

**Class 11<sup>th</sup> | Political Science**



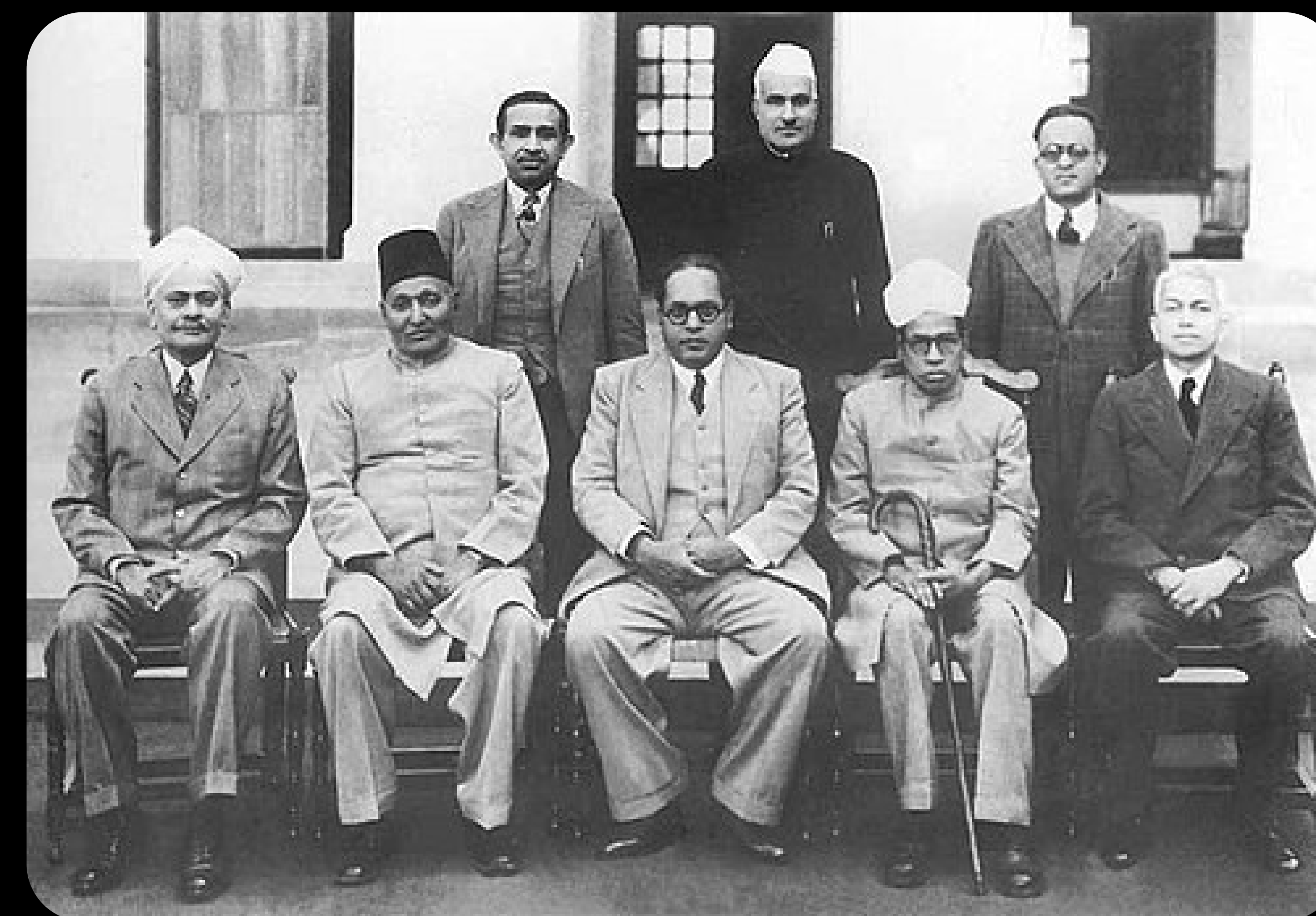
**BOOK: Indian  
Constitution at work**

**Constitution: Why & How?**

**Chapter : 1 | Lecture 9**

# PROCEDURES

- The importance of public reason was emphasised in the mundane procedures of the Assembly as well. The Constituent Assembly had eight major Committees on different subjects. Usually, Jawaharlal Nehru, Rajendra Prasad, Sardar Patel or B.R. Ambedkar chaired these Committees.
- These were not men who agreed with each other on many things. Ambedkar had been a bitter critic of the Congress and Gandhi, accusing them of not doing enough for the upliftment of Scheduled Castes. Patel and Nehru disagreed on many issues. Nevertheless, they all worked together.





