



Our Constitution, Our People

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Level 4

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A Free India

For over two lightless centuries, India had been enslaved by rulers from a country across the seas: Great Britain. The Indian people were not free to choose their rulers or representatives, or to write their own destiny. The government could throw into prison people who spoke against or fought foreign rulers. Some were hanged from the gallows like the heroic young revolutionary Bhagat Singh, some were banished for life to the distant Andaman Islands. The British came to India because at that time this was one of the richest countries in the world. But in the two centuries of their rule, most industries were destroyed, and artisans impoverished.

There was misery and hunger in the famine-ravaged countryside. The average lifespan of a common Indian was as low as 21 years in 1915, when Mohandas Gandhi returned to India from the distant shores of South Africa.

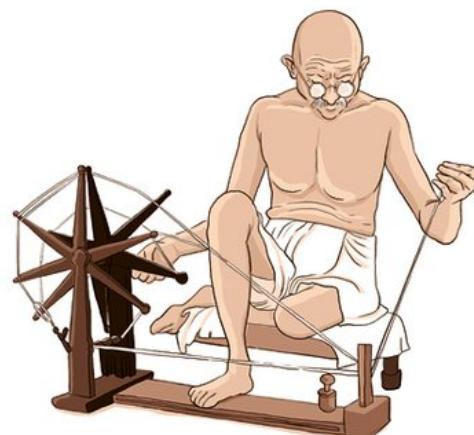
Just as the Indian people endured the agony of painful bondage, so did the people of many countries in Asia, Africa and Latin America. A handful of Western countries had carved out large chunks of the globe, rich in natural resources, enterprises and people, to exploit for their own ends — cotton for their mills, tea for their trade, lagaan for their coffers, and soldiers for their wars.

The people in many of these countries had risen, like the Indian people, in revolt, fighting for their independence. What was unique about India's freedom struggle was that it was founded on the central idea of non-violence or ahimsa.

Ahimsa means the resolve that I will fight you to secure my freedom and dignity, but I will not hate you, and I will cause you no injury or harm even as I struggle against you for what is right and just.

The India That Mahatma Gandhi Left Behind

India finally became free in 1947, but amidst unimaginable and unbearable pain and suffering. The British rulers left behind not one but two nations, India and Pakistan. Millions of people were killed or displaced from their homes because of the partition of the country. A madness of hate had seized the subcontinent. Close to one million people died in riots and murders on both sides of the new border which now separated brother from brother, sister from sister. Around fourteen million people were displaced from their homes, travelling often on foot, weary and heartbroken, for hundreds of kilometres, with their small children and a few belongings on their aching backs. There is only one greater migration that humankind has witnessed. This was the forced trafficking of Africans as slaves to the Americas.



Pakistan was created as an independent nation for the Muslim people who lived in the western and eastern regions of the subcontinent. It invited Muslims in other parts of India as well to move to Pakistan if they chose to make this new nation their home.

There were some who advocated that India should be a country *only* for Hindus, a Hindu India as a mirror image of a Muslim Pakistan. Jawaharlal Nehru, India's first prime minister, however, declared that India would belong equally to all those who chose to make it their home, irrespective of religion or community. Dr Bhimrao Ambedkar also warned that any attempt to restrict India to people of the majority Hindu faith would be a "calamity" for the nation and for democracy.

Maulana Abul Kalam Azad declared that he was Muslim and he was Indian, and both these identities were inseparable from him, that he was willing to give up neither of these. He said India had given so much to its Muslim people, and the Muslim people had given so much to their country.

He stood tall on the ramparts of the Jama Masjid in Delhi in the turbulent times of Partition and made a historic, heartfelt appeal to Muslims living in various parts of India to remain in India, because this was and always would be their country.

When India was celebrating its freedom in August 1947, Mahatma Gandhi was in Calcutta. Muslims and Hindus were killing each other in a bloodbath of hate. He went on an epic five day fast, refusing to eat a morsel of food until the last of the violence had ended. Gandhiji had shaped our freedom struggle around the shining promise that India would be a country where people of every religion (or no religion!), caste and language would be equal citizens in every way. A very large number of Muslims heeded his call, and the call of Maulana Azad, Dr Ambedkar and Jawaharlal Nehru, and chose at that time to make India their country.

Every day, Mahatma Gandhi held a prayer meeting, at which he would recite prayers from all the major religions in India. *Ishwar Allah Tero Naam* was his favourite hymn.

On a winter afternoon on 30 January 1948 in Delhi, on the way to his daily prayer meeting, he was killed by a man who was opposed to Gandhiji's idea of an India that belonged equally to all people of all faiths. A stricken nation mourned the death of the Father of the Nation, a man who showed us the way to build a country that was humane and inclusive. But, as the bullets of his assassin signalled, it was clear that not everyone shared his vision of a country that would be built on these ideas of love and equality.



