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Making of the constitution : Colonialism heritage and the contribution, Indian National Movement to the making of the Indian Constitution

I. Colonial Heritage and its Impact on the Indian Constitution

The British colonial rule, spanning over two centuries, progressively introduced administrative and legal structures that, despite their exploitative nature, inadvertently laid some groundwork for India's future constitutional edifice.

A. British Constitutional Laws and their Evolution in India:

The evolution of constitutional laws under British rule can be traced through a series of Acts, each introducing specific administrative and legislative changes.

1. *Regulating Act of 1773:*

- Purpose: The first parliamentary attempt to regulate the affairs of the East India Company in India and control its corrupt practices.
- Provisions:
 - Designated the Governor of Bengal as the 'Governor-General of Bengal' (Lord Warren Hastings was the first).
 - Established a 4-member Executive Council to assist the Governor-General.
 - Subordinated the Governors of Bombay and Madras to the Governor-General of Bengal.
 - Established the Supreme Court at Calcutta in 1774, with a Chief Justice and three other judges.
 - Prohibited Company servants from engaging in private trade or accepting presents/bribes.
- Impact: Initiated parliamentary control over Company affairs, laying the foundation for central administration in India.

2. *Pitt's India Act of 1784:*

- Purpose: Rectified the defects of the Regulating Act by distinguishing between commercial and political functions of the Company.
- Provisions:
 - Established a 'Board of Control' (6 members) in England to oversee political affairs.
 - Reduced the strength of the Governor-General's Executive Council to three members.
 - Subordinated Bombay and Madras presidencies to Bengal in all matters of war, diplomacy, and revenue.
 - Empowered the Governor-General to override his Council in certain cases.
- Impact: Introduced the system of 'Double Government' (Company for commercial, Board of Control for political), which continued until 1858.

3. *Charter Acts:*

These acts renewed the Company's charter for 20 years, progressively diminishing its power and increasing British parliamentary control.

- Charter Act of 1793: Extended Company's trade monopoly for 20 years; Commander-in-Chief became a member of the Governor-General's Council.
- Charter Act of 1813: Ended the Company's monopoly over Indian trade, except for tea and trade with China, opening India to British missionaries and traders. Asserted British Crown's sovereignty over Company territories.
- Charter Act of 1833:
 - Made the Governor-General of Bengal the 'Governor-General of India' (Lord William Bentinck was the first).
 - Deprived Bombay and Madras of their legislative powers, making the Governor-General of India the central legislative authority.
 - Ended the Company's commercial activities altogether, making it a purely administrative body.
 - Attempted to introduce an open competition system for civil servants (but faced opposition from the Court of Directors).
 - Legalised British colonization of India.
- Charter Act of 1853:
 - Separated legislative and executive functions of the Governor-General's Council, establishing a separate 'Indian (Central) Legislative Council' (mini-parliament).
 - Introduced an open competition system for the recruitment of civil servants (Macaulay Committee, 1854).
 - Extended Company rule indefinitely, implying that British Parliament could assume control at any time.

4. Government of India Act 1858:

- Purpose: Enacted after the Sepoy Mutiny of 1857, it transferred powers of governance from the East India Company to the British Crown.
- Provisions:
 - Designated the Governor-General of India as the 'Viceroy of India' (Lord Canning was the first).
 - Abolished the Board of Control and Court of Directors, ending the 'Double Government'.
 - Created a new office, 'Secretary of State for India', with a 15-member Council of India, exercising complete authority over Indian administration.
- Impact: Marked the beginning of direct British Raj, making India a direct colony of the British Crown.

5. Indian Councils Acts (1861, 1892, 1909):

These acts progressively introduced Indian representation in legislative councils.

- Indian Councils Act of 1861:
 - Initiated representative institutions by associating Indians with the law-making process (nomination of non-official Indian members to Viceroy's Legislative Council).
 - Restored legislative powers to the Bombay and Madras Presidencies (devolution of power).
 - Introduced the portfolio system (Cabinet system) by Lord Canning.
- Indian Councils Act of 1892:
 - Increased the number of non-official members in the Central and Provincial Legislative Councils.

- Allowed for 'indirect election' for some non-official members (though the term 'election' was not explicitly used).
 - Empowered legislative councils to discuss the budget and address questions to the executive.
- Indian Councils Act of 1909 (Morley-Minto Reforms):
 - Significantly increased the size of legislative councils (Central: 16 to 60; Provincial: varied).
 - Retained the official majority in the Central Legislative Council but allowed non-official majority in provincial councils.
 - Allowed for the first time, Indians to be associated with the Executive Councils of the Viceroy and Governors (Satyendra Sinha was the first Indian to join the Viceroy's Executive Council).
 - Introduced the system of 'communal representation' for Muslims, legalising communalism (separate electorates), sowing seeds of partition.

6. Government of India Act 1919 (Montagu-Chelmsford Reforms):

- Purpose: Enacted to introduce 'responsible government' in India gradually.
- Provisions:
 - Dyarchy at the Provincial Level: Divided provincial subjects into 'transferred' (administered by Governor with ministers responsible to legislative council) and 'reserved' (administered by Governor and Executive Council without responsibility to legislative council).
 - Bi-cameralism at the Centre: Introduced Upper House (Council of State) and Lower House (Legislative Assembly).
 - Direct Elections: Introduced direct elections for both central and provincial legislative bodies.
 - Separated central and provincial budgets.
 - Established a Public Service Commission (Central Public Service Commission in 1926).
 - Appointed a statutory commission after 10 years to inquire into its working.
- Impact: Failed to satisfy Indian aspirations, leading to widespread protests and the Non-Cooperation Movement.

7. Simon Commission (1927) and its Report:

- Purpose: Appointed prematurely (before 1929) to review the working of the Government of India Act 1919 and suggest further constitutional reforms.
- Composition: Seven members, all British, led by Sir John Simon.
- Indian Reaction: Boycotted by Indian political parties due to the absence of Indian members.
- Report (1930):
 - Recommended abolition of dyarchy.
 - Extension of responsible government in provinces.
 - Establishment of a federation of British India and princely states.
 - Retention of communal electorate.
- Impact: Its recommendations were considered during the three Round Table Conferences and formed the basis for the Government of India Act 1935.

8. Government of India Act 1935:

- Significance: A voluminous and detailed document, it served as a major source for the Indian Constitution, drawing almost two-thirds of its provisions from this Act.
- Provisions:
 - All-India Federation: Envisaged a federation of British Indian provinces and princely states (never fully implemented as princely states did not join).
 - Division of Powers: Divided powers between Centre and units into Federal, Provincial, and Concurrent Lists.
 - Abolition of Dyarchy in Provinces: Introduced 'Provincial Autonomy', making ministers responsible to provincial legislatures.
 - Dyarchy at the Centre: Introduced dyarchy at the federal level (never implemented).
 - Bi-cameralism: Introduced in 6 out of 11 provinces (Bengal, Bombay, Madras, Bihar, Assam, United Provinces).
 - Communal Representation: Extended to Scheduled Castes, women, and labour (separate electorates).
 - Established a Federal Court (1937), Reserve Bank of India (1935), and Federal, Provincial, and Joint Public Service Commissions.
- Impact: Although it fell short of complete independence, it provided a framework for a federal structure, provincial autonomy, and parliamentary democracy that influenced the future Constitution.

9. Cripps Mission (1942):

- Purpose: Sent by the British government (under Winston Churchill) with Sir Stafford Cripps to seek Indian cooperation during World War II.
- Proposals:
 - Dominion status to India after the war.
 - A Constitution-making body elected by provincial assemblies and nominated by princely states.
 - Provinces unwilling to accept the new Constitution could retain their separate existence.
- Indian Reaction: Rejected by both Congress (demanded immediate full independence) and the Muslim League (wanted partition into two autonomous states). Mahatma Gandhi called it a "post-dated cheque on a failing bank."

