

Chapter-3

Constitution Framing

INTRODUCTION

We have noted in the previous chapter how democracy was established and developed. For the success of democracy, a constitution is supposed to be compulsory. The collection of the rules and principles on which the administration of a government operates is called a constitution. It is useless to imagine a state without constitution. Without a constitution a state does not remain a state but becomes anarchy.

In this chapter we ask some basic questions about the constitutional design of a democracy. Why do we need a constitution? How are the constitutions drawn up? Who designs them and in what way? What are the values that shape the constitution in democratic states? once a constitution is accepted, can we make changes later as required by the changing conditions?

One recent instance of designing constitution for a democratic state is that of the South Africa. In the beginning of this chapter we will consider this experience of the South Africa - what happened there and how the South Africans went about this task of designing their constitution. Then we turn to how the Indian constitution was made, what are its fundamental values, and how it provides a good framework for the conduct of citizens' life and that of the government.

DEMOCRATIC CONSTITUTION IN SOUTH AFRICA

The establishment of democracy in South Africa is a result of a very long struggle. There is a long history about how the people here framed their constitution. The government was based on apartheid in South Africa. The white Europeans imposed this system on South Africa. During the 17th and 18th centuries, the trading companies from Europe occupied it with arms and force, in the way they occupied India. But unlike India, a large number of 'whites' had settled in South Africa and became the local rulers. The system of apartheid divided the people and labelled them on the basis of their skin colour. The native people of South Africa are black in colour. They made up about three-fourth of the population and were called 'blacks'. Besides these two groups, there were people of mixed races who were called 'coloured' and people who migrated from India. The white rulers treated all non-whites as inferiors. The non-whites did not have voting rights. The apartheid system was particularly oppressive for the blacks. They were forbidden from living in white areas. They could work in white areas only if they had a permit. Trains, buses, taxis, hotels, hospitals, schools and colleges, libraries, cinema-halls, theatres, beaches, swimming-pools, public-toilets were all separate for the whites and the blacks. This was called segregation. Blacks could not form associations or protest against this terrible treatment.

Since 1950 A.D. the blacks, the coloured and the people from Indian origin fought against the apartheid system. They launched protest-marches and strikes. The African National Congress [ANC] was the umbrella organisation that led the struggle against the policies of segregation. This included many workers-unions and the Communist party. Many wise and sensitive whites also joined the ANC to oppose

apartheid and played a leading role in this struggle. Several countries denounced apartheid and raised their voice against it. But the white racist government continued to rule by detaining, torturing and killing thousands of black and coloured people.

AN INTRODUCTION TO NELSON MANDELA AND THE ROLE OF HIS CONTRIBUTION

As protests and struggles against apartheid had increased the government realised that they could no longer keep the blacks under their rule through repression. Therefore, the white regime changed its policies. Discriminatory laws were repealed. Ban on political parties and restriction on the media were lifted. After 28 years of imprisonment Nelson Mandela walked out of the jail as a free man. Finally the new national flag of the Republic of South Africa was unfurled marking the newly born democracy in the world. The apartheid government came to an end paving way for the formation of a multi-racial government.

How did this come about? Let us hear Mandela, the first president of this new South Africa, on this extraordinary transition:-

“Historical enemies succeeded in negotiating a peaceful transition from apartheid to democracy exactly because we were prepared to accept the inherent capacity for goodness in the other. My wish is that the South Africans never give up on the belief in goodness, that they cherish that faith in human beings is the corner stone of our democracy. “

After the emergence of the new democratic South Africa, black leaders appealed to fellow blacks to forgive the whites for the atrocities they had committed while in power they said let us build a new South

Africa based on equality of all races, men and women, on democratic values, social justice and human rights. One party had ruled through oppression and brutal killings and another party led the freedom struggle. They sat together to draw up a common constitution. After two years of discussion and debate they came out successfully with a very fine constitution, this constitution gave to its citizens the most extensive rights. They agreed that everybody should become part of the solution, forgetting their past nightmarish experiences, and without any prejudices. The South African constitution inspires democrats all over the world. A state denounced by the entire world till recently as the most undemocratic one is now seen as a model of democracy. What made this change possible was the determination of the people of South Africa to work together, to transform bitter experiences into the binding glue of a rainbow nation.

WHY DO WE NEED A CONSTITUTION ?

