

9. Aspects of Indian Constitution - M.C.Chagla

Our constitution was drafted after a revolution. However bloodless the revolution was, however easily England surrendered a dominion, it cannot be disputed that it was a revolution which ultimately brought about this Constitution, and always the danger of a violent reaction against the past and a dangerous desire for innovation. It is very fortunate indeed that our Constitution has really worked on the foundation of the past, it has preserved all the good things of the past, and with regard to the future it has really provided various measures whereby the welfare of the people can be brought about.

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A constitution can be judged by this consideration: Does it make provision for political and financial stability? Has it got the potentiality of giving to the people their rights and of making progress possible and giving to the common man social justice? We must say that our Constitution has stood the test very well and we are fully justified in congratulating the members of the Constituent Assembly who were responsible for giving us this Constitution.

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To my mind the two most important aspects of the Constitution are that it sets up a Democratic and a Secular State. The democratic form of Government requires that ultimately the popular will must prevail. It is impossible for people directly to govern themselves and therefore the system of representative Government is divided, and as you know our representative institutions are based upon Adult Suffrage. Even in representative institutions you may have one of two forms. You may have a responsible Government as in England, or you may have an irremovable executive as in the United States, and looking to our past history we selected the responsible form of Government.

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Therefore it is only so long as our executive has the confidence of the legislature that it can remain in power. In America there is a sharp divorce between the legislature and the executive, and whether the legislature has confidence in the executive or not, the executive continuous in office for the period stated in the American Constitution. One result of a responsible Government and a removable executive is the party system, a system which has been worked almost to its perfection in England. People are apt to forget, and we often forget in our country, that the successful working of democratic institutions as the party in power.

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Let us not forget that in England the leader of the opposition is actually paid by his Majesty. England recognizes the importance of the office of the leader of the opposition, and his importance is second to that of the Prime Minister. England recognizes the fact that unless the measures brought about by Government from time to time before the legislature are criticized and criticized properly and effectively, the working of Democracy would become impossible; and therefore I wish to impress upon you how important it is that we should realise the necessity and the desirability of having proper oppositions in the legislatures.

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It is not enough to my mind that you have a democratic form of Government, a democracy, merely in its form and trappings. What is essential for us and for our country, if we are going successfully to work the democratic institution, is that we must have the democratic spirit, Now, what is the democratic spirit? In the first place the democratic spirit is the spirit which recognizes the value and importance of an individual. To a democrat every human soul has the same value in the eye of the law. To a democrat every man has the right, subject to proper reservations, to experiment with his own life. To every democrat tolerance and understanding are greater and more important qualities than anything else. A democrat is always conscious of human fallibility.

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He must always understand and appreciate the other man's point of view. You must always pull himself up by saying, "I may be wrong and he may be right", and that is why it is said that Democracy is a form of Government by discussion and debate, and discussion and debate is not possible or cannot yield fruitful results unless you have these qualities of tolerance and understanding. There is another very important aspect of Democracy and that is the critical spirit. Unless you have criticism, strong, powerful, and consistent, democracy cannot work because do not forget that there is a greater danger of Democracy degenerating into Dictatorship which degenerates from Democracy is a worse form of Government than a Dictatorship which is not elevated by popular support.

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A Dictator who has the people behind him is capable of doing infinitely more harm to the country than a Dictator raised to power without support. Take the case of Hitler. He had the German votes, he had the German majority, he could say to the world that the German nation was behind him, and therefore he did incalculable harm not only to his own country but to the world.

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I wish to impress upon you never to give up hope that because you are not in power, because you cannot put into effect your policies, therefore you have no role to play in society. Your function is very important and very responsible, and that is the function of criticism. I am afraid we have not yet succeeded in regulating and organizing public criticism. In England every man feels he has a right to express his opinion. On any important topic if he feels something is wrong, he would sit down at the table and write a letter to the London Times so that the whole country can read what his idea is. Here there is a sense of defeatism, a sense of frustration, and many people say, "If this is wrong what can I do?" That I beg of you to remember, is entirely contrary to the democratic spirit.

