

The Climate of Constitutional Development in India: An Analytical Study on Constitution and Constitutionalism

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The design of a constitution-making process can play an important role in developing countries and their capacity transition. Constitution-making after the conflict is an opportunity to create a common vision of the future of a state and a road map on how to get there. The constitution can be partly a peace agreement and partly a framework setting up the rules by which the new democracy will operate. Yet, an ideal constitution-making process can accomplish several things, for example, it can drive the transformative process from conflict to peace, seek to transform the society from one that resorts to violence to one that resorts to political means to resolve conflict, and/or shape the governance framework that actually will regulate access to power and resources - all key reasons for conflict and more than else, it must also put in place mechanisms and institutions through which future conflict in the society can be managed without a return to violence. Thus, in spite of occasional challenges, the constitution of India has been able to keep itself working with a surprising degree of adaptability to changing circumstances. The pronounced circumstance actually arose from the long struggle between the alien power and the native subjects, or more sophisticatedly saying, between the alien powers allies and the toiling masses supported and sustained by a large body of intellectuals and political leaders. Thus, through Constituent Assembly the draftsmen eventually work out in compromise and reconciliations between the different segments of conflicting interests and drawing up the constitution.

Nonetheless, the Indian Constitution came into force on 26th January 1950, but before 1950, the Indian constitution began its journey many years ago and has continued unabated since. As above said, its commencing lie deeply rooted in the struggle for Independence from colonial bondage and in the movements for responsible and constitutional government in the princely states. It is needless to say that 'more than passing the resolution on the need for, or framing proposals for constitutional reform the heart of the national movement's contribution lay its

concrete political practice'.¹ In this juncture, Gandhi categorically said that imperial administration did not lead into any constitutional reforms on their own enterprises except always in delayed and unenthusiastic response to sustained native nationalist strain, therefore, 'Indians must shape their own destiny, that only in the hands of Indians could India become herself'.²

But the question arises here what is mean by a constitution? And, how the word 'constitutionalism' relate to the word 'constitution'? Similarly, in which way Constituent Assembly plays an important role in the making of a constitution? In general understanding, constitutionalism is a body of normative thought that seeks to realize by means of institutional arrangements and the dominant political values of the country. Such values are never static, but generally, it may be said that constitutionalism stands for the principles that reflect political power which should be bound by prescribed law and regulations and lay down the procedures and determined the validity of the legislative and executive actions. In this respect, constitutionalism then as a branch of study which is concerned only with the theory and practice of the constitutional governments based on 'rule by law' and not by any individual aspirations. Thus, it essentially shows a two-fold relationship between the government and the citizen on the one hand, and on the other, the relationship between one authority to another within the governmental structure. Therefore, it calls for the build-in device for addressing the whole issue in the following points:

- (i) Gives a general direction about the nature of government;
- (ii) Seeks to explain the relationship between the governing class and the governed population; and
- (iii) Explain the source of authority.

Thus, the constitution of a country not only specifies the institutional form but also reflects the idea and aspiration of a nation itself. In the other words, it may be said that constitutions in this context are regarded as the vehicle for social revolution.

Yet, it is not out of context to refer here the philosophical and theoretical explanation of the idea of 'constitution' and 'constitutionalism' for proper

understanding. In the following sections, we may be trying to explain how much these words important to judge one counties 'social revolution'.

II

The history of political thought represents the growth and extension of a set of values, such as justice, liberty, equality and sanctity of property. The implications of which have been scrutinized and debated down through the centuries; but just as important are the history of the debates about the institutional structures and their procedural engineering which are mandatory if these values are to be realized in practice, and reconciled with each other. It is important to note that these values are neither particularly self-executing nor universally accepted in all the societies or their implications by any means so clear and unambiguous that the course to be followed in particular circumstances is self-apparent.

