

CHAPTER 15 FRAMING THE CONSTITUTION

1. Why and how was the Constitution of India made? Explain briefly.

A. Considering the diversity of the nation, the length of the Indian Constitution is understandable.

Problems faced in the construction of the Constitution:

A constitution designed to keep the country together was required with such diversity and great size.

To take it forward, leaders had to work carefully and painstakingly.

Benefits of the Constitution

It had sought to heal the wounds of the past and the present.

It sought to nurture democracy in a place which had been a culture of hierarchy and deference.

2. How was the Constitution framed? Explain briefly.

A. The Constitution of India was framed between December 1946 and December 1949.

Procedure:

During this time, its drafts were discussed **clause by clause** in the Constituent Assembly.

Assemble had **eleven sessions, sittings spread over 165 days.**

Refining and revising was carried out by various committees.

A TUMULTUOUS TIME

3. The years immediately preceding the making of the Constitution had been exceptionally tumultuous: a time of great hope, but also of abject disappointment. Justify the statement.

A. India, free but divided, fresh in popular memory, India had been divided.

Popular struggles:

Quit India movement (1942)- The most widespread popular movement against the British raj started by Mahatma Gandhi

Subhash Chandra Bose- Challenged the British raj with the foreign aid.

Result of these movements:

People reacted strongly against the British rule and there was risings of the ratings of Royal Navy in Bombay.

In 1940s, there were mass protests by peasants and workers.

Congress and Muslim League could not unite as a result there were **Great Calcutta Killings**.

High degree of Unity- there was high degree of unity seen in these popular struggles.

Many people lost their homes-They had to migrate to different parts.

Partition has led Innumerable Muslims in India and Sikhs, Hindus in Pakistan had to shift. There were increasing threats of sudden death.

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Princely States-Another problem was the rise of Princely states. These, states were under the control of maharajas and nawabs who owned allegiance to British Crown. They wanted to rule independently and many National leaders were apprehensive to this decision.

4. How the Constituent Assembly was made? Who initially boycotted the constituent Assembly?

The constituent assembly did not come out of Universal adult Franchise. Provincial elections were held in 1945-46 . These Provincial legislatures then chose the representatives to the Constituent Assembly.

5. Write down the initial composition of the Constituent Assembly and by whom later on it was boycotted and why?

Initially dominated by Congress

The Constituent Assembly that came into being was dominated by one party- The Congress. The Congress had swept the general seats.82 %

Domination of Muslim league in Muslim majority areas

The reserved seats were captured by the Muslim league and they therefore dominated the rest of the seats.

Muslim League later boycotted

The Muslim league boycotted the Constituent Assembly pressing its demand for Pakistan with a separate constitution.

Socialists also boycotted Constituent Assembly

They believed that Constituent Assembly was a creation of the British and 82% of the members were from the Congress.

6. "There existed differences within the Congress in their ideas". Justify the statement.

i) Landlordism versus Socialism

Some members were inspired by socialism while others were defenders of landlordism.

ii) Communal parties versus Secularism

Some were close to communal parties close while others were assertively secular.

7. How Constituent Assembly included public opinion?

i) Arguments in newspapers

The discussions with the Constituent Assembly were also influenced by the public opinions expressed in the newspapers.

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ii) **Criticism and Counter Criticism**

Criticism and counter criticism in the press in turn shaped the nature of the consensus that was ultimately reached on specific.

iii) **People were asked to send views and several views**

Linguistic Minorities- They wanted the protection of their mother tongue

Religious Minorities- They asked for special safeguard

Demand of Dalits- They demanded reservation of seats in govt. bodies

iv) **Lots of Debates took place**

Cultural rights and social justice were raised in these public debates.

