



The Indian Constitution

For centuries different parts of our country were under the rule of kings and queens. However, when our leaders fought against the British colonial rule, they wanted the future government of India to be democratic and not monarchic. They wanted India to be ruled by the people themselves with the help of elected representatives.

- Why did not the leaders who fought for freedom want India to be ruled by kings and queens? Discuss.

When India gained freedom from colonial rule, it was decided to put together basic principles for which we stood and principles and procedures by which our country would be ruled. These were written down in a book called the ‘Constitution of India’.

A Constitution is a set of rules about how the country should be governed – how the laws that run it would be made or changed, how the government should be formed, what would be the role of the citizens, what would be their rights, etc. Above all, the Constitution sets before the country the goals for which the country has to strive.

- If you and your classmates were asked to formulate five goals for the country – what would they be? How

would you arrive at those five goals? Discuss in the class and work with the help of your teacher.

Making of the Indian Constitution

The Indian Constitution was drafted under very difficult circumstances. The country had been controlled by Britain for about 200 years and its institutions had been designed to suit their needs. The country had just been partitioned due to communal conflicts. A large part of the country was ruled by Princely states (like the Nizam of Hyderabad). Apart from social and cultural diversity, there were huge differences between rich and poor, upper and lower castes, men and women. The leaders were concerned about keeping the country together and not allowing it to break up any further. This meant that all the diverse people should feel that they have an effective role in the running of



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the country. Our national movement was not merely a struggle against the foreign rule. It also sought to end inequalities, exploitation and discriminations in our society. Literacy levels and education were very low. There was acute poverty and lakhs of people had died of famine and epidemics.

The country was dependent upon foreign nations even for its basic needs like foodgrains. It was necessary, therefore, to set out the vision of the future society and design a strong framework for achieving it.

- Find out from your grandparents or old neighbours who were there at the time of independence about how things were at that time and what they felt about the future of the country.

There were sharp differences of opinion among the leaders of the national movement about how we could make a better society after Independence. Yet most leaders agreed that independent India would be governed according to the principles of democracy in which:

- i. every one will be equal before law and will have certain fundamental rights guaranteed to them,
- ii. the government would be formed by general elections based on the principles of 'universal adult franchise' or right of every adult citizen, irrespective of gender, caste, religion, education, or wealth to vote in elections.

Early Drafts of Constitution

Even before independence, in 1928, Motilal Nehru and eight other Indian National Congress leaders drafted a Constitution for India. In 1931, the resolution at the Karachi session of the Indian National Congress dwelt on how independent India's Constitution should look like. Both these documents were committed to universal adult franchise, right to freedom and equality.

- Can you list out some of the inequalities and discriminations prevalent in our society at the time of Independence?
- Here is a set of statements that is put in pairs, but some of it has wrong information. Can you correct them?
 - a) A model constitution was drafted - Motilal Nehru
 - b) Leaders agreed that illiterate people should not vote - universal adult franchise
 - c) Provincial legislature - Constitution adopted some colonial laws
 - d) Partition - large number of people were killed and forced to migrate
 - e) Restriction on women voting - commitment to social reform in India



Fig 13.1: India celebrates Republic Day on 26th January every year. This is a photograph of NCC cadets marching as part of the celebrations.



Fig 13.2: The President of the Constituent Assembly, Dr. Rajendra Prasad and the Chairman of the Drafting Committee, Dr. B. R. Ambedkar greeting each other.

- What were the sources of inspiration and ideas for framing our Constitution?

First of all, they were inspired by the struggle waged by the diverse kinds of Indian people and their aspiration for a better world to live in. They knew that it was their sacred duty to help build an India in which all these diverse kinds of people may realise their aspirations. They were also deeply influenced by the thoughts of Mahatma Gandhi and other national leaders.

Secondly, many of our leaders were inspired by the ideals of the French Revolution, the practice of parliamentary democracy in Britain and the Bill of Rights in the USA. The socialist revolution in Russia and China had inspired many Indians to think of shaping a system based on social

and economic equality. All these factors influenced the making of our Constitution.

Moreover, the British too had introduced some basic institutions of democratic rule in India. However, only certain categories of people could vote in the elections. British had introduced very weak legislatures. Elections were held in 1937 to

Provincial Legislatures and Ministries all over British India. These were not fully democratic governments. But the experience gained by Indians in the working of the legislative institutions proved to be very useful for the country in setting up its own institutions and working in them. That is why the Indian Constitution adopted many institutional details and procedures from colonial laws.