10. Cabinet Mission Plan (1946):

- Purpose: Sent to India to find a viable solution for the transfer of power, especially after the war and the rising demand for independence.
- Proposals:
 - Rejected the demand for a separate Pakistan.
 - Proposed a scheme for a united India with a federal structure (three-tier: Centre, Group of Provinces, Provinces).
 - Provided for a Constituent Assembly to be largely elected by provincial assemblies (93 seats for princely states, 292 for British Indian provinces).
 - Interim Government to be formed.
- Impact: The Constituent Assembly, as envisaged by this plan, was formed in November 1946 and began the task of drafting the Indian Constitution.

11. Left-wing Politics:

- The rise of left-wing ideologies (communism, socialism) within the Indian National Movement (e.g., Congress Socialist Party, Communist Party of India) influenced the debates in the Constituent Assembly.
- Their emphasis on socio-economic justice, equality, labour rights, and state control over key industries found reflection in the Directive Principles of State Policy and the socialist leanings of the Constitution.
- Figures like M.N. Roy, a pioneer of the communist movement in India, were among the first to propose the idea of a Constituent Assembly for India in 1934.

12. Wavell Plan and Shimla Conference (1945):

- Wavell Plan: Proposed by Viceroy Lord Wavell to resolve the political deadlock between Congress and the Muslim League. Aimed at reconstituting the Viceroy's Executive Council with equal representation for Hindus and Muslims.
- Shimla Conference: Held to discuss the Wavell Plan. Failed due to Jinnah's insistence that only the Muslim League could nominate Muslim members to the Executive Council, which Congress rejected.
- Impact: Highlighted the growing communal divide and the irreconcilable differences between Congress and the Muslim League, leading to further complications in the transfer of power.

13. Lord Mountbatten Plan (3 June Plan):

- Purpose: To expedite the transfer of power and address the demand for partition.
- Provisions:
 - Stated that power would be transferred by August 15, 1947.
 - Provided for the partition of India into India and Pakistan.
 - Gave princely states the option to join either India or Pakistan or remain independent.
 - Boundary Commissions to be set up to demarcate boundaries.
- Impact: Accepted by both Congress and the Muslim League, leading directly to the Indian Independence Act 1947.

14. Indian Independence Act 1947:

- Purpose: Passed by the British Parliament, it gave effect to the Mountbatten Plan.
- Provisions:
 - Declared India as an independent and sovereign state from August 15, 1947.
 - Provided for the partition of India and the creation of two independent Dominions: India and Pakistan.
 - Abolished the office of Viceroy and Secretary of State for India.
 - Empowered the Constituent Assemblies of both Dominions to frame their respective Constitutions and to repeal any Act of the British Parliament.
 - Granted freedom to princely states to join either Dominion or remain independent (though most acceded to India).
- Impact: Marked the end of British rule and the birth of two independent nations, with the Constituent Assembly of India becoming a sovereign body, free to draft the Constitution.

B. Administrative and Legal Structures under British Rule:

The British administrative and legal frameworks significantly influenced the institutional design of the Indian Constitution.

1. Centralization vs. Decentralization:

- Initial Phase (Centralization): Early British rule, particularly after the Regulating Act of 1773 and Charter Act of 1833, saw increasing centralization of administration, with the Governor-General of Bengal (later of India) becoming the supreme authority. This laid the foundation for a strong central government, a feature retained in the Indian Constitution (Unitary bias in a Federal structure).
- Later Phase (Decentralization/Devolution): The Indian Councils Act of 1861 initiated legislative devolution. Subsequent acts (1919, 1935) introduced provincial autonomy and decentralisation measures, influencing the federal distribution of powers and the concept of state governments in independent India. The Seventh Schedule of the Constitution (Union, State, Concurrent Lists) reflects this evolution.

2. Table: Evolution of Centralization and Decentralization

Phase/Act	Characteristic	Constitutional Influence
Regulating Act 1773	Centralization	Strong Centre, All-India services.
Charter Act 1833	Absolute Centralization	Unified administration, central control over legislation.
Indian Councils Act 1861	Legislative Devolution	Provincial legislatures, distribution of powers.
GoI Act 1919	Provincial Dyarchy	Seeds of responsible government in provinces.
GoI Act 1935	Provincial Autonomy	Federal structure, State List, provincial self-rule.

3.

Rule of Law:

- Concept: Introduced by British jurist A.V. Dicey, it implies that no person is above the law, all are equal before the law, and the law is supreme.
- British Application in India: While theoretically propagated, its application was often discriminatory in practice, with racial biases and arbitrary actions.
- Influence on Indian Constitution: The principle of Rule of Law is a foundational pillar of the Indian Constitution.
 - Article 14: Guarantees 'Equality before Law' and 'Equal Protection of Laws'.
 - Independent Judiciary: Ensures that laws are applied fairly and justly.
 - Supremacy of the Constitution: The Constitution is the supreme law, binding on all organs of the state.

4. Judicial System (Evolution of High Courts, Federal Court):

- **Early Development:**
 - Supreme Court at Calcutta (1774): Established by the Regulating Act of 1773, primarily for British subjects.
 - Provincial Courts: Separate judicial systems existed in presidencies.
- High Courts Act of 1861: Established High Courts in Calcutta, Bombay, and Madras, replacing Supreme Courts and Sudder Adalats.
- Government of India Act 1935: Established the Federal Court in 1937 (initially in Delhi, later succeeded by the Supreme Court of India), with original, appellate, and advisory jurisdiction. This court was the highest court of appeal in India, though appeals could still be made to the Privy Council in London.
- Influence on Indian Constitution:
 - Integrated Judicial System: The Indian Constitution establishes an integrated and independent judiciary, with the Supreme Court at the apex, followed by High Courts and subordinate courts.
 - Articles 124-147 (Supreme Court) and 214-237 (High Courts): Detail their structure, powers, and jurisdiction, largely drawing from the legacy of the Federal Court and High Courts.
 - Judicial Review: Although not explicitly stated, the concept of judicial review (power of courts to examine the constitutionality of legislative and executive actions) evolved from the Anglo-Saxon legal system and is a vital feature of Indian judiciary.

5. Concept of Public Service:

- Evolution: Started with Company servants, evolving into a professional civil service. The Charter Act of 1833 attempted, and the Charter Act of 1853 successfully introduced, an open competitive examination system for recruitment, based on the recommendations of the Macaulay Committee (1854).
- Government of India Act 1919: Provided for the establishment of a Public Service Commission (Central Public Service Commission set up in 1926).
- Government of India Act 1935: Provided for Federal Public Service Commission and Provincial Public Service Commissions.
- Influence on Indian Constitution:
 - Articles 308-323 (Part XIV): Deal with services under the Union and the States, establishing the Union Public Service Commission (UPSC) and State Public Service

Commissions (SPSCs) as independent bodies responsible for recruitment based on merit.

- All-India Services: The concept of All-India Services (IAS, IPS, IFS) draws directly from the British administrative structure, ensuring administrative uniformity and integrity across the country.

C. Socio-Economic and Political Impact of Colonialism:

Colonialism had profound and often devastating socio-economic impacts, which fueled the nationalist movement and influenced the aspirations for an independent India enshrined in the Constitution.