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Whatever else happens, we must not lose our faculty of criticism, a faculty which should be exercised through the press, on the platform, and in every legitimate manner. Criticism does not mean vituperation; it does not mean abuse; it does not mean attributing motives, criticism means putting before the country a point of view different from the point of view which is officially put forward. As I said before, on most questions there are two points or more. There are very few subjects under the sun about which it could be said that only one view is right and therefore the function of the citizen, and especially the function of an organization like this, a powerful organization, is to mould and to enforce the democratic right of criticism and to see that that faculty does not become dead.

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The other aspects of our Constitution, to which I attach the greatest importance, is that our Constitution sets up a Secular State. In our country we have no official religion. In class, his community, and his race, can look forward to any office and can enjoy the same right as anybody else does. We have no two classes of citizenship. We have no ghettos in our country where we shut up people and deny them rights of citizenship. We have equality before the law, and it is not merely a theoretical equality, it is a practical equality which is enforced by Courts of Law. Just as in the case of a Democratic State you need a democratic spirit. No institutions can be worked merely by the letter.

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You need the spirit which inspires those institutions and if we really believe that our country should remain a Secular State, we ought to have the secular spirit and the secular outlook, and that spirit and that outlook to my mind is the belief that one's religion should not intrude in matters which are public or political or civic. It is true that religion is an entirely intimate and sacred matter between oneself and one's God, but when you are dealing with public affairs, with civic matters, and with questions of policy, your approach should be as an Indian and not as a member of any particular community. A friend of mine once told me – perhaps he was too harsh in his criticism – that the trouble with India was that there were so few Indians in this country.

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You realize the force of the conclusion or at least what the speaker was intending to convey. We are so many Hindus, Muslims, Parsis, Christians, we are so many Gujaratis and Deccanis; but what is important is that we should look upon ourselves primarily as Indians and citizens of India.

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That brings me to another important aspect of the Constitution and a problem which is facing our country today, and that problem I would describe as the problem of regionalism. I hope I am not exaggerating, but I think There is no greater danger which is facing us in our country today than the danger of regionalism. Regionalism I would define as a loyalty to a region, a devotion to a region, so strong and so powerful that it overlooks and ignores the loyalty and the devotion which must first and primarily go to one's country. If my devotion to the region in which I live is so great that I am prepared to do things for that region which may prejudice the interests of my country at large, then I am guilty of a frame of mind which is entirely incompatible with united India and the unity of India.

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Let us see how our Constitution has tackled this problem. India is a union of States and our Constitution is really a Federal Constitution, but it is a Federal Constitution with some very peculiar characteristics. Those who framed our Constitution were not aware of a very important historical fact that throughout our history it is our fissiparous tendencies which have been responsible for the loss of our freedom. Look down the pages of Indian history, see how often we have been disunited, see how often the interest of a region has gone against the interest of the country, and the framers of our Constitution rightly felt that if the freedom which we have achieved was to be made secure and was not to be lost, it was essential that the unity of India should be preserved and that the sense of Indian-ness should be preserved and increased.

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It is for this reason that there are some important features in the Constitution to which I shall briefly draw your attention. Now, unlike America, which is also a federation, we have no two kinds of citizenship – the Federal and the Union. There is only one citizenship in India. We have no different sets of Courts of law- Federal and State. Our Judiciary is one and it is an integrated one. Then we have devised the system, which is common to most Federations, of having separate subjects, different lists of subjects which can be legislated upon by Parliament and the State both together, and therefore, you will find in our Constitution a List of Union Subjects. But then again the important provision is that whatever is left out, whatever is the residuary, goes to the Union.

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Q. (1) Answer the following questions: -

(1) What is the danger when a country drafts a constitution after a revolution?

Answer: When a country drafts a constitution after a revolution it creates a dangerous desire for some innovation.

(2) By which consideration should a constitution be judged?

Answer: A constitution should be judged by the consideration whether it makes the provision for political, financial and social stability.

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Q. (1) Answer the following questions: -

(3) Which are the two most important aspects of Indian Constitution?

Answer: The two most important aspects of Indian Constitution are* Democratic Government and Secularism. (*Democracy and Secularism)

(4) What sort of executive is there in the United States?

Answer: In the United States there is an irremovable Executive which is separated from the Legislature.