The Constituent Assembly

The Constitution was drafted by an assembly of elected representatives called the Constituent Assembly. Elections to the Constituent Assembly were held in July 1946. Its first meeting was held in December 1946. With the partition of the country in August 1947, the Constituent Assembly was also divided into the Constituent Assembly of India and that of Pakistan. The Indian Constituent Assembly



Sarojini Naidu



Durgabai Deshmukh



N.G. Ranga



T. Prakasam

had 299 members. The Assembly adopted the Constitution on 26 November 1949 but it came into effect from 26 January 1950. To mark this day, we celebrate January 26 as Republic Day every year.

The members of the Constituent Assembly were elected mainly by the members of the existing provincial legislatures formed during the British rule. Some of the members were nominated by the kings ruling over some parts of the country. Its members came from all the regions of the country. The Assembly was dominated by the members of the Indian National Congress party and there were very few members of other parties like Dr. B. R. Ambedkar. Even though most members were from the same party, most of them held very different views on most issues. There were very few women, just about fifteen. Smt. Durgabai Deshmukh was one of them.

- Why do you think were the kings allowed to nominate members to the Constituent Assembly?
- Why do you think were there very few women members? Do you think it would have been better if there had been more women members?

First, some basic principles were decided and agreed upon: that India will be a Sovereign Republic; that it will have within several states with autonomous powers; that it will be democratic; that it will secure justice, equality and freedom to all citizens; that the interests of minorities, tribals and depressed classes will be safeguarded; and that India will work for world peace and welfare of all mankind. This is called the ‘Objectives Resolution’ and it was moved by Jawaharlal Nehru, the first Prime Minister of India. These became the guiding principles for drafting the Constitution.

Then, a Drafting Committee chaired by Dr. B. R. Ambedkar prepared a draft Constitution for discussion. Several rounds of thorough discussion took place on the Draft Constitution, clause by clause. There were intense debates on all important provisions. They were examined from different points of view and finally, decisions were taken by majority vote. More than two thousand amendments to the Draft Constitution were considered. The members deliberated for 114 days spread over three years. Every word spoken in the



Fig 13.3 : All Constituent Assembly members signed an illustrated version of the constitution. Here, you can see Jawaharlal Nehru signing the Constitution.

Constituent Assembly has been recorded and preserved. These are called ‘**Constituent Assembly Debates.**’

- Which of the guiding principles in the Objectives Resolution do you think is the most important? Give your reasons for it. Do other students have a different opinion about this?

The Dream and the Promise

Let us begin by understanding the overall philosophy of what our Constitution is all about. We can understand it by reading the views of some of our major leaders about our Constitution. But it is equally important to read what the Constitution says about its own philosophy. The Preamble of the Constitution states its philosophy.

Some of you may have noticed a name missing from the sketches of the makers

of the Constitution: Mahatma Gandhi. He was not a member of the Constituent Assembly. Yet there were many members who followed his vision. Writing in the magazine *Young India* in 1931, he had spelt out what he wanted the Constitution to do:

I shall strive for a Constitution which will release India from all thralldom and patronage... I shall work for an India in which the poorest shall feel that it is their country in whose making they have an effective voice; an India in which there shall be no high class and low class of people; an India in which all communities shall live in perfect harmony. There can be no room in such an India for the curse of untouchability or the curse of the intoxicating drinks and drugs. Women will enjoy the same rights as men... I shall be satisfied with nothing else.

- Mahatma Gandhi

This dream of an India without inequality was shared by Dr. Ambedkar, who played a key role in the making of the Constitution. But he had a different understanding of how inequalities could be removed. In his concluding speech to the Constituent Assembly, he stated his anxiety very clearly:

On the 26th of January 1950, we are going to enter life of contradictions. In politics, we will have equality and in social and economic life, we will have inequality. In politics, we will be recognising the principle of one man one vote and one vote

one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril.

- Dr. B. R. Ambedkar

Finally let us turn to Jawaharlal Nehru giving his famous speech to the Constituent Assembly at the stroke of midnight on August 15, 1947:

That future is not one of ease or resting but of incessant striving so that we may fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over.

