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Original Research Article

Indian Constitution: Awareness Among Medical Students

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Abstract

Constitution of India is the fundamental law of the land and is a set of rules, principles and procedures to which the people want the country to be governed. Hence it is ideal for every citizen to have a basic awareness on constitution. A programme was conducted at Jubilee Mission Medical College and Research Institute, Thrissur, Kerala to create awareness among the students about the constitution. Along with the programme a pre-test was conducted to assess the knowledge the students already have through a pre structured questionnaire. An evaluation of the programme was also conducted in the form of a post test. A total of 496 students participated in the class on introduction to Constitution of India and attended the pre-test. The post test was attended by 480 students. A substantial improvement of knowledge was noticed among the students who have attended the programme. Considering the significance of constitution as the health law the country, it is suggested that the basic concepts of constitution has to be incorporated in the medical curriculum. It is not just for passing information but sensitizing the future health care providers to take part in the development of country with a special attention to health sector.

1. Introduction

The Constitution of India:

The first major achievement of independent India was framing of a new constitution, a constitution based on the ideals of justice, liberty, equality and fraternity. The final form of the constitution was passed and adopted by the constituent assembly on November 26, 1949. However the constitution was inaugurated only on January 26, 1950. A careful study of the constitution will show that there are at least eight basic principles. These are popular sovereignty, fundamental rights, directive principles

of state policy, secularism, judicial independence federalism and cabinet government.¹

Constitution of India and health:

The most important source of health related legal provisions in India is the constitution. Even though right to health is not directly included as a fundamental right in Indian constitution, there are many provisions which direct the state to ensure health care of the citizens. Right to health is considered as an inevitable part of right to life by various interpretations of article 21.

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In addition, many provisions of Constitution of India which includes the preamble, legislative powers of union and state governments, fundamental rights and directive principles of state policy can be considered as health related laws of the country. Thus Constitution of India may be regarded as the most important health law of the country. Hence government has a constitutional obligation to provide health facilities.²

Constitution education among students:

Constitution education among students is nothing but exposing them to the constitution, teaching them its salient features, enlightening them about their fundamental rights, enabling them to critically evaluate the relevance of various articles, shaping their mind to develop a positive attitude towards it and helping them appreciate the wisdom found in it. As it protects the rights of all citizens and serves as the frame work for good governance, it functions as a social contract between the government and the people governed. Since Constitution of India may be regarded as the most important health law of the country, it is essential for the medical students of our country to have a basic awareness about the constitution.

To fulfil this requirement, Jubilee Mission Medical College and Research Institute, Thrissur, Kerala has initiated an awareness programme on constitution of India among the undergraduate and post graduate Medical students of the institution. In view of the Constitution day celebration on November 26 and Constitution literacy week celebration by Government of Kerala, Jubilee Mission Medical College and Research Institute, Thrissur has conducted classes on Introduction to Indian Constitution to the students spreading over a period of one week. The class was preceded by a pre-test which tests some basic knowledge on the constitution among the students. An interactive session between the students and resource persons were also arranged after the talk. Evaluation to assess the constitution knowledge after the orientation programme was conducted in the form of a post-test during the week after that.

Objective of the programme:

To create awareness among the future health care givers of the country about the constitution of India.

Objective of the study:

1. To ascertain the views and extent of awareness about the constitution of India among medical students.
2. To assess the evaluation of the programme conducted through a pre structured questionnaire.
3. Suggesting measures for conduct of constitutional awareness programme.

2. Materials and methods:

In connection with celebrations of constitution day an introduction in to Constitution of India was arranged to the undergraduate and postgraduate students of Jubilee Mission Medical College and Research Institute, Thrissur. The class was preceded by a pre-test which tests some basic knowledge on the constitution of India. (Appendix-1). The class was conducted by Legal and medico legal experts. This was followed by an interactive session where the students have actively participated in the discussion. A post-test with the same questionnaire was conducted during the next week to all participants of orientation programme to evaluate the knowledge acquired after the orientation programme.

