord Irwin finally led to the signing of a pact between the two on March 5, 1931, whereby the Congress called off the movement and agreed to join the Second Round Table Conference. The terms of the agreement included the immediate release of all political prisoners not convicted for violence, the remission of all fines not yet collected, the return of confiscated land not yet sold to third parties, and lenient treatment of all the government officials who had resigned.

Gandhiji and other leaders were released from jail as Irwin agreed to release most political prisoners and to return the properties that had been seized by the governments. The government also conceded the right to make the salt for consumption of villages along the coast, and also the right to peaceful and non-aggressive picketing. The Congress on its part, agreed to discontinue the Civil Disobedience Movement and to participate in the next Round Table Conference.

T The Government of India Act, 1935

The Simon Commission report submitted in 1930 formed the basis for the Government of India Act 1935. The new Government of India Act received the royal assent on August 4, 1935.

The Act continued and extended all the existing features of the Indian constitution. Popular representation, which went back to 1892, dyarchy and ministerial responsibility, which dated from 1921, provincial autonomy, whose chequered history went back to eighteenth century presidencies, communal representation, which first received recognition in 1909, and the safeguards devised in 1919, were all continued and in most cases extended. But in addition there were certain new principles introduced. It provided for a federal type of government. Thus, the act:

- (a) Introduced provincial autonomy
- (b) Abolished dyarchy in provinces I
- (c) Made ministers responsible to the legislative and federation at the centre

The Act of 1935 was condemned by nearly all sections of Indian public opinion and was unanimously rejected by the Congress. The Congress demanded instead, the convening of a Constituent Assembly elected on the basis of adult franchise to frame a constitution for an independent India .

Quit India Movement (1942)

On August 8, 1942, the Congress in its meeting at Bombay passed a resolution known as 'Quit India' resolution, whereby Gandhiji asked the British to quit India and gave a call for 'Do or die' to his countrymen. On August 9, 1942, Gandhiji was arrested but the other leaders continued the revolutionary struggle. Violence spread throughout the country, several

government officers were destroyed and damaged, telegraph wires were cut and communication paralyzed. The movement was, however, crushed by the government.

Cabinet Mission Plan (1946)

The struggle for freedom entered a decisive phase in the year 1945-46. The British Prime Minister, Lord Attlee, made a declaration on March 15, 1946, that British Cabinet Mission would visit India to make recommendations regarding constitutional reforms to be introduced in India. The Cabinet Mission which constituted of Lord Lawrence, Sir Stafford Cripps and A.V. Alexander visited India and met the representatives of different political parties but a satisfactory solution to the constitutional difficulties could not be found. The Mission envisaged the establishment of a Constituent Assembly to frame the Constitution as well as an interim government. The Muslim League accepted the plan on June 6, 1946, while maintaining its rights of striving for a separate Muslim state. The Congress also partially accepted the plan.

Interim Government (1946)

On September 2, 1946, an interim government was formed. Congress members led by Pandit Jawaharlal Nehru joined it but the Muslim League did not as it withdrew its earlier acceptance of the Cabinet Mission Plan.

Formation of Constituent Assembly (1946)

The Constituent Assembly met on December 9, 1946, and Dr. Rajendra Prasad was elected its President. The Muslim League did not join the Assembly.

Mountbatten Plan (1947)

In March 1947, Lord Mountbatten replaced Lord Wavell. He announced his plan on June 3, 1947. It offered a key to the political and constitutional deadlock created by the refusal of the Muslim League to join the Constituent Assembly formed to frame the Constitution of India. Mountbatten's formula was to divide India but retain maximum unity. The country would be partitioned but so would be Punjab and Bengal, so that the limited Pakistan that emerged would meet both the Congress and the League's position to some extent. The League's position on Pakistan was conceded in that it would be created, but the Congress position on unity would be taken into account to make Pakistan as small as possible. He laid down

detailed principles for the partition of the country and speedy transfer of political powers in the form of dominion status to the newly formed dominions of India and Pakistan. Its acceptance by the Congress and the Muslim' League resulted in the birth of Pakistan.

The Indian Independence Act, 1947

The Bill containing the provisions of the Mountbatten Plan of June 3, 1947, was introduced in the British Parliament and passed as the Indian Independence Act, 1947. The Act laid down detailed measures for the partition of India and speedy transfer of political powers to the new government of India and Pakistan.

Partition of India (1947)

In accordance with the Indian Independence Act, 1947, India was partitioned on August 15, 1947 into India and Pakistan. The Act made India and Pakistan independent dominions. Bloodshed and violence marked the exodus of refugees. The state of Kashmir acceded to the Indian Union, after the raiders were helped by Pakistan, in October 1947. Lord Mountbatten was appointed the Governor-General of free India and M.A. Jinnah the first Governor-General of Pakistan.

