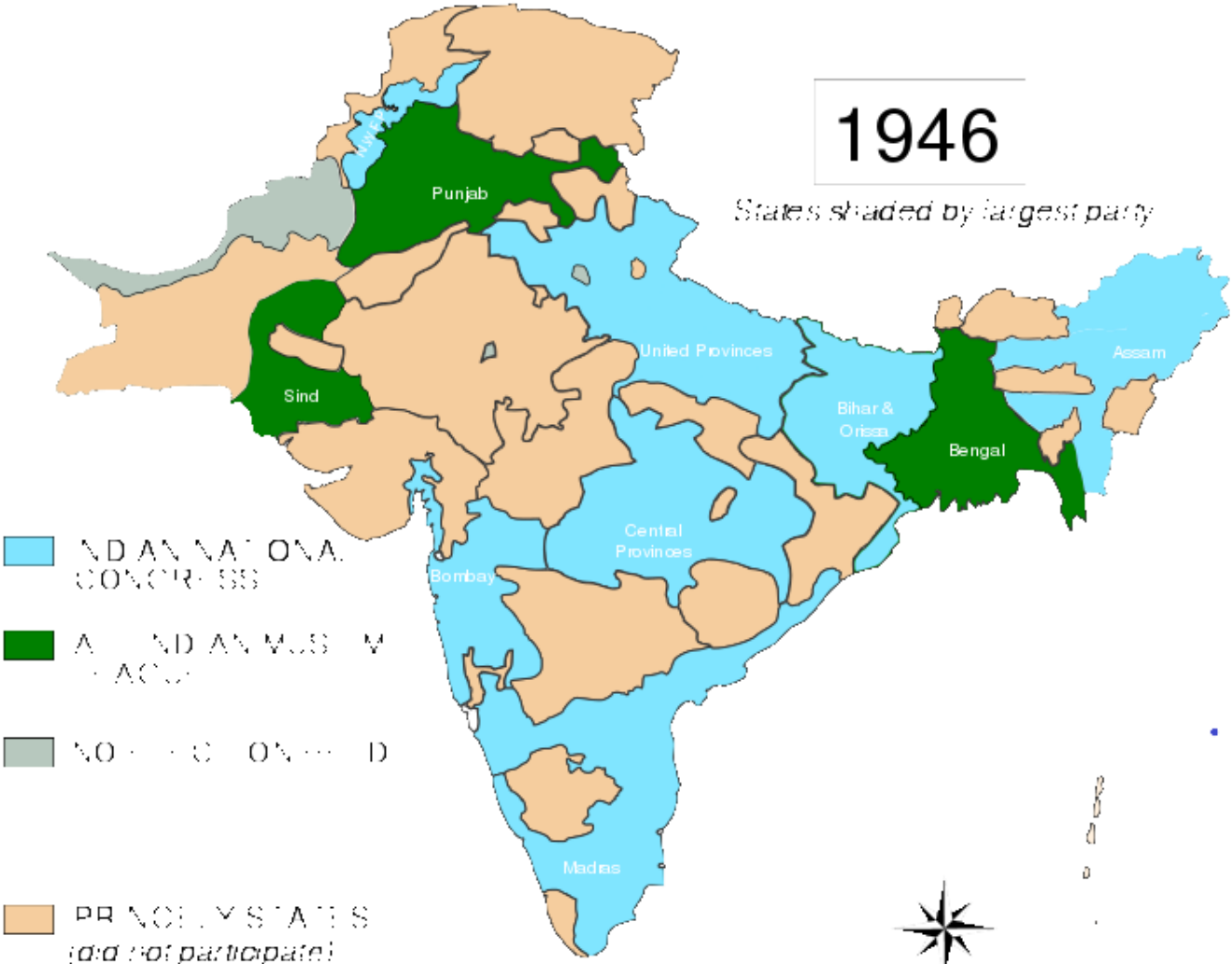


Conceptual Basis of the Constitution

WE, THE PEOPLE.....

1946

States shaded by largest party



INDIAN NATIONAL CONGRESS

ALL INDIA MUSLIM LEAGUE

NOT CONTESTED

PRINCELY STATES (did not participate)

Constituent Assembly

The limited franchise in the 1946 British-Ruled Provincial Assembly Elections was given to only **41 million** (14% of the total estimated population of 300 million).

