

DON BOSCO SCHOOL, KOKAR, RANCHI

Subject- CIVICS

Class – 9 ABC

Chapter- 1

Our Constitution

Origin of the word Constitution:

Old French word '**constitucion**' meaning- establishment

Latin word '**constitutionem**' meaning:- act of settling, settled condition, anything arranged or settled upon, regulation, order, ordinance

Meaning of Constitution:

- # a legal written document containing Laws.
- # a set of rules & regulations by which the nation is governed.
- # describes the relationship between citizens & Government.
- # defines the powers of Government & the citizens.
- # Set of basic rules accepted by all.
- # It's binding on every one.

The Constituent Assembly:

- A body framed the Constitution of India.
- Dr. Rajendra Prasad, permanent president of the CA.
- The Britishers sent a group of officials known as the **Cabinet Mission Plan**.
- **Two roles to play:-**
 - i) an interim (not permanent) government was appointed to run the State until the Constitution came into force/effect.
 - ii) To frame the Constitution of India.
- 389 members of the Constituent Assembly, 292 were elected from provincial govt & 93 from princely states.
- it worked in a systematic, open & consensual (agree with) manner.

Diversity has to be taken care of on the basis of **community, caste, creed, language group, classes, & occupation etc**

Cabinet Mission Plan:

- Formulated at the initiative of Clement Attlee, the PM of UK.

- Aimed to discuss the transfer of power to Indian leaderships.
- Preserving India's unity & granting it independence.
- Cabinet Mission Plan had ensured three categories- Gen, Muslim (Zafar Imam & Md. Saadullah), Sikhs (Sardar Hukum Singh). But under Congress leaders- Anglo-Indian (Frank Anthony & S. H. Prater), Indian Christians (H. C. Mukherjee & Joseph D'souza), SC & ST got representation. Parsees (H. P. Modi)

i) Pethick-Lawrence, secretary of State for India.

ii) Sir Stafford Cripps, President of the Board of Trade.

iii) A.V.Alexander, first lord of Admiralty (head of Royal navy).

Thus, one can say that CA was truly national in character.

Composition & Working of CA:

- Three members of the British Cabinet were sent to resolve the constitutional controversy.
- CA had 385 members, 292 elected from provinces & 93 from princely states.
- It included representatives from all sections (deprived sections, disadvantaged groups, backward classes) of Indian society.
- 284 members of the Constituent Assembly signed the documents on Jan 24th , 1950.
- Constituent Assembly took two years, eleven months & seventeen days to complete this historic task (drafting constitution).
- Eleven sessions held in 165 days (including 114 days to draft).
- The first session of the Constituent Assembly Dec 9th , 1946 at 11 a.m.
- Held in the **Central Hall of the Parliament House** in New Delhi.
- 207 members attended.
- **Dr. Sachidanand Sinha** was appointed as the temporary chairman of the Constituent Assembly.
- **Dr. Rajendra Prasad** was elected as the President of the Constituent Assembly.

Objective Resolution:

- It was moved by Pandit Nehru on 13th Dec, 1946.
- Fundamentals accepted (passed by CA) by all on 22nd Jan, 1947.
- It served as the roadmap for the constitution.
- It was the precursor to the Preamble to the constitution.
- It sought to confirm India's **ideals, hopes & aspirations**.
- '**Resolution**' highlighted the objectives & laid down the '*national goals*'

- i) Free India will be nothing but a '*Republic*'.
- ii) The ideals of social, political & economic democracy would be guaranteed to all people.
- iii) Republic would grant Fundamental Rights to citizens.

State would safeguard the rights of minorities & backward classes.

Eight Major Committees:

- Assembly was divided into eight major committees:-
- ~ Drafting Committee –**Dr. B.R. Ambedkar**
- ~ Committee on Fundamental Rights – **Sardar Patel**
- ~ Union Powers Committee – **Jawaharlal Nehru**
- ~ Union Constitution Committee - **Jawaharlal Nehru**
- ~ Provincial Constitution Committee - **Sardar Patel**
- ~ Rules of Procedure Committee – **Dr. Rajendra Prasad**
- ~ States Committee - **Jawaharlal Nehru**
- ~ Steering Committee - **Dr. Rajendra Prasad**

Drafting Committee:

- Dr. B. R. Ambedkar was the chairman of Drafting Committee
- Main function was to prepare a drafting constitution.
- First Draft was ready by Feb, 1948.
- Indian people's opinions & suggestions were welcomed on the first draft in Nov.
- Draft was considered a section of legal document in Nov, 1948.
- The third & final draft was ready by Nov, 1949.
- Thus, President of India signed the constitution officially.

Commencement of the Constitution:

- The Indian Constitution was **adopted** on Nov 26th, 1949.
- The Indian Constitution came into **force** or **effect** on Jan 26th, 1950.
- 'Complete independence of the country' was passed by the Indian National Congress at its Lahore session in Dec 1929.
- The first Independence Day was celebrated on Jan 26th 1930.