• 2 •

The Constitution: A Dream, a Vision, a Set of Promises

Having thrown off the bonds of 200 years of slavery, the Indian people could now decide what kind of country free India would be. At the time of India's freedom, the world was still rebuilding and healing from the devastation and wounds left by the Second World War. The holocaust had left around six million Jews, two-thirds of the entire Jewish population of Europe, dead — murdered by Nazi Germany, led by Adolf Hitler, from 1941 to 1945. The people of the world had learnt from this horrific and tragic genocide the dangers of what happens in a country when minorities — religious, racial, ethnic — are not protected.

They had learned the consequences of the politics of hate and division. These were also lessons for the Indian people.

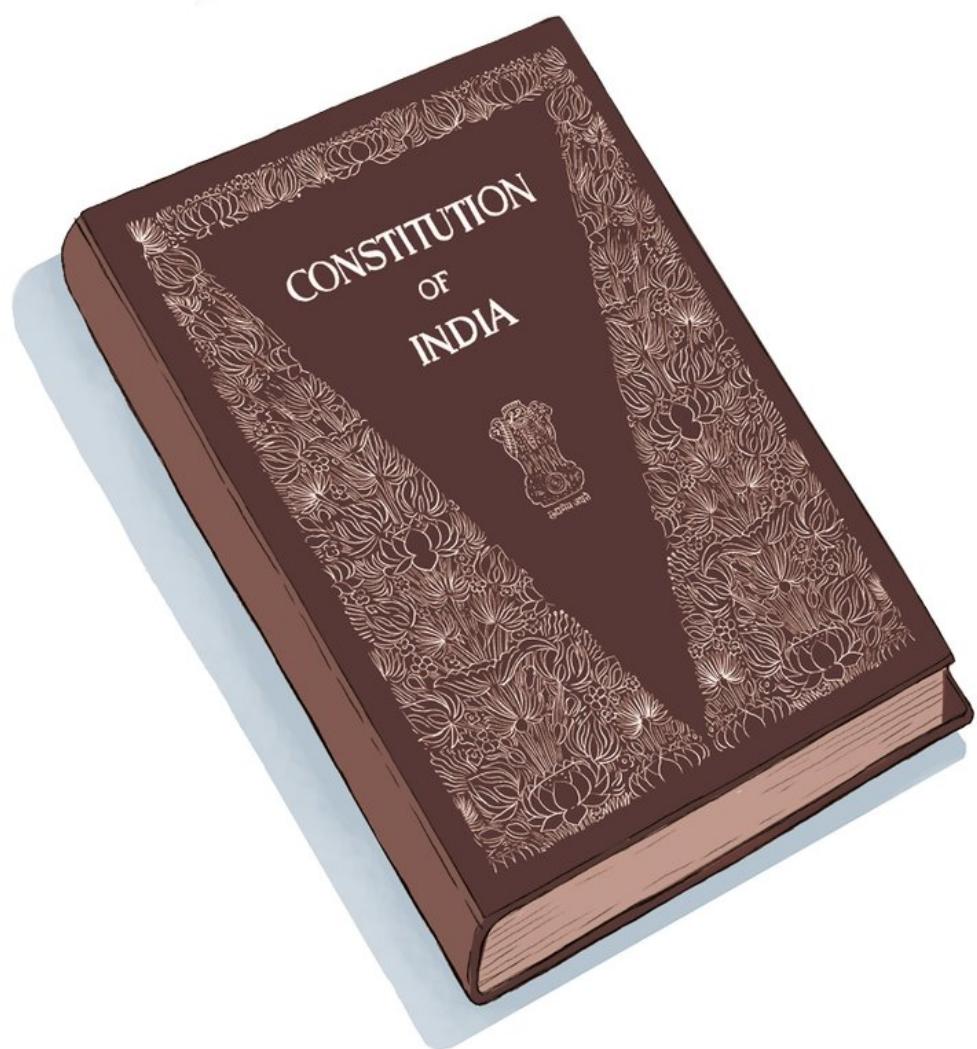
Centuries of colonial bondage had reduced India from one of the richest to one of the poorest countries in the world, where famine and want stalked the countryside. For millennia, the cruel system of caste had made life a living hell for those unfortunate enough to be born into oppressed castes. Women were denied the right to property, education, work and dignity, and even sometimes to life itself.

Would we change all of this, and how?

Who would this country belong to?

Who would govern this country? How would the rulers be chosen? What powers would these rulers have? And what powers and rights would the people have? And would the country's minorities — of religion, caste, tribe and gender — be protected?

The answers to questions like this were written into a book called the Constitution of India.



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What Is the Constitution of a Country?

It is a dream, a vision, a set of promises, a compendium of guarantees, a storehouse of aspirations. It is the collective imagination of the destination that the country pledges to reach.

