Chapter 12: Framing the Constitution

Exercises — Exercises

Q1 What were the ideals expressed in the Objectives Resolution?

The Objectives Resolution was moved by Jawaharlal Nehru on 13 December 1946 and outlined the defining ideals of the Constitution. It proclaimed India to be an "Independent Sovereign Republic", guaranteed to all its citizens justice, equality and freedom, and assured that adequate safeguards would be provided for minorities, backward and tribal areas, and the Depressed and Other Backward Classes. Nehru placed this Indian experiment within a broad historical perspective, recalling the American and French Revolutions and the Russian Revolution, while insisting that India was "not going just to copy" any model — the system of government had to fit in with the temper of the people and be acceptable to them. The underlying aim was to fuse the liberal ideas of democracy with the socialist idea of economic justice, re-adapting and re-working these ideas within the Indian context.

Q2 How was the term minority defined by different groups?

Different groups in the Constituent Assembly defined "minority" in very different ways. B. Pocker Bahadur of Madras spoke of religious minorities, chiefly the Muslims, who he felt needed separate electorates so that their voice would be heard. Linguistic minorities sought protection of their mother tongue. N.G. Ranga, a socialist and peasant leader, argued that the term should be understood in economic terms: the real minorities were the poor and downtrodden masses — exploited villagers, tribals snared by moneylenders, zamindars and merchants — who could not actually enjoy ordinary civil rights. Jaipal Singh spoke for the tribals (Adibasis), who were not a numerical minority but had long been dispossessed and neglected and therefore needed protection. Members of the Depressed Castes, such as J. Nagappa, K.J. Khanderkar and Dakshayani Velayudhan, stressed that they too were not a numerical minority — forming 20 to 25 per cent of the population — but suffered systematic social marginalisation, and wanted the removal of their social disabilities rather than to be counted as a minority.

Q3 What were the arguments in favour of greater power to the provinces?

The rights of the states were most eloquently defended by K. Santhanam of Madras. He argued that a reallocation of powers was necessary to strengthen not only the states but also the Centre, calling it a misconception that piling all kinds of powers on the Centre would make it strong. An overburdened Centre, he said, could not function effectively; by relieving it of some functions and transferring them to the states, the Centre could in fact be made stronger. He warned that the proposed allocation would cripple the states, since the fiscal provisions handed most taxes, except land revenue, to the Centre, leaving provinces without the finances to undertake development such as education, sanitation, roads and industries. Santhanam predicted that within a few years the provinces would rise in "revolt against the Centre", and a member from Orissa warned that "the Centre is likely to break" because powers had been excessively centralised. Sir A. Ramaswamy Mudaliar added that those who argued for the provinces were no less patriotic.

Q4 Why did Mahatma Gandhi think Hindustani should be the national language?

Mahatma Gandhi believed that everyone should speak in a language that common people could easily understand, and Hindustani — a blend of Hindi and Urdu — was the popular language of a large section of the people of India. It was a composite language, enriched over the years by the interaction of diverse cultures, having incorporated words and terms from very many different sources, and was therefore understood by people from various regions. For this reason Gandhi thought it would be the ideal language of communication between diverse communities: it could unify Hindus and Muslims, and people of the north and the south. He insisted that this Hindustani should be neither Sanskritised Hindi nor Persianised Urdu but a happy combination of both, freely admitting words from regional and even foreign languages so that it could develop into a rich and powerful instrument. Even as Hindi and Urdu drifted apart with the politics of religious identities, Gandhi retained his faith in the composite character of Hindustani.

Q5 What historical forces shaped the vision of the Constitution?

The vision of the Constitution was shaped by several historical forces working together. First was the tumultuous context of the late 1940s — a time of great hope but also of Partition, communal rioting that began with the Great Calcutta Killings, the movement of millions of refugees, and the unresolved problem of the princely states. A Constitution had to heal these wounds and hold a diverse, divided country together.

Second was the long national movement and the tradition of social struggle since the nineteenth century. When reformers opposed child marriage and demanded widow remarriage, when Vivekananda sought a juster religion, when Jyotiba Phule pointed to the suffering of the depressed castes, and when Communists and Socialists organised workers and peasants, they were all pleading for democracy, equality and justice. These ideals had become intimately associated with Indian social and political life.

Third were the earlier constitutional reforms. The Acts of 1909, 1919 and 1935 had gradually enlarged Indian participation in provincial government, but they were enacted by the colonial government, rested on a limited franchise of only 10 to 15 per cent, and left legislatures responsible to a British-appointed Governor. The Assembly now aimed at something fundamentally different — an independent, sovereign republic.

Fourth was the inspiration of great revolutions abroad. In his Objectives Resolution speech Nehru recalled the American and French Revolutions and the Russian Revolution as examples of the struggle for liberty and of economic democracy. Yet he stressed that India would not merely copy these models; their ideals had to be re-worked to fit the temper of the Indian people and the will of the masses who had fought for freedom.

Q6 Discuss the different arguments made in favour of protection of the oppressed groups.

Several members of the Constituent Assembly pressed powerfully for the protection of the oppressed, each from a different standpoint.

N.G. Ranga argued that the real minorities were the masses — the poor, the tribals, and the exploited villagers in the grip of moneylenders, zamindars and merchants. Legal rights, he said, were meaningless to poor villagers unless conditions were created in which those rights could actually be enjoyed: "They need props. They need a ladder." He also reminded the House that most members did not themselves belong to the masses, but spoke as their trustees and champions.

Jaipal Singh spoke for the tribals. They were not a numerical minority, he argued, but had been dispossessed of their land, deprived of their forests and pastures, and neglected and spurned by the rest of society for centuries. He pleaded for breaking the distance that separated tribals from others, asking not for separate electorates but for reservation of seats in the legislature, so that others would be compelled to hear the voice of the tribals and come near them.

