

JOURNAL FOR LAW STUDENTS AND RESEARCHERS**INDIAN CONSTITUTION: A CHANGE TOWARDS
MODERNISATION – A NEED OF AN HOUR**

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Law, a Rule, a word which tell us about what we are bound of the obligations which are not social but created by ourselves. “Freedom is a word itself comes with responsibility and shows that how can we bound by letting us free to do anything. This is the most intelligent form of discovery which was never patented by anyone but it is used by every big organization or democracy to regulate its members. Freedom itself consist of two words ‘free’ and ‘Dom’ or dominance .This is the irony behind this word that its first half is exactly antonym to the second one. As an adamant speaker, I can speak in the crowd that I have freedom which frees me from any illegal detention and restraint me to do to anyone in the first place. Constitution is a book or a statute which defines every freedom which citizen has in its nation like according to Indian Constitution we can interpret that Judiciary is the care taker of the constitution in India and by giving the ‘Basic Structure Doctrine ‘ in Keshavananda Bharti Case(1973) the Indian judiciary defines that for every nations establishment it is necessary to give some rights to its citizens .There are many instances when there is a cut out situation between the three tier of Indian Democracy which are Executive, Legislature and Judiciary but at the end the Mediation is done by a book which can’t speak itself but is depicting the scenario with its words . I found this book in India a bit voluminous rather than having a specific provisions which grant remedial actions or regulates all other legislations as it was being considered as a parent legislation from which all other laws are being governed in India and which sometime provide an edge to any tier of our democracy . According to me this portray of a situation when it is not important how much you speak or write but the thing which is important is that what all is to be written to be precise and can justify the specific thing ‘ what you write’ it is enough that it justify its purpose . As in comparing our statute with others will make me think about the specific situation where we are

having a voluminous statute and which is not precise and other countries have coded their statute in very few pages though, that are fulfilling their said purpose for which it was made. but in current scenario it is a need of our to have a discussion on this topic as in the era of Globalization having a voluminous statute make things more complicated instead of making it precise.

In order to have a comparison I have taken two powerful countries of the world namely United States of America and Peoples Republic of China. As I have said Earlier how much you write doesn't matter but what matter is the way it is written as like in Chinese constitution it is of 39 pages and it serve or justify the purpose for which it was made and in USA it is of 19 pages which shows that how intelligently constitution framers in those countries had framed constitution and after all china has more population than India but the Indian constitution is more voluminous than china. And if we talk about American Constitution as in inspite of having largest economy in the world it consist of only 19 pages hence after this also there are some provision which are missing in our lengthiest constitution but are present in those constitution .

COMPARISON BETWEEN CONSTITUTION OF INDIA AND UNITED STATES OF AMERICA

There are many differences like first of all in America there is a singlehead of government termed as president but in India the president is the signing authority with some limited powers and prime minister is the whole power broker in India. There is a major difference that the members of legislature can't be the part of the executive Machinery but in India it is must that the union minister need to be an member of parliament or a member of legislation. According to US Constitution the powers of three tiers are equally divided but in India the three tiers can have a supervisory power over each other and a proper analysis of the conflict between them can be executed. the US Constitution talks about Rights and Obligation in the context that they can create a relationship between the people of the different States because in United States of America the states have come together and form a union hence Centralization is their agenda but in India there are many states which don't come together but one union is created after that the States are divided which shows Decentralization . In the United States of America the term to exercise powers is also of the term of 4 years for president and it can also be that one can take 2 term only but in India there is a specified term which is 5 years for president and no specified

term for Prime Minister because he is one of the leader of the government and the term of government is 5 years but both President and Prime Minister can be reelected unlimited times which can create a thinking for only one leader which leads to dictatorship because if one person rules for more than 10 years he/she can create a diplomatic ties with the people which can leads to destruction of the true meaning of Democracy which cannot happen in the case of United States of America.

CONCLUSION

I would like to conclude my article by summarizing it in the form prescribed as that the Indian Constitution is one of the most specialized constitutions in whole world. As we have adopted different provisions from different countries but after this also there are various loopholes in our Constitution which needs a change in its provisions which can be easily interpreted and understood in the light of current situation. As Indian society is growing day by day and moving towards modernization with the speed of a Jet so it is a need of hour that our law makers may reevaluate our statutes and amend them to sustain in this modern world .Nowadays people are getting aware of their rights but there is always a breach in name of duties which are being performed by them in return of those rights for their motherland .It is important that we know how we can create a state which consist of a welfare state and a fair competition among our citizens. our Constitution has its own way of creating relationship between the people and their government which is Appreciable but these ways can be evaluated thoroughly and we can create a social code which can serve our purpose for which we have legislated it. Our history itself portray that we need to be united towards our goals and for betterment of society.