# PROCEDURES

- Each Committee usually drafted particular provisions of the Constitution which were then subjected to debate by the entire Assembly.
- Usually an attempt was made to reach a consensus with the belief that provisions agreed to by all, would not be detrimental to any particular interests.



- Some provisions were subject to the vote. But in each instance every single argument, query or concern was responded to with great care and in writing. The Assembly met for one hundred and sixty six days, spread over two years and eleven months. Its sessions were open to the press and the public alike.





# INHERITANCE OF THE NATIONALIST MOVEMENT

- But no constitution is simply a product of the Assembly that produces it. An Assembly as diverse as the Constituent Assembly of India could not have functioned if there was no background consensus on the main principles the Constitution should enshrine.
- These principles were forged during the long struggle for freedom. In a way, the Constituent Assembly was giving concrete shape and form to the principles it had inherited from the nationalist movement.



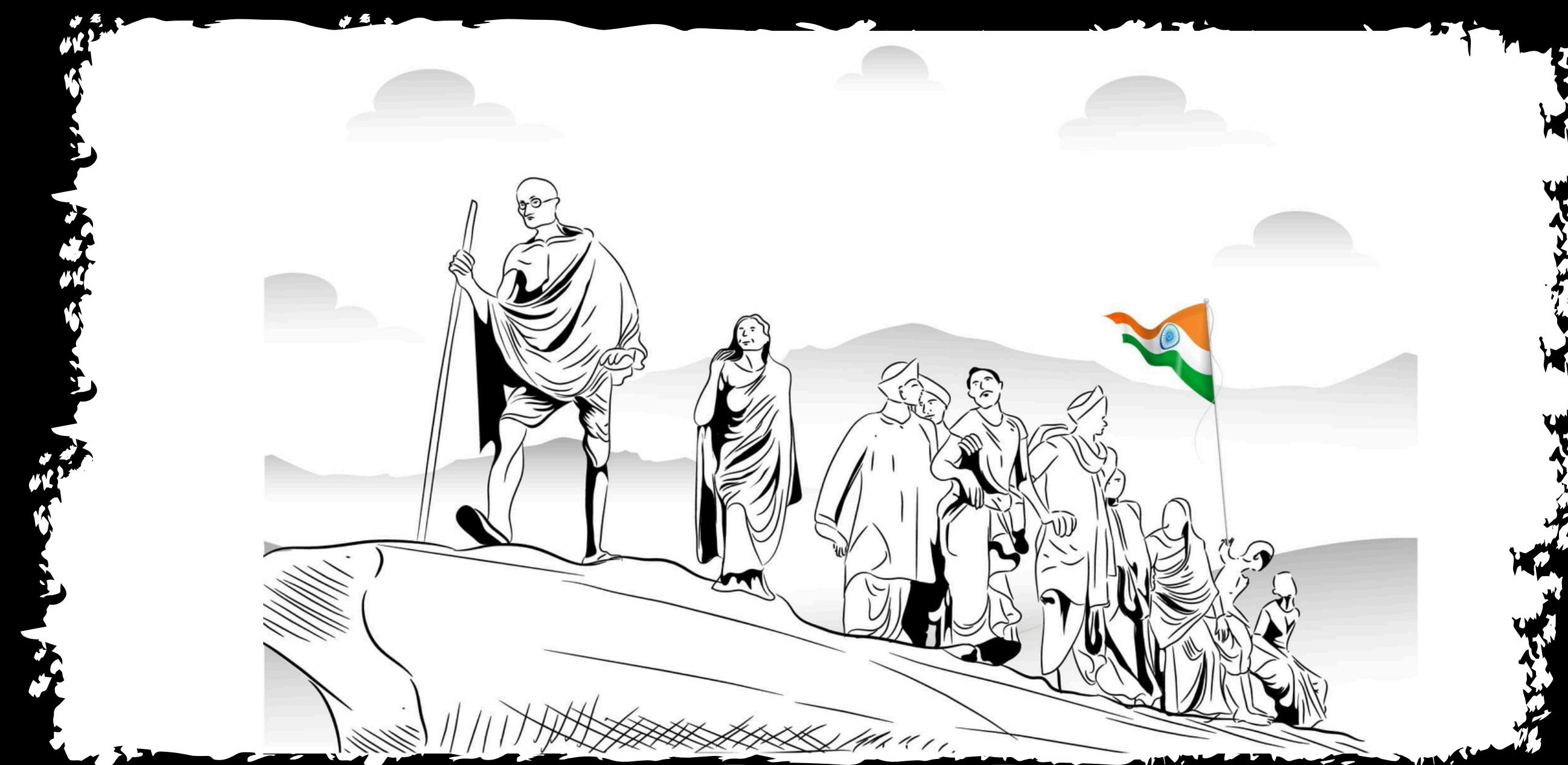


# INHERITANCE OF THE NATIONALIST MOVEMENT

- For decades preceding the promulgation of the Constitution, the nationalist movement had debated many questions that were relevant to the making of the constitution — the shape and form of government India should have, the values it should uphold, the inequalities it should overcome.
- Answers forged in those debates were given their final form in the Constitution.



- Perhaps the best summary of the principles that the nationalist movement brought to the Constituent Assembly is the Objective Resolution (the resolution that defined the aims of the Assembly) moved by Nehru in 1946.
- This resolution encapsulated the aspirations and values behind the Constitution.