8. **Name the dominant voices existent in Constituent assembly and express their opinion.**

Dominant Voices- Congress & Non Congress

Congress- Jawahar Lal Nehru, Vallabh Bhai Patel, Rajendra Prasad

These leaders were

Helped by -

B.N.Rau,

S.N.Mukherjee

Non congress- K.M.Munshi, Alladi Krishnaswamy Aiyar, B.R. Ambedkar

a) **Jawahar Lal Nehru-**

He moved the crucial **Objectives Resolution** as well as the resolution proposing the tri colour National Flag.

b) **Vallabh Bhai Patel-**

Worked mostly behind the scenes , played a key role **in drafting several reports** and work to reconcile opposing points of view.

c) **Rajendra Prasad**

He was the President of the Constituent Assembly and **had steered the discussion along the constructive lines**, while making were all members got chance to speak.

d) **B.R Ambedkar**

Ambedkar had been a political opponent of Congress but on the advice of Mahatma Gandhi he joined the Union cabinet and became the Law Minister served as **a Chairman of the Drafting Committee**. He had the responsibility of guiding the Draft Constitution through the Assembly

e & f) **K.M.Munshi & Alladi Krishnaswamy Aiyar-**

From Gujrat and Madras both gave crucial inputs in drafting the Constitution.

Others- **B.N.Rau** & **S.N. Mukherjee-** were civil servants

↓
Constitutional Advisor

↓
Chief Draughtsman- He has the ability to put the most intricate Proposals in the simplest and clearest legal form.

Prepared a series of
Background papers based on the
Close study of political systems of other

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Countries.

THE VISION OF THE CONSTITUTION

9. When was Objective Resolution was introduced? Discuss the Objectives Resolution as proposed by Nehru.

i) Introduction

On 13 December 1946, Jawhar Lal Nehru introduced Objective Resolution in the Constituent Assembly.

ii) It provided framework for Constitution

Objective Resolution outlined the ideals of Constitution of Independent India, and provided a framework within which the Constitution was to be made.

iii) Independent, Sovereign Republic were ideals

Objective Resolution wanted India to be Independent, Sovereign, Republic and guaranteed all its citizens equality, justice and freedom.

iv) Safeguard interests of minorities

It also assured adequate safeguards to minorities, backward and tribal areas and depressed & backward classes.

v) Rework and readapt all the ideas

The objective was to fuse the liberal ideas of democracy and rework and readapt all the ideas of French & American Revolutions within the framework of Indian Constitution.

vi) Social ideas of economic justice

He also wanted to incorporate the socialist idea of economic justice

10. How did American and French Revolution inspire Nehru's Objective Resolution? Why he did not want to copy them? Discuss Nehru's reaction regarding these Revolutions.

i) Equated the task of making Indian Constitution with that to American & French Revolution

Nehru has equated the task of making Indian Constitution with that to American and French Revolution and also was of the opinion that Constitution making process of India is a long struggle for freedom and liberty.

ii) But at the same time, these revolutions would not be taken as Blue print

However Nehru neither wanted to borrow the American & French Revolutions ideals nor it would not provide any blue print for the Constitution. But only wanted some of the ideas of these revolutions to be incorporated after deliberate discussions.

iii) Ideals should be so as to fit the Indian temperament

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Nehru did not want to copy the West as the needs and aspirations of India is different and therefore the ideals should suit Indian temperament and should be acceptable to them. Therefore he stressed on creative thinking of these ideals

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11. Who was Somnath Lahiri? Express the idea of Somnath Lahiri regarding the making of the Constituent Assembly? How did Nehru react to Somnath Lahiri's comment on the Constituent Assembly?

Somnath Lahiri was a communist member and was of the opinion that in the deliberations of the Constituent Assembly there was a dominance of British imperialism. Therefore he wanted the Indians to get fully liberated from the influences of British rule.

i) Assembly was made under British rule

He said that even when Constituent Assembly was made in 1946-47 then also British were still present.

ii) Interim Government somewhat puppet

Also the interim government headed by JawharLal Nehru was to operate on the directions of the Viceroy and the British government in London.

iii) Constituent assembly worked as per British Plan

For the above mentioned reason only, Lahiri again stressed that therefore the Constituent Assembly was British made and was working according to British plans.

