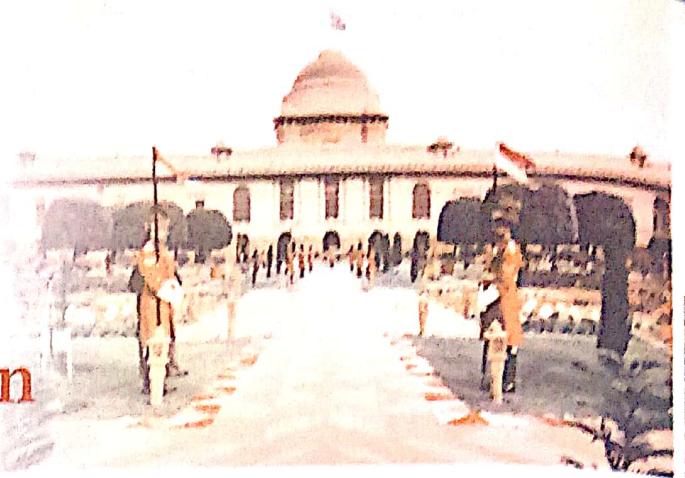


Our Constitution



SYLLABUS

Our Constitution

Definition of Constitution – date of adoption, date of enforcement and its significance.

The Constitution of India came into effect on 26th January 1950, when India became a Sovereign Democratic Republic.

Constitution is a comprehensive document containing the set of rules that describe the rights and duties of its citizens and the manner according to which the governance of a country is to be carried out. It regulates the position and powers of the three organs of the government—the legislative, the executive and the judiciary; and states how they are inter-related. It assumes special importance as it moderates relations between the government and the governed. Further, it protects the interests of the citizens by restraining the government from taking arbitrary decisions. The aim of a Constitution of a nation is to ensure smooth governance for the welfare of its citizens.

The principles of the Constitution distinguish a constitutional or democratic government from an absolute monarchy or a dictatorship.

ENACTMENT OF THE INDIAN CONSTITUTION

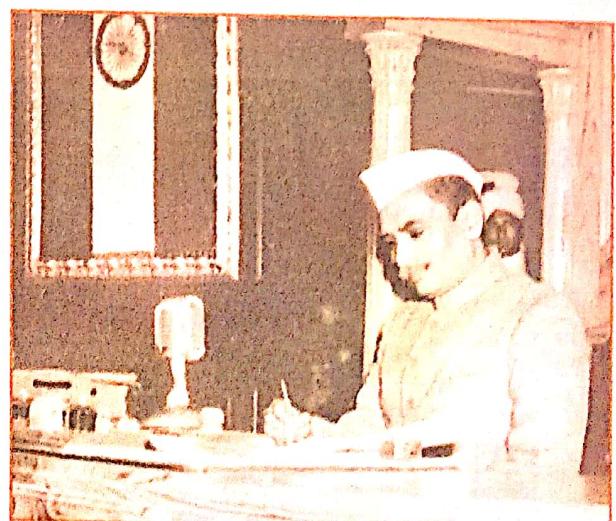
We have studied in the Freedom Movement of India that the Cabinet Mission arrived in India in 1946 and put forward a set of proposals to meet the demands of the Freedom Fighters.

One of these proposals involved setting up of a *Constituent Assembly* whose members were to be elected indirectly by the Provincial Legislative Assemblies (Lower House only).

Elections to the Provincial Assembly were completed by July 1946. The Princely States were represented by the members nominated by the rulers of these States. The Constituent Assembly of undivided India consisted of 389 members (292 elected, 93 nominated by the Princely states, three from Chief Commissioner Provinces and one from the British). The Constitution of India was framed by the Constituent Assembly.

FORMATION OF THE CONSTITUENT ASSEMBLY

The first sitting of the Constituent Assembly was held on December 9, 1946. It was held at the present Central Hall of the Parliament and was presided over by Dr. Sachidananda Sinha, the oldest sitting member of the Central Assembly. On December 11, 1946 Dr. Rajendra



Dr. Rajendra Prasad signing the Constitution

Prasad was elected President of the Constituent Assembly.