Nevertheless, it is generally accepted that these values are actually encumbered with inherent contradictions of their nature. The clash of interests to be found in the real world is so sharp that the nature of the governmental structures through which decisions are arrived at is critically important for the actual content of these decisions. Therefore, since the classics, a continuous concern with the articulation of the institutions of the political system, and with the extent to which they have promoted those values that are considered central to the 'polity'.³ The institutional theories are actually concerned with the problem of ensuring that the exercise of governmental power should be controlled in such a way that it should not itself be destructive of values it was intended to encourage. As a result, exponents of constitutionalism, in contrast, either to theorists of utopianism, or of absolutism, of the right or the left, has been the frank acknowledgment of the role of government in society, linked with the determination to bring that government under control and to place limits on the exercise of its power.⁴

Yet, of the theories of government that have attempted to provide a solution to this dilemma, the theory of constitutionalism has been the most significant both intellectually and in terms of its influence upon institutional structures which actually stands alongside the concept of representative government – as the major support for systems of government which is labeled 'constitutional'. Therefore, the study of constitutionalism occupies a significant place in the sphere of

political discourses in view of the fact that it is the constitution that as Dicey said directly or indirectly affects the exercise of the sovereign power of the state.⁵

If absolute power were in the hands of the people, or their representatives, then it could be stripped of its associations with arbitrary government and formed into an instrument of democratic power. If the franchise could be restricted to those with a stake in the community then the idea of an unlimited, indivisible sovereign power becomes for the liberal individualist not a threat, but a safeguard. It actually extended by the hands of Bentham and Austin, not a means of arbitrary rule but an instrument for the reform of government which would increase the freedom for the individuals. Therefore, the history of constitutionalism is the untrammelled quest for limitation of the absolute power to be exercised by the power holders supported by moral legitimation of authority as reflected in the consent of the power-addressees and their active participation in the political process.⁶ Constitutionalism, then as a branch of study, is concerned with the theory and practice institutional governments with instrumentalization of constitutional makeup. It is in fact based on the assumption that not all states are 'constitutional regimes', for in the constitutional state there must be sets of rules which effectively restrains the exercise of government power. 'Constitutionalism' consists in the advocacy of certain types of institutional arrangements, on the ground that certain ends will be achieved in this way, and therefore, introduced normative components.

However, these normative components are based upon the belief that there are certain confirmable affairs between given types of institutional arrangements and the safeguarding of these important values. Thus, on the one side, the constitutional theory has to fight back with the problems of the existence of nominal or facade constitutions, and on the other with the assumptions implied in the extreme account of the modern behaviourist approach, which with its emphasis upon formal processes, tends to suggest that formal structures have little or no significance.⁷ Therefore, it is the type of theory that is basically empirical, hitherto which overtly recognizes the importance of certain values and of the means by which they can be protected.

Yet, as the conceptual understanding, the essence of constitutionalism rests in the limitations which are imposed on the organs of government as well as in a certain amount of diffusion of power. It is predicated upon the presence of effective restraints on political and governmental action. The constitutional government, therefore, is a government by limitations, both in terms of procedural and substantive. Under this government, as Andrews observes, power is proscribed and procedure prescribed.⁸ It generally engages rules of political procedure and jurisdiction, rules which regulate what decisions may be made and what authorities have powers of actions in contextual circumstances. In this way, constitutionalism actually hinges on a dual-mode of relational operation, such as the relationship between the government and the citizens on the one hand, and the relationship between one authority and another within the governmental structure on the other.⁹

Consequently, it is essentially based upon the doctrine of shared power which more often than not exists when several independent power holders or different organs of the state machinery take part in the game of political power and vis-à-vis formation of the will of the state accordingly. As political power is shared, its exercise is necessarily controlled. It also is remembered that the reciprocal interdependence of different power holders cannot be symmetrical and perfectly matched. Different patterns of government within the political system of constitutionalism are distinguished on the basis of weights that the constitution and the actual political process assign to the various power holders.¹⁰ For example, under the American presidential government and parliament are practically autonomous though constitutionally required to cooperate, i.e. interdependence by coordination. Under the technique of shared and, therefore, controlled power, an open circuit is established within which competitive ideologies and social forces promoting them have free play.¹¹

Thus, informal expression it means the principle that the exercise of political power shall be bounded by rules that actually determine the validity of legislative and as well as executive actions, and the procedure according to which it must be performed will be prescribed. For instance, these rules may be as in Britain, mere conventional norms, or in India, provide a direction or prohibitions set down in a

justiciable constitution; therefore, constitutionalism in this perspective, as a living reality which in fact restrain the arbitrary exercise of power and to that extent permit significant scope for the satisfaction of the individual liberty.