1. Drain of Wealth Theory:

- Propounded by: Dadabhai Naoroji in his book *Poverty and Un-British Rule in India* (1901).
- Concept: Argued that British rule systematically drained India's wealth (through salaries, pensions, interest on loans, trade surpluses, etc.) to Britain, impoverishing India and enriching Britain.
- Impact on Constitution: The theory fostered a strong economic nationalism and the desire for economic self-reliance. This is reflected in the Constitution's emphasis on:
 - Directive Principles of State Policy (Part IV): Aim for social and economic justice, equitable distribution of wealth, prevention of concentration of wealth (e.g., Article 39).
 - Economic Planning: Post-independence, India adopted a planned economy model to address historical economic exploitation and disparities.

2. Famines and Economic Exploitation:

- Causes: British land revenue policies (e.g., Permanent Settlement, Ryotwari, Mahalwari), commercialization of agriculture, de-industrialization, and inadequate famine relief measures led to recurrent devastating famines (e.g., Great Famine of 1876-78, Bengal Famine of 1943).
- Impact on Constitution: The experience of mass poverty and starvation underscored the need for a welfare state committed to:
 - Right to Life and Personal Liberty (Article 21): Interpreted broadly to include the right to live with dignity, which necessitates adequate food, shelter, and basic necessities.
 - Socialist Pattern of Society: The Preamble's commitment to 'Socialist' ideals (added by 42nd Amendment, 1976) reflects the aspiration to create a society free from such exploitation and ensure economic security for all.
 - Welfare State Principles: Numerous Directive Principles (e.g., right to work, education, public assistance, living wage) are designed to prevent such calamities and promote welfare.

3. Rise of Political Consciousness:

- Factors: Western education, emergence of a middle class, development of modern press, unified administration, improved transport and communication, and the discriminatory policies of the British all contributed to the rise of an Indian political consciousness.

- Organized Movements: Formation of political associations (e.g., Indian National Congress in 1885) and mass movements (e.g., Non-Cooperation, Civil Disobedience, Quit India Movement).
- Impact on Constitution:
 - Democratic Principles: The demand for self-rule and representation directly led to the adoption of parliamentary democracy, universal adult franchise (Article 326), and fundamental rights (Part III) ensuring political freedoms.
 - National Unity: The common struggle against colonial rule forged a sense of national identity, reinforcing the idea of a united India, reflected in the Preamble's emphasis on 'Unity and Integrity of the Nation'.

4. Communalism and Partition:

- British Policy: The British policy of 'divide and rule', epitomized by the introduction of separate electorates (Indian Councils Act 1909) and further extended in subsequent acts, exacerbated communal tensions between Hindus and Muslims.
- Demand for Pakistan: The Muslim League, under M.A. Jinnah, formalised the demand for a separate Muslim state in 1940 (Lahore Resolution).
- Partition (1947): The culmination of communal politics and the Mountbatten Plan led to the partition of India, accompanied by widespread violence and displacement.
- Impact on Constitution:
 - Secularism: The traumatic experience of partition led to a firm commitment to secularism. While not explicitly in the original Preamble, the term 'Secular' was added by the 42nd Amendment, 1976. Articles 25-28 guarantee freedom of religion and prohibit discrimination on religious grounds.
 - Minority Rights: The Constitution includes robust provisions for the protection of minority rights (Articles 29-30) to prevent future communal strife and ensure their cultural and educational freedom.
 - Citizenship: The challenges of partition informed the provisions on citizenship (Articles 5-11), dealing with migration and displacement.

II. Indian National Movement's Contribution to Constitution Making

The national movement was not merely a fight for political freedom but also a crucible where the vision for an independent India's governance was forged.

A. Early Demands for Self-Governance and Constitutional Reforms:

The nascent phase of Indian nationalism saw a focus on incremental reforms and greater Indian participation in administration.

1. Early Nationalists' Demands:

- Phase: Generally refers to the period of Moderate Nationalism (1885-1905).
- Key Figures: Dadabhai Naoroji, Surendranath Banerjee, Pherozeshah Mehta, Gopal Krishna Gokhale.
- Demands:
 - Expansion and Reform of Legislative Councils: Demanded increased Indian representation and greater powers for legislative bodies (e.g., control over budget).

- 'No Taxation Without Representation': A key slogan, advocating for a voice in financial matters.
- Indianisation of Civil Services: Demand for simultaneous civil service examinations in India and England, and a higher share of administrative posts for Indians.
- Separation of Judiciary from Executive: To ensure impartial justice.
- Protection of Civil Rights: Advocated for freedom of speech, press, and assembly.
- Influence on Constitution: These early demands laid the groundwork for:
 - Parliamentary Form of Government: The continuous demand for representative institutions directly contributed to the adoption of the parliamentary system.
 - Fundamental Rights: The advocacy for civil liberties paved the way for the inclusion of Fundamental Rights (Part III, Articles 12-35), guaranteeing basic freedoms.
 - Independent Judiciary: The demand for judicial separation influenced the independent status of the judiciary (Articles 124-147, 214-237).
 - Public Service Commissions: The call for Indianisation led to the establishment of the UPSC and SPSCs (Articles 315-323).

2. Growth of Representative Institutions:

- Evolution: Began with the Indian Councils Act of 1861 (nomination of Indians), slowly progressing through the Acts of 1892 (indirect election, budget discussion), 1909 (limited Indian members in executive councils, communal electorates), and 1919 (dyarchy, direct elections). The Government of India Act 1935 further expanded provincial autonomy and representation.
- Impact: The gradual introduction of Indians into legislative and executive bodies, however limited, familiarized Indian leaders with the workings of parliamentary democracy. This practical experience was crucial in designing India's own democratic institutions. The Constituent Assembly itself was largely a representative body, chosen through a form of indirect election based on the 1935 Act.

B. Key Movements and their Constitutional Significance:

Major national movements shaped the constitutional vision by crystallizing the aspirations of the Indian people.

1. Swadeshi Movement (1905):

- Context: Response to the Partition of Bengal by Lord Curzon.
- Nature: Advocated for self-reliance ('Swadeshi') and boycott of foreign goods ('Boycott').
- Significance:
 - Economic Nationalism: Fostered a sense of economic independence, influencing the later emphasis on self-sufficiency and planned economic development (reflected in Directive Principles).
 - Mass Participation: Marked a shift towards mass mobilisation, demonstrating the power of public opinion, reinforcing the idea of popular sovereignty.
 - Cultural Resurgence: Emphasized Indian identity and heritage.

2. Non-Cooperation Movement (1920-22):

- Leader: Mahatma Gandhi.

- Nature: First large-scale, nationwide mass movement based on non-violent civil disobedience. Involved boycott of government offices, courts, schools, and foreign goods.
- Significance:
 - Mass Mobilisation: Demonstrated the power of peaceful resistance and brought millions into the political struggle, solidifying the democratic base for future constitutional governance.
 - Hindu-Muslim Unity: Initially saw significant unity (Khilafat Movement alliance), though it later fractured.
 - Swaraj: Gandhi's call for 'Swaraj' (self-rule) became a central demand, laying the conceptual groundwork for a sovereign Indian state.

3. Civil Disobedience Movement (1930-34):

- Leader: Mahatma Gandhi (initiated with Dandi March/Salt Satyagraha).
- Nature: Broader and more intense than Non-Cooperation, involving widespread defiance of specific unjust laws.
- Significance:
 - Assertion of Rights: The direct defiance of laws underscored the demand for fundamental rights and civil liberties.
 - Women's Participation: Unprecedented participation of women, strengthening the constitutional commitment to gender equality (e.g., Article 15, 39A).
 - Strengthened Nationalist Resolve: Despite repression, it demonstrated the deep commitment of Indians to independence, influencing the Constituent Assembly's resolve to create a truly independent and democratic state.

