



Mains Practice Question

Q. Indian constitution is an amalgamation of global outlook and experiences gained during the freedom struggle. Comment. (150 words)

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Approach

- Discuss the experiences and values gained during Indian freedom struggle
- Discuss how other countries' constitutional values influenced Indian constitution
- Examine how these were incorporated in the constitution

Introduction

- The Constitution was made by the Constituent Assembly which had been elected for undivided India. It held its first sitting on 9 December 1946 and the constitution of India came into effect on January 26, 1950.

Body

Experiences gained during the freedom struggle

- Provisions borrowed from **Government of India Act 1935**:-The majority of the today's constitution has been drawn from this. The federal structure of government, provincial autonomy, a bicameral central legislature consisting of a federal assembly and a Council of States and the separation of legislative powers between the centre and states are some of the provisions of the Act which are present in the Constitution of India, Office of Governor, Judiciary
- Principles that the nationalist movement brought to the Constituent Assembly is the **Objectives Resolution** (the resolution that defined the aims of the Assembly) moved by Nehru in 1946.
- In 1928, **Motilal Nehru** drafted a constitution for India with the following features - universal adult franchise, right to freedom and equality and to protecting the rights of minorities.
- In 1931, the resolution at the **Karachi session of the Indian National Congress** dwelt on Fundamental Rights and Economic Policy.
- To provide equal representation to all including women to alleviate and bring social and political equity and rule by people Leaders focused on democracy
- Due to caste and class differences rooted in religious systems, Indian leaders wanted a constitution which emphasizes on equality

Global outlook and other constitutions

Indian constitution also incorporated values and ideals from following global events:

- From **Russia Revolution, 1917** -the Ideals of Justice In Social, Education, Economic And Political
- From **French Revolution 1789-1799**: Ideal of Liberty, Equality and fraternity. The idea of republic was also influenced by it.
- **British Constitution**: - Parliamentary form of government, the Rule of law, Lawmaking procedure, Procedure established by Law.

- **United States Constitution:-** Preamble, Fundamental Rights, Federal structure of government, Electoral College, Independence of the judiciary, Judicial review, Equal Protection under law
- **Irish Constitution:-** Directive principles of state policy
- **Australian Constitution:-** Freedom of trade and commerce within the country and between the states, Concurrent List
- **Emergency Provision** Under article 356 Weimar Constitution(Germany)
- **Canadian Constitution:** - A quasi-federal form of government, Residual powers retained by the central government.

Conclusion

- The Constitution of India was not prepared in haste but the process of the evolution of the constitution began many decades before India became independent in 1947.
- The makers of the Constitution presented to the nation a document that enshrined fundamental values and highest aspirations shared by the people. This is one of the reasons why this most intricately crafted document has not only survived but become a living reality, when so many other constitutions have perished with the paper they were first written on.

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