3. Results:

A total of 496 students participated in the class on introduction to Constitution of India and attended the pre-test. The post test was attended by 480 students. Eleven questions were asked based on the Indian constitution which is general in nature. The number of correct responses and incorrect responses (both pre-test and post-test) are given in [Table 1](#). A question to mention any four fundamental rights as guaranteed by the constitution of India was also asked. The number of students who have responded in the pre-test and post-test are given in [Table-2](#).

4. Discussion:

The constitution is considered as the fundamental law of any country. All laws which are implemented later if they are in contravention to the provisions of constitution are null and void. Hence constitution is considered as the supreme law of the land. This concept was known to most of the medical students even before the orientation given to them. This suggests that as a citizen, even the medical

students know that constitution is the highest norm established for proper and regular functioning of the society. Indian constitution is the lengthiest and most detailed written constitution in the world. Even though the provisions are more indigenous, the legal system has a great influence on British model. But the great irony is that U.K does not have a written constitution. Hence the question “Country

not having a written constitution” is relevant. Most of the students’ do not know this aspect. Even after the orientation given to them they did not give important to this concept of written and unwritten constitution. This was reflected in response of students in the post test. The introductory statement of the constitution is called the preamble and is an essential part of the constitution.⁴

Table No 1: Number of Correct and incorrect responses

Questions included	Answer	Pre-test(496)		Post-test(480)	
		Correct response	Incorrect response	Correct response	Incorrect response
Constitution is the supreme law of the land	True	418 (84.27%)	78 (15.73%)	480 (100%)	0 (0%)
Chairman of the Drafting committee of Constitution	Dr.B. R Ambedkar	380 (76.61%)	116 (23.39%)	480 (100%)	0 (0%)
Country not having a written constitution	UK	142 (28.63%)	354 (71.37%)	242 (50.42%)	238 (49.58%)
Preamble-Sentence(first few words)		0 (0%)	496 (100%)	365 (76.04%)	115 (23.96%)
Concept of Emergency borrowed from	Germany	152 (30.65%)	344 (69.35%)	296 (61.67%)	184 (38.33%)
Mind & Ideas of framers of constitution are reflected in	Preamble	196 (39.52%)	300 (60.48%)	319 (66.46%)	161 (33.54%)
Indian constitution is	Quasi federal	147 (29.64%)	349 (70.36%)	278 (57.92%)	202 (42.08%)
Constitution of India came in to force in	26-01-1950	275 (55.44%)	221 (44.56%)	452 (94.17%)	28 (05.83%)
Type of democracy followed in India	Representative	356 (71.77%)	140 (28.23%)	422 (87.92%)	58 (12.08%)
Three types of emergencies	National, State & Financial	117 (23.59%)	379 (76.41%)	311 (64.79%)	169 (35.21%)
Meaning of concurrent list		8 (01.61%)	488 (98.39%)	121 (25.21%)	359 (74.79%)

Table NO. 2: Questions related to fundamental rights

Fundamental Rights	Answer	Pre Test(496)		Post-test(480)	
		Correct response	Incorrect/No response	Correct response	incorrect /No response
Right to Equality		169 (34.07%)	327 (65.93%)	365 (76.04%)	115 (23.96%)
Right to Freedom		135 (27.22%)	361 (72.78%)	344 (71.67%)	136 (28.33%)
Right against Exploitation		0 (0%)	496 (100%)	18 (03.75%)	462 (96.25%)
Right to Freedom of religion		36 (07.26%)	460 (92.74%)	184 (38.33%)	296 (61.67%)
Cultural and educational rights		12 (02.42%)	484 (97.58%)	26 (05.42%)	454 (94.58%)
Right to Constitutional Remedies		0 (0%)	496 (100%)	4 (0.83%)	476 (99.17%)

The preamble of the constitution declares India to be a Sovereign, Socialist, Secular, Democratic, Republic. Thus preamble requires provision for ensuring social and economic justice also. Improving the quality of life and ensuring healthy life are the important goals of Social justice. Thus preamble is an important part of health law of the country. The ignorance on the part of medical students regarding preamble has changed after the orientation given to them and 76.04% students have answered the question regarding the preamble. This preamble is considered as the heart and soul of the Indian constitution according Dr. B. R. Ambedkar and a question "Mind and Ideas of framers of constitution are reflected in" is also relevant. A substantial improvement in number of students giving correct answer to this question after orientation was a good sign.