Why do we need a constitution and what does a constitution do? The South African example is a good way to understand this. The oppressor and the oppressed in this new democracy were planning to live together as equals. It was not going to be easy for them to trust each other. They wanted to safeguard their interests. The blacks were in majority. They were keen to ensure that the democratic principle of majority rule was not compromised. They wanted substantial social and economic rights. The white minority was keen to protect its privileges and property.

After long negotiations both parties agreed to a compromise. The whites agreed to the principle of majority rule and that of one person one vote. They also agreed to accept some basic rights for the poor

and the workers. The blacks agreed that majority rule would not be absolute. They agreed that the majority would not take away the property of the white minority. This compromise was not easy. This was even more difficult to implement. For its implementation it was necessary in the first place to trust each other and even if they managed to trust each other, what was the guarantee that this trust will not be broken in future?

The only way to build and maintain trust in such a situation is to write down some rules that every one would abide by. These rules lay down how the rulers are to be chosen in future. These rules also determined what the elected governments are empowered to do and what they cannot do. Amongst these rules there were also the rights of the citizens. These rules will work only if the winner of the election cannot change them very easily and according to their own choice. This is what the South Africans did. They agreed on some basic rules. They also agreed that these rules will be supreme, that no government will be able to ignore these. This set of basic rules is called a **Constitution**.

Constitution making is not unique to South Africa. Its existence is experienced in a universal manner, though all over the world people have differences of opinions and interests. Whether democratic or not, most countries in the world need to have these basic rules. This applies not just to governments. Any association needs to have its constitution, it could be a club in your area, a co-operative society or a political party – they all need a constitution.

Thus the constitution of a country is a set of written rules that are accepted by all people living together in a country. Constitution is the supreme law that determines the relationship among people living in a

territory called citizens and also the relationship between the people and the government.

A constitution does many things, the chief among them are:-

- ◆ First, it generates a degree of trust and co-ordination that is necessary for different kind of people to live together.
- ◆ Second, it specifies how the government will be constituted, who will have power to take which decisions.
- ◆ Third, it lays down limits on the powers of the government and tells us what the rights of the citizens are; and
- ◆ Fourth, it expresses the aspirations of the people about creating a good society.

All countries that have constitutions are not necessarily democratic, but all countries that are democratic will have constitutions. After the war of independence against Great Britain the Americans gave themselves a constitution. After the Revolution the French people approved a democratic constitution. Since then it has become a practice in all democracies to have a written constitution.

MAKING OF THE INDIAN CONSTITUTION

Indian constitution was drawn up under very difficult circumstances. The making of the constitution for a huge and diverse country like India was not an easy affair. At that time the people of India were emerging from the status of subjects to that of citizens. The country had faced the terrifying experience of partition on the basis of religion. This was a traumatic experience for the people of India and Pakistan.

At least ten lakh people were killed on both sides of the border in partition related violence. There was another major problem, the British had left it to the rulers of the princely states to decide whether they wanted to merge with India or with Pakistan or remain independent. The merger of these princely states was a difficult and uncertain task. When the constitution was being written, the future of the country did not look secure and peaceful. The makers of the constitution had anxieties about the present and future of the country .

In 1922 AD Mahatma Gandhi expressed his opinion that the Indian constitution would be made according to the wishes of the Indians. In 1924 A.D. Motilal Nehru asked the British government to form a constituent assembly for the making of the constitution. In 1928 Motilal Nehru and eight other Congress leaders drafted a constitution for India. In 1931, the resolution at the Karachi session of the Indian National Congress dwelt on how independent India's constitution should look like. Both these documents were committed to the inclusion of universal adult franchise, right to freedom and equality and to protecting the rights of minorities in the constitution of independent India. Thus some basic values were accepted by all leaders much before the constituent assembly met to deliberate on the constitution.

The familiarity with political institutions of colonial rule also helped develop an agreement over the institutional design. The British rule had given voting rights only to a few. On that basis the British had introduced very weak legislatures. Elections were held in 1937 to Provincial Legislatures all over British India. These were not fully democratic governments. But the experience gained by Indians in the working of the legislative institutions proved to be very useful for the country in setting up its own institutions and organisations and working in them. That is

why the Indian constitution adopted many institutional details and procedures from colonial laws like the Government of India Act 1935.