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Q. (1) Answer the following questions: -

(5) Which system has been worked almost to its perfection in England?

Answer: The Party System has been worked almost to its perfection in England.

(6) Who pays the leader of the opposition in England?

Answer: His Majesty pays the leader of the opposition in England.

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Q. (1) Answer the following questions: -

(7) Of which fallibility is a democrat always conscious?

Answer: A democrat is always conscious of human fallibility that I am the best. He must always understand and appreciate the other man's point of view.

(8) Which action is capable of doing infinitely more harm to Government?

Answer: A Dictator who has the people behind him is capable of doing infinitely more harm to Government than a Dictator raised to power without support.

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Q. (1) Answer the following questions: -

(9) Why do people in India say, "If this is wrong what can I do"?

Answer: People in India say, "If this is wrong what can I do" because they don't know the power and function of criticism.

(10) Have we, in India, two classes of citizenship?

Answer: No, we don't have, in India, two classes of citizenship.

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Q. (1) Answer the following questions: -

(11) What should be our approach when we are dealing with public affairs?

Answer: When we are dealing with public affairs, our approach should be secular and we must feel like an Indian and not of a particular community or class.

(12) Define regionalism?

Answer: Loyalty towards a region is regionalism, and it is just like devotion to the region and sometimes it becomes antinational.

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Q. (1) Answer the following questions: -

(13) What sort of judiciary have we in India?

Answer: We have one and it is an integrated judiciary in India.

(14) To which authority do the residuary powers in India belong?

Answer: The residuary powers in India belong to the Union.

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Q. (2) Tell whether the following statements are 'true' or 'false': -

- (a) Indian Constitution was drafted after a revolution.
(True)
- (b) The revolution which brought India freedom was a bloody one. (False)
- (c) India selected the responsible form of government as in England. (True)
- (d) Party system has been worked almost to its perfection in England. (True)
- (e) A democrat is never conscious of human fallibility.
(False)

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Q. (2) Tell whether the following statements are 'true' or 'false': -

- (f) Democracy can work only when you have strong, powerful and consistent criticism. (True)
- (g) Indians have succeeded in regulating and organizing public criticism. (False)
- (h) Criticism does not mean putting before the country a point of view which is officially put forward. ((False)
- (i) Our Constitution sets up a Secular State. (True)
- (j) Regionalism is loyalty to a region. (True)

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Q. (3) Complete the following sentences: -

- (a) When a country drafts a constitution after a revolution there is always a danger of violent reaction.
- (b) We are fully justified in congratulating the members of the Constituent Assembly because they have given us the Constitution.
- (c) The two most important aspects of the Indian Constitution are democracy and secularism.
- (d) Our representative institutions are based on the English pattern.
- (e) In America there is a sharp divorce between the Executive and the Legislature.

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Q. (3) Complete the following sentences: -

(f) An opposition is essential to the successful working of democratic institution as the party in power.

(g) Unless the measures brought about by government before the legislature are criticized properly and effectively the working of democracy would be impossible.

(h) Democratic spirit is the spirit which recognizes the value and importance of an individual.

(i) To a democrat every human soul has the same value before law.

(j) A democrat is always conscious of human fallibility.

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Q. (3) Complete the following sentences: -

(k) A dictator who has the people behind him is capable of doing infinitely more harm to the country than a dictator raised to power without people's support.

(l) We have not yet succeeded in regulating and organizing public criticism.

(m) In our country we have no official religion.

(n) We should look upon ourselves primarily as Indians and citizens of India.

(o) India is a union of states.

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VOCABULARY

Q. (1) Use the following phrases in sentences of your own:

d. So long as = tc rd dh

So long as I am here you should not worry about English.

e. Pull (somebody) up = [khapuk

Seniors should not pull up their juniors in the college.

f. Look forward to = vkxs ns[kuk

I am looking forward to a job. (government's advantage)

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VOCABULARY

Q. (1) Use the following phrases in sentences of your own: -

a. Brought about =
gks

Electricity brought about progress in India.

b. Make provision for =

The government should make provision for poor.

c. Set up =

Ambani set a big industry.

