



Evolution of Indian constitution

 [sanskritias.com/current-affairs/evolution-of-indian-constitution](https://www.youtube.com/watch?v=sanskritias.com/current-affairs/evolution-of-indian-constitution)



(Mains GS-2 : Indian Constitution—historical underpinnings, evolution, features, amendments, significant provisions and basic structure.)

Context:

- Constitution Day also known as 'Samvidhan Divas', is celebrated in our country on 26th November every year to commemorate the adoption of the Constitution of India.
- On 26th November 1949, the Constituent Assembly of India adopted the Constitution of India, which came into effect from 26th January 1950.

Culmination of long years:

This year **on 26th November**, the Government of India organized a grand event in the Central Hall of Parliament to remind citizens and to enlighten the younger generation of India about the historical background of the Constitution.

- The framing of the Constitution is not an isolated and accidental event rather It is the culmination of long years of the struggle for freedom which consumed a countless number of precious lives of ordinary Indians.
- The Indian National Congress, under the leadership of Pandit Jawaharlal Nehru, had demanded, in 1935, a Constituent Assembly to frame a Constitution for free India and the election to be held to the Assembly on the basis of adult franchise.

- As it happened, the Constituent Assembly came to be constituted 11 years later, in 1946, but the election was held on the basis of communal representation.

Adoption of constitution:

- The constitution of India was made by the constituent assembly of India which was under the cabinet mission plan of 1946.
- After almost three years of hard work, the Constitution was completed in November 1949 and was adopted by the Constituent Assembly on November 26.
- Although the Constitution was adopted and signed by the President of the Constituent Assembly, Dr. Rajendra Prasad, on that day, it was brought into effect only on January 26, 1950.
- This date was chosen because it was on this day in 1930 that the Indian National Congress under the presidentship of Nehru declared 'Poorna Swaraj' (complete independence) for India.
- Thus, the history of the Constitution is bound up with the history of the Congress and the freedom movement.

Nehru's contribution:

- Nehru's contribution to the making of the Constitution must be remembered as it was his Objectives Resolution which formed the Preamble of the Constitution which contained the philosophy, the vision and the goal of the Constitution.
- The ideas of liberty, equality and fraternity and freedom of speech, freedom of conscience, justice-social economic and political permeated the Indian Constitution under the influence of Nehru.

Choosing Dr. Ambedkar:

- Dr. B.R. Ambedkar is rightly remembered in the context of the Constitution as his contribution to the building and concretising of the concept of social equality in the Constitution is path changing for Indian society.
- Dr. Ambedkar became the Chairman of the drafting Committee and was an original thinker and a very perceptive social scientist who had a keen understanding of the terrible structural inadequacies of Hindu society and its philosophical pretensions.
- He radically differed with Gandhi on many crucial issues as he ridiculed civil disobedience, non-cooperation and Satyagraha and said "these methods are nothing but the grammar of anarchy and the sooner they are abandoned, the better for us".
- But the Constituent Assembly, which had an overwhelming majority of Congressmen, chose him as the Chairman of the drafting Committee.

- The great men who led the freedom movement and guided the making of the Constitution, had displayed tremendous foresight in choosing Dr. Ambedkar to draft the Constitution.

Legislature's accountability:

- Constitution Day cannot pass without making pontifical observations about the role and the responsibility of the different organs and their accountability.
- The Preamble of the Constitution begins with "We, the People of India". The people are the sovereign, and every organ of the state is ultimately accountable to them.
- In a parliamentary system with the Cabinet form of government, the Executive is accountable to the Legislature, because the Legislature consists of representatives of the people.
- Therefore, if the Legislature withdraws support to the government, it does not survive.

Judicial accountability:

- Recently, the question of how judicial accountability is dealt with by the Constitution raised by the present Chief Justice of India, N.V. Ramana.
- He said, "The framers of the Constitution made accountability an integral element with respect to the Legislature and Executive.
- However, they consciously decided to keep the Judiciary on [a] different pedestal."
- This is a lucid exposition of the constitutional position of the Judiciary *vis-à-vis* other organs of the state with respect to accountability.

A different pedestal:

- The Constitution does not impose the same burden of accountability on the Judiciary as the Executive and the Legislature.
- The mandate given to the Judiciary is to do justice to the people, and, therefore, the Constitution made it an independent institution answerable neither to the Executive nor to the Legislature in respect of its functions.
- Article 142 brings in the concept of complete justice. The top court, where all litigations terminate, is mandated to do complete justice.

Conclusion:

- The doctrine of 'basic structure' propounded by the Supreme Court in the Kesavananda Bharati case has in a way saved the Constitution from being mutilated.

- Thus, an independent judiciary which does not have to look over its shoulder is the pride of the Indian Republic and “We, the People of India” made it independent so that it does complete justice to us.