4. Quit India Movement (1942):

- Context: Post-Cripps Mission failure, during World War II.
- Slogan: "Do or Die."
- Nature: An immediate demand for an end to British rule. Spontaneous, widespread, and often violent uprisings in the absence of top leadership (most leaders were arrested).
- Significance:
 - Ultimate Assertion of Sovereignty: Signified the final, unequivocal demand for complete independence and the British's realization that they could no longer hold India against its will.
 - People's Power: Demonstrated the immense latent power of the masses and the decentralized nature of resistance. This paved the way for a Constitution that empowers its citizens.

5. Constituent Assembly Elections (1946):

- Context: Held under the provisions of the Cabinet Mission Plan.
- Process: Members were largely elected by Provincial Legislative Assemblies (indirect election), with some nominated by princely states. Seats were allocated on the basis of population (roughly 1 seat per million).
- Significance:
 - Legitimacy: Provided a legitimate, albeit partially elected, body to draft the Constitution, giving it a popular mandate.
 - Inclusive Representation: Though dominated by the Congress, it included representatives from various communities, regions, and political ideologies, contributing to a diverse perspective in drafting.

6. Royal Indian Navy Mutiny (18-23 February, 1946):

- Context: Mutiny by Indian ratings of the Royal Indian Navy in Bombay, quickly spreading to other naval establishments.
- Causes: Poor service conditions, racial discrimination, and slow demobilisation.
- Significance:
 - Erosion of British Authority: A crucial event that demonstrated the rapid erosion of loyalty among Indian armed forces, making it clear to the British that they could no longer rely on their key instruments of control.
 - Catalyst for Transfer of Power: Along with the declining British economy post-WWII and widespread unrest, it significantly accelerated the British decision to grant independence.
 - Influence: Reinforced the need for a national army loyal to the independent Indian state and the importance of ensuring social justice within the armed forces.

C. Ideological Foundations and Vision of the Indian National Movement:

The intellectual and moral currents within the movement profoundly influenced the constitutional philosophy.

1. Goals of Independence, Democracy, Secularism, Socialism, Social Justice:

- Independence (Sovereignty): The paramount goal, culminating in 'Purna Swaraj' (Lahore Session, 1929). Reflected in the Preamble: "We, the people of India... SOVEREIGN... Republic."
- Democracy: A consistent demand from early nationalists, evolving into a commitment to universal adult franchise and parliamentary democracy. enshrined in the Preamble and Articles 324-329 (Elections), Article 326 (Adult Suffrage).
- Secularism: The diverse nature of India and the trauma of partition led to a deep commitment to religious neutrality and equal respect for all religions. Reflected in the Preamble ('SECULAR' added by 42nd Amendment, 1976) and Fundamental Rights (Articles 25-28: Freedom of Religion).
- Socialism: Influenced by leaders like Nehru and the rise of left-wing thought, advocating for socio-economic equality, state intervention for welfare, and equitable distribution of resources. Reflected in the Preamble ('SOCIALIST' added by 42nd Amendment, 1976) and Directive Principles of State Policy (Part IV, e.g., Articles 38, 39).
- Social Justice: A core tenet, driven by the need to uplift marginalized sections and address historical inequalities (caste, gender). Reflected in Fundamental Rights (e.g., Article 15: Prohibition of discrimination, Article 17: Abolition of Untouchability) and Directive Principles (e.g., Article 46: Promotion of educational and economic interests of SCs, STs, and weaker sections).

2. Influence of Western Liberal Thought:

- Key Concepts: Ideas of liberty, equality, fraternity, fundamental rights, parliamentary democracy, rule of law, and constitutionalism were imbibed through exposure to Western education and political philosophy.
- Influence: While adapted to Indian conditions, these concepts form the bedrock of the Preamble, Fundamental Rights, and the structure of parliamentary governance.

3. Gandhian Philosophy and its Impact:

- Core Principles: Non-violence (Ahimsa), Truth (Satyagraha), Decentralization (Gram Swaraj), Trusteeship, Sarvodaya (welfare of all).
- Impact on Constitution:
 - Decentralization: Though not fully realised in the original structure, the spirit of decentralization led to the later introduction of Panchayati Raj Institutions (73rd and 74th Amendments, 1992, adding Parts IX and IXA).
 - Social and Economic Justice: Emphasis on upliftment of the poor and marginalized, promoting village industries, prohibition of intoxicating drinks (Article 40, 43, 47 in DPSP).
 - Abolition of Untouchability: Direct influence on Article 17.

4. Nehruvian Vision of a Modern India:

- Core Principles: Democratic socialism, non-alignment in foreign policy, scientific temper, industrialization, secularism, planned economy.
- Impact on Constitution:
 - Democratic Socialism: Advocated for a mixed economy and state's role in social welfare, influencing the socialist and welfare state aspects of the Constitution (Preamble, DPSP).
 - Secularism: Strong proponent of secularism, ensuring state neutrality towards all religions.
 - Planned Development: The idea of a strong state guiding national development influenced the provisions for economic planning and state intervention.
 - Objective Resolution: The 'Objectives Resolution' moved by Nehru in the Constituent Assembly on December 13, 1946, articulated the fundamental aspirations and philosophy of the Constitution (Sovereign, Republic, Justice, Liberty, Equality, Fraternity) which later formed the basis of the Preamble.

5. Ambedkar's Vision for Social Equality and Justice:

- Role: Chairman of the Drafting Committee of the Constituent Assembly. A staunch advocate for the rights of Dalits and marginalized communities.
- Core Principles: Annihilation of caste, social democracy, constitutionalism as a means for social revolution, fundamental rights as tools for emancipation.
- Impact on Constitution:
 - Fundamental Rights: Instrumental in ensuring robust fundamental rights, particularly those combating discrimination (Article 15: Prohibition of discrimination; Article 17: Abolition of Untouchability; Article 19: Freedoms; Article 32: Right to Constitutional Remedies).
 - Directive Principles: Advocated for Directive Principles as a means to achieve socio-economic democracy and a welfare state, complementing political democracy.
 - Reservations: Championed reservations for Scheduled Castes and Tribes in education, employment, and legislatures (Articles 15(4), 16(4), 330, 332, 335) to address historical injustices.
 - "Constitutional Morality": Emphasized adherence to the spirit of the Constitution, not just the letter, to ensure social transformation.

D. Major Proposals and Documents from the Movement:

Several proposals and documents articulated the demands for constitutional reforms and self-governance.

1. Motilal Nehru Report (1928) – Blueprint for an Indian Constitution:

- Context: Response to Lord Birkenhead's challenge to Indians to draft their own constitution.
- Committee: Headed by Motilal Nehru, with Jawaharlal Nehru as Secretary.
- Provisions (Key Recommendations):
 - Dominion Status: Demanded Dominion Status for India (not complete independence).
 - Fundamental Rights: Envisaged a list of 19 fundamental rights, including universal adult suffrage, right to form unions, and freedom of conscience.
 - Joint Electorates: Rejected separate electorates and advocated for joint electorates with reservation of seats for minorities.
 - Federal Structure: Proposed a federal structure with a strong centre.
 - Parliamentary Form of Government: Advocated for a parliamentary system with a responsible government.
 - Secular State: Provision for a secular state, with no state religion.
- Significance: The first major attempt by Indians to draft a comprehensive constitutional framework, influencing many provisions of the eventual Constitution, especially Fundamental Rights.

2. Lahore Session (1929) – Demand for Purna Swaraj (Complete Independence):

- President: Jawaharlal Nehru.
- Resolution: The Indian National Congress, for the first time, declared 'Purna Swaraj' (complete independence) as its ultimate goal.
- Significance: Shifted the nationalist objective from Dominion Status to absolute sovereignty, setting the tone for future movements and the Constituent Assembly's work to create a truly independent republic. January 26, 1930, was declared 'Purna Swaraj Day'.