Years of thinking and deliberation on the framework of constitution after Independence proved greatly beneficial. Our leaders gained confidence to learn from other countries but on our own terms. Many of our leaders were inspired by the ideals of French Revolution, the practice of parliamentary democracy in Britain, and the Bill of Rights in the U.S. The Socialist Revolution in Russia had inspired many Indians to think of shaping a system based on social and economic equality. Yet they were simply not imitating what the others had done. At each step they were questioning whether these things suited our country. All these factors contributed to the making of our constitution.

THE CONSTITUENT ASSEMBLY

The drafting of the document called the constitution was done by an assembly of elected representatives called the constituent assembly. Elections to the constituent assembly were held in July 1946. Its first meeting was held in December, 1946. Soon after the country was divided into India and Pakistan –the constituent assembly was also divided into the constituent assembly of India and that of Pakistan. The constituent assembly that wrote the Indian Constitution had 299 members. It completed its work on 26th November 1949. The constitution came into effect on January 26, 1950. To mark this day we celebrate 26th January as Republic Day every year.

Why should we accept the constitution made by this Assembly more than 50 years ago? The reason behind it is that the constitution does not reflect the views of its members alone. It expresses a broad consensus of its time. It expresses the broad agreements of its age.

Over the last half a century, several groups have questioned some provisions of the constitution. But no large social group or political party has ever questioned the legitimacy of the constitution itself. This is an unusual achievement of our constitution.

The second reason for accepting the constitution is that the constituent assembly represented the people of India. There was universal adult franchise at that time. So the constituent assembly could not have been chosen directly by the people of India. It was elected mainly by the members of the existing provincial legislatures. This ensured a fair geographical share of members from all the regions of the country. In social terms too, the assembly represented members from different language groups, castes, classes, religions, and occupations. Even if the constituent assembly was elected by universal adult franchise its composition would not have been very different, and finally the manner in which the constituent assembly worked gave sanctity to the constitution. The constituent assembly worked in a systematic, open and consensual manner. First, some basic principles were decided and agreed upon. Then a Drafting Committee chaired by Dr. B.R.Ambedkar prepared a draft constitution for discussion. Several rounds of thorough discussion took place on draft constitution, clause by clause. More than 2000 amendments were considered.

A debate of 114 days spread over three years took place. Every document presented and every word spoken in the constituent assembly has been recorded and preserved. These are called 'Constituent Assembly Debates' and printed in 12 bulky volumes. These debates provide the thought and rationale behind every provision of the constitution. These are used to interpret the vastness of the constitution.

CHECK YOUR PROGRESS

Read the information about all the makers of the Indian Constitution. You do not need to memorize this information. Just give examples from these to support the following statements.

1. The Assembly had many members who were not with the Congress
2. The Assembly represented members from different social groups.
3. Members of the Assembly believed in different ideologies.

BASIC VALUES OF THE INDIAN CONSTITUTION

In this chapter we shall study the exact provisions of the constitution. Now we will try to understand the philosophy behind our constitution. We can do this in two ways. We can understand it by reading the views of some of our major leaders on our constitution. But it is equally important to read what the constitution says about its own philosophy. This is what the Preamble to the constitution does. Let us turn to these one by one.

DREAMS AND PROMISES

Children, some of you must have been shocked to see the name of Mahatma Gandhi missing from the sketches of the makers of the constitution. He was not a member of the constituent assembly yet there were many members who followed his vision. Years ago writing in his magazine, “Young India”, in 1931 he had spelt out what he wanted the constitution to do,

“I shall strive for a constitution which will release India from thralldom and patronage I shall work for 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 there shall be no high class and low class of people ; 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 or the curse of intoxicating drinks and drugs. Women will enjoy the same rights as men I shall be satisfied with nothing else. “

This dream of an India that has eliminated inequality was shared by Dr.Ambedker, who played a key role in the making of the constitution but he had a different understanding of how inequalities could be removed. He often bitterly criticized Mahatma Gandhi and his vision. In his concluding speech to the constituent assembly he stated his anxiety very clearly :

“On the 26th January 1950 we are going to enter a life of contradictions. In politics we will have equality, and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall by reason of our social and economic structure, continue to deny the principle of one man one value. How long

shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril.”