Questions like 1. Chairman of the Drafting committee of Constitution, 2. Concept of Emergency borrowed from, 3. Types of emergencies, 4. Constitution of India came in to force on and 5. Type of democracy followed in India are of general in nature, which every individual is expected to know. Even though many were not aware of such general aspects, the orientation programme conducted improved their basic knowledge to a great extent. This was reflected in the post test conducted.

A question on Meaning and examples of concurrent list was asked which was answered by only by 01.61% students prior to orientation and only 25.21% students after the orientation. The constitution of India distributes powers between Union and state by distributing them in three lists. They are Union list, State list and concurrent list. Items to which the Parliament is vested with law making powers is called Union list while the items where state government is empowered to make law is termed as state list. Items on which both Parliament and state legislature has the power to make laws are called concurrent list. The item public health, sanitation, hospitals and dispensaries are listed in the state list. Medical education, medical profession, mental health and welfare of labour are included in the concurrent list.

International health, port health research and technical and scientific education comes in Union list. The various aspects of health care administration are distributed under the purview of

union and state legislature. Awareness on distribution of such powers and their categorization is essential for a health care provider of our country, to facilitate better health governance.

Certain rights are guaranteed by the constitution which are fundamentally essential for life and guaranteed by law. There are six fundamental rights which every individual is entitled to enjoy. They are Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of religion, Cultural and educational rights and Right to Constitutional Remedies. None of the students under study were aware about two rights namely Right against Exploitation and Right to Constitutional Remedies. Even after orientation to the topic on constitution only 03.75% and 0.83% students mentioned these two rights respectively. Every individual shall aware of their rights. These rights are justiciable and the individual can approach high court or Supreme Court if their rights are denied.

A medical student shall aware of the right to equality which is interpreted as constitution guarantees equality in terms of treatment and access to health care. 34.07% students in presented study were aware of the right to equality prior to the orientation given to them and this percentage has increased to 76.04% after the class on constitution. Health and equality are linked and it is said that unequal societies are associated with low life expectancy, high infant mortality, lower birth weight and increased depressive illness.⁵

Article 19 to 22 deal with the different aspects of the basic right -Right to freedom or personal liberty. In the present study right to freedom as a fundamental right was mentioned by 27.22% students in the pre-test and 71.67% in the post test. Article 21 guarantees right to life which includes factors that are essential to lead a meaningful and dignified life including health. There are many case laws where the court held that right to health as a part of right to life.^{2,6,7}

A total awareness on fundamental rights is essential for every individual and those who are in the health care field shall aware of right to equality (articles 14-18) and right to freedom (articles 19 to 22) enshrined in the constitution. Because today the right to health is not a charity work of the government but it is an entitlement.

5. Conclusion:

Indian constitution is not only a politico legal document but it's a socio economic document also. In addition to achieving a political stability it aims at social and economic equality. The social equality shall ensure improvement of quality of life which includes healthy life. Thus health of an individual is a right ensured by the constitution of India. Hence Constitution itself is the most important source of health related legal provision in the country. Every individual in the health care system shall aware of the constitution as it is regarded as the most important health of India. The ideal time to impart this constitutional knowledge to health care providers is by introducing in the curriculum. A brief study on Constitution of India can be included as a part of foundation course during medical and paramedical undergraduate studies.

References:

1. M.V Pylee. Making of the constitution In: An introduction to The Constitution of India. Fifth edition; New Delhi: Vikas publishers, 2007. p13.
2. State of Punjab and others v Mohinder Singh AIR 1997 SC 1225.
3. Albert P Rayan. How informed are you about the constitution of India? The Hindu 22 November 2015.
4. Keshavananda Bharati v. State of Kerala ,AIR 1973 SC 1461.
5. Gillian McNaughton. Health care Systems and equality rights: The equal rights Review: vol.6; 2011.
6. Bandhu Mukti Morcha v Union of India 1984 AIR 802.
7. Consumer Education and Research Centre v Union of India 1995, SCC 42.