Making Of The Constitution

The Constituent Assembly which had been elected for undivided India and held its first sitting on 9th Dec.1946, re-assembled on the 14th August 1947, as The Sovereign Constituent Assembly for the dominion of India. In regard to its composition the members were elected by indirect election by the members of The Provisional Legislative Assemblies (lower house only). According to the schemes recommended by the Cabinet the essentials of the Schemes were as follows: -

1. Each Province and each Indian State or group of States were allotted the total no. of seats proportional to their respective population roughly in the ratio of 1:1000000. As a result, The Provinces were to elect 292 members while the Indian States were allotted a minimum of 93 seats.
2. The seats in each Province were distributed among the three main communities, Muslims, Sikh and general, in proportion to their respective populations.

3. Members of each community in the Provisional Legislative Assembly elected their own representatives by the method of proportional representations with single transferable vote.
4. The method of selection in the case of representatives of Indian States was to be determined by consultation.

Unfortunately, as a result of a partition under the plan of June 3, 1947. The territories, which fell under Pakistan and those members who were part of The Constituent Assembly, ceased to be members of the Constituent Assembly, which re-assembled on the 31st Oct. 1947. The members of the house were reduced to 299 of these 284 was actually present on the 26th Nov. 1949 and appended their signature to the Constitution as finally passed.

Constitutional Background

The constitution was passed by the Constituent Assembly on 26 Nov 1949 and is fully applicable since 26 Jan 1950. Thanks to the help of Prof. K.B. Agrawal, the ICL- Edition of the Constitution now incorporates all amendments until and including the 78th amendment (1995) [30 Aug 1995]; there are no newer amendments until Dec 1996. A amendments after Dec 1996 have not yet been included.

India is a federal democratic republic of 25 states and seven Union Territories. Each state is administered by a Governor appointed by the President while each Union Territory is administered by the President through a Minister. The bicameral parliament is composed of the Council of States, Rajya Sabha, and the House of the People, Lok Sabha. The Council of States will consist of 250 members out of which the President of India will nominate 12 persons having special knowledge or practical experience in respect of literature, art, science and social service. The remaining 238 seats are to be filled in by the persons to be elected by the legislative assemblies of their respective states in staggered re-elections of one-third every second year. The House of People is composed of 550 members, i.e., 530 members from the States and 20 members from the Union Territories.

The states of Bihar, Jammu and Kashmir, Karnataka, Maharashtra, and Uttar Pradesh have bicameral legislatures while the other 20 states have unicameral legislatures. Upper houses (Legislative Councils) are re-elected to one-third of their members every two years. Legislative Assemblies are chosen by direct election.

There are some extraordinary features of the Indian system of government. For example, the Constitution encourages the states to introduce the prohibition. The states of Andhra Pradesh, Manipur, and Haryana have already banned the production, possession, and consumption of alcohol.

Commencement :

The provisions relating to Citizenship, elections, provisional Parliament, temporary and transitional positions were given immediate effect on The 26th Nov.1949 . While the rest of the Constitution came into force on the 26th Jan. 1950. And this date is referred to in the Constitution as The Date of its Commencement.

Parliament:

The Parliament of India consist of The President and two houses. The upper house (Rajya sabha) the Presiding Officer is called The Chair man, popularly known as The Vice President The members of this house are indirectly elected by proportional representation by means of the single transferable vote The total strength of the house is 250 members of whom 12 are nominated by the President, the purpose of the house is to serve a check on the hasty laws passed by the lower house. Whereas the low er house (Lok Sabha) is presided over by The Speaker. The members are elected directly by the people; the total strength of the house is 545 members of which 2 are nominated by The President.

Functions of The Parliament are as follows:

Providing The cabinet: The first function of The Parliament is that of providing the Cabinet and holding them responsible. Though the responsibility of The Cabinet is to the popular chamber (Lok Sabha), the membership of the cabinet is not necessarily restricted to that chamber.

Control of The cabinet: It is a necessary corollary from the theory of Ministerial responsibility that it is a business of the popular house to see that The Cabinet remains in power so long as it retains the confidence of the majority in that house.

Criticism of The Cabinet & of individual Ministers: While The Cabinet is left to formulate The Policy, the function of The Parliament is to bring about a discussion and criticism of that

Policy on the floor of the house, so that not only The Cabinet can get the advice of the deliberative body and learn about its own errors and deficiencies.

An Organ of Information: As an organ of Information, Parliament is more powerful than the Press, for parliament secures information authoritatively, from those of The know of things.

Legislation: Since the inauguration of The Constitution the volume of Legislation is steadily rising. In order to carry out the manifold development and other measures necessary to establish a welfare state.

FINANCIAL CONTROL: Parliament has the sole power not only to authorize expenditure for public service and to specify the purposes to which that money shall be appropriated but also to provide the ways and means to raise the revenue (Taxes, and other impositions) and also to ensure that the money granted has been sent for authorized purposes.