- Jawaharlal Nehru

Read the above three quotations carefully.

- Can you identify one idea that is common to all these three?
- What are the differences in their ways of expressing that common idea?

Preamble of the Constitution

The values that inspired and guided the freedom struggle formed the foundation for India's democracy. These values are embedded in the 'Preamble' of the Indian Constitution, which is a short statement of

its basic principles and objectives. They guide all the provisions of Indian Constitution.

Let us read the preamble of our Constitution very carefully and understand the meaning of each of its key words. Think of some examples in the context of each of the terms mentioned here.

If you read it carefully, there is one basic sentence here:

“We the people of India, having resolved to constitute India into a Republic and to secure to all its citizens Justice, Liberty, Equality and Fraternity give ourselves this Constitution.”

- The people of India decided ('resolved') to achieve two objectives. What were these?
- What did they do in order to achieve these objectives?

WE THE PEOPLE OF INDIA: The Constitution has been drawn up and enacted by the people through their representatives, and not handed down to them by a king or any outside powers. This is an assertion of the democratic nature of our Republic.

REPUBLIC: The head of the state is an elected person and not a hereditary position as in a kingdom.

SOVEREIGN: India will have supreme right to take decisions on internal as well as external matters and make her own laws. No external power can make laws for India.

SOCIALIST: Wealth is generated socially by all through their work and it

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.

Subs. by the constitution [Forty-second Amendment] Act, 1976, Sec.2, for "Sovereign Democratic Republic" (w.e.f. 3.1.1977)

Subs. by the constitution [Forty-second Amendment] Act, 1976, Sec.2, for "Unity of the Nation" (w.e.f. 3.1.1977)

should be shared equally by all. The country should strive to reduce and end all kinds of inequalities.

SECULAR: The government will not be run on the basis of any religion. Citizens will have complete freedom to follow any religion or no religion at all. Government will not favour any religion.

DEMOCRATIC: A form of government where people enjoy equal political rights, elect their representatives to make laws and run the government and hold the representatives accountable.

JUSTICE: All citizens should get what is their due; in determining what is due to them no discrimination will be made on account of their birth (into a particular caste, tribe, community or sex) or beliefs (religion, political opinions etc.) or wealth (rich or poor) or status. The government, however, may take special steps to protect those who have been historically wronged (due to caste or gender or communal discrimination).

EQUALITY: Our Constitution does not promise equality in all respects (like income or property) but it seeks to ensure that all people will enjoy the same status – that is, every one will be governed by the same laws. Secondly, it promises equality of

‘opportunity’. This means that all public offices shall be open to all, irrespective of caste or religion. If an office requires special qualification, access to that qualification too will be made equal to all.

LIBERTY: There will be no unreasonable restrictions on the citizens in what they think, the religion they wish to follow or not to follow, how they wish to express their thoughts and the way they wish to follow up their thoughts in action or come together to form associations or parties.

FRATERNITY: To build a sense of bonding and unity among all people. No one should treat a fellow citizen as inferior or as an alien stranger.

Besides the Preamble, our Constitution has a section called “Directive Principles of State Policy.” This lays down some specific tasks before the government of India. These are : universalising literacy and education, protection of environment, reducing income inequality etc. These are principles which should guide the government, though we cannot file cases in courts if we feel that the governments are not following them.

To ensure that these ideals become real for all people, the Constitution has a Chapter guaranteeing Fundamental Rights to all citizens – you will study about them in Class IX. Unlike the Directive principles, citizens can take help from courts in case their fundamental rights are denied or violated.

The System of Government

The Constitution also provides institutional arrangements for ruling the

country in accordance with the above ideals and values.

It provides for a Parliamentary form of government. The Parliament, consisting of representatives of the people, makes laws. The laws are implemented by a government formed from among the members of the Parliament and answerable to the Parliament. The country is governed by the Cabinet headed by the Prime Minister and the entire government is headed by the President. (You will read in greater detail about this in the next chapter).

- Why is it necessary for an elected parliament to make laws? Why can't they be made by learned lawyers and judges?
- Why do you think should the Prime Minister and his Cabinet get their decisions and actions approved by the Parliament and answer the questions raised by the members of Parliament? Will it be better if they were answerable only to the President?