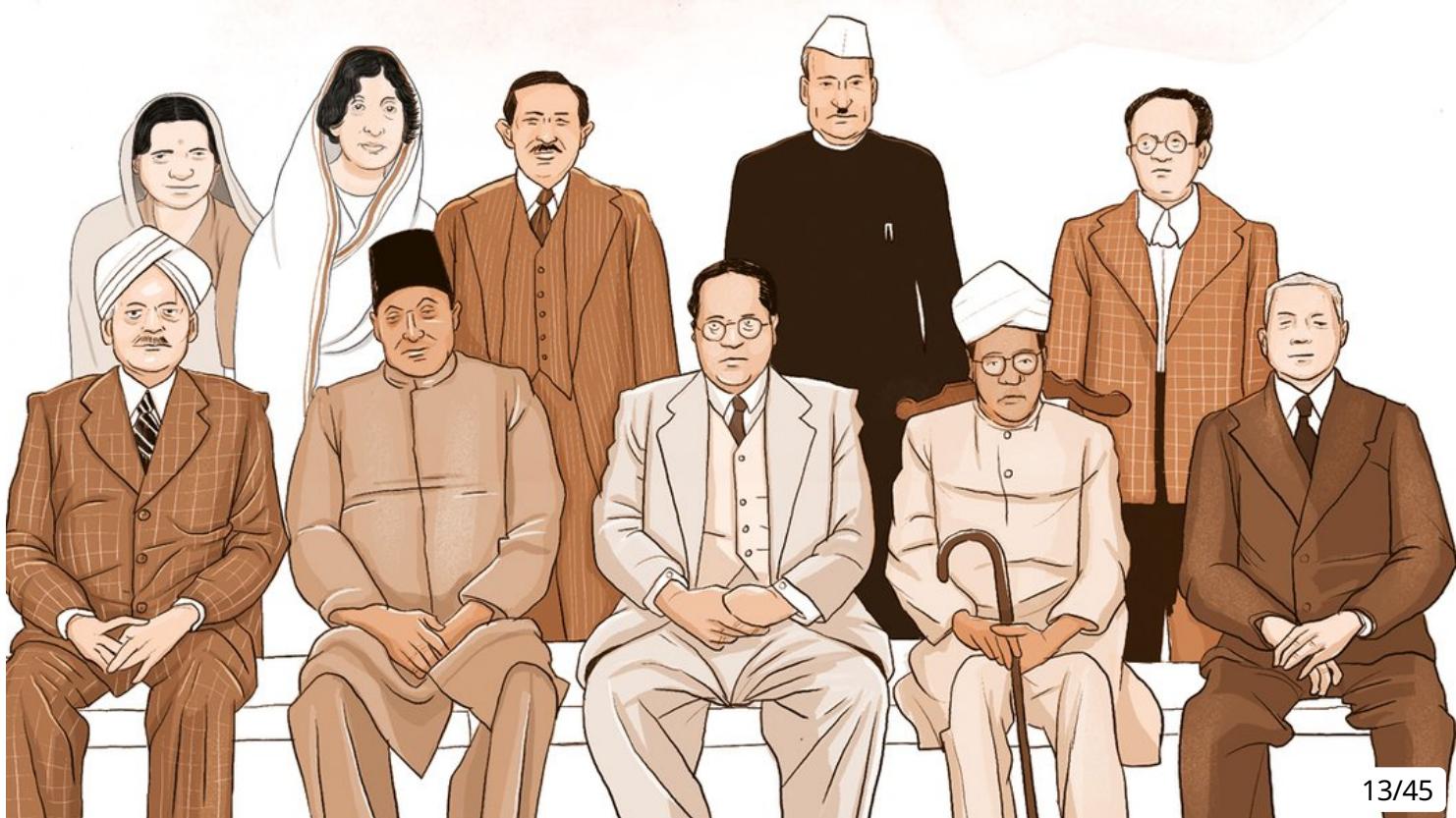
*It is a solemn articulation of the **values** that the country will hold close to its soul in its journey in the decades and centuries ahead.*

Most constitutions, except of the United Kingdom, Israel, the Kingdom of Saudi Arabia and a few others, are written documents.

The Constitution of India was written by a body called the Constituent Assembly. They sat in the grand historic, circular building that became the home of the Parliament of the Indian republic. The Constituent Assembly had over 300 members; these 300 women and men were, in a sense, the founding mothers and fathers of the constitution. They were drawn from the people elected to the provincial assemblies of the time.



And about a third were nominated, to ensure that its members were drawn from people of every religion, caste, gender, culture, community and profession. The Constituent Assembly did not have members only from the Indian National Congress, but members were invited even from parties that were strongly opposed to them.