Finally let us turn to Jawaharlal Nehru giving his famous speech to the Constituent Assembly at the stroke of midnight on August 15, 1947:

“Long years ago we make tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this seldom moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity.....

Freedom and power bring responsibility. The responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom we have endured all the pains continue even now. Nevertheless, the past is over and it is the future that beckons to us now.

That future is not one of ease or resting but of incessant striving so that we may fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be

beyond us, but as long as there are tears and suffering, so long our work will not be over. “

Check your progress

Read the three quotations above carefully:

- ◆ Can you identify one idea that is common to all these three?
- ◆ What are the differences in their ways of expressing that common idea?

Values that inspired and guided the freedom struggle and in turn nurtured by it, form the foundation for India's Democracy. These values are embedded in the Preamble of the Indian Constitution. They guide all the articles of the Indian Constitution. The Constitution begins with a short statement of its basic values. This is called the Preamble to the constitution. Taking inspiration from the American model, most countries in the contemporary world have chosen to begin their constitution with a preamble.

We the people of the United States

In order to make a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

Let us read the preamble of our constitution very carefully and understand the meaning of each of its key words.

The Preamble of the constitution reads like a poem on democracy. It contains the philosophy on which the entire constitution has been built. It provides a standard to examine and evaluate any law and action of government, to find out whether it is good or bad. It is the soul of the Indian constitution.

THE CONSTITUTION OF INDIA

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 and the dignity of the nation ;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

CHECK YOUR PROGRESS

- ✓ Compare the Preambles to the constitutions of the United States of America and India.
- ✓ Make a list of ideas that are common to both.
- ✓ Note down at least one of the major difference between the two
- ✓ Which of the two make a reference to the past?

SALIENT FEATURES OF THE INDIAN CONSTITUTION

SOVEREIGNTY :

The Indian constitution is based on popular sovereignty. This constitution has been made by the people of India and the supreme power rests in the people. In the Preamble of the constitution it has been clearly stated,; "WE THE PEOPLE OF INDIA.....this twenty-sixth day of November, 1949, do HERBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION." In this way the Indian constitution has been made, enacted, and adopted by the people of India.

LARGEST WRITTEN CONSTITUTION

Indian constitution is the longest, the most detailed constitution in the world. There are 395 articles and 12 schedules in it. There are many reasons for its vastness. The constitution is federal and the relationship between the union and the states has been detailed in a

very detailed manner. The description of Fundamental rights and the arrangement of restrictions upon it under different circumstances is the reason behind its increase of its volume. The greatest reason for the vastness of the Indian Constitution is that not only the principles have been described in the Indian Constitution, but there is also a detailed description of administrative organisations. The reality is that the Indian Constitution is not just a constitution, it is also a detailed codification of the important points of the constitutional and administrative systems.

DEMOCRATIC REPUBLIC

The constitution has established a democratic Republic. The word **Democratic** is indicative of the fact that the power of the government is vested in the people. A democratic government is established by the people for the people and of the people. The government is established by the elected representatives and these representatives have been elected by the people through the right of adult franchise given to them. Republic means that the head of the government is an elected person and not a hereditary position and has been elected for a limited period. This is the meaning of Republic, the source of complete power is in the hands of the people.

SOCIALIST STATE

In the Indian Constitution socialism is emphasized in governance. Socialism is that form of political governing theory which gives an equal chance to all the members of the society in contrast to an individual. Its aim is to establish an economic and political equality in the society in a rightful manner. Through the 42nd amendment of the constitution, India has been declared a socialist state in the Preamble.

SECULARISM

SECULARISM IS A CHIEF FEATURE OF Indian constitution. Through the 42nd amendment the constitution of India has declared India to be secular state in the Preamble. By secularism is understood that in the eye of the state all religions are equal, and there will be no distinction on the basis of religion. In the section of Fundamental Rights it is stated that the state will not differentiate among its citizens on the basis of religion, caste, or sex.

PARLIAMENTARY FORM OF GOVERNMENT

By accepting the parliamentary form of government , India has accepted the parliament as the highest organisation. In this form of government the actual power of government is vested in the cabinet of ministers. The control of the cabinet of ministers is through the organiser/ vyavasthapika and this cabinet continues only up to the lifetime of the organiser. The president and the governor are the constitutional heads and they work according to the advice given to them by the responsible ministers.