Members of the Depressed Castes — J. Nagappa, K.J. Khanderkar and Dakshayani Velayudhan — stressed that they too were not a numerical minority, forming 20 to 25 per cent of the population, and that their suffering arose from systematic marginalisation. Denied education, administration, temple entry and social mixing, they insisted their disabilities sprang from the moral values of caste society and could not be removed by safeguards alone; what they wanted was the removal of their social disabilities.

After the Partition violence, the Assembly finally recommended that untouchability be abolished, temples be thrown open to all castes, and seats in legislatures and jobs in government be reserved for the lowest castes — while recognising that attitudes within society would also have to change.

Q7 What connection did some of the members of the Constituent Assembly make between the political situation of the time and the need for a strong Centre?

Many members directly linked the troubled political situation of the time to the need for a strong Centre. Nehru, in a letter to the President of the Assembly, argued that now that Partition was a settled fact it would be injurious to provide for a weak central authority incapable of ensuring peace, coordinating matters of common concern, and speaking effectively for the whole country in the international sphere. Ambedkar declared that he wanted a strong and united Centre, much stronger than the one created under the Government of India Act of 1935.

The raw memory of Partition — the riots and violence that were ripping the nation apart — was repeatedly invoked. Members argued that the powers of the Centre had to be greatly strengthened to enable it to stop the communal frenzy. Gopalaswami Ayyangar stated that the Centre should be made as strong as possible, while Balakrishna Sharma of the United Provinces reasoned that only a strong Centre could plan for the well-being of the country, mobilise its economic resources, establish a proper administration, and defend the country against foreign aggression.

The shift was also political. Before Partition the Congress had agreed to grant considerable autonomy to the provinces, partly to reassure the Muslim League that the Centre would not interfere where the League came to power. After Partition these pressures for a decentralised structure were gone; a unitary system imposed by the colonial government was already in place, and the violence of the times gave a further push to centralisation — seen now as necessary both to forestall chaos and to plan for economic development. The Constitution thus showed a distinct bias towards the rights of the Union over those of the states.

Q8 How did the Constituent Assembly seek to resolve the language controversy?

The language question was one of the most divisive issues before the Assembly, debated over many months and often generating intense arguments. On one side were advocates of Hindi such as R.V. Dhulekar, who made aggressive pleas that Hindi be made not merely the official but the national language, declaring that those who did not know Hindustani were "not worthy" to be members. On the other side were representatives of non-Hindi-speaking regions, especially the south, who feared that pushing Hindi would cut at the very root of the provincial languages and prevent the natural influence of other powerful Indian languages on the composite culture of the nation. Followers of Mahatma Gandhi favoured the composite Hindustani — a blend of Hindi and Urdu — but with communal politics Hindi and Urdu had grown apart into Sanskritised and Persianised forms.

To resolve this deadlock the Language Committee worked out a compromise formula. It decided that Hindi in the Devanagari script would be the official — rather than the national — language of the country. The transition to Hindi, however, would be gradual: for the first fifteen years English would continue to be used for all official purposes, and each province was to be allowed to choose one of its regional languages for official work within the province. By describing Hindi as the official rather than the national language, the Committee hoped to placate ruffled emotions and arrive at a solution acceptable to all.

Throughout, many members appealed for a spirit of accommodation. Shankarrao Deo and T.A. Ramalingam Chettiar warned that the cause of Hindi would not be served if it was pushed too aggressively, and that fears, even if unjustified, had to be allayed through mutual adjustment rather than by forcing things on people. Thus, like much of the Constitution, the language settlement emerged through give-and-take and the forging of a middle ground.

Q9 On a present-day political map of India, indicate the different languages spoken in each state and mark out the one that is designated as the language for official communication. Compare the present map with a map of the early 1950s. What differences do you notice? Do the differences say something about the relationship between language and the organisation of the states?

This is a map-based activity. On a current political map of India, label the principal language of each state and highlight the language designated for official communication in that state; then place it beside a map of the early 1950s (before the linguistic reorganisation of states). Working from a reliable atlas, note how many present-day states correspond closely to major language regions, whereas the earlier map grouped several languages within the same large provinces. From this comparison you should be able to show that states in India came to be reorganised largely along linguistic lines, revealing a close relationship between language and the way the states are organised. Use your atlas for exact boundaries and languages rather than relying on memory.

Q10 Choose any one important constitutional change that has happened in recent years. Find out why the change was made, what different arguments were put forward for the change, and the historical background to the change. If you can, try and look at the Constitutional Assembly Debates (http://parliamentofindia.nic.in/ls/debates/debates.htm) to see how the issue was discussed at that time. Write about your findings.

This is an independent research project. Select one important constitutional change (for example a constitutional amendment) from recent years, and investigate why it was made, the different arguments advanced for and against it, and the historical background that led up to it. Where relevant, consult the digitised Constituent Assembly Debates to see how the underlying issue was discussed when the Constitution was first framed, and then write up your findings in your own words, citing the sources you use.

Q11 Compare the Constitution of America, France or South Africa with the Indian Constitution, focusing on any two of the following themes: secularism, minority rights, relations between the Centre and the states. Find out how these differences and similarities are linked to the histories of the regions.

This is a comparative research project. Choose one other constitution — that of America, France or South Africa — and compare it with the Indian Constitution on any two of the suggested themes: secularism, minority rights, or Centre-state relations. Gather your information from reliable sources, set out the main similarities and differences on each chosen theme, and then explain how they are connected to the distinct historical experiences of each region. Present your comparison in your own words with references to the material you consult.