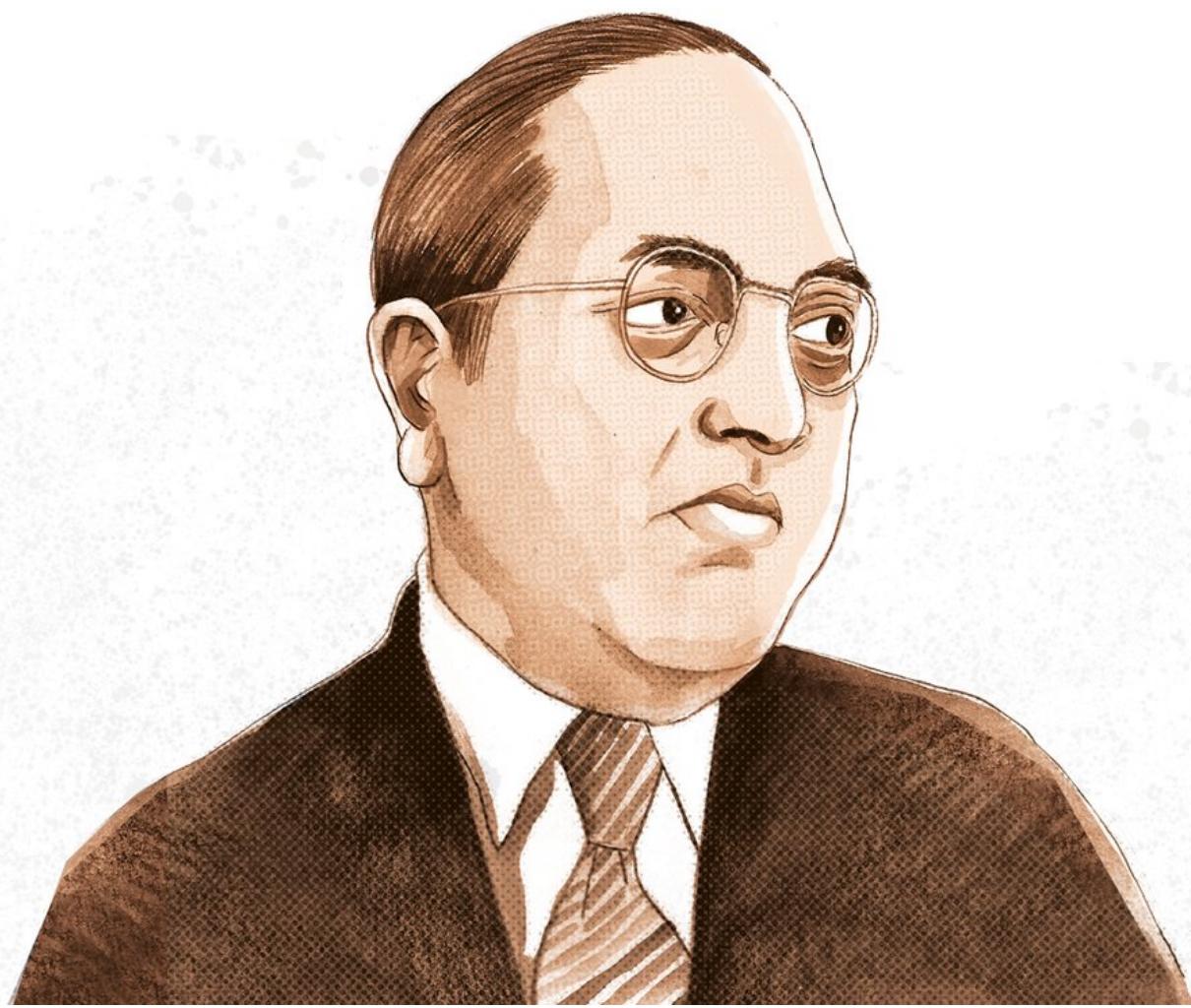
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All Members

An important member was Dr Bhimrao Ambedkar, the father of the Constitution. Babasaheb Ambedkar was the brave, charismatic and inspiring leader of the Scheduled Castes Federation, who often had stood in opposition to the Congress Party led by Gandhiji.

As chairperson of this drafting committee, Dr Ambedkar was one of the most learned men in the assembly and he contributed invaluable to many of the progressive measures written into our constitution. He was born into a very poor family of a soldier in the Indian army, from one of the most oppressed castes. On people from these castes for centuries were inflicted the most cruel forms of discrimination, which we know as untouchability.

The country is fortunate that such a man — highly educated, wise and one who knew from personal experience the suffering of the most oppressed of our people — led the process of writing the Constitution. We owe a lot to him, and to the founding mothers and fathers of the Constitution, who gave to us both the dream and the promise of the country of equality and humanity that we would build one day.

