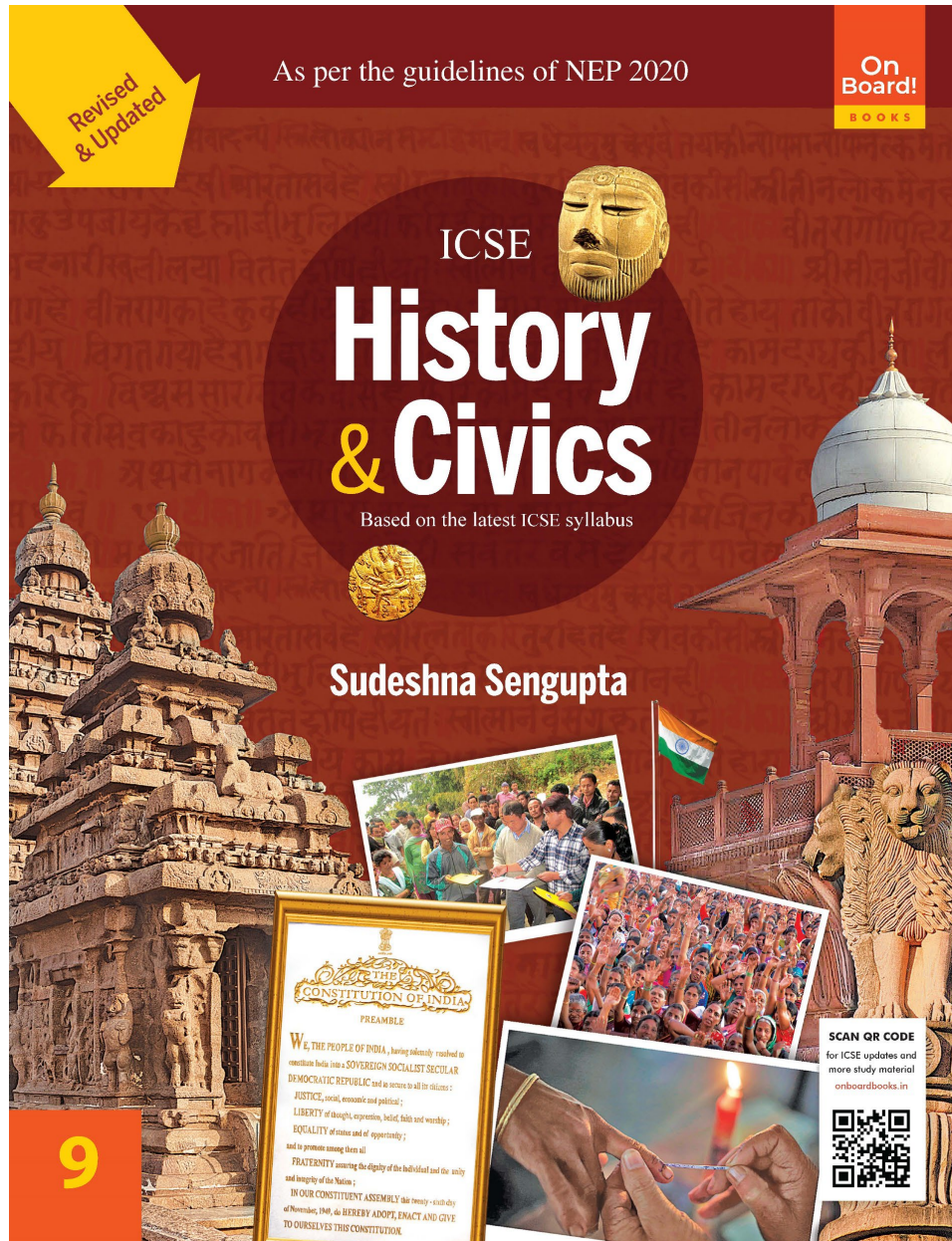


On Board!

B O O K S

History and Civics 9



Civics 9

Chapter 1: Our Constitution

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Chapter 1: Our Constitution

THE MAKING OF OUR CONSTITUTION

Constitution is a set of rules and regulations according to which a nation is governed. The ordinary laws of the country must conform to these set of rules. It also provides a framework for the government to function.

