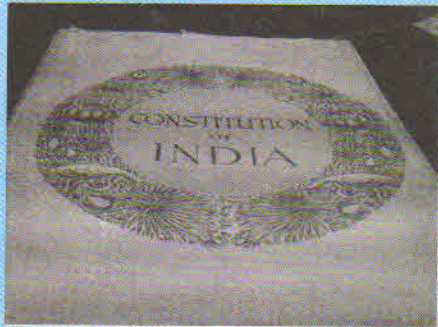


Chapter 1



The Indian Constitution

In this chapter, we are going to begin with football, a game many of you have probably heard of and have played. As the name suggests, this is a game that is played on the players' feet. According to the rules of football, the ball touches the arm of any player (except the goalkeeper), then this is considered a foul. So players do not start holding the football in their hands and running around, then they are not playing football anymore. Similarly other games, such as hockey or cricket, have rules according to which they are played. These rules help define the game, and help distinguish one game from another. As the rules are fundamental to the game, we can also call them the constitutive rules of the game. Like these games, society also has constitutive rules that make it what it is and differentiate it from other kinds of societies. In large societies in which different communities or groups live together, these rules are formulated through consensus, and in modern countries this consensus is usually available in written form. A written document in which we find such rules is called a Constitution.

We have looked at the Indian Constitution in Chapters VI and VII in our *Social and Political Life* textbook. If you ever wondered why we need a Constitution or are curious about how the Constitution got written or who wrote it? In this chapter, we will discuss both these issues and also look at the key features of the Constitution. Each of these features is crucial for the working of democracy in India and some of them will be the focus of different chapters in this book.

Why Does a Country Need a Constitution?



Today most countries in the world have a Constitution. While all democratic countries are likely to have a Constitution, it is not necessary that all countries that have a Constitution are democratic. The Constitution serves several purposes. First, it lays out certain ideals that form the basis of the kind of country that we as citizens aspire to live in. Or, put another way, a Constitution tells us what the fundamental nature of our society is. A country is usually made up of different communities of people who share certain beliefs but may not necessarily agree on all issues. A Constitution helps serve as a set of rules and principles that all persons in a country can agree upon as the basis of the way in which they want the country to be governed. This includes not only the type of government but also an agreement on certain ideals that they all believe the country should uphold.

In 1934, the Indian National Congress made the demand for a Constituent Assembly. During the Second World War, this assertion for an independent Constituent Assembly formed only of Indians gained momentum and this was convened in December 1946. The photo on page 2 shows some members of the Constituent Assembly.

Between December 1946 and November 1949, the Constituent Assembly drafted a constitution for independent India. Free to shape their destiny at last, after 150 years of British rule, the members of the Constituent Assembly approached this task with the great idealism that the freedom struggle had helped produce. You will read more about the work of the Constituent Assembly later in the chapter.

The photo alongside shows Prime Minister Jawaharlal Nehru addressing the Constituent Assembly.



The country of Nepal has witnessed several people's struggles for democracy. There was a people's struggle in 1990 that established democracy that lasted for 12 years until 2002. In October 2002, King Gyanendra, citing the Maoist uprising in the countryside as his reason, began taking over different aspects of the government with the army's assistance. The King then finally took over as the head of government in February 2005. In November 2005, the Maoists joined other political parties to sign a 12-point agreement. This agreement signalled to the larger public an imminent return to democracy and peace. In 2006, this people's movement for democracy began gaining immense force. It repeatedly refused the small concessions that the King made and finally in April 2006 the King restored the Third Parliament and asked the political parties to form a government. In 2008, Nepal became a democracy after abolishing the monarchy. The above photos show scenes from the people's movement for democracy in 2006.



Let us try and understand what we mean by this contrasting situations in the recent history of Nepal that borders India on the north. Until recently, Nepal was a monarchy. The previous Constitution of Nepal, which was adopted in 1990, reflected the fact that the final authority was with the King. A people's movement in Nepal fought for decades to establish democracy and in 2006 it succeeded in putting an end to the powers of the monarchy. The people had to write a new Constitution to establish a democratic government. The reason that they did not want to continue with the previous Constitution is because it did not reflect the aspirations of the country that they want Nepal to be, and that is what they fought for.

As in the game of football, in which a change in the rules will change the game altogether, Nepal, by moving from a monarchy to a democratic government, needs to change its constitutive rules in order to usher in a new society. In 2015, the people of Nepal adopted a new Constitution for the first time. The caption alongside elaborates Nepal's journey to democracy.