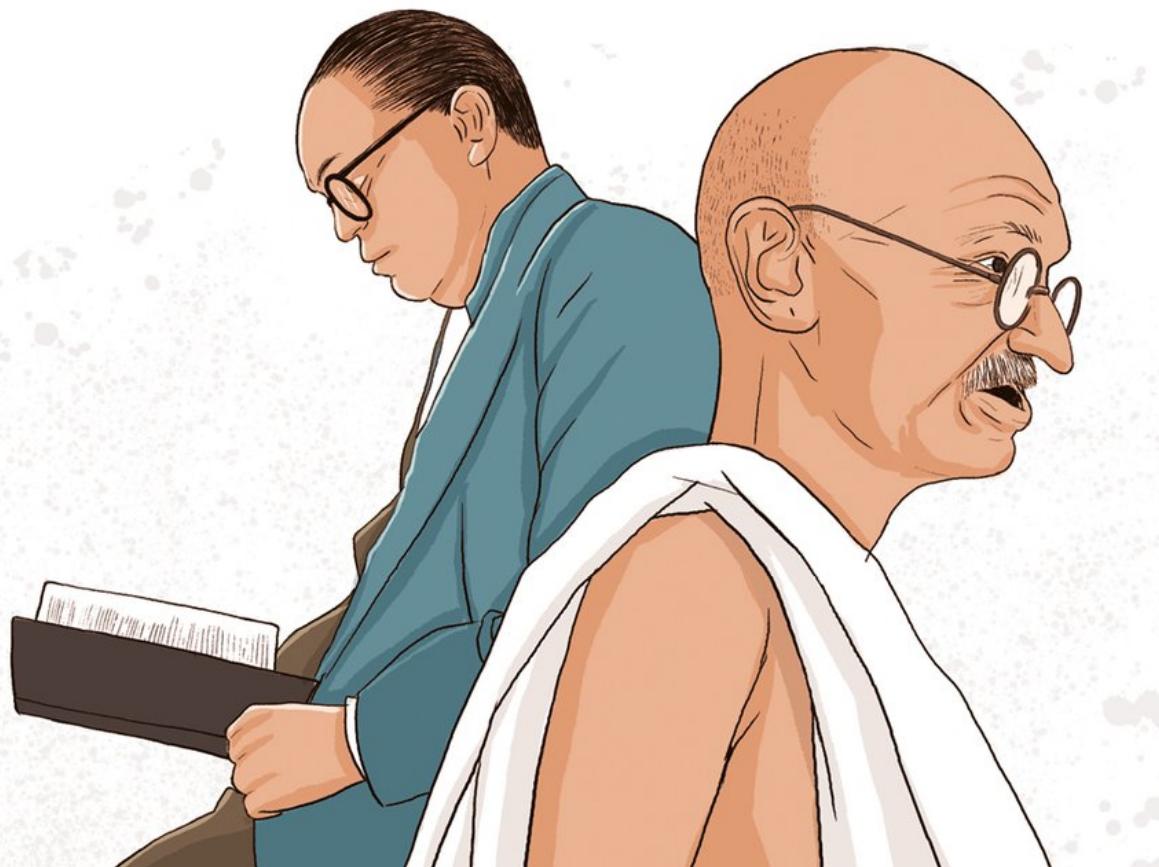


Many small kingdoms, too, were merged into the Indian nation, and their representatives were also part of the assembly.

*In this way, the Constituent Assembly represented India with all her great **diversity**, of religions, castes, communities and cultures, and its wide range of political opinion from right to left. Looking back today, we realise that it could have had many more women, more persons with disability, more Adivasi people, and many more working poor people, from factories and farms. But still, the fine women and men who sat on the benches of the Constituent Assembly did speak for all the people of India.*

The first sittings of the Constituent Assembly were held even before India became free, in the winter of 1946. The assembly deliberated for three years. A smaller group was carved out of the assembly, called the Drafting Committee, which worked on a detailed draft of the Constitution. Each of the sections of this draft was discussed in the assembly and then put to vote.

*From Mahatma Gandhi, we imbibed
the idea and practice of **radical love**.
From Babasaheb Ambedkar, we learned
the idea and practice of **radical equality**.
Together, they became the cornerstones
of our Constitution.*



• 5 •

We, the People of India

Who, indeed, gave to us our constitution? The opening lines of the Constitution answers this question. It says that "We, the people of India," give to ourselves this constitution. Who are we, the people of India? We are the people who lived in this great and ancient land for centuries in the past. We are the people who were alive in India when the Constitution was framed. And we are the people of generations which were to follow. We include your grandparents and parents. We include each of you. And we will include your children and their children one day.

The central promise of the Constitution we gave to ourselves was that this would be a country which would belong equally in every way to every one of us, because all these people together gave to us our constitution.

The people include human beings who follow every religion, or no religion, people of every caste, gender, language, dialect and region, every person of different abilities, every woman, man and trans person, everyone young and old. The people include the rich and the poor, the landlord and the farmer, the factory owner and the worker.

The ‘we’ in ‘we, the people’ is the ocean in which so many, many different little streams and mighty rivers meet. We derive strength and vitality from the plurality of our magnificent heritage.

This kaleidoscope of our diversity is mirrored in our ever-changing natural features — from the Himalayas to the rivers, the forests to the deserts, the deltas to the plateaus, the coastlines to the islands. This kaleidoscope is made up of our music, our art, our dance forms, our gharanas of classical music, and all their vibrant, intermingling fusions. Of the unending range of our culinary choices and varied tastes that create a plethora of platters and cuisines, changing every few kilometers. Of our hundreds of dialects and languages; such that if

two people are selected at random from any ten in our country, chances are that they would speak different tongues. Of every festival of every religion and culture which in our land becomes an Indian festival. India is a wondrous painting in which you can find every colour in the world. India is the celebration of the harmony of so many different voices.