Nehru's reaction-

Nehru also admitted that

- **Leaders wanted different kind of Constituent assembly**
- He also believed that **British government's influence is** there in its making.
- Therefore **the Constituent assembly had to function under British conditions.**

But he also expressed that the interim government do not come being by **State Papers** but rather it derive **its strength from the will of the people** has they have selected them and its our duty to fulfill their wishes.

12. How the Constituent assembly helped in fulfilling the aspirations of the 19th century reformers?

Constituent assembly helped in the fulfilling the aspirations of the 19th century reformers in the following manner

- i) **Ideals of social struggle were Democracy Equality & Justice**

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The Constituent Assembly was expected to express the aspirations of those who had participated in the movement for independence and the ideals of social struggle since 19th century were Democracy, Equality and Justice .

ii) Social reformers opposed child marriage, promoted widow re marriage

The social reformers in the nineteenth century opposed child marriage and demanded widow remarriage so as to promote social justice.

iii) Swami Vivekanand's Hinduism

Vivekananda campaigned for a reform of Hinduism, he wanted religions to become more just.

iv) Jyotiba Phule wanted upliftment of the depressed castes

Jyotiba Phule in Maharashtra pointed to the suffering of the depressed castes.

v) Communists and socialists favoured economic justice

The Communists and Socialists organised workers and peasants, so as to fulfill their demand of economic and social justice.

vi) Nationalist leaders wanted democracy & citizen's rights & equality

The national movement was against the British government as it was oppressive and illegitimate and wanted to establish democracy and justice, for citizens' rights and equality.

13. What are the series of Constitutional Reforms introduced by British? What were its drawbacks?

The British had been forced to introduce **a series of constitutional reforms**

-i) A number of Acts were passed (1909, 1919 and 1935), gradually enlarging the space for Indian participation in provincial governments.

ii) The **executive was made partly responsible** to the provincial legislature in 1919,

iii) The executive was **almost entirely responsible under the Government of India Act of 1935.**

iv) When **elections were held in 1937**, under the 1935 Act, the Congress came to power in **eight out of the 11 provinces.**

Drawbacks

The electorate that elected the provincial bodies had expanded over the years, but even in 1935 it remained limited to no more than

a) **10 to 15 per cent of the adult population:**

b) **There was no universal adult franchise.**

c) The legislatures elected under the **1935 Act operated within the framework of colonial rule**

d) It was **responsible to the Governor** appointed by the British.

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DEFINING RIGHTS

14. Why B.Pocker Bahadur encouraged separate electorates?

Separate electorates are that type of elections in which minorities select their own representative separately, as opposed to joint electorates where people are selected collectively .

i) **Bahadur supported Separate Electorates**

Bahadur supported separate electorates because according to him minorities existed in all lands, and therefore their existence could not be erased.

ii) **To create political framework for the minorities**

The need was to create a political framework where people could live in harmony with others.

iii) **To minimize the differences between different communities**

He created a political framework so as to reduce the differences. Their views should be considered.

iv) **To ensure proper representation**

To ensure proper representation he wanted separate electorates for the minorities

v) **Hence favoured Separate electorates for Muslims**

According to B. Pocker Bahadur , Muslims could not be properly understood by Non Muslims. Therefore separate electorates were necessary according to him.

15. Who and what were the oppositions for the separate electorates?

There were several leaders who opposed separate electorates. These are follows:

i) **R.V.Dhulekar**

According to R.V. Dhulekar separate electorates was **fictitious** and could not move in a long run . **British created** to divide and rule India for their convenience.

ii) **Sardar Patel**

According to Sardar Patel "**Separate electorate is a slow poison**". It was the demand which had divided the nation and caused bloodshed.

iii) **Govind Ballabh Pant**

According to him- separate electorates will **isolate the authority of minorities**. It is a **suicidal demand** and would make **minorities vulnerable**. Reduce their effective participation.

iv) **Begum Aizaz Rasul**

Separate electorate was **self destructive**. Will isolate the minority from the majority.

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16. Who is N.G. Ranga? Write the opinion of N.G.Ranga.

Or

Critically examine the viewpoints of Objective Resolution as expressed by N.G. Ranga.