The Muslim League boycotted the Constituent Assembly to demand the creation of a separate State called Pakistan. Consequently the members representing the territories which went to Pakistan withdrew from the Constituent Assembly of India. As a result, the membership of the Constituent Assembly of India stood at 299 against the original number of 389 members. Of these, 284 were actually present on November 26, 1949, and appended their signatures to the Constitution as finally passed. Dr. Rajendra Prasad continued to be the President of the Constituent Assembly of India.

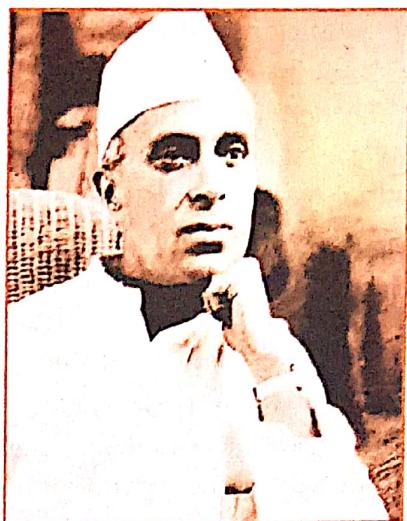
Between December 9, 1946 and August 14, 1947 the Assembly held five sessions.

COMPOSITION OF THE CONSTITUENT ASSEMBLY

The wide-ranging membership of the Constituent Assembly gave representation to all shades of public opinion. The Cabinet Mission plan had ensured representation to only three categories—the General category, Muslims and Sikhs. The Congress leaders had, however, ensured that other communities like Anglo-Indians, Indian Christians, Scheduled Castes and Scheduled Tribes got representation.

The Anglo-Indians were represented by Mr. Frank Anthony and Mr. S.H. Prater; the Indian Christians, by Dr. H.C. Mukherjee and Joseph D'souza; and the Parsees by Dr. H.P. Modi. Though the Muslim League had boycotted the Assembly, there were still two members—Zafar Imam and Mohammad Saadullah who represented the Muslim community. The Sikhs were represented by Sardar Hukum Singh and Ujjal Singh. It can be said that the Constituent Assembly was truly national in character.

Objectives Resolution: When the Constituent Assembly started the work of drafting the Constitution, Pt. Jawaharlal Nehru proposed the 'Objectives Resolution' on December 13, 1946.



Pt. Jawaharlal Nehru

The 'Resolution' highlighted the objectives and laid down the 'national goals'.

- (i) Free India will be nothing but a 'republic'.
- (ii) The ideals of social, political and economic democracy would be guaranteed to all people.
- (iii) The republic would grant Fundamental Rights to citizens.
- (iv) The state would safeguard the rights of minorities and backward classes.

The 'Objectives Resolution' was passed by the Constituent Assembly on January 22, 1947.

DRAFTING COMMITTEE

The Indian Independence Act, 1947, by which two independent states of India and Pakistan were created, recognised the existence of the Constituent Assembly of India. This legal sanction enabled the Constituent Assembly to function after India's independence. The Assembly became a sovereign body. To carry on its work it appointed eight committees! The Drafting Committee, under the Chairmanship of Dr. B.R. Ambedkar was set up on August 29, 1947 and was entrusted with the task of drafting the Constitution.

DR. AMBEDKAR'S CONTRIBUTION TO THE INDIAN CONSTITUTION

Dr. Bhimrao Ambedkar, popularly known as Babasaheb, was one of the architects of the Constitution of India. He was an eminent jurist,

economist, politician and social reformer. The text of the Constitution prepared by Babasaheb provided for constitutional guarantees and protections for a wide range of civil liberties for individual citizens, including freedom of religion, the abolition of untouchability, social rights for women and a system of reservation of jobs in the government services for members of Scheduled Castes and Scheduled Tribes.

In order to shape India into a complete Sovereign Democratic Republic, in which the liberty and dignity of the individual is ensured, along with national integrity, Babasaheb incorporated the following principles in the Constitution of India:

1. Made the Indian Constitution workable, flexible and strong enough to hold the country together both in peace and in war.
2. Provided special safeguards to the minorities and certain classes, who are socially and educationally backward.
3. Incorporated the Right to Constitutional Remedies to ensure that the Fundamental Rights of the individuals are not infringed by the Centre or the State governments.
4. Single citizenship, single judiciary and uniformity in fundamental laws to integrate Indian society. Therefore, he proposed a strong Centre to maintain territorial integrity and administrative discipline.