*And all of these
make up
'we, the people'.*



• 6 •

Preamble

The soul of the Constitution, its essence, is contained in a single page, which is called the Preamble. The Constitution is a simple rule book as well as a statement of ideals. It is a book which belongs to "we, the people of India". It protects and guides us through difficult times, but still one that can be discussed, challenged and collectively also changed.

A Sovereign Democratic Republic

The Preamble first talks of the kind of country India will be. India will be **sovereign**. This means its destiny will no longer be controlled by any foreign power.

It will be **democratic**. This means it will have a government chosen by its people.

It will be a **republic**, which means that the ruler will not be born into power, in the way kings and queens have been for centuries. Nor will the ruler snatch power through bloodshed and the brute force of military conquest or coup. The ruler will have to be elected by the people. Anyone, including those born into the greatest disadvantage, will have the right to aspire to become a ruler, and seek the support of the people for the right to rule them.

Socialist and Secular

The Preamble goes on to mandate that the country will be socialist. This means many things. That the governments must commit to ensuring a decent standard of living for all citizens. It must protect them from hunger and joblessness, and ensure equal and affordable education, health care and housing, to decent work and social protection. It must make it conscious state policy to prevent the concentration of wealth in a few hands.

*The Preamble also lays down that India will be a **secular country**. This means that the government will have no religion, and it will neither practise nor promote any particular religion.*

The government will not discriminate in any way between people on the basis of their religion, whether they form a tiny minority of people following traditional faiths of tribal communities sometimes numbering not more than a few hundred people, or they follow the religion of the largest majority of the Indian people. It will also promote harmony and goodwill between people of different belief systems.

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The Right to Vote

An important question arose before the Constituent Assembly. Which people should have the right to vote for their government?

*India became the first of the newly independent countries to give every person — woman, trans or man, rich or poor, educated or uneducated — exactly equal political power to choose their rulers. **One person, one vote.***

The richest and most powerful man in the country would have the same single vote as the poorest, most destitute woman. A young person born in India today may think this is the most normal thing to do, but it wasn't at that time. It was a radical idea. In Western democracies, for a long time only white men of wealth enjoyed the right to vote. Women, people of colour and indigenous people had to fight long and hard for an equal right to vote. In the United States of America, for instance, women won the right to vote only in 1920. In Australia, aboriginal Australians did not get the right to vote until 1962.

Many people had feared that Indians were not ready for this radical system of voting rights for all people, called universal adult franchise. Less than one in five people were literate at the time of Independence; among women, less than one in ten. But our founding mothers and fathers still resolved to place their faith in the ordinary Indian, even those deprived of education, wealth and social standing.

They ensured that they would be guaranteed, as their birthright, the opportunity to participate equally with every other Indian, even the most wealthy or socially or politically powerful, in the choosing of their governments, and through this in the building of the nation and their collective destinies. For a society that would not allow the “lower” castes to step inside schools and temples, to possess land, and to live with dignity, a society that would not allow women the same opportunities even to be born, for this society to resolve to ensure the same and equal right to vote for every person was a truly significant beginning of the great adventure of building a new India.

From the first national election in India in 1951, people from around the world watched with wonder and admiration as women, poor people and people from oppressed castes formed the longest lines outside polling booths. This has remained unchanged even until today. India’s people of disadvantage are found to choose carefully and thoughtfully.

The wonderment is that the people who democracy has most let down are those who continue to have the greatest faith in this same democracy.



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Justice

The Constitution promises equal justice to all people, in all aspects of their lives. Justice here does not simply mean what goes on in the courts. It means fairness. It means that people will not face discrimination in society because of their religion, caste, gender, sexuality or disability. They will not face discrimination in the economy, in work and in the markets. Women and men will have equal access to employment, based only on their merit and not their gender, and will get equal pay for equal work. The ancient system of begar or forced labour, imposed mostly on the most oppressed castes, was abolished by the Constitution. No one could be kept as a bonded labourer.

Every person would also be treated fairly in their political life, when they would go out to vote, to campaign or to fight in elections.



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Liberty

One of the most important promises of the Constitution is of liberty, or freedom. In many protests around the country, slogans are raised for azadi.

Azadi means freedom. What kinds of freedom or azadi does the Constitution guarantee? It speaks of freedom of thought, expression and belief.

This means that every citizen is free to think, speak and believe in ideas which may not conform to the views of the government in power, or of the majority of the people.

In other words, this is the freedom of conscience, the freedom to dissent, to disagree with power. Many believe that this freedom lies at the core of democracy. The right to dissent also must carry the freedom from fear, the assurance that one will not be punished for holding beliefs different from those of the powerful.