3. Karachi Resolution (1931) – Fundamental Rights and Economic Programme:

- President: Sardar Vallabhbhai Patel.
- Context: Held soon after the Gandhi-Irwin Pact.
- Provisions:
 - Reiterated the goal of 'Purna Swaraj'.
 - Laid down a comprehensive list of Fundamental Rights (e.g., freedom of speech, press, assembly; equality before law; right to form associations; protection of culture and language of minorities).
 - Outlined an Economic Programme (e.g., living wage, healthy conditions of work, protection of women and children, state ownership of key industries, land reforms, free and compulsory primary education).
- Significance: This resolution significantly influenced the Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV) of the Indian Constitution, highlighting the Congress's commitment not only to political freedom but also to social and economic justice.

4. "August Offer" (1940):

- Context: Proposed by Viceroy Lord Linlithgow during World War II to gain Indian support.
- Provisions:
 - Expansion of the Viceroy's Executive Council to include more Indians.

- Establishment of a Constituent Assembly after the war (but primarily by Indians).
- Dominion status as the objective.
- Due weight to minorities.
- Indian Reaction: Rejected by Congress (demanded immediate national government) and Muslim League (wanted partition).
- Significance: Although rejected, it was the first time the British officially accepted the demand for a Constituent Assembly composed primarily of Indians.

5. **Wavell Plan (1945):**

- Context: Proposed by Viceroy Lord Wavell to break the political deadlock after the Simla Conference failed.
- Provisions:
 - Reconstitution of the Viceroy's Executive Council with all Indian members, except the Viceroy and the Commander-in-Chief.
 - Equal representation for Hindus and Muslims.
 - Interim Government until a new Constitution.
- Significance: Failed due to communal disagreements, but it represented a significant, albeit unsuccessful, attempt at power sharing and negotiation before independence.

Document/Resolution	Year	Key Feature(s)	Constitutional Influence
Motilal Nehru Report	1928	Dominion Status, Fundamental Rights, Joint Electorates, Federalism, Parliamentary system, Secularism	Blueprint for FRs (Part III), Parliamentary democracy, Federal structure, Secular state
Lahore Session Resolution	1929	Demand for Purna Swaraj (Complete Independence)	Preamble (Sovereign Republic), National Identity
Karachi Resolution	1931	Comprehensive Fundamental Rights, Economic Programme	Fundamental Rights (Part III), Directive Principles of State Policy (Part IV)
"August Offer"	1940	First British acceptance of Indian-made Constituent Assembly	Formation of Constituent Assembly

Wavell Plan	1945	Attempt at power sharing with equal Hindu-Muslim representation	Highlighted communal issue, informed need for clear partition plan
Objectives Resolution	1946	Laid down fundamental philosophy: Sovereign, Republic, Justice, Liberty, Equality	Preamble of the Constitution

Summary Table: Key Documents and their Constitutional Influence
The Constituent Assembly, which finally drafted the Constitution between December 1946 and November 1949, was thus a product of these accumulated experiences, debates, and sacrifices of the Indian National Movement. The ideals of freedom, equality, justice, and fraternity, which were the driving force of the movement, became the guiding stars for the architects of the Indian Constitution.

III. The Constituent Assembly and the Making of the Constitution

The journey of drafting the Constitution began with the setting up of the Constituent Assembly, which meticulously deliberated on every aspect of governance for an independent India.

A. Formation and Composition of the Constituent Assembly:

The idea of a Constituent Assembly for India was first put forward by M.N. Roy in 1934. The Indian National Congress officially demanded it in 1935. The British government, for the first time, accepted the demand in principle in the 'August Offer' of 1940. Finally, the Cabinet Mission Plan of 1946 provided the framework for its formation.

1. Under Cabinet Mission Plan (1946):

- Basis: The Assembly was constituted in November 1946 under the scheme formulated by the Cabinet Mission Plan.
- Key Features of the Scheme:
 - Total Strength: 389 members.
 - Division of Seats:
 - 292 members were allocated to British Indian Provinces (to be elected).
 - 93 members were allocated to Princely States (to be nominated by the heads of the princely states).
 - 4 members were from the Chief Commissioners' Provinces (Delhi, Ajmer-Merwara, Coorg, British Baluchistan).
 - Method of Election (British India): Members from British Indian Provinces were to be indirectly elected by the members of the Provincial Legislative Assemblies.
 - Proportional Representation: Each province and princely state (or group of states in case of small states) was allotted seats in proportion to its respective population, roughly one seat for every million population.
 - Community-based Election (British India): Seats allocated to each British province were divided among the three main communities – Muslims, Sikhs, and General

(Hindus and all others) – in proportion to their population. Members from each community elected their representatives by the method of proportional representation with single transferable vote.

- Outcome of Elections (July-August 1946):
 - Indian National Congress won 208 seats.
 - Muslim League won 73 seats.
 - Smaller groups and independents secured 15 seats.
 - Princely States initially largely stayed away, so their 93 seats remained vacant.

2. Representation of various communities and regions:

- The Assembly included representatives from virtually all sections of Indian society: Hindus, Muslims, Sikhs, Parsis, Anglo-Indians, Indian Christians, SCs, STs, and women.
- Significant regional representation was also ensured through the provincial allocation of seats.
- However, it's important to note that the members were not directly elected by universal adult franchise.

3. Key members and their roles:

The Constituent Assembly comprised many eminent personalities who played crucial roles in shaping the Constitution.

- Dr. Rajendra Prasad: President of the Constituent Assembly. Presided over the debates and guided the proceedings.
- Jawaharlal Nehru: First Prime Minister of India. Moved the 'Objectives Resolution' on December 13, 1946, which later formed the Preamble. Chaired the Union Powers Committee and the Union Constitution Committee.
- Sardar Vallabhbhai Patel: Chaired the Provincial Constitution Committee and the Advisory Committee on Fundamental Rights, Minorities, and Tribal and Excluded Areas. Played a pivotal role in the integration of princely states.
- Dr. B.R. Ambedkar: Chairman of the Drafting Committee. Widely regarded as the 'Chief Architect of the Indian Constitution'. His deep understanding of various constitutions and commitment to social justice were instrumental.
- B.N. Rau: Constitutional Advisor to the Constituent Assembly. Prepared the initial draft of the Constitution.
- Alladi Krishnaswami Ayyar, N. Gopalaswami Ayyangar, K.M. Munshi, Syed Mohammad Saadullah, T.T. Krishnamachari, D.P. Khaitan (replaced by T.T. Krishnamachari upon his demise), N. Madhava Rau (replaced B.L. Mitter): Other prominent members of the Drafting Committee.
- H.C. Mukherjee: Vice-President of the Constituent Assembly.
- Prem Behari Narain Raizada: The calligrapher who handwrote the original Constitution.

B. Working of the Constituent Assembly:

The Assembly worked systematically through various stages and committees to draft the Constitution.

1. First Session and Objectives Resolution (1946):

- First Meeting: The Constituent Assembly held its first meeting on December 9, 1946. The Muslim League boycotted the meeting, insisting on a separate state of Pakistan.