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VOCABULARY

Q. (2) Match the words: -

A

B

- | | |
|------------------|---|
| 1. Revolution | a. right to vote |
| 2. Innovation | b. a complete and forcible overthrow of an established government |
| 3. Suffrage | c. introduce something new |
| 4. Recognize | d. accept |
| 5. Conscious | e. very great |
| 6. Incalculable | f. fully aware |
| 7. Fallibility | g. liable to err |
| 8. Degenerate | h. violent condemnation |
| 9. Vituperation | i. incapable of existing together in harmony |
| 10. Incompatible | j. decline |

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VOICE

Active – IØh;

Passive – fu'Øh;

Subject + Helping Verb + Verb + Object

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VOICE

1. Object is made Subject
2. Helping verb is used:
 - a. Present Tense – is, are, am
 - b. Past Tense – was, were
 - c. Perfect Tense (has, have, had) - +been
 - d. will, shall, would, should, can, could, may, might, must - +be
 - e. Verb+ing – after 2nd step 'being' is used.

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VOICE

3. III form (Past Participle) of the Main Verb is used.

4. by is used

5. Subject is made Object

I play football. (AV)

Football is played by me. (PV)

1 2 3 4 5

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VOICE

He sings a song. (AV)

A song is sung by him. (PV)

1 2 3 4 5

Sita is reading a book.

A book is being read by Sita.

Mohan has bought a car.

A car has been bought by Mohan.

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VOICE

They watched a movie.

A movie was watched by them.

We must follow all the instructions.

All the instructions must be followed by us.

1

2

3

4

5

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The hunter kills the tiger.

The tiger is killed by the hunter.

1 2 3 4 5

We completed the work.

The work was completed by us.

The principal was distribut**ing** the prizes.

The prizes were being distributed by the principal.

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Rewrite the sentences in the passive voice.

1. Bulldozers remove the top soil.

The top soil is removed by bulldozers.

2. **They invited Tanuja** to deliver a speech.

Tanuja was invited by them to deliver a speech

1 2 3 4 5

4. The students are **decorating** the college hall.

The college hall is **being** decorated by the students.

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Rewrite the sentences in the passive voice.

5. The police are investigating **the murder of the village sarpanch.**

The murder of the village sarpanch is being investigated by the police.

12. The judge has sentenced **the man** to six months' rigorous imprisonment.

The man has been sentenced by the judge to six months' rigorous imprisonment.

boy's = of boy

boys' = of boys

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Rewrite the sentences in the passive voice.

19. He had sent the message before we received the telegram.

The message had been sent by him before the telegram was received by us.

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Rewrite the sentences in the passive voice.

3. Somebody stole the typewriter from the office.

The typewriter was stolen from the office.

Somebody, someone, anyone, anybody,
everyone, everybody, people _Subject

~~—4th & 5th~~

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Rewrite the sentences in the passive voice.

6. People speak Hindi in India.

Hindi is spoken in India.

6. People blame the government for everything.

The government is blamed for everything.

7. Someone broke the rear mirror of my car.

The rear mirror of my car was broken.

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Rewrite the sentences in the passive voice.

16. People have praised his work.

His work has been praised.

8. The engineers were repairing the dam last week.

The dam was being repaired by the engineers last week.

13. The workers have decorated the marriage pandal very beautifully.

The marriage pandal has been decorated by the workers very beautifully.

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Rewrite the sentences in the passive voice.

14. **The robbers had looted the village** before **the police could arrive**.

The village had been looted by the robbers before the police could arrive.

15. When we reached the college, **the chief guest had delivered the inaugural speech**.

When we reached the college, the inaugural speech had been delivered by the chief guest.

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Rewrite the sentences in the passive voice.

Interrogative Sentences

Yes/No – Helping verbs (beginning of the sentences)

You are going.

Are you going?

Yes, I am going.

No, I am not going.

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Rewrite the sentences in the passive voice.

Interrogative Sentences

Wh- – Wh- words + Helping verbs (beginning of the sentences)

Where, why, how, when, what, who, whose.....etc.

You are going.

Where are you going?

I am going to the college.

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Rewrite the sentences in the passive voice.

Interrogative Sentences

9. **How can** we serve the people?

How can the people be served by us?