Political Parties :

General elections in May 1996 made the Bharatiya Janata Party (BJP) the biggest party capturing 161 seats along with Shiv Sena (15), Samata Party (8), and HVP (3) totalling 195. A.B. Bajpai (BJP) became Prime Minister but could not muster majority in the House of People and as such had to resign after holding the office for 13 days. The Congress Party of former Prime Minister Narasimha Rao is the second biggest force in the House of Peoples having 138 seats. The National Front and the Leftist Front secured 118 seats. H.D. Deve Gowda (National Front) became the new Prime Minister with the union of 13 parties and the support of the Congress Party.

Preamble

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR 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 and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

After achieving independence on the midnight of August 14th/15th in the year 1947, our country set out on formulation and adoption of a Constitution to govern all the aspects of our life and accordingly on 26th November, 1949 we adopted the present Constitution of India. The preamble of the Constitution reads as under:-

“We, the people of India having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure for 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 and integrity of the Nation;.....”

This preamble is the basis or the object of our Constitution from which flow the laws of the land and which provides a framework within which each Indian, whether he is the first citizen of India i.e. the President or a commoner, has to conduct himself. More than 43 years have passed since adoption of the Constitution and if we look back in retrospect to examine whether the Constitution of India has succeeded in securing for all its citizens what it wanted to secure, we find that it has failed in achieving the noble objects. It has neither secured justice nor provided liberty or equality, nor promoted fraternity. It is high time that the reasons for this failure are investigated not with the intention of blaming anyone but to initiate a process of rethinking to find out ways and means to rectify the shortcomings. The first line of preamble says:

“We the people of India.....”, which means that the Constitution appears to have originated out of collective will of the Indians. Though the Constitution says so, whether really it is so? Indian culture is thousands of years old and is one of the oldest civilization of the earth. The period of a few centuries, prior to achieving independence in 1947, was a period of foreign invasion starting from the invasion by the Moghuls and culminating into the colonization of India by the British. During this period of over three centuries, attempts were made to destroy the Indian culture, blunt the conscience of the Indians and to impose on them the Western culture. As a result of this eclipse of the Indian culture and the national conscience, while adopting the Constitution of India, like a hypnotized person we looked to the West for formulation of our Constitution and the subsequent governance. In the process, either willingly or unwillingly, the Indian context was discarded not by the masses but by the rulers

who were thrown up as a result of the faulty process of governance adopted by us under our Constitution and under various laws flowing from it.

The Constitution of India is supposed to have been adopted by the people of India, for the people of India and is of the people of India. This means that the Constitution and the Indian Laws emanating from the Constitution or within the framework of the Constitution have the basic and underlying intention of achieving the well being of the Indians and thereby of the entire nation. Like people of other countries, India has its own geographical, historical, cultural, ethnic, social and economic characteristics. These characteristics are quite distinct and unique and hence they need a treatment which is best suited to them. Applying the doctrines that prevail in other systems or countries can not suit our conditions and hence the framing of laws, interpretation of laws, formulating policies under the laws and judicial evaluation of the laws - all these have to be in the Indian context.

The most accepted principle for interpretation of law is that both the letter as well as the spirit has to be looked into while interpreting any provision. While looking at the letter i.e . the meaning of any particular phrase or word, more often than not, the Courts have been relying heavily on the English dictionary meaning. While interpreting a technical word or a phrase or provision relating to a particular science, the meaning which is attached to such words or phrase in the Western countries is taken into account. We find various judgements of the Courts with extensive quotations from judgements of courts abroad or dealing with meanings of words/phrases as understood in other countries.

Under the Indian system of governance, the whole system is divided in three parts; namely the legislators, the executives and the judiciary. Each wing has to function within the framework of the Constitution. The legislators have to frame laws which are in conformity with the Constitution. Each member of the legislatures is the citizen of India first and a member of the legislature thereafter and hence he is bound by article 51(A) of the Constitution which casts fundamental duties on all the citizens of India. Thus in his individual capacity also each legislator is bound by the fundamental duties which are aimed at achieving the well-being of each and every Indian citizen and one such duty cast upon the citizens is

the duty to protect the composite culture of India. The Indian culture and civilization is one of the oldest in the world, one of the richest and the most respected culture. It has various aspects or pillars on which the Indian Society rests and it is a duty on each Indian to protect this culture.

In view of this, each legislator is bound to be a party to framing a law which has the well-being of each single Indian as its basis. Any piece of legislation which violates this basic objective should not receive the consent of even a single legislator irrespective of which political party he belongs to. At the same time any legislation aimed at achieving the common good of Indian Citizens must receive the whole hearted support of the legislatures. Incidentally our present laws governing the election of people's representatives who form themselves into various legislatures suffers from various lacunas and the system of elections leaves much to be desired. How 'representative' are these representatives of the people is a big question mark. However let us leave aside this aspect for the present.

Once the laws are enacted by the legislatures and their implementation starts taking place, various problems or questions of law arise during the process of implementation, when judiciary is called upon to decide the issues. At this stage a very important question concerning interpretation of the law arises.