Thus, any constitutional government is predicated upon certain theoretical attributes such as; is characterized by a division of power. In a constitutional government, no person actually has the authority to exercise all kinds of governmental power in different sorts of situations. Secondly, constitutional government involves the general acceptance of the plurality of interest articulation in a society. Thirdly, no single organized institution can be monopolized authoritative leadership in society and last, but not in the list, such a system of government seeks to minimize governmental constrain over individual freedom and liberties.¹² Therefore, it is the untrammled quest for the limitations of the inclusive implementation of power certain built-in devices are sought to be integrated into the constitution of the country. Karl Loewenstein appropriately observed that “the ethos of any constitution in the ontological sense must be seen in the articulation of devices for the limitation and control of political power”.¹³

Indeed, according to Loewenstein following are the most important functional principles of constitutionalism that generally build the foundation of any constitution, these are: (i) differentiation of state functions and their assignment to different state organs or political structures for the sake of dispersal of power, (ii) planned mechanism, such as checks and balances as the American political system reflects, for achieving cooperation among several power-holders, (iii) mechanism for avoiding fictions and deadlocks between or among two or more power holders, (iv) a method to adjust the constitution peacefully to changing socio-political conditions for avoiding illegality, violence and revolution and (v) incorporation of fundamental liberties and freedoms, coupled with the means of protecting them.¹⁴

III

To understand the idea of constitutionalism, now we move to the term ‘constitution’. The very term ‘constitution’ has acquired its modern meaning in English, in the course of the evolution of the English legal terminology. The Latin

term 'constitutio' meant the very opposite of what is now understood by 'constitution'.¹⁵ A 'constitutio' was an enactment; later, after the second century, the plural form 'constitutiones' came to mean a collection of laws enacted by the sovereign; and subsequently the Church also adopted the term for canonical law. Thus, the terms, 'constitutio' and 'constitutiones' were not frequently used, however, by the English medieval glossators. This explains why, in the course of time, the word constitution become a 'vacant term', that is to say, a term available for new employment in English and not in those languages which had retained the Roman legal terminology.¹⁶

Hence, A constitution 'may be said to be a collection of principles according to which the powers of the government, the rights of the governed, and the relations between the two are adjusted'.¹⁷ In other words, it is supposed to be described as 'a frame of a political society organized through and by law, in which law has established permanent institutions with recognized functions and definite rights'.¹⁸ According to Where "the word 'constitution' is commonly used in at least two senses in an ordinary discussion of political affairs. First of all, it is used to describe the whole system of a government of a country, the collection of rules which establish and regulate or govern the government. These rules are partly legal, in the sense, that the courts of law will recognize and apply them, and partly non-legal or extra-legal, taking the form of usages, understandings, customs, or conventions which courts do not recognize as law but which are not less effective in regulating the government than the rules of law strictly called. In most countries of the world, the system of government is composed of this mixture of legal and non-legal rules and it is possible to speak of this collection of rules as the 'constitution'.¹⁹

The constitution of a country 'may be a deliberate creation on paper effected by some assembly or convention at a particular time; it may be found in the shape of a document that has altered in response to the requirements of the time and age; it may also be a bundle of separate laws assuming special sanctity of being the fundamental law of the land; or again, it may be that the bases of a constitution are fixed in one or few fundamental laws of the land, while the rest of it depends for its authority upon the force of the custom'.²⁰ Nonetheless, most of the

constitutions 'is a selection of the legal rules which govern the government of that country and which have been embodied in a document'.²¹

Although the constitution refers to a frame of political society prearranged through and by means of law and in which law has established permanent institutions with acknowledged functionaries and definite rights, a constitutional state therefore, 'is one in which the powers of the government, the rights of the governed and the relations between the two are adjusted'.²² Since, power as the core element of modern political analysis, in this respect, the conceptualization of constitution is based upon the entirety of political-institutional development for the legitimate and effective exercise of political power. To Finer, the state is a human grouping in which rules a certain power relationship between its individual and associated constitutions. This power relationship however is embodied in the political institution.²³

While classical constitutional writers sought to look upon a constitution in terms of the institutional organized of the political system, the modern writers concentrate on the basic purpose which is the limitation and restraint on, and the control of, political power. For that reason, the normative aspect is very clearly discernible in this thinking and such a constitution is the hallmark of a democratic constitutional political system.²⁴ Therefore, Neumann has correctly sensible that all states have constitutions but all states do not observe constitutionalism. There are autocratic, despotic states where the constitution is utilized as a convenient screen, a camouflage or a façade to perpetuate the exploitation of the power addressees by the power holders. In such systems, the constitution serves pseudo-constitutional purposes by guiding political action through channels desired by the autocrat or the despot. In such cases, the constitution fulfills the procedural formalities without articulating genuine restrictions.²⁵

