

AIR Spotlight - Various Facets of the Indian Constitution

AIR Spotlight is an insightful program featured daily on the All India Radio Newsonair. In this program, many eminent panellists discuss issues of importance which can be quite helpful in [IAS exam](#) preparation. In this article, a discussion on the various facets of the Indian Constitution.

Participants:

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Context:

Against the backdrop of the occasion of [Constitution Day](#), various facets of the Indian Constitution will be discussed in this article.

Background:

- The Constitution of India was framed by the Constituent Assembly that was set up under the [Cabinet Mission Plan](#) of 1946.
- The Constituent Assembly adopted the Constitution on 26th November 1949, a date that finds its mention in the Preamble of our Constitution.
- Due to the significance of this date, the government of India in 2015 decided to celebrate 26th November as the Constitution Day in order to appreciate the Constitution every year. It is important that we understand the context in which it was framed.

Read more about the [Constitution of India](#) in the linked article.

Some key facts:

- In 1935, the All India Congress Committee demanded the establishment of the constituent assembly so that the Constitution of Free India could be framed.
- The British government did not do anything at the beginning but, at the end of World War II, the government woke up and started thinking about the constituent assembly and the Constitution.
- They wanted to give the dominion status to India that was not acceptable to Indians. But finally, the constituent assembly was agreed upon and the constituent assembly elections were held.
 - The elections were conducted on the basis of communal representation and not on the adult franchise.
- Communal representation means entire India was divided into three: Muslims, Sikhs, and the General, and certain seats were allotted to each of these groups.
- Elections were held and the Congress Party got the maximum number of seats. The Muslim League under the leadership of Jinnah bagged the majority of the seats in the areas that had a Muslim majority.
 - But, the Muslim segment of the Constituent Assembly did not join the deliberations.

- There were altogether 399 members in the beginning but in the meantime, a lot of political developments took place in India and the Muslim League demanded the partition of India to have a separate nation, and finally, that happened in 1947.
- After that, the Constituent Assembly of India reduced in size and there were about 299 members.
- In the Constituent Assembly, certain committees were set up and the most important committee was the Drafting Committee that was headed by [Dr. B.R.Ambedkar](#). The entire drafting of the Constitution was done by the Drafting Committee but, the Preamble was drafted on the basis of the Objective Resolution that was moved by Pt. Jawahar Lal Nehru in the first meeting of the Constituent Assembly. Read more about the Preamble [here](#).
- The entire concept of free India became the basis of the Preamble of the Constitution. For example, concepts of Liberty, Equality, Fraternity, justice – social, economic, and political, and freedom of expression, freedom of speech, freedom of conscience, freedom of religion were there in the objective resolution.
- The Constituent Assembly took three years to complete the job and finally on 26th November 1949, the assembly adopted the Constitution. But, the Constitution was not brought into force that day, it came into force on 26th January 1950 and that day was declared as the Republic Day of India.

Also read: [Basic Structure Doctrine](#)

Federal Structure of the government:

- In the [1935 Government of India Act](#), the whole concept of the Federal Government was incorporated and it was meant to give India greater autonomy and provide the legislature more power of autonomy and allow the governments to be elected from the British Provinces.
- The Indian federation is different from the United States federation. In the US, states came into existence first and they federated. However, In India, it was not so. The Union was created first and then it was federated.
- In India, legislative power is divided between the centre and the states. However, the centre has overriding power over states under certain circumstances such as emergency provisions.
- Under certain circumstances, the central government can give directions to states and if states do not agree then the central government can invoke [Article 356](#) and take over the state administration (President's rule).
- This provision goes against the concept of federalism. That is why India is not considered a classical case of federalism. It is federalism in a loose sense.
- In the legislative sphere also, there is a concurrent list over which both centre and states can make laws and if the law made by states goes against the central law then central law will prevail over state law.
- In the US Constitution, residuary power resides with states, however, in India, it resides with the centre (Parliament).
- Through the 101st Constitutional Amendment Act, goods and services tax (GST) was introduced.
 - It is a cooperative mechanism between the centre and states to strengthen indirect taxation in India.

Also read: [AIR Spotlight – Cooperative and Competitive Federalism](#)

Electoral reforms:

- In India, the Election Commission of India (ECI), a constitutional body, is responsible for conducting elections on a regular basis in a free and fair manner.
- Electoral reforms are done by parliament through the Representation of People's Act (RPA) 1950 and 1951.
- RPA deals with the electoral rolls and RPA 1951 deals with all aspects of elections related to Parliament, state legislatures, president, and vice president.
- Various reforms have been done in election rules from time to time.

Relation between Executive, Judiciary, and Legislature:

- The Constitution talks about the [separation of powers](#) (Article 50).
- The Indian system doesn't follow a strict separation of powers. Here executives are drawn from the legislature. Executives are responsible to the legislature.
- Judiciary has an independent role. It oversees the constitutional validity of laws.
- It also puts checks on executives.
- The Judiciary is responsible for upholding the Constitution and protecting the rights of people.

Conclusion:

- The Constitution of India has stood the test of time.
- It can be amended as per the demands of time through a comparatively easy process.
- New challenges have come over the years and the Constitution has adapted to it while protecting its core values at the same time.

Read more Gist of AIR Spotlight [here](#).