

# The Making of Independent India's Constitution

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## Improve your learning

**Q. 1. Find the odd one out:**

- Indian Constitution adopts from experiences of the freedom struggle
- Indian Constitution adopts from already existing Constitutions
- Indian Constitution has remained the same since its drafting
- Indian Constitution provides principles and provisions for ruling the country

**Answer :** Indian Constitution adopts from already existing Constitutions. This is incorrect.

**Explanation:**

The India Constitution is the lengthiest Constitution of the world. Although it has borrowed certain provisions from the Constitution of other countries they are not blindly implemented. Only when they proved suitable to the Indian context, were the provisions incorporated.

The Indian Constitution has drawn from the experiences of freedom struggle (such as fundamental rights, voting rights). It reflects the legacy of the freedom movement.

The Indian Constitution has remained same since its drafting. Although there have been amendments to the Constitution, the basic draft has never been changed.

The Indian Constitution contains provisions by which the people of India can rule themselves. It incorporates principles such as self-governance, parliamentary system, and decentralization.

**Q. 2. Correct the false statements:**

- There was unanimity of opinion on all provisions during CA debates
- The makers of Constitution represented only certain regions of the country
- Constitution provides certain provisions to amend articles in it
- Supreme Court of India has said that basic features of Constitution may also be amended

**Answer :** There was no unanimity of opinion on the provisions during Constituent Assembly debates. Only the right to vote was unanimously agreed upon by everyone.

The makers of the Constitution represented the whole of India. It was representative of every region of the country.

Constitutional Makers laid down the provisions for amending the laws and articles in the Constitution so that the needs and demands of the people could be addressed with changing times.

In the Keshavananda Bharati Case, the Supreme Court argued that the basic features of the Indian Constitution could not be changed or amended in any circumstances.

**Q. 3. Describe the unitary and federal principles of the Indian government as discussed in the CA debates.**

**Answer :** The Indian Constitution is a federal Constitution in which there is a strong central government, and subsidiary polities exist side by side, whereby each is sovereign in the field assigned to it. It is unitary in the sense that the central polity enjoys the supremacy. This means that the Constitution establishes Dual Polity wherein the powers are divided between the state and the centre. The state makes laws on the state list, the centre on union list and both can make laws on the concurrent list. Each state has its own separate legislative, executive and judiciary powers. In order to avoid chaos in federal states, the draft Constitution sought to maintain the unity of the country by adopting a single judiciary, uniformity in fundamental laws and common all India civil service. This idea of dual polity was borrowed from the American Constitution.

**Q. 4. How does the Constitution reflect the political events of the time? Draw from previous chapters on freedom struggle.**

**Answer :** The Constitution drafted by B.R. Ambedkar explicitly or implicitly adopted the values and qualities underlying the freedom struggle.

- The struggle for freedom was inclusive and participatory. People from all walks of life joined the movement and put forth their demands. Thus the idea of participative democracy emerged which India adopted as a form of political system.
- One of the demands of the freedom struggle was self-governance. Thus the Indian Constitution mentioned the word "Republic" to reflect this ideal.
- The freedom movement demanded rights for the Indian people. However, they were repeatedly denied by the British. The Constitution adopted by India granted 6 fundamental rights to every citizen.
- Gandhi was the main driver of decentralization and federalism in India. These principles later formed the part of the Indian Constitution.
- The freedom movement was based on equality. Rich, poor, peasants, industrialist all became a part of this movement. Thus after independence, the Constitution makers

granted the right to equality as a fundamental right and also put a ban on untouchability so that there could be no discrimination on the basis of caste, class, gender, race, etc.

- Finally, in order to eliminate the social and economic inequality and injustices of colonial policies, the Indian state adopted directives to state policy to bring social change and development.

Thus, the Constitution reflected the political events of the time.

**Q. 5. What difference would it have made to the making of our Constitution if the Assembly had been elected through universal adult franchise?**

**Answer :** The Constituent Assembly was elected indirectly by the members of provincial assemblies. If the Constituent Assembly had been elected through the universal adult franchise, it would have been more democratic and representative of all sections of the society. The interests and demands of the northeast states would have been taken into account. Their concerns would have not been neglected. And also all those whose concerns were not addressed would have been given adequate attention.

**Q. 6. Write a short note on basic principles of the Indian Constitution.**

**Answer :** The Preamble of the Indian Constitution forms the basic structure of the Indian Constitution. The Supreme Court in its landmark judgment on the Keshavananda Bharati Case argued that the basic principles of the Indian Constitution could not be changed or amended in any circumstances. As they form the basic structure of the Constitution which cannot be undermined. This includes:

- **Sovereignty and Republic-** this means that the ultimate authority of the government comes from the people. Also, there is no external authority that controls India.
- **Fundamental rights-** a democratic system is one which grants each citizen certain fundamental rights. These rights are guarded by our Constitution and form the guidelines for framing the laws.
- **Federalism-** India has a strong central government with states as subsidiary units. The power flows from top to bottom.
- **Independent judiciary-** it is the third organ of government which conducts all the legal work. It is both independent and unbiased.
- Secularism and socialism also came to form a part of basic structure. These words were added to the Indian Constitution by the 42<sup>nd</sup> amendment act 1976.

Thus, these basic principles form the strength of our democracy which cannot be disturbed.

**Q. 7. How has the Constitution defined and changed political institutions in the country?**

**Answer :** Constitution has created, defined and put limits on their powers. The Indian government stands on -Legislature, Executive and Judiciary. There are systems of checks and balances on all three of them. Their structure is changed from time to time by constitutional amendments so as to suit the current trends in polity.

Legislature makes law, Executive executes them by way of appropriate policies and judiciary checks the constitutional validity of their actions. All three are supreme in their sphere of functions. Apart from this, they are accountable to the common man for their actions. Thus, their powers are not ultimate.

**Q. 8. While the Constitution provides basic principles, it is the engagement of people with the system that brings in social change. Do you agree with this statement, give reasons.**

**Answer :** The Constitution is made for the people so as to govern them more effectively. It is their participation which makes it a success. Indian society is ridden with inequality, poverty, and injustice. The policies and measures adopted by the government tend to address the needs and demands of the population. In order to bring social change, the Constitution has provided certain provisions. They are:

- The Constitution abolishes the practice of untouchability. And grants every citizen the right to equality.
- It addressed the past injustices by providing the provision of reservation to the scheduled castes and scheduled tribes in legislatures and government jobs. This enhances and promotes their interests in society.
- Most importantly, the Constitution adopts the Directive principles of state policy as a measure which aims at eliminating the social and economic backwardness.
- The Constitution also addresses the rights of minorities by granting them the right to maintain educational institutions. It offers special protection to the religious minorities and government funds.

Thus, although the basic structure remains intact, the flesh is provided by the people.