Paradoxically, "constitution may also perform the function of a national symbol, or may even articulate the ideals and aspirations of a people. These are programmatic constitutions which act as the vehicles for social revolution and social renaissance or even for political development and modernization".²⁶ Hence, for the appropriate assessment of constitution, it is very important to select a tool of classification, though the methods of such kind of arrangements differ

according to the criteria adopted for such purpose. A clear distinction may be identical between the traditional schemes and those adopted by modern scholars are generally:

- (i) The written and unwritten constitutions,
- (ii) The flexible and rigid constitutions,
- (iii) The monarchical and republican constitutions,
- (iv) The parliamentary and non-parliamentary constitutions, and
- (v) The federal and unitary state organizations.

However, according to Loewensein the more substantially oriented classification of written constitutions as original and derivative and programmatic and utilitarian constitutions.²⁷ For an ontological perspective, Loewensein classified Constitution, into normative, nominal and semantic.²⁸ Indeed, the classifications attempted by Loewenstein, as original and derivative, ideologically programmatic and ideologically neutral, normative and nominal or semantic, undoubtedly more substantially oriented than the classical traditions of classifications. Thus, for an ontological evaluation of constitutions it is more important to recognize that the reality of a specific functional arrangement of powers depends to large measures on the socio-political environment to which the pattern is applied. From its own experience the western world is apt to draw the conclusion that, once a constitutional order has been formally accepted by a nation, it is not only valid in the sense of being legal but also real in the sense of being fully activated and effective. If this is the case, a constitution is 'normative'.²⁹

There are other cases where a constitution, though legally valid, is actually not lived up to. Its reality and activation are imperfect. This should not be confused with the universally recognized situation that the constitution as written differs from the constitution as applied. Constitutions change, not only by formal constitutional amendments but even more so, imperceptible, by constitutional usages. What is therefore aimed at here is the factual state of affairs that a constitution, though legally valid, has no integrated reality. In this case, the constitution is mere 'nominal'.³⁰

On the other hand, there are cases in which the constitution is fully applied and activated, but it is merely the formalization of the existing location and exercise of political power. The mobility of power dynamics, to adjust which is the essential purpose of any constitution, is 'frozen' in the interest of the actual power holder. In this case, then the constitution is nothing but 'semantic'.³¹

IV

Yet, the nature of the constitution of a country is very much dependent on the historical, contextual, socio-economic and political settings of the particular country. Quite naturally the issue of making a constitution is largely determined by the peculiar circumstances in which a constitution is born. Theoretically speaking, there are mainly two ways of making a constitution. These are:

- (i) Through a process of long historical evolution, for example, the British Constitution, and
- (ii) Through the deliberations in an assembly specially constituted for framing a constitution. This is generally called the Constituent Assembly, for instance, the American Constitution.

Of these two methods, the second one, that is to say, through constituent assembly has the advantage over the first one because the makers of the constitution get an adequate amount of opportunity to discuss and decide all the aspects of constitutional engineering. A written constitution is a document for articulating and formalizing the basic ordering of a state and its society. With the growing interest in the posture of popular sovereignty, the task of constitution-making has often been left to a constituent assembly which, in a sense, is Europeans contribution to the moral code and simultaneously modus operandi of a definite phase of social revolution.

Similarly, it is historically apparent that such a body is seen to be constituted as constitution engineering, before the transfer of power from an alien government to a native government by conformity or after forcible detention of power. The constituent assembly must be viewed in the context of the entire process of making a new constitution. In some countries, it has been in charge of the entire process, but in others, it has shared the task with other institutions, including giving the force of law to the constitution. Therefore when the decision to have a

constituent assembly is made, it is important to focus on its relationship to other aspects of the constitution-making process, even the fundamental question of how to initiate the reform process and to develop a consensus on institutions and methods.