Rabindranath Tagore speaks glowingly of such a country in which “the mind is without fear, and the head is held high”. History stands witness that it is only when brave people raise their voices against established orthodoxies of their times — when Galileo said the world was round and not flat, when Savitribai Phule and Fatima Sheikh established schools for girls when the kitchen was believed to be the only place for women, when Raja Ram Mohan Roy railed against a woman being burned on her husband’s pyre for sati or children being tied in marriage — that the world becomes a better place. We are here today because they refused to conform. Conformity leads to deadwood and regression.

The freedom of conscience, the freedom to dissent, is therefore central to the pledge of liberty for all, which our Constitution guarantees.

There are other vital freedoms as well, mandated by our Constitution. These include the freedom to pursue the occupation you choose, to move to any part of the country, to form associations or unions, and to write and produce art, poetry, novels, books, philosophy, theatre, films, video games and Instagram posts which reflect your belief systems and your creativity.

The Constitution also, importantly, assures the freedom of faith and worship. It protects the right of every person to follow her religion, her forms of worship, her ways of life including her choice of food and clothing. It allows people not just to follow but also to propagate their faith, and to establish religious institutions.

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Equality

There are many ways in which we are not equal. Some of us run faster than others, some cook better, some sing or dance or paint better, some score better marks in class, some can become mothers and others cannot, and so on. Notwithstanding all of these differences, the Constitution recognises us all to be equal in fundamental ways: we are equal in human dignity and human worth. It is because of this inherent intrinsic equality that we all have an equal right to vote, and to the equal freedoms as guaranteed above.

The Constitution requires that the government should ensure equality of opportunity. This means that wherever you might be born, village, slum or mansion, you should have the same opportunities to study, in a good school or college, and the same chance of developing your potential, whether for sports, music, science or anything else.

It also requires governments to ensure equality of status. This is an even more difficult task. It means that, at least to some degree, governments must ensure equal conditions of life for those who are more disadvantaged. This can only be done by what is called “redistribution”, by taxing the wealthy to ensure the right to a decent life for the oppressed; and by reservations, a form of affirmative action which recognises that people who have for centuries been treated unequally need special support in education and jobs so that they can achieve real equality in the conditions of their lives.

*The Constitution
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The Constitution also firmly and categorically bans the practice of untouchability. Untouchability is one of the most troubling, cruel and disgraceful parts of our historical legacy in India. Only because they happen to be born into Dalit castes, some people are called untouchable. They are not allowed into religious shrines, other people will not share food or water with them, will avoid their touch, and will prevent them from enjoying elementary rights such as even walking on the same road. Untouchability is often enforced with brutal violence. Dalits are oppressed in India even today for wanting education or just for advancing in life through their own hard work and talent. It is a shameful practice that the Constitution robustly prohibits.

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Fraternity

“Fraternity” means brotherhood. This must, of course, include sisterhood as well. The Hindi version of the Constitution uses the beautiful word bandhuta. Derived from Sanskrit, this is the idea that we are bound to and with each other. Looking at it in another way, bandhu means friend, so bandhuta also can be understood as an ideology of friendship.

Fraternity or bandhuta encompasses the wonderful idea that we might have between us enormous differences in wealth, gender, caste, religion, language, ability, the colour of our skin, the size of our eyes and nose, whom we choose to love and marry, the food we eat, the clothes we wear, and so much else, but, despite all these differences, we are bound to and with each other.

We are brothers, sisters, friends. It is this which gives equal dignity to every individual. It is also this which brings us together as one country.

We are not one country because we are alike. We are one country because, despite every difference in the way we look, eat, dress, speak, worship, love and think, we belong to and with each other. If there are shackles on your feet, I feel my freedom has been stolen. If you sleep hungry, I am unable to sleep. If you suffer loss and pain, tears well up in my eyes.

Dr Ambedkar rightly said that the most important idea in the Constitution was the idea of fraternity. It is also its most beautiful idea, and the hardest to accomplish. So many people teach us hate. We need instead people who teach us love. Remember, ours is not a country founded on hate, fear, division and inequality that we, the people of India, promised to build.

*The country we have given to
ourselves is a country founded
on love.*



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Our Reality

This is the essence of our Constitution. Many of us pride ourselves that this is among the finest constitutions in the world. It is not perfect. With the benefit of history, we can see that there are some things we might want to change. But these are the dreams that our founding mothers and fathers saw for this nation when it threw off its chains of slavery. These are our ambitions, the lofty and worthy goals we, the people, set for our country. These are the promises that “we, the people of India”, made unto ourselves.

Which of these magnificent dreams have been fulfilled? Which of these brilliant promises have not yet been met?

