

## Lesson- 11

# Indian Constitution



### Learning outcomes :

Students will–

- ✦ know about the historical background and role of Assam in the framing of the India Constitution.
- ✦ understand the Preamble to the Constitution and its principles.
- ✦ know the characteristic of the Indian Constitution.

India is a country where people of different communities, races, religions, cultures live together. After Independence there was the need of a constitution to run the nation independently. Several stages had to be passed in order to make this need possible. At last after a lengthy debate and deliberation the Constitution of India was made ready. It came into force on January 26<sup>th</sup>, 1950.

The framing of the Indian constitution has a historical background. Let us now discuss this in brief.



### The historical background of the Indian Constitution :

You must have heard about the Sepoy Mutiny of 1857. The people of India revolted against some laws imposed by the British East India Company. As a result, in 1858 the British East India Company withdrew its rule and the ruling power was directly transferred to the Crown of England. From then onward the British Government introduced several laws to consolidate its power to rule India.

A few such laws are given below—

- ✦ In 1861, the British Government introduced the '**Indian Councils Act**'. This Act decentralised the Indian administration and introduced representative system of administration.
- ✦ In 1892, the amended '**Indian Council Act**' was passed and the process of selection of representative was introduced. This Act was not able to satisfy the Indian people.
- ✦ The '**Government of India Act**' was passed in 1909 but this Act was also not able to satisfy the Indian. This Act is also known as '**Morley-Minto Reform Act**'.
- ✦ In 1919, the Government of India Act has somewhat introduced the autonomous Governance system to a limited extend.
- ✦ The Government of India Act, 1935 for the first time introduced the autonomous and

federal governance system.

- ★ According to the Act passed in the British Parliament in June 1947, India got independence in August 15, 1947

It is worthwhile to mention here that educated Indians had been demanding inclusion of Indian representative in the British Government. The British Government was forced to include limited Indian representatives to their Government by passing different Acts from time to time.

In 1922, Mahatma Gandhi demanded for a constitution prepared by the Indians for the country. In 1928, the Swaraj Party also demanded for a Constituent Assembly to frame the constitution. Thus, a public opinion arose in demand of a constitution.

The 'Simon Commission Report' 1927 prepared under the leadership of Sir John Simon also stated the importance of a separate Constitution for India.

The Nehru report, which was published in 1928 under the presidency of Motilal Nehru played a major role in the making of the constitution of India. The report contains basic structure of the Indian Constitution, such as federal structure, bicameral legislature and the fundamental rights of the citizens, etc.

In 1934, the Indian Congress proposed for the formation of a Constituent Assembly. The British Government invited Indian representatives to three Round Table Conferences in London during adoption of the Simon Commission Report. The Indian Councils Act, 1935 was adapted based on the proposals of the Round Table Conference. In the history of Indian Constitution, this Act has an important role.

In the beginning of the World War II (1937-1945), the struggle for India's Independence became more active. In order to win Indian's support in the war, the British Government in 1940 through 'August Proposal accepted the

### Let us know :

Members of the  
Drafting Committee

- ★ Dr. Bhimrao Ambedkar  
Chairman and other  
members were –N.  
Gopalswami Ayengar, Allad  
Krishna Swami Ayer, K. K.  
Munshi, Syed Mohummad  
Saddullah, N. Madhav Rao,  
D.P. Khaitan.



The first  
Prime Minister  
of Independent  
India, Pandit  
Jawaharlal

Nehru was not in the Draft  
Committee but he played a  
significant role in the  
framing of the Indian  
Constitution.

- ★ The full name of Bhimrao  
Ambedkar was Babasaheb  
Bhimrao Ambedkar. He is  
popularly known as  
Babasaheb. He incorporated  
Fundamental Rights in the  
Constitution to eradicate  
untouchability and establish  
social equality among the  
Indians. He gave special  
importance on women  
education and property  
right. He took bold steps to  
execute the Indian  
Constitution.



demand for a separate constitution. Thus, in 1946 the Cabinet Mission visited India and offered proposal to frame a separate constitution. Based on the proposal, Indian Constituent Assembly was formed. Dr. Rajendra Prasad was elected as the Chairman of this Assembly.

After Independence the Constituent Assembly acquired the right to frame the constitution.

In August 29, 1947 a Draft Committee was formed with Dr. B. R. Ambedkar as the chairman and six other members (Read 'let us know' of page 191 to know in detail)

The Draft Constitution was published in January 1948 and eight months time was given for public opinion. In November 26, 1947, Dr. Rajendra Prasad, Chairman of the Constituent Assembly signed the draft Constitution. Later on, the Indian Constitution was accepted in the Constituent Assembly. It took 2 years, 11 months and 18 days to frame the Indian Constitution. The Indian Constitution came into force from January 26, 1950. Dr. Rajendra Prasad, Chairman of the Constituent Assembly was made the first President of Independent India.