FEDERAL GOVERNMENT

In the very beginning of the constitution it is said that India is a union of states, i.e., here we will have a federal government. The power of the government has not been centred at one place rather divided between the centre and the states. If there is a conflict between the centre and the state on any issue of rights, then the right to solve it has been vested in the judiciary. India is a union of states but unlike the United States of America here the states have given rights to the centre.

Though theoretically the nature of the constitution is federal, but practically in its spirit it is unitary, because the centre has been made powerful.

INDEPENDENCE OF JUDICIARY

An important feature of the Indian constitution is the existence of an independent judiciary in the country. At the time of constitution formation, looking at the condition of the Indians it was not only necessary but also compulsory, otherwise the existence of democracy would have been in danger. The Indian constitution organises for a single judiciary in the country, on the apex of which is the **Supreme Court**. The decisions of the supreme court is mandatory to all the lower courts, individuals, organisations, and the government. To impart equal justice to the people the judiciary has to be free from the control and the pressure of the executive. An independent judiciary is the foundation of democracy.

FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES

The Indian constitution has included the Fundamental Rights and the Fundamental Duties. To include the Fundamental rights in our constitution we got an inspiration from the American constitution. The leaders of the Freedom Struggle had that people should get some basic demands of human rights of liberty, equality, etc. The constitution prohibits the making of such laws which violates the Fundamental rights. If the state makes such laws the judiciary can declare them unconstitutional. The constitution had provided such 7 Fundamental rights, but now the Right to Property ,no more remains a fundamental right. Through the 86th amendment ,2002, the Right to Education has been accepted as a Fundamental right.

In the same manner, through the 42nd amendment, in 1976, 10 fundamental duties have been mentioned in the constitution. It is the duty of every citizen, abide by the constitution and respect the National flag and the National Anthem. The state expects every citizen to accept these duties.

DIRECTIVE PRINCIPLES OF THE STATE POLICY

It is the duty of the state to follow some directive principles enumerated in the constitution. The aim of the Directive principles of the state is to establish a welfare state. Through its medium, it has been emphasized to establish social economic and political justice.

UNIVERSAL ADULT FRANCHISE

In our constitution universal adult franchise has been established. There is no distinction on the right of voting on the basis of caste, sex, education, region, language and occupation etc. All Indian citizens who have completed the prescribed age given by the Indian Parliament have the right to vote. Earlier the prescribed age of adulthood was 21, but through the 66th amendment the age limit has been decreased to 18.

SINGLE CITIZENSHIP

Despite being a federal system, we have in our country the system of single citizenship. In India every citizen, whichever state he belongs to, whichever religion or sect he follows, whichever language or region he is related to, is the citizen of India. In India there is an emphasis on integrity and fundamental unity. Hence, there is a provision of single citizenship.

In addition, to strengthen the national unity our constitution has declared Hindi of Devnagari script to be the national language.

We have understood the formation of the constitution, its philosophy, and its features. But a constitution is not just a description of values and philosophy. It is a very long and detailed document. Hence, amendments to give the constitution a new shape is required time and again. The makers of the constitution felt that it should be according to the feelings of the people and so it should not be separated from the aspirations and changes going on in the society. Hence, there was an option for changes in the constitution regularly. These changes are called constitutional amendments.

The constitution is an expression of the thoughts of our people, their sentiments, and their progressiveness. It inspires the unity and the integrity of the nation, and helps in promoting an all round development and progressiveness of human beings.

SALIENT FEATURES OF INDIAN CONSTITUTION

1. Sovereignty
2. Largest written constitution
3. Democratic Republic
4. Socialist state
5. Secularism
6. Parliamentary form of government
7. Federal government
8. Independence of judiciary
9. Fundamental rights and fundamental duties
10. Directive principles of the state policy
11. Single citizenship
12. Provision of one national language

GLOSSARY

- Constitution** : the highest law of a country, it has the fundamental laws to run the politics and society of a country.
- Article** : a section of a document.
- Constituent Assembly**: an assembly of people's representatives that writes a constitution for a country.
- Constitutional amendment**: a change in the constitution made by the supreme legislative body in a country.
- Draft** : a preliminary version of a legal document.
- Philosophy** : the most fundamental principles underlying one's thoughts and actions.
- Preamble** : an introductory statement in a constitution which states the reasons and guiding values of the constitution.
- Apartheid** : the official policy of racial separation and ill treatment of Blacks by the government of South Africa between 1948 and 1989.
- Treason** : the offence attempting to overthrow the government of the state to which the offender owes allegiance.