N.G Ranga was a socialist and a leader of the peasant movement .

His Opinions and Limitations

i) **Interpreted minorities in economic terms**

He was of the opinion that the term minorities should be defined in economic terms. Therefore all the poor and downtrodden according to him were minorities.

ii) **Welcomed the idea of granting legal rights**

He welcomed the idea of granting legal rights to each individual by the Constitution but also pointed out its limitation.

iii) **But also pointed out its limitations**

He expressed this as he felt that poor people in the villages did not know that they now have fundamental right to live, to have full employment, the right to organize their meetings, conferences and associations and enjoy many other civil liberties.

iv) **Needed protected Conditions**

The minorities should be given adequate tools and equipments for their upliftment and protection so that they could effectively enjoy their rights.

17. What were the opinions of JaiPal Singh on Nehru's Objective Resolution?

Or

Discuss Jai Pal Singh's viewpoints on Nehru's Objective Resolution.

i) **Include Tribals within minorities**

His view was to include the tribals within the minorities. To ensure conditions to uplift them to the level of general population.

ii) **Tribal are not Numerical Minority**

Tribals constituted a large part and could not be counted in a numerical minority.

iii) **Wanted to seek reservation**

He expressed that their lands were taken away and were forced to move to new lands and they were turned away by the general population as primitive and backward therefore wanted to seek reservation in legislature to represent their voice.

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18. What were the opinions of B.R. Ambedkar and J. Naggapa?

Or

Discuss the opinion of the leaders of depressed classes and how were their rights defined in Constitution. Why Gandhi oppose to separate electorates of depressed classes? What were the Recommendation of the Constituent Assembly for the depressed classes?

i) **Change of Opinion of B.R. Ambedkar**

B.R. Ambedkar wanted separate electorates but after the partition violence, Ambedkar changed his Opinion for the demand of separate electorates.

ii) **Opinion of J. Naggapa (Atrocities of the society on the depressed classes)**

J. Naggapa expressed that by giving protection and safeguards by the Constitution would not solve their problem. The root cause of their problem was the creation of social norms and moral values of the caste societies which had used their labour and services but kept them away at a social distance and refused to mix with them and dine with them and neither were allowed to enter in temples.

iii) **Depressed classes constituted Majority as per Nagappa**

Naggapa also expressed that Depressed classes were not a minority and constituted 20 -25% of population.

iv) **Depressed classes suffered due to Systematic marginalization**

They suffered because of systematic marginalization but not for their numerical insignificance.

v) **No access to education**

They had no access to education and no share in the administration.

Reasons for Gandhi's Opposition for Separate Electorates

Gandhi opposes the idea of separate electorates as it would permanently segregate them from the rest of society.

Recommendation of Constituent Assembly for the depressed classes

- Abolition of untouchability
- Opening the entry of temples for them
- Reservation of seats in legislature and jobs in government offices.

THE POWERS OF THE STATE

19. Write the recommendation of Constituent Assembly regarding the Central government and the State.

Preference of Jawahar Lal Nehru

Jawahar Lal Nehru favoured strong centre as he believed that

- it is the key to ensure peace,

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- better coordination and speaking effectively in the interest of the nation in international sphere.

Recommendation of Draft Constitution / Constituent Assembly

- **Draft Constitution also gave three lists-** Union List, State List, and Concurrent List
 Union List- It will deal with Central government issues,
 State List- It will deal with State government issues
 Concurrent List- Both Centre and State can make laws from these lists.
- **More Powers to Centre**
 Union had exclusive powers on many subjects. It had control of minerals and key industries.
- **Article 356**
 Also article 356 gave the Centre the powers to take over a state administration on the recommendation of the Governor.
- **Fiscal Federation**
 Centre has the only power to collect custom duties and Company taxes.
 Centre and State also both collect income tax and excise duties.
 State can levy and collect certain taxes on their own for example, land and property taxes, sales tax, taxes on bottled liquor.

20. Discuss the opinion of K. Santhanam regarding the rights of the State.

Or

Who strongly defended the rights of the State? Write his viewpoints.