Secondly, our country has a federal system. The entire country is considered to be a union of smaller states. Government functions are divided between the Central Government, which is answerable to the Parliament and the State Governments, which are answerable to their own State Assemblies. For example, the central government makes laws regarding and controls the army, railways etc. while the state governments make laws regarding police, road transport, schools etc.

The Central Parliament has two houses, Lok Sabha and Rajya Sabha. While the Lok

Sabha is elected by all the people of India, the members of Rajya Sabha are elected by the state assemblies. Thus, the states have a role to play even in making laws in the central government.

- Some countries have a different structure in which there is only a central government which makes laws for the entire country and governs all the provinces or states. Do you think such a system is suited for India? Discuss in the class.

Moreover, our country has a three level democracy. At the country level, we have the Parliament, at the state level, we have the state assemblies and at the district level, we have the local government known as Panchayat Raj system. This is to ensure that people have maximum opportunity to participate in managing public affairs of the country.

In addition, the Constitution also provides for some independent institutions to guard the Constitution. These include the Judiciary (or the law courts), the

Comptroller and Auditor General who supervises the expenditure of the governments and the Election Commission which conducts free and fair elections. These are expected to function independent of the governments and report directly to the President.

- Discuss why the courts and judges should be independent of the state and central government authorities.
- Why should the Election Commission be autonomous?

Finally, the Constitution is a living and changing document. Those who made the Indian Constitution felt that it has to be in accordance with people's aspirations and changes in society. They did not see it as a sacred, static and unalterable law. So, they made provisions to incorporate changes from time to time. These changes are called Constitutional Amendments. The Constitution lays down procedures for changing or amending the Constitution itself. Till 2013, our Constitution has been amended 99 times.



Fig 13.4: The photo shows the following persons (from right to left): Jairamdas Daulatram, Minister for Food and Agriculture; Rajkumari Amrit Kaur, Health Minister; Dr John Mathai, Finance Minister; Sardar Vallabhbhai Patel, Deputy Prime Minister and behind him Jagjivan Ram, Labour Minister.

Keywords

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| 1. Monarchy | 2. Representative | 3. Discrimination |
| 4. Autonomous | 5. Constitution | 6. Sovereign |
| 7. Federal System | 8. Province | 9. Draft |
| 10. Republic | 11. Secular | 12. Fraternity |
| 13. Amendment | | |

Improve your learning

1. ‘Damanpur’ is ruled by its king based on a set of rules written down by the priest and ministers. He has also divided his kingdom into 16 provinces to which he appoints his officers as governors. Can we say that this is democratic country? Is it a constitutional country? Give reasons for your answer.
2. Which of the following statement is correct?
 - a. Constitution determines the relationship between people and government.
 - b. Democratic countries generally contain a Constitution.
 - c. To make a Constitution to a diverse country like India is an easy task.
 - d. All are correct
3. Read again the extracts from Nehru’s speech and answer the following:
 - a. What pledge did he want the makers of the Indian Constitution to take?
 - b. “The ambition of the greatest man of our generation has been to wipe every tear from every eye.” Who was he referring to?
4. What values are embedded in the preamble of the Indian Constitution?
5. “All are equal before law”– Explain this with examples.
6. Identify correct statements from the following:
 - a. The Constitution defines powers of the Legislative houses.
 - b. The Constitution cannot be changed under any circumstances.
 - c. Ideals that are in the preamble are reflected in the design of institutions.
 - d. Laws for the entire country are designed centrally.
7. On what occasions equal justice is seen? Mention with examples.



Project:

Compare the preambles to the Constitutions of the United States of America, India and South Africa.

- a. Make a list of ideals that are common to all these three.
- b. Note down at least one major difference among these.
- c. Which of the three makes a reference to the past?
- d. Which of these does not invoke God?

Preamble of Constitution of United States of America

We the people of the United States in order to form a more perfect union establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America.

Preamble of Constitution of South Africa

We the people of South Africa, Recognize the injustices of our past; Honour those who suffered for justice and freedom in our land; Respect those who have worked to build and develop our country; and Believe that South Africa belongs to all who live in it, united in our diversity. We therefore, through our freely elected representatives, adopt this Constitution as the Supreme law of the republic so as to- Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; Improve the quality of life of all citizens and free the potential of each person; and Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

- ◆ May God protect our people.
God bless South Africa.