10. **Should** you not tell the police about it?

Should the police not be told by you about it?

1

2

3

4

5

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Rewrite the sentences in the passive voice.

Interrogative Sentences

What did the members of the Interviewing Committee ask you at the interview?

What were you asked by the members of the

2 1 3 4 5

Interviewing Committee at the interview?

~~vkLdM~~

vkLV

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Rewrite the sentences in the passive voice.

Interrogative Sentences

~~What did he say?~~

Say – Intransitive vdeZd (without object)

What did he say to me?

~~What was I said by him?~~

2 1 3 4 5

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Rewrite the sentences in the passive voice.

Interrogative Sentences

Who taught you English?

You were taught English by whom?

1

2

3

4

5

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Rewrite the sentences in the passive voice.

Imperative Sentences: -

~~4th & 5th~~

~~By + subject to be changed into object~~

Because subject is not present.

Open the door.

Let the door be opened.

0 1 2 3

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Rewrite the sentences in the passive voice.

Imperative Sentences: -

Make these announcements.

Let these announcements be made.

0 1 2 3

Bring a glass of water.

Let a glass of water be brought.

0 1 2 3

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Rewrite the sentences in the passive voice.

I. The head master read the annual report.

The annual report was read by the head master.

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I. Rewrite the sentences in the passive voice.

a. Five hundred gram sevaks gave up their government jobs.

Their government jobs were given up by five hundred gram sevaks.

b. Someone is following us.

We are being followed.

d. We know **that the earth is not oval**. (Noun Clause used as object)

It is known by us that the earth is not oval.

e. Passive Voice.

f. Passive Voice

g. Open the door.

h. Make these announcements.

i. Can you speak English?

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I. Rewrite the sentences in the passive voice.

i. Can you speak English?

Can English be spoken by you?

1 2 3 4 5

j. Passive Voice

k. Passive Voice

l. Done

m. Passive Voice

n. Passive Voice

o. The inspector did not examine the finger prints.

Subject

verb

object

The finger prints were not examined by the inspector.

1 2 3 4 5

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Q. (III) Change the voice of the following questions

(a) The government calleded out the army to control the riots.

The army was called out by the government to

1 2 3 4 5

control the riots.

(b) Someone has stolen my wristwatch.

My wristwatch has been stolen.

(c) X

(d) What did the members of the Interviewing Committee ask you at the interview?

W

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Q. (III) Change the voice of the following questions

(d) **What did** the members of the Interviewing Committee ask you at the interview?

What were you asked by the members of the Interviewing Committee at the interview?

(e) Passive Voice

(f) Passive Voice

(g) Gandhi gave a signal to the nation.

(g) A signal was given by Gandhi to the nation.

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Q. (III) Change the voice of the following questions

(h) Gandhi broke the British Salt Law.

The British Salt Law was broken by Gandhi.

(i) X

(j) **Someone provided a horse for Gandhi**, but **he never used it**.

A horse was provided for Gandhi, but it was never used by him.

(k) Subhash Chandra Bose compared the Salt March to Napoleon's march to Paris.

The Salt March was compared by Subhash Chandra Bose to Napoleon's march to Paris.

(l) Three hundred headmen gave up their government jobs.

(m) Passive Voice

(n) Someone is following us.

(o) He likes people to call him 'sir'.

They found her guilty of murder. (Active)

She was found by them guilty of murder. (Passive)

1 2 3 4 5

I play football. (Active)

Football is played by me. (Passive)

Animals cannot make tools.

Tools cannot be made by animals.

1 2 3 4 5

He will finish the work in about a week's time.

The work will be finished by him in about a week's time.

1 2 3 4 5

Students are decorating the hall.

The hall is being decorated by students.

1 2 3 4 5

The work will be finished by him in about a week's time.

1 2 3 4 5

They kept us waiting.

We were kept by them waiting.

1 2 3 4 5

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Q. (III) Change the voice of the following question: -

Passive Voice

Is/are/am/was/were/be/been – Verb III form (Verb esa ing ugha yxk gS½

Active Voice

Is/are/am/was/were/be/been – Verb ing

The original has **been** destroyed.

The door must **be kept** shut.