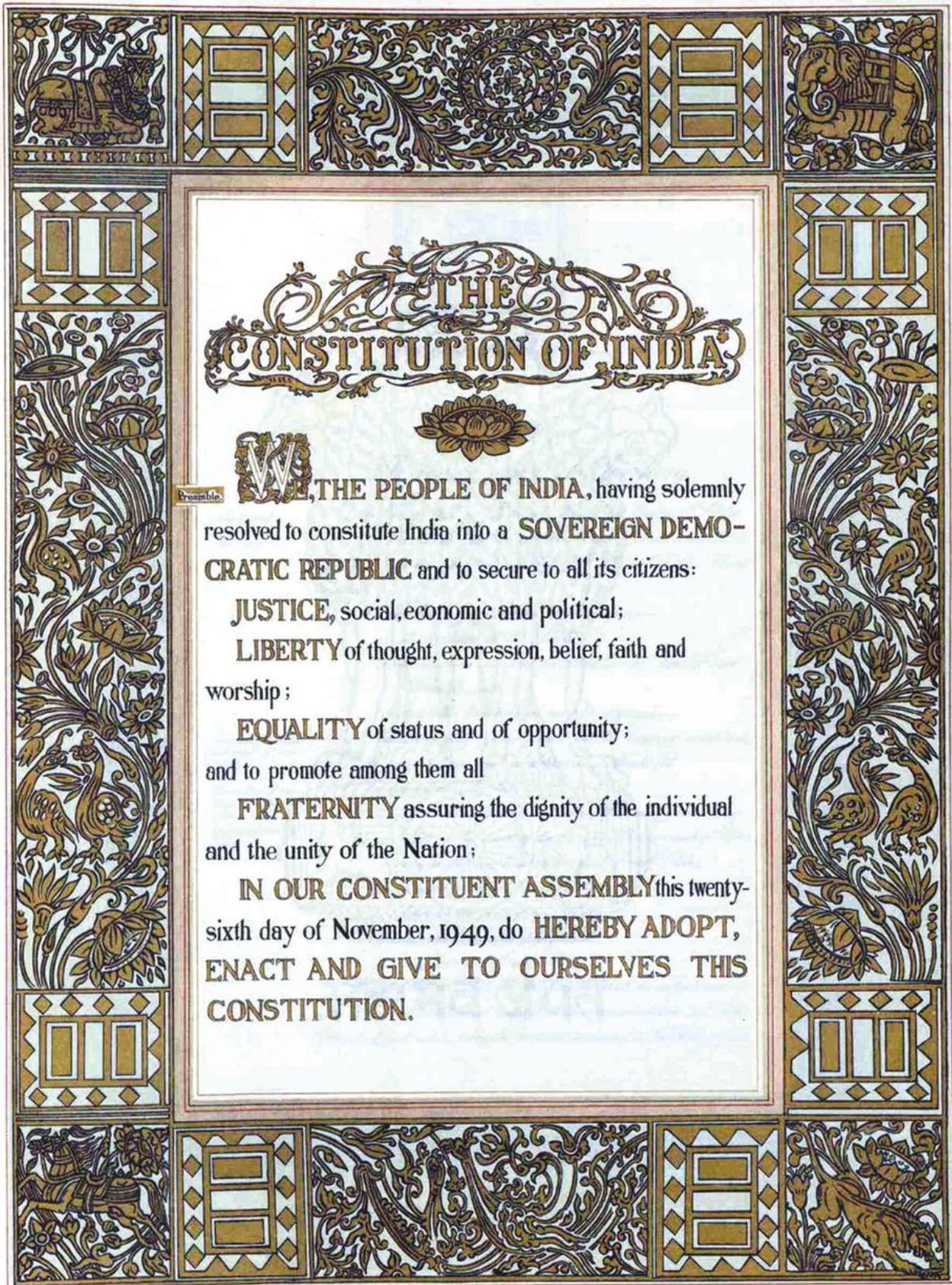
You will find that a great deal indeed has been accomplished. Every person in this country continues to hold the power to choose her government. Citizens of a large majority of newly independent countries have lost this power from time to time, to military coups and dictators. Fewer people are poor, fewer sleep hungry than when we won our freedom. The average length of life has risen from 37 years in 1947 to 69 years in 2021. We have some fine institutions for teaching the humanities, engineering, medicine and management, and our cities glitter.

At the same time, one in every three children is still malnourished. This means that their bodies and brains are not allowed to develop to their full potential because they don't get enough nutritious food and clean water. Children of the poor study in different, less resourced schools as compared to children of the rich. Many are not allowed to study at all, and instead are still sent out to hard labour. Nine out of ten workers don't have secure and decently paid jobs. Governments often punish people who disagree with them. People still suffer horrible violence and discrimination because of their religion, caste and gender.

You, the young people of India, are therefore inheriting an India that is still very distant from the India we promised ourselves in our Constitution. You are joining "we, the people of India" to help build this country with the bricks of your hearts and minds, dreams and struggles and, I hope, your love.

With these, may you help build a tall and strong, yet humble India. The India of our Constitution. A country which is truly kind, equal, free and just.





*Reproduction of the original Preamble to
the Constitution of India*

Acknowledgements

This book is dedicated to all those who fought for an India that is free, equal, just and kind; to the Karwan e Mohabbat or Caravan of Love for their struggle against hate with love; and to students, working class women and people of every faith who rose to defend the Constitution in 2019–20, upholding its values of equal citizenship and fraternity.

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