The Constitution of India, for instance, outlines the democratic and parliamentary form of government adopted by our country. It defines the position and powers of the three organs of the government—the Executive, the Legislature and the Judiciary. It also enshrines the Fundamental Rights to be granted to every citizen and the Directive Principles to be followed to establish a welfare society.

Two momentous days in the history of this great nation are 15 August 1947, the day the people of India saw the start of an epoch filled with a new vision; and 26 January 1950, the day the Constitution of India came into force and India became a republic.

Formation of the Constituent Assembly

In 1938, Pandit Jawaharlal Nehru put forward the demand for a Constituent Assembly. The British Government sent a delegation of three Cabinet ministers to India. It was decided that the legislative assemblies of the provinces were to elect the members (389 members, of which 296 were from British India and 93 from the Princely States of India) of the Constituent Assembly.

The Constituent Assembly included representatives from all sections of the Indian society. Some of the prominent members were Dr Rajendra Prasad, Sardar Patel, Jawaharlal Nehru, Dr HC Mukherjee, Sardar Baldev Singh, Frank Anthony, Dr HP Modi, Sarojini Naidu and Others.

on 9 December 1946, the Constituent Assembly began its first session, which was attended by 207 members. The Muslim League members did not join the deliberations. Dr Rajendra Prasad was unanimously elected as its permanent Chairman, which was later termed as the President of the Assembly.

After India gained independence on 15 August 1947, the Constituent Assembly became a sovereign body. It doubled up as the legislature for the new nation, which was to make ordinary laws as well as frame a new constitution.

The task of framing the Constitution was accomplished in five stages:

- Committees like the Constitution Committee, Powers Committee, Fundamental Rights Committee were formed to present reports on basic issues.
- The Constitutional Advisor prepared a draft on the basis of these reports and his own research into other world constitutions.
- The Drafting Committee, chaired by Dr BR Ambedkar, presented a detailed draft of the Constitution for public discussion.
- The Draft Constitution was discussed and amendments proposed.
- The Constitution was adopted.

Drafting Committee

The Constituent Assembly appointed a Drafting Committee under the chairmanship of Dr Ambedkar on 29 August 1947. This Committee prepared a Draft Constitution in line with the general guidelines provided by the Constituent Assembly. It was published in February 1948. The second reading was completed by October 1949. The Constituent Assembly sat again for the third and final reading, which was completed on 26 November 1949. The Constitution was then signed by the President and declared as passed officially.

Commencement of the Constitution

The Constitution of India came into force on 26 January 1950, a day specially selected for its historical significance. At the Lahore Session in 1929, the Congress had passed a resolution declaring 'Purna Swaraj' as the goal for India. It had also decided to observe the Independence Day on 26 January every year till India actually gained freedom.

A Written Constitution

The Constitution of India is a written document comprising in its original form 395 Articles and 8 Schedules. There are also unwritten constitutions as in the case of England.

A detailed and lengthy Constitution

- The Constitution of India has the distinction of being the lengthiest and the most detailed constitutional document in the world due to the following reasons.
- The framers decided to include in our Constitution the relevant features from all known constitutions and avoid the defects and loopholes that might be encountered by them.
- The vastness of the country with its diverse cultures, traditions and customs and the peculiar problems linked to this diversity has also contributed to the bulk of the Constitution.
- To avoid any controversies between the two sets of Governments, Union and State, a detailed distribution of powers is given, which has also added to the bulk of the document.
- The Constitution makers adopted the bulk of the provisions from the Government of India Act, 1935, which is very lengthy and detailed. This also contributed to the volume of the Constitution.
- It also includes the justifiable fundamental rights of the individual along with the Directive Principles, which are fundamental in the governance of the country.

THE PREAMBLE

It is an introduction to the Constitution, not enforceable in a court of law. Though it was earlier believed that the Preamble was not a part of the Constitution, a landmark judgement of the Supreme Court (in the Kesavananda Bharati vs State of Kerala case) in 1973 established that it was definitely an integral part of the Constitution. It serves two purposes:

- It indicates the source from where the Constitution derives its authority; and
- It states the goals which the Constitution seeks to establish and promote.

THE PREAMBLE

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.

*The terms SOCIALIST and SECULAR were added to the original Preamble by the 42nd Amendment Act of 1976.