- State should be to be given more powers**
 K. Santhanam strongly wanted to allocate more powers to the Centre so as to strengthen not only the States but eventually it would strengthen the position of Centre more and not of the state.
- Centre should not be overburdened**
 Santhanam expressed if Centre was overburdened with responsibility then the Centre will not function effectively.
- Advised transferring some functions to states**
 According to Santhanam, if some functions will be transferred to the states then Centre would be made stronger.
- Proposed more fiscal powers to the State**
 Santhanam proposed more allocation of fiscal powers as most of the taxes except the land revenue had been kept under Centre. This will lead to bankruptcy of the State and will not be able to fulfill the developmental projects.

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- v) **Santhanam predicted dark future for State**
Santhanam predicted a dark future for the state if the proposed distribution of power was adopted and in few years all the provinces would rise in revolt against the Centre.

21. Name the personalities who supported strong Central Government and write their opinions.

- i) **Jawahar Lal Nehru (already mentioned)**
- ii) **B.R.Ambedkar**
- Ambedkar favoured strong centre because he **has experienced communal frenzy** during the partition.
 - If Centre has more power then only we will be able to stop this kind of situation in near future.
- iii) **Gopaldaswami Aiyangar**
He wanted the Centre to be strong as much as possible.
- iv) **Balakrishna Sharma**
He stated that ,
- only a strong Centre **could plan for the well being** of the country
 - mobilize the available economic resources,
 - establish a proper administration and
 - defend the country against foreign aggression.

22. Why the Constitution of has shown distinct bias towards the rights of the Union of India over those of its constituent states?

- i) **More autonomy to Province to pacify Muslim League**
Before Partition, Congress had agreed to grant considerable autonomy to the provinces so as to assure Muslim League that within the provinces, where they came to power, the Centre would not interfere.
- ii) **After Partition ,no more pressure for decentralisation**
But after getting Independence and partition, many Congress leaders and other nationalists felt that now there is absolutely no political pressure for decentralized structure.
- iii) **Partition violence pushed for more centralisation**
The colonial government had already placed unitary system in place, and the partition violence further necessitated the need for more centralization to control any chaos and to plan peacefully for the economic development.

23. Why Mahatma Gandhi referred Hindustani as a language of the Nation?

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By 1930s, the Congress had accepted that Hindustani ought to be the national language.

i) Easy to Understand

Mahatma Gandhi felt that everyone should speak in a language which is common and easy to understand.

ii) Language is evident in all regions

Hindustani a blend of Hindi and Urdu was a popular language of a large section of people and is also evident in all region.

iii) Hindustani has become a composite language

Over the years it had become a composite language enriched by the interaction of diverse cultures.

iv) It has got enriched with interaction of other languages

Also it had incorporated words and terms from many sources and hence it was understood by people from various regions.

v) Unity of people of North & South could be forged easily

Thus Hindustani is a multi cultural language, and Mahatma Gandhi thought it would be the ideal language. It could unify Hindus, & Muslims

24. "From the end of the nineteenth century, Hindustani as a language had been gradually changing." Justify the statement.

Or

What steps were taken by various communities to make Hindi and Urdu languages to acquire religious identity?

- i) By the end of 19th century, Hindustani as a language had been gradually changing. As communal conflicts deepened, Hindi and Urdu also started growing apart.
- ii) During this time, there was a move to Sanskritise Hindi, by removing it of all words of Persian and Arabic origin.
- iii) Also Urdu became more Persianised .Thus both Hindi and Urdu language was seen as the view of religious identity.

25. Explain the opinion regarding the declaration of Hindi as the National Language.

What are the opinion of Dhulekar regarding the Urdu Language?

- i) Congressman from United Provinces

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- Dhulekar was a Congressman from the United provinces who supported Hindi.
- ii) **Strongly appealed for Hindi as a Language**
Dhulekar made a strong plea that Hindi should be used as the language of the Constitution.
 - iii) **Non worthy those who are not Hindi speaker**
According to Dhulekar, those who don't know Hindi Language are not worthy of being the part of the Constituent Assembly.