QUESTIONS

1. Here are some false statements. Identify the mistake in each case and rewrite these correctly based on what you have read in this chapter.
 - a. Leaders of the freedom movement had an open mind about whether the country should be democratic or not after independence.
 - b. Members of the Constituent Assembly of India held the same views on all provisions of the constitution.
 - c. a country that has a constitution must be a democracy.
 - d. Constitution cannot be amended because it is the supreme law of a country.

2. Which of these is the most underlying salient feature underlying the conflict in the making of a democratic constitution in South Africa :
 - a. Between South Africa and its neighbours.
 - b. Between men and women.
 - c. Between the white minority and black majority.
 - d. Between the coloured majority and the black minority.

3. Which of these is a provision that a democratic constitution does not have?
- a. Powers of the head of the state.
 - b. Name of the head of the state.
 - c. Powers of the legislature.
 - d. Name of the country.
4. Match the following with their roles in the making of the constitution.
- | | |
|--------------------|--|
| a. Motilal Nehru | 1. President of the Constituent Assembly |
| b. B.R.Ambedkar | 2. Member of the Constituent Assembly |
| c. Rajendra Prasad | 3. Chairman of the Drafting Committee. |
| d. Sarojini Naidu | 4. Prepared a constitution for India in 1928 |
5. On the basis of the Nehru's speech "Trust with Destiny" answer the following questions:
- a. Why did Nehru say that India's "future is not one of ease or resting"?
 - b. How are the dreams of new India united with the world?
 - c. What pledge did he want the makers of the Indian constitution to take?

6. Here are some of the guiding values of the Constitution and their meaning. Rewrite them by matching them correctly:
- | | |
|---------------|---|
| a. Sovereign | 1. Government will not favour any religion. |
| b. Republic | 2. People have the supreme right to take decisions. |
| c. Fraternity | 3. Head of the state is an elected person. |
| d. Secular | 4. People should live together like family. |
7. Some days ago a friend from Nepal wrote you a letter describing the political situation there. Many political parties were opposing the rule of the king. Some of them said that the existing constitution given by the monarch can be amended to allow more powers to elected representatives. Other parties are demanding for a new constituent assembly to make a republican constitution. Reply to your friend giving your own opinions on the subject.
8. Here are different opinions about what made India a democracy. How much importance would you give to each of these factors?
- | | |
|----|---|
| a. | Democracy in India is a gift of the British rulers. We received training to work with representative legislative institutions under the British rule. |
| b. | Freedom Struggle challenged the colonial exploitation and denial of different freedoms to Indians. Free India could not be anything but democratic. |

- c. We had faith in leaders who had democratic convictions. The denial of democracy in several other newly independent countries shows the important role of these leaders.
- 9. Read the following statements. Do you agree? Give reasons.
 - a. The authority of the rules of the constitution is the same as that of any other law.
 - b. Constitution lays down how different organs of the government will be formed.
 - c. Rights of citizens and limits on the power of the government are clearly laid down in the constitution.
 - d. A constitution is about institutions, not about values.
- 10. Compare the Indian Constitution with the Constitutions of other countries.
- 11. Read the following statements. Do you agree with them? Give reasons.
 - a. India is a country with majority of Hindus, so Hindus have special rights.
 - b. India is a Republic because the post of president is hereditary.
 - c. There can be no discrimination on the basis of caste, religion, and sex among the citizens.
 - d. Everybody is equal before law. Is this the real situation?

12. What are not the features of Indian Constitution?

- a. Longest and detailed constitution.
- b. Secularism.
- c. Fundamental rights and fundamental duties.
- d. Socialist state.

13. In the formation of Indian Constitution name the leaders from Bihar who were active? Identify them and collect information about them.

Let us read the newspapers. Follow any report on a discussion on any constitutional amendment or demand for any constitutional amendment. You could, for example, focus on demand for constitutional amendment for reservation for women in legislatures. Was there a public debate? What reasons were put forward in favour of the amendment? How did different parties react to the constitutional amendment? Did the amendment take place?