- Interim President: Dr. Sachchidananda Sinha, the oldest member, was elected as the temporary President of the Assembly, following the French practice.
- Permanent President: On December 11, 1946, Dr. Rajendra Prasad was elected as the permanent President of the Assembly, and H.C. Mukherjee as the Vice-President. B.N. Rau was appointed as the Constitutional Advisor.
- Objectives Resolution: On December 13, 1946, Jawaharlal Nehru moved the historic 'Objectives Resolution'. This resolution laid down the fundamental philosophy and guiding principles for the Constitution. It declared India to be an Independent Sovereign Republic, guaranteeing justice, equality, freedom, and adequate safeguards for minorities, backward and tribal areas, and other backward classes.
- Adoption of Objectives Resolution: The Objectives Resolution was unanimously adopted by the Assembly on January 22, 1947. It influenced the eventual shaping of the Preamble of the Constitution.

2. **Role of various Committees:**

The Constituent Assembly appointed a number of committees to deal with different aspects of the Constitution. These committees were of two types: Major Committees and Minor Committees.

- Major Committees (and their Chairmen):
 - Drafting Committee (Chairman: Dr. B.R. Ambedkar): The most important committee, constituted on August 29, 1947, to prepare a draft of the new Constitution. It consisted of seven members.
 - Union Powers Committee (Chairman: Jawaharlal Nehru)
 - Union Constitution Committee (Chairman: Jawaharlal Nehru)
 - Provincial Constitution Committee (Chairman: Sardar Vallabhbhai Patel)
 - Advisory Committee on Fundamental Rights, Minorities, and Tribal and Excluded Areas (Chairman: Sardar Vallabhbhai Patel): This committee had five sub-committees, including:
 - Fundamental Rights Sub-Committee (Chairman: J.B. Kripalani)
 - Minorities Sub-Committee (Chairman: H.C. Mukherjee)
 - North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee (Chairman: Gopinath Bardoloi)
 - Excluded and Partially Excluded Areas (other than those in Assam) Sub-Committee (Chairman: A.V. Thakkar)
 - Rules of Procedure Committee (Chairman: Dr. Rajendra Prasad)
 - States Committee (Committee for Negotiating with States) (Chairman: Jawaharlal Nehru)
 - Steering Committee (Chairman: Dr. Rajendra Prasad)
- Minor Committees: Included committees like the Committee on the Functions of the Constituent Assembly, House Committee, Ad hoc Committee on the National Flag, etc.
- Process of Drafting:
 - B.N. Rau prepared the initial draft based on reports of the various committees.
 - The Drafting Committee, under Dr. Ambedkar, meticulously scrutinised this draft, held debates, and prepared the 'First Draft of the Constitution' which was published in February 1948.
 - The people of India were given eight months to discuss the draft and propose amendments.

- In light of public comments, criticisms, and suggestions, the Drafting Committee prepared a 'Second Draft', which was published in October 1948.
- The Drafting Committee held 141 sittings over 114 days.

C. Key Debates and Challenges Faced by the Constituent Assembly:

The process of constitution-making was marked by intense debates and significant challenges, reflecting the diverse viewpoints and complexities of the newly independent nation.

1. Federalism vs. Unitary System:

- Debate: Members debated whether India should adopt a purely federal system (like the USA) with strong states, or a unitary system with a strong centre. The Partition experience and the need for national unity pushed for a stronger centre.
- Outcome: The Constitution adopted a 'quasi-federal' or 'federal with a strong unitary bias' structure. While it has federal features (division of powers, written constitution, independent judiciary, bicameralism), it also has unitary features (strong centre, single citizenship, integrated judiciary, emergency provisions, All-India Services). Dr. Ambedkar famously described India's system as "a federation with a strong centralising tendency."
- Relevant Articles: Articles 245-255 (Legislative Relations), Seventh Schedule (Union, State, Concurrent Lists).

2. Fundamental Rights vs. Directive Principles:

- Debate: A major debate revolved around the enforceability of rights. Should all rights be justiciable (enforceable by courts) or should some be non-justiciable guiding principles?
- Outcome: The Assembly adopted two categories of rights:
 - Fundamental Rights (Part III, Articles 12-35): Judicially enforceable, negative obligations on the state. Influenced by the US Bill of Rights.
 - Directive Principles of State Policy (Part IV, Articles 36-51): Non-justiciable, positive obligations on the state, intended to guide governance towards a welfare state. Influenced by the Irish Constitution.
- Interrelationship: Initially, Fundamental Rights were given supremacy. However, through Kesavananda Bharati case (1973) and Minerva Mills case (1980), the Supreme Court clarified that there is a harmonious construction between the two, and the Directive Principles are fundamental to governance.

3. Secularism and Minority Rights:

- Debate: Given the trauma of Partition and communal violence, there was extensive debate on the nature of the state's relationship with religion. Should India be a secular state or should it provide special protections for minorities?
- Outcome: India adopted a model of 'positive secularism' (or Sarva Dharma Sambhava), meaning the state respects all religions equally and does not favour any.
 - Minority Rights (Articles 29-30): Guaranteed cultural and educational rights for minorities, including the right to establish and administer educational institutions.
 - Freedom of Religion (Articles 25-28): Guaranteed freedom of conscience and the right to freely profess, practice, and propagate religion, subject to public order, morality, and health.

- The word 'Secular' was explicitly added to the Preamble by the 42nd Amendment Act, 1976, solidifying this commitment.

4. Language Issue:

- Debate: A contentious issue was the choice of an official language. Hindi was favoured by many, but non-Hindi speaking states (especially from the South) strongly resisted the imposition of Hindi.
- Outcome: The Constitution adopted Hindi in Devanagari script as the official language of the Union (Article 343) but provided for the continued use of English for 15 years from the commencement of the Constitution. It also recognized 14 regional languages (now 22) in the Eighth Schedule. The issue remains sensitive and led to the Official Languages Act, 1963.

5. Panchayati Raj and Local Self-Governance:

- Debate: While Gandhi advocated for village republics and decentralization (Gram Swaraj), Dr. Ambedkar was initially skeptical, citing caste-based inequalities in villages.
- Outcome: The idea of Panchayati Raj was included as a Directive Principle (Article 40: Organisation of village panchayats), indicating a commitment but not making it immediately justiciable.
- Evolution: This principle was later given constitutional status and teeth through the 73rd and 74th Amendment Acts of 1992, which added Part IX (Panchayats) and Part IXA (Municipalities) to the Constitution, establishing a three-tier government structure.

6. Emergency Provisions:

- Debate: The inclusion of extensive emergency provisions (influenced by the Weimar Constitution of Germany) raised concerns about potential authoritarianism and the undermining of federalism. However, the framers deemed them necessary to safeguard the unity, integrity, and stability of the nascent nation in times of crisis.
- Outcome: Part XVIII (Articles 352-360) deals with emergency provisions:
 - National Emergency (Article 352): War, external aggression, or armed rebellion.
 - State Emergency/President's Rule (Article 356): Failure of constitutional machinery in states.
 - Financial Emergency (Article 360): Threat to financial stability or credit of India.
- Safeguards: While extensive, the provisions were designed with parliamentary approval mechanisms, though their misuse in later decades led to judicial scrutiny and changes (e.g., 44th Amendment Act, 1978, for Article 352; S.R. Bommai case, 1994, for Article 356).

7. Integration of Princely States:

- Challenge: The Cabinet Mission Plan and the Indian Independence Act 1947 gave princely states the option to join India, Pakistan, or remain independent. This posed a significant challenge to India's territorial integrity.
- Role of Sardar Patel: Sardar Vallabhbhai Patel, with the assistance of V.P. Menon, played a crucial role using a combination of diplomacy (negotiation of Instruments of Accession) and coercion (police action in Junagadh, Hyderabad; military action in Kashmir) to integrate almost all princely states into the Indian Union.
- Constitutional Outcome: The Constitution initially made distinctions between states based on their integration status (Part B states, etc.) but these distinctions were later removed by the 7th Amendment Act, 1956, through the States Reorganisation Act. The idea of a single, unified India, despite historical fragmentation, was central to the Constitution.