OBJECTIVES OF THE CONSTITUTION

The Preamble states the objectives of the Indian nation in clear terms.

Sovereign The word signifies the independent authority of the State. India is sovereign means that she is internally free to formulate her policies and also externally free from any foreign control. She cannot be dictated to by any outside authority and all matters are under her legislation.

Socialist The word 'socialist' was added to the Preamble in 1976. Its principal aim is to eliminate economic inequality and to provide a decent standard of life to one and all. It does not seek to abolish the concept of private property but to restrain it so that what is available may be used for the upliftment of the poor.

Secular The word 'secular' was also inserted into the Constitution in 1976. This was done to reaffirm the policy of the State to protect and preserve the rights of all religious groups. India does not recognize any particular religion as the State religion and is not a theocracy (a form of government, often controlled by religious leaders). Our Constitution guarantees individual's right to freedom of religion by incorporating it as a Fundamental Right.

Democratic The concept of democracy adopted by the Constitution covers the political, social and economic aspects of life. A true democracy should ensure ways and means for every citizen to realize his or her potential to the fullest. India aims to be a democratic society where the human rights are respected and the people are free from all forms of exploitation. The Fundamental Rights guaranteed in the Constitution secures the basic freedom that is essential in a democracy, e.g. Freedom of Speech and Expression. Thus, the form of government in India can be described in the words of Abraham Lincoln as 'of the people, by the people and for the people.'

Republic The Preamble declares India as a 'Republic' as the head of the State is an elected one, having no hereditary rights as in the case of a king. The people elect the President of India, who is the head of the State. It is done indirectly through their representatives in the Parliament and various State Legislatures.

IDEALS OF THE CONSTITUTION

The ideals of the Constitution of India as stated in the Preamble include Justice, Liberty, Equality and Fraternity.

Justice Justice ensures that every citizen gets his or her due in a society, which is free from prejudice and partiality. Political Justice means the absence of any distinction between humans in the political sphere. Economic Justice works towards the equitable distribution of the nation's wealth. By removing inequality of opportunities, the Directive Principles of State Policy ensures that equality of status becomes meaningful.

Liberty Liberty as the very word suggests means freedom. The Fundamental Rights enshrined in the Constitution guarantee freedom of thought, expression, faith, belief and worship to every Indian.

Equality The Constitution guarantees equality of status and opportunity for the development of persons. All Indian citizens are equal before the law and can enjoy all advantages that the state provides.

Fraternity The word 'fraternity' was inserted in 1976 in order to augment the sense of unity and belongingness in a Country. This assures the dignity of the individual and the unity and integrity of the nation. The concept of democracy would be meaningless if it failed to generate the spirit of brotherhood among all sections of the people. The feeling is one of belonging to the same motherland. This is most appropriate in a country like India because of the diversity of races, religions and cultures in it.

CONCLUSION

The Preamble reflects the intentions of our Constitution through the following ideals:

- Securing justice, equality and liberty to all citizens of India.
- Guaranteeing basic individual freedom of thought, expression, faith, belief and worship.
- Promoting a sense of brotherhood and fellow-feeling among all citizens.
- Maintaining the unity of the nation by fostering a feeling of oneness among all people.

The Preamble seeks to establish what Mahatma Gandhi once described as ‘The India of My Dreams’, namely, ‘... 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 all communities shall live in perfect harmony. There can be no room in such an India for the curse of untouchability... Women will enjoy the same rights as men.’

To Remember

Definition of Constitution—Set of rules according to which a State is governed.

Framing of the Constitution—Cabinet Mission put the first proposal, representatives from all sections of the Indian society, Dr Rajendra Prasad elected permanent Chairman, Objectives Resolution by Nehru, Independence of the country, Constituent Assembly as a sovereign body and the legislature.

Drafting Committee—Chairmanship of Dr BR Ambedkar, completed on 26 November 1949.

Commencement on 26 January 1950—Specially selected as it was celebrated as Purna Swaraj day since 1930, lengthiest and bulky as all relevant factors incorporated.

The Preamble—Introduction to the Constitution, not enforceable, source the people of the country, Nature of the State: Sovereign, socialist, secular, democratic, republic. Ideals of the State: Justice, liberty, equality, fraternity, it reflects the intentions of our Constitution.

Thank You