## What the Previous

- Section terms as substantive provisions of the constitution is inspired by and summed up by the values incorporated in the Objectives Resolution.
- Based on this resolution, our Constitution gave institutional expression to these fundamental commitments: equality, liberty, democracy, sovereignty and a cosmopolitan identity.
- Thus, our Constitution is not merely a maze of rules and procedures, but a moral commitment to establish a government that will fulfil the many promises that the nationalist movement held before the people.



# MAIN POINTS OF THE OBJECTIVES RESOLUTION

- India is an independent, sovereign, republic;
- India shall be a Union of erstwhile British Indian territories, Indian States, and other parts outside British India and Indian States as are willing to be a part of the Union;
- Territories forming the Union shall be autonomous units and exercise all powers and functions of the Government and administration, except those assigned to or vested in the Union;
- All powers and authority of sovereign and independent India and its constitution shall flow from the people;



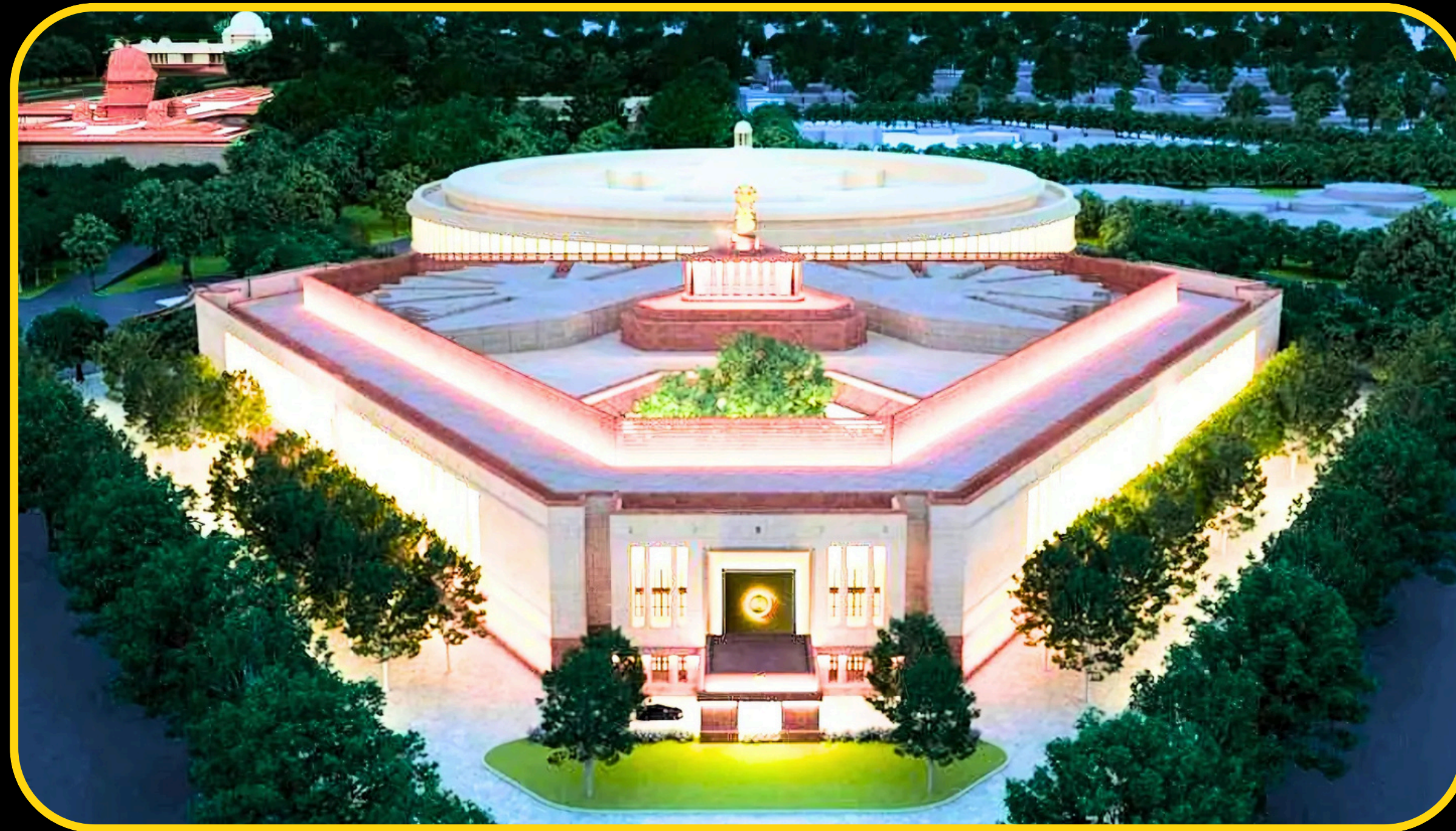
- All people of India shall be guaranteed and secured social, economic and political justice; equality of status and opportunities and equality before law; and fundamental freedoms - of speech, expression, belief, faith, worship, vocation, association and action - subject to law and public morality;
- The minorities, backward and tribal areas, depressed and other backward classes shall be provided adequate safeguards;
- The territorial integrity of the Republic and its sovereign rights on land, sea and air shall be maintained according to justice and law of civilized nations;
- The land would make full and willing contribution to the promotion of world peace and welfare of mankind.