Written & Longhiest Constitution:

- Indian Constitution is a written one like USA.
- British Constitution is unwritten one or oral.
- Due to diverse cultures & communities it became a very lengthy.
- Its original composition is **395 Articles, 22 Parts & 8 Schedules.**
- Presently, it has a Preamble, **448 Articles, 25 Parts, 12 Schedules, 5 appendices & 101 amendments.**

Preamble:

- It's the essence of the Constitution.
- It's the preface which highlights to the entire Constitution.
- It contains the spirit & values of the Constitution.
- It reflects the aim & objectives of our Constitution.
- It sought to confirm India's **ideals, hopes & aspirations**
- It's not enforceable in a court of law.

Assimilation of Features:

- Very unique & special document containing with best ideas of freedom inspired from around the world.

❖ **British Constitution:-**

~Parliamentary form of Government,

~Institution of Speaker & his role

~Lawmaking procedure

~Single citizenship,

~Rule of law,

❖ **Irish Constitution**

~Directive Principles of State policy.

~ method of election of president.

~nomination of members to Rajya Sabha.

❖ **Constitution of USA:-**

~ Preamble

~ Fundamental Rights

~ Power of Judicial review

~Independence of the Judiciary

~President, the supreme commander of armed forces

❖ **Constitution of USSR:-**

~ Fundamental Duties.

~the idea of justice (social, economic, political)

❖ **France:-**

~ the ideals of Republic, liberty, equality &

Fraternity in the preamble.

Objectives of Constitution:

❖ **Sovereign :-** old French-**Soverain**~ independence. Latin- **Supernus** ~ above or autonomy

~ independent authority of a State.

~'independent with the ability to take responsibility for all decisions.'

~ 'Sovereign' is taken from article 5 of the constitution of Ireland

~ denotes supreme & ultimate/absolute power.

❖ **Secular :-** (42nd Amendment in 1976)

~no official State religion.

~equality of all religions & religious tolerance

~right to profess, preach, practice & propagate any religion.

~No favour or discrimination against any religion.

~All religions & its citizens should be treated with equal respect.

~Relationship between

the State (govt) & the religious groups.

~It separates the power of the State & religion.

~ Alexander Owics "*Secularism is a part of basic structure of the Indian Constitution & it means equal freedom & respect for all religion.*"

❖ **Socialist:-** refers to 'democratic socialism' (42nd Amendment in 1976)

~e.g. wealth should be shared equally by society through distributed justice.

~ not concentrated in the hands of few.

~Govt should regulate the ownership of land & industry to reduce socio-economic inequalities

• **Democratic :-**

- ~ Citizens elect their government.
- ~ “one man one vote”
- ~ right to vote (universal adult franchise).
- ~ refers to political as well as social & economic democracy.
- ~ every Indian (18 years & above) enjoys the right to vote irrespective of caste, creed, colour, sex, religion or race.

Republic :-

- ~ A country is governed by president & politicians elected by people & where there is no king or queen.
- ~ ‘Democratic republic’ means head of the State is elected directly or indirectly.
- ~ elected for a fixed tenure (duration).
- ~ post of the President of India is not hereditary.

- **Ideals of Preamble**

- ✓ **Justice:-**

i) Social justice:-

- ~ elimination of all forms of the society.
- ~ means absence of socially privileged classes.
- ~ safeguards for interests of backward classes & minorities
- ~ no discrimination against any citizens on grounds of caste, creed, colour, gender, or birth place etc.

ii) Economic justice:-

- ~ equitable distribution of wealth, economic equality etc.
- ~ decentralisation of economic resources.
- ~ securing the adequate opportunities to all for earning their living.
- ~ end of monopolistic control over means of production & distribution.
- ~no discrimination between man & woman on the basis of income, wealth & economic status.

iii) Political Justice:-

- ~ deals with legal aspects.
- ~ equal political rights to all without discrimination.
- ~ Constitution provides equal right & freedom to participate
- ~ it means equal, free & fair opportunities to all for participating in political process.

- ✓ **Liberty :-**

- ~ freedom of speech and expression

- ~ no unreasonable restrictions.
- ~ it does not mean freedom to do anything.
- ~ it must be exercised within the constitutional limits.
- ~ no restriction on the basis of gender, religious beliefs or social conditions

✓ **Equality**:-

- ~ irrespective of their religion, caste, creed, social position & gender.
- ~ In the eyes of law all are equal.

✓ **Fraternity** :-

- ~ it means 'brotherhood'
- ~ leaves no room for regionalism, communalism & casteism etc.
(hinders the unity of the State).
- ~ it embraces the **psychological** as well as **territorial dimensions** of National Integration.
- ~ sense of belonging with the country among its people
- ~ share & spread the feeling of brotherhood.
- ~ foster the feeling of unity & promote national integration.
- ~ India like diverse & multiple communities has its own importance.

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❖ **THE END**