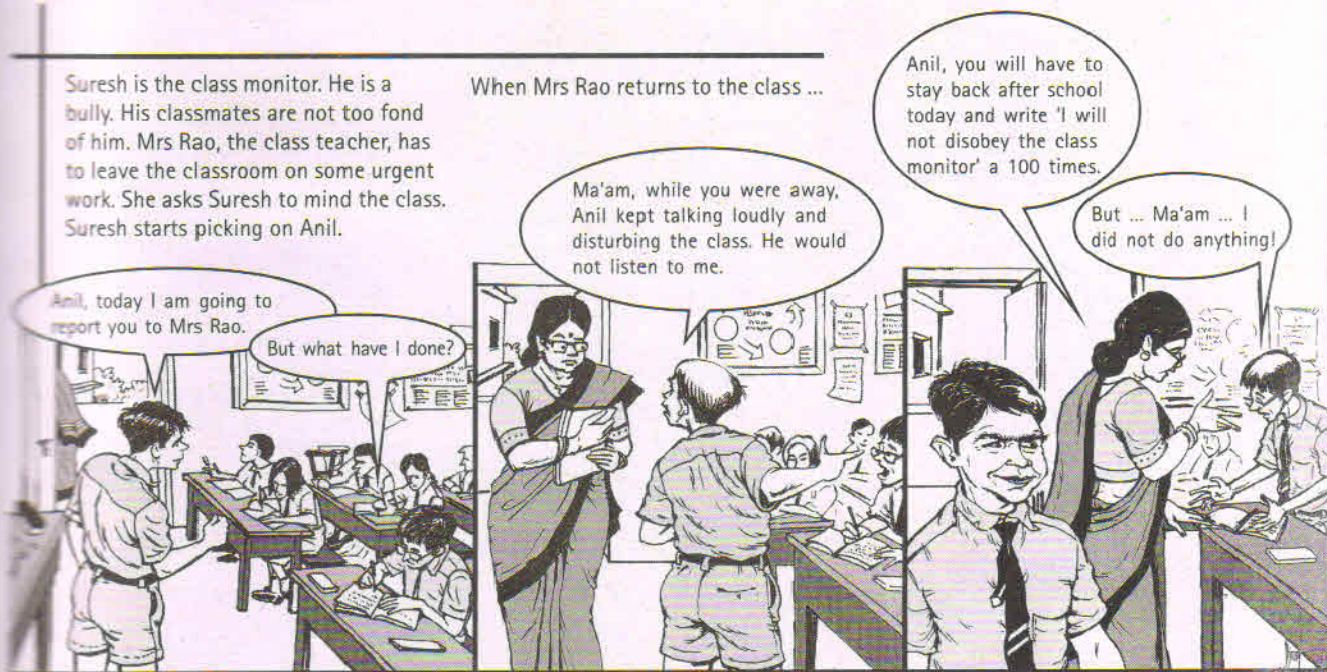
The second important purpose of a Constitution is to define the nature of a country's political system. For example, Nepal's earlier Constitution stated that the country was to be ruled by the King and his council of ministers. In other countries that have adopted a democratic

Discuss with your teacher what you understand by the term 'constitutive'. Provide one example of 'constitutive rules' from your everyday life.

Why did the people of Nepal want a new Constitution?

government or **polity**, the Constitution plays a crucial role in laying out certain important guidelines that govern decision-making within these societies.

In a democracy, we choose our leaders so that they can exercise power responsibly on our behalf. However, there is always the possibility that these leaders might misuse their authority and the Constitution usually provides safeguards against this. This misuse of authority can result in gross injustice as demonstrated in the classroom situation below:



In democratic societies, the Constitution often lays down rules that guard against this misuse of authority by our political leaders. In the case of the Indian Constitution, about which you will read more later in this chapter, many of these laws are contained in the section on Fundamental Rights. Do you recall the chapter on the Dalit writer, Omprakash Valmiki's experiences in school from your Class VII book? In that chapter, we talked about the discrimination Omprakash faced because he was a Dalit. You read about how the Indian Constitution guarantees the right to equality to all persons and says that no citizen can be discriminated against on grounds of religion, race, caste, gender, and place of birth. The Right to Equality is one of the Fundamental Rights guaranteed by the Indian Constitution.

1. In what way is the class monitor misusing his power?
2. In which of the following situations is a minister misusing his power:
 - a) refuses to sanction a project of his ministry for sound technical reasons;
 - b) threatens to send his security staff to rough up his neighbour;
 - c) calls up the police station asking them not to register a complaint that is likely to be filed against his relative.

Activity 2
History (The Indian Constitution)
Grade VIII

25.04.2020

I. Multiple choice questions.

1. The father of the Indian constitution is
 - a. Mahatma Gandhi
 - b. Sardar vallbhai Patel
 - c. Dr.Babasahib Ambedkar
2. The president of the constituent Assembly was _____
 - a. Dr.Rajendra Prasad
 - b. Jawaharlal Nehru
 - c. Mahatma Gandhi

II. Fill in the blanks.

1. The Indian state has a _____ form of Government.
2. The constitution of India guarantees _____ for all citizens.
3. In 1934, the Indian National Congress made the demand for a _____.

III. State whether the following statements are true or false.

1. A secular state does not officially promote any one religion as the state religion.
2. Religious freedom is provided to all the citizens of the country.
3. Our constitution guarantees rights of minorities against the majority.

IV. Very short answer type questions.

1. What is Right to Equality?
2. What do you mean by a secular state?
3. How are the Fundamental Rights important? Give one point.