Although constitutional negotiations are seen as the method of resolving differences, the fact is that the constitution-making process can itself be deeply divisive, as a huge deal is at stake. More than so, the process of constitution-making is often divisive because it is profoundly political; it is political not only in the sense that it is a dialogue about political power and deliberation about societal values and institutions. It is also political, in a cruder way, because it is about individuals and groups jockeying for power. It is about tactics and strategies, which can include obstruction and sabotage. Historically, a large number of processes have failed to produce a new constitution; though, this does not inevitably indicate that the entire process has failed. Yet, in order to make such an evaluation, it is important to think about what constitution-making is for. The objectives and components of the process should recognize the negotiated nature of the constitution – using the word ‘components’ to refer to the processes involved, rather than the institutions, such as the constituent assembly that carry them out.

In the process of democratization, most of post-colonial countries actually have accustomed to older forms of rule, based on tradition, often hierarchical, sometimes arbitrary, many times reformist in institutional practices but at the same time with little possibility of challenging authority. Therefore, a careful scheme for public participation can, to a considerable extent, familiarize the people with the concept and procedures of political authority, and win support for the idea of a limited government bound by rules and accountable to the people. In this respect, the constituent assembly seems to be more significant. More than else, a constituent assembly may be seen to provide a way out of these difficulties. It is often considered to have full powers to constitute or reconstitute the state, untrammelled by the restraints of the ‘basic features’ doctrine. Though this is a fallacy for it is perfectly possible to set up a constituent assembly with limited powers, however, the constituent assembly is often used in the search for a legal ‘revolutionary’ break from the old regime, often during de-colonization, to

'disconnect' independence, rooted in local struggles, from the institutions or decisions of the imperialist.

Yet, in the case of the Indian constitution, the scenario is slightly different; it was brought into effect by the legislation was approved by the Governor-General of the British colonial ruler. Historically, Britain resisted for a long time the demands of the Indian Congress party to establish a constituent assembly to decide India's future. The British Round Table model was that of negotiations between the British and Indians or in the other words divided among themselves and opens to manipulation. The constituent assemblies also have intended a major advance towards democratization, because the delegates would have been elected by the universal franchise.³²

Indeed, the constituent assembly would not have kept the British out, as the British had laid down the broad parameters of the constitution, and after the elections to the Constituent Assembly and they break up India into two parts and to leave in August 1947. Although an old device, the justification for a constituent assembly today is quite different from prior to, in the respective constituent assembly is seen as embodying people's sovereignty, as reflecting diversity, and being linked to the broad social charter character of the ultimate constitution. It is used to develop a consensus in deeply divided societies, and to define the country's identity. This emphasis reflects that the nature of many contemporary constitutions - as negotiated documents, a way out of the political or ethnic stalemate, an exercise in building and consolidating peace, solving internal conflicts, managing diversity and aiming at inclusiveness. Consequently, the older models of the constituent assembly may not be always useful today. The structure, powers and procedures of the constituent assembly must reflect these changed realities.

V

Thus, the 'climate' of making the Indian Constitution is basically an evaluative and historical developmental procedure that investigates two significant issues. First, the constitutional experiments made during the imperial policy changed from one pattern to another under the force of prevailing circumstances. And secondly, several 'reasonable statutory reforms' were made to protect imperialist

interest, on the one hand, and the growing demands of Indian nationalism, on the other.³³ Not surprisingly, with the growth of political consciousness among all sections of the people in India and the widening of the base of the national movement, Indians began to assert their right to frame a constitution for themselves. The earliest attempt in this direction was the Congress-League Scheme of 1916, formulated jointly by the Indian National Congress and the All India Muslim League.³⁴ A further assertion in the same direction was the Commonwealth of India Bill, sponsored by Mrs. Annie Besant and Sir Tej Bahadur Sapru, which was introduced in the House of Commons in 1926.⁷ With the Indian National Congress coming under the leadership of Mahatma Gandhi and national movement acquiring a mass base, this self-assertion on the part of India acquired a new dimension.³⁵

However, the then-Secretary of State for India, Lord Birkenhead challenged the Indians in the late twenties “to produce a constitution, which carries behind it a fair measure of general agreement”;³⁶ which bestirred Indians to make a serious attempt at making a constitution, acceptable to various shades of opinion in this country. Piqued by opposition to the all-white Simon Commission (1927), he, asks Indians “to put forward their own suggestions for a constitution”.³⁷ The challenge was accepted by the Congress, which took the initiative in convening an All Parties' Conference in 1927, which resulted in the Nehru Report of 1928. From now on, the 'conference method' became the most acceptable mode of framing a constitution for India.³⁸ In practical terms, it meant that leaders of various organisations either nominated by their own organizations or by the British Government and some notable individuals, would meet in a Conference to hammer out a constitution, which could be acceptable to all sections of the people and also the British Government. The most important conference, called in this manner, was the Round Table Conference, convened by the British Government in London during 1930-33, whose deliberations led to the passing of the Government of India Act, 1935.³⁹ The Conference method, however, was prone to deadlocks. The All Parties' Conference had not been able to produce an agreed solution of the communal problem. Mahatma Gandhi, the sole representative of the Congress in the Second Round Table Conference, had returned from there a disappointed man.⁴⁰ The feeling, therefore, grew in Congress circles that so long