Dr. B.R. Ambedkar

5. Incorporated Directive Principles to ensure social and economic democracy and welfare of the people of India.

READINGS

The Draft was discussed by the Constituent Assembly, clause by clause, since November 4, 1948. Thereafter, the draft underwent the second Reading which was completed on October 17, 1949. It was followed by the third and the final Reading which were completed on November 26, 1949.

TIME TAKEN

It took nearly three years for the Constituent Assembly to finally pass the Constitution. At the time of its signing, the Constitution consisted of 395 Articles and Eight Schedules.

IMPLEMENTATION OF THE CONSTITUTION

After the signing of the Constitution, only the clauses relating to citizenship and some others came into force immediately. This was to enable persons displaced as a result of the partition, to register themselves as Indian citizens.

The Constitution was adopted and passed by the Constituent Assembly on November 26, 1949. The Constitution as a whole came into force with effect from January 26, 1950.

With the coming into force of the Constitution, C. Rajagopalachari became the Governor-General. He replaced Lord Mountbatten. The Constituent Assembly became the provisional parliament until the new General Elections were held in 1951-52. Dr. Rajendra Prasad, who was the President of the Constituent Assembly took over as the President of the Indian Union.

SIGNIFICANCE OF JANUARY 26

The date January 26, 1950 for commencement of the Constitution was specially selected because of its historical importance. At the Lahore Session of the Congress held in December 1929, a resolution was passed which declared Poorna Swaraj or Complete Independence to



Indian National Flag

be the objective of the Congress. January 26, 1930 was fixed as the first *Independence Day*, which was to be so celebrated every year. Since then the day was celebrated as Independence Day up to 1947.

On achieving Independence, 15th August 1947 became the Independence Day. January 26 was designated as the Republic Day.

Fact File

1. Constituent Assembly elected	July, 1946
2. First Session	Dec. 9, 1946
3. Objectives Resolution Proposed Passed	Dec. 13, 1946 Jan. 22, 1947
4. Drafting Committee set up	Aug. 29, 1947
5. First Draft completed	Feb. 1948
6. First Reading	Nov. 1948
7. Second Reading	Oct. 1949
8. Third Reading	Nov. 1949
9. Constitution passed and adopted	Nov. 26, 1949
10. Effective on	Jan. 26, 1950
11. Constituent Assembly Members Undivided India India by itself	389 299
12. At the time of Commencement Articles Schedules	395 8

TERMS TO REMEMBER

Amendment	: An addition or alteration to the Constitution.
Adopt	: Legalise.
Democratic	: Pertaining to democracy or a form of government in which people elect their representatives to form the government.
Fraternity	: Brotherhood or friendship.
Ideals	: A principle worth trying or living for.

EXERCISES

I. Multiple-Choice Questions

Choose the correct answers to the questions from the given options.

- Constitution is a comprehensive document containing the set of rules that describe the rights and duties of its citizens and the way the governance is to be carried out. Which of the following statements correctly describes the same?
 - It ensures smooth governance for the welfare of its citizens.
 - It regulates the position of the citizens.
 - It dictates terms to the states work under the central government.
 - It provides rules and regulations for the smooth functioning of various commercial establishment in the country.
- The Constituent Assembly was truly national in character. In this context, identify the categories which were given membership of the Constituent Assembly.
(P) : General Category, Muslims and Sikhs.