**Dr. Rajendra Prasad signing the constitution**

The framers of the Indian Constitution borrowed some principles from the Constitutions of other countries. These principles were—

|  |                                       |
|--|---------------------------------------|
| From the Constitution of England   | Parliamentary Democracy               |
| From the Constitution of Ireland   | Directive Principles of State Policy. |
| From the France Constitution   | Liberty, Equality, Fraternity.        |
| From the Constitution of United States of America                        | Fundamental Rights.                   |
| From the Constitution of Canada, Australia and South Africa respectively | Federalism.                           |

**Write Answer :**

- When did the administrative power of India transferred to the British government?
- When did the British introduce Indian Council Act?
- When did Mahatma Gandhi demand for a constitution?
- Who was the Chairman of the Constituent Assembly?
- Who was the Chairman of the Draft Committee of the Constitution?
- From which country did the Indian Constitution incorporate the Directive Principles of State Policy?



## Role of Assam in framing the Constitution :

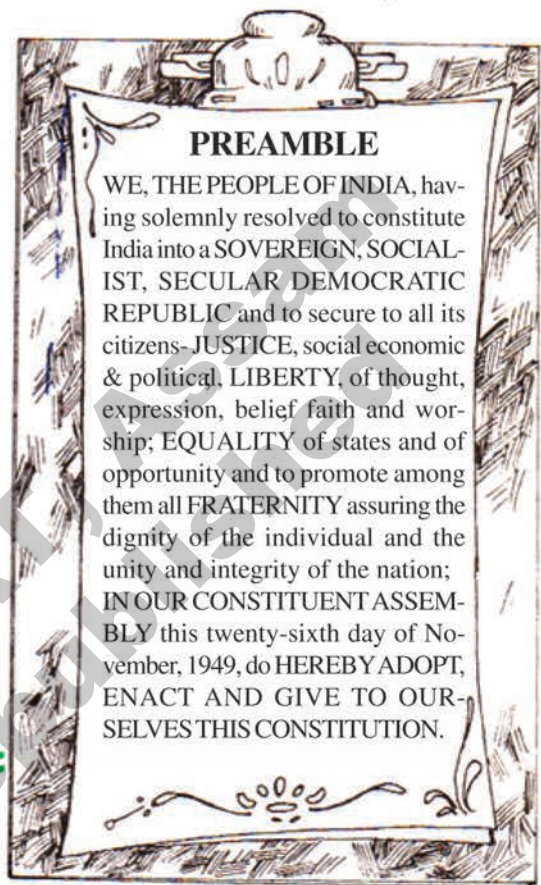
The following leaders had special contributions to the drafting of the Indian Constitution. They were Syed Mohummad Sadullah, Gopinath Bordoloi, Dharanidhar Basumatary, Reverend J.J.M. Nichols-Roy, Nibaron Chandra Laskar, Kuladhar Chaliha, Rohini Kumar Choudhury and Abdul Rouf. Syed Mohummad Sadullah was a member of the Drafting Committee. Gopinath Bordoloi was the Chairman of the Assam Scheduled Caste, Scheduled Tribe and Hill Tribes Advisory Committee. According to the advice of this Advisory Committee, the Sixth Schedule was included in the Constitution. This Schedule had provisions for autonomous administration for the North-Eastern Hills and Tribal Regions. In this way, these eminent persons played a powerful and constructive role in drafting the Constitution. They shared unanimous opinion in matters of common interest of the country as well as for their own state.

## The Preamble to the Constitution of India:

The Indian Constitution has a preface like the Constitution of USA. This preface is called the Preamble to the Constitution. It is like a mirror to the Constitution. The Preamble explains the basic principles, objectives and purposes sought to be achieved or promoted by means of law.

According to the Preamble “We, the people of India” – means the people of the country in their aggregate capacity. The Indian Constitution was framed by the people of India and given to the people for their welfare. Secondly, India is a sovereign state which means that the country is free from external control. People have the right to make independent decisions on internal as well as external matters without any external powers.

Third, the words ‘Socialist’ and ‘Secular’ were inserted in the Preamble by the 42nd Constitution Amendment Act, 1976. The word socialist explain that the wealth should not be generated in the limited hands but should be shared by society equally and government should regulate laws on it. The Constitution lays emphasis on socio-economic equality. Such provisions were made so that the country’s production and distribution systems are managed by the people of the country.





The word secular expresses that the state does not patronise and prioritise any religion. Citizens have complete freedom to follow, accept and spread any religion of their choices. The state treats all religions, beliefs and practices with equal respect.