as the British Government and its minions remained a party to the constitution-making process, India's national aspirations could not be fulfilled. This inevitably led to the emergence of the idea of the Constituent Assembly - a body elected by the people and drawing its strength and inspiration from them - to solve India's constitutional problem.⁴¹

The idea of an Indian Constituent Assembly was first put forward by M. N. Roy in 1927. At that time, it was a premature demand and Roy was criticized by the orthodox communists for sponsoring it.⁴² However, it was adopted by the Congress in the famous resolution of the Congress Working Committee on the White Paper of the British Government, passed at Bombay in June, 1934. The resolution said inter-alia: "The only satisfactory alternative to the White Paper is a Constitution, drawn up by a Constituent Assembly, elected on the basis of adult suffrage or as near it as possible, with the power, if necessary, to the important minorities to have their representatives, elected exclusively by the electors, belonging to such minorities".⁴³

The stand of the Congress on the Constituent Assembly had become so insistent that the British Government was forced to concede the demand in their famous declaration of August 8, 1940, known as the 'August Offer'. The Cripps' Proposals, 1942, gave precision to this declaration by specifying the manner in which the Constitution-making body would be set up. It was, however, under the Cabinet Mission Plan of 1946 that the Constituent Assembly was actually set up.⁴⁴ The Cabinet Mission Plan had envisaged the convening of Constituent Assembly, elected by the newly elected Provincial Legislative Assemblies, on the basis of proportional representation, voting through three separate electorates - Sikh, Muslim and General. The method of selection of the then existing Princely States' representatives was to be settled by the Constituent Assembly by negotiation with the States.⁴⁵

Both the Congress and the League had accepted the Mission Plan with interpretations of their own and participated in the elections for the Constituent Assembly. But, sharp differences appear, which could not be bridged and led ultimately to the Partition of the country under the Plan of 3rd June, 1947.⁴⁶ As a result of this, members of the Constituent Assembly, representing Bengal, Punjab,

North-Western Frontier Province, British Baluchistan and Sind, lost their seats and members of the Legislative Assemblies of the new Provinces of West Bengal and East Punjab elected their representatives afresh.⁴⁷

As the Congress was in an overwhelming majority in the Legislative Assemblies of the Provinces, which remained in India, it inevitably dominated the deliberations of the Constituent Assembly. Naturally, it was stated that the Congress held "the House in its possession".⁴⁸ But, true to its national character, the Congress had approached the task of constitution-making in no narrow, partisan or sectarian spirit. It sent its best men to the Assembly and also saw to it that all communities and interests got fair representation. Congress leaders further tried that all those, who because of their special knowledge, experience and ability could be particularly useful, were elected to the Constituent Assembly.⁴⁹

VI

The foregoing discussion conclusively proves that Indian experience in the making of her supreme legal document through the Constituent Assembly basically followed an evaluative and historical developmental process that investigates two particular think. First, the constitutional experiments made during the imperial policy changed from one pattern to another under the force of prevailing circumstances. And secondly, several 'reasonable statutory reforms' were made to protect the imperialist interest, on the one hand, and the growing demands of Indian nationalism, on the other.

Hence, in the process of political development in India, Myron Weiner's description of two political cultures such as elite and mass culture and Morris Jones's idea of 'idioms', language style etc as falling mainly into three categories of Modern, Traditional and Saintly.⁵⁰ In such an atmosphere the constitution was framed as a symbol of rational aspirations and modernizing instruments. Like this, it is not only an example of 'consensus' and 'accommodation' as Austin⁵¹ observed, the constitution, however, was more evolutionary than revolutionary in this respect the makers tried to bring it to the surface and incorporated the elements of dynamism in it by setting the goals both in constitutional 'preamble' and 'directive principals of state policies', in it and make our constitution as a 'vehicle for social revolution'.

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