# INSTITUTIONAL ARRANGEMENTS

- The third factor ensuring effectiveness of a constitution is a balanced arrangement of the institutions of government.
- The basic principle is that government must be democratic and committed to the welfare of the people.
- The Constituent Assembly spent a lot of time on evolving the right balance among the various institutions like the executive, the legislature and the judiciary.
- This led to the adoption of the parliamentary form and the federal arrangement, which would distribute governmental powers between the legislature and the executive on the one hand and between the States and the central government on the other hand.



# INSTITUTIONAL ARRANGEMENTS





# INSTITUTIONAL ARRANGEMENTS



- While evolving the most balanced governmental arrangements, the makers of our Constitution did not hesitate to learn from experiments and experiences of other countries.
- Thus, the framers of the Constitution were not averse to borrowing from other constitutional traditions. Indeed, it is a testament to their wide learning that they could lay their hands upon any intellectual argument, or historical example that was necessary for fulfilling the task at hand. So they borrowed a number of provisions from different countries.
- But borrowing these ideas was not slavish imitation. Far from it. Each provision of the Constitution had to be defended on grounds that it was suited to Indian problems and aspirations.
- India was extremely lucky to have an Assembly that instead of being parochial in its outlook could take the best available everywhere in the world and make it their own.





“One likes to ask whether there can be anything new in a Constitution framed at this hour in the history of the world... The only new things, if there can be any, in a Constitution framed so late in the day are the variations made to remove the faults and to accommodate it to the needs of the country.”



# PROVISIONS ADAPTED FROM CONSTITUTIONS OF DIFFERENT COUNTRIES

**British Constitution:** First Past the Post Parliamentary Form of Government The idea of the rule of law Institution of the Speaker and her/his role Law-making procedure

**Irish Constitution:** Directive Principles of State Policy

**French Constitution:** Principles of Liberty, Equality and Fraternity

**Canadian Constitution:** A quasi-federal form of government (a federal system with a strong central government)  
The idea of Residual Powers

**United States Constitution:** m Charter of Fundamental Rights Power of Judicial Review and independence of the judiciary



**चाणक्यनीति से लेकर**  
**राजनीति तक**  
**तुम्हे जो चाहिए सब है मेरे पास ।**







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