Fifth, India is a democratic state which means the state is run by elected representatives.

Sixth, India is declared Republic which means that the head of the state is elected and not a hereditary person. The President of India is elected indirectly by the elected representatives for a term of five years.

In order to ensure the citizen's rights, the Preamble incorporates four basic principles—Justice, Liberty, Equality and Fraternity.

## Justice:

Justice ensures social, political and economic justice to all citizens.

- (a) **Social justice :** Every Indian citizen enjoys equal right to lead a respectful life.
- (b) **Political justice :** Every Indian has the right to enjoy equal political rights. Every adult citizen has the right to vote and participate in the election process.
- (c) **Economic justice :** This justice refers to removal of economic inequality, equal wage for men and women; economic support to physically challenged and old person, equal distribution of state wealth and resources.

**Liberty** ensures freedom of thought, expression, belief, faith and religion. Every citizen has the freedom to think, express her/his opinion, follow and propagate religion of one's own choice.

**Equality** is another basic principle of the Preamble. The preamble states that equal opportunity to be provided to all Indian citizen irrespective of caste, creed or religion. Every citizen is equal in the eyes of law and the law provide security to all.

For the unity and integrity of the nation, fraternity is considered as one of the basic principles. The state is to ensure that every citizen is provided equal opportunity and equal status. Everyone should respect each other's religion, language and culture in order to establish integration.

India would be a welfare state if all the above principles are followed accordingly.

### Activity

- ★ Discuss in group and write :

What problems would arise in the absence of justice, liberty, equality and fraternity.

You have learnt about the historical background of the Constitution and the Preamble. You also have come to know about the necessity of a constitution. A constitution is prepared based on the nature of the country to run the country. Constitutions of different countries have their own features. The Indian Constitution also has its own salient features. These features are discussed below—



- (1) **The lengthiest written Constitution :** The Indian Constitution is a written one. It contains detailed written list of basic administrative principle, Fundamental Rights, Directive Principles of State Policy, judiciary system, election procedure, etc. It is the lengthiest constitution in the world. The Constitution has **395** Articles, **22** parts and **12** schedule appended to it. Our constitution is too long as it includes selective concepts gathered from other constitutions of the world.
- (2) **The Preamble :** The Preamble is the most significant part of the constitution. It can be called the key to the constitution.
- (3) **Mixed Constitution :** You already know about flexible and rigid constitution. One of the important features of the Indian Constitution is that it is a blend of flexibility and rigidity. According to the provision of the Indian Constitution, formation of a new state, demarcation of state boundary, etc. can be easily amended. But important provision like the Presidential election process, distribution of powers in centre and state, Supreme Court and Hight Court laws cannot be amended easily. This shows the rigidity of the constitution.
- (4) **Sovereign State :** You already know that the Preamble to the Constitution declares India to be a Sovereign State. This means India is internally supreme and externally independent.
- (5) **Secular State :** Secularism is another important characteristic of the Indian Constitution.
- (6) **Socialist State :** The inclusion of the word 'Socialist' in the 42<sup>nd</sup> Constitutional Amendment Act has declared India a socialist state. Socialism encourages the national sector as well as other welfare under the guidance of the government for the well being of the public in general.
- (7) **Single Citizenship :** The Indian Constitution does not provide dual citizenship like the constitutions of United States of America and Ireland. It provides single citizenship to its citizen. Through single citizenship the spirit of unity and integrity can be aroused among various communities, castes, tribes, languages, religions and cultures.
- (8) **Mixture of Federal and Unitary Government :** Though the Indian Constitution is said to be a Federal constitution but it is not completely federal in nature. Distribution of powers, written constitution, impartial judiciary are the characteristics of a federation. On the otherhand strong central government, single citizenship, etc. are the characteristics of a unitary government. Therefore, the Indian Constitution is a combination of federal and unitary form of government.
- (9) **Parliamentary Government :** Parliamentary form of government is another important characteristic of the Indian Constitution. According to this form of government, the President is the nominal head of the country. In accordance with the Constitution the executive power of Indian union is vested on the President. All other powers are vested on Prime Minister and the Council of Ministers. The Council of Ministers are collectively responsible to the Lok Sabha. The Council of Ministers function all activities of the country for the President. Such form of government is called Parliamentary form of government.
- (10) **Division of Power :** Division of power is another significant characteristic of the Indian Constitution. The Indian Constitution has divided the powers in the Union and State under three lists. They are– Union List, State List and Concurrent List.