26. What were the recommendations of the language committee of the Constituent Assembly?

- i) **Compromise Formula**
It gave a compromise formula, to resolve the deadlock between those who favoured the Hindi language and those who opposed it.
- ii) **Devnagri Script**
Committee has decided that Hindi in Devnagri script will be the official language but transition to Hindi would be gradual.
- iii) **English as the official language**
They also recommended that English would be continued in the first 15 years as the official language.
- iv) **Regional Language in Provinces**
Regional language should be promoted therefore, each Province was allowed to chose a regional language for official purposes.
- v) **Hindi as official language rather than National language**
Language Committee referred Hindi as the official language rather than National Language so as to pacify the people nationwide.

27. What were the concerns of G. Durgabai regarding the making of Hindi as the National language? Express the opinion of Shri Shankarrao Deo & T.A.Ramalingam Chettiar on the language issue.

- i) **Opposition for Hindi in South**
Durgabai expressed her fears and informed the House that the opposition in the South against Hindi was very strong.
- ii) **Hindi would suppress Provincial language**
Durgabai often expressed that promotion of Hindi as a National language will suppress the development of Provincial Language.
- iii) **Took pains to promote Hindi**

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Although she opposed Hindi but on the call of Mahatma Gandhi she took pains to promote it between all people. By opening schools and conducting classes in Hindi.

iv) **Hindustani was also being changed**

Her another concern was that Hindustani language was being changed. For example from Hindi, Urdu and regional words were taken away which will affect the sentiment of different sections and would create anxieties and fears amongst different language groups.

Shri Shankarrao Deo- appealed for **spirit of accommodation**. Also as a congressman, and a follower of Mahatma Gandhi he had accepted Hindustani as a language of the Nation on the condition that **the language policy should not be biased**.

T.A. Ramalingam Chettiar- He is from Madras. He was of the opinion that the policy should be moved **with great caution**. Also if Hindi as a language is **pushed too aggressively** then fear of the people will increase further. Thus he favoured **more of mutual adjustment** and not of forcing people to follow this language.

28. **On what feature of the Constitution there was a substantial central agreement? Give examples of two countries where the voting right has been granted slowly and also explain its stages.**

One feature of Constitution in which there was substantial agreement **was granting of vote to every adult Indian**.

Two examples –**UK & USA democracies**- right to vote has been granted slowly and in stages

- i) First **only men of property** were granted the vote
- ii) Then **men with education** were allowed to vote
- iii) Then, After a long and bitter struggle, **men of working or peasant** background were also given the right to vote.
- iv) Then even after a longer struggle, **women** were granted the right to vote.

29. **'The Constitution of India had emphasized Secularism in an exemplary manner' Justify the statement.**

The constitution of India had emphasized Secularism in an exemplary manner in the following ways:

- i) By carefully **drafting a series of Fundamental rights** like
“Freedom of religion” (Article 25-28)
“Cultural and educational rights” (Article 29, 30)
“Rights to equality” (Article 14, 16, 17)

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- ii) **All religions were guaranteed equal treatment** by the State and given the right to maintain charitable institutions
- iii) The State also distanced itself from religious communities, **banning compulsory religious** instructions in state run schools and colleges, also declared religious discrimination in employment to be illegal.
- iv) Also steps to take social reforms within communities were taken. **Like banning untouchability and introduce changes in personal and family laws.**

30. Write the importance of Constituent Assembly debates.

- i) **Many demands were articulated**
Constituent Assembly debates help as to understand many conflicting views that had to be negotiated in framing the Constitution, and many demands were articulated within these debates.
- ii) **Debates shows implementation of ideas**
The debates show us that how the ideals were invoked on the same line of principles which were already deliberated.
- iii) **Ideas were re worked**
Also one must remember that when the ideals were invoked many were often reworked according to appropriate context.
- iv) **Many members opened their mind to new views**
Also while debating over three years many members of the Constituent assembly changed their ideas , rethought them, opened their minds to contrary views ,while some of them changed their views in reaction to the events around.

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