- (Q) : Christians, Anglo-Indians and Parsees
(R) : General Category and Sikhs.
(S) : Christians and Parsees.
- (a) P and Q (b) R and S (c) P and R (d) Q and S
- 3.** How were members of the Constituent Assembly selected?
- (a) Directly elected by the people
(b) Nominated by the Viceroy
(c) Indirectly elected by Provincial Legislative Assemblies
(d) Indirectly elected by the Provincial Council
- 4.** The Constituent Assembly of undivided India consisted of _____ members.
- (a) 390 (b) 292 (c) 389 (d) 384
- 5.** When was the first sitting of the Constituent Assembly held?
- (a) December 5, 1946 (b) December 25, 1945
(c) December 9, 1946 (d) December 24, 1946
- 6.** Where was the first sitting of the Constituent Assembly held?
- (a) Present Lok Sabha Hall of Parliament
(b) Present Rajya Sabha Hall of Parliament
(c) Present Central Hall of the Parliament
(d) Rashtrapati Bhawan
- 7.** Arrange the following events in chronological order.
- (A) : Independence of India.
(B) : Setting up of the Drafting Committee.
(C) : First sitting of the Constituent Assembly
(D) : Election to Provincial Assembly
- (a) DCAB (b) BACD (c) ADCB (d) DCBA
- 8.** Who was elected President of the Constituent Assembly at its first sitting?
- (a) Dr. B.R. Ambedkar (b) Dr. Rajendra Prasad
(c) Dr. Sachidananda Sinha (d) Pt. Jawaharlal Nehru.
- 9.** Who proposed the 'Objectives Resolution'?
- (a) Dr. Rajendra Prasad (b) Mahatma Gandhi
(c) Subhash Chandra Bose (d) Jawaharlal Nehru
- 10.** The Objectives Resolution proposed on December 13, 1946 and passed by the Constituent Assembly on January 22, 1947 highlighted the objectives of the Constitution. Which of the following were the national goals laid down?
- (a) Free India would be a republic. (b) Fundamental Rights to all citizens.
(c) Ideals of social, political and economic democracy to all citizens.
(d) All of the above.
- 11.** Name the legal sanction that allowed the Constituent Assembly to function post Partition.
- (a) Objectives Resolution, 1946 (b) Indian Independence Act, 1929
(c) Poorna Swaraj Declaration, 1929 (d) Government of India Act, 1942
- 12.** The Cabinet Mission Plan had ensured representation to general category and
- (a) Anglo-Indians and Muslims
(b) Muslims and Sikhs

- (c) Scheduled Castes and Scheduled tribes
 (d) Muslims, Christians and Sikhs.
- Q. 13.** On the basis of which plan was the Constituent Assembly constituted?
 (a) Cabinet Mission Plan
 (b) Mountbatten Plan
 (c) Cripps Mission
 (d) None of the above.
- Q. 14.** Who was appointed as the Chairman of the Drafting Committee of the Constitution?
 (a) Pt. Jawaharlal Nehru
 (b) Dr. B.R. Ambedkar
 (c) Dr. H.C. Mukherjee
 (d) Dr. Rajendra Prasad

II. Short Answer Questions

1. What is meant by the term Constitution?
2. What is known as the 'Objectives Resolution'? By whom was the Objectives Resolution proposed?
3. When was the Constitution adopted and passed? When did the Constitution come into force?
4. Why was January 26 chosen for the commencement of the Constitution?
5. Write a short note on Dr. Ambedkar's contribution to the Indian Constitution.

II. Structured Questions

1. With reference to the making of Indian Constitution explain the following:
 - Name the Plan which proposed to set up the Constituent Assembly. How were the members of the Constituent Assembly elected?
 - How was the membership of the Constituent Assembly reduced as a result of partition of the country?
 - How can you say that the Constituent Assembly gave adequate representation to all sections of the Indian Society?
2. With reference to the 'Objectives Resolution' explain the following:
 - Who proposed the 'Resolution'? When was the Resolution passed by the Constituent Assembly? Name the Act that gave legal sanctity to the Constituent Assembly.
 - State any three points of the 'Objectives Resolution'.
 - List four principles that Babasaheb Ambedkar incorporated in the Constitution.

IV. Thinking Skills

1. The Constitution of India is the longest written Constitution in the world. What would have been the consequences if the Constitution of India was not written? Give reasons to support your answer.
2. Do you think that the Constitution of India has an important role in maintaining the unity and integrity of India? Give reasons to support your answer.
3. Dr. Bhimrao Ambedkar was a learned man with great foresight. Make a list of instances where his foresight came to our nation's aid in times of crisis.
4. The Indian Constitution has taken the best features from the Constitutions of countries around the world. Make a list of few of these features stating which country inspired them and how have they been modified to suit the needs of our country.
5. Trace how the Republic Day has been celebrated over the years.