### Let us know :

| Union List  | State List   | Concurrent List                              |
|---|--|--|
| There are 100 subjects in the Union List                      | There are 61 subjects in the State List              | There are 52 subjects in the concurrent List |
| defence, foreign relation, currency, trade and commerce, etc. | internal law and order, agriculture, education, etc. | union and state laws.                        |

- (11) **Fundamental Rights and Duties :** The Indian Constitution guarantees six Fundamental Rights to its citizens. Along with the Fundamental Rights there are 11 Fundamental Duties. You will know about them in details in the next lesson.
- (12) **Directive Principles of State Policy :** The Indian Constitution has taken the Directive Principles from the Constitution of Ireland. Certain principles were laid down in the Directive Principles of State Policy in order to make it a welfare state. These basic principles are– to increase the standard of living of its citizens, to establish economic status, to develop rural areas, to introduce panchayat system, to settle dispute peacefully, to spread brotherhood, to remove illiteracy, to provide free and compulsory education to all children of 6-14 years of age. Special reservation for socially backward, to preserve monuments and places of historical importance, conservation and development of nature. The government cannot be forced to implement these Principles and they are not enforceable by law.

### Let us remember :

- ✦ India came under British rule after Sepoy Mutiny.
- ✦ The Government of India Act, 1861 decentralised the Indian administration and declared representative form of government.
- ✦ The process of elected representation started in India according to the Government of India Act 1892.
- ✦ The Government of India Act was adopted in 1909 but the Indians were not satisfied.
- ✦ The Government of India Act, 1919 introduced the autonomous administrative system.
- ✦ The Government of India Act, 1935 introduced autonomous and federal administrative system.
- ✦ According to the August Proposal, 1940 the British government formed an Indian People's Assembly for a separate constitution.

- ✦ The Indian Constituent Assembly was formed based on the 1946 Cabinet Mission Proposal. Dr. Rajendra Prasad was elected as the Chairman of this assembly.
- ✦ In 1947, the British Parliament passed an Act in which India got Independence in August 15, 1947.
- ✦ In August 26, 1947, a Drafting Committee was formed with Dr. Bhimrao Ambedkar as the Chairman and six other members.
- ✦ In November 26, 1949, Dr. Rajendra Prasad, Chairman of the Constituent Assembly signed the Draft Constitution and the Constitution came into force in January 26, 1950.
- ✦ The framers of the Indian Constitution adopted several principles from the Constitution of other countries.
- ✦ Syed Mohammad Sadullah and Gopinath Bordoloi of Assam had special Contribution in the framing of the Indian Constitution.
- ✦ The Preamble is the soul and key to the Indian Constitution.

## Exercise

### 1. Write short answers :

- (a) How much time did it take to complete the Constitution?
- (b) When did the Indian Constitution come into force?
- (c) When did the election process start in India?
- (d) What system was introduced in the Government of India Act, 1935?
- (e) When was the Drafting Committee of the Constitution formed?

### 2. Fill in the blanks :

- (a) Indian Constitution has \_\_\_\_\_ Articles, \_\_\_\_\_ Parts and \_\_\_\_\_ Schedule.
- (b) The Constitution has divided the powers under \_\_\_\_\_ lists.
- (c) \_\_\_\_\_, \_\_\_\_\_, was included in the 42 Amendment of the Constitution.
- (d) \_\_\_\_\_ of Assam was a member of the Drafting Committee of the Constitution.

### 3. Write answers :

- (a) Why is the Indian Constitution called the lengthiest Constitution?
- (b) What do you understand by a mixed Constitution?
- (c) What are the basic principles of the Directive Principles of State Policy?
- (d) Name the country from which the Indian Constitution incorporated the Directive Principles of State Policy.



4. Express in one word—

- (a) Head of the country is not heirarchical —
- (b) Country free from foreign rule —
- (c) Country free from state religion —
- (d) State which works for peoples' welfare —

5. Match column A with column B—

| A  | B  |
|--|--|
| (a) From British Constitution            | (a) Liberty, equality, fraternity        |
| (b) From Canada, Australia, South Africa | (b) Directive Principles of State Policy |
| (c) From United States of America        | (c) Federal system                       |
| (d) From the Constitution of France      | (d) Fundamental Rights                   |
| (e) From Ireland Constitution            | (e) Parliamentary form.                  |

6. Write briefly on the historical background of the Indian Constitution.

7. Write the role of Assam in the framing of the Constitution.

8. Explain the basic principles laid down in the Preamble to the Indian Constitution.

9. Write short notes on—

- (a) Dr. Bhimrao Ambedkar      (b) Dr. Rajendra Prasad
- (c) Parliamentary form of government.

10. Organize extempore speech in your class. Use the features of the Constitution as topics.

Examples— Directive Principles, Preamble, Single citizenship, etc.