While the British-ruled Provincial Assemblies elected **292 members** of the Federal Assembly, the Princely States sent **93** selected representatives, **4 members** represented the Chief Commissioners' Provinces.

Union of (Unequal) States

Former British Provinces – Part A

Princely State - Part B

Chief Commissioner's Provinces - Part C

Andaman and Nicobar - Part D

Temporary, Transitional and Special Provisions

Articles 370 and 371(a-i)

Ninth Schedule

1951

AFTER TERRITORIAL CONSOLIDATION OF THE PRINCIPAL
STATES AND FEDERAL INTEGRATION OF INDIA



STATES OF CHANGE

ANIMATED POLITICAL MAP OF INDIA

TELElive



Nothing New !

"We can adopt for ourselves any Constitution we like. **But the Constitution which we have drafted is a copy of the constitutions of Western countries.** There is nothing new in it ! For example, we believe in democracy. We feel it necessary to have adult franchise, which means, and therefore, our Constitution provides, that whether a person is illiterate or learned, a saint or a thief, a man of good character or a wicked man - the value of his vote is the same.." Rajendra Prasad

Character and Integrity

"Whatever the Constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. **That will depend upon the men who administer it.**If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. **If they are lacking in these, the Constitution cannot help the country.** After all, a Constitution, like a machine, is a lifeless thing. **It acquires life because of the men who control it and operate it and India needs today nothing more than a set of honest men who will have the interest of the country before them."**

Character and Knowledge,

“If we could devise some method by which knowledge and character - **and character even more than knowledge** - would be required of those who would be called upon to run the administration of the country, **we should make an original contribution to constitution making.**

But we have not been able to do so; **for our minds have been so influenced and molded by Western thought that we cannot see or grasp a non-Western idea or concept.** This is not our fault, but **the fault of the kind of education we have had.** ”

Character and Ability

We desire the good of the country. We desire that all its nationals should prosper. But does not this require both character and ability? **It that is so, we are making no specific provision for these in our Constitution because we do not find it in any constitution in the West.**

It is not possible to devise any yardstick for measuring the moral qualities of a man and **so long as that is not possible, our Constitution will remain defective.**

The other regret is that we have not been able to draw up our **first Constitution of a free Bharat in an Indian language.** The difficulties in both cases were practical and proved insurmountable.

Three Conceptual Issues

What is religion?

What binds us to the Creator?

or

What is transmitted by ancestors from generation to generation and binds us to our community?

Truth Claims?

False or True Religion?

What is the basis for Equality ?

Equality of Opportunity ?

Equality of Outcome ?

Equal under the Law

Should un-equals be treated equally?

Preferential treatment..who decides?

What is Secularism?

How to distinguish the secular from the religious?

What are “essential” religious practices?

Can the state take a neutral stand :

Between the religions?

Between sects of the same religion?

One of the main drivers of Western progress has been individualism, based on free will, competence, effort, and responsibility of the **individual**.

Indian tradition is based on status, deference, obligations and duties in order to maintain **social behaviour**.

To achieve the dominance of individualism we are dismantling the traditional behavioural patterns.

Ashoka on Dharma

Dhamma is good, but what constitutes Dhamma? (It includes) little evil, much good, kindness, generosity, truthfulness and purity.

This involves proper behaviour towards servants and employees, respect for teachers, restraint towards living beings, and generosity towards ascetics and Brahmans. These and other things constitute Dhamma.

Respect for mother and father is good, generosity to friends, acquaintances, relatives, Brahmans and ascetics is good, not killing living beings is good, moderation in spending and saving is good

Ashoka on Religion

There should be growth in the essentials of all religions... but all of them have as their root restraint in speech, that is, not praising one's own religion, or condemning the religion of others without good cause. And if there is cause for criticism, it should be done in a mild way.

But it is better to honour other religions for this reason. By so doing, one's own religion benefits, and so do other religions, while doing otherwise harms one's own religion and the religions of others. Whoever praises his own religion, due to excessive devotion, and condemns others only harms his own religion.

India that is Bharat