D. Adoption and Commencement of the Constitution:

The constitution-making process was a lengthy but thorough exercise.

1. Duration of the constitution-making process:

- The Constituent Assembly took 2 years, 11 months, and 18 days to draft the Indian Constitution.
- It held 11 sessions and deliberated for 165 days.
- The total expenditure incurred was around ₹64 lakh.

2. Dates of adoption and commencement:

- Adoption: On November 26, 1949, the Constitution was adopted and enacted by the Constituent Assembly. On this day, some provisions pertaining to citizenship, elections, provisional Parliament, temporary and transitional provisions, and short title (Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392, 393) came into force immediately.
- Commencement: The major part of the Constitution came into force on January 26, 1950. This date is referred to as the 'Date of Commencement' of the Constitution and is celebrated as Republic Day. January 26 was chosen specifically because on this day in 1930, Purna Swaraj Day was celebrated, following the Lahore Session of the Indian National Congress in 1929.
- Transitional Provisions: With the commencement of the Constitution, the Indian Independence Act, 1947, and the Government of India Act, 1935, were repealed. The Abolition of Privy Council Jurisdiction Act (1949) was also repealed.

3. Preamble, its philosophy and significance:

- The Preamble is the 'Identity Card of the Constitution' (N.A. Palkhivala) and the 'soul of the Constitution' (Thakur Das Bhargava). It is based on the 'Objectives Resolution' moved by Jawaharlal Nehru.
- Key Words in the Preamble:
 - Sovereign: India is neither a dependency nor a dominion of any other nation, but an independent state.
 - Socialist: (Added by 42nd Amendment, 1976) Aims to achieve social and economic equality, equitable distribution of wealth.
 - Secular: (Added by 42nd Amendment, 1976) The state has no official religion and treats all religions equally.
 - Democratic: People derive their authority from the will of the people expressed through elections.
 - Republic: The head of the state (President) is elected, not hereditary.
 - Justice: Social, Economic, Political. (Derived from Russian Revolution).
 - Liberty: Of thought, expression, belief, faith, and worship. (Derived from French Revolution).
 - Equality: Of status and opportunity. (Derived from French Revolution).
 - Fraternity: Assuring the dignity of the individual and the unity and integrity of the Nation. (Derived from French Revolution). (Integrity added by 42nd Amendment, 1976).
- Significance:
 - It embodies the basic philosophy and fundamental values (political, moral, religious) on which the Constitution is based.

- It contains the grand and noble vision of the Constituent Assembly.
- It serves as a key to open the mind of the makers of the Constitution.
- The Supreme Court in the Kesavananda Bharati case (1973) held that the Preamble is a part of the Constitution and can be amended, but its 'Basic Structure' cannot be altered.

Diagram: Constitution Making Process Flow



|
V

First Draft Published (Feb 1948)

|
V

Second Draft Published (Oct 1948)

|
V

Final Reading & Adoption (Nov 26, 1949)

|
V

Commencement (Jan 26, 1950)

IV. Features of the Indian Constitution Reflecting Colonial Heritage and National Movement

The architects of the Indian Constitution meticulously selected and adapted provisions from various world constitutions, while also embedding unique features that reflected India's socio-political context and the vision for its future.

A. Borrowed Features and Influences:

The framers of the Constitution judiciously incorporated elements from other constitutions to address India's unique challenges and aspirations. This process, often termed "borrowing," was a thoughtful adaptation, not mere imitation.

1. *Government of India Act 1935 (Major Source):*

- Influence: This Act served as the most significant blueprint, providing nearly two-thirds of the provisions of the Indian Constitution. Its influence is evident in the structural details of the Constitution.
- Borrowed Features:
 - Federal Scheme: The basic framework of federalism with a strong center, though the "All-India Federation" proposed by the Act did not fully materialize, its concept of distribution of powers was adopted.
 - Office of Governor: The provisions related to the office of the Governor (Article 153) are largely drawn from this Act.
 - Judiciary: The establishment of a Federal Court under the 1935 Act influenced the structure and powers of the Supreme Court of India.
 - Public Service Commissions: Provisions for the UPSC and SPSCs (Articles 315-323) derive from the Federal Public Service Commission and Provincial Public Service Commissions established by the Act.
 - Emergency Provisions: While significantly modified, the basic idea of emergency powers stemmed from this Act.
 - Administrative Details: A large number of administrative details, including various lists for distribution of powers, were adopted.

2. *British Constitution (Parliamentary System, Rule of Law, Single Citizenship):*

- Influence: The long exposure to British parliamentary practices and legal traditions profoundly shaped India's political system.
- Borrowed Features:
 - Parliamentary System of Government: Adoption of the Westminster model, with a nominal (President) and a real executive (Prime Minister and Council of Ministers responsible to the Lok Sabha). (Articles 74, 75, 163, 164).
 - Rule of Law: The principle that no one is above the law and all are equal before it. (Article 14).
 - Legislative Procedure: The procedures for law-making in Parliament.
 - Single Citizenship: A unitary feature ensuring that every person in India is a citizen of India, not of any specific state. (Articles 5-11).
 - Cabinet System: The structure and functioning of the Cabinet.
 - Prerogative Writs: Writs like Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto (Article 32, 226).
 - Parliamentary Privileges: Rights and immunities enjoyed by members of Parliament.

- Bicameralism: Two houses of Parliament (Lok Sabha and Rajya Sabha).

3. American Constitution (Fundamental Rights, Judicial Review, Independent Judiciary):

- Influence: The American model's emphasis on individual liberties and a strong, independent judiciary appealed to the framers.
- Borrowed Features:
 - Fundamental Rights: A comprehensive list of enforceable rights guaranteeing civil liberties. (Part III, Articles 12-35).
 - Judicial Review: The power of the Supreme Court and High Courts to declare laws unconstitutional if they violate the Constitution. This concept evolved through judicial interpretations, notably in cases like *Shankari Prasad* (1951) and *Golaknath* (1967), culminating in *Kesavananda Bharati* (1973) establishing the 'Basic Structure Doctrine'.
 - Independence of Judiciary: Ensuring that the judiciary can function without executive or legislative interference. (Articles 124, 217).
 - Impeachment of the President: Procedure for removing the President. (Article 61).
 - Removal of Supreme Court and High Court Judges: (Articles 124(4), 217(1)).
 - Post of Vice-President: (Article 63).

4. Irish Constitution (Directive Principles of State Policy):

- Influence: The concept of non-justiciable social and economic rights was adapted from the Irish model.
- Borrowed Features:
 - Directive Principles of State Policy (DPSP): Guidelines for the state to establish a welfare state and achieve socio-economic justice. (Part IV, Articles 36-51).
 - Method of Election of the President: (Article 55).
 - Nomination of members to Rajya Sabha by the President: (Article 80(3)).

5. Canadian Constitution (Federation with a Strong Centre):

- Influence: India's federal structure, while federal in form, leans towards a strong central government, a feature borrowed from Canada.
- Borrowed Features:
 - Federation with a Strong Centre: The distribution of powers ensures a powerful Union government. (Articles 245-255).
 - Residuary Powers vested in the Centre: Powers not listed in any of the three lists (Union, State, Concurrent) belong to the Union. (Article 248).
 - Appointment of State Governors by the Centre: (Article 155).
 - Advisory Jurisdiction of the Supreme Court: (Article 143).

6. Australian Constitution (Concurrent List, Freedom of Trade):

- Influence: Provided insights into the distribution of legislative powers and economic principles.
- Borrowed Features:
 - Concurrent List: A list of subjects on which both the Union and State governments can legislate, with Union law prevailing in case of conflict. (Seventh Schedule).
 - Freedom of Trade, Commerce, and Intercourse: (Articles 301-307).
 - Joint Sitting of the two Houses of Parliament: (Article 108).

7. German Constitution (Weimar Constitution) (Emergency Provisions):

- Influence: The provisions regarding suspension of Fundamental Rights during an emergency.
- Borrowed Features:
 - Suspension of Fundamental Rights during Emergency: (Article 358, 359). However, the 44th Amendment Act, 1978, stipulated that Articles 20 and 21 (Protection in respect of conviction for offences and Protection of life and personal liberty) cannot be suspended during an emergency.

8. South African Constitution (Procedure for Amendment):

- Influence: The procedure for amending the Constitution.
- Borrowed Features:
 - Procedure for Amendment of the Constitution: (Article 368).
 - Election of members of Rajya Sabha: (Article 80(4)).

9. French Constitution (Republic, Ideals of Liberty, Equality, Fraternity):

- Influence: The ideals enshrined in the Preamble.
- Borrowed Features:
 - Republic: The head of the state is elected.
 - Ideals of Liberty, Equality, and Fraternity in the Preamble: These powerful ideals deeply influenced the philosophical core of the Indian Constitution.

Table: Borrowed Features at a Glance

Source Country/Act	Key Borrowed Features	Relevant Constitutional Provisions/Concepts
GoI Act 1935	Federal Scheme, Office of Governor, Judiciary, Public Service Commissions, Emergency Provisions (basic idea), Administrative Details	Articles 153, 315-323, SC structure, Federalism, various schedules
British Constitution	Parliamentary System, Rule of Law, Single Citizenship, Cabinet System, Prerogative Writs, Bicameralism	Articles 74, 75, 14, 5-11, 32, 226, Parliamentary Privileges
American Constitution	Fundamental Rights, Judicial Review, Independent Judiciary, Impeachment of President, VP Post	Part III (Arts 12-35), Basic Structure Doctrine (Kesavananda Bharati, 1973), Arts 124, 217, 61, 63

Irish Constitution	Directive Principles of State Policy, Method of President's Election, RS member nomination	Part IV (Arts 36-51), Article 55, Article 80(3)
Canadian Constitution	Federation with Strong Centre, Residuary Powers to Centre, Appointment of Governors, SC Advisory Jurisdiction	Articles 245-255, 248, 155, 143
Australian Constitution	Concurrent List, Freedom of Trade, Joint Sitting of Parliament	Seventh Schedule, Articles 301-307, Article 108
German (Weimar) Constitution	Suspension of Fundamental Rights during Emergency	Articles 358, 359 (with 44th Amendment modifications)
South African Constitution	Procedure for Amendment, Election of RS members	Article 368, Article 80(4)
French Constitution	Republic, Ideals of Liberty, Equality, Fraternity (in Preamble)	Preamble

B. Unique Indian Contributions and Innovations:

Beyond the borrowed features, the Indian Constitution boasts several distinctive characteristics born out of India's unique historical context, nationalist aspirations, and the wisdom of its framers.

1. *Blend of Rigidity and Flexibility:*

- Concept: The Indian Constitution is neither purely rigid (like the US Constitution, requiring a supermajority for amendment) nor purely flexible (like the British Constitution, which can be amended by ordinary law).
- Innovation: It provides for different types of amendment procedures (Article 368):
 - By simple majority of Parliament (for certain minor provisions).
 - By special majority of Parliament (2/3rd of members present and voting, and majority of total membership).
 - By special majority of Parliament AND ratification by half of the state legislatures (for federal provisions).
- Significance: This blend allows for adaptability to changing times while safeguarding its core principles, providing stability without stagnation.

2. *Universal Adult Franchise:*

- Concept: Granting the right to vote to all adult citizens without discrimination based on caste, creed, gender, or wealth.
- Innovation: India adopted universal adult franchise from the very beginning (Article 326) even when many developed countries had not fully extended voting rights to all their citizens (e.g., women in Switzerland gained full voting rights only in 1971).
- Significance: This was a bold and revolutionary step, demonstrating a profound faith in the common Indian citizen and laying the foundation for a truly representative democracy. The original voting age was 21 years, reduced to 18 years by the 61st Amendment Act, 1989.

3. *Integrated and Independent Judiciary:*

- Concept: Unlike the dual judicial system in the USA (separate federal and state courts), India has a single, integrated judiciary where the Supreme Court stands at the apex, followed by High Courts and subordinate courts.
- Innovation: This integration ensures uniformity of law and justice throughout the country. The independence of the judiciary is secured through various provisions: security of tenure for judges, fixed service conditions, charges on the Consolidated Fund of India, prohibition on discussion of judges' conduct in legislature, power to punish for contempt, etc.
- Significance: This ensures effective enforcement of Fundamental Rights and upholds the supremacy of the Constitution, acting as its guardian.

4. *Parliamentary Sovereignty Tempered by Judicial Review:*

- Concept: In Britain, Parliament is sovereign (no judicial review). In the USA, judicial supremacy exists (courts can declare any law unconstitutional). India adopted a synthesis.
- Innovation: Indian Parliament is sovereign within its legislative sphere, but its laws are subject to judicial review by the Supreme Court and High Courts. Similarly, while the judiciary can review laws, its power is not absolute, as the Parliament can amend the Constitution (subject to the Basic Structure Doctrine from Kesavananda Bharati case, 1973).
- Significance: This creates a delicate balance, preventing either the legislature or the judiciary from becoming despotic, ensuring checks and balances.

5. *Directive Principles of State Policy (DPSP):*

- Concept: While borrowed from Ireland, their comprehensive nature and emphasis on a welfare state suited to India's unique socio-economic challenges make them a distinct Indian contribution.
- Innovation: These non-justiciable principles provide a moral and constitutional compass for the state to achieve social and economic democracy (Articles 36-51). They aim to establish a 'welfare state' rather than a 'police state'.
- Significance: They represent the socio-economic conscience of the Constitution and have guided numerous legislative and executive actions post-independence, aiming for a more equitable society.

6. *Fundamental Duties:*

- Concept: While Fundamental Rights outline what citizens can expect from the state, Fundamental Duties specify what citizens are expected to do for the nation.
- Innovation: Added to the Constitution by the 42nd Amendment Act, 1976, upon the recommendations of the Swaran Singh Committee, these 10 duties (now 11, with the 11th added by the 86th Amendment Act, 2002, related to education for children) are non-justiciable. (Part IVA, Article 51A).

- Significance: They serve as a constant reminder to citizens that while enjoying their rights, they also have obligations towards society and the nation.

7. Three-tier government (Panchayati Raj & Municipalities):

- Concept: Most federations typically have two levels of government (central and state). India uniquely adopted a third, local level.
- Innovation: While mentioned as a DPSP (Article 40) initially, it was given constitutional status by the 73rd and 74th Amendment Acts of 1992.
 - 73rd Amendment Act, 1992: Added Part IX (Panchayats) and Eleventh Schedule, providing for rural local self-government.
 - 74th Amendment Act, 1992: Added Part IXA (Municipalities) and Twelfth Schedule, providing for urban local self-government.
- Significance: This institutionalized democratic decentralization at the grassroots level, empowering local communities and fostering participatory governance, a reflection of the Gandhian ideal of 'Gram Swaraj'.

In essence, the Indian Constitution is a masterpiece of synthesis, skillfully blending global constitutional experiences with indigenous wisdom and unique innovations to create a robust and dynamic framework for a vast and diverse nation.